

**A House Divided: Land, Kinship, and Bureaucracy in Post-Earthquake Kathmandu**

by

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## Preface

When I say that I wasn't prepared for the earthquake, that does not mean I hadn't thought about it. For as long as I've been going to Kathmandu — my first arrival having been in 2001 as an undergraduate student — the threat of earthquakes has been explicit and oft-discussed. This discussion was not due to simply Nepal's location on a fault line, but also to timing: Nepal was "overdue" for an earthquake, we were told, the implication being that each day the threat increased as imperceptible seismic pressure built up somewhere beneath the ground. The sense of imminent calamity was hard to ignore, and I lost hours of sleep to grim daydreaming, trying to imagine what it might feel like to be buried alive.

What I mean is, this sense of apocalypse has always colored my view of Kathmandu, one that only darkened by its untamed urban growth. Whenever earthquakes came up in casual conversation, we would talk of all the new houses built around winding, thin streets, imagining together each one pancaking floor by cement slab floor, collapsing into the streets, and cutting off all avenues of escape. Naturally, these conversations were generally between foreigners, who were freer to imagine the destruction of a city they would be able to leave behind. It is hard for me to remember any conversations I had with Nepalis about the possibility an earthquake before it happened, I assume because they were far less frequent. My impression was that these conversations were generally more circumspect, with Nepali urban residents referencing the pain that would be visited on those living in rural areas or noting that their houses were built with pillars of cement and rebar meant to withstand such

events. I do not think I'm projecting my own fears when I say that there existed palpable anxiety over earthquakes among my Nepali friends, an anxiety framed—like my own—by the uncertain timing of its inevitable arrival.

No, what I mean when I say that I wasn't ready for the earthquake is simply that I had imagined it all wrong. This was true from the start: when I thought of earthquakes, I had assumed I would feel it first, that the earthquake would begin for me when the ground began to shake. In fact, my experience of the earthquake began when I heard a teenage girl scream "earthquake" (Np. *buichalo* or *bhūkampa*) as she exited the supermarket I was walking into. I cannot remember what she looked like, but I do remember how she sounded, and how she danced on her toes momentarily, like she was standing barefoot on hot sand. Her friend grabbed her wrist and pulled her away from the building, and only when I ran out after them did I feel the earth shaking as well. There was a loud crash, and I turned to see a heap of broken bricks lying where all three of us had been standing a few seconds before. Apparently, they'd been adding a new level to the supermarket, something I hadn't noticed until that very moment, despite having frequented this grocery for several months. The bricks had fallen four stories, but I did not realize then how much danger we had been in, and I wouldn't remember the crash or sight of those bricks for weeks to come. The moment just folded inward, and then it vanished.

Superficially, earthquakes appear as one of our more straightforward natural disasters, the word itself describing exactly what it is. This is true in Nepali as well, the word *buichalo* being a combination of *bui* (ground) and *chalo* (move). This rote naming conveys the structure of the event in the most succinct terms, with a clear cause, a firmly rooted space, and a timespan fixed between the two. In fact, within the "event" of an earthquake cause and effect are twisted, spaces collapse in on themselves, and time itself quivers from too much happening

in too short a period. If we are to understand time as essentially the arrangement of events according to a universal logic of before-and-after (Gell 1992), and if space is governed simply by the separation of things—in other words, two things cannot be in one space at the same time, but otherwise it's all free game—then an earthquake is an event of pure disruption, a moment in which these laws are undermined to produce a heterodox of time and space. Maybe it is for this reason that, for me at least, the experience itself had such a strange, hypnagogic feel to it. I remember running down the center of the street, hunched forward to protect my head and stay low to the ground, following behind several men running in the same fashion. I have no idea how we all came to run this way. It was loud—earthquakes are extremely loud—but the sound was indeterminate in both its point of origin and its quality, the movement of the ground a staccato vibration that got lost in my own footsteps. My memory of it all remains impressionistic at best, imbued throughout with washed-out colors and a sense of weightless floating, everything unnaturally yellow until I'm standing in the parking lot of a Catholic boarding school with a half-dozen other people all realizing together that the shaking had just stopped.

How is one to make sense of that?

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Though clearly earthquakes do not affect all areas the same way, the differences of effect are more sporadic than is often imagined. Most representations of earthquakes suggest that the effects are regular, the intensity radiating outwards from a particular point, usually represented as concentric red circles with each larger circle less severe than the ones embedded within it. This is not true. Earthquakes move according to an invisible, subterranean geography of bedrock, soil types, and smaller fault lines, the shaking itself more or less destructive depending on these variables. The Great Nepal Earthquake of 2015 moved

eastward, damaging central districts while leaving the western districts adjacent to the epicenter relatively untouched. Such variables can change the damage on the local level too; in my neighborhood most houses were left relatively unscathed, while north of the city in areas with looser soil, modern “earthquake-resistant” buildings had keeled forwards or backwards, sometimes crushing the lower floors, sometimes collapsing all together, the pancaking I had long feared. Even across short distances, the destruction was so variable that it was impossible to generalize. A friend of mine, whose house was only a fifteen-minute walk from where I was, would tell me later he had been in his room when the earthquake struck. A young Newar<sup>1</sup> engineer—whom I will call Shyam—he lived in a centuries-old part of Kathmandu called Patan, known for its old brick and wood houses and narrow streets. Fearing the staircase would collapse in on him, he simply sat there and watched the walls to his room crack, focusing on a joint in the upper left corner. He told me that he knew the walls were not structurally important, but if that joint gave, he would have to run.

“Did you know right away how big the earthquake was?” I asked him, years later.

He laughed. “Of course I knew,” he said.

I did not. In fact, walking back from the parking lot, it didn’t seem to me like much had happened. There had been a public fair on the main road, though I cannot remember what for; all the stalls were empty now, minus a few small groups still standing in the middle of the road, with the tents, rides, and tables still in place, piles of food scraps at the road’s edge where stray dogs picked through them. It was very quiet, no sirens or music or traffic noise. The only damage I noticed at first was to boundary walls: two to three-meter brick walls that most Nepalis build on the edge of their property, often topped with barbed wire, bits of

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<sup>1</sup> Newars are an ethnic group in Nepal who are generally considered the original inhabitants of Kathmandu.

broken glass set in cement, or sometimes thorny brambles planted in an inch of dry soil. With few exceptions these walls had all fallen, revealing lots upon undeveloped lots, some colonized for farming, others fallow and shrub-covered. In a city marked by its unfettered growth, the appearance of so much green space was a revelation, and I remember slowing my walk at times just to take in this new city. I didn't worry; walls such as these were known to fall. An earthquake in 2011—a mere 4.5 on the Richter scale—had knocked boundary walls down across the city, injuring dozens who had been sitting in their shade but otherwise producing no wide-scale damage. And so I didn't think much of it, believing during my whole walk home that my day would be back to normal in an hour or so. Only when I saw that the road itself had buckled near my house did I begin to think that this earthquake was larger than I had realized.

I found my partner Brenna in the lot behind our apartment, a vacant piece of muddy land that someone was using to grow cauliflower and squash. She was standing with our neighbors and our landlord's family, and I remember she laughed when she saw me. They all laughed, out of relief I assume, but also in tacit recognition of the absurdity of where we all were, standing on the muddy ground on a Saturday afternoon, everyone but myself dressed in their day-off indoor wear of weathered t-shirts, leggings, and billowy shorts. The husband of our landlord had his hair slicked back and flattened to his skull with inky black dye, a stained towel still draped around his shoulders, while our landlord—still in pajamas—busied herself on her phone trying to contact friends and family. We were all in good spirits, chatty and energized, quieting at each aftershock to watch the 500-gallon water tank on top of our building slosh and wobble from side to side. Only the landlord's live-in servant seemed to be

distracted and care-worn.<sup>2</sup> A young woman from a neighboring rural district whom I will call Papila, she was usually outgoing and bubbly in her demeanor, but now was sitting by herself on the muddy ground some 5 meters from us.

It's strange for me to think of us all standing there, still unsure of what had happened. It was a feeling I would come back to repeatedly over the next few months: that I'd been in the earthquake but also adjacent to it. It was my earthquake, but I was also an observer, because I was a foreigner, but also because I just hadn't been there for it. Though I had absolutely felt the shaking, I had also somehow missed the quake, a witness to its effects but not to the thing itself.

Part of the problem, at least at that moment in the empty lot, was that no center had yet been manufactured, neither scientifically nor symbolically. We were still in the early stage of the earthquake's construction, an elaborate project of meaning-making that would continue for months, stretching the timeframe of the earthquake itself close to its breaking point. If there is value to this recollection, it is that I witnessed this happening in real time, never at the center really but collaborative in the center's construction. To try to describe concretely what I mean: within an hour of the earthquake, my landlord received a text on her phone, a photo of the Dharahara tower taken just thirty minutes before. Built in the 19<sup>th</sup> century, and then rebuilt after it fell in the 1934 earthquake, this thin, white tower was for a long time the highest point in Kathmandu, an easily spotted landmark used to orient oneself, and a popular tourist destination. The photo my landlord received was of just its base, a jagged break 3 meters from the ground with rubble all around it. Sixty bodies would later be pulled from the

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<sup>2</sup> It is a common practice for wealthy families in Kathmandu to bring a boy or girl into their house, promising to pay for their schooling, room, and board in exchange for free labor. Oftentimes, these live-in servants can be quite young; the first family I lived with had a servant aged eleven. This young woman was seventeen when we moved into the house and had already been living and working there for a couple of years.

rubble, though in that moment, we all estimated there were many more. Soon after, I received a text message claiming that 150 people had died in the tower’s collapse, the message coming from a phone number I didn’t recognize and would never hear from again. Regardless, the photo on her phone presented not just a new center but also a starting point, the viewing of that image becoming the moment when we began to see this earthquake not as another minor seismic event in Nepal’s history, but as a turning point, a crisis, a legitimate disaster. It was unsurprising then how over the next few months this tower became a key image in the country’s reconstruction, as posters, TV broadcasts, and stenciled urban graffiti returned repeatedly to this image of the tower, declaring in apparent unison Nepal’s intention to “rise again.”



*Figure 1: Dharahara Tower (Credit: Geoffery Stearns)*



*Figure 2: Reconstruction Propaganda*

By late afternoon on the day of the earthquake, we were still standing in the empty lot, unsure of where to go or what to do. There had been a half-dozen or so aftershocks, but nothing as massive as what had already passed, and I began to wonder when we might be able to move back indoors. Misled by the name, I imagined aftershocks to be definitively *after* the event in question, a kind of fitful quieting down as the deep earth returned to its normal state of affairs. Though we worried out-loud that these small quakes might be foreshocks presaging an even larger disaster, as the air cooled and the clouds darkened, my partner and I tired of the waiting and returned to our fourth-floor apartment.

We didn't last long inside. Sitting in the dark on the carpeted floor of our living room, quietly watching as aftershock after aftershock shook open cabinet doors and rattled window frames, we waited just an hour or so before gathering what we thought were our bare essentials (food, clothing, passports, toothbrushes, flashlights, computers) and left to seek some kind of shelter outside and away from tall buildings. Our plan was to walk to the UN grounds a half-hour away, but as we walked out of our gate we ran into our landlord and neighbors holed up in an outdoor furniture workshop next door.

As shelters went it, was actually quite nice: dry ground, corrugated tin roofing, cushions and couches to sleep on, even a small outdoor kitchen. Our landlord handed us both a plate of white rice and red bean curry, nothing special but a hot meal, nevertheless, and much more than we had expected that night. The men were already drinking, but Brenna forbade me to join them, insisting that we needed to stay clear-headed. Instead I ate dinner and chatted, surprised at the homey atmosphere the eight of us had manage to create. Brenna and I had only moved to our apartment earlier that week and had not met anyone besides our landlord and Papila. This girl was still working that night despite the disaster, cooking our food and cleaning the dishes, refusing Brenna's offer to help. I talked with our next-door

neighbor, a heavysset and gregarious middle-aged woman. Her husband was a painter whose work had recently been displayed in Shanghai, colorful paintings of Buddhist deities all standing in what appeared to be impressionistic glowing caverns. She talked to me of her son, a doctor, and her dogs, who wandered around our camp seeking affection. Later that night, her husband—rail-thin and a chain-smoker—would drunkenly regale us all with his numerology theories that he claimed could have predicted this earthquake, and which we all took seriously, at least a little bit. By ten most everyone was asleep. Our landlord's awkward adolescent daughter had cajoled Brenna into watching an endless stream of Selena Gomez music videos on her phone, while I propped myself up on a heap of couch cushions, petting our neighbor's dog who, still shaking in fear, had crawled beneath the blankets. I don't remember when I fell asleep, but I do remember waking later to the sounds of the artist retching just outside the workshop's plywood walls.

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What we didn't realize, though we could have guessed, was that we were a small part of a mass exodus. That night, most everyone in Kathmandu moved to the empty lots and few public squares the city had to offer, salvaging tarps and colorfully patterned wedding tents for makeshift shelters set as far from buildings as they could possibly manage. These shelters would become the city's residences for the next week or two—longer of course for those whose houses were so clearly damaged that they could not move back indoors—and they created the basis for a kind of liminal sociality borne of the disaster. People shared food, families gathered together, the men played cards and drank; the streets empty, the air cleaner without the usual clouds of engine exhaust. For us it felt positively festive, an impromptu holiday at the end of the world.



*Figure 3: Our Camp (Credit: Brenna K. Murphy)*

Of course, not everywhere were things so pleasant. Shyam told me later how, in the neighboring square to his broken house, over two thousand Newars gathered, individual families emptying their stores of saved rice and lentils to feed the community and pooling money to buy more tarps and blankets from whichever stores still might be open. He didn't remember this time fondly: crowded into the square so tightly that only four of his five family members had room enough to sleep at any one time, fights breaking out between people on edge, the noise of men drinking. By contrast, for Brenna and me, it was that week when we became part of our small neighborhood community. Too afraid of teetering damaged buildings and aftershocks, we stayed close to our camp, wandering only into the surrounding fields that the collapsed boundary walls had left open. Though not aggressively social, with nothing else to do we found ourselves constantly engaged in idle chitchat, enjoying the sense of openness and generalized reciprocity the earthquake had elicited. It was as if there existed a shared belief that we were best off if we thickened our sociality as much as we could, that this would somehow combat the terror we felt every time a large aftershock sent us ducking to the ground, hands over our heads, counting the seconds until it ended.

“People shared food around you too, right?” I asked Shyam.

“Of course,” he said. “Everyone shared. But it tasted bad. People just cooked whatever they had. There were no cakes in any of the shops. People bought them all and ate them. No one saved anything. People were bored, so they ate.”

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Indeed, socializing aside, it was excruciatingly boring. Aftershocks have no sense of time; too short in duration and too random in their arrival, they kept bringing our lives to a halt but offered no sense of narrative, schedule, or routine. Meals were planned, but mostly time devolved into a succession of events whose order I now have trouble recalling. I remember walking to the hospital to donate blood but was told that it was too late and they had all the blood they needed, but thanks anyway. I remember an American friend who stayed with us one night, and how she wore a bicycle helmet the entire time, even when she slept. I remember how Brenna and I spent a few nights in the fields near our house, having become frightened that a large house near our camp at the workshop might collapse. Multiple tarps had been strung up on the field, and a middle-aged couple invited us to take their spot as they were migrating to a different outdoor camp a few blocks away. Only the next day did we realize that the sixty or so people staying in this field were all from the same gigantic Newar family, most of whom lived together in the long apartment complex that we were now squatting behind. And here we were, offended they’d not talked to us; we who’d crashed their family reunion. I remember hearing aftershocks approach from miles away, and how pigeons would always alight just seconds before the ground shook.

Left adrift in the real world, and restless from so much waiting, we began to retreat into online spaces. This happened almost immediately. That first night sleeping outside our landlord had brought her WIFI router down into our camp, a long power cable connecting it to her generator upstairs. That week I spent more time on social media than I ever had,

posting updates, checking in with Nepali friends in different parts of the city, reading every news story I could find.<sup>3</sup> Though meant as a respite from reality, these long hours in many ways became my experience of the earthquake, offering content that was more visceral, more immediate, and more real-feeling than what was happening in my vicinity. I saw the destruction of Patan's famous Durbar Square online days before I saw it in person, though the square was only a ten-minute walk away. In part, I was too afraid of the tight alleyways and old Newari buildings to make the relatively short walk, but also I didn't want to seem as if I was gawking at the destruction, a worry that apparently did not apply to my online viewing. I remember complaining, bizarrely, about how the New York Times was only taking photos of destroyed buildings, even as I consumed every photo they published. I remember our landlord watching video clips of collapsing buildings on her phone and computer, repeating the earthquake over and over and insisting that whomever was nearest watch it with her. She didn't seem upset; her tone was conversational, even upbeat, a nervous smile often on her face. It was just so hard to get over what had happened, and these photos, stories, and videos offered a way to reengage, to try to make sense of the earthquake in ways that did not seem possible sitting listlessly in our camp. This engagement was arguably counter-productive. I think what we wanted was some distance, to view this disaster as a framed media event, but the videos ultimately just collapsed the distance we were after. Having so recently been traumatized, those short video clips were more than simply evocative; they were transportive, bringing us back to the earthquake, now reimagined as a tight little loop of grainy videos and tinny choruses of people screaming. It was addictive. I watched the same poor man get crushed a dozen times — his death immortalized by some impassive CCTV camera — before I

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<sup>3</sup> Internet connections were down for the rest of the country.

managed to close my computer. I remember how I walked out of the workshop, out of breath, wanting to clear my head, only to find Papila crying in the field we'd gathered in on the day of the earthquake, afraid because she hadn't yet heard from her family in her home district but not really wanting to talk about it.

Our constant engagement with media began to warp our reality, bringing us into a new configuration of time and space. It was as if the earthquake's sporadic presence—tedious and terrifying in equal measure—had opened a momentary social void that demanded to be filled. Rumor was the first thing to rush in. Shyam said he heard of a group of young men near his home who set up a PA system to announce earthquake predictions, that is, until the police arrested them. Likewise, by the second day I began to receive text messages from unknown numbers telling me the time and magnitude of aftershocks yet to come, the predictions often attributed to Western or international organizations. Though Brenna and I tried to ignore them, our neighbors and landlord would insist we take heed and retreat from any buildings at the appointed time. One message in particular claimed that NASA had predicted a 6.9 scale aftershock at 1pm. When a 6.3 shock hit at 1:20pm—the largest we'd had since the first day—I began to message friends in the U.S. and Nepal asking if maybe it were possible to predict aftershocks, and would NASA be in charge of this? I was told no, absolutely not, but still I could not entirely ignore the messages.

In her article on rumors during the Maoist war, Sepideh Bajracharya writes that the word for rumor in Nepali—*halla*, which translates most directly as “noise”—can mean both the actual content of rumor and also the force by which it which circulates and coordinates action (Bajracharya 2015). In other words, the word *halla* understands rumor to be both speculation of what might be happening, and also an event in its own right. This analysis of *halla*'s double meaning proved prescient in the days after the earthquake, as more and more

people began to return to online spaces, accelerating the circulation of rumors and increasing their impact. These rumors blazed the way for much of the post-earthquake discourse in Nepal, opening up subjects and constructing arguments before they were “officially” authored. On Facebook, I read numerous claims that the earthquake had actually been much larger—8.3 or 8.4 magnitude, as opposed to the reported 7.8—but the Nepali government had reported the lower number to protect its own sovereignty. There was a treaty, these writers claimed, that requires countries to open their borders to all international aid for any earthquake above an 8.0 magnitude, forcing the government to suspend its right to broker incoming relief. Though never verified, such rumors were part of a building criticism about the government’s handling of the earthquake’s immediate aftermath, one that would soon be manifested in news stories of laborious, time-consuming customs procedures that the government was refusing to suspend, and accompanied by pictures showing piles of relief materials sitting on the tarmac at Nepal’s only international airport. Such stories helped create an imaginary that would become increasingly important in the next weeks: that, just past Nepal’s borders, there lay mountains of aid materials kept in limbo by a greedy and incompetent government, that immediate and total relief was purposefully being kept just out of reach. Yet such accusations were hardly uniform. As people began to fret and rage over the slow movement of aid, others claimed that Nepal was on the verge of imminent invasion, imaginary piles of aid now replaced with battalions of soldiers. Here, India was the most cited threat, unsurprising considering Nepalis’ longstanding grievances against their powerful neighbor.<sup>4</sup> Though this rumor of invasion was arguably less common than those of government malfeasance, they still fit snugly within the growing criticism of India at the

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<sup>4</sup> Such grievances include accusations that India has been stealing Nepali territory, both through larger acts of international intrigue, and through the marriage of Nepali woman to Indian men in southern Nepal.

time, particularly of news stories from Indian media outlets that many Nepalis saw as patronizing of Nepal and aggrandizing of India's own relief effort. Within that first week, the hashtag #GoHomeIndianMedia began to pop up on Facebook, Twitter, and then on the sides of buildings, graffiti that not only indexed deepening tensions which would peak in several months' time, but also demonstrated, in no uncertain terms, the extent to which our engagement with the earthquake had moved online.<sup>5</sup>

Online or off, there was a chronotopic aspect to these rumors, one apparently enacted by the absurdly fat statistical tail of earthquakes and aftershocks. Stuck in small camps outdoors for days, rumor managed to bring time and space into a particular logic, one defined not by sporadic aftershocks, but by a sense of international withholding; that is to say, a purposeful manipulation of circulation—both of bodies and goods—that had left Nepal bereft and stuck within its own disaster liminality. This contrasted with the free and open circulation among local camps, the sharing of food now done in light of a perceived lack of aid. One could see this contrast personified in the figure of the thief. A common trope in Nepali story-telling, the thief is in many ways the dark reflection of kin and communal sharing, the one who secretly takes without giving, usually under the cover of night. Now, with everyone's boundary walls collapsed, and with everyone sleeping outdoors, stories abounded of thieves using the opportunity to rob families blind. Shyam told me how local political youth groups had formed patrol groups in his neighborhood on the first night, and with flashlights and batons stalked the streets in search of thieves who might take advantage of all the empty

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<sup>5</sup> Beginning in September 2015, India would impose an unofficial blockade on Nepal in response to its new constitution, which India saw as discriminatory towards Nepalis living in the country's southern plains. Many of these Nepalis have deep ties to Indians living in the neighboring state of Bihar. The blockade would last until the late spring of 2016.

houses. He said he couldn't sleep, and spent the night watching down the alley as their lights flashed their shadows across the brick walls, an apparitional and informal police force.

"Did you see any thieves?" I asked him.

"No, but I heard stories," Shyam said, but he did not elaborate.

I also heard stories, and quickly noticed that they were not without their sense of international intrigue. I heard of Western tourists scavenging flattened villages in the Langtang trek route, breaking open locked safes from collapsed houses and taking the money inside. I heard of a Frenchman pulling gold teeth from dead Tamang porters, of Israelis stealing gold jewelry off the bodies of elderly women, but also of Nepali police stopping trucks and airplanes filled with boxes of relief materials and stealing the best for themselves. Seizure, theft, capture: in these rumored stories one could see the emergence of a new social order, where the earthquake's blameless destruction was replaced by the opportunistic actions of deeply antisocial agents. Yet, paradoxically, these stories also hinted at the thief's own artificiality. Like rats feeding on dead soldiers or cockroaches scampering through nuclear fallout, thieves became metonymic of the destruction itself, their omnipresence less a matter of plot than of symbolism. I heard that the residents of the nearby Newar city, Bhaktapur, had abandoned its crowded center, retreating to the surrounding countryside. This had left the city empty and unsecured, and yet the army and police—it was said—refused to enter, fearing the ghosts of earthquake victims and the thieves supposedly roaming the empty streets. I found this fascinating at the time: that thieves and ghosts should be conflated as if kin, their spectral and corporal selves mingling just past the camps of displaced peoples and the barracks of a terrified nation-state.

\*

How to make sense of this? Or, more to the point, how to move past it? In the pages to come, I present an ethnography conducted mostly in the months after this disaster. Though more broadly about urbanization in Kathmandu, the earthquake is everywhere, not least because my topic—chosen before the earthquake struck—is land and housing. I do not dwell much more on the quake’s immediate aftermath, but I wanted to begin here to illustrate how the earthquake brought Kathmandu to a halt, shredding its time and space, and how soon after people began working to get things moving again, mending the thick urban sociality the earthquake had so easily torn through. This sociality was not always kind or generous. It was also angry, paranoid, and at times vindictive. Yet, it embodied a generalized search for meaning, a desire to understand what had really happened, and by knowing, domesticate this disaster. My ethnography begins when the threat of destruction has long since receded and the state has regained its composure. What concerns me is this process of domestication, or rather, of rebuilding the domestic. How did families manage to rebuild, and what was the role of the state and financial systems? More urgently, what was important to these families during this time, and what drove their actions throughout their domestic reconstruction?

I wouldn’t meet Shyam until months after the earthquake. By then I had re-tailored my project to focus on earthquake reconstruction as well as urban land and housing writ large, and so ended up hiring him to help me conduct research in his neighborhood. We never talked much about our experiences in the earthquake, at least not until I had returned to the U.S. Then, one day on a Skype call, I asked him how long he and his family had camped outside that first week.

“Just four nights,” he said.

I was surprised. Brenna and I had stayed out eight nights, and our apartment building was barely damaged. When I asked why so short, he said they were tired of being on the

street, of the fighting and the drinking and the sleepless nights. In the end, it was his mother's decision. "She said, 'Whether we die or not we will stay in the same house. We will die together.'" He laughed at this, and I did too. It seemed ridiculous.

"Did anyone object?" I asked.

"No, we all just followed her back."



*Figure 4: Brenna K. Murphy. "8,969 (mother, father, sister, brother, lover, friend)." 8,969 grains of rice sewn to Nepali lokta paper, one for each person who died in the Great Nepal Earthquakes of 2015. 5' x 2.25'. 2015*



Figure 5: Map of Nepal and Earthquake

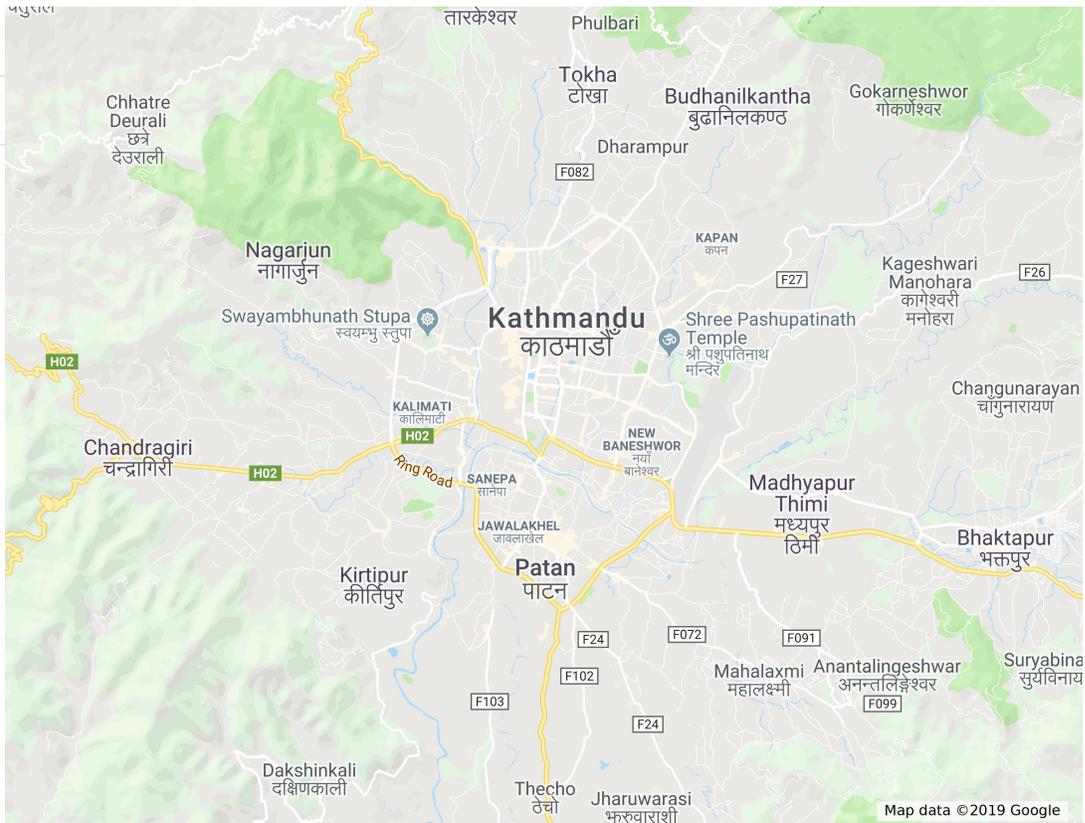


Figure 6: Map of Kathmandu

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## Notes on Transliteration and Glossary of Important Nepali Terms

Throughout this dissertation I use the ISO 15919 "Transliteration of Devanagari and related Indic scripts into Latin characters" for transliterating both Nepali and Newari words. Though Newari does not map perfectly onto Devanagari script, in contemporary Kathmandu, Newari is more commonly written in Devanagari than in one of the many Newari scripts, which many Newars are unable to read. Most of the transliterations found in this dissertation are for Nepali words, as I conducted all of my research speaking Nepali. Below I offer a short glossary of common Nepali and Newari words, as well as abbreviations that are found throughout this dissertation (Newari only if marked as such):

### Glossary

Ānā	Nepali land measurement for 31.80 sq. meters
Angsa	inheritance, particularly of land and housing
Bāhāh	Newar Buddhist courtyard
Bahun	Brahmin in the Vedic caste system, or "priest" caste.
Bikās	development
Chetri	Kshatriya in the Vedic caste system, or "warrior" caste
Dalāl	broker
Guthi	Newar socio-religious organization and land tenure system
Karod	10,000,000
Lākh	100,000
Lekha padhi	paralegal
Maharjan	Newar farmer caste
Malpot	Government Land Registration Office
Ropani	Nepali land measurement for 508.72 sq. meters
Śakya	high-caste Newar Buddhist
Sukumbasi	landless people
Tol	Newar city block
Vajracharya	Newar Buddhist Priestly caste

### Abbreviations

Np.	Nepali language
NGO	non-governmental organization
iNGO	international non-governmental organization
NRA	National Reconstruction Authority
NRB	Nepal Rastra Bank
Nw.	Newari language
NRs	Nepali rupee
USD	United States dollar

## Abstract

This dissertation analyzes changes to the administration of the family estate in the Kathmandu Valley caused by the aftermath of the Great Nepal Earthquake of 2015. A rapidly urbanizing city in a predominantly agrarian country, Kathmandu has experienced massive expansion as immigrants from across Nepal purchase farmland on the city's periphery for residential homes. This urban growth is transforming land's traditional value as the material basis for kinship, its rising market and financial values threatening to turn land into simply another economic asset. When a 7.8 magnitude earthquake struck Nepal on April 25, 2015, this transformation was interrupted, but not for long. Faced with the task of rebuilding their damaged homes, earthquake-affected families were forced to engage more deeply with state and financial bureaucracies—applying for loans, submitting to government surveys, enrolling in aid programs—and with their kin networks, calling in obligations, honoring responsibilities, and negotiating with family members over the future of their family estate. In this way, the value of both land and family were called into question.

I use post-earthquake reconstruction as a lens to explore this transformation of land value and kin relationality, tracing the strategies families used to manage their estates while under significant financial pressures. Key to my discussion is the mediation between bureaucratic forms of ownership and informal modes of land management used by families, one that centered on the family's legal land title. Land in Nepal is owned at the family level, so that all members of the legally-defined domestic group have a right to an equal share of the estate. Despite its intent to mimic agrarian ownership practices common among South Asian joint families, bureaucratic documentation of family ownership rarely matches actual practice because, in order to avoid

intra-kin tensions, most families prefer informal divisions built into the structure of the house itself, such as multiple kitchens and separate entranceways. This tension between kin and bureaucratic practices shapes land administration throughout Kathmandu, affecting the structure of both the land market and private finance. Yet it was a manageable tension, that is, until the earthquake forced families to update their land titles in order to access government aid, a process that led many to reevaluate their relationships with kin.

To explore this tension between informal kin management of the family estate and bureaucratic ownership of land, this dissertation is organized around the analysis of the common land transaction types found in Kathmandu. Chapter one explores land's valuation throughout Nepal's history. Chapter two explores land sales, in particular the role of informal brokers in the land market. Chapter three discusses the collateralization of land and private finance more generally. Chapter four delves into household economic practices, which inform family land management. Chapter five discusses the process of dividing land among family members, while chapter six explores how this process changed in the aftermath of the earthquake. Finally, chapter seven examines the state's verification of earthquake victims, and the role landownership played within their procedures. Throughout this dissertation, I suggest that land administration in Nepal depends on a strategic balancing between the creation of coherent economic transactions on the one hand, and the maintenance of ambiguity in regards to individual and segmentary claims to the family estate on the other, a balancing engaged in by families, private financial institutions, and the state.

## Introduction

About two months after the Great Nepal Earthquake in 2015, I was conducting a survey of families in southern Kathmandu whose homes had been rated as “damaged beyond repair” by the local municipality. The area I’d chosen was called Patan, a densely populated urban city of families mostly from the Newar ethnic group. Traditional Newar architecture is immediately recognizable: tall townhouses made of brick, mud, and wood, often with ornate carvings around the window frames. These houses are generally quite old; in Patan, many had been standing for well over a century, having survived the last major earthquake in 1934. Now, though, many would have to be torn down and rebuilt, their walls cracked or bulging, held up with wooden braces installed after the earthquake.

One day, my research assistant, Shyam, and I visited a Newar man and his family, who were renting a room above a microfinance cooperative. Their house was across the street from their room, an old Newar row house, four stories tall and made of raw brick and wood. Before the earthquake, they had shared this house with the father’s mother, younger brother, and younger brother’s family; a typical South Asian joint family living arrangement wherein brothers remain at their parents’ home after they’ve married. I assumed that everyone in the house had moved out since the earthquake, and that their house was uninhabitable. However, the father—whom I’ll call Sujit—told me that no, the house was not entirely destroyed. Only the top two floors had been badly damaged, which is where he, his wife, and his teenage daughter had lived.

The first two floors of the house, where his mother, his younger brother, and his brother's wife and children resided, remained occupied. In other words, his younger brother had made no space for him and his family, forcing Sujit to rent a room at his own expense. It seemed Sujit was worried he would lose the house to his brother entirely.

The rented room was not terrible. Brightly lit and in a new building, it looked out on a main street in Patan, its windows high enough to see over the roofs of the houses across the way, including Sujit's own family home. It was not terribly expensive either, in part because Sujit's daughter worked as a clerk at the microfinance cooperative that rented the building, and also because the building was owned by a local *guthi*—a Newar socio-religious association—that was willing to rent the room out at a discount for one year. Sujit was a handicraft maker, working on small silver trinkets, amulets, and earrings. He had arranged his workshop in one corner of the room near the window. In the opposite corner was the family's makeshift kitchen, consisting of a portable stove, propane tank, wash bucket, and a short stack of pots and pans. Their bed was near the entrance, a single thin mattress on the floor for all three to sleep on. It was cozy, maybe, but also sparse, and far too small for so many people. Though cheap, Sujit still complained that he could not afford this extra expense. He seemed a gentle if somewhat taciturn man, and so I was surprised when Shyam—a neighbor to these brothers—later told me that he had listened to Sujit and his brother quarreling countless times through their shared wall. Yet, the brothers had managed to cohabit the same cramped family home before the earthquake. Now, as Sujit and I talked in his spartan room, it seemed they were on the verge of a separation, and maybe the end to their testy but intimate fraternity.

Situations like this were common in the weeks and months after the earthquake. Throughout my survey, I heard stories of all kinds of family strife that the earthquake had

brought to the surface: brothers making individual claims on the family estate now that the house was in ruins, mothers taking relief monies meant for their sons, cousins reigniting arguments over the ownership of land still in the names of their grandparents, neighboring kin threatening litigation over lot lines that had long been established. Such intra-kin fighting is fairly common in Nepal, especially among adult brothers. However, the frequency of these fights after the earthquake was surprising. After all, if we are to understand kinship as essentially a moral system—in which family members are bound together by shared responsibility, obligation, and a sense of righteous belonging (Faubion 2001; McKinley 2001)—then key to this conception is the somewhat banal fact that kin are expected to help each other in times of need. And indeed, many in Kathmandu did just that. But for others, post-earthquake reconstruction became a kind of reckoning for kinship, where obligations towards one's family were tested, past conflicts rehashed, and sentimental bonds instantiated within this moment of disaster. Simply put, the economic stress families were under redefined relations to kin, pushing some families together, but, in many cases, pulling them apart.

Noticeably, most of these tensions involved landownership. Land remains the premier asset for families, the one investment thought never to lose its value. This is in part an economic reality, where Kathmandu's expanding population has made land a boom market for decades, but it is also a cultural artifact, a consequence of the deep association between kinship and land throughout Nepal. Thus, faced with the need to rebuild their homes, families were forced to reconfigure these assets, collateralizing land with banks, selling land to real estate developers, or negotiating old land conflicts with neighbors and kin. Such reconfiguring inherently involves kin, in part because of Nepal's legal code. Land in Nepal is family-owned, meaning that each legally recognized member of the family has a right to an equal share of the family estate,

including parents, male offspring, their spouses, and unmarried female offspring.<sup>6</sup> These rights, meant to give legal standing to the pan-Nepal conflation of land holdings and the patriline, are also the basis for numerous property lawsuits brought against agnatic kin. Indeed, within six months of our conversation, Sujit, was threatening to sue his brother if he didn't either let him, his daughter, and his wife back into the family house or pay him for his rightful share of the property.

Such conflicts show how entangled Nepali kinship is with land ownership. While undoubtedly a sign of Nepal's agrarian past, rising land prices, a financial sector built on the collateralization of land, and a tumultuous political and economic history have kept land central to urban household economies. This is not simply an economic calculation, but also affects relations between kin, in part because of the codification of kinship in Nepal's inheritance laws (Kunreuther 2014). Yet it would be a mistake to see this as a contest, or a coproduction, between only law and family. Rather, one must focus on the *administration* of land, a process that entangles both state and financial bureaucracies, informal brokerage, housing construction practices, and intra-kin negotiations. As I will show, for the families I followed, mutual land ownership formed much of the basis for their identification as a *single corporate entity*, herein called the family estate. This includes not just people but also land, housing, and bureaucratic documentation, their incorporation forming the foundation of the moral claims, responsibilities, and interpersonal trust that makes kinship a distinctive social system.

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<sup>6</sup> There is some confusion over the legal rights of married women to the land of their natal kin. Traditionally, married women do not have any rights to this land, because they are believed to switch families when they marry. However, revisions to the law in 2007 seemed to suggest that they did. Now, however, the courts have ruled that they have no such rights, even as the constitution states there can be no gender discrimination between sons and daughters. In practice, married women are rarely thought of to have rights to their parents' land.

Thus, in this dissertation I explore the enactment of kinship and economics through the administration of land ownership in post-earthquake Kathmandu. In doing so, I ask: how are the financial values of land expressed within family relations? Contrastingly, how are family practices of land management incorporated into the institutions that administer land's ownership, value, and transaction? And finally, how does disaster and the state's response affect this administration? Such questions suggest a division between these institutions and families, but it is precisely this division that I mean to challenge. On this point, post-earthquake reconstruction provides a productive lens. In the wake of the earthquake's destruction, the families who had lost their houses were forced to change their land management practices, elevating the importance of bureaucratic procedures as they searched to raise the necessary capital for reconstruction. By focusing on this invigoration of formal ownership within the family estate, we can examine how shifts in the estate's administration affected kinship relations.

### **Disaster and the Urban Middle Class**

What can an earthquake tell us about urbanization in South Asia? This has not been an easy question for anthropology. Historically focused on events with clear social origins, the apparent naturalness of natural disasters have traditionally sidelined them as a concern (Oliver-Smith 1996). Though "disaster studies" ethnographies have brought attention back to the human's involvement in disasters by reframing their destruction as the actualization of constructed vulnerabilities (Torry et al. 1979; Oliver-Smith and Hoffman 1999), as I discuss later, this perspective struggles to present a coherent definition of vulnerability. Yet this perspective is understandable for the way it speaks to the rupture disaster seems to create. Indeed, there seems

to be something revelatory about crisis, the way it casts the past in a new light as it moves towards a full rupture from what came before it (Barrios 2017). Yet, as I will show, in assessing what has changed, those involved in the disaster—state authorities, NGO workers, bankers, householders—must rely on the structures, practices, and infrastructures that had existed before. Thus, far from being a paradigm shift (Kuhn 2012), attempts to capitalize on disaster’s inherent disruption (Klein 2007) are often stymied by past systems of knowledge. This isn’t to say that disasters create no change, or no rupture, just that one must be careful in delineating the nature of the change. Through its destruction, the Great Nepal Earthquake produced a global shift in context, enacting a new, liminal perspective on social processes already in place, even if it did not change the processes as such. In terms of urbanization, this manifested in a kind of metapragmatic moment, where all involved actors were forced to look at what assets they had in a different way, and to try to use these resources towards new ends. In Kathmandu, what people had, more often than not, was land.

On April 25<sup>th</sup>, at 11:56 a.m. Nepal Standard Time, an earthquake of 7.8 magnitude struck in the northwest district of Gorkha, sending most of its energy eastward to Kathmandu and its surrounding rural districts. This was followed by hundreds of aftershocks, including one of 7.3 magnitude on May 12<sup>th</sup>, 12:50 p.m. in the northeastern districts of Dolakha and Sindhupalchowk. Almost 9,000 people died in these quakes, and 22,000 were injured. These numbers were fortunately much lower than they could have been. Had the first earthquake struck at night, or during a school day instead of on a Saturday, or during a time of year when most people were not outside, the casualties would have been far higher. As it stood, the number of deaths belied the level of structural damage. According to the Nepal government’s Post Disaster Recovery

Framework report, the estimated cost of reconstruction was 8.38 billion USD, 45 percent of which would be needed for residential housing (National Reconstruction Authority 2016, 45).

Despite news reports at the time, Kathmandu fared the earthquake relatively well, with most of the damage in the surrounding rural districts. Though the soil in certain areas did turn out to be unstable, most of the city's modern Reinforced Cement Concrete (RCC) housing survived, sustaining only cracks in the walls that could be repaired without demolition. Far more impacted were the Newar sectors of the Valley, both in the agrarian townships and in the downtown areas of Kathmandu, Patan, and Bhaktapur. Though most Newars now build their homes with contemporary construction techniques, traditional houses such as Sujit's are still the standard in these densely populated cities and town centers. Either because of their age, their original construction, or because of the unfortunate contemporary Newar practice of adding heavy cement additions to the tops of these brick buildings, many of these houses did not survive the quake. In areas like Patan, most of the houses did not fall, but were damaged to the point where they still needed to be rebuilt. In other areas, such as in the hilltop city of Bhaktapur, the damage was far more extensive. As an acquaintance from Bhaktapur told me in the first few days after the earthquake, "our culture just fell down." His affect was entirely flat, though it betrayed a hint of displaced and directionless rage.



*Figure 7: Street in Patan with damaged houses braced, August 2015*



*Figure 8: Bhaktapur, May 2015*

In a way, the earthquake's destruction seemed to presage the Kathmandu Valley's future, targeting the rural and traditional Newar settlements most indicative of its past, while generally sparing the cement structures within its new towns and urban areas. Indeed, though characterized by its large agrarian populations in both the hill regions and the southern Tarai, Nepal has been experiencing massive urbanization, with its urban centers growing at roughly 7 percent every year ("Managing Nepal's Urban Transition" n.d.).<sup>7</sup> Among these urban centers, Kathmandu is

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<sup>7</sup> The Tarai is the southern plains of Nepal. A historically marginalized area with close ties to India, the Tarai has witnessed massive immigration from the hill areas since the eradication of malaria in the 1950s, and now constitutes 50 percent of the nation's population. It is also where several of Nepal's fast-growing cities are located.

the largest and by all measures the most powerful. The government capital of a historically centralized country, it has the only international airport in Nepal, and also hosts the headquarters of Nepal's burgeoning development, tourist, and financial industries. Such economic concentrations have boosted the city's population for decades. From 1950 to 1995, the population expanded by almost five-fold, from 104,479 to 508,319 ("Kathmandu Population 2019"). During the Maoist War from 1996 to 2006, the city grew by 45 percent as numerous families fled the fighting in rural areas in search of security and economic opportunity (Muzzini and Aparicio 2012). The current estimate of Kathmandu City's population is roughly 1.5 million, while the population of the entire Kathmandu Valley is estimated at over three million (Saraswat, Mishra, and Kumar 2017). Such estimates are surely low as they tend to exclude those who have not registered their immigration with government authorities.

This massive increase in population has transformed this once provincial city into a new South Asian megalopolis. Historically divided between the three Newar cities of Patan, Kathmandu, and Bhaktapur, each surrounded by rice fields and farming communities, the central valley is now a cityscape of concrete residential houses connected by warrens of paved and semi-paved streets. While Bhaktapur remains somewhat separated, Kathmandu and Patan have grown firmly together, the two cities now surrounded by a single "Ring Road." Intended to mark the division between the urban center and the agrarian periphery, urban housing has since extended well past this road as peripheral farmland is sectioned and sold for more housing, prompting the government to begin planning an "Outer Ring Road" circumscribing the entire Valley. Such rapid growth has strained the Valley's resources. Many houses only receive running water a few hours each week, with families relying instead on water trucks to fill their reserve tanks. Kathmandu's air pollution is among the world's worst (Nepali 2017) due to both the Valley's

geological structure and the increase in motorized vehicles, and until recently, scheduled blackouts were a daily occurrence due to the apparent insufficiency of Nepal's hydropower.<sup>8</sup>

This kind of massive growth is often viewed with disgruntled skepticism from Kathmandu's Newar residents, many of whom continue to understand the Valley to be their rightful territory and bemoan its destruction at the hands of rural immigrants. As previously mentioned, Newars were the original inhabitants of the Kathmandu Valley, before the kings of the nearby kingdom of Gorkha conquered the three Malla kingdoms of the Kathmandu Valley, unifying them with their other conquests to form present day Nepal. As such, it has been over two and a half centuries since Newars controlled the Valley independently, and the massive rural immigration into the city has changed its demographics considerably. Early in the twentieth century, the Valley was populated primarily by three ethnic groups: Newars, high-caste Khas Hindus (Bahun and Chetri)—who have historically governed Nepal—and Tamang, who populate the surrounding hills and districts.<sup>9</sup> Now, Kathmandu is an ethnically-mixed city, with communities representing almost each of the 126 castes and ethnic groups in the nation.

Despite their occasional grumbling over the changed state of Kathmandu, Newars on average have done quite well for themselves in Kathmandu's urbanizing economy, with many having moved into Nepal's expanding (if still not sufficient) white-collar professional sectors. Though in the past Newars faced oppression at the hands of high-caste Hindus and Nepal's royal elite, they have nevertheless come to dominate governmental, entrepreneurial, and financial professions along with the Bahun and Chetri castes. So thoroughly do they dominate that, at least

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<sup>8</sup> This practice changed in 2018, when it was discovered that the apparent insufficiency was due to corruption within the Nepal Electrical Authority. See footnote #42 in chapter four.

<sup>9</sup> "Bahun" is Nepali from Brahmin, and is the Hindu priestly caste, while Chetri is Nepali for Kshatriya or military caste. As is true in India, the Chetris have historically been the heads of state, as both the Shah king and the Rana prime ministers have been Chetris. Tamangs, by contrast, are a low-caste Buddhist ethnic group, and have been oppressed throughout Nepal's history. Newars have their own internal caste system, which I will discuss later in this dissertation.

in the development sector, they are often referred to en masse as “BCN” (Bahun-Chetri-Newar), a designation that conveys a lack of caste and ethnic diversity.<sup>10</sup> In this sense, Newars are in fact at the center of the Valley’s transformation, and can be found in most every profession that deals with Kathmandu’s urbanization.

More often than not, these professions involve handling the surprisingly large flows of capital coming into the city. Foreign aid constitutes roughly 5 percent of Nepal’s gross domestic product (GDP), as well as the majority of the state’s health, education, and transportation expenditures (Karkee and Comfort 2016). More importantly, foreign remittances sent from Nepalis working abroad currently make up over 30 percent of the country’s GDP (DeSilver 2018). Almost all of this money must pass through Kathmandu in some way. International development agencies and NGOs are mostly headquartered in the city, supporting staffs of both foreign nationals and Nepalis. Likewise, though most Nepalis working abroad are from districts outside Kathmandu, many of their families have moved to the capital in order to take advantage of resources unique to the city, including private education and health care. This concentration of wealth has also helped to create an extensive financial sector, one dedicated to handling these capital flows and providing retail services to the newly-minted middle class. Even for those sending remittances to family in rural areas, their money still must go through the Nepali banks centered in Kathmandu.

Thus, one can see Kathmandu as a pooling of global financial flows, making for a surprisingly cash-rich city in an otherwise impoverished nation, while also forming both an expanding middle class and a robust consumer culture. As Mark Liechty has described in detail, consumption of modern goods has become a primary way in which Nepalis in Kathmandu

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<sup>10</sup> By contrast, the other long-time resident caste group of central Nepal, the Tamang, have historically been marginalized, employed as servants or sharecroppers, and thus have never enjoyed such power.

perform a middle-class lifestyle, inserting themselves within global and pan-Asian communities of affluence (Liechty 2003). Such consumption is expensive and depends on these capital flows. Furthermore, the often-anemic professional labor market in Kathmandu raises troubling questions on whether it is sustainable, a fact that my Newar informants would lament. Mark Liechty ends his book speculating on the unsustainability of middle-class consumption patterns in the face of dwindling job prospects and rising costs. Though I remain agnostic on the question of sustainable lifestyles in Kathmandu over any long period of time, *how* families manage to afford this lifestyle, and why they fail to do so, are central questions to this dissertation.

A key problem for such families is the lack of economic and financial stability. For example, in 2007 and 2015, excessive liquidity in the market drove interest rates down and inflation up, while in 2010 and 2018, liquidity crunches all but stopped formal financial lending, imperiling banks while forcing businessmen to seek loans from informal lenders. Such ebbs and flows in the market—though a common feature of even “developed” capitalist economies (Comaroff and Comaroff 2001)—add to the anxiety of stable growth for families and residents, an anxiety amplified by near-constant political instability and crisis: the Maoist War (1996-2006), the dissolution of the Nepali monarchy (2007), the ten-year failure of constitutional assembly to pass a constitution, the earthquake (2015), the protests after the passing of the new constitution (2015), the Indian fuel blockade (2015-2016), as well as numerous protests and general strikes. Such pressures are a problem for those urban residents looking to secure their financial futures through investing their excess cash. In a country where interest rates in savings accounts lag behind high annual inflation (“Nepal - Inflation Rate 2012-2022 | Statistic” n.d.), it is imperative on those positioned within the cash economy to find places where their money will not wither away. Here, however, there are few possibilities. Thanks to economic liberalization of

the 1990s, and then the Maoist War at the turn of century, the inchoate industry Nepal had was reduced to minimal levels, while infrastructural failures have discouraged the founding of mechanized cottage industries and small-scale production facilities. In recent years stocks have become an important mode of investment, in particular for Nepal's expanding hydropower industry. However, the availability of hydroelectric stocks fall far short of demand, while the most prevalent stocks available are for financial firms, an industry built on the circulation of this excess cash, and whose market value fluctuates greatly. A more popular strategy has been parents' investment in their children's future through private education. Believing Nepal's public schools to be a career dead-end, Nepali families throughout the country have been sending their children to private English-language schools, which now constitute 19 percent of the education sector (Ghimire 2018). In Kathmandu such private schooling is particularly prevalent, with many families moving to the city specifically to have their children educated. Yet the long-term value of this education is suspect, as recent graduates struggle to find gainful white-collar employment (Liechty 2003).<sup>11</sup>

In other words, the sustainability of the new urban Kathmandu hinges on the ability of its middle class to find assets that can retain their economic value. It is here where land and housing become so important. Because land is perceived to never go down in value, it remains foundational to the urban economy. This stability of land values in part depends on it being separated from the chaotic financial and political forces that cause constant volatility in other parts of Kathmandu's economy. How land values are separated from market fluctuations will be a subject I will explore in depth in this dissertation. For now, it is important to note that this separation is exactly what was challenged in the aftermath of earthquake, at least for families

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<sup>11</sup> Such a situation is of course not unique to Kathmandu. See Jeffrey (2010) for a similar situation in India.

tasked with rebuilding their homes. Though land prices went up in the year after the quake—in part due to Newars in urban areas like Patan looking to sell and relocate to the suburbs—the challenge of buying, selling, and collateralizing land made it appear more asset-like, and thus open to the same volatility. In the next section, I discuss why this happened.

## **Landownership in Kathmandu**

It is hard to overemphasize the importance of landedness in Nepal. Land is deeply entangled with the patriarchal descent group, its productive power, the space it provides to house the family, and its location within larger sacred geographies forming the foundation of kin relationality.

Anthropologist John Gray summarizes this relationship nicely when he writes:

Land was more than merely a means of providing subsistence for the *santan* [domestic descent group]. It was the source of the origin, reproduction and unity for the *santan*. The eldest male was ‘father’ of the *santan* in two senses. Genealogically, as the creator and personification of the collective in that his semen was the origin of the bodily substance which is shared among his sons and, if he is lucky, his sons’ sons... The head of the *santan* was also its father because he was materially its founder [in that] he provided the land that was the object of the productive and consumption practices through which shared substance, unity, mutual aid and solidarity was produced... This inextricability of genealogy and land in kinship was the paradigm for the unity and distinctiveness of the *santan*. (Gray 2008, 196–97)

Though writing about high-caste Hindus, this basic sentiment can be applied to most other Nepali castes and ethnic groups, including Newars. Traditionally, Newars tend to live in densely-packed townships or cities, often around single courtyards populated (ideally) by members of the same agnatic kin group (Nw. *phuki*). Though not all are agrarian farming communities, still the territory of these settlements is deeply associated with the patriline (Levy 1990, 185–89; Gellner and Pradhan 1999), the communality and commensality provided in these spaces forming the basis for a sense of shared substance. Not only this, but such traditional settlements are arranged

within a larger sacred geography that defines one's metaphysical and religious place within Newar Kathmandu, with Newar families continuing to observe the religious calendars specific to their original areas of residence long after they've moved away (Levy 1990; Parish 1994).

Indeed, having claim to land through one's kin group is an essential part of one's personhood, an idea applicable to almost all of Nepal's ethnic groups. In Nepali, the word for inheritance is *angsa*, and refers almost exclusively to the land and housing one receives from one's patriline. As Laura Kunreuther notes, having *angsa* is inherent to one's very agency, an agency that is embedded in family relations (Kunreuther 2014). Contrastingly, to be without land is to be fundamentally bereft. In Nepal, the landless are referred to as the *sukumbasi*,<sup>12</sup> and are seen as a wayward and desperate class of people who barely manage basic sustenance (Blaikie, Cameron, and Seddon 2001; Rademacher 2011; Ninglekhu 2017). Such landlessness is understood as a multi-generational affliction, a state of permanent familial debasement. Indeed, land is so central to a sense of belonging and personhood that it remains crucial to citizenship in Nepal, where one must be a citizen to own land, and where the state continues to deny women equal access to inheritance rights in part because of the fear that Indian men will use such rights to steal agnatic land through marriage to Nepali women.

Though clearly stemming from an agrarian context, this valuation of land remains true in Kathmandu. For almost every family I spoke with, land was their central asset, both in terms of its financial worth, and in their tellings of their families' past and future. One can see its importance in the way the city has grown. Though land prices have risen to astronomical levels,

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<sup>12</sup> Sukumbasi derives from the word *sukhimbasi*, which literally means residents of Sikkim, who immigrated to Nepal in the 19th century (Gallagher 2006, 39). The word is often now translated as the "wandering ones," or the "migratory ones." In Kathmandu, sukumbasis are at the center of a tense political debate, as the state looks to displace their informal housing communities from the banks of the Bagmati river. Much of this debate revolves around whether these residents are real sukumbasi or are simply faking their landlessness in hopes of claiming expensive Kathmandu land for free.

competing with those in major Western cities, still Kathmandu remains a relatively low-built city, the majority of residential buildings no more than four to five stories. The reason for this is simple: many Kathmandu residents do not see the point in investing in apartments when such living spaces do not include landownership of any kind. As one informant told me, “Why spend money for just a piece of air?” Granted, in the last twenty years, several well-financed residential development companies have begun to build high-rise apartment buildings, anticipating that rising housing costs will force people into such living arrangements. Yet, even before the earthquake such buildings were struggling, with occupancy rates around 15 percent, including many Nepalis who bought apartments only in order to rent them out to others. Since the earthquake, the fear of collapsing high-rises has virtually ended this business.

The high valuation of land is not simply a cultural artifact. As Kathmandu’s population continues to rise, the demand for land continues to increase, as do land prices. In a city plagued by financial insecurity, land remains the one surefire investment, virtually guaranteed to hold its value. As numerous informants told me, the price of land never goes down in Kathmandu, a statement that is both ideological and (mostly) factually accurate. It is factual because it really is difficult to find land that is selling for less than it was sold before; it is ideological because the close association between land and family conflates the devaluation of land with the devaluation of one’s own kin, thus discouraging landowners from ever seeing their land’s value as falling. In other words, in Kathmandu the economic fundamentals and the ideology of landownership are mutually reinforcing, the former stabilizing land prices while the latter discourages more land-efficient residential schemes. Furthermore, because of its economic stability, Kathmandu land has become vital to Nepal’s financial industry. In Nepal, almost all loans are collateralized, and by far the most common form of collateral is land in the Kathmandu Valley. While land in rural

areas can be difficult to both value and liquidate—especially in the context of a tightly-knit community—the ever-present demand for land in Kathmandu, often from rural immigrants with few local ties, ensures that land remains valuable and transactable. The financial industry’s readiness to collateralize land has pushed its price upwards by both expanding land’s economic utility and offering avenues to its acquisition.

Yet this relationship between land’s price and its cultural value creates a contradiction. While land’s value as the investment *par excellence* has helped buoy its price, both by shaping residential land use and keeping its acquisition central to family finances, the financial processes with which it is increasingly entangled have worked to transform land into simply another financial asset. Practically, this means that land becomes exposed to the booms and busts inherent to contemporary finance markets. More importantly, it complicates land’s valuation, exchange, and circulation in respect to the family unit. As long as land stays within the estate, or is transferred among trusted kin and community members, any exchanges or changes in control can be managed within this system, as they need only to be recognized by the transactors in question. However, for the land to be transacted formally—either for sale, for collateral, or for the legal division of the family estate—then its holding needs to be recognized by the necessary legal and bureaucratic procedures. Thus, as land’s exchange-value rises, it prompts more frequent exchanges and valuations of land’s worth in market terms, forcing families to engage more frequently with the procedures for its formal transfer. For this reason, I argue these procedures are becoming more deeply entangled with the family’s sense of corporate identity.

This incorporation became especially apparent in the months after the earthquake. With their houses destroyed, families were forced to lean on their land’s financial values and formal ownership in order to rebuild. This meant engaging with financial institutions, including with

banks and cooperatives to receive loans, with state authorities to update land titles, and with the newly-minted state-led Nepal Reconstruction Authority to become registered “earthquake victims.” In other words, reconstruction meant intense bureaucratic engagement for these families, a process that brought state definitions of kin and property rights to the fore of family financial planning. This changed not only the instrumental strategies families used to rebuild, but also challenged the basic values of kinship upon which this process was based. Whose responsibility is it to rebuild the house? Who is truly a member of the family, and who is not? What claims were individuals allowed to make on family-owned lands? As the opening anecdote about Sujit and his brother illustrated, such questions often cascaded into family conflict and the reconsideration of kin relationality. In other words, this reckoning of kinship did not happen within a vacuum-sealed domestic space. Rather, it incorporated a vast array of bureaucratic procedures, state policies, financial systems, and material constructions. The question, then, is how this incorporation took place, and what can it tell us about the financial lives and subjectivities of urban families in Kathmandu and in other growing Asian cities.

### **Reimagining Markets and Families**

A key goal to this dissertation is to upset the oft-assumed distinction between kinship and capitalist markets. This is hardly a new mission. Feminist scholars have long argued that a separation between domestic spheres and politico-jural spheres is untenable, both for the way it devalues the domestic labor of women, and for the way it assumes a universal bond between mother and child that is strong enough to distinguish the domestic cross-culturally (Yanagisako 1979; Collier and Yanagisako 1987; McKinnon 2000). Likewise, while not about markets per se,

David Schneider's famous critique of kinship's status as an analytic category hinged on undermining exactly those qualities which make it seem distinctive (Schneider 1984).<sup>13</sup> However, when the conversation shifts from critiquing the universal social taxonomy to a discussion about capitalism's *particular* relation to families, then this skepticism often fades away. Despite numerous critiques, revisions, and updates, the description of the relationship between market and family remains primarily one of hegemonic incorporation and resistance. That is, the relation is imagined as two oppositional spheres, separated through modernist development, in which the former continually consumes the latter, and the latter finds new and innovative ways to push back against this consumption.

It would seem this discussion is still haunted by Bohannan's spheres of exchange (Bohannan 1955). His modeling of the Tiv economy—in which he divided it between three purified realms arranged in a moral hierarchy—helped to establish a pervasive narrative trope, in which subaltern communities seek to contain the market through various forms of economic divisions, while the market tears through such divisions, proving ultimately the communities' efforts futile. He was not alone in this project. Malinowski's conceptualization of the kula ring as separate from market transactions contributed to this understanding of division between different types of exchange (Malinowski [1922] 2014). Likewise, Georg Simmel's theorization of general currency first presented the notion that money eats through social relations that are not market-oriented, a notion taken even further by Polanyi's description of the capitalist market as a “satanic mill” (Simmel 1978; Scott 1977; Polanyi [1944] 1957). Nevertheless, I would still argue that Bohannan's extremely portable schema provided (and continues to provide) a blueprint for

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<sup>13</sup> Schneider's argument is that kinship, as defined in anthropology, relies on a Western conception of blood and law that does not translate into other cultures, and thus is not a universal or scientific category that could be used as the basis for cultural comparison.

how to approach the relationship between families and markets, its influence visible in Appadurai's regimes of value (Appadurai 1988), in Bloch and Parry's transactional orders (Parry and Bloch 1989), and in cross-cultural descriptions of ear-marking and "hot money" (Taussig 1980; Shipton 1989; Zelizer 1997; Znoj 1998; Walsh 2003). Bohannan's original argument has since been thoroughly critiqued, most notably by Jane Guyer, who showed how his spheres relied on an ahistorical reading of West African economic circulation (Guyer 2004). Still, this schema forms the basic narrative for much of the social science on this subject, with the few ethnographers who have presented families as integrated with capitalist markets focusing mostly on exceptional cases, such as wealthy family dynasties in Texas (Marcus and Hall 1992), or family-run Italian fashion design firms (Yanagisako 2002).

There is much to be said in defense of this conceptualization. As the wealth of evidence mustered in these works demonstrate, and as will be shown throughout this dissertation, kin do actively find ways to contain market forces, and will present their families as separate from economic concerns. Furthermore, the neoliberal and developmentalist emphasis on formal property rights has had a clear impact on the organization of family economies, as it explicitly intends to reformat kin-based property relations into something more readily transactable on the open market (see Soto 2000). Indeed, the disjuncture between informal modes of property management among kin and communities—specifically when it comes to land—and the formal structure of property rights has been well-documented and seems to support a distinction between capitalism and local practice (Povinelli 2002; Verdery 2003; White et al. 2012; Gilbert 2012).

However, such a conceptualization implies that the central problem facing families are *external* to the kinship unit, glossing over the internal tensions that often drive family

separations, while overlooking how market values can be marshaled to demonstrate kinship virtues. If ritual exchanges are often privileged as moments when kinship is performed, then much the same could be said about co-signing a family member's bank loan or agreeing to sell a parcel of the family estate in order to support a sibling's business. Laura Kunreuther has shown how inheritance rights in Nepal are used to interpellate kin as someone who is cared for and loved (Kunreuther 2014). Likewise, as Daniel Miller has shown repeatedly, market consumption is often rooted in a logic of kinship amity (Miller 1987). In other words, there are a wealth of capitalist transactions in which kinship can be demonstrated. Furthermore, this oppositional relationship between kinship and capitalist markets ignores the ways kinship practices help to shape those economic and state institutions thought to be outside its purview. I have already mentioned how the value of land in Kathmandu—a value rooted in the importance of land holdings to the family estate—has influenced the physical organization of the city. In addition to this, I will show in the chapters to come that the complexities of family land ownership have a direct effect on the structure of land sales and collateralization, as well as delaying state-led post-earthquake reconstruction.

Thus, in order to pivot from this narrative trope, I argue that Bohannan's spheres are fundamentally flawed, and that a more fitting model is needed. Instead, one must privilege transactions as the primary focus, and resist reading them as manifestations of either capitalist hegemony or family resistance; they are not interactions between two reified spheres. This also means one must privilege the materiality of land's administration. Property rights, for example, are not simply abstract concepts. Rather, they are often objects themselves: bureaucratic documents, remembered conversations, physical divisions constructed in the family estate. At times, these objects align with an internalized sense of justice; at others, they seem arbitrary or

unjust. In either case, when property rights are materially manifested, it follows that the analyst must look *at* not *through* them—as Matthew Hull (Hull 2012a, 12) has suggested—embracing their materiality as mediators (Latour 2005).

In order to do this, I turn to the idea of transactional frames and framing as described by ANT theorist Michele Callon (Callon 1998, 2005, 2007). Borrowing from Goffman, Callon presents transactions as the enactment of a frame around the involved parties, one that reduces their associations so that their roles can be defined according to preset models, allowing the transaction to succeed. Though Callon proposed this concept in order to explain how modern economic activities become “embedded” in economic theory (Callon 1998), this model is well adapted to explain any transaction, be it informal exchanges between family members, ritual transactions, collateralizations, or the formal division of the family estate. Indeed, if we recognize all property transactions as simply a change in the ascribed status of the transactors (Kockelman 2007), then this model is readily adaptable to any type of exchange.

There are four key benefits to this model that are worth noting. First, because framing is by definition temporary, it does not divide social reality into permanent competing spheres. Rather, it is sensitive to both how such divisions are made, and how they are unmade. Second, it is processual. Frames do not create property or owners out of whole cloth; rather such actors are enacted, the exact form of their enactment often dependent on the framing that occurred before it (Mol 2002). Third, and most importantly, they allow for the calculation of value. Callon argues that it is impossible to calculate the value of anything without first limiting its associations to only those things recognized as part of the transaction. So, for example, the price of a used car cannot be calculated if we also include the “cost” of its emissions, precisely because we have no system to determine what that cost might be. This is what in economic jargon is termed an

“externality.” Fourth, frames are inherently fragile, as each externalized association is itself a point of weakness, a joint in the frame through which the transaction threatens to overflow. For neoclassical economics, such weaknesses can inspire the expansion of transactional frames, through the invention of new calculative technologies or through the assignment of new property rights. Yet this work can never be complete, as each new frame produces new externalities, the labor of economists becoming a Sisyphean task of model-making and rights-producing.

Such a model is particularly useful when dealing with the administration of land in Kathmandu. First, land transactions of any kind in Kathmandu involve a host of parties and procedures that do not hold well to any reified distinctions, be it families and markets, formal bureaucracies and informal negotiations, etc. Granted, this could be said of most urban land administration; however, it is particularly noticeable in Nepal, partly because of the centrality of unlicensed land brokers who profit from the blurring of such distinctions, and also because of bureaucratic practices that often escape the control of the state and financial institutions that produce them. Second, post-earthquake reconstruction forced the boundaries between families and state and financial bureaucracies to be redefined, and so to analyze this transformation, an extremely adaptable transactional model is needed. Finally, transactional frames are often idiosyncratic in their enactment, which both reveals their fragility while also making the calculation of land values an interesting empirical question. And as I will also explore later in this dissertation, land prices in Nepal both rely on and diverge from supply and demand principles with such frequency that the actual construction of the land market and its financing requires reexamination.

It is on this last point where Callon’s theory is particularly useful. Indeed, I argue that, for Callon, the market is not a singular entity, but rather an aggregate term for a particular class of

transactional frames placed upon a social-cum-economic landscape and integrated through policy and bureaucratic procedures. To be sure, this integration moves towards the production of a powerful system, but it is a production that is inherently incomplete. Furthermore, though Callon does not explore this idea, it leaves open the possibility of “hybrid” transactions (Latour 1993) which incorporate elements from different models, along with their contingent moralities and assumptions. In other words, though his theory allows for the fact that economic models do influence how transactional frames are enacted, the temporal fragility and processual nature of these frames undermines a conceptualization of the market as a hegemonic monolith.

Yet this “provincializing” of the market has been notably absent from the discussion generated by Callon’s theory. Pilloried by critics who claimed this concept supported a neoliberal vision of economic hegemony (Miller 2002; Mirowski and Nik-Khah 2007), much of the debate has revolved around whether economic models are ever truly instantiated in real life (e.g. Callon 2007; Mackenzie 2008). This somewhat tedious debate has meant that certain aspects of Callon’s theory have remained underdeveloped, in particular the question of “hybrid” transactions and the results of competing frames. Indeed, though a transaction may depend on its frame reducing associations—and thus the possibility that another transaction might occur—that does not mean the values these other transactions could produce become unimaginable. In fact, it is quite the opposite: all transactions exist within an ecology of possible transactions, their competing values forming a key dimension to how a frame is composed (D’avella 2014). Webb Keane gives an interesting example of this in his article, “Market, Materiality, and Moral Metalanguage” (Keane 2008). During a ritual gift exchange between kin that he observed, one transactor told him that such exchanges are inherently generous. As evidence he noted how the livestock being exchanged would be worth far more if sold at market rates. As Keane points out, it is precisely

these market values that are supposed to be excluded from such ritual exchanges; however, in this instance, these same values are used to prove the moral value of the ritual transaction. In this way, competing frames and their contingent values may invigorate or contradict the values that a particular transaction is producing.

This reconception of the market allows us to return to the question of its relationship to kinship. Though anthropologists have done much to show how certain market acts—most notably consumption—help to support kinship and other human relations, still when it comes to economic *calculation*, there is a tendency to see markets as dehumanizing and amoral, a kind of abstraction forced onto the human world (Carrier and Miller 1998). In other words, markets are thought to oppose kinship because they are seen as draining humanity of its ethical agency, whereas kinship—critiques notwithstanding—is still understood as the epitome of human sociality. The problem with such a conceptualization is that it depends on the market being a unified and standardized space, where general currency allows for the universal calculation of market values for all things. This not only ignores the inherent “openness” of money (Maurer 2006), but also oversimplifies the act of calculation itself. As Jane Guyer has shown, economic calculation can involve multiple scales, values, and translations, creating what I would call a second-order calculation as people take into account the multiple frames any transaction could employ (Guyer 2004). It is this second-order calculation that Callon’s theory has so far ignored. While the economist might struggle to bring these different frames into a universalizing model, for the informants I followed, the existence of different frames allowed for a significant amount of strategy and moral play as they worked to position themselves advantageously. Such positioning noticeably defies simplistic models of self-interested rational choice, and yet they are still rational. As Guyer writes, “We need to return, with greater nuance, to rationality” (ibid 95).

This directive is particularly important for the continued study of urban expansion in non-Western metropolises. As Ajantha Subramanian notes, there is a need to move past the diffusionist models of capitalism and modernism, in which economies of the global south are seen as either incorporating or resisting such foreign ideas (Subramanian 2009). Indeed, such models underplay the ways formal economic and administrative practices are simply part of everyday life within these cities, by treating this immediacy as epiphenomenal to post-colonial histories. By focusing on the mutual contingency between framing and calculation, particularly in the moral complexity of thinking between potential transactions and values, the drama of economic ambition among families and individuals can be shifted from the rote narrative tropes of globalization to something more interesting, more specific, and (hopefully) more accurate. Though these are not new concerns, the fact that such tropes remain pervasive suggests we still lack the theoretical vocabulary to move past them. It is my hope this dissertation can contribute in this regard.

## **Methodology and Setting**

I had not intended to study post-earthquake reconstruction. I arrived in Kathmandu in January 2015, having spent two summers (2012 and 2013) conducting preliminary research on the financialization of land in Kathmandu. For my primary fieldwork period, I had planned to study the impact of formal and informal lending following a housing bubble collapse, and their effects on kinship. However, by the time I arrived in Kathmandu, many of the loans I planned to research had been sorted out. Three months later when the earthquake hit, I decided to

incorporate this event into the larger questions I was already asking about the interconnections between family, land, state, and finance.

I relocated my field sites to areas that were more earthquake affected, including the Newar city of Patan, as introduced in the opening anecdote. One of the three original Malla kingdoms, it is densely populated and almost entirely by Newars. It is also organized in ways quite distinct from the ad hoc developments on its borders. Newar cities are built according to certain understandings of sacred geography, the most famous of which is its imitation of a mandala structure: a map of the cosmos conceived as concentric circles divided into four regions, the space becoming purer as one moves towards its center (Levy 1990). In keeping with this concept, the center of the city is occupied by the king and royalty, with high castes living in the adjacent areas, farmer and artisan castes just past them, and untouchable castes living outside the city's edges. For Patan, the center is the Malla royal palace and its royal square, which houses a number of large temples (many of which fell during the earthquake). From there, a series of courtyards (Nw. *bāhāh*) mark new divisions in the mandala-structured city, until one reaches the city's edge, marked by four grass-covered stupas situated at the points of the four cardinal directions. Within this circumference, one is protected by the Newar goddesses (Nw. *durgas*); beyond them, one enters a world of "ghosts, diseases, earthquakes, invasions, and other calamities" (Parish 1994, 22).

Much of my research in Patan took place among the priestly castes. Unlike other Nepali ethnicities who did not have any caste before the Gorkha conquest, Newars have long had a caste system of their own. Based loosely on the same Vedic Varna model as that of Khas Hindus, this system is deeply complex, forming a "two-headed caste system" (Gellner 1995) wherein both Hindu and Buddhist priests occupy the top echelon, side by side. It is beyond the scope of this

dissertation to cover Newar caste in depth, and so I will contain my description here to just those castes I interacted with most during my research. In Patan, unlike Bhaktapur and Kathmandu, most Newars generally identify as Buddhist, and most members of the priestly castes are either of the Buddhist castes Śākya or Vajracharya.<sup>14</sup> While both of these are upper castes, only the Vajracharya are allowed to conduct priestly duties, though some claim that any Śākya could become a priest and the title Vajracharya is used only as an honorific for those Śākyas who had received priestly training. In practice, however, most Śākyas and Vajracharyas are artisans specializing in a wide range of handicrafts, most notably the household manufacture of large bronze Buddhist statues. Below these priestly castes is the Shrestha caste. Considered the merchant caste, they are one of the most varied and dispersed caste among Newars, with many young Shresthas having not learned the Newar language as children. Below them are the farmer “Jyāpu” caste groups, such as the Maharajan and Dagol castes, who have traditionally been tenant farmers of Khas Hindu and upper-caste Newar landlords, and are the most numerous of the Newar castes. Though one of the lower castes, thanks both to rising land prices and tenancy laws that granted many of these farmers their own land, many Jyāpu farmers have moved up the socioeconomic ladder by selling their land to immigrants and real estate developers. There are also a number of other artisan Newar castes in Patan, including Tamrakars, Silparkars, and Manandhars, all of whom consider themselves above the Jyāpu castes. Finally, there are several untouchable Newar castes, though they did not figure heavily into my project.

While researching in Patan, my focus was on the family estate, by which I mean an assemblage of all material elements that make up its agency; not just family members, but also

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<sup>14</sup> The Hindu Newar priestly caste are called Rajopadhayas, and are not particularly numerous. I only met one during my research, and indeed many Hindu Newars use Nepali-speaking Khas Hindu Brahmans for their priestly needs.

land titles, earthquake victim cards, the house, the land itself, and all other property that contributes to the family's economic well-being. Such a conceptualization of my object of study is important for two reasons. First, it gives appropriate attention to the material properties of the estate, and their role in decision-making and calculation. As I will argue below, decisions and calculations regarding the family estate are not made only within the minds of its human members; rather, they are dispersed across this assemblage of human and non-human artifacts. This was particularly noticeable in the months after the earthquake, when material qualities of the estate would suddenly assert themselves in surprising ways. For example, houses that had been considered separate were now revealed to be structurally codependent, forcing neighboring families to coordinate their reconstruction. Land titles were discovered to be incorrect or incomplete, forcing families to petition the government Land Registration Office (Np. *malpot*) to correct the errors. Qualities that had been marginalized in the minds of family members—for example, the width of the road bordering the house—were now made central by commercial banks' loan requirements. Noticeably, many of these material qualities often depended on the bureaucratic, financial, and market systems that families were engaging, leaving family members to strategize and coordinate with each other in order to make the necessary transactions that would lead to rebuilding their home.

The second reason for this conceptualization of the family estate is that it avoids many of the pitfalls that other terms for kinship units encounter, in particular the term “household.” Household, in traditional social science parlance, refers to the family group—usually cohabitating—who are said to operate as a single economic unit. Such a term covers much the same ground as my research object; however, it is problematic to use in Nepal. As stated above, most Nepali families follow some form of joint family living, wherein married brothers stay at

their natal home with their wives and children, dividing the estate usually after their parents pass away. Though seemingly straightforward, in practice this system is filled with ambiguities. Many families do not always separate right after the elder generation dies, and often wait for years to do so. Also, what constitutes separation is debatable. Families will often make small, informal divisions such as building new kitchens, partitions, and entranceways in order to transform their family's separation from a traumatic moment into an accretive process. Though each of these physical divisions have slightly different meanings, the most important of these is the construction of separate kitchens, as commensality is considered the central demonstration of kinship unity. Yet this raises the question: is a joint family with separate kitchens now considered two separate households? Even when a joint family builds separate houses, they may not register this division with the state, leaving their separation bureaucratically invisible. This was a particular problem after the earthquake, when the only record of such divisions—the house itself—had fallen down, and victims were forced to reckon their everyday practice with their land title.

Nevertheless, “household” remains an important term bureaucratically. For example, in the Nepali census, it is the household that is often the measured unit. However, how this unit is measured is often ambiguous. In the 1966 census, the household was defined by cohabitation, commensality, and economic cooperation (Central Bureau of Statistics 1966). In the 2001 census, a household was defined principally by cohabitation, though reference is made to the prevalence of sharing a kitchen (Central Bureau of Statistics 2001). In a 2013/2014 household survey, the census bureau defined the household according to economic cooperation, stating, “The household is defined as an arrangement made by persons, individually or in groups, for providing themselves with food or other essentials for living” (Central Bureau of Statistics 2014,

1). Such ambiguities have a direct effect on how the state “sees” households. As James Scott famously argued, states use a variety of techniques pilfered from scientific methodology to make society legible, taxable, and controllable for state bureaucracies, including the standardization of land holdings and family membership (Scott 1998). The Nepal state is no exception, as evidenced by its robust titling and inheritance laws. However, as Sara Shneiderman and others have argued, the ambiguity in census definitions helps demonstrate that such high modernist definitions are often ill-fitting, creating a gap between everyday practice and bureaucratic documentation (Sheiderman et al. 2019). This became problematic during post-earthquake reconstruction, when the state offered grants to each household who had been victimized, leading to a complex game between families and the state over the verification of the household unit.

Given its importance, I use the term “household,” though I limit my usage to discussions of bureaucratic procedure. For more colloquial usage, I employ both “family” and “kin,” the latter for larger networks of relations, the former for domesticating groups. Finally, I use family estate to refer to the entire assemblage of family members, land, documents, and other associated material items, in order to focus attention on the debates that family members were having during my research, namely, who has claim to what, and what responsibilities originate from such claims. Indeed, as I hope to show, it is impossible to understand how such household or family units are constructed without focusing on the issues of property that the term “estate” implies.

I conducted field research for thirty months, including two preliminary research summers in 2013 and 2014 and one follow-up summer in 2017, while my main fieldwork ran from January 2015 until October 2016. Given that the earthquake occurred on April 25, 2015, most of main fieldwork occurred during its aftermath. Throughout this period, I principally used

participant observation, surveys, semi-structured and open interviews, and primary document research. I also used “financial diaries,” a method pioneered by Daryl Collins and Jonathan Murdoch, in which the daily expenses of families are tracked to better understand household expenditures (Collins et al. 2010). Following Malinowski’s belief that property can only be understood if we know how it is used (Malinowski [1922] 2014), my research is best described according to the different types of transactions in which land is typically involved: land sales, land collateralization, family estate management, and family estate division.

To understand the sale of land, I shadowed informal brokers in Kathmandu, and spent time in the offices of licensed paralegals and lawyers who specialized in preparing the documents for land transfers. I also conducted interviews with state officials at the Land Registration Office, the land survey office, and at the Department of Land Reform and Management. In order to understand the financialization of land, I conducted workplace observations of two formal financial companies: a finance company that was partly state-owned, and a small commercial bank. At the finance company, my research consisted of interviewing both customers and employees in the loan departments, as well as accompanying employees during site visits to see the land holdings of loan applicants. At the commercial bank, it was not possible to conduct such observations, and so much of my research involved analyzing loan files and talking with employees when they were on break. Both research periods lasted four months. In addition to these activities, I conducted interviews with various commercial bank CEOs, local cooperative managers, and state officials at Nepal’s central bank.

My research on family estate management, including the process for its legal division, focused on those families whose houses were badly damaged or destroyed in the earthquake, mostly in the Newar areas of Patan. This also included a survey of ninety families, conducted in

August and September of 2015, which I did with the aid of my Newar research assistant Shyam. Interviews lasted roughly thirty minutes, and focused on land ownership, housing, income, finance, and family membership. From this survey I selected thirty families with which to conduct follow-up interviews of roughly one hour, and then selected ten of those families to visit regularly, either to conduct regular interviews, or simply to visit in more informal settings. The data I gathered from these families are presented as short ethnographic vignettes throughout this dissertation. I also requested that eight of these families keep financial diaries and provided them with custom-designed forms to fill out their daily incomes and expenditures. I collected and discussed these forms with them on a biweekly basis, usually for a two to three-month period. While their written data was important, the conversations we had while discussing their diaries was especially valuable and informs much of my analysis on family incomes.

In order to understand the procedures that the state had put in place to verify earthquake victims, I shadowed government surveyors in Patan, made frequent trips to local government ward offices where much of this verification was coordinated, observed the distribution of victim cards and relief monies (in Patan and elsewhere in Kathmandu), and interviewed state officials at the National Reconstruction Authority, and the heads of state-affiliated NGOs. Also, in the summer of 2017, I made frequent trips to an NGO-led reconstruction project in a Newar township south of Kathmandu's Ring Road, where Shyam had found employment. In addition to these official research activities, in the first weeks after the earthquake I—along with thousands of Nepalis and many other foreigners—participated in grassroots relief efforts, raising money from networks in the U.S., sourcing relief materials in Kathmandu, delivering these materials to affected areas in southern Kathmandu and in the northern district of Rasuwa, and networking

with local Nepali and ex-pat activists. This experience played a large role in forming my own understanding of reconstruction in Nepal.

## **Chapter Outline**

This dissertation is divided into two parts. The first (chapters one to three) traces the economic and bureaucratic enactment of land, examining the history of state regulation, the current market structure, and the finance industry's involvement. The second part (chapters four to seven) focuses on the family and the earthquake. First examining how families manage their estates, I then demonstrate how post- earthquake reconstruction forced a reckoning among families—one formatted by legal ownership and land titles—leading many joint families to separate into smaller units, a transformation that, in turn, has freed land for more urban expansion.

In chapter one, “The History of Valuation,” I offer a historical analysis of Nepal’s land tenure practices. Until the 1950s, land in Nepal was legally owned by the state, which would temporarily relinquish its ownership to individual landholders, who could then take advantage of the land’s productive capacities. This incorporated a complex system of rents, including different tenure agreements for lords, military personnel, individual landholders, religious institutions, and communal forms of landownership. This system prevailed until 1950, when the ruling coalition collapsed with the exit of the British from India, and Nepal rolled back its national policy of geopolitical isolation. This began a period of reform and “development” that continues today, and included the transformation of all land holdings into private property. I frame my analysis around the valuation of land, focusing on the differences in the creation of rents and the creation of land prices. In pre-1950 Nepal, land valuations were state-led, often inaccurate, and formed a

key mechanism for extracting wealth from the peasantry. Contrastingly, in the modern era, the state has taken a vested interest in accurately measuring land lots and affirming private ownership while mostly suspending its powers of valuation. This, paradoxically, has increased the state's surveillance, regulation, and stewardship of the family estate, while also making the state vulnerable to accusations of failure to develop.

Chapter two, "How Land Finds its Price," analyzes the operation of the contemporary land market, with a particular focus on informal brokerage. Although land in Kathmandu is extremely expensive, most exchanges are still mediated by informal, unlicensed brokers, who either collect a commission or profit on margin for each sale. This chapter examines the brokers' work, particularly their role in acquiring land for developers and transforming the land of agrarian family estates into suburban residential housing. I argue that the apparent "transaction cost" of brokerage not only reflects the real labor brokers put into finishing deals—labor that is obscure by design—but also gets invested back into the value of land itself by "blackboxing" the conversion of domestic values into commodity values, a blackboxing reflected in the oft-repeated notion that land prices in Nepal never go down. This places brokers in a complex moral position, which I analyze through the account of a broker I followed for several months.

Chapter three, "The Collateralization of the Family Estate," expands on the themes set in chapter two by exploring the finance industry in Kathmandu. Here I argue that banks are an essential mechanism for market creation. Because almost all loans in Nepal are collateralized with land, banks are invested in knowing the actual sales price of land, as well as ensuring these prices are publicly inscribed. In this way, banks are emerging as a force for market "transparency," cutting through the opaque relationality of the broker-run market by making their services contingent on honest paperwork. And yet, paradoxically, this shift has not made the

market less volatile; in fact, almost the opposite, which I demonstrate through an analysis of a housing bubble that crashed in 2010. I then examine how banks also work to make the financial lives of debtors transparent, in addition to the value of their collateralized land. However, this “transparency” is self-serving. As I show, banks used transparency requirements to discourage earthquake victims from receiving government-subsidized loans, demonstrating that transparency concerns can be used strategically between competing institutions.

Chapter four, entitled “The Limits of Household Cooperation,” shifts the focus to the family estate. In this chapter, I discuss the interior economies of these estates, focusing on the activities of its human members. While traditionally household economics have been seen as a space where families perform their relationality through cooperation, I argue that these activities function to pull families apart by entangling its members in contradicting claims to the family estate. Families manage this by keeping such activities strategically vague, never creating a coherent picture of their interior economies. Key to this is the house itself, which I discuss in the following two chapters.

In chapter 5, “The Maintenance of Virtue Over Time,” I discuss the process by which families divide their estate, in particular how families use different construction techniques—separate kitchens, separate entranceways, partitions—to mediate conflicts while still keeping the estate itself unified. Key to this strategy is again the creation of ambiguity over claims to the estate, one that elides explicit planning for the future. This I oppose to legal division—a key stage in this process—which is premised on the making of explicit, individual claims. Thus, the maintenance of family unity can be seen as a balancing between these two techniques of division. Then in chapter 6, entitled “The Reckoning of Kin,” I discuss what happened to families after they lost their homes in the earthquake. Using several case studies, I follow how

the destruction of the house transformed relations between kin, arguing that the earthquake shifted the recognition of ownership—at least temporarily—from the house to its bureaucratic documentations.

In my final chapter, “The Paper Earthquake,” I discuss the bureaucratic procedures used by the state for verifying earthquake victims, and how families responded to them. My focus is on reconstruction grants that the state issued to every family who lost their home. As I show, because this grant was issued at the family level, the state was forced to decide who was and was not included in each family, which in turn meant deciphering families’ often inaccurate land titles. Meanwhile, families were motivated to officially divide their household to receive additional grants. The purpose of this chapter is two-fold. First, by recounting the state’s hesitant and contradictory efforts to verify household membership, I explore both how states respond to disaster, and how their responses influence household strategies for reconstruction. Second, by exploring how families reacted to the state’s policies, I analyze how families incorporate bureaucratic forms of knowledge into their daily lives, specifically in terms of temporality. While the state pursued verification of present-day family membership, families approached state documentation as future-oriented, more interested in its open-ended possibilities than in its accuracy.

Lastly, in the conclusion I summarize the findings of my research by highlighting a key tension throughout: between coherency on the one hand and an open-ended ambiguity on the other. Returning to the work of Callon, while also referencing that of Hiro Miyazaki, I argue that this tension can be interpreted as between first and second level calculation; that is, between calculation within a frame that depends on fixed values, and calculation *between* frames, which

is inherently open-ended and thus reorients actors towards the hoped-for resolution in an unforeseen future.

## Chapter 1: A History of Valuation

In August 2017, I was sitting in a teashop when a middle-aged man sitting at my table struck up a conversation. He spoke English, and though I replied in Nepali he did not switch languages. We were near the district's Land Revenue Office, where all land sales and lot changes are recorded by the state, arguably the epicenter for Lalitpur's land business. He said he was there just for lunch, having no connection to the land business besides owning a house outside the Ring Road. Still, when I told him about my project, he began to talk with some urgency about the land business. "It's a false market," he said, explaining to me how land was so expensive in Kathmandu that few could afford it, and yet the benefits such land provides are so meager: water shortages, limited electricity, no good roads, no good schools. Not only this, he continued, but to sell one's land or to take out a loan means placing it in the hands of untrustworthy people who can force you out of what little you have. "You lose all your money," he said.

"But you can get it back when you sell your land, right?"

"Yes," he said, "but then it's gone and you'll never get it [the land] back." He then went on to explain how its high price was a consequence of government officials and political leaders "investing" their "black money" into Kathmandu land, turning the market against the common man.

This argument was not new to me, as few of my informants ever spoke in glowing terms of Kathmandu's urban expansion. For most, the growing warren of houses and roads that

surrounded the city was something chaotic and uncontrolled. While Nepalis will often conflate “development” (Np. *bikās*) with the actual construction of things (e.g. bridges, water tanks, roads, etc.; see Pigg 1992; Rademacher 2011), for most people I spoke with, the continued construction of houses and roads in Kathmandu’s peri-urban areas indexed Nepal’s *failure* to develop, as well as the Nepali state’s corruption. What interested me when speaking with this man in the teashop was his conflation of this idea with land’s valuation. Land was being sold for more than it was worth, creating something both immoral and false.

But what makes a market false?

There is a slipperiness to this man’s argument. On the one hand, I do not think his moral judgement of land transactions stemmed from a faith in the “fairness” of supply and demand, and that he was espousing a kind of cultural neoliberalism. Rather, his comments can be read as an implicit *critique* of the market, and of private property in general. Private property depends on one having autonomous possession over one’s land, a kind of possession that is enacted in its sale. Yet, according to my teashop companion, such a sense of possession is false, as one’s land remains entangled within numerous socio-material relations. From the perspective of a social researcher, this seemed to be a downright socialist position; however, this man took his critique in a different direction, blaming Nepali elites for not permitting a “true” market that would allow for autonomous possession. His opinion not only referenced contemporary political corruption, but a longstanding historical narrative of developmental failure and elite capture in Nepal, wherein the country’s leaders have managed to hold onto power despite the nation’s purported efforts to create a more egalitarian society. In this light, the land market becomes a tool for equality, and the prices it produces a barometer for its effectiveness.

In this chapter, I offer a brief history of land administration in Nepal, particularly Kathmandu. As with the man in the teashop, my focus is on the valuation of the land's economic worth. In particular, I trace the evolution of land's transactional valuation from a system of feudal rents during the 19<sup>th</sup> and early 20<sup>th</sup> centuries to the private property system that exists today. My purpose is to present private property as not simply a portable administrative technique, but rather, an ideology that incorporates land, citizenship, social hierarchy, and the state into a single apparatus, framing land's transactional value in a particular way. This project is necessarily state-led, and as such bureaucracy is key, both for how it stitches together these different elements into a totalizing frame, and for the way it distributes power by allowing certain parties to value land while rescinding that power from others. As I will show, in its transformation from rents to private property, the state rescinded most of its power to value land, with the promise that this power would return to those who use and occupy the land. The fact that this hasn't happened, as the man in the teashop pointed out to me, is the source for the sense of developmentalist failure amongst many Nepalis. Yet this failure is not that of the Nepal state's per se, but of the ideology of private property to adequately recognize the relationality inherent to landownership.

When recounted, Nepal's history of land tenancy generally follows a fairly set narrative arc. Before its modernization in the 1950s, land in Nepal was controlled by a feudal system of rents that exploited a large peasant class, a system first forged by the Shah monarchy (1768-1846), and later developed with malevolent ingenuity during the Rana regime (1846-1951). After the fall of the Ranas, the system of feudal rents was replaced by private property, part of a larger reform effort to address the inequalities that the Ranas had nurtured. It is generally agreed that these reforms did not adequately address the social hierarchies of the past—indeed, a frequent

complaint within Nepali scholarship is the persistence of “feudal relations,” particularly in the more remote areas of the country (Bista 1991; Panday 1999). Still the 1950s and early 1960s is presented as transformational, both for Nepal in general and for land tenure in particular, wherein Nepal’s traditional economic and social structure was partially erased by democratic and capitalist concerns, becoming a kind of palimpsest of feudal and modern social structures. Since then, the story of Nepal is often portrayed as one of failure, defined by its inability to fully eradicate the exploitations of the past and make good on its promise of new economic and social development. This sense of failure is not simply an academic concern but has been a major factor in Nepal’s multiple regime changes, in the instigation of the Maoist insurgency, and in the destruction of the monarchy.

There are three features to this story that are worth questioning. The first is the tight relationship between Nepali land tenancy and social structure. The second is the typological separation between Shah and Rana-era land rents and contemporary private land holdings, which maps neatly onto the transformation from the past Nepali feudal subject to the contemporary Nepali citizen. The third is the inescapable trope of failure, used to explain why this transformation is seemingly never complete. These three features form a historiographic orthodoxy, framing the national character in a particular fashion while also explaining its relative poverty. I do not mean to challenge this orthodoxy in its entirety, in part because one cannot help but agree with much of it. Nevertheless, I must destabilize this argument somewhat in order to move forward.

First, the tight relationship between land tenancy and social structure—while a social fact—is not inherent to Nepali culture, nor did it arise from mere happenstance. Rather, it was a matter of intentional government policy, one that sought to mirror Nepal’s state-idealized social

organization within its system of land tenure. This was true for both the Rana era and for the post-Rana reform era. In each case, land, caste, citizenship, and sovereignty were forged together as an intentional state-led paradigm of Nepali nationalism.

Second, the transformation from feudal land rents to private land holdings is both factual *and* relies on an ideological reading of history. By this I simply mean that, while the 1950s were undoubtedly a moment of change and reform for Nepal, the historical record is far more ambiguous on how distinct these two types of economic land practices actually are. Though private property was formalized during this reform period, it had existed for decades at varying levels of informality and semi-formality. Furthermore, though rents during the Shah and Rana eras were technically set by the state, in practice supply and demand—not of land, but of labor—played a role in setting their rates. While some might read this as hints of private property’s auto-emergence within an inefficient feudal system, these proto-market dynamics seemed to have simply replicated the social hierarchies of the time, seamlessly folding into the existing power structure. Indeed, the recalibration of land holdings as private property required the formatting power of the state, in part to re-interpret both the official conception of Nepali subject and sovereignty as well.

This brings us to the third and final point: whether or not Nepal’s “modernization” should be regarded as a failure. Again, it is beyond my scope to address this point fully, though suffice to say it is incontrovertible that the state’s reform policies meant to redistribute land and undermine past hierarchies floundered. However, these reforms were quite successful at formalizing private property, especially in urban areas like Kathmandu. The fact that many should see these reforms negatively most likely stems from two causes: (1) the conflation of redistribution with the “modernization” of property; in other words, an erroneous belief that a

transformation of land holdings into private property should undermine the caste and socioeconomic hierarchies that were built upon them, and (2) a failure on the part of private property theory *as an abstract framing device* to fully encompass and register the entirety of land's value. I will return to the first point as I discuss Nepal's history below, but the second point requires some elaboration beforehand.

In her analysis of Singaporean real estate, Anne Haila argues that rent as a topic of analysis has been thoroughly colonized by private property theory, reframing the former as simply an extension of the latter (Haila 2015). The reasons for this are numerous, but I will only summarize the few that apply to this chapter: (1) that, from an evolutionary perspective, private property and the market dynamics they produce are simply more efficient, and thus overwhelm feudal rent systems (ibid 33); (2) that rent in its contemporary context is still associated with feudal systems and official decree, and as such, has come to be seen as a kind of “rent-seeking”, i.e. profit gleaned through political influence (ibid 56); (3) that because land has been reimagined as simply another commodity—albeit a deeply inelastic one—its pricing could be explained according to market dynamics in which the property rights to land and housing play the defining role (ibid 35-60). This transition, Haila argues, has been more than simply rational or scientific. In rethinking rent as an extension of property rights, economic theory has reframed land ownership in a Lockean fashion as the possession of land—what Macpherson once called possessive individualism (Macpherson 1988)—ignoring the interpersonal element upon which land ownership relies. As she states:

Property rights theory is based on methodological individualism, and assumes a world consisting of individuals making contracts in self-regulating markets. There is no community or society with communal rights. What matters, according to property rights economists, are incentives making the owner of property (understood as a thing) use it in the most efficient way. Such reification of the concept of rent into a material thing, rather than seeing it as a social relation, downplays the fact that the institution of property also

involves social relations, necessitates acknowledging others, and is backed up by customs and legal sanctions. Possession is not a solitary declaration but demands the consent of others. (Haila 2015, 58)

For Haila, the solution to this is a return to rent theory, which she argues is invested in analyzing property as a social relation. For my purposes, I mean simply to highlight that the market dynamics of supply and demand are not enough to completely explain land's value. To put this in Callon's terms, land overflows its frame (Callon 1998). As I will show, it is this overflow—one that informs numerous substantivist and other market-skeptic theorists' work—that helps produce a sense of “failure” around Nepal's land reform.

I highlight these three features of Nepal's standard history in order to raise the question which is central to this chapter: where does the economic value of land originate? Of course, this is not a new question. As David Harvey notes, Marx was troubled by land, particularly how the rent for “raw land” (i.e., land with no improvements) could fit within his theory of labor value (Harvey [1982] 2018). Karl Polanyi, meanwhile, famously included land as one of his three “fictitious commodities,” arguing that land was so profoundly fundamental to the natural world that its commodification was both necessary to a market society and dangerously tenuous (Polanyi [1944] 1957). Indeed, as Anne Haila writes, before the hegemony of neoclassical market theory, the idea that there was something unique about land's value was tenacious and widespread, informing the works of David Ricardo, Edwin Mills, and William Alonso, among others (Haila 2015, 51).

I do not have a clear stand on land's uniqueness as an economic asset; however, I acknowledge that the recognition of land's value is both a complex and mysterious problem. As my recounting of land and its valuation will show, throughout Nepal's history, land's value often stemmed from multiple origins, be it market or market-like forces, state policies, landlord

valuations, or moral claims regarding peasant labor. These different valuations have been in constant contest, though changing in their relative dominance. I trace these changes primarily through state history, land policy, market forces, and bureaucratic forms of valuation. I begin with a recounting of Nepal's unification during the Shah era, and follow with a description of the Ranas' policies of state building, including both policies on caste and the complicated land tenure system. I then discuss the fall of the Rana regime, and Nepal's ensuing period of reform, highlighting how land reform was a key component of a more general reimagining of the Nepali state and citizenry. I include Nepal's history of finance in this chapter as well, which has come to play a major role in the valuation of contemporary Kathmandu's land. I also discuss Kathmandu residents' current perception of the land market, arguing that their contemporary perception is in part the result of this historical legacy.

### **Land Rents and Citizenship During the Shah and Rana Eras**

In the late 18<sup>th</sup> century, the king of Gorkha, Prithvi Narayan Shah, managed to conquer the Malla kingdoms and incorporate them into his growing empire, both ending Newar self-rule in the Kathmandu Valley and forging the nation-state of Nepal. In this section, I will discuss how the Shah kings, and later the Rana prime ministers, attempted to unify a nation out of conquered territories and principalities. My focus is on how their administration of land, achieved through a complex system of rents, entangled citizenship and land tenure within a caste hierarchy which the state invented in the middle of the 19<sup>th</sup> century. This system both transformed the subjects of the Malla kingdoms into the Newar ethnic group as we know them now, while also setting the stage for reform by framing rents as simple exploitation, a characterization that continues today.

Rents were not anathema to the Malla era. In all three Malla kingdoms, landlords living in the city's center—usually the Shrestha caste, but also the Śākya and Vajracharya castes in Patan—would collect rents from their Jyāpu tenants, at a rate of roughly half the crop. However, such landlord-tenant relationships were embedded within a larger social system of exchange meant to reinforce the sanctity of the central city, a larger symbolic structure enforced through a host of ritual exchanges and annual festivals that incorporated these different actors (Quigley 1995; Toffin [1996] 2007). Indeed, Andrew Nelson has suggested that caste in Malla-era Kathmandu should be seen as an exchange between the king and his nobles and those who purify them on their behalf; that, is the Jyāpu farmers and other artisan castes (Nelson 2013). Furthermore, because rents were tied to the land's production, there was a clear ceiling to what could be taken from the Jyāpu tenants, a practice that protected them from crop failures. This isn't to say that such arrangements were fair, but the system in which they were embedded kept this landlord/tenant relationship within relatively reasonable bounds.

However, after the Gorkha invasion, this system of rents changed radically. As the Gorkha empire continued to conquer the surrounding kingdoms and principalities, it found it had little time for state building or government administration, even making payments to the Gorkha army difficult. In lieu of direct payment, the Shah king would place officers and other nobility as revenue collectors on conquered territories to extract what they could from the peasantry, creating what Ludwig Stiller has called a “military-land complex” in which the Gorkha empire was impelled to continue conquering land in order to afford their burgeoning armed forces (Stiller 1975). Such a structure reflected the feudalistic strategies of the early Shah kings. Unable to fully integrate its newfound territory, the Shah king simply reorganized it into a nesting structure of fiefdoms, the assigned territories to be reviewed annually by the crown. This practice

of land grants would set the basic template for state land tenure policies through the Shah and Rana era, where control of land was split between the crown itself and a class of state-appointed landlords, the latter taking on many of the duties of sovereignty within their territories. As anthropologist Richard Burghart writes:

Revenue collection... was not the sole function of the tenurial administration; revenue collectors also served as judges, militia commanders, executive officers of the king, and ritual representatives of the king. In other words, these intermediary officers acted like kings in a pyramidal state system defined with reference to tenurial status, each revenue officer claiming lordship over the revenue officers and subjects from who he received revenue. (Burghart [1996] 2008, 206)

Such policies were inherently exploitative towards the conquered, creating a class of absentee landlords whose only interest in these communities was that of economic extraction. This was true for the crown as well. Though the Prithvi Narayan Shah moved his capital to Kathmandu after conquering the Malla kingdoms, he did not integrate into the local society in the ways that past conquerors had, forbidding the marriage between Newars and Shah nobility, and refusing Newars appointment in the state bureaucracy (Levy 1990). Not only did this refusal to incorporate Newars into state leadership reduce social pressure on the Shah king and his appointed landlords to limit their exploitation of the Newars, it also recognized the diverse Newar nation as a distinctive ethnic group, one that was decidedly separate from their rulers (Gellner 1992).

Thus, from this conquest emerged a state defined and justified entirely by its control of geographic territory. During both the Shah and Rana reigns, the state was the official master of all land, with all other claims managed through a byzantine system of state tenancy agreements. Throughout Nepal's pre-1951 history, land on which tenants paid their taxes directly to the state was called *raikar* and constituted a plural majority of the nation's cultivated land. Land on which tenants paid a landlord, rather than the state directly, constituted several types of tenancy, three of

which were common in Kathmandu: *jagir*, *birta*, and *guthi*. Jagir lands were granted to state officials and military officers for only a set period of time, the wealth they could extract from the peasantry acting as a form of salary. Birta grants, by contrast, could be held in perpetuity, even passed down from one generation to the next.<sup>15</sup> As such, they were given not only to state officials, but also to powerful elites. Guthi land was used mostly for religious purposes, a way to grant lands to temples, monasteries, or other religious institutions so as to ensure their preservation. Such lands were still farmed by tenants with their rents now paid to the religious institution in question. This practice was particularly important in Kathmandu, since, unlike the other tenancy agreements, guthi land tenancy predated the Shah, back throughout the Malla period in Kathmandu, and possibly into the Licchavi period before that (Levy 1990). Unlike jagir and birta lands, guthi land was permanent, their endowment often presented ritualistically as the disarticulation of the royal body (Burghart [1996] 2008, 206). Such practices helped conflate territory and sovereignty within this period of Nepal's history, with the empire's land believed to compose the king's corporeal form, while the appointed landlords, military, and government staff formed "the royal limbs coordinated by the king" (ibid, 203).

In 1846, the Shah king suffered a military coup led by Jung Bahadur Rana. This began the Rana era, during which the Shah kings were reduced to mere figureheads, the actual administration of Nepal conducted by a hereditary lineage of Ranas installed as prime ministers. Remembered now in Nepal as a time of extreme corruption and suffering of the peasantry, it was also a time of administrative and legal development, wherein the Ranas continued the basic strategy of the Shah kings, managing Nepal's conquered peoples through limited engagement,

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<sup>15</sup> The rights bequeathed for birta land grants were not always stable, changing depending on the ruler and on the relationship between those receiving the grant and the acting central government. During the Rana era, for example, the rights included in birta land grants made to those outside the Rana family were curtailed, so that some birta land grants were non-inheritable, or even taxable (Regmi 1978b, 49-50).

extractive tenancy, and a strong belief in irreducible difference. In this regard, their most important development was the ratification of Nepal's first legal code, the Muluki Ain. An intentional act of nation building, this document both created and formalized the caste system in Nepal, grouping together non-caste peoples and regional caste systems—such as the Newar caste system previously mentioned—into a single fabricated national hierarchy. Though there had been mutual recognitions of caste statuses between regions before Nepal's unification, and though the Shah kings had implemented certain policies aimed at the sanskritization of non-Hindu ethnic groups (most notably the criminalization of cow slaughter), Nepal still remained a hodgepodge of diverse ethnic groups, many Buddhist or animistic (Burghart [1996] 2008). The Muluki Ain described in exquisite and exacting detail the relations all castes were to have with each other, including through marriage, the sharing of food and water, labor relationships, ritual pronouncements, as well as punishments for every infraction. It was also in this document that the status of Newars as their own caste was codified, with all Newars regardless of their own internal caste ranking officially categorized as “non-enslavable alcohol drinker” (Höfer 1979, 112). Such a comprehensive legal code holds a noticeable similarity to the tenure system developed during the Shah era. While there is not a one-to-one correspondence between the caste and tenure systems, there is a shared sense of structure, in which pluralism and hierarchy are brought together in an almost Dumontian fashion to form a cohesive whole (Dumont [1966] 1981), represented and embodied by the crown.<sup>16</sup> In doing so, the Nepal state presented a vision for human sociality within Nepal, one that was deeply pluralistic and hierarchical, each newly-defined caste fitting like a puzzle-piece into an overall structure with high-caste Hindu rulers at its apex and center.

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<sup>16</sup> Dumont's discussion of the disjunction between ritual status and temporal power also figures into land tenure but is beyond the scope of this discussion. Please see Burghart [1996] 2008, 203-205.

I argue this state presentation created a sense of immediate and mutual contingency between land, caste, and the crown—a sort of paradigm of sovereignty. The irony is that, in practice, the extraction of peasant wealth that this system was built to justify was not imminent at all. Rather, it was highly mediated, relying on a thick administrative bureaucracy to value land's potential worth and calculate rents accordingly. Additionally, as the state worked to streamline and rationalize this system of valuations, it ended up divorcing state valuations from the land's underlying potential, reframing rents as a contest of wills between the state, the landlord class, and the marginalized peasantry. In this way, the bureaucratic apparatus intended to actualize the state's vision of imminent hierarchy helped to expose exploitation at the heart of the state's policies, setting the stage for the Ranas regime's eventual collapse.

To further explain this, I must describe in more detail how rents were calculated, beginning with raikar land. On raikar land (on which the tenant paid rent directly to the state), rates fluctuated greatly as the state strove to develop a system of valuation that would more efficiently and predictably provide revenue to its coffers. In the first few decades after the unification of Nepal in 1768, rents in the central hills—which include the Kathmandu Valley—were calculated at 50 percent of the peasants' harvests according to the *adhiya* system, in much the same way they had been during the Malla era (Regmi 1978, 53–54). However, beginning in the 1820s, this system was slowly replaced with the *kut* system, which calculated rent levels according to harvest estimates developed by the state. Such estimates did not take crop failures or natural calamities into account, and relied heavily on inaccurate measurement techniques; in practice, it simply granted the power of valuation to state revenue collectors—called *talukdars* in the hill regions and *jimidars* in the Tarai—many of whom were landlords in their own right (Regmi 1963, 136–67). Indeed, as James Scott might note, the power of this system was not in

its accuracy, but in its reduction of farmland to only those variables important to the state, allowing for more easy extraction (Scott 1998, 87-96). As historian Mahesh Regmi writes, “The level *Kut* rents was determined not by what the land yielded, but by what the landlord could squeeze from the cultivator” (Regmi 1976, 129). This trend continued as the Ranas introduced more complex forms for determining rents, each new system granting increasingly more power to revenue collectors by virtue of their abstraction.

While these systems allowed the state to estimate its income ahead of the harvest, the pursuit of standardized efficiency put significantly more pressure on peasants. In theory, this system was meant to duplicate the same 50 percent rental rates as the *adhiya* system, but in fact, rates went up on *raikar* land by close to 66 percent (Regmi 1978, 63–64). Similarly, during the Rana era, the state worked to switch all payments of rent from in kind (i.e. the crops the peasants farmed) to cash in order to reduce the expense of transport and storage. As with the *kut* system, these cash rents were based on conversion rates set by the state. However, because few peasants had access to either cash or a market to convert their crops to cash, many were forced to borrow from moneylenders, who were often also the same revenue collectors to whom they owed rent. Once in debt, it was incredibly difficult for peasants to free themselves, their indebtedness often resulting in them becoming bonded laborers, in which their labor was accepted in lieu of interest (Regmi 1978, 144). Such practices made debt a lifelong affliction, with even the debtor’s children continuing in the same debt bondage. Katherine Rankin writes how indebted tenants and bonded laborers in the Kathmandu Valley were often exchanged as part of a landlord’s dowry during the Rana era (Rankin 2004, 181).

In the case of *birta* land grants, landlords were given free reign to charge rents they felt appropriate, a privilege enhanced by their state-designated responsibility to carry out policing

and judicial functions within their domain. Birta land rents were often determined through competition, with birta land grantees evicting tenants when they found another tenant willing to pay higher rent. Meanwhile, state officials developed policies to attract tenants away from birta land to government-controlled raikar land in order to bring revenue back to the state (Regmi 1978, 73). Consequently, rents on birta land were often the same as those on raikar land, thus conforming to the government's calculation of agricultural yields (*ibid*). Also, as with the talukdars on raikar land, birta landholders would use usurious loans to keep their tenants, accepting labor in lieu of interest or simply using their position to force labor without any compensation. The situation for jagir land was much the same. Though not officially given the same powers of sovereignty over their territories, jagirdars would still find ways to impose their interests on the peasantry, either demanding higher rents than they were legally allowed or requiring peasants to pay their rents before the harvest, essentially forcing them into debt (Regmi 1963, 488-492).

Given the exploitative nature of these landlord/tenant relationships, it is not surprising that many tenants chose to run away. Historian Bernardo A. Michael writes about how peasants in the south would routinely move across the border to British-controlled India to escape such exploitation (Michael 2007, 319), while anthropologist Janak Rai writes that members of the Dimal ethnic group (native to the Tarai) would routinely avoid land tenure relationships with the state (Rai 2013, 118-120). In the hill regions, similar movements were also fairly common. The historian Mahesh Regmi writes that “the nineteenth century witnessed a large-scale emigration of people from the hill areas of Nepal to Bengal, Assam, Burma and elsewhere” (Regmi 1978, 152). In keeping with the tightly interconnected relationship between land, person, and the crown, the rejection of tenancy essentially meant exile from Nepal in search of better tenant relations in

British India. Yet, despite the high cost, such fleeing was common enough that landlords were often bereft of laborers and forced into lowering their rates to attract the peasantry back to their lands. In other words, far from being a fixed hierarchy, there emerged a kind of proto-market for farm labor. This would not be the last proto-market before the fall of the Rana regime, as I explore in the next section.

There is certainly an irony to this history. While the Nepali state worked to create a coherent and cohesive nation through the marriage of land, tenancy, and citizenship, the bureaucracy they put into place to assign and tax land became separated from the land itself, precisely because of the state's efforts to make their system more efficient. In other words, though clearly the economic potential of land was important, through the process of calculating rents its materiality was bracketed out. As Anne Haila would have predicted, rents brought the interpersonal side of land possession to the fore, the relationship of tiller to land marginalized through the very estimation of their production levels.

### **The Emergence of Private Property**

Though private property did not officially exist in Nepal until the late 1950s, beginning as early as the 1860s an informal market in land rights began to take shape, accompanied by the emergence of a bureaucratic system for land transfers (Burghart 2016, 260). This was particularly true of raikar land. Between 1854 and 1868, the state began making new records of rent revenues, listing the cultivator, the area held, and the total payments. With these new records, raikar tenants gained a new sense of security to their land holdings, a stability they could in turn parlay into subleasing their lands to other tenants, mortgaging their lands, or even selling

them outright (Regmi 1976, 174). There were limitations to this, of course. Land sales were still technically illegal, and thus had to be registered as simple transfers. These transfers, in turn, required the approval of local state functionaries, i.e. talukdars in the hills. Though tasked only with assigning raikar land and collecting its rents (Burghart 2016, 292), these functionaries retained massive de facto power in their regions, often becoming landlords themselves, and thus permissions for transfers were not guaranteed. Still, throughout the Rana era, this market continued to expand and become formalized. By 1888, the legal code was updated to permit the “relinquishment” of raikar landholdings—though not a formal sale—providing “de facto recognition of the transfer of *Raikar* land holdings” (Regmi 1976, 176). By 1921, the Rana regime had explicitly recognized the right to sell and mortgage land by implementing an official system to register such transfers, even as it continued to legally define raikar holders as “tenants” (Np. *mohi*) and retained the right to expropriate their lands without warning or compensation.

These changes were, in fact, a response to an informal land market that grew throughout this period. Indeed, throughout the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, raikar land tenants began to buy, sell, and sublease their land to other tenants, a fact that the Ranas seemingly tolerated as long as rents were paid. The reason for the emergence of this market stemmed from changes to the relative value of land. Throughout the 19<sup>th</sup> century rents remained high enough to discourage any real investment in land, as a tenant could only expect to manage their families’ subsistence once their rents were paid. However, beginning in the early 20<sup>th</sup> century, the market for grains in northern India and Nepal expanded, raising the price of rice and other staples as well as making such markets available to areas that had once been too remote. However, rental rates on raikar land remained stable, reducing in relative value until it became a negligible amount. Indeed, while in the 19<sup>th</sup> century the conversion of rents into cash disadvantaged tenants, ultimately

raising their rents and putting undue pressure on them to acquire cash, during the 20<sup>th</sup> century this conversion began to benefit them, incentivizing them to begin subleasing their land to other tenants. In this way, raikar tenants began to imitate the economic strategies of jagir and especially birta landholders, becoming an informal addition to Nepal's landlord class, and forming a new market in land sales and mortgages to finance this transformation. In Kathmandu this practice was particularly common among Shresthas, who, through their work as merchants and through their assimilation with the ruling Chetri-Bahunns, had been able to attain some postings within the state, and thus were able to take advantage of this new avenue towards socioeconomic power.

This informal market is important for two reasons. The first is the institutional role in market formation: not only did the Ranas' refusal to update their rent conversions inspire the emergence of a market, but their decision to push the conversion of rents into cash created the basic infrastructure for this emergence. Second, this informal market is important for what it did not do: though land could now be bought, sold, mortgaged, and invested in freely, this did not lead to a sudden transformation in the basic social order in Nepal. In fact, it was quite the opposite, as this new class of landed tenants simply modeled their own economic practices on those of the elite landlords already in place. By some accounts, these new tenants-cum-landlords were even more exploitative than the jagirdars and birtawalas appointed by the state, as they took advantage of the arrangements' informality to impose even higher rents or to expel any tenant who could not make their payments. Likewise, moneylenders could use the new ease of transfer to execute predatory loans in order to break landholders from their land, taking the tenant's land as collateral for even the smallest of loans while charging exorbitant interest rates. Such moneylenders often used their newfound wealth to catapult themselves into the landlord elite

class, if they weren't part of it already. In other words, though private property existed in all but name by the late 19<sup>th</sup> century, the basic interpersonal rent structure remained relatively intact, with newly privileged tenants simply replicating, in a fractal fashion, the landlord hierarchies that already existed. A larger transformation, one that would reorient state and national discourse on land ownership towards possessive individualism, would have to wait for a much broader realignment of geopolitical powers.

### **The Reform Era: Post-1950s Nepal**

In Nepal today it is commonplace to hear how the country was never colonized, yet this is a half-truth at best. Though never officially conquered by another nation, Nepal was undoubtedly a vassal state of the British Raj, supplying troops in exchange for its relative autonomy. Indeed, the Rana regime was ultimately dependent on the British to justify their sovereignty, a fact revealed when, not four years after the British left India, the Rana regime also fell, successfully toppled by the newly-forged Nepal Congress Party and its ally King Tribhuvan, who was eager to see the Shah kings resume their role as active leaders. It is beyond the scope of this dissertation to cover the many events of Nepal's first tumultuous experiment with democracy. Suffice to say, in 1951 the Ranas were overthrown, and soon after King Tribhuvan was reinstated as the head of state. Tribhuvan was not able to enjoy his new position for very long, as he died suddenly in 1955 and was replaced by his son Mahendra. Though skeptical of the democratic movement, Mahendra allowed the first election in Nepal's history in 1959, which the Nepal Congress Party won handily. However, in 1960 Mahendra dissolved the fledgling Nepal Parliament, imprisoning many of its leaders and declaring Nepal a "one-party democracy" to be run by a system of local,

state-appointed councils or “Panchayats.” This Panchayat system would last throughout Mahendra’s life, until 1991 when his son Birendra was forced to reestablish parliament in Nepal’s Second People’s Movement.

At first look, this series of events might seem a return to the former order with the authoritarian government of the Ranas being replaced by the resurrection of an authoritarian monarchy. However, the circumstances in which King Mahendra found himself assuming power were quite different than those of Jung Bahadur Rana. For one, Nepal’s democratic movement was widely popular, or at least, the reforms the movement advocated were popular. Central to these were land reforms, purportedly aimed towards the egalitarian redistribution of land and the destruction of the landlord class, pithily summed up in the Nepal Congress Party’s slogan, “Land to the Tiller.” To oppose such reforms was to risk civil unrest or even revolution, a fact that Nepal Congress Party leaders both recognized and capitalized on in order to keep Mahendra’s kingly ambitions at bay (Gill 2009). Mahendra was further ham-strung by Nepal’s geo-political situation at the time. This included the recent adoption of democracy in neighboring India, who had tight connections to Nepal’s Congress Party. Likewise, the United States had begun to assert its influence in this region and was also advocating for land reforms in order to deter a possible communist revolution (Alden Wily, Chapagain, and Sharma 2008). Indeed, the kind of caste-based, pluralistic hierarchy propagated during the Shah and Rana eras would no longer hold sway in such a new political environment. And so, King Mahendra pivoted, positioning his new Panchayat government as a vehicle of “development,” one that could produce the kinds of reforms the Nepal Congress Party had proposed without the chaotic infighting the party was increasingly known for. Mahendra’s government was presented as respecting the apparent

“naturalness” of monarchy in Nepal while also propagating a new kind of caste-less, egalitarian citizenry (Panday 1999; Lawoti 2005).

This recasting of the crown as a leader of reform consisted of two components, the first of which regarded the legal position of caste in Nepal. In 1963, Mahendra signed into law a new Muluki Ain legal code that redefined the Nepali citizen apart from caste designations, thus discarding the Ranas’ legal scaffolding for nation-building. As historian Andres Höfer writes:

Undoubtedly, both Jang Bahadur’s as well as King Mahendra’s Muluki Ain each mark two turning points in the social history of Nepal. Jang Bahadur’s is a codification of traditional social conditions; its central concept is that of ascribed status. King Mahendra’s, while not explicitly abolishing the caste hierarchy, does not approve of it any longer. It thus cleared the way to a competitive society to which the concept of achieved status is fundamental. (Höfer 1979, 39)

This revision was not completely unprecedented, as Nepal’s interim constitution of 1951 had already banned discrimination based on caste, gender, or religion. Nevertheless, as Höfer notes, this change was historic for the way it reimagined the Nepali citizenry. No longer a motley amalgamation of different types of people to be brought together within a single legalistic caste hierarchy, the new Muluki Ain imagined Nepalis as bonded by their commonalities, a generally homogeneous population whose differences would be acquired through the individual’s living agency (Guneratne 2002, 86). This reframing of Nepali citizenry was not without its conflict. First, and most obviously, caste discrimination persisted, its criminalization mostly cosmetic, and rarely enforced. Additionally, this new homogenous citizenry was officially modeled on the lifestyle of high-caste Hindus, the state retaining Hinduism as its official religion while also promoting Nepali language and high-caste Nepali dress through its new public education system and in state publications. Likewise, according to the new citizenship act, citizenship was not to be given automatically to all those born in Nepal, but only to those with Nepali fathers, in essence codifying a Hindu patriarchal understanding of blood and barring those whose fathers

were unable to become citizens and those who did not have contact with their fathers. In this way, caste hierarchies simply transformed to fit a new discourse, with lower, non-Nepali speaking castes now discriminated against for their “backwardness” and lack of development rather than their caste alone (Pigg 1992). Yet, this persistence of past hierarchy should not negate the massive transformations that were taking place, particularly in regard to the king’s own positioning. In abandoning caste hierarchy as part of its official justification for sovereignty, the king also subtly separated himself from the state, becoming its administrative head and caretaker rather than its divine embodiment (Burghart [1996] 2008). Though the king officially remained an incarnation of Vishnu and his sovereignty of divine mandate, in terms of governmental practice, the king’s right to rule became entangled with his ability to effectively lead development, a shift that would eventually imperil the monarchy as Nepalis became increasingly convinced that their nation’s development was faltering.

The second component of the crown’s development scheme was land reform. As previously noted, these reforms had already begun before King Mahendra dissolved parliament, thanks mostly to the Nepal Congress Party’s agitation. Jagir land had been abolished in 1953, with all state official and military salaries to be paid in cash. By then most jagir land claims had been rescinded, so such a reform was minor in its effect. More dramatic, though, was the first Land Act of 1957, which officially declared raikar land to be private property, doing away with the legal fiction that its holders were simply “tenants,” while also guaranteeing compensation to its holders should the government want to reclaim such land. In 1959, the government officially dissolved birta land grants by converting birta land into raikar land (that is, into private property), thus making it taxable while also reclaiming all non-cultivated birta land as part of the state. These reforms—in particular the abolition of birta land—were extremely popular among

the Nepali people, while also a matter of anxiety for the landlord class, and it is generally agreed that the Nepal Congress Party's populist stance on such issues ultimately pushed Mahendra to execute his bloodless coup, installing his Panchayat government in 1960 (Panday 1999; Whelpton 2005; Gill 2009).

The tension between redistribution and capitalist conversion would continue in King Mahendra's reforms, culminating in the historic Land Reform Acts of 1964. This omnibus of legal reforms (1) replaced the intermediary class of state revenue collectors with state-controlled Land Revenue Offices, (2) officially transformed all land tenure agreements—aside from guthi land—into private property, (3) set maximum amounts for individual land holdings, with the intention that those who owned land above these ceilings would be forced to redistribute their lands to tenants and other farmers, (4) restricted rents to only 50 percent of the tenant's main crop, while also requiring that landlords register their tenants with the government in order to secure the latter's official recognition, and (5) set up a compulsory savings scheme for farmers while also restricting interest on private loans to just 10 percent. Though extremely ambitious, these reforms fell far short of their purported goals. Large landholders were able to redistribute their lands among family members and trusted tenants to avoid ceilings, or even reclassified their land as guthi while maintaining de facto control. Likewise, many landlords ignored the directive to register their tenants, while many tenants were either unaware of this new bureaucratic procedure or were unable to convince their landlords to do so. Finally, private loans remained at extremely high interest rates, creditors either failing to provide a contract to the debtor or falsifying the principle so as to charge higher rates. Such failures of the land reforms may very well have been intentional, part of King Mahendra's balancing between his role as reformer and his necessary acquiescence to the desires of Nepal's powerful landlord class (Gill 2009). Yet, as

was true with Mahendra's Muluki Ain, these reforms were nevertheless impactful. In keeping with the dissolution of official caste distinctions, they enacted a kind of flattening, reducing the complex field of tenure agreements into a single model of land ownership, while also incorporating an ideology of liberty and possessive individualism to justify this transformation. As the Nepal Congress Party slogan "Land to the Tiller" makes clear, one's right to land was to be reframed according to an almost Lockean understanding of labor, granting land's possession to those who invested their energy in its cultivation. These reforms ultimately failed in fulfilling this promise, and eventually the monarchy would pay for this failure in the Second People's Movement (1991), and again in the Maoist War (1996-2006) that would end in the monarchy's dissolution. However, despite this failure, there was undoubtedly a shift in the state-centric symbolism regarding land's importance and meaning.

It helps to draw a contrast to the late Rana era, when land could still be bought, sold, and mortgaged at varying levels of informality. While this market no doubt provided a fresh avenue for social advancement for some raikar tenants, it did not challenge the state-sanctioned entanglement of land, sovereignty, and social hierarchy. However, this entanglement was revamped—albeit in ways that allowed much of the old elite to persist—changing the conception of the Nepali citizen, the state's justification for sovereignty, and the foundation for the valuation of land. In other words, these reforms' effect was less the redistribution of land, and more the transformation of Nepal's complex land tenure system into one of private property.

This transformation not only required the acts and political machinations just summarized; it also necessitated a massive remaking of the state's bureaucratic procedures for land ownership. This new land bureaucracy consisted of a robust titling system, with new titles containing exact measurements, lot numbers, and the citizenship numbers of its owners, this last

requirement reinforcing the connection between citizenship and land ownership in Nepal.<sup>17</sup> The new bureaucracy also involved the replacement of talukdars and jimidaris with the Land Registration and Revenue Office, a department tasked with recording changes to lots, sales, mortgages, and tax payments, thus cutting out a key intermediary from the Shah and Rana eras. King Mahendra's land acts also included a bill for new cadastral mapping of Nepal, beginning with a massive field project by government surveyors in the 1960s. The field books of these surveyors became the basis for all subsequent mapping and are still available at Malpot offices in cases where a map or title was never created. After the earthquake, such field books became a vital resource for people seeking to formalize their land holdings in order to access state aid, a point to which I will return in later chapters. I have seen colored scans of these books at the Malpot surveyor's office, as the originals are too fragile for regular handling, their lokta paper pages torn to thin ribbons running down the page.<sup>18</sup>

Still, despite these documents' physical fragility (and frequent errors), both the field books and the titles offered precision and detail that was often lacking in birta and jagir tenant agreements. Though I have not conducted a study of these earlier documents, according to one lawyer I interviewed, when he began his practice in the 1990s, people would frequently arrive at his office with an old birta or jagir land grant to see if they could still convert it into a private land title. Such documents would not list the exact placement of the land in question but would name several areas or monuments nearby and give the grant holder dominion over a certain amount of land between these points, often measured in the amount of seed necessary to farm it.

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<sup>17</sup> This continues to be the case, a fact barring not only foreign nationals from buying land, but also those who are unable to receive citizenship because of family issues. I should also note here that citizenship being granted through the father has been a hot button issue in Nepal for decades and remains a topic of considerable debate.

<sup>18</sup> Lokta paper is a particular type of paper made in Nepal from bark of the lokta plant, and is used for many official contracts, including most official government land transactions, e.g. land transfers, advances, collateralization of land, and the division of inheritance.

As this lawyer explained, during the 1980s and 1990s in Kathmandu, such documents were part of a common legal hustle, in which land grant holders would use their documents to lay claim on any land in the prescribed area that had not yet been formally registered. In other words, people learned how to leverage the inaccuracies of past bureaucratic regimes into valuable urban private property.

Strangely, this bureaucratic development is often left out of historical retellings of Nepal's land reform, which tend to focus more on the acts themselves and evaluations of their success. One wonders if this is in part due to the general perception that market formation is not a state directive, but rather happens when the state "retreats" from the economic sphere. As numerous scholars have pointed out, this idea of retreat—particularly prevalent in neoliberal discourse—is a misnomer, as in practice state policies are generally rewritten and reframed, not reduced (see Riles 2011). In fact, as the current neoliberal emphasis on "transparent" property rights has made clear, private property requires state verification and justification.<sup>19</sup> In Nepal, the formalization of private property rights arguably required far more rigorous and laborious state bureaucracy than had been used in the past, ironically bringing the state much farther into local land practices than it was previously. One clear example of this was the implementation of the inheritance laws described in the introduction. While the Ranas had been content to allow localized customary practices to regulate the passage of inheritance, Nepal's new legal rights, which were extended to each family member, brought state bureaucracy inside kin relations, intertwining titles with other forms of family ownership.

Nevertheless, this expansion of state supervision and regulation should not be exaggerated. While the state was using private property to push out the intermediary class of

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<sup>19</sup> See de Soto (2000) for a recent example of this thinking. See Hetherington (2013) for critique.

landlords and revenue collectors through the bureaucratization of land procedures, it was also surrendering a significant component of what had been key to its claim to sovereignty: the ability to value land. This occurred not only by allowing for a land market—something that had been informally available in Nepal for some time—but also through the privatization of financial institutions, as I will discuss in the following section.

### **A Brief History of Collateral**

As described above, the state's mastery of land throughout the Shah and Rana eras hinged on its ability to determine the land's value through rents. Such powers of valuation functioned as a mechanism for holding together subjectivity, sovereignty, and social hierarchy as a single overarching ideological structure. From this perspective, changes to valuation procedures—in particular who administers said valuations—can be read as direct challenges to the Nepali state. A key dimension to valuation, especially in regard to land, is collateral. Collateral is the practice of setting aside an asset of the borrower to be taken over fully by the lender should the borrower fail to repay their debt. While superficially fair, the ability to determine a collateral's worth carries an immense amount of power and can be used exploitatively. I have already discussed how, during the Shah and Rana eras, when most loans were available only from the state-appointed landlord class, moneylenders would use the structural vulnerabilities inherent to peasant tenancy to entangle tenants in never-ending cycles of debt. Before land could be alienated, the only collateral peasants could offer was their bodies, which resisted direct valuation but could be implicitly undervalued through equivalencies to relatively small amounts of cash, leading to various forms of bonded labor. Once land could be alienated, moneylenders

could also severely undervalue the borrowers' collateral, putting up all their holdings for small loans in order to extract their land from them, often reinstalling the debtors as tenants to the moneylender once they failed to repay (Rankin 2004). Such practices fit within the state's larger conception of nationhood, reinforcing state-sanctioned hierarchies through debtor/lender relations (see Peebles 2010) that, in turn, justified its own sovereignty.

In other words, the ability to value land through financial means fit within the methods of rent that formed much of pre-modern Nepal state power. Since the fall of the Ranas, however, this control over financial values has moved from the state's direct purview to private financial institutions which the state regulates. This transformation not only fit within the larger transformation of land, citizenship, and sovereignty previously outlined; it also reduced the relative power of the state while helping change land from a privileged material asset to a common financialized commodity.

Beginning in the 1930s, the Nepali state began the process of formalizing moneylending. In 1934, Nepal's Rana-controlled government established Nepal Bank Ltd., Nepal's first formal financial institution. A joint public/private venture, the bank acted as both a provider of credit to borrowers and as a regulatory body, becoming part of the Rana government's attempt to modernize and streamline lending for commerce. In other words, though formalized, lending remained an extension of Nepal's political economic system, keeping debt tightly tied to state power while providing formal credit only to larger businessmen and the Nepali elite. After the Rana kingdom collapsed in 1951, Nepal established its central bank, the Nepal Rastra Bank (hereby referred to as the NRB), as the primary regulatory agent for monetary and financial policy. This was later followed by the establishment of two fully government-owned banks: the Rastriya Banijya Bank Ltd. (or RBB, est. 1966), and the Agricultural Development Bank (est.

1968). While the former's mission was to supply formal finance to business and private citizens for the purposes of economic and financial development, the latter acted as part of Nepal's attempt to extend credit to rural populations. Both still function in these respects. The establishment of these institutions, in keeping with the state's redefinition of its sovereignty as leader of the nation's development, were meant to democratize and modernize lending in Nepal, undercutting local moneylenders (once the agents of the state) and providing transparent loans on a meritocratic basis. Such revisions found their way into the 1964 Land Acts as well, which attempted to regulate local lending through interest rate restrictions and the formation of cooperative savings schemes. In other words, though the state retained control over formal finance, it nevertheless implicitly altered the justification for such control, from an index of its inherent sovereignty into a simple means to an end in the context of economic development.

Yet, as was true with much of the Panchayat-era reforms, this pivot was often only superficially successful. As noted above, private lending continued mostly unabated, while the government's savings schemes quickly collapsed (Alden Wily, Chapagain, and Sharma 2008). More importantly, formalized finance was simply not available to most Nepalis, for reasons to do with the valuation of collateral, and the structural limits of banking. Collateral depends on a market where it can be sold; however, in much of Nepal, it would have been extremely difficult for an outside institution to sell land it had foreclosed upon, which would complicate its valuation. This remains a problem today, as most banks will only collateralize urban land where they can be (more or less) guaranteed a sale. Just as importantly, however, formalized banking became a space where Nepal's entrenched elite could indulge in its privileges. While the Agricultural Development Bank proved somewhat successful at providing loans to marginalized groups (Mosley and Dahal 1985), both the RBB and Nepal Bank Ltd. became notorious for

acting as a free line of credit for Nepal's political elite. Though the banks required collateral, this collateral was often deliberately overvalued—thus increasing the size of the loan—and when the borrower inevitably defaulted, the bank would delay auctioning procedures indefinitely. In other words, it was the borrowers—specifically those with elite political connection—who retained the ability to determine their collateral's value and the terms of the loan. This arrangement has been slow to change. In 2001, an Asian Development Bank audit revealed that over half the loans in the portfolios of both the RBB and Nepal Bank Ltd. were nonperforming, and yet the banks were taking no action (Ozaki 2014). Simply put, in this early period of Nepal finance, public banks acted in part to benefit an elite who in turn would support the king.

Given this continued tightknit relationship between finance and the crown, it took a crisis of sovereignty—as well as the intervention of an increasingly aggressive, neoliberal international community—to break the state's monopoly on finance. In 1979, after months of social unrest, the Nepal government proposed a national referendum on whether to continue the Panchayat system or allow for the formation of political parties. The state then proceeded to campaign heavily for the Panchayat, a costly operation during which they made sweeping promises of state expenditure to benefit the Nepali people. The state won the referendum and the Panchayat system remained, but the expense of the campaign, the promises of future expenditure, and the sudden lack of confidence in the Panchayat system's longevity among the elite seriously undermined Nepal's financial stability (Khanal et al. 2005). By 1983, Nepal was running at a deficit, and by 1985 the economy had reached a crisis, with the government having only enough foreign currency in reserve to meet its obligations for two weeks (ibid). In order to save itself, the Nepali state was forced to negotiate a deal with the IMF and World Bank, in which the government was given a standby credit arrangement in exchange for implementing a series of

reforms that—in keeping with the new neoliberal vision recently laid out in the Washington Consensus—aimed to transform Nepal’s economy from state-regulated to market-oriented (ibid).

Part of this reform was the liberalization of the banking sector. During the 1980s, the Nepal state allowed the opening of three private banks (Nabil Bank, Nepal Investment Bank, and Standard Chartered), each a joint venture with a foreign private financial company, though Nabil and Nepal Investment Bank have both since become independent. IMF-led reforms gave autonomy to these banks to set their own interest rates in 1987, providing them with significant leverage to compete with state-run banks. By the 1990s, the deregulation of the financial sector had increased exponentially, aided both by the establishment of parliamentary democracy in Nepal—whose new leadership proved surprisingly willing to carry out neoliberal policies—and by the economic liberalization of India, with which Nepal shares an open border. In practical terms, this caused the state to become much more lenient in issuing licenses for new private financial institutions. While at the beginning of 1990 there were only three joint venture commercial banks and two development banks, by 1995 there were over forty-two privately-owned financial companies (Ozaki 2014, 5).

In part, this privatization of the loan industry was meant to undermine the cozy relationships between the state-run banks and the political elite (Khanal et al. 2010). With competition, banks would be forced to seek out borrowers who would be expected to pay back their loan obligations. Likewise, collateral would be valued according to its market price, and auctioned promptly if the borrower defaulted. While mostly logical, this reasoning failed to take into account just how fast the financial sector would grow. By 2010, the number of financial institutions in Nepal had quintupled; there were 263 government-regulated financial institutions, including twenty-seven private commercial banks, seventy-nine development banks and seventy-

nine finance companies (Ozaki 2014, 21), numbers that are even more surprising when one realizes that most of these institutions were based in Kathmandu, and collateralizing Kathmandu land for the majority of their business. As I will show in chapter three, this massive growth in the private finance industry managed to warp the Kathmandu land market, providing the monetary fuel for a massive speculative bubble. In other words, the neoliberal reform's reliance on a stable market by which to value collateral ultimately created the conditions for the market's (temporary) undoing.

### **Conclusion: A False Market and the Bui Mafia**

What does this history mean for land administration today, especially for the urban land of Kathmandu? To begin, though the legal structure of land has mostly been transformed into private property, vestiges of the Shah and Rana eras remain. The first is guthi land, i.e. land owned by religious institutions. After the reforms of 1964, the government placed all guthi land under a single government-controlled corporation called the Guthi Sanstan. By bringing guthi land further under state control, it has also made this land more transactable, limiting its administration to a single government office so that now even banks will collateralize it, though at only 50 percent of the value of non-guthi land. The second vestige of this history regards tenancy. After the land acts of the 1960s, subsequent reforms gave all registered tenants 50 percent of the lands they farmed. In contrast to guthi land, if one's land has a registered tenant then it is de facto untransactable until the tenant in question is issued his 50 percent and taken off the land title; very few people will agree to buy land with a tenant—or collateralize it for a loan—and very few tenants will agree to have their portion of the land holding sold. These issues remain prevalent in Kathmandu, forming new dimensions to the land economy.

More important is how this history of land administration has shaped the value of land, and people's perceptions regarding its moral economy. To return to the opening anecdote of this chapter, in which the man in the teashop argued that the price of land in Nepal had become immoral, he did so by emphasizing that what one "got" with the land—that is water, electricity, environment, education—wasn't worth the price; a failure he in turn blamed on the corruption of a political and economic elite. Indeed, though the instantiation of private property has been in part due to the state's abandonment of its privilege to value land, this man—and many others I spoke with—still managed to blame land's overvaluation on the state. This fits into a larger critique of the government, one that both overflows and is inherently tied to people's perception of land ownership: that the government continues to preserve the same elite's privilege despite its promises of development. There is, of course, much truth to this. The elite landlord class of the past has never been done away with and has taken on new guises with each set of reforms. What's more, the new bureaucrat class meant to replace the intermediaries of revenue collectors, birta owners, etc., also use their position to profit from bribes and other rent-seeking activities. For many Kathmandu residents—such as the man in the teashop—this has led to the suspicion that these forces continue to control the market, that in reality the power to value land still rests with a class of land "insiders" very similar to the landlord elite of the past. This group includes not only politicians and wealthy landowners, but also the aforementioned bureaucrats, as well as gangsters, brokers, lawyers, and a host of other shadowy go-betweens. One often hears of a "land mafia" (Np. *bui mafia*), which is less a formal organization and more a loose association of powerful figures who are able to manipulate land in Nepal for their own profits. Their activities include taking ownership of land—stealing lots with false papers, for example—and also manipulating land's value by inflating land prices in order to profit. Such theories and suspicions

can and do affect the market in its entirety. One oft-repeated theory for why land has become so expensive in Kathmandu is that the Maoist leadership—whose war was in part to free land from past hierarchies—invested the money they stole in city land, a theory that in turn indexes the extent to which many consider the Maoists to have been coopted by the very forces they claimed to fight. It is my contention that this miasma of suspicion in part reflects Nepal’s entrenched history of land exploitation. As I will explore in the next chapter, such suspicion is often personified within the character of the land broker.

Of course, suspecting corruption in the real estate market is not unique to Nepal, nor is the notion that the state serves only the powerful. Yet, this attitude simply shows that private property, as a cross-cultural ideology and practice, cannot contain all of the values embedded within a land holding, in part because these values stem from relationships that this ideology does not take into account. As the man in the opening anecdote made clear, land’s worth can be seen as dependent on the kind of infrastructural and social relationships in which it is embedded. These relationships are important, often making the difference between being able to retain one’s land and having to abandon it (see Nelson 2017).

It is for this reason that I have entitled this chapter “A History of Valuation,” so that I can focus on an aspect of land ownership that is often overlooked. Most histories of land tenancy focus on changes in the rights to possession. Yet, as Katherine Verdery has argued, a discourse on rights is limiting, and that to truly debate who is “master of the land” requires “a language of claims, liabilities, or debts” (Verdery and Humphrey 2004, 8). Not coincidentally, Verdery is one of the few scholars on property who analyzes valuation as key to this mastery, noting that valuations can make the difference between liability and asset, and ultimately between ownership

and dispossession (Verdery 2003). In other words, mastery of land hinges on who is allowed to recognize its value, a dimension that property rights theory does not examine.

This is not to suggest that private property relations are simply false, as the teashop man's claim seemed to imply. Rather, the reduction of property to a relationship between land and owner have had real effects. Indeed, this ideology may in fact have hindered Nepal's land reform. Of all the state's failings, the largest was clearly its inability to redistribute land, either through the confiscation of birta grants or the enforcement of land ceilings. One reason for this failure, besides the state's clear reticence to do so, may be that once all land was converted into private property, the justification for such redistributions became less ideologically poignant. As noted, redistribution followed a kind of Lockean moral logic, giving land only to those who worked it. Yet, such a distinction was always an ambiguous one, as most birta tenants were not registered with the state, and raikar land had been sub-leased to an informal tenant class. Thus, once both raikar and birta lands were converted into private property, the moral distinction between laborer and landlord became predictably marginalized, replaced in practice by one's ability to simply buy and sell. The fact that birta landholders and raikar landlords once held this land because of royal fiat was no longer important. What mattered was that they still held the land, a relationship defined as simply between them and their holding, ratified by state-issued paperwork which was meant only to represent this holding in the first place.

## Chapter 2: How Land Finds Its Price

In early September 2016, I was shadowing a land broker (Np. *dalāl*) in southern Kathmandu. A young Chetri man named Sundip, he was working full time as a broker, hustling multiple leads in order to save money for the coming Dasain festival in mid-October.<sup>20</sup> That day we were on a trip to view an available lot with the owner of a small restaurant, whom I'll call Dili, a rural migrant from the southern Tarai of Nepal searching for land to build his young family a house. He was being very selective about the land he would consider buying, and Sundip had shown him multiple plots over the past week. The two of them seemed to have struck up a tentative friendship. On this particular day, we went to Harrisiddhi, a Newar town two kilometers south of Kathmandu's Ring Road, which marks the edge of Kathmandu proper. We came to a small rice paddy, roughly four *ana* (127.2 sq. meters) running down a slight slope.<sup>21</sup> Sundip claimed to know the owner personally, but that day the owner was not there. Instead, a tenant living in a small bamboo-walled shack next door came over to show us the land. The conversation was brief and cordial, Dili saying almost nothing, as was his habit when his conversations with Sundip switched over to business. They walked the edge of the property heel-to-toe to measure its length, while Sundip expounded on how wide this land's "mouth" was (that is, the length that

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<sup>20</sup> Dasain is a major Hindu festival celebrating the goddess Durga, during which most Nepalis return to their natal homes with gifts for relatives.

<sup>21</sup> The price of land in Nepal is always listed in Nepali measurement, which in Kathmandu are as follows: 1 ropani = 508.74 sq. m; 1 ānā = 31.8 sq. m; 1 paisa = 7.95 sq. m; 1 dām = 1.99 sq. m. Likewise, 1 ropani = 16 ānā; 1 ānā = 4 paisa; 1 paisa = 4 dām.

bordered the road) and how its lower elevation could be fixed for cheap. The price was for 800,000 or eight *lākh* NRs per *ānā*, making the entire lot worth thirty-two *lākh* NRs, (roughly 32,000 USD).<sup>22</sup> <sup>23</sup> This was quite cheap for the area. As Sundip explained, the owner—a widowed woman—was from the same town as him, just a little past Harrisiddhi, and he was close with her son.

We were there for about twenty minutes before catching a ride with Sundip’s friend back to the Land Registration Office (Np. *Malpot*) in Lalitpur. While on the road, Sundip received a phone call, in which he told the caller to come meet him. He hung up the phone and asked his friend to pull over and let us out. A half-minute later we were standing on the side of a large, sunny road, still a forty-minute walk from the city.

It turned out that another potential buyer had just called Sundip, asking to be shown a piece of land in Harrisiddhi as well. Apparently, Sundip had other lots he could show besides the one we had just visited. However, as he had told Dili already, the lot we had just visited was underpriced—Sundip said it was worth eleven *lākh* NRs (11,000 USD) per *ānā*, almost a 40 percent increase from its current price—and so he proposed to Dili that they try to flip it. Sundip explained that Dili could put an advance down on this lot, securing the title at the price of eight *lākh* NRs (8,000 USD) per *ānā*, and then with Sundip providing the new buyer (the caller from a

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<sup>22</sup> The Indian counting system corresponds with the Western system for the first five powers of ten; above this, the naming of powers changes every two powers of ten in the Indian system, instead of every three as it does in English. So, one (Np. *ik*), ten (Np. *das*), hundred (Np. *śaya*), thousand (Np. *hajār*), and ten thousand (Np. *das hajār*) all translate directly in Nepali and Hindi. Above this, one hundred thousand is one *lākh*, one million is ten *lākh*, one hundred million is one *karod*, etc. Throughout this dissertation, I will use *lākh* and *karod* in my listing of land prices, as Nepalis always discuss land prices in these two powers of ten.

*Lākh* = 100,000

*Karod* = 10,000,000

*Arab* = 1,000,000,000

<sup>23</sup> Nepali NRs to USD conversions are always variable, and throughout my fieldwork the dollar, on average, strengthened against the Nepali rupee. I have estimated this conversion to 1 USD = 100 NRs, in part for readability. In August 2014 the conversion was 1 USD = 98.538; in Oct 2015 it was 1 USD = 102.383 NRs; in October 2016 it was 1 USD = 105.635. (Source: [www.poundsterlinglive.com](http://www.poundsterlinglive.com))

few minutes ago), they could sell it for the higher price and split the difference, with Sundip also collecting his commission from the original seller. Sundip was chuckling throughout his proposal, and Dili was smiling too. When Sundip asked if he wanted to give this plan a try, Dili agreed with a simple shrug.

And so, thirty minutes after leaving, we returned to the lot, meeting the new buyer, now with both Sundip and the old buyer acting the part of broker. Sundip led the conversation, again discussing his close relationship with the owner, though without the added note about the lot's lower cost. Dili, the buyer-cum-broker, also contributed his own comments at times, noting, like Sundip had just recently pointed out to him, the long "mouth" of the land. The meeting was short, and in twenty minutes we were headed back to Kathmandu, Sundip and Dili discussing how they might still be able to flip this land if the current potential buyer didn't come through.

In this chapter, I explore the Kathmandu land market, using the figure of the broker (Np. *dalāl*) as the organizing principle. As I will explain, through the innovative use of transactional framing—a practice in which roles, prices, and personal relations are redefined and instrumentalized—dalāls manage to insert themselves into transactions wherein land is transformed from a family holding into a salable commodity, and in which their clients are ultimately kept at the margins of these transactions. While traditional economics might view such work as a simple transaction cost, I argue that dalāls have a real and unique effect on how market dynamics are incorporated into family estates *and* on how prices are calculated in the market itself, a process that cannot be understood simply as an add-on to the underlying reality of supply and demand. While this effect is real and might very well benefit landowning families by keeping the price of land high, it is nevertheless the product of morally dubious work that is hidden from view.

Dalāls are a constant in South Asian economic life, occupying a central space in a dizzying array of industries both “modern” and “traditional” (Sud 2014; Cook 2015). In Nepal, the word “dalāl” can refer to agents who send Nepalis abroad for work or study, to political fixers who arrange connections or guide clients through government bureaucracy, or—and most notoriously—to transporters of young Nepali women for prostitution (Nepali *keti dalāl*, literally “girl broker”). In this chapter, I use “dalāl” to refer to anyone who arranges a land transaction on behalf of someone else and collects a fee for each transaction. In the Kathmandu land market, dalāls function essentially as informal real estate agents, yet they exert—and are widely believed to exert—an outsized role in how land is bought, sold, and priced. Indeed, dalāls are often metonymic for the anxieties many Kathmandu residents hold about its urban transformation: the pollution, the lack of green space, the unregulated chaos of street life, as well as anxiety over new class markers, expensive consumption patterns, and transcontinental migration flows. As anthropologist Andrew Nelson (2015) has argued, Kathmandu residents will often project such anxieties onto the figure of the land broker, seeing them as the consummate “Other” threatening their proverbial toehold, as well as that of their self-designated community or ethnic group. Indeed, the very word “dalāl” is considered insulting, with most land brokers preferring “mediator” (Np. *madhyamkarta*), “businessman” (Np. *byāpāri*) or simply the English word “broker.”

Yet this unfortunate reputation belies how common dalāls are in Kathmandu. A dalāl needs no special training or license; one begins by simply utilizing one’s social network. The high price of land in Kathmandu also promises huge profits if even a single deal is successful. Mediating the sale of a lot for a house just outside the city proper can fetch a dalāl fifteen lākh NRs (15,000 USD). In a city where 50,000 NRs (500 USD) a month is considered a very

respectable middle-class salary, the attraction is obvious. Indeed, though there have always been dalāls throughout Nepal, according to my informants, the number of (mostly male) people who have entered this work has surged in the past twenty years, ranging from the casual player to the dedicated professional. Though it is not uncommon to hear older dalāls complain of this change, it nevertheless provides a researcher such as myself with ample opportunity to study the roles dalāls play in shaping land markets and the process of urbanization in general.

In this chapter, I first discuss the theories of brokerage. Using the oft-repeated belief that land prices in Kathmandu never go down, I argue that this belief stems in part from a moral understanding of domestic social reproduction that resists devaluation, and that dalāls play a role in constructing a market where such valuations can exist alongside market values. This juxtaposition of different values allows them to interact in a way that I call “crosstalk.” I then present an overview of the Kathmandu land market, describing the different business models by which agrarian land is transformed into residential housing. In the following section, I explore the process by which dalāls make land a commodity, untangling it from family estates and the complex claims such ownership entails. I then proceed with a discussion of how dalāls profit from this work, and the different types of transactional frames they must build in order to do so. Finally, I conclude with a discussion about the moral ambiguity of brokerage.

### **Theorizing Brokerage**

There is no doubt that land prices in Kathmandu are extremely high. In a country where annual per-capita income is roughly 1,000 USD (“Managing Nepal’s Urban Transition” n.d.), one lot in an undesirable peri-urban area costs roughly 40,000 to 50,000 USD, while that same lot in the

center of the city could cost in the millions. There are many reasons for this price inflation: population increase, remittances, the development of the financial industry, etc. Yet when asking people in Kathmandu why land costs so much, a common answer is that dalāls such as Sundip have driven up land prices. As one informant told me, “They just sell the land back and forth between each other, for more and more money.” When I responded to this remark by asking, somewhat puzzled, why such inflated prices did not fall soon after, the informant shrugged, saying simply, “Land prices don’t go down.”

Throughout Nepal, land is tightly associated with family and the patriline. I argue that this cultural valuation of land has a direct impact on how land is priced, as the price of land directly relates to the value of kin. One man made this explicit to me. A member of the Newar Jyāpu farming caste, he was trying to sell a lot of land he’d bought just before the earthquake to afford his home’s reconstruction. However, the developer he was talking to was lowballing him, offering slightly less than he’d paid just one year before. “He’s asking me to sell my family’s honor!” he said, enraged. “He thinks I need drinking money,” a reference to the oft-repeated morality tale of frivolous Kathmandu residents selling their land for transient earthly pleasures (Liechty 2003). Such statements recall Bloch and Parry’s famous distinction between transactional order, to which I will return shortly (Parry and Bloch 1989). For now, it’s worth noting that, for this man, selling his land for less than he bought it—even though he’d only bought it one year prior—was taken as an insult against his family.<sup>24</sup> Though few people were as explicit as him, this attitude is still common. Furthermore, this man’s solution to this problem is equally telling, as he decided to sell his lot to a neighbor, another Jyāpu farmer, for even less

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<sup>24</sup> In fairness to this man, in the first year after the earthquake, the price of land did go up considerably. However, his chagrin is still noteworthy.

than the developer asked for. In other words, by keeping his land in the community, his family's honor was apparently salvaged.

The devaluation of land is a difficult thing to verify in Kathmandu, for reasons I explore in chapter 3. However, statements such as the one by this man, when combined with well-known conflation of land and kinship, and the widely held *belief* that land prices never fall, imply that the domestic valuation of land might have real impact on land's market price. Land's market price in Kathmandu does not seem to be purely dictated by supply and demand; it also contains a moral component. Indeed, the few stories I heard of people having to sell land for cheap always hinged on some kind of moral issue or terrible luck: a child had gotten sick and needed expensive medical treatment, the husband was a drunk and a gambler, the family had gotten deep into land speculation and were cheated, etc. It is noteworthy too that it was always someone else telling these stories, and that I never actually met the victims of such misfortunes.

If we are to assume then that land prices incorporate kinship values, what role do brokers play in their transaction? In order to answer this, a discussion of the theoretical role that brokers play in markets is in order. There are two strains of thought on the role of brokers in the market. The first, most associated with real estate economists, financiers, and business professors, understands brokers' work as essentially a transaction cost—a fee charged by an intermediary to overcome market imperfections. This neoclassical perspective tends to look at brokers in terms of their utility for the buyer and seller, focusing on how market structures make brokers necessary (Anglin and Arnott 1991; Yavas 1994), whether changes in market conditions might make brokers more or less useful (Li and Yavas 2015), and which kind of fee structure best incentivizes brokers to work on behalf of their client (Munneke and Yavas 2001; Brastow, Springer, and Waller 2012). Within this literature, brokerage is understood as necessary when it

would be infeasible for the buyer or seller to know enough about the market to act on their own. So, for example, in a land or housing market where most people only buy or sell occasionally, where the materiality of land makes it hard to price, and where the legalities involved can be complex, brokers are common (Yavas 2007). Yet despite their utility, brokers are still problematic, their fees a drag on efficiency, and their own self-interests often at odds with the interests their of clients. Indeed, though these scholars discuss how best to structure brokerage in order to correct such issues, their solutions ultimately converge towards limiting brokerage, either by reducing fees through new efficient techniques, or reducing the broker's agency by making sure their goals are aligned with those of their clients. In other words, the ideal solution to (human) brokerage is the end of brokerage (Miyazaki 2013), its continuation simply a problematic necessity.

In contrast to these ideas, there is a small but growing literature on brokerage among anthropologists, sociologists, and political scientists, that tends to portray it as resistant to market reforms. Focusing more on informal or semi-formal professionals—land brokers in Africa and South Asia, stringers for development agencies, political fixers—brokers are generally understood to be “bridge-builders” between different groups who capitalize on their ability to cross social and geographical divides in order “to get things done” for their clients and make a tidy profit for themselves (Manor 2000; James 2011; Sud 2014; Cook 2015). As Ian Cook writes, “Brokers’ labour is one that shifts between different social spheres and between seemingly different ‘times’ of the country’s development” (Cook 2015, 298). Additionally, Deborah James argues that brokers mediate between different cultural contexts, bridging the gap between ideological conceptions of property and human subjectivity. In her article on political fixers in post-apartheid South Africa, she writes:

They [middlemen] blend together egalitarian rights-based concerns with the hierarchical political authority of traditional patriarchs, while simultaneously foregrounding the economic individualism and choice orientation associated with neoliberalism... Inevitably, the combining of such unlike attributes in the person of the broker presents a figure of moral uncertainty. (James 2011, 319)

This portrayal of brokerage as a kind of cultural code-switching makes a certain amount of sense in Nepal, especially given land's association with kin, and the various ethnic, caste, and language differences that must be navigated during land sales. However, it relies on the perceived alterity of capitalist markets/globalization and kinship/local communities. In this way, these scholars leave themselves open to the same criticisms any "spheres of exchange" model invites (see the introduction of this dissertation). Other scholars have worked to limit this sense of alterity, arguing that brokers are informal "assemblers" (Koster and Leynseele 2018), who work within changing social, political, and economic landscapes (Lindquist 2015), making necessary connections, moving capital, and creating networks. As Llerena Searle writes:

Contrary to popular and anthropological characterizations ... capital does not 'flow' around the world; it is painstakingly moved. The combined agency of these developers, financiers, consultants, and bureaucrats [i.e. brokers] produces the *integration* we commonly label 'globalization.' (Searle 2010, 9-10, cited in Sud 2014, my emphasis)

Brokers are thus the forgotten link in global economics, the hustlers who bring together disparate processes into a single system. From this perspective, they must be seen as cultural producers, people who labor to create sociality and meaning, albeit for a fee. David Lewis and David Mosse summarize this perspective best when they write, "Brokers deal in people and information not only for profit in the narrow sense of immediate reward, but also more broadly in the maintenance of *coherent representations of social realities* and in the shaping of their own social identities" (Mosse and Lewis 2006, 16, my emphasis).

Thus, while an economic approach views human brokerage as a kind of necessary inefficiency produced by information difficulties that have yet to be solved, the more humanistic

social sciences tend to view brokers' labor as irreducible, either because of the alterity between markets and other social spheres, or because of the ever-present necessity of integration and coherency. What all of these perspectives share is a belief in the necessity of frames/spheres/markets to make coherent meanings and evaluations, with the debate centering on what role brokers play in this production. Economists view markets as already "coherent" and thus the work of brokers is to make such coherency visible. Social scientists who see brokers as professional code-switchers tend to agree on the market's coherency—albeit a coherency reliant on neoliberal ideologies—but, unlike economists, they tend to see markets as one economic sphere among many, each coherent in their own way, and between which brokers make their living. Those social scientists who tend to see brokers as assemblers—who tend to focus less on economic brokers than on political fixers and development brokers—come closest to Callon in portraying the market as a project constantly in the making. Nevertheless, coherency is what is being produced within these frames, a point with which Callon would likely agree.

What is missing from this discussion is how brokers work to make transactions as incoherent as possible. As demonstrated in this chapter's opening anecdote, for those entering into conversations with brokers, it can be extremely difficult to decipher everyone's role in the transaction or determine the original asking price for the land in question. Indeed, brokers profit through their controlling of information, playing with roles, leaning on personal relationships, and manipulating transactional frames to maximize their projects. In contrast to the claims of the existing literature on brokerage, it is clear that brokers do not only bring people together and convey information across divides. They also strategically keep people apart, secretly bringing in additional brokers, tacking on hidden fees, and even avoiding introducing the buyer and seller until the very end of the transaction (if at all). In other words, though they do "build bridges"

between their clients, they also make sure those bridges are long and treacherous, so that only they can successfully traverse them.

I argue that this practice has a counterintuitive effect on the market. In making the transaction utterly opaque, dalāls “blackbox” the conversion of land’s value from that of the family estate to that of the market (Latour 1999). By “blackboxing” I mean that dalāls hide the interior complexity of their transactions from their clients, creating the appearance of an effortless conversion of value. In doing so, they unintentionally juxtapose two very different valuations of land, one that views land as part of the patriline, and one that views it as a market commodity. I argue that this juxtaposition allows the values of each to illuminate the other. I will refer to this illumination as “crosstalk.” As noted in Webb Keane’s example—cited in the introduction—the valuation of material goods within a certain type of exchange can still be influenced by imagined valuations in other, hypothetical exchanges (Keane 2008). In other words, the object’s valuation is not necessarily manifested purely within the exchange itself. Rather, it can also depend on a web of possible valuations, either uttered or imagined, that hang apparition-like just outside the transactional frame.

It is helpful here to return to the work of Bloch and Parry (1989), whose concept of transactional orders offers an innovative, if simplified, model for how such crosstalk happens. In their model, short-term market transactions are said to be cross-culturally contained within long-term cycles of domestic reproduction, often through symbolic actions such as “cooling” money or the transfer of income from husbands to wives. Accordingly, the market within this model is portrayed as both dangerous and vital to the domestic space, which depends on such incomes to maintain itself. While this model no doubt reproduces the kind of unidirectional narrative between domestic and market spaces which I have already critiqued—and owes much to a sphere

model of substantive economics—it nevertheless demonstrates how different types of economic valuation can be articulated. Because of its ties to the domestic group, land is seen as part of a long-term transactional order, even though it must be exchanged via the market. Accordingly, land must maintain its market value. It is my contention that this understanding of land values affects its price within market transactions, and the common perception that the price of land never goes down stems both from supply and demand *and* from the crosstalk between these transactional orders.

To be clear, these different valuations do not indicate separate, reified spheres of value or of exchange. Indeed, materially speaking, both types of valuation rely on much the same artifacts to enact their transactional frames, which in part explains the focus on price. The difference, as Bloch and Parry indicate, is in their temporality. Land is what allows one to be a long-term resident of Kathmandu, a fact that land's moment-by-moment price must be made to reflect. Thus, it should not be surprising that key to a *dalāl*'s success is *timing*; that is, the ability of the *dalāl* to sync his own machinations with the larger economic cycles of the families who are both buying and selling. As I will show, *dalāls* use a variety of techniques to create a liminal temporality within which they can maximize their profits—techniques that are designed to disappear as soon as the transaction is complete. Such moral and temporal play both shape the market in a unique way, while also making *dalāls* morally treacherous figures, similar in a sense to the thieves and ghosts mentioned in the preface.

## Overview of the Land Market

I first met Sundip in a teashop in the neighborhood of Lagankhel, around the corner from the district's Land Registration Office, in a small alleyway lined on both sides with corrugated tin shacks, each shack an office space for a licensed paralegal (Np. *lekha padhi*). Sundip initiated our conversation. An unctuous and boisterous young man in his late twenties eager to make friends with a foreigner, his demeanor put me on edge immediately, as I worried his interest in me was rooted in hopes of some kind of financial support. Indeed, four months later we would not be speaking, but for those first few months after we met, we were inseparable. He called me almost every day to meet him in a teashop for some important meeting, or to go to “the field” (the surrounding farmland where the suburban growth was happening) to see a lot for potential sale. More often than not, Sundip's meetings would not materialize on time—if at all—and so he and I would spend hours in teashops together, waiting for other dalāls to arrive or for a phone call from a potential buyer or investor.

This gave us plenty of time to talk, and so, like with other market players, I would rotate through the questions I had been pondering, peppering them in throughout our conversations. I was particularly interested in how people found a dalāl in the first place, a question I asked him often.

“Do you know someone who needs land?” he would ask.

“No, I'm asking for my research,” I would reply.

“If you know anyone you should tell me.”

The answer to my question turned out to be banal. People met dalāls the same way they met anyone: through friends, relatives, and neighbors. While I could have guessed his answer,

still the question bothered me. Here I was, at the apparent center of a booming land market specifically oriented towards residential housing, and yet I rarely encountered actual householders (as buyers or sellers). Indeed, this area was not where people came to “shop” for land, with most clients arriving only when they had already begun a transaction, and usually with the dalāls who were mediating the sale. Rather, this area was composed almost entirely of market professionals, a giant space where dalāls, developers, lawyers, and paralegals could network over potential deals. When with Sundip—or with any such professionals—our day would consist of a constant drifting between different industry hangouts, moving through an obscure geography of informal businesses, teashops, paralegal offices, clothing stores, street corners, and cyber cafes.

The area where Sundip operated, and where I was researching, was in the district of Lalitpur, which constitutes the southern part of the Kathmandu Valley including Patan, beginning at the Bagmati river at the city’s center and stretching into the southern hills past the Valley’s edge. This district includes both the urban center in Patan and the agrarian townships that are slowly converting into the peri-urban sprawl south of the Ring Road. Most of these townships are Newar, generally made up of a densely-packed residential area around several main temples and squares, which are surrounded by farmland. Other villages are populated by high-caste Hindus, which usually have a constructed geography that is more spread out. Past these townships, up through the hills and out of the Valley, there are numerous Tamang communities, usually on or near the tops of hills. Such communities are just beyond Kathmandu’s peri-urban sprawl, and so I rarely visited them. However, many of their Tamang residents were involved in the land market.

Most of the land transactions I observed—both with and without Sundip—were in and around the Valley’s agrarian townships, in which family-owned farmland was being rapidly

converted into lots for residential housing. Such conversions can happen in several ways: the farmer can sell land directly to the family who's looking to build a house; the farmer can sell land to a "plotter," who will subdivide the land into lots, and then sell each of those lots to individual families; or the farmer can sell his land to a developer, who will then subdivide the land, build houses, install facilities, and sell the houses.



*Figure 9: Plotting in Lalitpur*



*Figure 10: Housing Development in Kathmandu*

Noticeably, this market is made up mostly of *land*, not housing. In the vast majority of cases, the families moving into these areas build their own homes, often over the course of years. There are several reasons for this: (1) because Kathmandu is growing so quickly, there simply aren't enough homes to house all residents; (2) buying land means families can build their homes at their own pace, which allows them to add stories to their houses as money becomes available; and (3) it is far cheaper for plotters to pursue land sales, as they need only add the most basic amenities to their subdivided land—a gravel access road, low cement partitions to separate lots, a sewer line for drainage, cement poles for hanging electric and phone lines. Indeed, the developers' practice of building and selling houses—equivalent here to the American suburban practice of sub-developments—is considered high-class, catering to only the most well-heeled of buyers. Also, many Nepalis are wary of buying a house if they did not oversee its construction, believing—often with good reason—that the foremen might have cut corners.

It's worth noting that this practice of buying land before building a house is not without its risks. Overseeing a house's construction can take months, during which a family member is unable to do much else. Such projects can also go over budget, with workers quitting or demanding more pay. Likewise, receiving basic services such as water and electricity requires engagement with local political groups and unions, a dicey prospect for families with minimal local connections (see Nelson 2017). Nevertheless, the financial reality is that very few families or developers can afford to buy and sell houses. Though banks routinely lend to families and developers, government regulations restrain them to lending only 60 percent of the total cost, leaving the borrower to cover the remainder, which is often out of financial reach.

Regardless of how land is transacted, *dalāls* are ubiquitous, helping negotiate sales between farmers and families, farmers and plotters/developers, or plotters/developers and

families. In the case of large developments, the dalāls may be on staff as part of the developer's larger operation. In most cases, though, dalāls work independently by making their money from commissions for each completed sale. All dalāls are informal; no license is required, nor is there an official contract that guarantees them a commission. Most brokers do not have an office front or other form of public advertisement. Though there are some official real estate companies, they are generally used by higher-end customers and foreigners looking for rentals. Thus, most often, if one wants to buy or sell land, one begins with one's own social network to locate a dalāl, who will then locate other dalāls who have the necessary connections to finish the sale. For rural families moving into the city, this usually means relying on village neighbors who have moved to the city before them, some of whom have become dalāls in their own right. For agrarian families looking to sell, every township has a certain number of dedicated dalāls who can help mediate.

Though it is hard to generalize, a land deal will go through the following stages: negotiation, collateralization, payment, and formalization. When buying land from agrarian families, negotiation is the longest phase, and can bleed into the following stages, often to the detriment of the deal. When buying land from plotters, or especially when buying a house from developers, negotiations are not as intensive, as the price of land is often more rigidly set. Importantly, negotiations are usually handled by the dalāls rather than the clients, because as previously mentioned, dalāls will rarely introduce buyers and sellers until the very end of the transaction. As I will explore in depth later in this chapter, this practice is partly to protect themselves from being forced out of the transaction—after all, they have no legal recourse should the buyer and seller decide to deal directly with each other—and also because many of the strategies dalāls have for maximizing their profit hinge on secrecy. This leaves the dalāl to ferry information between the two parties and between the other dalāls involved. In addition to

this role, dalāls investigate the land title, confirming its existence and good legal standing, and in some cases, aiding the buyer in finding a loan for the purchase. This is particularly true if the buyer is a family and not an investor, as the latter usually already has financial connections. Many dalāls have personal connections to either banks or—more commonly—financial cooperatives and can help expedite the loan process. I will discuss this process in more depth in the next chapter.

Once a deal is close to completion, there is often a final meeting—what Sundip would call “table talk”—in which the buyers and sellers finally meet and the price and terms of the sale are finalized. The buyer then pays the seller, usually in cash.<sup>25</sup> Then, they all go to the office of a paralegal, who fills out two copies of the land deed (Np. *rajinama*) and instructs the buyer and seller—including all the seller’s land rights-holding kin—where to sign and thumbprint the document. The paralegal then accompanies the buyers, sellers, and dalāls to the Land Registration Office. There they register the sale with the records department and take photos of the buyer to be added to their new land title. Finally, the buyer and seller go to the head officer, who signs both land transaction forms with a red pen, but not before questioning the seller if they are indeed agreeing to sell the land and have received the payment indicated on the transaction form. The seller gives their consent, the forms are signed, and a new land title is printed on official lokta paper. After this process there is a six-month cooling off period in which anyone with rights to the land can challenge the sale. However, for all intents and purposes, the sale is generally considered complete.

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<sup>25</sup> The use of cash in land transactions is changing. Recent laws require that land now be transacted with cash orders from banks, which must be presented at the land office for tax purposes. However, the amount transacted this way must only be the sales price that is written on the land transaction form, which is usually much less than the actual sales price. During my fieldwork, people worked around this new requirement by making out a cash order for “minimum price of land”—which they would present at the Malpot—and then pay the rest in cash. I will explore this more fully in the next chapter.



Figure 11: Malpot office



Figure 12: Lekha padhi offices

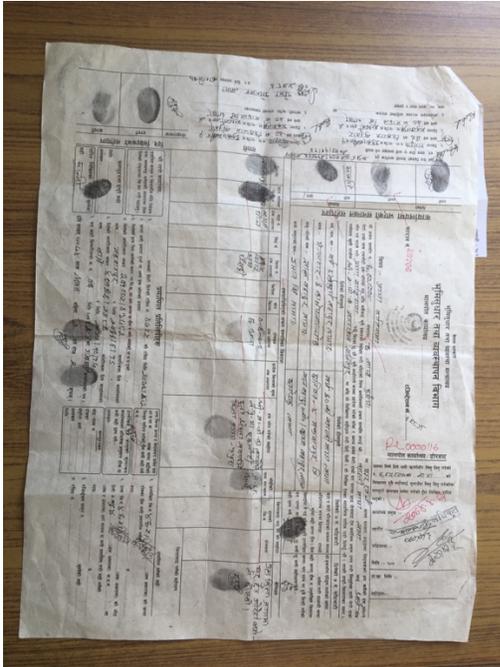


Figure 13: Official land deed (rajinama) on lokta paper

This entire process can be extremely opaque for outsiders. The legal and financial machinations are intimidating and require professional guidance. Buyers can be hard to locate, even for developers, in no small part because many buyers—scared of being cheated—prefer to go through their own personal networks to find purchasable land, a fact that favors dalāls. As would be expected, these networks often follow ethnic, kin, and village groupings—for example, in Newar areas most of the brokers are Newars themselves. Even if a buyer decides to search on their own, finding land to purchase can be difficult: without local knowledge and personal connections, it is impossible to know which lots are for sale, or even who owns the land. Likewise, it can be difficult to negotiate small sales without a personal relationship with the seller. As the many other studies of land brokerage previously mentioned indicate, a dalāl’s network is built on trust, often mapping onto local, caste, and kin connections. While plotting reduces such reliance on personal networks, available lots can still be difficult to find, as many plotters do not make their contact information available, while many such lots might not be

visibly subdivided or are located far enough away from a main thoroughfare that it is unlikely buyers will find them on their own. There are now several online portals for selling land; however, their listings are generally considered to be more expensive than what one can find via dalāls and were not widely used during my fieldwork period. High-end housing developments are the closest thing to a true public offering, with developers organizing conventions in which new developments and apartment complexes are sold en masse over several days. However, such sales make up only a small fraction of the market.

Not only does the general sense of obscurity complicate finding land and buyers, it also makes it difficult to decipher who is (and is not) part of a land deal, and in what capacity. There are a number of other types of professionals in the land market besides dalāls, including lawyers, microfinance officers, plotters, developers, and paralegals. Each of these figures is necessary to completing a deal, with paralegals preparing the necessary paperwork and guiding the sale through the government bureaucracy, lawyers providing legal assistance for any conflicts or complex legal entanglements, microfinance officers providing loans to the buyers at speeds far faster than commercial banks, developers providing the investment capital for large lots, with dalāls mediating between the different parties.<sup>26</sup> Yet the divisions between these different roles are incredibly fluid. Lawyers can also operate as paralegals, and both might sit on the board of a microfinance cooperative. As in the example at the beginning of this chapter, people might imply they are owners when they are not, or pose as a disinterested party when they are actually taking a commission. Likewise, the division between dalāl, plotter, and developer is really just a matter of financial backing, as dalāls will often institute a host of strategies to assume the role of plotter

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<sup>26</sup> This is not to say that banks do not give house loans. Indeed, they are rather deeply involved with the housing markets, but their loans take much longer to process. Consequently, more nimble microfinance institutions have become extremely popular in the land business.

if they can, often by pretending they have a more solid claim to a lot of land than they actually do. One can get a sense of this fluidity when sitting down at a paralegal office or teashop among small crowds of men, all of whom are operating in the land market in some way. There is no visible clue, no tell, that would indicate who holds which role(s); rather, one must assume that everyone is potentially making money from land deal commissions in a *dalāl*-like fashion. Indeed, all these different players do very *dalāl*-like things, as each of them manages to profit on land that is not their own. Lawyers will convince a family to sue for land to which they may have a legal right and split the proceeds if they win; some paralegals take commissions on the bribes they pass between clients and Malpot officials; microfinance officers will often use their access to cheap and reliable credit to speculate on the land market. In other words, a *dalāl* is not just one character within the land market, but the paradigmatic figure, with all other market actors being derivations of this original model. As one friend told me, “Everyone in Nepal is a *dalāl*.”

### **The Making of a Seller**

This co-mingling of professional roles is not simply a taxonomic problem; it is also part of the everyday life among land market players. *Dalāls* work within a thick sociality of other land professionals, making much of their daily life—at least in the areas around the Malpot office—a kind of extended hang out session with their colleagues. Though some *dalāls* I met were middle-aged, many like Sundip were still in their twenties. I could see the appeal of this job for young men: days spent wandering from teashop to teashop, meeting with friends and contacts. For me, these hours were often frustrating, though I quickly came to realize that all this waiting and drifting was itself work; Sundip and I were often joined by other *dalāls*, who would discuss the

new deals they were working on, or deals that had been completed, or deals that had fallen through. Clearly, these were discussions of land as a commodity, and so they focused on certain characteristics: the size of the land, its proximity to a road, the width of said road, whether the land was sloping or flat, any legal complications, and of course the land's price. Oftentimes—especially if those present were trying to partner—someone would pull out a stack of papers, either from his backpack or folded up inside his pocket. These would include photocopies of the seller's land title (Np. *lalpurja*), copies of government maps or developers' privately-made maps, and if an advance had been put on the land, a copy of the advance contract as well. These documents would be closely examined to determine the correct price and value of the land, incurring the same basic set of questions: was the land close to a road? If on a road, would the government expand that road and thus take away part of the land? Could one get a bank loan for this property, or at least a microfinance loan? Was the shape of the plot regular enough to be build a house on? If too large, how could it be divided into multiple lots? Most importantly, who owned this land, how many people might have a legal claim to it (and were they all willing to sell), and did someone working the deal have a personal relationship with these landowners?

Like most *dalāls* I met, Sundip worked two general types of land transactions. The first was mediating deals between individual household buyers and sellers, helping sell land from one family to another. One can see this as a kind of “horizontal” dealing, as it moves land between owners of roughly equal social status (see Geertz 1979). The second type, “vertical” dealing, involves brokering land deals between individual buyers/sellers and land developers, either acquiring land for development or selling developed land to individual families. For horizontal sales, the labor required to find a seller is significantly reduced, as most such sales begin when a family approaches a *dalāl* with land they want to sell. However, in acquiring land for

development, developers often have to approach families to try to buy their land. Though developers prefer to buy land from as few families as possible—purchasing the entire tract from a single household if they can—years of urbanization have now made large single-family owned lots difficult to find. Consequently, most developers must negotiate with multiple families at once, forcing them to commit to a single area after they manage to secure a promise of sale from a few neighboring prospective sellers.

In making such deals, developers almost always go through a network of *dalāls*. The reason for this is two-fold. On the one hand, developers are hesitant to reveal their identity to landowners, as they fear that if buyers knew how moneyed they were, it might undermine the sale. More importantly, developers are aware that, as outsiders, they likely have little sway in negotiations. Indeed, most of the *dalāls* they contract are residents of the community, preferably with some level of social or symbolic capital. However, even with such well-connected *dalāls*, negotiating with families can be an arduous ordeal, as farmers and other long-term landowners in Kathmandu are often loathe to part with their land. After the earthquake, for example, many *Jyāpu* families chose to sell their land to relatives with the understanding that doing so would keep the land in the family, even if their financial connections to these relatives were minimal, and even if doing so meant selling at heavily discounted rates. Likewise, longtime local residents of Kathmandu talk frequently, and derisively, of neighbors and acquaintances who sold all their land to afford frivolous modern goods like motorcycle, cars, nice houses, and alcohol. Such tales of expenditure can be confusing when the storyteller himself has also bought a motorcycle and built a nice house after selling his land. This isn't to imply that there aren't good financial reasons to sell land. As many informants also told me, building a multi-story concrete house and renting the floors can produce far more money than farming, even if—keeping with the

observations of Bloch and Parry—selling land always carries the danger that it will be spent on short-term consumption.

Just as importantly, land exists within a network of family investments and financial concerns: private school education for their children, sending family members abroad to work, building rental properties, starting small businesses, etc. Each of these investments has within them their own temporality—in terms of payment schedules, needed labor, and rates of return—all of which must be brought in sync with the normal cycles of domestic life, including the household's physical expansion and eventual division (Fortes 1959). As a family's paramount asset, land plays a role within all these socioeconomic activities, and thus to convince a family to sell their land is essentially to convince them to rewrite this script. Even if a *dalāl* is able to persuade a household that the time is right to sell, the legal complexities of landownership can add new layers of difficulty to making the sale possible. Because land in Nepal is legally owned at the family level, to complete any land sale every rights-holding family member must sign off on the deal, otherwise the non-consenting family member (or even that family member's offspring) might contest the sale at any point in the future. In cases where the land is still in the name of a grandfather or great-grandfather, the number of such individuals can be upwards of twenty, and so it is often easier to begin by legally dividing the land among all the adult males and unmarried adult females before selling. This is usually simple, especially when each parcel of land has already been informally bestowed to various segments of the family. Yet the legal formalization of these divisions can (and often does) open the door to intra-kin conflict (see chapter 5).

Even if family members all agree to sell their land, they *all* must participate in the bureaucratic process. In practical terms, this means that each right-holding adult must show up at

the Malpot—at the same time—to sign off on the transaction, a seemingly simple event which can turn into a time-intensive logistical nightmare if the family is large, unruly, or spread out geographically. Each day the Nepali government is open for business, one can find crowds of family members outside the Malpot waiting for their relatives to arrive in order to complete their transactions, many ready and willing to complain to whomever will listen about the days, weeks, and months it took to finally arrange this meeting. For those with family living abroad, this process simply cannot be completed, leaving the land legally untransactable for the duration of the family member's foreign residence. Consequently, it is not uncommon for Nepalis to return home explicitly to sign off on a land transaction.

Such delays and complexities are just part of economic life in Nepal, and their mundanity can be used strategically during negotiations. When we were meeting regularly, Sundip was involved in a particularly large plotting deal involving roughly twenty-five ropanis (12,718.5 sq meters) of farmland below the main road. The land the developers had identified was occupied by nine different owners, most of whom had agreed to sell. However, one was holding out, his relatively small lot in the center of the proposed development. I went with Sundip several times to this area, each time waiting to meet with the lone holdout. Only once did he come to meet us, and then only to tell Sundip that, though he was ready to sell his lot, he first needed to divide his inheritance with his brothers but was having trouble convincing one of them to make the time to do so. Sundip asked to meet the uncooperative brother, to which the man replied that he intended to give his brother Sundip's phone number later because he did not have his phone with him at the time. On the ride back to the city, Sundip griped that everything this man had said was almost certainly not true, that he just wanted more money, and it was delays like these that kept Nepalis from ever getting anything done.

Sundip's frustration is eminently understandable, and it is also indicative of the many pitfalls with which dalāls must contend. For a sale to be successful, timing is key. As another dalāl once off-handedly explained to me, it is not necessarily the case that a family wants to sell their land, but rather that it is *time to sell*. I would also add here that a family must be *ready to sell*, meaning that they must have the necessary documentation, arrange the necessary trips to the Malpot, and manage all this without incurring time-consuming conflicts. Yet these states of being must emerge within a social field that seems engineered to delay them for as long as possible, dragging out the timeframe of each deal to discouraging lengths. In this kind of field, delay becomes a strategic tool in negotiation, and can kill a deal through the simple attrition of the participants' patience.

This inherent delay extends far beyond the negotiation between dalāls and landowning families. The Malpot, for example, can present its own unique hurdles. Though dividing and transferring land does involve coordination among family members, it is nevertheless a routine procedure that can usually be completed in a less than day. However, in order to complete the procedure, the land must have a title, and that title must be error free. For transactions that do not meet these criteria, the bureaucratic process can be far more arduous, often taking months and repeated trips to meet with officials. It can also be extremely expensive, mostly because of the bribes landowners must pay to government surveyors, land registration officials, and to local municipal bodies. Furthermore, bribes are often not asked for directly. Instead, officials will simply tell the client—be it a landowner or a dalāl—to return the next day, and then repeat the request until the client realizes a bribe is needed to move the process along. Likewise, if a landlord does not want to pay a bribe—or more often, if he wants to pay a smaller bribe—then he might also delay returning to the office in hopes of lowering the amount. This is particularly

true for registering one's land, a process that is notoriously expensive despite officially costing only a nominal fee. One friend of mine waited to register his land for three months in hopes of reducing the bribe (Np. *ghus*) that was requested of him.<sup>27</sup>

Given all these issues, land sales begin to look like tenuous constructions. Based on my own experience following the work of Sundip and other dalāls, most deals do not come to fruition, or at least not in a timely manner. Yet, for each reason that deals seem susceptible to collapse, there is a corresponding way in which a transaction's externalities can be turned against the seller and made to push a deal forward. This is particularly true with larger developments, where developers and their associated dalāls must commit to a single contiguous area. In such cases, if a landowner refuses to sell, the developer has only a few options: offering more money—which is risky if the other sellers find out—or offering to swap the owner's property for other land at the edge of the development. If neither of these tactics work, and if it is not possible to somehow work around not owning the lot in question, then developers and their dalāls might resort to other more nefarious means. One developer told me how, when buying land in a Newar town, he would go through his dalāls—all Newar men and leaders of their community—to offer motorcycles and other high-end goods to the sons of uncooperative landowners if they were able to convince their fathers to sell. Likewise, I heard of another developer who discovered a mistake on a land title in his proposed development that registered the lot as far smaller than it was in reality. Because of this error, the developer was able to coerce the owner to sell his land by threatening that he could legally challenge the owner's claim. There are many stories of developers and dalāls forcing farmers to sell their land by either buying adjacent land from

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<sup>27</sup> He was not successful.

which they could threaten to block road access or by convincing neighbors to divert water sources from the farmland in question, rendering it unproductive.

If all such methods fail, land professionals and semi-professionals can attempt even more unseemly strategies, using connections to Kathmandu's surprisingly extensive criminal underworld to force a sale. For example, in 2008 during a housing bubble, a friend of mine was contacted via his political youth group by developers who were plotting land below his town.<sup>28</sup> They wanted to expand the road to their development from the town bazār, but the storefront owners on the bazār were unwilling to sell. The developers offered to pay my friend and his youth group to clandestinely knock the storefronts down with a bulldozer after hours, which they did, and escaped without being identified. However, the community outrage ultimately prevented the developers from ever expanding the road, and my friend was never paid for his services. Nevertheless, the fact that the developers were forced to take such extreme action should indicate the power neighbors have to disrupt a land transaction.

Of course, such tactics are not the norm, as the process of selling land is not usually contentious. Despite all the ways they can fail, land sales are an everyday occurrence in Kathmandu and throughout Nepal. Nevertheless, it's worth dwelling on their complexities in order to understand the labor that dalāls perform. Dalāls do not just connect buyers and sellers, they also construct the sale on a semiotic level, arranging an assemblage of individuals, land, and paperwork into a recognizable buyer and seller, creating the context for transferring land from one assemblage to the other. This kind of framing comes with its vulnerabilities, yet the joints of the frame are not just the points where the construction of this commodity might fall apart. They

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<sup>28</sup> Every political party in Nepal has its own affiliated youth group, who do much of the grunt work of the parties, including organizing rallies and raising local support of candidates. They also act as enforcers, both for the party and for its members' self-interest, and as such their work can toe the line of legality. During the Maoist war, such youth groups became extremely popular, and were at the center of many political skirmishes in Kathmandu.

are also spaces through which pressures can be exerted by those who might want to resist commodification.

From this perspective, a commodity can be redefined as a moment in time. In contrast to narratives of market expansion, this moment of commodification is actually short-lived. In horizontal sales, where land is transferred from family to family, land is almost immediately entangled within another family's sociality, both legally and informally. In vertical sales, where the developer takes a kind of ownership over the land (more on this shortly), the timeframe is slightly longer, but ultimately this same reentangling takes place as a new family buys the land and begins to construct their house. Just as importantly, throughout this process buyer and seller are kept well away from this liminal state of land, leaving it to be juggled among the different market players. In other words, this liminal temporality of land-as-commodity is the true realm of the *dalāl*; the space in which a he seeks to complete the deal in order to profit from it. Exactly how a *dalāl* profits is the focus of the following section.

### **A Market by Proxy**

In the previous section, I discussed how *dalāls* work with their clients to make a sale. My focus was on the seller, in part because the process by which a *dalāl* convinces a family to sell demonstrates how land becomes a commodity. However, in this section, my focus is on how *dalāls* collect their fee from the buyer's payment, and how they divvy it up amongst their colleagues. *Dalāls* collect fees through two methods: commission or margin. Commissions are paid as a percentage of the buyer's overall payment and is split between all the *dalāls* that have been brought into the deal. Usually there are two *dalāls*, one for the seller and one for the buyer;

however, sometimes more dalāls are needed to connect buyer and seller. In larger deals, such as with housing developments, there is often a team of dalāls for both the buyer and the seller. On the other extreme, if a dalāl knows both buyer and seller, he will handle the deal entirely by himself and take the full commission.

A dalāl usually makes a 5 percent commission on each deal. For larger deals—usually anything over ten lākh NRs (10,000 USD)—dalāls generally receive 2 to 3 percent. These numbers are conventions, as there is no law that guarantees (or limits) a dalāl's commission, nor is there generally a written agreement between dalāl and seller to ensure payment. As such, a dalāl is always in danger of losing his commission, though this is rare and considered by most to be deeply dishonorable. In at least one instance that I observed, a dalāl was able to successfully demand his commission after he discovered the buyer and seller had cut him out of a deal he had initiated. Nevertheless, dalāls are often very protective of their relationships to both buyers and sellers, particularly with buyers because they are more difficult to find. It is for this reason that dalāls will usually delay introducing buyers to sellers, or introducing buyers and sellers to other dalāls; instead they prefer to pass messages between these different parties in an attempt to keep themselves integral to the transaction.

Generally, commissions are split between all dalāls equally, but this is not always the case. Sometimes if a dalāl is considered to have done less work, or if a deal is dependent on a very special connection that only one dalāl possesses, then the split is renegotiated. This is particularly true in larger land deals, where the negotiations can be lengthy, the relationships complex and uneven, and where the profits are large enough that a dalāl receiving less might not feel the need to complain. In larger land deals such as these, commissions are often split between the buyer's and seller's teams according to how many dalāls are on each team. For example, if

the buyer's team has twice as many members, then they will get twice the commission to divide between them. However, because the buyer's and seller's teams are formed separately, it is common that they don't know who or how many members are on the other team. Consequently, it sometimes happens that one team will inflate its numbers, inviting other dalāls to join for a reduced cut in order to receive higher commission for the team as a whole. Sundip related one such deal to me which he was working on at the time of our conversation. He was on the seller's side of the deal for a larger plotting development and described how the buyer's team's lead dalāl had told him that his team had twenty-seven members, more than three times the membership of Sundip's team. In response, Sundip invited twenty-two of his friends to join his team, promising them a fraction of what would have been an equal share, in order to increase the size of his own team to equal that of the seller. Unfortunately, I do not know if this deal was ever completed, as my falling out with Sundip happened soon after this conversation. Nevertheless, this kind of jockeying demonstrates how difficult it can be to distinguish who is part of a deal and who is not. In keeping with the discussion of this chapter's previous section: even to a dalāl, anyone is potentially a dalāl.

This ambiguity only increases in the second method of payment for dalāls, namely margin. Margin is simply the profit made by selling land at higher than its original asking price. Thus, to collect a margin, the dalāl negotiates different prices with both the buyer and seller, and takes the difference as his payment; again, like commission, the margin is split between all dalāls who work on the deal. There are several ways to arrange for a margin. A dalāl might discuss this with the seller ahead of time, agreeing to take a margin in lieu of commission. In cases like this, neither the seller nor the dalāl reveals to the buyer what the original asking price was, and so the buyer will not know he is paying the dalāl margin. Alternatively, the dalāl might try to keep both

buyer and seller in the dark, thereby taking both commission from the seller and the margin from the deal. While most dalāls I talked to will readily defend the first method of collecting a margin, arguing that both buyer and seller are getting the land at the price they asked for—even if the buyer is unaware that the land was originally offered for cheaper—this second method is generally considered dishonest. It is also difficult to pull off, as it requires the dalāl to keep buyer and seller from meeting until the very end of the deal—if at all—while also requiring that the buyer entrust the money to the dalāl, who then hands it over to the seller after taking his cut. Furthermore, if multiple dalāls are involved in the sale, then they all must agree to go along with the scheme, lest one give the group away. In the few instances I heard of a dalāl taking both commission and margin, there was only one dalāl arranging the deal who had a personal relationship to either the buyer or seller; indeed, one of the reasons this method is viewed as dishonest is because it often requires a dalāl to deceive someone with whom they are working closely.

More commonly, a dalāl will use advances to take a margin, placing an advance on a lot he feels is underpriced, and then selling it for more. This, of course, is what Sundip was attempting to do in the anecdote that opened this chapter. Unlike the other forms of payment, this form involves a written contract, with the landowner signing a legal document promising to sell the land to the dalāl for a fixed price in thirty-five days, receiving usually 10 percent of the asking price at the time of signing. With the landowner now locked in to sell his land for a set value, the dalāl has a short window in which he can flip the property for a profit. However, even if he is unable to do this in the legally-mandated timeframe, he is usually able to negotiate an informal extension. This is in part because the laws for advances in Nepal are written in favor of those who give the advance: if the buyer is unable to pay the landowner the full amount by the

specified date, the landowner must return the advance to the buyer, plus interest. As such, though the dalāl must have the money for the initial advance, he actually risks very little.

Thus, for the period of the advance, the dalāl becomes the quasi-owner of the land, able to sell it to whomever he wants. Sometimes this is to another dalāl, who will also place an advance on the land for an even higher price, and will then attempt to flip the land again within the same short timeframe. I heard stories of dalāls doing this several times over during a housing bubble (2007-2009, see chapter 3), with one dalāl placing an advance on a lot and then accepting an advance from another dalāl; this second dalāl then took an advance from a third dalāl, and so forth. In such a situation, neither the buyer nor the seller would necessarily know that the land had been marked up so drastically, the seller having removed himself from the deal at the beginning when accepting the first advance, and the buyer having entered only at the end of this convoluted transaction, usually accompanied by his own dalāl who would feel no compulsion to share this information. Only when the land was to finally be transferred would the buyer and seller discover what had transpired, arriving at the Malpot to find a half-dozen dalāls, each with their own advance contract, each waiting to collect their margin.

Another iteration of this advance strategy involves plotting. As previously noted, plotting allows developers to sell individual lots with only the most minimal infrastructure and investment. However, this method still requires the developer to buy the land. Alternatively, if a dalāl does not have enough money to do so, he can place an advance on a large lot, produce a map that subdivides the land into smaller lots, and then attempt to sell each of those lots to individual families during the timeframe of the advance. While the profit for this is much smaller than if the dalāl were physically able to subdivide the lot, still the dalāl is able to assume the role

of the developer without the necessary capital, and if successful, can possibly acquire enough capital to buy land for developments in the future.

Thus, much like splitting commissions, such margin games add ambiguity to the roles of individuals in a land sale, blurring the line between *dalāl*, developer, and the end-point buyer and seller. Indeed, it is not unusual for a *dalāl* to be in the midst of negotiating a sale, only to discover that the “buyer” is in fact another *dalāl* who has lined up another buyer for an even higher price. The reverse can also happen. Sundip and I once visited a lot of land to meet the seller, who gave us a tour and quoted us the price. Only days later did Sundip realize that the “seller” was in fact another *dalāl* who had placed an advance on this land a few weeks before.

The larger point here is that this ambiguity is profitable. By obfuscating the buyer and seller, changing the number of members in one’s group of *dalāls*, and/or omitting the number of advances placed on a piece of land, *dalāls* create ways to both position themselves as vital to a sale and to increase their profit from the sale. Though *dalāls* defend their use of margin, and of gaming commissions against other *dalāls*, they do so understanding that these strategies must all be kept secret lest they endanger the deal. In other words, though defensible in the abstract, in the present moment of deal-making it is understood that, if all involved could understand the deal—if the deal was objectively coherent—then people might feel they are being cheated and remove themselves from the deal’s construction. Here other lines become fuzzy: those between moral umbrage and economic self-interest, between rational behavior and rationalization, and between expert assistance and professional cheating. It is not just the in-betweenness of *dalāls* that earns them their reputation, but also how they strategically use their positionally.

Paul Kockelman has argued that commodity transactions are actually the ritualistic transformation of status among the participants (Kockelman 2007). In keeping with this observation, I have titled this section “A Market by Proxy” to indicate how dalāls take control of other people’s land within the liminal space of the land transaction. Through their positioning—both legal and informal—dalāls take on the role of de facto owner, constructing a world of dalāl sociality premised on the exclusion of their clients, enacting a single or, in the case of advances, multiple frames that are often not fully revealed until the end of the transaction, if at all. This process blurs the status of those involved, which can be seen as a transgressive act for how it challenges the family’s mastery of its own estate. Indeed, and as other scholars have suggested (Cook 2015; James 2011) part of a dalāl’s utility is how he can engage in the unseemly act of transforming land into a commodity while keeping his client’s hands relatively clean. In this light, the client’s exclusion can be seen as benefit.

I do not want to suggest that this kind of proxy ownership is anathema to other markets, as clearly such brokerage is common within numerous contexts, including so-called “developed” markets. Nevertheless, it is worth noting how this structure brings comprehension and agreement into noticeable contrast. Counter to those who see transactional frames as the space where economics are made comprehensible, a dalāl works precisely to frustrate such comprehension. Rather a dalāl is only after the expressed agreement of those who need to do so. Comprehension is a state of being, agreement a performative act, and the disjuncture between the two can last until the deal’s final moment. I remember one deal’s final signing that I attended. This was a simple horizontal deal, the buyer and seller two middle-aged couples who arrived at the Malpot with only a paralegal. The paralegal led them through the signing and thumb printing of the transfer documents in the corner of the busy records office, a mad rush of papers and ink. At one

point, the wife of the selling couple declared to me, in English, “I have no idea what I’m doing right now!” While she was expressing her befuddlement at the complicated bureaucratic process of signing the document, it can also be seen as describing the disorientation of land transfer for those who are generally disconnected from this economic process. Indeed, to an outside observer, land transfers can seem like a series of cajoled performative acts, each moving them towards the enactment of a buyer and seller without ever ridding itself of the uncertainty that only true comprehension can provide. The process finally climaxes at the desk of a government official, who asks if the seller—now framed to just those listed on the land title—is willing to sell and has received the payment indicated. It is here that the semiotic event finally takes place, both actualizing the land’s commodity state and ending it in the same moment.

There are two key points to be made here. The first is how this incomprehensibility affects the value of land in Kathmandu. Because of the relative opacity of the transaction, the reframing of land from that of a family estate to that of a commodity is blackboxed, leaving the internal complexity of the transaction hidden so that the land’s value to the family’s longevity is juxtaposed to its market value. My basic point is that this creates an ambiguity over what land’s “price” is indexing, whether it be the outcome of momentary supply and demand, or the valuation of the family itself. In other words, by keeping families away from the actual transaction of their land, dalāls create the illusion that these two values can be seamlessly converted; that they are, in a sense, not that different. I argue that this kind of structure produces the kind of crosstalk discussed earlier, in which the two values illuminate each other. Simply put, one of the reasons land prices are thought never to go down in Kathmandu is because of the interaction between market valuations and the kin valuations of their own estate, where such devaluation is not just painful but immoral.

The second key point is that, within this transactional process, the dalāl's work is often invisible. This is clearly by design, as a dalāl relies on this obscurity to profit, but it also helps explain why dalāls are often held in disdain. As one dalāl said to me, "No one knows how much work we do." Indeed, by making transactions appear seamless, dalāls undermine the moral foundation of their labor, and thus seem more like rent-seekers preying on the property of others. Yet the tenacity of their profession belies this point. Indeed, the fact that property listings on online land portals remain more expensive than those found through dalāls suggests that their labor is not simply a transaction cost in the traditional sense. Dalāls are producing something that is not easily captured in models that assume market coherency or frame human brokerage as an imperfect solution to information problems.

### **Conclusion: The Making of Markets**

In her article, "The Market as the New Emperor," Anne Haila notes that the concept of the market, despite being foundational to economics, remains ambiguous, with economists tending to slip between different meanings depending on the context. She identifies three meanings in particular: (1) the colloquial meaning, often referring to a physical space where commodities are bought and sold, (2) as a "mode of regulation," often in opposition to other forms such as state institutions, and (3) an abstract mechanism for coordinating human actions (Haila 2007, 5). Fundamental to all of these definitions is price. Markets are the space—abstract or real—where prices are enacted as part of a transaction. The ambiguity is over how this enactment occurs, and what price ultimately means.

Within this debate, Friedrich Hayek's conception of price and market remains influential. According to Hayek, price is the key mode by which information on commodities is conveyed, and the space where this occurs is the market. As he states:

This is precisely what the price system does under competition, and what no other system even promises to accomplish. It enables entrepreneurs, by watching the movement of comparatively few prices, as an engineer watches the hands of a few dials, to adjust their activities to those of their fellows. (Hayek [1944] 2009, 56)

Among the humanistic social sciences, this conception of the market has been thoroughly critiqued: it has helped to reify market theory as reality—what Haila calls the ontological fallacy (ibid); it promotes a desiccated understanding of human rationality by reducing it to instrumental calculation; it downplays the role of state and other public institutions in the creation of markets, etc. Nevertheless, Hayek's argument for decentralized coordination, rebranding the invisible hand as a protection against totalitarianism, has been so influential that it is hard to imagine price as anything but information produced by and meant for the market. This has been true even in anthropology. In his seminal investigation of the bazār in Sefrou, Clifford Geertz clearly articulates the contradictions inherent to definitions of the market, showing how non-Western markets are seen as both the apotheosis of classical economic exchange, as well as “an institution so embedded in its sociocultural context as to escape the reach of modern economic analysis altogether” (Geertz 1979, 28). Nevertheless, Geertz still presents price as information meant to coordinate production with demand (ibid 214).

As with the definition of the market, there is noticeable ambiguity over what price signifies. Jane Guyer's work has illustrated how price can refer to a multitude of things, including the conversion between ordinal and nominal scales, the circulation of multiple currencies, or a shared sense of moral indignation—price's apparent singularity being a thin veneer that masks multiple past transactional types (Guyer 2004, 2009). In Peircean terms, price

is a clear index, as indicated in Hayek's own invocation of dials, an index-producing readout. Yet, indexes are inherently underdetermined, depending on a semiotic ideology to explain them (Silverstein 2003; Keane 2003, 2008).

Indeed, to the extent that economic calculations are predictable, it is only because of an ideologically-laden infrastructure that is able to format indexical indicators such as price uniformly. One can see the production of exactly this kind of infrastructure in the contemporary emphasis on extending property rights, be it for economic development, intellectual property, or carbon trading. Following in the footsteps of Ronald Coase, whose famous theorem declared that all externalities could be accounted for efficiently if assigned property rights (Haila 2015), this contemporary movement is essentially one of indexical standardization, invested in the belief that this will breed efficiency by reducing the need to convert between different types of transactional frames. In other words, in order to keep price's indexicality coherent and stable, ownership must be formatted according to systems of formal property, while transgressive conversions and crosstalk must be minimized. As Guyer writes, "Formalization is the modern state's counterpart to conversion" (Guyer 2004, 155).

What *dalāls* provide then is a way to play with the conversion of values despite this formalization of ownership. By obfuscating how land prices are calculated, they insert ambiguity into what price is indexing, be it market values or the value of kin. This is not a form of resistance in the slightest; however, this ambiguity does allow for price to overflow the ideological frame placed upon it. Indeed, more attention needs to be paid to how the values produced in markets and administrations often deviate from the phenomena they are thought to indicate. In exposing how *dalāls* juxtapose different valuations of land, I attempt to demonstrate how valuations of land in terms of the family estate's longevity influence market prices.

Though this interaction is not rooted in a zero-sum conflict, nevertheless it is unstable. As land prices continue to rise in Kathmandu, informal dalāls are being pushed out, while plotting—once the stepping stone to becoming a developer—is becoming economically infeasible for those with less capital. Many dalāls I met complained that they were no longer able to make money the way they had a decade before, with some trying their luck in arranging private loans and mediating intra-kin conflicts in addition to land sales. What this might mean for the market or the dalāls is currently unknown.

Such pressures affected Sundip as well. In chasing a number of deals in order to save for the upcoming Dasain festival, he was facing a lot of frustration, constantly on the phone, waiting in teashops for other dalāls to arrive with the client they promised, and getting ever more anxious as deals were delayed. In a business premised on sporadic high incomes, delay is a slow death—a failure that does not announce itself until one is in too deep to change the course of events. I have distinct memories of watching Sundip call his contacts only to hear how their microbus had broken down, how their previous meeting had run late, or how they’d gotten lost. “Too many dalāls,” Sundip said once. “They all just talk. No one wants to work. No one respects your time. They think I can sit here all day.” Of course, we continued to sit.

These frustrations came to a head because of the land deal discussed at this chapter’s opening. In the end, the second buyer we met with Dili that day did not buy the land, and Dili, Sundip’s first buyer and hesitant accomplice, refused to put down an advance. However, Sundip remained convinced that the land was undervalued, and as the days before Dasain dwindled he became increasingly desperate to find someone willing to put down an advance. I remember one day watching him talk for over an hour on his cellphone with a childhood friend from his village—also now living in Kathmandu—arguing that he did not need to ask his wife before

paying the advance. “One week, and I can have your money back to you,” he told his friend. The friend ultimately refused, at which point he began to ask me for the advance. I also refused, which led him to ask for other small loans for medical bills he claimed he was paying for family members I had never met. After giving one small loan, I refused the rest, which led to an argument just before I returned to the U.S. in 2016. We parted amicably, but it was clear our friendship was over.

### **Epilogue: The Morality of Dalāls**

The last time I visited with Sundip was the summer of 2017, having returned to Nepal after my primary fieldwork to do follow-up research. We were in a small café, sitting at a quiet table near the back so that the street noise wouldn’t drown out our voices on my recorder. Such a set up was unusual for us, as the autumn before I had not conducted a single scripted interview with him, preferring instead to keep our interactions as loose and informal as possible. Circumstances had clearly changed. Sundip had married in the intervening months, a love marriage to someone of his same caste. He had also taken a job as a manager for a small Ayurvedic medicine company, greatly reducing the time he could spend chasing real estate deals. Now transitioning to a more reliable form of employment, I wanted him to reflect on what it had meant to him to pursue the “good life” through a profession of extreme uncertainty and secrecy. And so here we were, me treating him to plates of *momos* (Tibetan dumplings, common fare in Kathmandu), and asking what it meant to be a good, successful, and honest dalāl in the broadest terms I could manage.

“You cannot earn money too quickly,” he told me, almost immediately.

“Really?” I said.

Sundip nodded, annoyed at my obvious surprise. He took my notebook and drew what looked like a mountain with several false peaks on its left, and a steep cliff on its right.

“People who earn money too quickly, they always fall,” he said, pointing to the steep cliff on the right. “You earn a little, you go up. You earn more, you go up again.” He then traced the pen up the false peaks, before drawing a stick figure on the mountain’s summit.

Sundip then took me through the basics of upward class mobility in Kathmandu land brokerage. A dalāl begins in a rented room, taking the bus or microbus around town, and hustling small deals: arranging rentals, brokering the sale of tiny plots of land, etc. Once he gets established, a dalāl then moves to larger land deals; he buys a motorcycle and rents a full apartment. Eventually, he is able to buy a house, then a mansion, a used Suzuki automobile followed by a brand-new Toyota Land Rover; his business evolving from larger brokered deals to running his own land development firm, ultimately building luxury houses for sale to Kathmandu’s well-heeled. One could not skip these stages, Sundip insisted, who claimed many dalāls “fall” because they try to move too quickly, acquiring wealth so fast that it breaks them, financially, morally, and socially.

I was not surprised by the content of what Sundip said. Rather, what surprised me was to hear him say it. Throughout the three months he invited me along to observe his work, fast maximized profits had very much been his focus. Furthermore, the very structure of land brokerage in Nepal makes the kind of slow accumulation he described extremely difficult. Bluntly put, I was surprised by how poorly his description of his work fit both his own actions and the dalāl’s profession in general.

In retrospect, what is clear is that Sundip had upshifted his discussion on brokerage into a different moral register. This was almost certainly a defensive move, a way to justify a profession

that is morally compromised, while also coming to terms with his professional dreams receding in the rearview. Yet, in doing so, he signaled that he did not believe the actual activities of dalāls have any bearing on the profession's moral worth, and that this transactional order could be incorporated into something larger. This assertion of his still frustrates me because of the complex sociality I saw amongst dalāls, Sundip included. Yet it is hard to ignore how this sense of incorporation fits nicely with how brokerage works. Brokerage is a profession built on obscurity, on hidden clients, hidden fees, and the liminal spaces carved out within transactions. Though socially thick, brokerage purposefully truncates itself, its discourse on moral character hemmed in within its specific purview. This is by design—not of all markets—but of this market particularly. In other words, Sundip simply presented his short-term brokerage work as seamlessly integrated within a long-term transactional order, mimicking the kind of blackboxing that dalāls use to complete their deals. This is almost sad, because in hiding their labor dalāls forgo the possibility of having it recognized as influential beyond the specific market in which they operate. Though I am not trying to provide this recognition, I want to highlight how the moral hierarchies in which brokerage is embedded can obscure its actual effect.

### **Chapter 3: The Collateralization of the Family Estate**

In the summer of 2011, I interviewed a man in a town on the northern ridge of the Kathmandu Valley. A land speculation bubble had just collapsed, and after two years of intense growth, developers and investors were now struggling to stay above water. This man— a young father of two, a local to the area, and a member of the Tamang ethnic group— had engaged in land speculation during the bubble, buying land in areas close to housing developments and waiting for the price to rise. When the market finally collapsed, he had been left holding several large properties that he was now unable to sell. Yet, unlike many, he had managed to buy land without taking any mortgage loans and so was in no rush to divest. I asked him if he believed the price of his land was less than it was before the bubble burst. He paused for a moment, and then said no, his land was still worth exactly what he had paid of it. It was other people’s land—those who had taken loans from the banks and now had to sell in order to make their payments—that was worth less now.

I was struck by his comment at the time, and was surprised to hear it repeated by several other informants, in part because it seemed to dovetail nicely with another, far more prevalent comment I had been hearing from householders, brokers, and other small-time investors: that the actual price of land had not dropped at all. In keeping with the notions discussed in the previous chapter, people continued to tell me that the price of land was exactly where it had always been. According to them, the only difference now was that no one was buying. This somewhat

puzzling explanation contrasted with the commentary of bankers, government regulators, economists, and economic journalists, who told harrowing stories of radical price deflation, of investors hiding from creditors or committing suicide, of lives ruined and banks on the edge of financial collapse. In other words, for these groups, there had been a devaluation as a result of a collapsed financial bubble; thus, the fact that “no one was buying” was simply due to individual landowners not yet realizing their asking prices were too high. Indeed, when I told a Nepali economist of how many people were claiming that the land prices remained the same, he dismissed it as simply the householders’ “fantasy” pricing. And yet, once I left the banks, it was easy to understand why this “fantasy” perspective might be appealing. In the daily life of the peri-urban communities I was observing, it was not collapse I saw, but stasis. Developments that had recently begun construction sat idling in semi-completed form, half cleared with muddy plots of land, small areas colonized for corn or vegetable farming. Around the Malpot, the numbers of people arriving dwindled. Bars and night clubs that had been booming months before were now empty. Several informants quietly admitted to having to sell their land, or being close to having to sell, in order to make loan payments. Yet these whisperings seemed to have little effect on land’s price, or at least on what local informants believed the price of land to be. Things were not desperate; they were quiet. Simply put, no one was buying.

How does one reconcile the view of householders to that of the bankers? Here, I think the Tamang man’s comments are crucial. While there is an obvious interpretation for his claim—that the general market price had in fact fallen, but only those with loans were forced to sell immediately—I have come to believe that his comment reflects a more nuanced understanding of land and economic value in Kathmandu than what this superficial interpretation might imply. Rather than taking land price as simply a matter of market equilibrium—that is, an intersection

of inelastic supply and extraordinarily elastic demand—the Tamang man was framing land’s price in a more inclusive way, one that includes political power and economic control *as well as* market equilibrium, calculating the price of the land holding in part on whether it was associated with financial institutions.

In this chapter, I explore the banking and finance system in Kathmandu and its relationship to the land market. I argue that financial institutions have become a driving force of market creation in Nepal, one that aspires to the model markets of neoclassical economics. Unlike the *dalāls* and developers discussed in the previous chapter, the actions of finance companies are not meant to separate the buyer from market transactions. In fact, just the opposite: the finance sector works to incorporate both land and its owners within an imagined market, one in which land prices index market equilibrium, and where interpersonal trust can be replaced with calculable risk. As I will show, this aspiration is both internally contradictory and intrinsically incomplete, creating an even more varied financial terrain despite its attempts to flatten Kathmandu’s economic topography within the two dimensions of supply and demand.

This chapter is divided into two parts. In the first section, I discuss how land is valued, particularly in regard to price. While the previous chapter was in part an analysis of how price is negotiated, this section discusses how the price of land is *inscribed*—particularly how it is recorded in legal documents and land valuations—and the effects of these inscriptions. In part two, I discuss how borrowers themselves are evaluated by financial institutions, and the ways in which these same institutions enforce both middle-class values and state-sanctioned definitions of kinship. Consequently, this enforcement opens up a performative space for families, where they must make themselves bureaucratically legible in order to meet banking requirements. These requirements, in combination with the surprising number of formal financial institutions

available in Nepal, have created a kind of ad hoc class system of financial options, one that maps imperfectly onto the emergent class system of the city itself. This class system, as well as the issues of sovereignty that the finance sector brings into view, can be seen in the debate over a post-earthquake reconstruction loan, created and subsidized by the state, but managed by private banks.

### **Part 1: The Bubble**

As discussed in chapter one, there has been a massive expansion of private financial institutions in Nepal since the state liberalized the economy. This was particularly true during Nepal's Maoist War at the turn of the 21<sup>st</sup> century, when these new institutions found themselves well positioned to profit from the changes the war wrought. As the war ravaged the hill regions and the southern plains of the Tarai, Nepalis throughout the country began to search for economic opportunity elsewhere. Tens of thousands of Nepalis relocated to Kathmandu, bringing with them whatever movable assets they had, while others went abroad in ever-increasing numbers in search of wage labor. Of course, this movement of people created a movement of capital, which the financial industry was well-positioned to seize upon. During the years of the land bubble (2007-2010) remittances accounted for 20 percent of Nepal's GDP (Gautum 2011, 25)—a massive amount of money that, according to one banker I spoke with, became 90 percent of the capital pouring into the financial sector, and into Kathmandu.

By the war's end, though Nepal was in shambles, the financial sector centered in Kathmandu was booming, running on the assets and capital that had been pooling in the Valley throughout the war. Yet this pooling capital had very few places to go, a problem for both

financial institutions and potential investors alike. At first, many investors dumped their money into the Nepali stock market, a move that only expedited the expansion of Nepal's financial institutions. According to one ex-Deputy Governor of Nepal's central bank (NRB), during the years just after the war ended, one could open up a commercial or development bank, hold an IPO, and then sit back to watch as stocks doubled in price within six months' time. In this way, the creation of financial institutions became a method for accumulating the cash circulating freely within the city.

Yet this method of accumulation did not prove sustainable, and by 2007 the stock market had undergone a small crash. With the stock market now a less viable option, and with the number of financial institutions even higher, the financial sector turned its attention to the Kathmandu land market. Land in Kathmandu had for a long time been the foundation for most formal financial transactions, being the most common form of collateral. However, as the rate of Kathmandu's expansion increased, land became less a foundational asset for collateralization, and more of a potential investment in and of itself. Financial institutions began to lend an increasing amount of their portfolio to developers and other land investors. According to the NRB, the amount of real estate and housing construction loans among its regulated institutions tripled between 2007 and 2009 (Shrestha 2011). Microfinance cooperatives also got in on the game, with many developers opening up cooperatives as a means to collect capital for their investments, both as savings and loan cooperatives—in which case the developer would have to take a loan from their own cooperative—or as multipurpose cooperatives, in which they could invest the cooperative's money directly.

Naturally, this lending bonanza fueled massive increases in land prices and housing construction. Several reports found that from 2006 to 2009 the price of land increased 300 to 400

percent in the areas just outside Kathmandu's urban center (Bhandari 2006; Shrestha 2011; Nelson 2013). During my research, I heard reports in northern Kathmandu of land prices increasing upwards of ten times their original value in 2008, the price of a single ānā (127.2 sq. meters) increasing one lākh NRs (1,000 USD) every month. Not only did prices increase, so did the frequency of sales. Between the fiscal years 2007/2008 and 2008/2009, the number of recorded land transactions in and around Kathmandu's urban centers almost doubled (M. M. Sharma 2009).

As the prices increased, so did the credit options. With the price of land rising so fast, many local residents and other would-be investors began to look for ways to raise enough capital to begin speculating. Rotating credit schemes called *ḍhukuṭi* raised their monthly payments upwards of ten times their original amount so that the monthly recipients could receive payouts large enough to buy land.<sup>29</sup> Individual participants were thus obliged to pay upwards of two lākh NRs (2,000 USD) each month, with many individuals “playing” (Np. *khelnu*) several *ḍhukuṭi*s at once. I also heard reports of local moneylenders vastly increasing the amount they were willing to lend if the investments were in land. Pyramid schemes or “network businesses” also began to appear, each promising quick returns on investments (M. M. Sharma 2010). Another friend described attending a network business meeting in southern Kathmandu in 2009, where he was surrounded by ten different people, each promising him enough capital to buy land if he was willing to invest in their scheme. Simply put, many residents began to take on large amounts of debt at high interest rates in order to leverage themselves into the land market in any way they

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<sup>29</sup> Like other rotating credit schemes found throughout the world (Collins et al 2009; Geertz 1962), a Nepali *ḍhukuṭi* is an informally arranged money saving club. At their most basic, each member contributes a certain amount of money for as many months as there are members, with each member then taking the pot for one of those months. Numerous variations on this model exist, such as giving higher payouts to later winners, since it is quite common for members to run away after they have taken the pot. During the bubble these schemes were made illegal because of the dangerously high levels people were contributing to them, and because such schemes are often associated with gambling, as the phrase “*ḍhukuṭi khelnu*” (“to play a *ḍhukuṭi*”) indicates.

could. Consumption practices flourished: dance bars, supermarkets, and restaurants became ubiquitous, and the roads became choked with newly purchased motorcycles and cars. As a friend of mine stated, “people were just throwing out 500, 500, 1,000 [NRs bills].”

This period lasted until December 2010 when the NRB, having witnessed the beginning of the global Great Recession, put out numerous new restrictions on lending in the real estate market. Of principle importance were two new regulations: (1) banks could not loan more than 40 percent of their total loans on real estate and residential housing loans, reducing this percentage further to 25 percent by 2012, and (2) banks could not loan more than two-thirds of the collateral’s fair market value (FMV) for residential housing loans, or more than 60 percent of the collateral’s FMV for real estate loans (Gautam 2011, 21-22). Around this same time, Nepal was also hit by a severe liquidity shortage further restricting the amounts that banks could lend.<sup>30</sup> After the implementation of the NRB’s new regulations on real estate, financial institutions quickly curtailed their lending to this sector. In the first year after the NRB’s new regulations, loans to the real estate sector dropped by 34 percent (Gautam 2011, 36). Without credit to fuel investment, potential buyers vanished seemingly overnight, leaving investors of all types with unsellable assets and extremely high amounts of debt. From 2010 to 2013 the land market seemed to be in a state of collapse. The number of land transactions fell by 60 percent almost immediately, while newspaper articles reported land prices falling 30 percent (Poudel 2010; M. M. Sharma 2011). The NRB took over the management of several banks whose bad real estate loans had become unmanageable. Likewise, many of the cooperatives that had invested in the

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<sup>30</sup> The reasons for this liquidity crisis are somewhat contested. Many actors in the financial market at the time pointed to a slowdown in remittances as well as delays in distributions of foreign aid (Nepali Times 2010), while the ex-NRB official mentioned previously (who was an NRB deputy governor at this time) pointed to capital flight as a principle cause, with wealthy Nepalis moving their money elsewhere after the Maoist Party won the national election. However, other observers placed the blame on financial institutions (Khanal 2011, 2-3; Sapkota 2011, 18-20), arguing that cut-throat competition between newly founded banks and finance companies led to overly high deposit rates and reckless lending—particularly in the real estate sector—which in turn led to the shortage.

land market collapsed, the deposits of their members vanishing with them. During the summers of 2012 and 2013, I heard many reports of large-scale investors attempting to divest their lands at discounted rates to meet their financial obligations to banks, while people told stories of would-be entrepreneurs hanging themselves over loan payments.

### **How Does One Hear a Bubble Pop?**

In Kindleberger's classic account of bubble economies, he draws a general outline of a financial bubble's life trajectory (Kindleberger and Aliber 2011). Briefly, a shock exterior to the market dramatically increases profit opportunities within at least one sector of the economy. This leads to the sudden availability of credit as numerous economic agents rush to take advantage of this market shift, while the cumulative impact of their actions eventually lead to a market collapse.<sup>31</sup> Of central importance to this narrative is the interaction between credit, market equilibrium, and mass economic euphoria. After the exterior shock, the "actual" prices of goods in this newly robust sector become difficult to discern. Creditors then flood the market with loans, creating a feedback loop in which commodity prices rise simply because credit-backed investors and speculators are presently available, producing such an extreme state of economic euphoria that the commodity's price begins to float from the solid ground of supply-and-demand. Much like a certain animated coyote happily walking off a cliff without falling to his death, credit momentarily suspends both our better judgment as well as the power of price itself to index the real world. However, the illusion cannot be maintained. Eventually an event (e.g. a bank failure)

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<sup>31</sup> This is a massively simplified version of Kindleberger's argument, leaving out his focus on the interactions between different markets and the ways in which financial bubbles can spread. Since these parts are tangential to the subject at hand, I have omitted them.

signals that price has inflated beyond its equilibrium, prompting investors to begin liquefying their assets, and creditors to pull in their debts. Then, as soon as prices stop rising, they begin to fall, and the mania is dispelled through a harsh but necessary period of correction.

Superficially, the Kathmandu housing bubble does not deviate terribly from this general description. As immigrants flocked into the city during the Maoist War, the housing market received a “shock” that then dovetailed with an excess of credit made available by an emergent financial sector. Credit was pivotal to pushing forward an increase in housing prices that seemed beyond any “rational” reckoning. Likewise, the collapse can be traced to an event, namely the central bank’s decision to limit commercial creditors’ exposure to the land market. Yet again, almost everyone I discussed land prices with stated that price had not fallen since the supposed “collapse.”

Of course, the assumption is that there is a “real” price to which an inflated price can be corrected. However, as Janet Roitman has argued, the act of framing an asset as overvalued must itself be critically investigated. Focusing on the 2010 housing crisis in the U.S., she states: “The salient point is not to deny the lived trauma of those who lost homes and jobs. To the contrary, the point is to take note of the effects of the claim to crisis, and to take note of the effects of our very accession to that judgment” (Roitman 2013, 68–69). In other words, the “realization” that an asset is a liability is in fact a *transformation* of value enacted through a crisis narrative, an enactment that itself is rooted in financial infrastructure meant to convert uncertainty into calculable risk (Power 1997). Crisis does not reveal truth, according to which price is corrected. Rather, it enacts a new reality.

The Nepali housing bubble is a particularly interesting event to examine from this perspective, in part because the NRB very clearly imposed crisis before the market’s “natural”

collapse. While I do not claim that, had the NRB not changed its loan policy, the collapse would not have occurred—and I do not believe Roitman is making a similar claim either—it is worth noting the power the financial sector has over value, not only to increase the value of assets but to create a crisis of value as well. Such power relies on an infrastructure that can remake assets as debts, transforming rational profit seeking into irrational euphoria and back again (Roitman 2013, 49).

How do banks help to create these kinds of transformations? Here I turn to the idea of “holding.” Though a conventional term, following Matthew Hull’s use of it (Hull 2014), I take holding to be a broad category of possession, of which private property is a particular type. The difference, according to Hull, is in how property limits the associations that can be said to recognize possession. For example, property will often limit a holding’s association to just a land title, its rightful holder, and the recognizing state powers. In this way, private property is a particular format for possession. I argue that a similar observation can be made regarding a holding’s valuation. In valuating a holding in a property market, price is limited to supply and demand. This creates a sense of objective calculation, in which *who* is recognizing the price—be it the bank, the state, or the land holder—is thought to be unimportant. Likewise, other associations are thought only to affect a holding’s transactability, not its price. Thus, if there are associations with a holding that would complicate its transaction—for example, a title problem, an encroachment currently under adjudication, or an alternate claim—this means that, generally speaking, a transaction is only possible if those issues are adequately addressed. With some exceptions, the price of the asset is not thought to go down when such complications are present; it is instead rendered contingent on the clarification of its ownership, a kind of asterisk on its market value. In other words, the valuation of private property is premised on clear ownership—

that is, ownership limited to only a few recognized associations—helping to frame price as an index of supply and demand. As Jane Guyer writes, “Western market organization is finely structured, practically and ideologically, to place price at the center in each transaction” (Guyer 2004, 97).

Collateral plays a strange role in this system. In theory, collateral keeps separate the interests of the borrowers and lenders. By taking collateral, a lender no longer needs to monitor the borrower’s behavior, or—at least in theory—perseverate over their trustworthiness. The collateral stands in for that kind of personal relationship. Yet, this leaves open the question of the collateral itself: who owns it, what can each party do with it, and who is permitted to value its worth? As Annelise Riles writes, “Far from separating the interests [of the borrower and lender], collateralization involves them in a particular way—in the management, the care for, this thing, as this political relationship is reified now, the collateral” (Riles 2011, 156). Notably, this relationship is inherently hierarchical, with the lender being the only party who can determine when it is finished (*ibid*, see also Peebles 2010). Yet, within standard mortgage practice—both in Nepali and Western mortgage markets—the borrower is understood to maintain the holding throughout the loan period. The bank is not allowed to sell, develop, or rehypothecate the land, with all usufruct rights remaining with the borrower, who also accrues equity as the loan is paid off over time.<sup>32</sup> This is a legal fiction, of course, or in Riles’ terms, a placeholder to deal with the strange temporality and entanglement of collateralized land. Yet through its fictitiousness, the complications of land’s holding are again bracketed out from its market price, which is considered the same as if the land were not collateralized. Again, the bank’s association becomes simply an asterisk.

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<sup>32</sup> Rehypothecate is the practice in which banks use the assets that their clients have posted as collateral for their own purposes.

Such a system works if one assumes that price stems solely from supply and demand. From this perspective, there is only one price for any holding, and thus—in theory—it does not matter who values it. Though a bank and a landholder will be motivated to value the land in particular ways, still the limitation of its value to primarily these two variables provides an apparent foundation for a disinterested and scientific assessment based on objective market facts. Of course, in reality things are never so simple, and I do not want to imply that any market price is thought to be the result of only supply and demand. Rather, I want to highlight how ill-fitting this assumption is for the Kathmandu land market. In such a market, where land's value stems not just from two measurable variables but from the crosstalk between potential framings (see chapter two), its valuation is inherently ambiguous. For this reason, the identity of the person who is allowed to value the property becomes important.

I argue this is what we see in the opening anecdote of this chapter. In insisting that land values change depending on whether or not the land has been collateralized, the Tamang man was moving the bank's association from outside the brackets into the valuation space. This is notable for two reasons. The first is the way it resonates with Nepal's history. As argued in chapter one, issues of holding have never been separate from the land's economic valuation; on the contrary, Nepal's feudal rent system conflated mastery of land with the ability to determine its economic worth. The second point is how the Tamang man's insistence that his land prices remained stable implied that market values—that is, values stemming from supply and demand—are within the ambit of banks, and thus index the bank's power over land. In other words, one can read into this man's comments a belief that Kathmandu land's transformation into a financial asset only applies to land entangled with the financial sector.

One could view such a belief as a form of resistance, though I am not sure if I do. However, regardless of his motivation, I do want to argue that the Tamang's man's stance is also an accurate assessment of the Kathmandu land market's structure. As I will show in the next section, the relative opacity of the pricing of land (see previous chapter) combined with the lack of accurate state records makes devaluations incredibly difficult to read. By contrast, bank land valuations, while not publicly available, are well-positioned to enact exactly such devaluations.

### **Inscribing the Price of Land**

In the previous chapter, I discussed how price was negotiated among brokers. Key to these discussions was the controlled absence of the buyer and seller, so that the price of land could both be enacted as a composite of different fees, margins, and interpersonal negotiations, while still presented as a singular price. For any observer wanting to track the devaluation of land after the bubble popped, this system presents a problem. While one can always ask for the general price of land in any given area, to know what the land is actually selling for, one must navigate the myriad networks of brokers—a laborious process that is not feasible on a large scale. Furthermore, if one wants to know the price of land after the bubble had “burst,” then one would have most likely heard what I heard: that land prices haven't dropped. The only other option is to examine the land deed, but here one is stymied by the process of legal documentation. When a land sale is finalized and registered with the government, buyer and seller are legally required to write down the sales price on the deed. However, since the government charges the seller a hefty tax based on a percentage of the sales price, it is not uncommon that these reported prices are much lower than the price buyer and seller have agreed upon. The government of Nepal

maintains its own land price index, and requires that all reported sales prices be at least their amount. However, during the land bubble these government prices were often just a fraction of what land was routinely bought and sold for, and these amounts are still generally thought of as the minimum price of a sale. Consequently, most people opt to only report the government's price, never writing down the actual sales price.<sup>33</sup> Numerous individuals told me that the government taxes were so high that, for families rich in land and little else, if taxes were calculated according to the sales price and not the government price, it would be disastrous for them. Furthermore, if the land has been sold multiple times, the law forbids people from recording a lower sales price than what was already recorded, thus enforcing both the definition of government price as the "minimum" and also the notion that land prices in Nepal never fall. The only exception to this is when the buyer is borrowing from a bank: banks will not give loans in amounts higher than that written on the deed, because if the sale is contested and the seller must return the money, they will only need to return the recorded amount.

Yet despite this legal enforcement of price inflation, both private finance companies and their government regulators have ample ways to suppress market value of the land that they take as collateral. The first is through their own calculation of fair market value (FMV). FMV is the price that a lot of land should bring in an open market if sold by an unpressured buyer; it is on the land's FMV that banks determine the size of a loan. Generally, banks calculate this by creating a proportional price using both the land's market price and its government price. While before 2010 many banks weighted land's FMV values heavily towards its market value (e.g. 90 percent market value and 10 percent government value), after the collapse, banks began calculating the FMV more towards an even split between market and government values (e.g. 60

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<sup>33</sup> This has been changing since the land bubble, as the government has raised many of these prices to near the level of actual market transactions.

percent market price and 40 percent government price). This move helped to reduce the price of land for those either looking to buy on credit or using their land as collateral.

Financial institutions can also devalue land through land valuations. By law, financial institutions are required to send out third-party evaluators to assess the economic value of land to be collateralized. Yet banks retain an immense amount of power in influencing the price evaluators report. On one hand, banks are free to choose their evaluator, and to “delist” any evaluator of whose work they disapprove, giving evaluators a clear incentive to ensure their valuations match the banks expectations. This incentive was particularly noticeable at the height of the bubble. Because these valuations determine the maximum that banks can lend on a piece of land used for collateral, it is helpful if this loan “ceiling” is high—this means when competing with other banks for customers they can offer larger loans and attract more business. As both evaluators and bankers told me, at the bubble’s height, financial institutions put pressure on evaluators to make sure their valuations were “competitive” with those of other banks, the threat of delisting always the subtext. Likewise, in the aftermath of the bubble, evaluators were under pressure to make sure their valuations accounted for the drop in price. The NRB allows banks to “blacklist” evaluators if the bank was unable to collect their outstanding debts after foreclosing on a property. This is a serious legal punishment, one that freezes the blacklisted evaluator’s bank accounts and suspends him or her from doing any business with banks in the future.<sup>34</sup> Though meant mainly to discourage evaluators from taking bribes, the threat of such punishment still remains as a deterrent to making optimistic valuations after the crash, ultimately making evaluators further beholden to the banks who employ them.<sup>35</sup>

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<sup>34</sup> Blacklisting is usually reserved for those who have defaulted on significantly large loans, and has been used to curtail nefarious businessmen who take out loans with no intention to repay them.

<sup>35</sup> According to one economic journalist, bribing evaluators was fairly common before the land bubble. The scam works in the following way: one bribes the evaluator to overvalue the land, and then takes the loan money,

Such internal pressures are particularly important when considering the basic labor that evaluators perform. Evaluators are tasked with finding the market value of a piece of real estate, a valuation that takes into account numerous factors, including irregularities in the deed, the presence of a house, and access to roads, water and other resources. All evaluators are civil engineers; however, there is no valuation-specific licensing or required training beyond an engineering degree. As such, evaluators are well-versed in the basics of construction and resource allocation. Of the bank valuations I read, most of the reports were dedicated to questions that would fit such a skill set: is the house built with reinforced concrete, are there any signs of structural or cosmetic damage, are the walls plastered and if so how recently, etc. However, all these measures are simply modifiers on the most important value that evaluators must determine: the market price of the land. Yet the process for arriving at this number is obscure. All valuation reports end with the calculation of FMV, yet there is no written explanation for where the final number comes from. I've found that asking how this number is calculated rarely leads to much explanation, with evaluators referring—and often very dismissively—to their “experience” in the market, making what could be called a connoisseur argument. In practice, this means evaluators derive a market price in the same way all market players do: through word of mouth, rumor, and personal relationships. This price is then subject to the calculations and pressures previously mentioned—a process blackboxed by evaluators as “experience”—and then the final market value emerges.

Banks and the NRB can also depress the price of land simply by refusing to lend to the land business sector. This was the primary way the NRB managed to “pop” the land bubble, and

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walking away from their collateral, collecting the difference. According to this journalist, by 2006 this scam cost banks over 300 million USD, leading the central bank to require that borrowers sign an agreement to take responsibility for any part of a loan that their collateral does not cover.

though a blunt method, it was incredibly effective. Yet its effectiveness complicates its function as a “correction.” As Roitman would have supposed, this decision to limit lending to land businesses does make the recognition of the financial crisis appear to have been a devaluation enacted by Nepal’s financial infrastructure. Yet, reframing the bubble in this way also raises an interesting question: what would happen if the financial infrastructure was too weak to fully implement this devaluation? Indeed, such productions are never easy. By reducing their loans to the real estate sector while also lowering the fair market value on land collateralized after the land bubble, banks and the NRB put effective downward pressure on land prices within their own sector of influence, performing through the devaluation a predicted post-bubble crunch. This pressure was not effective outside of their sector, partly because technologies for inscribing the price of land for properties that had not been collateralized did not exist. In this way, the financial sector’s association—usually bracketed outside the land’s valuation—was highlighted, as was the hierarchical relationship between this sector and those whose lands they held as collateral.

It seems only fair to read the aforementioned Tamang man’s statement as a reflection of such logic. While it would have been commonplace for him to assert that, unlike other land investors, he was not being forced to sell his lands at a loss, he went a step further by asserting that the price of land had not fallen at all. One can see a strange savviness to this claim, an implicit understanding that the crisis of land prices in Kathmandu may not be due to a glut of credit, but rather to the elite’s ability to enforce a certain form of valuation. In declaring his holding to be different, he removed the post-bubble devaluation from the price of his land in a way that demonstrated his “mastery” (Verdery 2004, 145-151) over its value. For this man, and

for the other informants who claimed their lands' price hadn't fallen, price did not index a trans-human equilibrium; instead, it indexed a very social type of control.

## **Part 2: Post-Earthquake Subsidized Loans and the Trials of Household Transparency**

In the previous section, I argued that the housing crisis of 2010 helped clarify the role of the finance industry in the land market. In trying to “correct” the market, the finance industry highlighted its power through the valuation of individual land holdings, prompting the Tamang man's comments about loans and land prices. In other words, crisis helped to make explicit the relationship between banks and land holdings by shifting the context in which this relationship was enacted.

Such a phenomenon is not unique to financial crises. I observed a similar situation in the aftermath of the earthquake, which forced a minor reckoning over the financial sector's role and responsibilities within Nepal—and specifically Kathmandu—society. Soon after the earthquake, the NRB initiated a program to provide subsidized loans to earthquake victims for housing reconstruction. This program not only brought into question the relation between the state and private banks—who, on average, disapproved of this program—it also highlighted the private finance sector's role in class formation within Kathmandu's expanding urban society. As I will explore, in present-day Kathmandu, private financial institutions' procedures work to standardize, not just land holdings, but the family estate *as a whole* into something bureaucratically recognizable, wherein those estates that can produce better documentation are seen as higher class and are given more lending options. This is particularly true of income requirements. Because only certain kinds of income are bureaucratically verifiable, financial

institutions create an implicit hierarchy between different types of earnings, which does not always correspond to the amount earned. In this way, banks are helping to instantiate a new dimension to class within Kathmandu, one that favors income which is recognizably “modern.” When the NRB initiated its subsidized loan program, it did so to expand the availability of loans to classes of people who would normally not be able to afford such loans. However, they did not take into account the extensive bureaucratic requirements a successful loan requires, or how financial institutions might use these requirements to frustrate a program they disliked. Partly for these reasons, the NRB’s program ultimately failed.

In this section, I first discuss the structure of the financial sector in Kathmandu, arguing that it maps—albeit imperfectly—onto the assumed class differences of potential clients. I then discuss these institutions’ bureaucratic requirements for their potential clients, particularly the income requirements, and argue that they impel clients to produce a *legible* account of a family’s interior economy, while sidelining the question of the documents’ “accuracy.” Finally, I discuss NRB’s program, and how the financial institutions’ resistance to it called into question both their role in the country’s economic development, as well as their relationship to the state.

### **A Brief Synopsis of Kathmandu’s Contemporary Financial Institutional Structure**

It was mid-afternoon in the sparse but tidy office of a commercial bank’s loan department chief. The building, damaged in the earthquake, had only recently been reopened, and the walls still smelled a bit like wet paint. I had been peppering the chief with questions about collateral, land and valuations, and I could tell it was beginning to wear on his nerves, but I didn’t fully understand why. Finally, the department head stopped me: “You shouldn’t ask only about land,”

he said. “At cooperatives, at finance companies, it is all about land. We are not a cooperative. Here we look at income.”

I remember his comment for two reasons: (1) the importance the manager gave to income reporting, which I will explore shortly, and (2) the palpably dismissive tone he used to describe other, smaller lending institutions. In his judgment of finance companies and cooperatives to be “all about land,” he expressed a sentiment I had been hearing for some time, namely that there existed a distinction between different types of lending institutions which went beyond their formal structure and to their sense of overall mission.

There are two categories of financial institutions in Kathmandu: those regulated by the NRB, and microfinance cooperatives, which have their own regulatory body. NRB regulated institutions are divided into four subtypes: commercial banks, development banks, finance companies, and microcredit development banks. Formally, the only difference between these institutions is the levels at which they are capitalized, with commercial banks having the highest level of capitalization, and microcredit development banks the lowest. Otherwise, all four act as lending institutions, though microcredit development banks are formally directed to lend to NRB-designated “disadvantaged” sectors.

Microfinance cooperatives, by contrast, are government-registered, locally-based financial institutions which lend only to their membership, and then only to those who have built up credit through making regular deposits and timely loan payments. Though there are numerous types of cooperatives, they can be divided into two categories: savings and loan cooperatives, which only provide loans and savings accounts, and industry-specific cooperatives, which provide loans and invest in a specific industry. The most general of these industry-specific cooperatives is the “multi-purpose cooperative,” which can invest in *any* industry as long as they

seek pre-approval from the state's regulatory board. Such bureaucratic distinctions are mitigated by the fact that cooperatives in Nepal are notoriously under-regulated. They are also extremely easy to establish, requiring only a list of twenty-five "board members" from the community, which is often fabricated. Likewise, there is no regulation against lending to its own board of directors, or to others who are involved in its upper-management, and it is common practice to grant extensions and restructuring options to such lenders, allowing these lenders (as the state-run banks have done for generations) to extend their line of credit indefinitely. Finally, though cooperatives are required to register within a particular geographical area in order to provide financial tools to marginalized groups, many have expanded far beyond their registered area, opening branches throughout Kathmandu, or—in the case of multi-purpose cooperatives—opening up new, for-profit businesses, such as large hospitals or department stores.<sup>36</sup> Indeed, cooperatives have become so common that several of my informants joked that every second story in Patan houses a cooperative office. This has become something of a sore spot for many bank managers, a sentiment reflected by the loan department chief with whom I spoke.

Among the NRB-regulated institutions, financial firms can be seen as existing in a kind of unified continuum, wherein the highest-capitalized institutions charge the lowest interest rates but have the most stringent requirements, and the lowest charging the highest interest but requiring the least paperwork. Thus, on one end, private commercial banks will charge 10 to 12 percent interest, but will only accept certain types of documentation, often sending their clients out repeatedly to find new paperwork to prove their income (or requiring they bring in all family members to sign onto a loan application), while a finance company will charge 14 to 17 percent,

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<sup>36</sup> The thinking here—as with most microfinance schemes—is that, by having cooperatives remain local, they will be run by locals who will lend to those with whom they have personal relationships, thus allowing those without verifiable income or collateral to secure loans. Borrowers will in turn be more willing to pay back their loans on time because of these same personal relations.

but will often work with their clients to produce the right documentation. Such divisions also apply to how fast an institution can process a loan application, with commercial banks averaging roughly a month, while a finance company can do so in just a week. This continuum among financial institutions exists to serve different economic classes of people, with higher-capitalized institutions working with higher-class clients, while lower-capitalized institutions' clients are thought to be more working-class. Not only is this the explicit intention of the NRB, managers at financial institutions often discuss their jobs as catering to a certain economic class of client that matches their level of capitalization. For example, one owner of a finance company told me that his business was meant for the lower middle-class, while the previously mentioned loan department chief claimed that his bank—a smaller commercial bank—caters to upper middle class clients, but not the upper class, who he said frequent Nepal's largest banks. Yet, in practice, the clients at each level do not align perfectly according to class. The finance company I frequented had several plotters as regular customers, all of whom had chosen this institution for the ease and speed with which they could receive a loan, and because of the personal relationships they had developed with the loan officers—advantages they understood to be more important than lower interest rates.

Microfinance cooperatives are particularly complex in this regard. Within this continuum of financial institutions, they are generally considered the lowest rung, catering to the most marginal clients, requiring the least amount of paperwork, and charging (it is generally thought) the highest interest. However, they are also deeply enmeshed in the land business, with many developers and land investors being either founders of their own cooperative or at least on the board of directors of one. Like with the plotters who patronize finance companies, many businessmen (especially those in the land business) prefer cooperatives to commercial banks—

which have become far more hesitant to invest in land since the bubble crash—because cooperatives are able to turn around loans quickly, and with little hassle. Not only this, but because they are outside the NRB’s regulatory reach, their interest rates are not as closely tied to shifts in liquidity. Thus, though cooperatives are generally believed to have much higher interest rates than NRB-regulated institutions—and indeed, they often charge upwards of 17 to 24 percent, almost the equivalent to private moneylenders—depending on the situation, the cooperative, and the client, interest rates can be lower than those of commercial banks. To give another example, a friend of mine borrowed thirty lākh NRs (30,000 USD) from a cooperative to rebuild his home precisely because, at that time, a liquidity crunch had driven commercial bank rates up to 15 percent, while his cooperative—one of the largest in Nepal—was charging only 13 percent interest. For such reasons, though cooperatives have received an unenviable reputation for crashing unexpectedly, they nevertheless remain popular.

Still, though interest rates do not perfectly align with institutional divisions, there remains a noticeable classist element to how these formal divisions are exercised in practice. In a city where most income is at least partially informal, and where land ownership often involves numerous family members, paperwork is often hard to come by, requiring an immense amount of labor and coordination with kin and professional partners. When asking informants why they frequented cooperatives instead of trying to secure lower interest rates from commercial banks, most noted that banks require too much paperwork, and thus are not worth the effort. Many of these informants could have afforded to pay back a large bank loan, if only they had not been frustrated by the paperwork. In this way, the bureaucratic legibility of one’s assets and income has become a new variable in the construction of urban class, one that is enacted through the

financial system. In the next section, I explore how this happens by focusing on two major paperwork requirements: income requirements and personal guarantees.

### **Income Requirements and Personal Guarantees**

Outside of the ability to produce collateral, income requirements are the largest hurdle for receiving a loan. Yet, unlike collateral requirements, financial institutions are not directly regulated by either the cooperative board or the NRB when it comes to verifying income. Though NRB regulations are written as if income requirements are necessary to provide loans, they give no direct guidelines nor require any kind of reporting, and as such, even commercial banks have control over deciding on their own internal policies regarding this issue. Despite this autonomy, most financial institutions require some form of income verification. This is somewhat surprising, since such requirements really only serve to limit the amount an institution can lend. As I already discussed, these institutions are legally obligated to lend no more than a certain percentage of the collateral's FMV; a borrower's income can do nothing to raise the loan's ceiling. Yet, if the borrower does not earn enough to qualify for the maximum loan amount, then they must take a smaller loan that fits their income.

It turns out there are practical reasons that banks might want to limit their profit. While post-bubble collateral procedures generally ensure that banks are protected in case of default, the process for auctioning collateral is long and laborious. A bank must wait a year from the first missed payment before they can begin auctioning procedures and are forced to provision their profits in the meantime. Once procedures have begun, it can take only a few more months to proceed to auction; however, borrowers can contest auctions in court, dragging out this process.

Furthermore, bankers told me that people are often hesitant to buy land that has been auctioned. This is partly out of concern that the defaulting borrower might try through informal means to disrupt the new buyer's legal claim to their purchase. However, it is also true that bankers feel would-be buyers of defaulted land holdings see such purchases as morally distasteful, particularly when the land is clearly part of a family estate.

Requiring income verification also carries with it a certain amount of prestige, one that differentiates "modern" commercial banks from low class and supposedly "corrupt" cooperatives. Thus, in practice, income verification becomes an important space where an institution can declare its class standing, or more specifically, the class of their chosen clientele. Indeed, this was the real importance of the loan chief's statement: that his bank was more advanced, and its paperwork requirements more rigorous than those of cooperatives.

As is true with calculating land's FMV, the calculation for income is quite simple: Nepal's financial institutions create a ratio between the amount one must pay per monthly installment and one's monthly income that is not already earmarked for other expenses (e.g. other loan payments, rent, living expenses, etc.). In one bank I observed, they required that loans be no more than 80 percent of one's unearmarked expenses, whereas a finance company I observed required this amount be lower than 90 percent. For those with verifiable income sources, such as salaried employment, this process is easy. Financial institutions will generally accept letters from one's employer as proof of income, assuming the company is registered with the government tax office and the stated income does not deviate much from their own understanding of what such positions generally pay. More deference is paid to companies that are more immediately recognizable as stable and highly-capitalized. For example, a worker for a large hydropower company could expect to move through the verification process faster than a

worker of a small, unknown construction company, even if their net income is roughly the same. Generally speaking, those who work abroad are at a particular advantage in this system, both because they can easily produce proof of income, and because remittances are such a well-established and trusted form of income in Nepal, their paperwork is rarely questioned.

For those without verifiable income, the process of producing proper documentation is more arduous. For small shop owners, craftsmen, and other small business owners (the most common employment I found in the Patan area), commercial banks will often conduct a mini-audit of the business, asking for estimates of sales, expenses, and inventory, usually accompanied by a visit of the workplace from a loan department officer. Like when assessing possible collateral, these visits are often met with some trepidation; bankers told me that the borrower often instructs them not to divulge that they were from the bank, lest their neighbors find out about the loan. During the few such visits that I was able to witness, the bank's questions were usually quite basic: how many employees (if any), what is the monthly of rent of the shop-space, years in operation, etc. If the officer is satisfied, the process ends there; otherwise more documents are required, including rental contracts, letters from wholesale suppliers, and itemized inventories—documents which generally have to be produced specifically for the loan. In other words, if the loan officer is unable to trust the business based on this initial (mostly verbal) investigation, he will ask the potential borrower to inscribe their business into bureaucratically-legible paperwork, an inscription that in turn requires the time and labor of the borrower, as well as of his or her business partners (e.g. landlords, suppliers, etc.). According to the bankers I spoke with, the reasoning for requesting additional paperwork is that by increasing the number of forms and documents required, it will be increasingly hard for borrowers to falsify their income. In practice, such falsifications are still possible; however, they require extensive effort, and tax

the relationships between the borrowers and their networks. It was clear that creating this labor was part of the bank's strategy. In lieu of an outright rejection of a loan application, banks will delay lending to a borrower they are skeptical of by increasing the amount of paperwork required, forcing the borrower either to burn through their social capital to produce the documents, or take his or her business elsewhere.

Clearly, this process depends heavily on the subjectivity of the loan officer. For example, when a taxi driver I knew—whom I will call Raju—was first asked to record his income on the application form, the loan officer lowered the figure to match what he believed taxi drivers usually earn. Likewise, in several loan files I reviewed, people's living expenses (which banks deducted from one's income) were raised with no explanation in the file's comments. When I asked the loan officers what precipitated these changes, they said it was clear families had underestimated their living expenses to raise their loan amounts but did not extrapolate further on how they arrived at these figures. Conversely, corrections are sometimes made to raise a borrower's income. One banker told me that his bank would give police officers loans much higher than their income should allow, because it is understood that police in Nepal make most of their money through bribes, extortion, and other forms unverifiable income. Likewise, another banker told me that his bank was far more willing to lend to members of the Śākya and Vajracharya castes, because, though these caste groups often have very little verifiable income, their known involvement in business—particularly high-end handicrafts like religious bronze statues—means they can be counted on to possess more money than they can formally claim.

A financial institution's wide discretion is particularly important regarding rental incomes. For many homeowners in Kathmandu, rent is the primary income source for the family. Yet, not all banks will recognize rental income as legitimate. In the private bank I observed, their

official position was to reject rental income, dividends, and interest payments of any kind, referring to them as “non-core income.” The reasons for this are two-fold. First, as the loan chief explained, those who make their money mostly from rent are often not the type of customer they are looking for, as they prefer those with higher class employment. Second, rental income can be difficult to verify, as it is easy to fabricate rental contracts. Most rental agreements for housing are arranged without any paperwork, and even if an agreement is written, it is often just on simple notebook paper with no witnessing signatures or legal formatting. Consequently, many private banks would list rental income as “extra comfortable factor for meeting their living expenses” in their loan files, thus making a note of it but not including it in their actual equation of the loan amount.

Of course, this rule has its exceptions. According to the loan department chief I quoted earlier, if rental properties are centrally located, and thus consistently in demand, the bank can estimate the rental rates and therefore will factor it into their equations. During the period when this chief’s bank allowed me access to their loan files, I found that when rental income was listed on the description, it was calculated as core income roughly half of the time. Making these exceptions required that the loan department receive a waiver from upper management, but such waivers were commonplace. In the loan files, I also found that roughly one quarter of all loans had some kind of waiver, and for myriad reasons: a sibling unable to sign on the loan because he was living abroad, a private business without official income receipts, a lower rate on a real estate loan to attract a wealthy customer, etc. I did not find one instance in which a waiver was denied, neither in the files I examined nor in the recollections of loan officers. One assistant manager did remember a time when upper management tried to deny a waiver, stating that they did not believe a piece of collateralized land could be sold for the amount found on the valuation

report. However, he said, they soon acquiesced after the loan department insisted that the valuation was correct, and even apologized at the next quarterly meeting.

In other words, waivers and exceptions are not extrinsic to the system of loan approval, but are generally a crucial element. Were financial institutions, particularly commercial banks, only to give loans to those who met their stringent requirements, they would risk bankruptcy, processing only a fraction of the loans that would otherwise be available to them. Thus, waivers are a method for banks to maintain control over issuing loans, ultimately relying (as was true with land valuations) on a sense of personal trust and connoisseurship when selecting clients.

Given this situation, it is not surprising that many of my informants preferred to use financial institutions where they had some kind of personal connection so they could somehow circumvent the process. It is also one of the central reasons why cooperatives have become so popular: being more locally-focused, it is far more likely for residents to have personal connections to people working at these institutions than to those working at banks. And indeed, such connections do pay off. One informant, whose house and cold store had collapsed in the earthquake, decided to use the government-run RBB bank for a housing loan, mostly because the bank manager of the local branch was an old friend. Because his store had collapsed, he had very little to show as proof of his business, and so his friend at the RBB told him to write down his inventory as being worth fifteen lākḥ NRs (15,000 USD), which was far more than the store owner had ever kept in stock. With no requests for more paperwork or any site visits besides that of the bank manager (his friend), the loan was approved quickly, and for far more than this man's income would have normally allowed. As he told me, laughing, "Sometimes this is what you have to do."

Indeed, for the borrowers, income requirements are not just laborious, they also require the marshaling of one's personal networks. This can mean using one's connections to banks, as just described, or by using other personal connections to generate counterfeit paperwork. While superficially corrupt, such labor actually helps "verify" the borrower in a different manner. A borrower who has a personal connection to a bank official, for example, is conceivably more willing to pay back the loan on time, lest he endanger his connection's career. Likewise, if a borrower is able to generate enough fictitious paperwork to be eligible for a loan, this can be seen as a demonstration of their social power to enlist the cooperation of others, which in turn speaks well of their ability to pay the loan back. In other words, the ability to generate fictitious paperwork is ironically a good sign that the borrower is capable of paying back a loan. In either case, the *production* of verification becomes a method by which "good" borrowers are discovered.

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This kind of coordinated production is particularly important for families. As I mentioned in the previous chapters, because of the co-ownership of the family estate, all loans require the agreement of all family members, which requires the coordinated labor of kin. This can be accomplished through co-signing, or through what are called "personal guarantees."

A personal guarantee is simply a contract in which the signee guarantees the loan for the borrower, taking on the responsibility of the loan should the borrower fail to repay. While co-signing is generally reserved for those seen as actively using the loan, personal guarantees are reserved for more peripheral parties who promise to step in should the borrowing party fail. Nevertheless, though a personal guarantor can be anyone, they are usually kin. This is partly because signing such a guarantee is a serious commitment, exposing the signee to all the

draconian measures available to banks for defaulting borrowers, including blacklisting. In addition to this, banks often require that any kin who have a possible claim to the land the borrower owns to also sign a guarantee. Of course, if a borrower is collateralizing this land, then all family members with rights to the land must sign the collateralization form (Np. *jagga rokha*), in which case personal guarantees are just an extra measure of enforcement. However, if the borrower is *not* collateralizing his land, or all of his land, then personal guarantees can be used to bring all the land to which the borrower has a claim into play, allowing the bank to threaten blacklisting if such land is not turned over in the event of default.

This happened to Raju, the taxi driver whose loan officer devalued his income. In January 2016 he began searching for a new taxi. For his previous taxi—the one for which his friend had co-signed—he had used an NRB-regulated finance company. However, this time, feeling more financially secure and wanting a lower interest rate, he found a smaller commercial bank that specialized in taxi loans. For such a loan, the taxi itself is the only collateral. However, Raju still had to get his brother, wife, and father to all sign personal guarantees, in part because all these individuals had claims to the small house in Lalitpur that they shared. In other words, though their land was not formally collateralized, having all family members sign personal guarantees meant that, should Raju default and the collateralized taxi not cover the outstanding principle of the loan, the bank could go after the family's land to make up the difference without any legal interference from his family.

This practice raises two points. The first highlights the ways in which banks enforce state-sanctioned understandings of kinship: by requiring cooperation between family members based on land ownership, be it through collateralization or through personal guarantees, banks help transform the state model of the family estate into actual practice, wherein family members

must work together in order to actualize their land's value as a financial asset. As one banker told me, his bank required personal guarantees from all family members so as "to put family in the same basket." The second and related point is that such cooperation is intensive and requires good kin relations. In order to sign these personal guarantees, Raju had to bring each of his family members to the bank itself, and then wait for the loan officer to produce the paperwork, a process that took half a day each time. Raju's family was quite close, with both he and his brother sharing their house with their elderly parents, wives, and children. However, his brother, wife, and elderly father were all employed, so their time spent waiting at the bank for this paperwork resulted in lost wages and the taxing of their employers' good will. Not only this, but the loan officer also demanded a site visit at Raju's house, which required all the family to be available so they could answer any questions the loan officer might have. I was present for this meeting, crowding into Raju's small bedroom with the loan officer and all nine of Raju's family members. The questions the officer asked were fairly rote—how long had they lived there, which district were the parents from originally, where did everyone work, etc. These were all questions that Raju could have answered himself, or that his family members could have answered when Raju brought them to sign paperwork at the bank. Yet it seemed to me that the questions may not have been the real purpose of the visit. More important was the scene: all the family members together, helping Raju acquire his loan, the women serving tea and biscuits. It was this *performance* of family solidarity that seemed the main aim, a demonstration that Raju had the social capital to pay back his loan, regardless of what happened with his taxi cab.

## State-Subsidized Reconstruction Loans

While income requirements clearly have had an effect on how class is structured in Kathmandu, this effect is rarely discussed. Generally speaking, banks are seen as simply *servicing* different classes of clients, not helping to create them. This is in part because, in normal times, the roles and obligations financial institutions should have within society are rarely questioned. However, after the earthquake, such questions became explicit, as people began debating how best to rebuild the country. As it happened, this questioning would also intersect with the ambiguous relationship between these institutions and the state.

Within weeks of the earthquake, the NRB came out with its own proposal for reconstruction: for every family registered as having lost their house, the NRB would provide banks with the necessary capital for a low-interest loan, set to be paid back over ten years. The NRB would make no profit from this loan; rather, the 2 percent proposed interest rate would be collected by the private banks as payment for the administration costs. These loans would be set at a maximum of twenty-five lākh NRs (25,000 USD) for inside the Kathmandu Valley, and fifteen lākh NRs (15,000 US) for outside the Valley. This program was meant to be supplemental to the central government's own aid program, a two lākh NRs (2,000 USD) grant given to all earthquake victim families (which I will discuss in later chapters), the latter meant to aid *all* families while the former aimed at "middle-class" victims who could afford a loan if given at lower interest rates than were standard at commercial banks. Outside of the interest rate, the maximum principal, and the ten-year limit for repayment, banks were left to use their own discretion about how to administer the loans, subjecting applicants to the same requirements and processes of verification that they would for applicants in normal circumstances.

It is worth noting the reasoning behind this decision. Beyond recognizing that the paltry two lākh NRs (2,000 USD) government grants would not come close to covering the cost of a new house in Kathmandu, this program implicitly recognized private commercial banks as having a responsibility for the well-being of the citizenry. As one NRB official told me, “The banks must help. We all must help rebuild this country.” Such statements reflect the national mood directly after the earthquake, when—at least where I was living in Kathmandu—there was an outpouring of civic duty and volunteerism as individuals worked to send food and supplies to victims both in and outside the Valley. Within this moment, it made sense to bring banks into the project of reconstruction; given that the earthquake’s largest effect was the loss of housing, it was only appropriate that banks help create new bureaucratic channels to finance household reconstruction. And indeed, it was appreciated. Among the 90 families I interviewed in Patan, over half of those who planned to rebuild their house stated that they would be interested in securing this low-interest loan.<sup>37</sup>

However, commercial banks were far less pleased with this proposal, and almost immediately began to push back. Bankers I talked to argued that the 2 percent interest rate was not enough to cover administration costs and would force them to work at a loss. Likewise, many bankers noted that, though the state would be refinancing the principal for these loans, the banks would still be responsible if the borrower defaulted, having to provision their capital in the same manner as they would for any defaulting loan.<sup>38</sup> Furthermore, due to a provision in the NRB charter, the NRB was only allowed to refinance loans for up to one year. Though the NRB

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<sup>37</sup> Such responses may have been a bit premature. As one banker pointed out to me, a twenty-five lākh NRs (25,000 USD) principle loan, even at 2 percent, would probably require payments of roughly 23,000 NRs (230 USD), more than many of these families could likely afford.

<sup>38</sup> According to NRB regulation, a bank must subtract 25 percent of the loans principle from their overall capital if the borrower has not repaid in 3 months; 50 percent after 6 months, and 100% after 12 months.

promised to renew refinancing every year for the duration of the reconstruction loans, several bankers expressed a certain level of distrust over this assurance, feeling that this aid program would still put them at unnecessary risk. Finally, because this loan was being categorized as “aid,” many bankers did not believe that the loans would be repaid, citing a similar program the Nepal government administered in eastern Nepal after the 2004 earthquake, when borrowers had defaulted en masse.

Most of this debate occurred among NRB and private bank officials, conversations to which I was not privy. Nevertheless, what I was able to observe was interesting: despite the public’s voiced enthusiasm for this program, nobody I interviewed had managed to secure a subsidized loan, though all the while numerous news stories in Nepali national papers reported that the 2 percent “soft” loan program was failing *because no one was interested in applying for it* (Kathmandu Post 2018). These stories often pivoted on the actual number of successful applications, which were extremely low; by the time the program was canceled, only 1,300 people were said to have applied (Giri 2018). Yet, as my informants made clear, this was not for lack of interest. Rather, banks were simply finding ways to deny applicants quietly, either by claiming that the NRB had not begun to administer this loan (which was untrue according to the NRB officials I spoke with), or by denying applicants loans through their standard verification procedures as I previously described them, allowing for the narrative that the program wasn’t popular in the first place. This narrative was surprisingly convincing. When I interviewed an NRB official several months after the program was announced, he seemed genuinely surprised when I explained to him that numerous families had expressed interest in the loan program, and told me to instruct them to come en masse to the NRB office to make their voices heard.<sup>39</sup> In

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<sup>39</sup> I did in fact pass this message to several of my informants, though none of them made the trip.

other words, even as far as this NRB officer was concerned, the problem was with the lack of interest among the public, and not with resistance from the banks.

The program lingered until October 2018, when the NRB finally cancelled it, declaring it unfair to put government money at risk for such meagre interest rates and with such uncertainty of loan repayment. While framed as a protection of the public funds, the NRB's statement effectively parroted the banks' own criticisms and concerns. The NRB also noted that only 1,300 people had applied to the program which, again, was most likely underreported. Not only this, but soon after the NRB's announcement, those who had received the loans watched in horror as their interest rates quickly rose to 14-15 percent, the normal rate for home loans. By any measure, the program was a failure.

Was such a failure inevitable? It seemed clear that, at least from the banks' perspective, the NRB had overstepped its authority. As demonstrated earlier in this chapter, the financial sector readily acquiesces to the state's management of the market. However, in requesting help in the reconstruction effort, the NRB attempted to interpellate these institutions as an appendage to the state, and thus these private banks' resistance is understandable. Yet, the NRB's reasoning was just as understandable. According to their apparent logic, there existed a class of earthquake victims—many of them city dwellers—whose reconstruction costs would exceed the promised government grants, and who earned enough to repay loans if the interests rates were lower. This was not terribly inaccurate; many of my informants who expressed interest in this loan also complained of how little the government grants would cover, and the interest I saw in the loan indicated that people were incentivized by the lower rates. However, in proposing these loans, the NRB did more than simply offer a new loan product for a market hungry for one. It tried to

expand the market by extending lending to a new class of people whom the banks had previously worked hard to exclude.

Indeed, class is not simply a matter of income; it is also the presentation of oneself and one's family as a certain kind of person. Mark Liechty has described in some detail how this applies to consumption (Liechty 2003). This presentation applies to finance as well, and in a similar way. While family consumption is patterned on an understanding of a global modern lifestyle, access to higher classes of finance depends on having modern forms of income. Unlike consumption, however, recognition of such modernity is not distributed throughout the community, what Liechty called "honor" (Np. *ijjāt*). Rather, it is the financial institutions' privilege to choose which incomes they recognize as legible, a power that the NRB strangely did not challenge in the issuing of the subsidized loans. Implicit to the NRB's perspective was the belief that private banks' verification procedures are impartial, a neutral and rational technique for making the financial realities of households transparent. Of course, this is not the case. As with the land valuations previously discussed, the procedures for verifying income give extensive flexibility to the institution, allowing them to cull and curate potential borrowers in their search for higher class clientele. Thus, in the case of the subsidized post-earthquake reconstruction loans, it was easy for banks to reject applicants, if only verbally, by focusing on the potential applicant's failure to provide proof of a bureaucratically legible (i.e. "modern") income before the applications was ever filed.

This post-disaster drama not only implicated the relationship between banks and families, but also between financial institutions and the state. As discussed in chapter one, the relationship between the state and the private finance sector has been complex throughout Nepal's history. On one hand, thanks in part to interventions from the World Bank and IMF, the state's privatization

of the finance industry has limited its historical power of evaluating the economic worth of its territory, which was once central to its sovereignty. On the other hand, financial institutions and the state have formed a powerful coalition to reframe land as a financial asset, with the bureaucratic practices of the state often dovetailing with those of the finance industry. This creates an ambiguity over where exactly one can draw the line between the two. While before the earthquake such ambiguity was managed through an implied sense of convergent purpose, post-earthquake reconstruction engendered a conversation over this exact topic, making explicit their divergent interests: while the state approaches the standardization of the family estate as a means towards the contested virtue of development writ large, banks aim to curate their clientele.

## **Conclusion**

In a separate conversation with the previously-mentioned loan department chief, he described a relationship with a client that he had once helped acquire a loan. The client was a Newar Maharjan man from Patan, who had come into the bank to apply for an auto loan. Maharjan is a farmer caste; however, this man made most of his money from painting the faces of statues in Patan's bustling handicraft business. The loan chief—an upper-caste Newar man from Bhaktapur—refused to give the full loan because of income requirements, and so the man agreed to take a loan for only half the cost of the car. This impressed the chief, as it signaled that this man had more money at his disposal than was immediately apparent. On further investigation, the chief discovered that this man ran his own shop and had several employees. What he lacked was paperwork: government registration forms for his shop, records of paid tax bills, a savings account, and records of past loans paid in full. The chief agreed to give the man a loan for the

cost of entire car but urged the man to pursue his paperwork. The man agreed, opening a savings account at the chief's bank, registering his business with the government, and paying his taxes. He also began to avail himself of more of the bank's services. The chief told me, clearly proud of himself, that the man now had an eight lākh NRs (8,000 USD) line of credit with the bank, and had expanded his business, opening up his own shopfront in a busy part of Patan.

I view the chief's story as approaching the platonic ideal of Kathmandu's financial sector's understanding of its own good work. The chief recognized the potential of a local businessman and entrepreneur, and encouraged a partnership that benefited both parties, producing a new valuable client for the bank while also advancing the client's interests through the extensive leveraging of his business and personal holdings. This story of a mutually beneficial partnership pivots around its bureaucratic verification through the continued engagement with financial services and state bureaucracy.

In other words, financial institutions are invested in the expansion of bureaucratic legibility through the formatting of family estate economies. This is demonstrated in numerous ways: when these institutions require that borrowers write down the actual sale price on land deeds; when they force borrowers to register their businesses to verify their income; and when they require tax documents, salary receipts, rental contracts, auditor reports, and official land valuations. All such documents are seen as standardized, legible, and fitting with all other such documents. Yet, this expansive vision of bureaucracy belies the ways in which financial institutions preserve ambiguity within their own systems, through formal and informal pressure banks place on land evaluators, through waivers on income requirements, and through backroom discussions with state regulators. None of these methods should be seen as corruption; that is, as a force destructive to the system. Indeed, finance would not be possible without them.

This state of affairs requires a certain amount of juggling on the part of financial institutions, between what is recorded and what isn't, what is explicit and what is left unsaid. However, crisis shifts this balance, not by revealing truth, but by changing the contexts so abruptly that there is a certain lag time before the institutions can reorient. In this period, one can discover a new perspective, seeing how land prices are different for those with bank loans than for those without, or how the interests of the state and financial sector diverge. This window lasts until the responsibilities, obligations, and claims of all parties are sorted, and balance is restored. In later chapters of this dissertation, I explore how this process of reorientation played out for families who lost their houses in the earthquake.

## Chapter 4: The Limits of Household Cooperation

In the summer of 2015, four months after the quake, I was walking with a friend, a Newar Shrestha man in his early thirties. His house had been badly damaged in the earthquake, though it would not need to be torn down completely. Still, it needed a new roof and a new wall, which he estimated would cost him over eight lākh NRs (8,000 USD). At the time, he was working as a political operator and youth group leader for the local branch of one of Nepal's major political parties. He was not getting paid much for this work. In fact, he was having to spend money for his own career advancement: treating colleagues to meals, recruiting people for political actions, or fronting money for political events. As he and his friends would say, what they did was “social service” (Np. *samāj sevā*), the implication being that they did not expect to be paid, though of course all of them did.

On this particular day we were on our way to meet several of his youth club friends, first stopping at the branch of a local bank to pick up the latest remittance payments from his sister. This man's sister was in Australia working as an engineer and sending money home every month. This month, the stack of bills was much higher, to help offset the cost of their home's partial reconstruction. My friend's mother controlled the house's finances but generally it was my friend who withdrew the money and brought it home. That day I watched as he took the envelope from the teller, thick with thousand-rupee notes. He pulled out about a dozen of these notes and placed them in his pocket.

“What’s that for?” I asked.

“Social service doesn’t pay,” he said.

“Are you going to tell your mother?”

He sheepishly shook his head. “She doesn’t need to know.”

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In the previous chapter, I discussed how commercial banks’ income verification requirements cajole families into financial cooperation. In part, the reasoning behind such requirements is that families already cooperate economically; thus, requiring that such cooperation be made explicit is really just the formalization of an informal process. Yet, as the above anecdote demonstrates—and as should be common sense—such cooperation is never complete or transparent. Rather, personal ambitions, conflicting loyalties, and the structures of economic and financial practices act to confuse such cooperation, ultimately obscuring household membership and the nature of relationships between kin. Indeed, as I will explain shortly, economic activities often act as a kind of centrifugal force, pushing apart the family estate by entangling its human members in contradictory and diffuse networks.

This point may seem somewhat surprising, since economic cooperation and coordination are generally seen as inherent to the concept of family, or more specifically, to the household. Indeed, income pooling, shared labor, and the redistribution of wealth are the traditional ways in which households are thought to perform their unity, their cooperation a clear manifestation of their sentimental and fiduciary bonds (Fortes [1969] 2017; Ortiz 2005; Hann and Hart 2011). The social science of household economies has generally relied on the idea of economic cooperation to help structure the basis of its analysis, with discussions of hot money, earmarking, and familial consumption all implying that the construction of a domestic space is based primarily around

overarching reciprocity and generosity. This is not only a matter for social science, but also for Nepali government policy. As mentioned in the introduction of this dissertation, the Nepali census includes economic cooperation as a key criterion for determining a household, along with shared kitchens and housing. Yet other studies have complicated this picture. Economic anthropologist Richard Wilk has criticized models of family income pooling for belying the complex economic exchanges in which families engage (Wilk 1989). Likewise, more recent sociological work on the financial lives of the poor has shown how financial entanglements do not necessarily reify the household unit as is often described (Morduch 1995; Rutherford 2001; Dercon 2004; Collins et al. 2010).

I do not deny that families cooperate economically, or that generosity is key to understanding kinship in Nepal (Fricke 2008). Nor do I want to engage in a critique of developmentalist arguments, in which an analysis of urban household economies inevitably shows how modern economic practices are dissolving the family unit. As Anil Sakya has argued, there is little evidence that urban Newar households are reducing in size, even if there are forces seemingly pushing in that direction (Sakya 2000). Rather, I want to reexamine how such virtues of the domestic intersect with everyday economic practice; to show how these practices—both “modern” and “traditional”—entangle the family estate in contradictory ways. Part of my purpose is to bypass descriptions of families and kin as contests between individual self-interest and kin group communality (cf. Macfarlane 1979), showing instead how economic activities do create kin cooperation, but not necessarily a coherent picture of the “household.” Thus, in this chapter, I present a taxonomy of the different economic activities—characterized here as investments—within which the family estate is engaged. The taxonomy is based on my research in Patan, though much of what I say can be generalized to all of Kathmandu. I aim to show how

these investments complicate recognition of family members as a single unit by formatting kin relations according to the structures of salaries, commissions, loan payments, feasting, and labor. In this way, I position myself against those who understand household economies as a coherent practice through which family unity can be observed. As I will demonstrate, each of these economic activities enact the family unit slightly differently; so while intra-kin cooperation is common, it is also varied, idiosyncratic, and contradictory in the alliances it produces. I present household economic practices as a *threat* to family unity, one that families address through the use of strategic ambiguity in which such practices are kept separated, nebulous, or even obscured, and thus can be reconfigured over time.

## **Investments**

Below I provide an overview of the different economic activities my informants engaged in, which I label “investments.” The reason for this terminology is two-fold. First, I hope it helps to limit the misuse of analytical categories. As Jane Guyer has argued, the division between “consumption” and “investment” is vague, often betraying Western biases that emphasize material returns over all else, and that it may be best to treat all such expenditures as “investment” (Guyer 2004). Thus, I define investment loosely here as any expenditure of economic value—be it money, land, labor, or time—with the expectation of a more valuable return, either because of a transformation in kind (e.g. labor and time into cash, or into “symbolic capital”) or an increase in quantity (e.g. interest payments, speculative investments, etc.). For this reason, I include not only obvious investments such as stocks, life insurance, and gold, but also

wage labor, family business, education, and feasting, as all can be thought of in terms of expenditure and expected returns.

Also, and more importantly, the reason for using the term investment is to highlight how these economic activities inherently invest resources of the family estate, be it money, land, housing, or the labor of its human members. This not only clarifies why the following activities should be seen as comparable, it also helps explain the dangers such economic activities present to family unity. By investing parts of the family estate, the implication is that all returns should come back to the estate itself—indeed, many of my informants considered such economic pooling to be the ethical norm. Yet, in practice, such investments are skewed, relying on some people's labor more than others, entangling certain material items of the family estate while ignoring others, or even going beyond the boundaries of the family estate. By muddying the waters of economic cooperation, these investments create contradictory claims among family members regarding the material estate, setting the stage for intra-kin conflicts.

### *Income*

While there is no clear taxonomy of different income sources in Kathmandu, for the purposes of this discussion, I divide them into two types: family business and individual labor. I first discuss family business. Among my mainly Newar informants, most families maintained some kind of family business, either a shop front, a handicraft business, or rental properties. Such businesses ranged dramatically in their revenue potential, from lucrative statue-making businesses to smaller handicrafts, from large grocery stores to one-room clothing shops in leased spaces. Based on my initial survey of Patan earthquake victims, I found that almost 20 percent of families

maintained a shopfront of some sort. Such shops were usually in small spaces, with the counter positioned at the front of the store barring customers from direct entry, the shopkeeper there to retrieve whatever merchandise was requested. This included general stores, “ready-made” clothing boutiques, handicraft stores, and stationary shops.

Rather than the type of shop, income is more dependent on whether the shop-space is owned or rented, as rented spaces—especially for smaller stores—often barely turn a profit each month. Even when the profits are relatively low, shops have other benefits as well, as they provide lines of credit for the family. This can be either through banks or cooperatives that use the shop both as proof of income and as collateral, or from the shop’s wholesale suppliers, in which case the shopkeeper can simply delay repaying the wholesaler for the merchandise sold. Furthermore, though a shop’s income may be minimal, nevertheless it is predictable, providing security should other business ventures fall through. Shops also provide a venue for socializing and community involvement. Several families told me that, though their shop did not turn a profit, they kept it open to give the elder generation something to do, or “timepass” as they say (Jeffrey 2010). For the younger family members I spoke with, this was often seen as a dubious benefit, with several complaining that owning a shop was similar to self-inflicted imprisonment, particularly in general stores that are expected to be open twelve hours a day, six to seven days a week.

Not all businesses depend on a store front. In the area of Patan that I surveyed, numerous families made their money from the household production of handicrafts, which were sold either in shops aimed at passing tourists, or through brokers to local and foreign clients. This latter method was most common for bronze statues of Buddhist and Tantric deities—a business centered in Patan which often caters to wealthy East Asian clients in Buddhist centers like

Taiwan, Singapore, and elsewhere. Ranging from 30,000 NRs (300 USD) to several hundred thousand, manufacturing of these statues requires the coordination of multiple artisan houses, with the labor divided into different stages: the sculpting of statues in either clay or a mixture of resin and beeswax, the metal casting of the statue in fibrous molds built from these clay (or resin/beeswax) “master” copies, the welding together of the statues’ segments and initial finishing, the ornamental filigree, and finally (if necessary) the casting of the face in gold.

Such work incorporates a variety of temporalities. Wax moldings, for example, require heat to make the wax pliable, and thus have to be made during the sunnier months. Likewise, certain types of filigree, molding, and initial finishing require electricity. In a city where eleven-hour scheduled blackouts were common until recently, this necessitated that workers be awake whenever electricity was available during my fieldwork.<sup>40</sup> This rarely affected just one person in the family. One informant, a Śākya Newar man in his early sixties, would get up in the early morning hours to build wax molds, taking advantage of the electricity to run electric heaters for melting the wax and resin. His wife would also wake in these early morning hours to make him

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<sup>40</sup> Throughout my fieldwork, these long scheduled blackouts were an everyday affair. In the summer, when rains were heavy, blackouts were only for four to six hours a day, due to increases in hydroelectric production. However, in the dry winter months, blackouts were upwards of ten to fourteen hours each day. Called “load shedding,” one could find online schedules listing blackouts according to neighborhood, and then plan one’s day around it. This state of affairs had been the case for almost a decade by the time of my fieldwork and had done much to shape the everyday economic life of Kathmandu. For one, it had hamstrung would-be investment in small manufacturing businesses, as such businesses were impossible to run without reliable electricity. Indeed, I talked to one man who, on returning from years working in a textile factory in South Korea, had tried to open his own small jeans manufacturing shop, but had been forced to close because of increases in loadshedding. On the other hand, load shedding incited the development of a huge business in alternative electricity sources, from gas generators, to solar panels, to “inverters,” which were essentially large batteries that would charge when electricity was on and provide limited electricity during the off-hours. Most families I interviewed had an inverter of some kind, though usually only enough to power a few dim LED lights. More wealthy families had solar panels or larger inverters able to power laptops or even TVs. During the fuel crisis (Oct 2015-March 2017), most families were reliant on electricity instead of gas to cook, and thus the women in the family who were in charge of cooking were forced to wake at three every morning to prepare food to be eaten cold throughout the day. This order of business changed dramatically soon after I left. In October 2017, the new manager of Nepal’s Electricity Authority (NEA) revealed that the shortages were in part manufactured through corruption, in which a handful of large industrial companies were given a large proportion of the available electricity in return for bribes and other kickbacks. He ended this system, and almost overnight residential loadshedding was virtually discontinued. Industrial load shedding, however, continues in some form.

tea, and his son—who helped in the business—would join him; thus, his family kept a semi-nocturnal schedule for large parts of the week.

Such temporal and labor entanglements give family businesses a sense of communality. Even when some family members are not actively participating in the business, its spatial centering at the home brings their lives and routines into sync, though often within the spatial divisions of the house. In this way, shared labor and shared space form the moral basis for pooling income in these establishments; if one segment of a joint family runs their own shop, or their own handicrafts business in their part of the house, then it is usually expected that they would collect this income for their own purposes.

By contrast, for rental income, ownership usually forms the moral basis for sharing income, as labor requirements are relatively minimal. Many families I met who owned buildings with potential shopfronts preferred to rent those spaces to other merchants rather than open a shop themselves, determining that the extra income from running their own shop was not worth the investment of labor. As previously mentioned, much of Kathmandu's development has hinged on historically agrarian families selling their land in order to build multi-story houses and partially renting them out, the rental income from the lower floors higher than what they can ever earn through farming. In Patan too, rented flats provide housing for a wide range of immigrant laborers and, during my fieldwork, they were in high-demand, with many shop owners claiming they fielded multiple inquiries each week from individuals seeking housing. Such demand increased after the earthquake, because, though the densely-populated areas in Patan were now seen as potentially dangerous and less-desirable, the number of damaged buildings and displaced peoples helped increase the need for rentals significantly throughout the city. In addition to this, there is an emerging high-end market of rentals marketed to foreigners, which demands heavy

initial investment on the part of the owners but could bring in 80,000 NRs per month (800 USD), compared to 18,000 NRs (180 USD) for roughly the same area if rented to Nepalis.

Rental incomes manage to hold families as a single economic unit; however, they can be explosive if the income's division is considered inequitable. This isn't to say that divisions are necessarily equal. In several cases I encountered, the elder generation would take the majority of the rental income. Likewise, in a few cases where a joint family owned several houses, segments of the family were given control of the rental income from different houses, hinting at an informal division, even if the family members claimed otherwise. Yet, the potential for conflict is ever-present. For example, after the earthquake, several informants from one family complained that the small amounts of money the state was giving out—15,000 NRs (150 USD) for relief supplies that summer, 10,000 NRs (100 USD) for blankets and coats that winter—were all going to the elderly mother of the family, even though she was living in a different residence than the one which was destroyed, and thus did not need the money. These informants included both daughters-in-law and married sons, one of whom (a son) had been forced to rent rooms next to his demolished home. According to these informants, such aid income should not have been treated as joint family income but rather given directly to those in the family who needed it most.

Regardless of its moral basis, when income is pooled among family members, it is generally managed by the women of the household, who are in charge of collecting and budgeting for household expenses. Which of the female family members manage the income depends on the structure of both the family and their business. For example, one family I interviewed in Patan ran a sweets shop, the elder generation having received it when they split the family's estate nineteen years before. The family—an elderly mother and her three sons, one daughter-in-law and a grandson—shared a kitchen and the shop. As expected, the co-residing

brothers pointed to their elderly mother sitting at the shop's entrance as the one who managed all the family's money concerns, and from whom they had to request money for their own expenses.

Such pooling and money management becomes complex when dealing with individual income. This includes all wage labor and remittances, but also income from land brokerage, independent business deals, and small-scale handicrafts productions in which the family members work independently (though as noted above, this last category bleeds into that of family business when one includes other family members' supportive labor). Generally, individual income requires minimal shared labor or shared property, leaving only the sense of familial amity and mutual responsibility as the moral basis for income pooling. Noticeably, such pooling is often partial, and only within smaller segments of the family. In other words, when income comes in from individual labor, it is the individual wives of sons—not their mother—who are usually in control of budgets and spending, with their the mother receiving only a small portion of the income. Likewise, if the mother is eating in a separate kitchen from some of her sons, then she will usually receive almost no financial assistance from those segments of her family.

Arrangements like these mediate not only between the elder and middle generations, but also between the younger generations. For example, one young, unmarried Newar woman I spoke with would give her mother only 25 percent of her earnings, and then at her mother's urging would save another 25 percent, keeping the remaining half for herself. Another young Newar woman, a nurse just out of her certificate program, would also give part of her income to her mother, but only so the mother could deposit it into a bank account as part of the young woman's future savings. For her, the amount was never set, and was apparently a point of conflict between them, the mother feeling that the daughter spent too much and saved too little.

Such arrangements naturally depend on the financial necessities of the family and can change with the family's fortunes. My research assistant Shyam reported that he had never contributed much to the family, but in the aftermath of the earthquake, with his family's house in ruins, he was now under significant pressure to start bringing in income, a point of significant stress for him as the cost of reconstruction—fifty lākh NRs (50,000 USD) by his calculation—was more than he could imagine.

Such arrangements and pressures speak not only to the structural indeterminacy of the younger generation—who are often still dependent students and/or wage laborers—but also to broader societal changes, wherein individual income continues to displace small shopfronts, handicrafts, and farming as the primary and most desirable modes of income. As such, these particular arrangements were the most idiosyncratic I found, and also the most contentious, a result more of impromptu negotiation than of established tradition.

Likewise, such arrangements are also dependent on the type of individual income being earned. Salaried and wage labor, for example, are predictable, and thus proportional arrangements can be negotiated. For more sporadic income—from land brokerage, for example—such a consistent arrangement is untenable, either leaving the earner to simply announce when he or she makes a commission or forcing other family members to ask for money if needed. Clearly, in cases like these, the earner has the ability to hide his or her income, motivated to share only by a sense of honor and obligation to provide for his or her family. For example, the land broker Sundip (from chapter two) routinely bragged about how he had bought his family three houses with his earnings (though I suspect this was a mighty exaggeration), while another broker I knew very rarely shared his income with his family, in part because he felt it was too sporadic for him to spare any of his earnings.

Hiding one's income is not an unusual occurrence in household economies, nor is it necessarily frowned upon. A middle-aged woman I talked to discussed how she believed her husband was saving money because he had not asked her for money. Usually the husband—a handicrafts maker—would give all his income to her, and then ask for reimbursements for his small purchases, mostly cigarettes. It had been four days, though, and he hadn't asked her for anything, meaning he must have kept some money from his usual handover to his wife. Rather than see this as a betrayal, the woman complimented her husband's thrift, since the amount she'd been collecting had not dipped much. This same woman also had a son studying for a bachelor's degree in the U.S. Her family could not afford his tuition, so her brother, who worked in Saudi Arabia, was covering the expense. She claimed that her husband did not know of this arrangement, or did not know the extent of it. Again, this arrangement was presented as acceptable.

In other words, clandestine withholdings, skimming, and secret-keeping are not anathema to household economic management. Rather, they are key strategies for individuals to exercise their own agency within joint family structures, to honor relations that run counter to kinship structures, and to pursue goals that may not fit the will of other, more senior, family members. I return to the example given at the opening of this chapter: just a few months after watching him skim money from his sister's earnings, my friend was rewarded for his "social service" when his party gave him a political appointment as the local director for the Ministry of Culture, Tourism, and Civil Aviation in his home town. His strategy of skimming paid off, allowing him to syphon money in the short-term while he secured his own future career, and ultimately winning his mother's approval for his career path.

## *Loans*

There are two ways loans can entangle kin: either when one loans money to another, or when one helps another secure a loan from a third party, be it from a bank, a cooperative, or a private lender. In either case, there is an expectation of a return, with or without interest, and in varying time frames. In other words, while the economic entanglements previously discussed are based on generalized reciprocity and its undefined and indefinite sense of responsibility, loans quantify that responsibility, and increase the possibility of calculation.

I begin with intra-kin loans. These loans are usually given without interest, with no explicit date or schedule for return, but a return is nevertheless expected. Such ambiguities are viewed as signs of kin amity, because to be too specific—to treat one's kin as a client in a banking transaction—would be insulting. That said, there are unspoken and implied schedules of repayment, and several informants in debt to kin told me that they planned to pay back more than they were lent in order to show their gratitude. These ambiguities can also be very stressful, as it is possible to offend one's kin if one doesn't manage expectations well. Many people choose to take formal loans from banks and cooperatives in order to repay their kin and rid themselves of this source of tension, even if it means paying more in interest. A few informants noted that this tension is partly due to worries that their kin would call back the loan on short notice. One such informant, Milan, took a large loan from his maternal uncle or *mama* to rebuild his shop. He was so worried that they might ask for his loan back without fair warning, that he took out a ten lākh NRs (10,000 USD) line of credit on his shop just so he would have the money ready. As he told me, it would be extremely dishonorable if he was unable to pay them back quickly, a point

echoed by other informants when explaining why they'd prefer to be in debt to a bank rather than to kin.

Furthermore, not all kin are equal when it comes to requesting loans. Though loans among paternal kin are common enough, grown men are often resistant to taking loans from their adult brothers, especially if they are living separately, as the structural relationship between paternal male kin make such loans complex. If part of the same estate, then such loans might portray the relationship as more distant than the generalized reciprocity expected of household cooperation and are thus somewhat uncomfortable to request. Likewise, if the brothers live separately, there is often a certain level of animosity stemming from the separation which make loans difficult to negotiate. The case among maternal kin is somewhat different. Despite claims that marriage cuts financial ties between a woman (and her children) and her maternal kin, my research indicated that loans from maternal kin are actually common. Such loans most often come from the wife's own kin, or from the husband's maternal uncles and cousins (Np. *māmā*). It seems loans from a wife's maternal kin often involve a certain amount of tension, as they are a bit embarrassing for her husband, and put pressure on his relationships with his in-laws. In contrast to this, informants would describe loans from their maternal uncle's family as more laid-back, in part due to the special intimacy that Nepalis often assume exists between maternal uncles and their sisters' children. Indeed, and in contrast to the typical relationship between brothers, the relationship between brother and sister are usually glossed as deeply sentimental, in which the brother's invitation to their married sister to return home interpellates her as someone who is loved (see Kunreuther 2014). This deep sentimentality informs the children's relationship to their maternal uncles, who often accompany their mother to visit her brothers, to eat tasty food, play with their cousins, and be doted on by their grandparents. Though such social roles

and stereotypical situations depend heavily on individual personalities, nevertheless they do much to format these relationships, a formatting that, in turn, influences their financial interactions. Though maternal kin—particularly maternal uncles—are formally “outside” the joint family estate, the sentimentality tied to this structural placement paradoxically provides a moral foundation for giving loans, a kindness that honors the warm relations between maternal kin.

There is a tendency among my informants to present informal loans between kin as the primary source of all finance, particularly in regard to the house and family. In the earthquake’s aftermath, many people assumed that most would rebuild through such personal loans, never needing to engage much with formal banking systems. Such statements at the time reflected an idealized understanding of the moral economics among kin: that kin networks both maintain the material resources and sentimental attachments that, particularly in times of crisis, can bypass financial institutions (see Rankin 2004). However, my research found a more complex picture. As I already demonstrated, kin loans are not pure expressions of amity, and have their own built-in expectations and stresses. Also, while most of my informants took personal loans from kin to cover some expenses after the earthquake, these loans were often *in addition* to loans from cooperatives and banks.

In the previous chapter I discussed how banking procedures, particularly personal guarantees, reinforce state definitions of kinship through their incorporation of land ownership, even when land is not being collateralized. However, focusing only on this enforcement overlooks the ways in which these loans are distributed informally among family members, often entangling kin—namely maternal kin—who are officially considered outside the family. For example, when Milan took a loan from his maternal uncle, it was, in fact, a loan that his uncle

had taken from a cooperative; thus, part of his rush to repay the loan stemmed from the understanding that his uncle would ask for it back if he himself ended up struggling to repay. Likewise, the taxi driver Raju (discussed in the previous chapter) took a loan from his mother-in-law (Np. *sāsura*) in addition to his bank loan, as the down payment on his new taxi was still too high for him to afford on his own. His mother-in-law provided this loan by taking a loan herself from her pension fund, with the understanding that Raju would eventually repay it through her. When her pension changed the rules of the loan and required her to pay back ahead of schedule, she was forced to pressure Raju to repay quickly, creating the kind of intensive economic cooperation usually reserved for the “household.” Indeed, in cases like these, loans challenge the idealized financial separation of maternal kin, creating situations in which they will have to interact as if part of the same (paternal) family estate.

While formal lending institutions work within state-sanctioned understandings of the household and family estate, private lenders are given much more leeway, and as such entangle family members in more idiosyncratic ways. Unlike cooperatives and banks, private lenders have no institutional backing. They are also the oldest form of retail debt in Nepal, the contemporary version of the notorious moneylender discussed in chapter one. Despite the proliferation of new loan institutions, private lenders still play a role in the Kathmandu finance sector, providing credit when other institutions cannot (or will not). In the summer of 2017, when most credit institutions were experiencing a credit crunch, several of my land broker contacts switched from land brokerage (the credit crunch having shut down much of the market) to brokering private loans for individual buyers and large-scale investors alike. Such loans can be purely verbal; however, in Kathmandu, most are written in a formal loan contract (Np. *tamasuk*) and may even

involve the debtor registering their land as collateral at the Land Registration Office.<sup>41</sup> However, despite the legal paperwork, such loans remain almost entirely unregulated, with the few regulations they have being easy to work around. For example, though collateralizing land should require the signing of all rights-holders, private lenders still find ways to collect collateral without these signatures, either through bribing officials at the registration office, or by simply taking the physical land title document. In this way, private lenders are able to take land from debtors without consent from even co-residing family.

This happened to one informant of mine, Keshav. When we met, he, his wife, and his young daughter were living in a corrugated tin shelter in the center of Patan, his house having been damaged beyond repair in the earthquake. It was clear he had financial problems, unable to even afford the rent of a single room. However, it wasn't until a month after we met that he revealed much of his hardship was due to a loan that his younger brother had taken out from a private lender the year before. Keshav never clearly understood what this loan was for, because his brother never asked him for approval. Rather, the brother had convinced his mother to sign a loan with extremely high interest, putting the family home up as collateral. Keshav was one of four brothers; however, neither he nor his two other brothers knew of the loan until after it was signed. Keshav was a woodworker by trade, part of the Silparkar Newar caste of woodworkers. He was in the remote district of Dolpa working on a large contract for a Tibetan Buddhist monastery. When he got a call from a neighbor telling him that his brother was giving away their land, Keshav rushed back immediately—at least a week's worth of travel from Dolpa—to try to rectify the situation. Unfortunately, despite not having signed the loan himself, Keshav and his brothers were forced to repay the loan, ultimately having to take a separate loan from a

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<sup>41</sup> Such documents are often referred to as “rokha” which translates to “stop,” indicating that the land is blocked from being transacted until the loan is paid off.

commercial bank in his wife's name to do so. These events ultimately split up the family. In recognition of his brothers' burden, the brother who'd taken the loan signed over his claim to the house, moving into an apartment outside of Patan. Though Keshav insisted that this move was simply because the house had become too crowded, the timing suggested otherwise.

### *Feasts*

A famous and oft-repeated proverb in Nepali reads, “Bahun bigriyo mojle/ Newar bigriyo bhojle.” The translation for this particular proverb is: Bahuns (Brahmins) are broken by leisure, Newars are broken by feasting (bhoj). The point of this proverb—aside from making a dig at the apparent opulence of Bahuns and other high-caste Hindus—is to highlight the immense expense that Newar social life requires, an expense principally incurred through the hosting of feasts.

I will not delve in depth into Newar feasting and festivals, in part because it has been so well covered in other ethnographies (Levy 1990; Gellner 1992; Toffin [1996] 2007). This is not to say that such issues are not important for household economics. However, I believe their importance has been somewhat exaggerated. Feasting and other social costs are extremely expensive, yet for most of the middle-class families I spoke with, such expenses often paled in comparison to others, most notably education, land, and housing. One goal of this dissertation is to give more attention to these other, less obviously “cultural” forms of investment and expenditure. Nevertheless, feasting is important, not just for its expense, but for how it reinforces a “traditional” understanding of Newar kinship and household.<sup>42</sup> In particular, they are important

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<sup>42</sup> Clearly, this section will focus only on my Newar informants. No other caste of informant formed a large enough percentage to warrant such a section. However, other castes have much the same issue. Among Tamangs, for example, the expense of their mortuary rituals (Tamang *gewa*) are notoriously high, while weddings and age-initiation rituals among Chetris and Bahuns are similar sources of great expense and financial anxiety.

for how they involve a Newar family's *guthi* membership, an important dimension of Newar kinship, as I will discuss in this section.

Newars host feasts for a multitude of reasons, including weddings, mortuary rights, annual harvest festivals, age initiation festivals (which can number up to seven in an individual's lifetime depending on one's caste), rotating festivals for one's lineage deities, and a host of local and national festivals or *jatras*. For each, a family will have to invite a certain subset of their kin, caste, or local community, the exact composition of attendees depending on the nature of the festival. The food served is also regulated, including *baji* (beaten rice), lentils, pickles, buffalo meat, fruits, curd, and alcohol. Guests sit on woven mats arranged in a long line, while the hosts serve them multiple courses, often insisting that the guests eat and drink. However, societal changes are also placing pressure on these festivals. Several informants complained that it is much more difficult to recruit kin to help prepare food, and for large festivals—particularly weddings—some have chosen to provide food buffet-style at Nepal's ubiquitous “party palaces:” large privately-owned festival-hosting facilities long used by high-caste Hindus.

Nevertheless, despite such pressures, it is virtually impossible to refuse to host feasts, or to even cut corners in their preparation, as feasts are a central feature of one's reputation and honor (Np. *ijjāt*). Indeed, as Katherine Rankin has noted, hosting feasts are a clear example of symbolic capital, and though the Newar might speak of such feasts as examples of generosity and communality, they form an important dimension in neighborly competition that can complement other types of economic investment (Rankin 2004; cf. Bourdieu 1977). Just as importantly, feasts and festivals double as a declaration of family membership. This is particularly true of the *mha puja*, which Anil Sakya defines as the “definitive ritual to establish the core kinship group” (Sakya 2000, 86). During this festival even sons who have moved into

different abodes will still attend, and those who are considered part of the core family but are unable to attend (for example, those living abroad) are reserved a space. Other annual festivals operate according to much the same logic—though not as explicit in their declaration—while other feasts, such as weddings, require a longer guest list, bringing together more distant kin as part of the same family. Likewise, these same rituals make visible Newar social geography. In Patan, upper-caste Bajracharya and Śākya families organize their domestic spaces around a system of Buddhist monasteries/courtyards (Nw. *bāhāhs*) throughout the city (Sakya 2000). Such *bāhāhs* are a part of one’s caste identity, which persists even if one should leave the city. For example, during the *Machindranath* festival, two giant wooden chariots are pulled throughout the city, stopping at different designated *bāhāhs*. When the chariots arrive, all those residing around that particular *bāhāh* must host a feast, and even those who have relocated to the city’s suburbs will host a feast on the day that corresponds with their former residence. Indeed, such ritual and territorial entanglements help to explain why those Newars who have moved away from Patan often retain their old homes, even if no one is residing there.

Feasting is also important for how it intersects with *guthi* associations. In the first chapter, I discussed the term *guthi* principally as a matter of endowing land for religious institutions, a practice dating back at least to the Malla period which the Shah and Rana regimes later adopted. In present-day Newar society, *guthis* account for an array of social-cum-religious associations, only some of which are endowed with land.<sup>43</sup> For Newar families, the two most important of these are lineage *guthis* (Nw. *digu dyah guthi*) and death *guthis* (Nw. *si guthi*).

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<sup>43</sup> As noted in chapter 1, many *guthis* are now under control of the state. However, this is not true for any *guthi* without land holdings, nor are all land-holding *guthis* registered. Generally speaking, there are three types of *guthis* from the state perspective: private *guthis* that are unregistered, *chut guthis*, which registered but are under private control, and *rajguthis*, which are under the direct control of the state-run *guthi* cooperation (see Gellner 1992). Given this complex structure, it is understandable why *guthis* have become a site for illegitimate acquisition of land, especially as the price of land in urban Kathmandu continues to rise.

Lineage guthis are principally constituted for the worship of the lineage deity, while death guthis are for the carrying out of mortuary rights and rituals. Both guthis require an annual feast, for which the hosts are chosen according to a rotating scheme. Basic costs are covered by the guthi itself, either through the collecting of land rents or annual dues (Gellner 1992).<sup>44</sup> However, any extra costs are covered by the host. Thus, depending on how large the guthi, a family may not have to host very often; however, when their turn comes, it can be a considerable expense.

Guthis serve a crucial organizing function in Newar society. Caste-based and strictly hierarchical, guthi membership reinforces “traditional” Newar culture, even excommunicating members who do not obey caste law. They also reinforce kin relations. For both lineage and death guthis, the eldest male member of the family is sent to attend all guthi functions. If the family has not divided, then only the father or eldest brother will do so; if it has been divided, then all brothers must attend. Such divisions are recorded by the guthi, forming a separate bureaucratic record to that of the state. Moreover, families will often function as if undivided at guthi festivals long after they have legally separated their estate. In other words, legal separation is not necessarily the final separation for all families, though it is still usually the most momentous (see chapter five). Likewise, non-cohabitating brothers will continue to come to their natal homes for mha puja as long as they are considered part of the same guthi. In one family I followed, whom I’ll discuss in the next chapter, though the brothers were barely speaking and separated soon after the earthquake, they still remained of the same family according to their lineage and death guthis, the elder brother attending to the guthi’s requirements and both brothers meeting at religious festivals and feasts, including mha puja. In this way, feasting often

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<sup>44</sup> Many guthis also offer loans to their members, both for personal use or for defraying costs of feasting (Rankin 2004).

represents an ideal of kinship and communal sociality, sometimes in notable contrast to everyday life.

### *Gold*

Much like land, gold is one of the oldest forms of investment for families in Nepal. It is also a highly gendered form of property, heavily associated with women across Nepal's many ethnic groups (e.g. Bennett 1983; March 2002). Durable but also portable, and ornamental as well as valuable, gold's basic properties fit well with the traditional requirements of a woman's life-trajectory, during which gold ornamentation for festivals and the movement from her natal house to that of her in-laws is a key component. Yet the question of ownership—that is, whether a woman or her marital family owns the gold—is often a tricky one, and can vary greatly between ethnic groups, or even between families. Kathryn March writes that among the Tamang, a woman retains considerable control over her gold, while for high-caste Hindus, gold is seen as part of the wife's dowry—gendered certainly, but still part of the bride's family's payment to the husband's family. Though it is difficult to summarize, my Newar informants generally saw themselves as somewhere between these poles. Though Newars do give dowries, my informants presented their dowry practices as fairer to women, drawing distinct contrasts between them and high-caste Hindus, particularly the Khas hindus living in the southern Tarai (Np. *Madeshi*), whom my informants—in keeping with hill Nepalis' pervasive stereotyping of the nation's southern citizenry—saw as “backwards” in their gender politics. Furthermore, these informants claimed that high-caste Hindus give massive dowries that can potentially ruin the bride's family, and which lead to newlywed women being treated as indentured servants.

That said, Newar dowries can also be quite expensive. Though I had trouble getting exact figures for how large these dowries were, they were presented as more reasonable, often a mixture of gold, (rarely) land, and modern convenience items such as couches, TVs, make-up etc. Katherine Rankin (2004) writes about how this transformation from gold to furniture undermines the power of newly married women, who's "property" in her new home now often manifests in goods that are of general use for the whole family and will eventually break and be thrown out. In keeping with this insight, informants would frequently make distinctions between gold—which women were considered to keep a certain control over—to these other, more modern goods, which many said were simply "gifts" to the newly married house and thus of communal ownership.

For the purposes of this discussion, it suffices to note that gold generally remains in the wife's control in a Newar house, though of course such "control" is always dependent on the wife's ability to retain it against her family's requests. It is also one of three forms of property that is readily collateralized at cooperatives and some banks, along with land and corporate shares. Yet, gold is often subtly earmarked for uses that benefit the household at large. Among my informants, gold was rarely used for risky investments or for frivolous expenditures. Rather, when it was sold or collateralized, it was usually for more "domestic" investments, such as a child's education or to finance renovation of the family home. As female informants explained to me, when trying to persuade the family to buy more gold, they would often argue that such investments could be seen as ultimately benefiting the long-term financial stability of the house—a safe, stable, and family-oriented form of savings.

Some clarifications should be noted here. First, though the earmarking of gold seems to denote a gendered form of investment in theory, where women are the caretakers of long-term

stability leaving men to be the designated risk-takers and entrepreneurs, this gendering is not necessarily replicated in practice. In interviews and conversations with both male and female informants, the actual roles family members played in deciding the family's finances were presented as deeply idiosyncratic, more dependent on individual personalities than on prescribed gender dynamics. In other words, wives just as often present themselves as the "risk-taker" in the family as men do. Thus, to the extent that gold represents a certain gendered norm, it does not correspond directly to everyday practice. Secondly, many of my informants talked of gold as somewhat old fashioned. Few unmarried women claimed to have been given any gold before marriage and did not expect to receive much at their wedding either; rather, they saw their education as their natal family's "investment" in their future (see Kunreuther 2014). As one young woman put it, saving one's money in gold is a "village habit," and that in Kathmandu, it is better to invest in more financialized products.

### *Shares and Life Insurance*

Corporate shares are a recent addition to the financial lives of Nepalis. Though shares have been sold in Nepal as early as the 1930s, it was only in 1976 when the Securities Exchange Center was opened—later renamed the Nepal Stock Exchange Limited (NEPSE)—which remains Nepal's only stock exchange to this day. However, as the financial sector in the 1990s and early 2000s in Kathmandu grew, shares became an increasingly popular form of investment for families, promising high returns but with much lower entrance prices than the land market could provide. Given this, it is maybe not surprising that banking shares were the most popular type of stock among my informants, far more than all other industries including Nepal's expanding

hydropower sector.<sup>45</sup> I have already discussed in chapter three how this hunger for investment led to a stock bubble and downturn in 2007. To this day, the Nepali stock market remains volatile due to both over-liquidity in the market and high annual inflation, the latter discouraging deposits into savings accounts. Still, shares are popular, and it is not unusual to see long lines outside of banks or other stock realtors during an Initial Public Offering (IPO), as individuals wait in line for hours to purchase the new shares.

Like with land and gold, shares can also be collateralized for loans. In fact, loans backed by shares have the lowest interest rate of any type of loan that one can get from a private bank: upwards of 2 percent lower than that of a land-collateralized loan, mostly due to the ease with which a bank can value such collateral and sell it should the loan go into default.<sup>46</sup> Furthermore, though Nepali law remains vague on the extent to which all property is family-owned, in practice, shares are seen as owned by the individual only, and thus, bankers are confident they could liquidate such shares without worry of a lawsuit. Finally, given shares' thin materiality—that is, the general lack of actual material that makes up their value—they are immune to forms of informal resistance that a landowner may employ to keep a bank from selling their land, such as blocking entrance to the land, hassling potential buyers, diverting water sources, etc.

This sense of individual ownership also informs how shares are handled within the family. Unlike land, which is clearly family-owned, or gold, which remains mostly controlled by wives but are also earmarked for things that tie it to the longevity of the family, shares are

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<sup>45</sup> By contrast, outside of Kathmandu, hydropower shares are very popular, in part because of a common scheme in which hydropower companies gift shares to local residents near their projects. In a village in the Rasuwa district that I've been visiting for the past 18 years, most residents sold these shares to afford rebuilding their house after the earthquake.

<sup>46</sup> It has become even quicker to sell such collateral since the NEPSE instituted electronic trading in 2016.

generally understood to be controlled only by those who buy them. Among my informants, shares were mostly owned by men, but I did meet some women who also invested, and the lines I observed for IPOs were generally of mixed gender. Some informant families factored shares into their long-term financial plans. One family—a Tamang family living in northern Nepal—used shares to help pay for a bank loan on their land, while another in Patan was quick to cash their shares in to help pay for their home’s reconstruction after the earthquake. Nevertheless, shares are often seen as something supplemental; a financial game in which individuals can engage in hopes of profit outside of the estate itself, with informants often referring to buying shares as “play,” in the same way they referred to investment in rotating credit schemes.

This sense of individual play and volatility contrasts with another increasingly popular form of financial investment: life insurance. Unlike policies in the U.S., life insurance policies do not pay out only in the event of death. Rather, one buys a policy for a certain number of years (ten to fifteen being the most common), making premium payments every month. At the end of the term, assuming one has kept up with these payments, one is able to receive a large payout: the principle plus significant interest. In this sense, they more closely resemble long-term bonds rather than life insurance as it is understood in the U.S. Given this structure, life insurance is a popular way to manage one’s savings in Nepal, with many parents opening insurance policies in their own names or in those of their children. In other words, life insurance is more deeply integrated within kin relations, a way for parents to provide future windfalls for their children despite the volatility within Kathmandu’s economy. It is also possible to borrow against one’s insurance plan; thus, an insurance plan can double as a line of credit with one’s deposits acting as collateral.

Families are quite idiosyncratic in how they treat this possibility of credit. In the aftermath of the earthquake, several families I spoke with said they'd borrowed against their child's insurance policy, while other families, worried that they'd lose their investment and deprive their children of security, were still making their payments, even if that meant diverting monies that could have been used for reconstruction. Nevertheless, it is worth noting that, though life insurance is often used to invest within the nuclear family, it seems that this practice rarely incorporates kin from the joint family, as I did not find a single case of married brothers mixing their finances through insurance investments during my research.

### *Education*

Outside of land, the largest investment for many families is their children's education. Nepal has a public education system, but even these schools require the students to purchase books, uniforms, and pay some nominal fees. However, it is generally understood (whether fairly or not) that public schools do not offer quality education, and that a degree from one will disadvantage a young Nepali's career prospects. Consequently, most people I interviewed—even those who could barely afford it—chose to send their children to private schools. Indeed, private schools are a massive industry in Nepal, with the vast majority of them centered in Kathmandu, catering to local residents, rural immigrants' families, and to children sent in to board from the surrounding rural districts. In fact, a key motivator for rural migration to Kathmandu is for the education it provides. In the small Rasuwa town where I conducted my undergraduate research, every family had at least one child in a Kathmandu boarding school, with many of these families either renting or owning property in the city in order to be near their children.

Mark Liechty writes about how these schools are transforming Kathmandu, bringing together groups of children whose real bond is their mutual class identity, not caste or ethnicity (Liechty 2003). My research shows a slightly more mixed picture on this point, as many of the schools that my (mostly Newar) informants attended were heavily Newar, though this seemed to change as students moved on to college and university.<sup>47</sup> Nevertheless, such schools are clearly spaces for social transformation, particularly the “white collar” professionalization of young peoples’ ambitions. As is true wherever education becomes more central to an individual’s success, the massive investment families put into their children’s education, and the long timeframe such investments take to yield a return, has radically changed a child’s financial relationship to the family estate in Nepal. As Laura Kunreuther notes, many Nepalis now see their education as their “true” *angsa*, outweighing their claims to their family’s land holdings (Kunreuther 2014). Indeed, as professional salaried employment continues to displace family business and agriculture as the most lucrative and most prestigious form of income in Kathmandu, education has become essential to the futures of young Nepalis and their families. After the earthquake, I found numerous families who prioritized paying their children’s education over the reconstruction of their home, some choosing to live for years in rudimentary housing rather than deny their children’s education.

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<sup>47</sup> During my research, the Nepali education track was heavily influenced by the British system, with students attending grade school from grade one to ten, at the end of which they would take a massive exam, called the SLC (School Leaving Certificate). Based on the result of this exam, students would move to “college,” which like England’s A-levels are for grades eleven and twelve and were generally referred to as “10+1” and “10+2.” After this, students could attend “university” for a bachelor’s and then a master’s degree. The SLC exam was notoriously difficult, with many students unable to pass, especially from rural areas. Indeed, one of the reasons that private schools have been so successful is that they promise higher passing rates, in part because the SLC exam contained an English language section that, unlike most other sections, students must pass in order to pass the exam. Such language requirements were nearly impossible for students attending Nepali schools, where instruction is mostly in Nepali. However, things are changing. When I left Nepal in 2016, the SLC was being phased out, and grade school was being extended until grade 12. I am unsure if a new exit exam was being developed for this new system or not.

Naturally, this prioritization puts pressure on the younger generation to capitalize on their education. My research assistant Shyam was trained as a civil engineer, finishing his schooling and receiving his state certification during my fieldwork period. His father was a handicrafts maker, designing metal masks and amulets that he sold to shops and wholesalers in Patan. Though his father was skilled at this labor, his family was not wealthy, especially since the profit on such masks had dipped tremendously in recent years. Shyam had attended university on a scholarship, and was known in his neighborhood for his intelligence and academic prowess; as such, he was expected to help move the family into a new class and a new world of white-collared professionalism. Though a deeply confident and hardworking young man, he would at times express frustration that his father's expectations were beyond what he felt was possible. Another young man I knew expressed a similar tension. A Tamang from Rasuwa attending boarding school in Kathmandu—whose family had also moved to the city to be near him and his sister (also attending boarding school), he clearly felt that, even though still a university student, he was now partially in charge of his family's finances, involving himself in discussions of shares and land purchases, and dreaming up retirement plans for his father, a trekking guide whose knee problems were worsening.

Such a sense of familial responsibility is arguably more complicated for unmarried women, as their assumed marriage will mean the joining of a new family. This does not mean that families necessarily under-prioritized their daughter's education. Indeed, of the ninety families I surveyed, I did not find a single instance in which families chose to educate their sons over their daughters, a point that—given education's connection to family inheritance (Np. angsa)—signals a larger shift in the definitions of the family estate. This topic is certainly worthy of more investigation. Nevertheless, as I've already noted, in practice, marriage does not produce

a true severing of financial entanglements from a woman's natal family. Rather, such severing is as much an ideology as it is a reality, opening spaces for performances of affection and financial play.

## **Conclusion**

If a unified and harmonious joint family working together for their betterment and sustainability is the ideal, the contents of this chapter should help to elucidate some of the reasons why this ideal can be difficult to maintain. For one thing, different investments group kin in contradictory ways. Family business may bring together the entire family, or it may only bring together those segments sharing the business. Meanwhile, outside income has become increasingly important, leading to partial income pooling. Loans can entangle maternal kin, especially if the loan is originally from an outside source and thus requires more intensive economic cooperation. Feasting reaffirms traditional kin ideals, but often runs counter to more immediate forms of economic kinshipping, including land ownership. Likewise, the formal structures of corporate shares and life insurance lend themselves to different groupings of kin; it is not only the groupings of kin that change, but also the ways certain relationships are formatted. Also, different forms of income open up the possibilities of hiding assets for one's own purposes. Changes in the materiality of women's dowries are affecting their place in their marital family. Finally, the increased importance of education is pushing families away from viewing land holdings as central to their children's well-being, while also placing pressure on children to carry the burden of their family's financial future. In total, these different practices show an urban

family-based economy for what it is: multivariate, idiosyncratic, and extremely fluid, enacting forms of investment that are not easily classifiable as either “traditional” or “modern.”

How does a family bring these different activities into a unified whole? My answer to this question is somewhat paradoxical. Simply put, families manage a unified whole by never completely unifying their economic activities. Instead, they utilize ambiguity, allowing for personal ambitions, fractioning segments, and contradicting responsibilities to exist simultaneously. Income is hidden, assets are surreptitiously passed around, loan payments are under-discussed. This lack of clarity allows for a kind of flexibility around a household’s economic activities, so that cooperation can be assumed if never fully clarified. This isn’t to say that the unity of the Nepali urban joint family is false. Quite the contrary, unity is achieved by allowing it to remain inchoate.

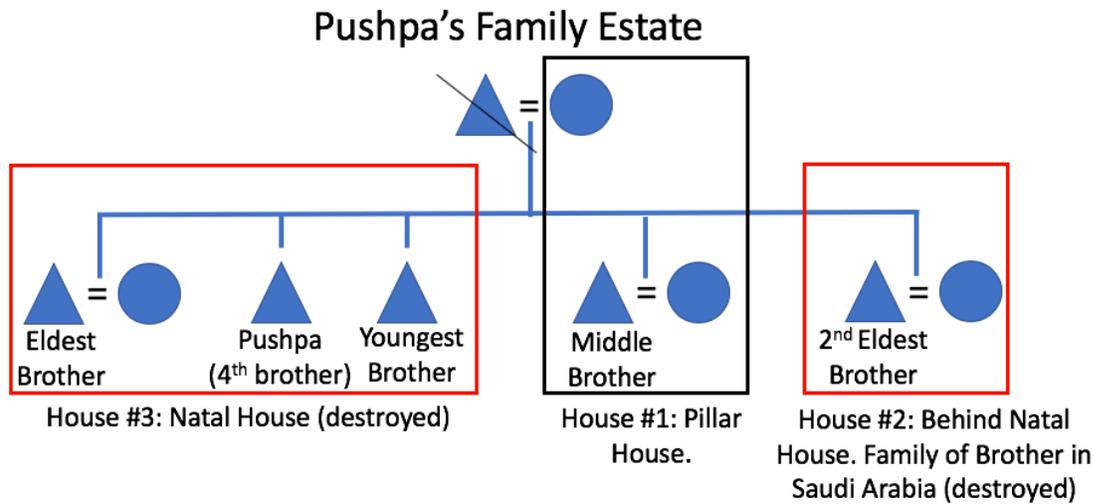
Central to this strategy is the house itself. As I will discuss in the next chapter, the house acts as a key mediator for managing the interpersonal tensions and contradictory claims among family members, and families use a host of physical construction techniques to maintain this mediation, including building extra kitchens, partitions, new doorways, and even new houses. While such partitions seem to portend an eventual separation, they are, in fact, a way to maintain unity and address tensions without having to disentangle and distinguish the investments of the family estate. It is partly for this reason that land and housing are so central to the family’s understanding of itself: it creates geographic unity to counteract the fluidity of urban economics.

Such a strategy works up to the point when an estate must be explicitly divided. This is usually the moment when the family legally separates; that is, when a family divvies up their estate among all legal rights holders. Thus, when a bureaucratic process involves clarifying these divergent and contradictory investments, this creates a dangerous moment for family unity. How

this is managed, and how the earthquake affected this management, is the subject of the next two chapters.

## **Chapter 5: The Maintenance of Virtue over Time**

During my first year of research, I became friendly with my research assistant Shyam's maternal cousin, Pushpa. An upper-caste Buddhist Newar in his late twenties, soft-spoken and bespectacled, he seemed genuinely interested in my project, and we met several times over the course of a few months to discuss Newar culture, the earthquake, and whatever else might come up. He was one of five brothers, three of whom were married with children, and all of whose young families still lived in Patan. Pushpa still lived in his natal house, sharing it with his eldest and youngest brothers (Pushpa was the fourth-born). This house dated back to the 19<sup>th</sup> century, having survived the last great earthquake in 1934. It was also only one of several properties the family owned, including a modern-style pillar house where Pushpa's middle brother lived along with his aging mother, and another house—made in the traditional Newar style—just behind Pushpa's natal house, in which the family of Pushpa's second-eldest brother resided. Most of the brothers, including Pushpa, were craftsmen and businessmen specializing in handcrafted bronze Buddhist statues, a common and lucrative business in Patan. Only Pushpa's eldest and second eldest brothers had taken other work, the former a government officer at the local municipality, the latter a civil engineer in Saudi Arabia, where he spent most of his time apparently living the high life: personal house, luxury car and personal driver.



*Figure 14: Pushpa's family estate*

Despite their geographic division, Pushpa would describe his family as unified and economically interconnected. Indeed, they were still legally considered the same estate, with Pushpa's deceased father's name on their land titles. Likewise, though the brother who lived in the pillar house also maintained his own separate workshop, Pushpa claimed that they managed their business in tandem, passing customers between them as needed. He did admit that this economic cooperation was limited. Pushpa, for one, was extremely active in investing in commercial shares for banks and hydropower plants, the income for which he did not share, while the middle brother of the family had managed to expand his own statue-making business quickly and was now much wealthier than any of the other brothers. Nevertheless, Pushpa claimed that economic decisions about the family estate were also made jointly, often at periodic meetings the brothers would hold with their aging mother (wives were not invited); meetings Pushpa described as egalitarian and democratic. Loans were taken as a family, usually from microfinance companies. Furthermore, Pushpa said that he and his brothers were planning to rebuild their family estate together, sharing the financial burden.

Both their natal home and the house behind the natal home had been severely damaged. Pushpa was hopeful they could receive the subsidized loan the government had announced months before, though he admitted he was skeptical this loan would ever become available. In the interim, Pushpa thought, they could rebuild the house in the back, moving the family of the second-eldest brother (the one living in Saudi Arabia) in with them, and then once that was finished, they could all move into the new back house and rebuild the natal home. Pushpa then said they could rent out the natal home to help pay for the loans, with the four brothers staying in the rebuilt house until the loans were cleared.

“We could tear this house down,” said Pushpa at one point, motioning to his own room in the natal house, where we were sitting. “We could take a loan and build a new one, then have renters here until we pay off the loan.”

“What does your brother [in Saudi Arabia] think about that?”

“We’re still discussing.” Pushpa said. “It’s for a long time [that we’d have to live with his family].”

“How long?”

“Until the loan is paid off. Ten years?”

Pushpa was very clear that his family’s arrangement of their estate was more than just a reflection of fraternal amity and trust; as he said, there were “socio-cultural” pressures (his word, not mine) that kept the family together, that for brothers to split—especially before their parents had both passed—was to be seen as a failure in the eyes of the community. Maintaining this unity took work. Pushpa talked at length about how the brothers had adapted as their family grew: how Pushpa’s eldest brother had built his own kitchen in their current house; how they had to persuade his second-eldest brother to move into to the larger but less valuable house behind

their natal house because his brother was resistant to moving into a space where he had no road access; how the middle brother—again, the wealthiest of the five—had paid for the construction of his new, modern-style pillar house on the land the family had bought, and how their mother had chosen to move in with him.

Such plans reflected not only changes that had happened, but also—in my view—changes that were soon to come. There were signs that Pushpa’s family was beginning to plot for their estate’s eventual division (Np. *angsa banda*), when each brother would be given an equal share. For example, the family had decided that the middle brother should pay for the construction of his pillar house. Though the land remained in the family’s name, it seemed clear that this arrangement was paving the way for this brother to eventually take legal ownership of the house, his personal investment in it giving him a manifest and solid claim. Likewise, the second-eldest brother’s resistance to moving into the house behind their natal home seemed to only make sense if read as a resistance to inheriting that house later on. Without road access this house was clearly less valuable, and because one could only reach this house by walking underneath their natal house, whoever owned it would have to depend on their kin to keep this passageway open. Thus, it was understandable why this brother might resist moving his family into this house, but only if he was imagining receiving it as his share of the *angsa*.

Yet later, when I asked Pushpa how his family was planning its division, he simply denied that this was happening. “We are not making a plan to separate,” he said. This conversation occurred at his house and during a festival. I was there with Shyam, and after having eaten and chatted with a parade of different relatives coming in and out of the room, we had begun to interview Pushpa about how the earthquake had changed his family’s future plans.

I asked, “But didn’t your middle brother pay to build his own house so he could take it later?”

Pushpa shifted, seemingly uncomfortable, embarrassed, or angry—I couldn’t tell. He then shook his head and explained that this brother had moved to this house because his family was too big to stay in their natal home. “There are no plans to separate,” he said again, and we left it that.

Eventually Shyam and I left, walking quietly through the dark, empty Patan streets while I tried to come to grips with my frustration. It seemed clear that Pushpa’s family was planning their division; Pushpa had pretty much said this to me already, and it was hard to read their decisions as somehow distinct from this inevitability. I asked Shyam if I was right to assume Pushpa was not being forthcoming, and Shyam said yes, there was a lot I didn’t know. First, the brothers had bought two more plots of land they hadn’t told me about, one inside the urban center and one just outside. Pushpa had asked Shyam to measure this land. Second, despite Pushpa’s insistence that the family got along well, there were tensions, particularly between the second-eldest and middle brothers’ wives. According to Shyam, their fighting had gotten so intense that the family built separate kitchens for each brother’s family, and then later the two brothers had moved to their new, respective abodes, informally separating themselves from the family. Nevertheless, Shyam said, none of this could necessarily be seen as constituting an actual “plan.”

“But they’ve bought five lots, one for each child,” I said.

“They all own the land together,” Shyam said. “And they share expenses.” Though Shyam did note that the statue-making business of the middle brother was probably separate from the business of Pushpa and his youngest brother, still Shyam claimed that, for all intents

and purposes, all of the brothers were part of a joint family. Thus, they would figure out how to divide the family estate only when it came time to do so, most likely after their mother died.

### **The Ethical Risks of Economic Practice**

I've struggled with how to read this incident. Though Pushpa's denial was surely in part a ploy to save face despite the overly-blunt and nosey questioning of an eager researcher, Shyam's defense of his cousin's viewpoint has led me to take Pushpa's stated position as seriously as possible.

What does it mean to say Pushpa's family wasn't planning for their division? Such a stance was not uncommon among my informants. Though certain informants did talk about planning openly, the vast majority would either deny it, talk of it dismissively (as if they had barely thought of it), or follow up their confident declarations of future plans with a total abdication of their individual ability to plan their family's future. Divisions would be decided when it was deemed the appropriate time to decide, even if the foundation for such decisions were seemingly being laid out in the meantime. Likewise, my questioning of the future often made for uncomfortable silences and laughter, even when our conversations were private. More often than not, the conversations left the relationship between the present organization of the family estate and its imagined future division underdetermined.

In *Ethical Life*, Webb Keane discusses the use of what he calls "ethical affordances" (Keane 2016). Offered partly as a way to bridge the science of ethics with more humanistic approaches, Keane argues that the human mind comes endowed with certain cognitive structures, but how those structures are used depends on social and cultural contexts. His central example is the "opacity doctrine" in Melanesia and elsewhere, where people will often refuse to read

intention into the actions of others, saying simply that it is impossible to read another person's mind. Keane claims that such a doctrine is not entirely factual—the ethnographic record has shown repeatedly that Melanesians do read intention into other people's actions—but that it reflects an ethical stance, a refusal to explicitly engage the human cognitive ability to see motivation in the actions of others.

I argue that a similar—though not as intensely policed—phenomenon is happening here. If planning is a specific type of temporal relationship—one that imagines a set goal and plots the steps from the present to that future imaginary—then this common refusal to readily discuss such plans can be seen as an ethical refusal of this particular kind of futurism. Planning a family separation requires making an explicit claim regarding who will get what from the estate, necessitating that one redefine the estate as a collection of individual claims. Such a temporal framing opens up family members to the moral risks of intra-kin conflicts, betrayal, and accusations of greed (Np. *lob*) in the present moment. Tom Fricke has highlighted the importance of greed as the moral infraction *par excellence* for how it undermines exactly this kind of kin and communal unity in Nepal (Fricke 2008). I argue a similar situation existed among my (mostly Newar) informants, in which declarations of planning for future separation—especially if done by only one family member—could be read as morally dubious because it could be interpreted as making a personal claim to the estate.

Yet, as Pushpa's situation clearly demonstrates, the estate maintains an imagined relationship to its future, one that anticipates a separation. The question is how this relationship is maintained without necessarily making a coherent plan. What I argue—in this chapter and the next—is that this relationship is spread out across the entire estate, negotiated between family members, inscribed into land titles, and embedded into the materiality of houses, lots, kitchens

and other domestic constructions. In this way, the need for explicit statements regarding future claims is elided by distributing the agency necessary for the estate's separation. In other words, if we embrace the family estate as both human and nonhuman, with all actors contributing to the agency of this assemblage, then we can see how the family estate manages a peculiar positioning towards its own future, one that is principally invested in adapting to present conditions so as to preserve itself, but always with an eye towards its own dissolution.

Key to this positioning is the house itself. While family unity is the ethical ideal, it is understood that tensions develop, particularly between adult brothers as they begin to establish their own families in the same house. The story of Pushpa's family's tensions is paradigmatic: as the brothers in a family marry and begin having their own children, tensions begin to rise between them, ultimately leading to a split that can run the gamut from amicable to utterly hostile. It is not unusual that brothers, though neighbors, will not talk to each other for years after the family's division. Such sentiments are not unique to Newar families (see Ortner 1989), nor is the common trope that wives cause these tensions, turning brothers against each other (Bennet 1983; Parish 1994).<sup>48</sup> Yet, the frequency with which such tensions occur is exceptional. As one informant told me, "Brothers always fight. Every brother in Patan fights." Thus, in order to mediate these tensions and hold the family together, Newar families use a range of physical construction techniques, building new kitchens, partitions in the house, new entranceways, or even new houses. These techniques manage to spatially separate the family while still keeping the "house" (or houses) unified. Furthermore, they also create a blueprint for the family's

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<sup>48</sup> Though studying Brahmin women and family dynamics in rural Nepal, anthropologist Lynn Bennett's description of married women's position in their new family remains apt: as an outsider entering a family that values unity among male kin, the wives of brothers are easy scapegoats for tensions whose origins are usually far more complex.

eventual full separation, while still judiciously framing each of these smaller, informal separations as simply a response to present-day problems.

Eventually, though, a family must separate completely. This process is legal as well as interpersonal, and is also usually relatively short, involving family members declaring to the state their separation. As such, it stands in stark contrast to the accretive process of informal divisions that precedes it. This balancing between legal/bureaucratic separations and informal management of the estate will be the subject of the next two chapters. In this chapter, I explore the Newar house as a physical, symbolic, and legal entity, detailing the process and logic behind the different ways in which the house is used to mediate separation. I then contrast this process to that of legal separation, which I characterize as a single moment in which individual intents and agencies are defined. In the following chapter, I explore how the relationship between these two processes was remade after the earthquake. With people's houses in ruins, these forms of constructed mediation were lost. Not only this, but the need to rebuild forced families to engage with bureaucratic entities—including banks, cooperatives, and the state—which privileged legal ownership over informal housing practices. In this way, legal ownership became ascendant, redefining the relationships between kin and individual subjectivities.

However, before I move forward, I want to address the possibility that I am mistaking the informants' hesitancy to present intimate details of their home-life as a broad cultural ethic. I have no doubt that there was a certain discomfort discussing such matters with a foreign researcher. Nevertheless, I can offer two arguments for why this was not only a superficial performance for my benefit. The first is that one cannot assume a strict division between a "front stage" and "backstage;" that is, between a presentation of family unity and a space out of sight where the real planning, including of future divisions, takes place (Goffman [1959] 1974).

Granted, private conversations among family members regarding the family estate are common enough. However, as I endeavored to show in the last chapter, economic activities are not readily brought together to form a coherent household. In other words, to assume such planning happens behind closed doors simplifies the family, imagining it as a single “decision-making unit” (e.g. Boholm, Henning, and Krzyworzeka 2013), while my research suggests otherwise. Thus, if we approach family economic cooperation as at least partially obscure and ambiguous, even to the family members themselves, then there is no backstage where the “performance” of unity is totally dropped. That is to say, there is no reason to believe a space exists where coherent plans for the estate’s division are being forged.

My second argument regards what is meant by “broad cultural ethic.” It is a dangerous thing in contemporary anthropology to build one’s analysis around general declarations of cultural difference, as critics have made anthropologists keenly aware of how such analyses can lead to the reductionistic othering of the peoples one intends to describe (Said 1979; Lewis 2007). Thus, I want to be clear that my argument here is not expansive. I simply want to highlight a discursive strategy that my informants used when discussing the future separation of their family estate—one that is hardly unique to Nepal or South Asia—and to argue that this strategy overflows the research moment, influencing how they framed the estate’s future in multiple contexts. Though relatively restrained, the implications of this argument are important, as they speak to the ethics of kinship in Nepal. Numerous Nepal-based ethnographies have stressed the moral nature of kinship, exploring the structured morality of traditional exchange and economic cooperation (Holmberg 1989; Ortner 1989; Fricke 1994; March 2002), the moral indexing of shared substance (March 1983; Parish 1994), and the ethical tensions between kinship and emerging practices of urban life and economy (Liechty 2003; Rankin 2004;

Kunreuther 2014). What these different descriptions share is an emphasis on the virtue of kin unity, and the struggles families must endure in order to maintain it. My goal is to contextualize this discussion within the economic, legal, and household practices of post-earthquake Nepal.

### **Newar House Society**

One of the most noticeable features of traditional Newar rowhouses—particularly in the old city centers of Kathmandu, Patan, and Bhaktapur—is how narrow they often are. While a single townhouse may rise four to five stories, and extend twenty meters back from the street, the front of the house can be less than two meters in width, leaving just enough room for a doorway to the main stairwell. Such construction is due to a uniquely Newar practice. When the growing size of the joint family and the increasing interpersonal tensions between family members force the family to divide the estate, Newars—particularly those living in dense urban settlements—will often choose to literally divide the house itself, slicing it front to back, building partition walls, and a new entrance and staircase for each new house. Thus, over time, many of these houses—particularly those of less affluent families—have become thinner and thinner, elongated rectangles with the small end touching the road, and each floor having a narrow room or two arranged in “shotgun style.” The reasons for this practice are manifold. For one, it is simply an economically practical solution to the moral and legal problem of division. Because all sons and unmarried daughters have a right to an equal share of the family estate, dividing the house—particularly when it is the only land to be divided—is the simplest way to give each their due.



*Figure 15: Divided Newar houses in Patan*

Part of the practicality here is that such divisions give each new family all the necessary components of a house. A traditional Newar house is composed of roughly four floors, with a street-level entranceway and wooden staircase running up its center. Each floor, in turn, has its own purpose. The first floor is normally used for work purposes, either as shop space or as a workspace for crafts such as woodcarving, statue making, metallurgy, etc. Above this floor is usually a living room for entertaining guests. The top floors are reserved for the family's private quarters, including bedrooms, a small room—or part of a room—reserved for religious worship, and the kitchen on the top floor which forms the heart of family sociality.<sup>49</sup> Such a schema reflects a clear spatial logic. Because of their proximity to the street, the lower floors are both the space for engagement with the social world (be it through work or entertaining) and also the most polluted spaces. As one rises from the street this pollution lessens, the spaces becoming brighter, warmer, dryer, and more private for the resident family. One of the major complaints about traditional Newar houses is how—especially in the winter—they can become quite cold and damp, a quality associated with illness. Thus, to live on the ground floors where such

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<sup>49</sup> See Levy 1990 and Parish 1994 for more lengthy descriptions of the traditional Newar house structure.

qualities are the most severe is to put oneself at physical risk. This elemental structuring culminates with the kitchen and worship space, which by necessity must be kept clean so as not to pollute the family. Though less severe than in the Brahmin castes, Buddhist Newars in Patan do hold to the pan-South Asian understanding of pollution as both physically and spiritually debasing, its primary medium of transfer being food. In keeping with this belief, the kitchen stands as the cleanest, the most private, and the most kin-oriented space, drawn in opposition to street-level sociality.

This structure is only an ideal, and one that is not strictly policed. Most informants would routinely invite me into their kitchen after a meeting or two, or onto the roof to enjoy the warm sun in the wintertime. Likewise, most would not hesitate to show me through the house if I asked. The construction of their house also varied widely depending on the resources and needs of the family. Many handicrafts workers, for example, would set up spaces in other parts of the house depending on their preference or the needs of their craft, even if the ground floor was still generally preferred.<sup>50</sup> Furthermore, because of the crowding and rising housing costs in Patan, many of the families I followed had private sleeping quarters on the first and second floors, the rooms doubling as entertainment spaces during daytime, with the bed often acting as a makeshift couch. Worship spaces also varied depending on the space available, with the family shrine sometimes placed in the bedroom or on the top floor. Furthermore, among those living outside downtown Patan in Kathmandu's peri-urban areas, very few chose to build their houses according to the traditional Newar style, preferring instead to use the standard cement-block design now ubiquitous throughout Kathmandu, in part because such a house holds a certain

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<sup>50</sup> An example here is an informant of mine who sculpted beeswax statues, which later form the mold for bronze statues. To manage the wax, he needed to work in direct sunlight, so he did most of his work on his house's roof.

prestige, and in part because the older style of house requires materials that are now extremely expensive.<sup>51</sup>

Among my informants, the room whose placement remained the most consistent was the kitchen, which was almost always on the top floor. Only after the earthquake—when the upper floors were rendered dangerous and/or uninhabitable, and daily aftershocks kept people wanting to stay close to the open street—did families move their kitchens to the first floor. Even still, among those who no longer slept in their damaged homes, many chose to keep their kitchens in their ruined house as both a matter of economics—moving the kitchen would have meant renting another room—and as an implicit show of deference to the kitchen’s tight association with both the house and the family.

Because commensality is the primary marker of family unity, the first step in a family’s division—among both Newar and other castes—is usually the construction of separate kitchens within the house. It is also one of the most momentous steps, comparable to the legal division of the estate, and to the registration of separate houses within one’s *guthi*. As noted in the introduction of this dissertation, when the national census counts “households,” the number of kitchens is a key factor, in addition to the number of houses and the practice of economic cooperation. Yet the separation of kitchens is hardly decisive. For one, separated kitchens are invisible to those outside. Indeed, part of this strategy’s utility is that it can obscure family tensions, presenting a unified front to the outside world, even though such separations are never truly a secret. As Pushpa’s story makes clear, obscuring such tensions is an utterly common and

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<sup>51</sup> This was especially true of the long beams of wood used to support ceilings, which have become so expensive as to make their construction infeasible. After the earthquake, many of those looking to rebuild soon realized that they would not be able to do so in the traditional style even if they wanted to. As for the suburbs, there has been a trend in the past five to ten years among Newars to build houses that reference Newar styles (bare brick exteriors, wooden staircases, and carved wooden window frames); however, such construction is still extremely expensive, and so these houses are usually reserved only for the most wealthy Newar families. See Nelson 2013 for a more complete description of contemporary Kathmandu architectural styles.

pedestrian activity; as another informant told me, “People won’t say to you they don’t get along [with their family]. Everyone knows they fight, but they won’t say it.” The separations of kitchens also eschews any signs of the estate’s eventual formal and physical division. Usually, separated kitchens are arranged vertically, with each family taking different floors of the house. Though arguably a more “efficient” use of space given the construction of Newar houses, this division does not clarify questions of ownership in either an informal or formal way, as both families remain living on the same piece of land. Such claims begin to take shape if and when a family decides to build horizontal partitions, separating the house from front to back. Partitioning may or may not include separate entranceways for the two families; if it does not, then the family is considered more unified. However, once new entranceways are built, the estate’s informal division is complete.

Yet, even though vertical divisions mean that the segments of the joint family have separated, they still maintain a sense of family solidarity. In the previous chapter, I described how Newar cities are divided according to neighborhood, each associated with a major religious courtyard (Nw. *bāhāh*). Below this level of organization, neighborhoods are subdivided into smaller neighborhoods (Nw. *tol*) which consist of only a block or two of a city street.



Figure 16: A tol in Lalitpur

A tol is the basis for neighborly sociality. Grown adults will often refer to those they grew up with in their tol as “brother” or “sister,” in much the same way that rural Nepalis will refer to people in their village with such fictive kin terms.<sup>52</sup> As is true in villages, for neighbors in a Newar tol, such terms are only partially fictive, as the practice of subdivision has meant that one is often related, if distantly, to many of one’s fellow tol residents. In other words, tol sociality can be intense and quite kin-like, forming a basis of political and economic connections. As such, there is notable pressure to remain in one’s tol, or at least in one’s neighborhood, a pressure that is reinforced by religious and feasting requirements.

By having brothers remain neighbors, even after their separation, the family retains some spatial unification. Of course, this type of division is not always possible, or even preferred. If a

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<sup>52</sup> Nepalis use fictive kin terms for all kinds of people. For example, when hailing a younger man, Nepalis will often use the word “*bai*” (younger brother), or “*babu*” (young male child). In other words, such fictive kin terms are not reflective of intimacy. However, when discussing someone in the third person, these terms are often dropped unless the person referred to is actually of some intimate relation to the speaker. Thus, one would not refer to a cab driver in the third person as “*bai*” but might address them directly as such, while one would refer to an absent neighbor from one’s tole as “*bai*” in conversation. This same logic applies to fellow villagers as well.

family is wealthy enough to own more than one lot of land, they will often choose to give each son a separate lot, allowing everyone to build a more robust house than they could with just the natal house to divide between them. In cases like these, the natal house remains the central location for ritual purposes, especially if some of the brothers decide to move out of the central Newar settlement into the cross-caste peri-urban areas surrounding the city. Such a move has become more common in the past several decades, as suburban housing has become more desirable and prestigious. Not only are such houses larger, roomier, and more “modern”—and in locations that are less dusty, loud, and polluted—they also, according to many informants, offer a certain level of privacy from the prying eyes of gossiping neighbors.<sup>53</sup> With many families in Patan already owning large tracts of farmland outside the city, it is a fairly easy task to transform such land into new housing for family members.

Contrastingly, for those families without multiple lots of land, the house that the joint family is sharing may be too small to physically divide for all parties. In cases like this, one son will pay his siblings cash for their shares and take control of the house for his own family. Such a strategy has become increasingly common, not only among families who have little land, but also among those whose inner-family tensions have become so severe that brothers feel the need to put as much space between each other as possible. Still, this strategy has its difficulties. For one thing, it can often be economically infeasible, as the price of even half a house in the central areas of Patan can be more than a family earns in several years. In this case, rightful parties to the land will have to come up with some alternative solution, either having one brother pay off the others over time, or having all parties sign a bank loan for a new house and then divide the

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<sup>53</sup> Indeed, several informants from Patan who now live in the suburbs talked of how uncomfortable it was for them to return to their *tol*, knowing that they would be watched in a way they were no longer accustomed to, not to mention the pressure of having to visit the many houses of their neighbors and relatives.

payments evenly among them. Another problem stems from land's vaulted status in Nepal. Because land remains the most valued property a family possesses, there remains the question of whether receiving payment for one's part of the estate is fair, even if the buying sibling can produce the cash. In discussing estate divisions in which brothers offered a payout for their share, one recurring complaint was how such a payment would be insufficient to buy a house in the same area, or a lot outside the city large enough to build a suburban house. In other words, a payout is seen as only a temporary phase, a liminal transaction meant to be converted as quickly as possible back into a house of some kind. By emphasizing the difficulty of such a transaction, these siblings were complaining that, despite the nominal equivalence between their share and that of their brother's, they were getting the worse end of the deal, being forced to take extra, arduous steps to reach the final goal of land and house ownership, while also facing the possibility being forced out of their lot.

### **The Legal Process of Dividing the House**

Negotiations over shares of the estate do not happen exclusively within the family, as they must also be ratified by the state. Indeed, when Nepalis in Kathmandu speak of "angsa banda" (that is, the division of the family estate) they are usually referring to the point when a family and its estate are *legally* divided, a process that requires the full cooperation of all family members to be successful. In order to divide an estate, the family must first go to the local municipality, request a letter declaring their intention to separate, and list the properties that are involved. They then take this letter to the Land Registration Office, or rather, to the office of a paralegal outside the Land Registration Office, who prepares a legal document (Np. *angsa banda patra*) that declares

the separation official and designates which parties will receive which pieces of land. All parties then sign the document and pay the requisite tax for division, 0.25 percent of the stated government valuation of the land. Finally, they appear at the registration office with their paralegal to verbally declare their intention to divide in front of a government secretary, who then authorizes the division.

The fact that this process is handled primarily by the Land Registration Office is telling, as Nepal's legal system is noticeably ambiguous on whether estate division means the division of the family itself or just the family's real estate. Technically, when dividing the estate, all jointly-held property is subject to division, and sometimes such property (bank accounts, shares, workshop materials, etc.) are listed in the legal document; however, this is quite rare. Because gold is considered women's property, it is usually gifted to the daughters of the family or divided informally among the sons after their mother's death. Likewise, shares, cash, and most other moveable property—usually considered by the family as individually-owned property—are not subject to the same kinds of calculations. There is a system for writing wills in Nepal (Np. *icchā patra*, literally “wish document”), and though such a document can be used to give land to one's children—often used to give to one's daughters if the parents wish—it is generally used for these other types of property. In other words, according to the government, the family estate is simply land, houses, and their rightful occupants, a belief that is tacitly enforced by Nepal's legal system of division. In centering the process around the Land Registration Office, a family's legal division seems first and foremost to be a division of land and housing.

And yet, this division also redefines how family members are economically entangled with each other. Up until the point of legal division, each family member's individual property is considered part of the same estate, meaning that the earnings of one member are in fact jointly-

owned. By dividing the family's real estate, their earnings are also divided *as if they had simply been pooled until then*. In practice this is rarely applied to forms of investment other land, though it can be, and there are documented cases of such divisions. However, in regard to land, if one brother were to buy a lot with his own earnings before his family's division, he runs the risk of losing part of this land to his brothers if the latter should make a claim. For this reason, many people choose to put land they buy in their wife's name; even though a wife's property is technically considered part of her marital family's estate, keeping new properties in the wife's name is still thought to provide some kind of legal protection.<sup>54</sup> There is also a more formal legal mechanism for separating siblings' incomes before the estate's division, in which family members all sign a document declaring that, after a certain date, the earnings of each family member is his/hers to keep. Called a "separated individual agreement" (Np. *mano chuteko likhut*), this agreement creates a legal mid-step in the separation of the family; however, they are not particularly popular, and most families I spoke with have never even heard of them. Even without such a document, a brother can legally challenge his family from taking land that he bought with his own earnings. As long as he can prove that he acquired property without material support from his family, there is legal precedent that the property should not be part of the family's legal division. Nevertheless, the fact that such property remains up for challenge indicates the ambiguous nature of joint-owned estates, both in legal and kinship terms.

Thus, the legal division of the family estate is a process that incorporates both humans and nonhumans—legal documents, houses, and other materials—to measure the estate's land holdings into equal shares and then distribute accordingly. It should be unsurprising that this is

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<sup>54</sup> The Nepali government also gives a tax break to families who put their property in the wife's name, which is another reason for this practice. I should note too that the lawyers I spoke with did not believe this practice would help protect land from greedy brothers, and noted too that it opened up the possibility that the wife could take the land should the couple divorce.

often the most contentious period in the history of a family. Questions of equivalence, though superficially straightforward, can become quite complex, particularly because of the spatial and material qualities of the assets themselves. For example, land with road access is more valuable than land that is accessible only through the warren of walkways and underpasses that cut through Patan. Likewise, the age of a house and the style of its construction can create difficulty in evaluating equal shares, especially if a family owns several houses. Is a house of modern construction with limited road access equivalent to an older house of traditional construction that borders a larger road? If one must divide a house along a line parallel to the road, creating a front house and back house, then how much bigger must the back house be in order to compensate for the fact that the front house has road access and can be used for shop space?

This process is further complicated by the entanglements the family estate has with outside institutions and upon which its value rests. For example, land with access to roads which are at least twenty feet wide (1.85 sq. meters) can be used as collateral for bank loans, while land connected to narrower roads can only be collateralized at micro-finance cooperatives. Likewise, if one brother is having to pay off his other brothers for his natal house, he may have to take a loan from a cooperative, which may ultimately mean putting up the natal house as collateral. This raises questions of who should be responsible for this loan, to what degree, and how should that responsibility be reflected in the cooperative's paperwork? The legal status of land can also pose issues. Though not as prevalent now as in the past decades, many lots of land in Patan remain unregistered, meaning they cannot be formally sold or collateralized. More commonly, lots may be legally contested by neighboring families or disgruntled kin outside of the household in question; indeed, most families I interviewed had some lot of land they considered their own,

but because of legal challenges, they could not use it. How to value such land during the estate's division, and what responsibility do family members have in registering this land for their kin?

Of course, these questions can be anticipated long before legal division, and as the example of Pushpa's family from the beginning of this chapter demonstrates, they often seem to be. Indeed, focusing too heavily on the moment of official division can distract from the fact that division is a process, carried out over a much longer period of time. What I have tried to highlight here is the difficulty in objectifying such an accretive process of informal divisions within bureaucratic documentation. Indeed, this translation cannot help but warp the virtues of kinship, despite the fact that the state has labored to make legal rights an unmediated description of kinship relations. There is still a disjuncture between the family's informal practice of separation and the legal process that division entails, which hinges on the immediate clarity that property rights require. When a family estate is jointly-owned, there remains a degree of uncertainty over which share each party will eventually receive. By contrast, legal division requires a certain kind of explicit, performative declaration. Such declarations are incredibly dangerous, for if they are not agreed upon, it could mean the breakdown of the family itself. For this reason, families often wait to legally divide until they absolutely have to, their land remaining in the names of fathers, grandfathers, or great grandfathers, even when control has long since shifted to a new generation. Again, the materiality of the house becomes an important asset in this strategy, as families can use the house's material affordances (kitchens, partitions, etc.) to create more nuanced and implicit forms of property management, while distancing themselves from legal definitions.

## **Conclusion: Earthquake as Interruption**

In an influential essay on the Kwakiutl, anthropologist Claude Lévi-Strauss defined the house as principally a space where contradictions can exist in limbo, unresolved but in no way threatening the integrity of the house itself (Lévi-Strauss [1982] 1999). Though Lévi-Strauss' conception of "house societies" referred mostly to bilateral kinship, anthropologists Janet Carsten and Stephen Hugh-Jones expanded the concept to include all the ways in which houses become central to kinship practices (Carsten and Hugh-Jones 1995). For them, as it was for Lévi-Strauss, houses are deeply flexible arrangements of people, relationships, and material artifacts that can be continually revised in order to maintain the house's integrity. Though neither Lévi-Strauss nor Janet Carsten deal directly with ownership, their arguments nevertheless can be used here. In Lévi-Strauss' original conception of "house societies," the house is maintained through the reshuffling of roles, titles, and statuses. Remembering Paul Kockelman's argument that property ownership is really just a type of status (Kockelman 2007), by keeping the estate as mutually owned, Newars let this status remain ambiguous, allowing for the different and contradictory investments of the family estate (both of things and of people) circulate within the frame of household amity.

It is for this reason that Pushpa was so hesitant to discuss the plans for eventually dividing his family estate. In asking him to explain his plans, I asked him to play-act his family's legal separation; that is, to imagine out-loud (and without the input of his brothers) what would happen when this ambiguous circulation of claims and obligations was transformed into fixed shares. In other words, I unwittingly asked Pushpa to interrupt this process of growth and

accretive separation for my benefit—an interruption that could potentially be read as greedy, exposing contradicting viewpoints and undermining family honor and unity.

The irony here is that the earthquake performed a similar interruption, albeit to a far more cataclysmic degree. By destroying the central material structures of the family estate—that is, houses—the earthquake undermined the process of virtuous growth and accretive division that Newars (and Nepalis in general) hope to maintain, forcing families to openly discuss what had, until then, been left implicit. One can see this dynamic in Pushpa’s story, where the destruction of their natal house led to renegotiating the living arrangements between the brothers, dredging up old conflicts and foregrounding uncomfortable questions about family obligation and responsibility. Not only this, but the financial necessity of reconstruction forced families to engage with bureaucratic authorities that demanded families clarify their estates in the exact ways that families work to avoid. As I will show in the next chapter, this shift in context cascaded into numerous conflicts, forcing uncomfortable negotiations over not just the economic process of reconstruction, but the manifested worth of kin relations: loans to kin were called in or requested, estranged brothers were forced to cooperate, separated family members were asked to contribute to the construction of their natal house, disputes over land tenure were revitalized as people searched for assets to finance their reconstruction. Such activities were not just financial, but also ethical, an engagement with the claims and obligations of kinship through the idiom of land.

## Chapter 6: The Reckoning of Kin

When the first earthquake hit Nepal on April 15, 2015, there were numerous families living in various states of separation, with many possessing paperwork that often did not remotely resemble their actual living arrangements. In other words, for many families, ownership was recorded in the house itself—in the number of kitchens, entryways, partitions, and separate abodes—but not in the bureaucratic paperwork that verified these arrangements. While such strategies clearly had utility before the earthquake, afterwards they began to work against these families. In need of money to rebuild damaged or destroyed houses, families were forced to engage with bureaucratic authorities—mostly state-run and private financial firms—to raise these funds. This meant evaluating anew legal records of ownership. State-distributed aid for reconstruction—which I will discuss in depth in chapter seven—required updated land titles, as did bank loans and land sales. Likewise, given that most families’ central financial asset were their land holdings, titles and their ancillary documents became central to families’ reconstruction projects, necessary to successfully engaging with private financial firms. Consequently, family reconstruction projects required the cooperation of all family members still *legally* considered part of the same estate. Furthermore, with the house now damaged or destroyed, the material record of the divisions was no longer available, limiting—if not erasing—the house’s ability to mediate conflicting family claims.

In this chapter, I explore several cases of such family reconstruction projects in order to illustrate a significant but less-discussed consequence of the earthquake: by inverting the value of the house from an asset to a liability, the earthquake changed the context in which family estates functioned, shifting the balance of estate management from informal practices to legal and bureaucratic ones. This shift had real and lasting effects on the interpersonal relationships between kin. The most common effect was the legal separation of families into nuclear units, as I will show in my first case. Sometimes such splits were amicable, a simple formalization of informal divisions already in place. In other cases, it was more contentious. Yet, at other times, the effects on families were more idiosyncratic, bringing divided families back together, separating unmarried children from parents, or changing the roles of individual family members. In each case, one can see the mutual contingency of kinship, bureaucracy, and individual subjectivity. By examining this contingency, I present an answer to a question that has plagued Nepal's post-disaster reconstruction: what did the earthquake change?

### **Financing Fraternity**

Sanjay was an upper caste Newar man, middle-aged and a father of one. Before the earthquake, he lived in a four-story house with his wife, teenage daughter, mother, and father. The house was over one hundred years old and of traditional Newar construction: low-ceilinged rooms with dark wooden beams running across the top, unfired "raw" brick walls, carved wooden windows and a steep wooden staircase zigzagging up the center of the house to the top floor. Like Pushpa's house, this one had survived Nepal's last large earthquake in 1934. However, now the front wall was beginning to separate from the house, and large cracks had formed throughout the upper

floors. When I met Sanjay, he was living across the street from his house in a three-room rental with his wife, daughter, and aging parents, paying 10,000 NRs (100 USD) a month and trying to figure out the next step.

His finances were limited. He had been making silver jewelry since he was in his late teens, but earned most of his money from his store, a tiny “ready-made” clothing shop on a main shopping street in Patan. He would take most of the items from wholesalers on consignment, and though this produced only small profit margins, it gave the family a valuable credit stream. As such, he could “borrow” from his wholesalers by delaying paying them their share after he sold their merchandise. However, such informal loans were limited to no more than two lākh NRs (2,000 USD) at any given time. The family helped run the store, and his wife also did some household sewing jobs for extra cash. Beyond the shop, his maternal cousins were wealthy and generous with their loans, but that wasn’t enough to cover his reconstruction, which he estimated could cost forty lākh NRs (40,000 USD). Sanjay knew he would need his first-ever bank loan, but he was deeply apprehensive about the idea—not least because of his household situation. Sanjay had three siblings: two married sisters and one brother twelve years his junior. Only he, his brother, and their parents were seen as having claims on the family land. Unfortunately, Sanjay and his brother did not get along. Sanjay saw his brother as something of a wild child, one who spent his youth out with friends and chasing after women while Sanjay worked the shop and made jewelry. Then, in his mid-twenties, his brother married a Newar woman of a different caste without their parents’ consent. He brought his wife home to live with Sanjay and his parents, but after repeated fights with Sanjay, he moved out. Now he visited only on ritual occasions.

In a sense, before the earthquake Sanjay's family's situation was fairly straight forward: one can easily read Sanjay's brother's unilateral decision to move out and pay rent from his own pocket as a clear sign of family discord and informal separation, a very typical situation in Nepal. Yet, despite this, Sanjay's brother's separation was actually rather ambiguous. His decision to come home for ritual occasions, including mha puja, indicated that he was not fully separated from his parents' house. Likewise, Sanjay's family's guthi had not registered any separation and Sanjay's brother seemed in no rush to correct this fact, participating with his elder brother and father in guthi feasts and rituals as part of the same household. Given these ambiguities, it was unclear what Sanjay's brother's responsibility to the house was. Sanjay's family had bought the house when he was eighteen, and Sanjay had clear memories of working long days making jewelry to help pay for this house. As such, Sanjay believed his brother had a responsibility to help rebuild, stating that since Sanjay and his father had saved to buy this house over twenty years ago, it was only fair that his brother, now an adult, should contribute to its reconstruction.

I was never able to speak with Sanjay's younger brother, though from talking with Sanjay, it was clear that his brother did not agree with Sanjay's assessment. Sanjay had proposed that the two work together to rebuild, constructing the house as two vertically arranged flats, one for Sanjay, his wife, his daughter, and their parents and one for Sanjay's brother and his nuclear family. Each apartment would have its own kitchen, but the two would share the same stairway. Such an arrangement would have honored his brother's desire for his own "house," Sanjay said, but would have kept the household legally and geographically unified. Of course, this arrangement would mean that Sanjay's brother would be responsible for his share of whatever bank loan they took out for reconstruction, a responsibility his brother was not willing to take on. Instead, he asked to be bought out for half the price of the land. Sanjay rejected this proposal,

pointing out that his father and mother both were legally entitled to an equal share, which meant the land would need to be divided into four equal shares with only one given to his brother. Of course, his parents' shares would inevitably go to Sanjay after they passed away, but Sanjay claimed both moral and legal standing for this by being their primary caretaker. The discussion took months and required the intervention of the brother's maternal male cousins who were on good terms with them both. I met frequently with Sanjay throughout this discussion, who regularly complained of losing sleep and of frequent headaches because of the stress over the situation. "Everyone wants to live together," he said, "but then people fight." The conflict was ultimately resolved in a year's time. The younger brother accepted a payment for ten lākḥ NRs (10,000 USD), this being the estimated price for one quarter of the land, and in turn, legally resigned his claim to the land itself. In other words, Sanjay ultimately got his way, or at least what he felt was his fair share.

The style of Sanjay's argument reflects a basic trajectory for how such disputes seem to unfold. If unable to work out an agreement within the immediate family, others—usually more distant relatives—are recruited to act as informal mediators. Sanjay and his brother's choice to pull in their maternal cousins is itself unsurprising. Being the closest male kin, one has outside of the patriline, maternal cousins and uncles hold a unique role for men in Nepal, being both intimate confidantes and outsiders—a good position for mediating conflicts. Had the cousins failed to broker an agreement, then other mediators would have been recruited, potentially including the court system. Indeed, during the negotiations, this was something that clearly worried Sanjay, as court cases are expensive, take years to complete, are extremely difficult to hide from public scrutiny, and would almost certainly deepen the estrangement between him and

his brother. “Tension, tension, tension,” he’d say to me, smiling nervously every time we talked about the situation.

Yet, though their conflict never reached the court, their legal rights to the estate still helped frame their negotiation. Indeed, though most of my informants would regularly declare that their family never considered the legal ramifications of their decisions, it became quickly clear that—during conflicts—legal rights were extremely influential to their thinking, and even to the sensibilities of indignity and attachment that such conflicts entail. Thus, though Sanjay believed his brother didn’t deserve half of the estate because of his younger brother’s apparent irresponsibility, from Sanjay’s telling, their argument actually turned on everyone’s legal rights to the estate. “He can’t take away our parent’s land. They have rights too,” he said to me. That their parents didn’t intervene to offer his brother half the estate by forfeiting their own rights suggests that they ultimately agreed with Sanjay’s assessment.

### Sanjay’s House

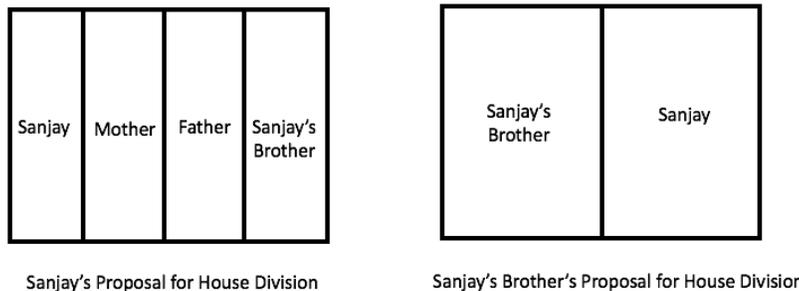


Figure 17: Proposals for the division of Sanjay’s house

In conflicts like this one can see how, before the earthquake, family tensions were left ambiguous, even as the family was clearly moving towards separation. The earthquake essentially collapsed this time frame, folding legal, sentimental, and moral perspectives into a single negotiation over the family’s future. Admittedly, the outcome of this negotiation might

well have been the same if it happened years later, though maybe by then Sanjay's parents would have passed away. But this did not happen; instead the house collapsed, forcing a reassessment of the family, and for Sanjay, a reassessment of his own role and personhood.

Soon after this conflict was resolved, Sanjay and I sat down to discuss his future plans for the house. Sanjay was already in debt from having to buy out his brother, having borrowed five lākh NRs (5,000 USD) from his maternal uncle's elder son, and taken a one lākh NRs (1,000 USD) loan from his shop's wholesaler. He had also sold about three lākh NRs (3,000 USD) of gold, which, combined with his savings, was enough to buy his brother's share of the house. He was now looking into reconstruction options. He believed a two and a half floor house on his land would cost him thirty-five lākh (35,000 USD). The government had promised a subsidized loan for earthquake victims, but it was unclear if this loan would ever materialize. Still, Sanjay had eight lākh NRs (8,000 USD) of gold he could sell, and he figured that if he was able to rent out one floor of his new house, he could take a loan from a bank at the usual 10 percent interest for twenty years, and use the rental income to pay off his loan. There were still problems of course: his house was on a small street deep in Patan so banks would be hesitant to collateralize his land, and while his store was registered with the government, his income would not qualify for the size of loan he needed, which meant he would need a personal connection at the bank to get approval. He would also need money to cover the first six months of the loan while his house was being rebuilt. Despite all this, he was feeling confident. Once, we were on the roof of my apartment building, sitting in the sun. In a few hours it would be unbearably hot, but just then the early morning chill was still burning away. Sanjay said he could do this, he could rebuild; all he needed was "courage" (Np. *aāt*). I was interested in how he kept using the word *aāt* to describe what he needed, as if he was trying to describe a new state of being that his household situation

had thrust him into. With his house destroyed and his brother now formally separated from the family, he knew he would have to become a new kind of person; one that fit within this new household, one that took risks that were not necessary before. With this in mind, we spent the next hour calculating loan payments and EMIs on a website I had found. He said he was thinking of starting to rebuild within the next few months.

### **Reversing Separation**

In the case of Sanjay, the earthquake can be seen as accelerating a process that was already underway. Legal definitions of family—here actualized in private banking procedures—forced Sanjay and his brother to cooperate domestically and make their relationship explicit. This explicitness precipitated their formal separation. Such scenes were quite common after the earthquake, as reconstruction required a kind of cooperation between brothers that their accretive separations had slowly marginalized. Sometimes the legal separation of brothers was enacted simply for advantageous reasons, or to formalize what had actually been the reality for some time; at other times, it affected interpersonal relations, as in the case of Sanjay, creating new emotions and states of being, a fact I believe Sanjay’s discussion of “courage” evokes.

However, for some families, the earthquake did not lead to the disentangling of family relationships; in a few cases it was quite the opposite, like with my informant Krishna. Krishna, his wife, and his daughter shared his natal home with one of his brothers and his sister-in-law. When the earthquake hit, the house—a two-story brick and mud Newar house stuck deep in the back alleys and courtyards of Patan—collapsed before they were able to flee, and neighbors had to rescue them in the minutes after the shaking stopped. Amazingly, nobody seemed seriously

injured, though Krishna would still complain months later that his back and legs were in chronic pain.

Krishna had two other brothers who had been living separately from before the earthquake. After the quake, neither one offered to take in their two (now homeless) brothers. The brother who had been co-residing with Krishna moved into their married sister's house, leaving Krishna to move himself, his wife, and adult daughter into two rented rooms in a neighboring building, the view from their new bedroom overlooking the rubble of their old home. When we met first in September 2015, Krishna was under significant pressure to remove the piles of brick and broken wood that remained of his house, a project that—as elsewhere in Patan—would cost him and his brother two lākh NRs (2,000 USD).

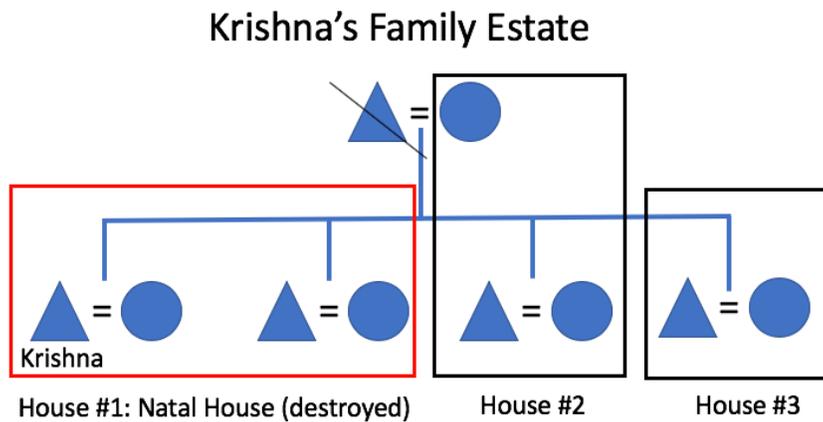


Figure 18: Krishna's family estate

When asking Krishna about his family, he would present it as an undivided joint family. Yet, at least economically and spatially, they had mostly divided. The two brothers who lived separately contributed nothing to the mutual household, one having bought and built his house entirely on his own. Krishna's elderly mother lived with one of these separated brothers, he paying for her medicine and living expenses. Because her name was on the land title for the natal house, she received the money issued by the state for earthquake victims but did not share it with

Krishna or her other son who had been living there. Though Krishna said this was because she did not understand what the money was for—he claimed she thought it was a kind of pension—still the relations between the brothers seemed cool at best. When I once asked Krishna how often he saw his brothers, he said, matter-of-factly, very rarely. “They don’t come to see me, so I don’t go see them.” Though Krishna had been the only one of his family members saddled with paying rent after the earthquake—an expense he claimed he could barely afford—his joint family offered him no financial support, declaring in this moment of crisis that they were, in fact, economically separate.

This lack of family support was a problem for Krishna, as he was not a rich man. A member of the Vajracharya caste, he made his living conducting rituals and religious ceremonies for roughly ten families in the surrounding neighborhood, for which he was paid per ritual. Though he wouldn’t give me an estimate of his income, based on my interviews with other such priests I believe it could not have been much more than 8,000 NRs (80 USD) per month. He also did some small handicraft work in his house, but again, he would not estimate his income from this work. His wife also worked at a small workshop, earning 5,000 to 6,000 NRs (50 to 60 USD) per month, while their nineteen-year-old daughter was applying for nursing schools, leaving her parents to fret over the cost.

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Throughout this dissertation, I have highlighted a narrative that occurred repeatedly after the earthquake: that, in light of reconstruction’s massive expense, families were forced to honor their obligations to kin or, in no uncertain terms, declare themselves as separated. In other words, post-earthquake reconstruction became a moment of reckoning for families, in which trust, amity, and interpersonal tensions were finally weighed against each other, forcing a decision on

the family's "true" composition. Such a description fits the story of Sanjay and his brother, described at the beginning of this chapter. It also seems to fit the story of Krishna, at least in part. In the months after the earthquake, Krishna took it upon himself to clear the lot of debris, fronting the money for the cost. He also collected the baked bricks of his house for his own use, ultimately spending roughly one lākh NRs (1,000 USD) to build a one room shelter on the land his house used to occupy.<sup>55</sup> The shelter was complete by March 2016, almost one year after the earthquake. It was cold and damp inside. Krishna complained that the plaster on the inner walls would not dry, and that if he spent too much time inside the shelter, his legs and back would hurt more than usual. Still, the shelter allowed his family to move out of their rented rooms and back onto their family's land, saving him the extra expense while also making a visible claim to the land that was still in his mother's name.

Yet, and to my surprise, Krishna was not planning to rebuild the house for just his own nuclear family. Rather, he said that he and his brothers had agreed to build a four-and-a-half story house for all of them. Adopting the "modern" flat system, each brother would be given one floor, each with its own separate kitchen, and the land would remain in their mother's name. In other words, it seemed that the earthquake, far from splitting Krishna's family, would be bringing them back together, at least geographically.

Though Krishna would often dance around the subject, the reason for this decision seemed as much economic as it was sentimental. Simply put, neither Krishna nor the brother who'd been living with him before the earthquake had enough money to rebuild a full house on

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<sup>55</sup> Old Newar houses are built both of "baked" and "unbaked" bricks; that is, bricks that have been fired and those that have not. Usually the baked bricks are on the outside of the wall, while those on the inside are unbaked. Baked bricks are sturdier, and in the earthquake's aftermath could be extracted and recycled for reconstruction, which most Newars I spoke with chose to do. Most unbaked bricks were pulverized in the earthquake and had to be thrown out.

their own. Furthermore, if Krishna were to take this land, he would need to pay his brothers the cost of their share, a payment he readily admitted he would be unable to make. In other words, to rebuild, Krishna and his cohabitating brother would need their other two brothers' help. These brothers were willing to do so, but only if they too would be able to claim an equal section of this house as their own. Thus, in an effort to keep things equitable, they agreed to rebuild together, even though Krishna confessed to me that he would not be able to pay his full share.

However, before they could begin raising the money for reconstruction, there remained a problem: the land on which their old house was built would not be large enough for their multi-apartment plan. To build such a house, they would need to acquire adjacent land in their courtyard. There was one adjacent lot in particular that Krishna believed they could get, a tiny lot less than nine square meters whose title was in the name of their grandfather. Krishna walked with me out of his shelter to give me a tour. The entire courtyard where his house once stood was no larger than 180 square meters, surrounded on all four sides by four-story houses, the only entrance a covered walkway that snaked beneath a large house in the corner. Most of courtyard was damp and in shadow, flocks of pigeons now occupying the corner where his house once stood, the walls of the once-adjoining houses now stained in their droppings. Krishna first showed me the lot line of his old house, visible only by the bricked floor's slight change in color. We then walked the lot he thought his family should buy, an oblong rectangle sitting next to the lot of his old house. Though Krishna's father and paternal uncle had divided most of the family's land after their grandfather's death, this lot had sparked a kind of conflict and had been left aside. Of course, now it was needed, which meant that Krishna and his brothers would have to approach his uncle's sons—the uncle having already passed away—and offer to buy it from them. Krishna seemed confident that they would agree, but he admitted that, without his

brothers, he wouldn't be able to negotiate this exchange, both for lack of money, and lack of family support.

### **Ghost Assets**

Though in the cases of Sanjay and Krishna, the legalities of land ownership inspired contestations and discussions that led to almost opposite changes within their family estates, both are stories of action. Sanjay and Krishna both pressed their own agency into the reorganization of the family estate, ultimately making headway towards their home's reconstruction. This was not the case for everyone. For many families, the path towards reconstruction was not at all clear, their personal agency stymied by a variety of obstacles. Yet, even in those cases, financial, legal, and bureaucratic criteria played a role. With the house's transformation from an asset to a liability, the arrangement of other financial values was remade, with other assets and liabilities given new importance. Yet such revamping of the family estate's finances did not always lead to an actionable plan. In some cases, it only invigorated conflicts without resolving them. Such was the case with Sapana.

Sapana was a middle-aged Newar woman living in Patan, married with one teenage daughter. Her husband was a man from Dolakha, their marriage arranged before her parents died. When I met her after the earthquake, Sapana's husband had moved back to Dolakha. When he came to Kathmandu, he stayed in their broken house in old Patan. By contrast, she had moved into a corrugated-tin shelter constructed by a local community organization in a small courtyard at the center of the old city. The shelter had eight rooms—one for each household—though at the time I visited, only five households were sleeping there regularly. The rooms were hot in the

afternoon and cold at night, with no running water, limited electricity, and a fairly severe rodent infestation. In keeping with the close connections between house, food, and kin, most people, including Sapana, would cook and eat in their damaged homes, having moved their kitchens to the bottom floors so they could run outside if another aftershock hit.

As an only child, Sapana had no brothers to contend with, and so had inherited her house from her father. When I asked if she had received any support from her husband's family, she said succinctly, "They haven't given us anything." According to both her and her neighbors, who were also living in the temporary shelter, her relationship with her husband had been strained even before the earthquake, with him often spending long periods in Dolakha, despite no apparent need to do so. Indeed, the "us" in the above quote seemed to refer to her and her daughter only.

Even more than Sanjay, Sapana's finances were extremely limited. She was employed at a small phone shop, earning 5,000 to 6,000 NRs (50 to 60 USD) a month, while her husband did not seem to contribute any financial help to her household. Several years before the earthquake she had a job working as a seamstress for a local cooperative, but had to quit when her mother became sick with cancer. Her mother died before the earthquake, by which point Sapana's finances were depleted. Now she had only 5,000 NRs (50 USD) in an account at a microfinance cooperative. Her daughter had a position at an NGO dedicated to women's economic and social empowerment, volunteering as a teacher in rural areas south of the city. The daughter was given an 8,000 NRs (80 USD) stipend each month, though more importantly, the NGO had promised to cover her tuition should she decided to study in North America. However, Sapana was unable to cover the remaining expenses of such an endeavor and so her daughter was not able to take advantage of this opportunity.

By Sapana's own calculation, reconstruction would cost her over twenty-five lākḥ NRs (25,00 USD)—far more than she could afford. Though in the city, her house's plot was not near a major road, which meant that a bank would hesitate to accept it as collateral; but she felt that she was unable to afford the payments anyway. Local cooperatives would take such land as collateral, but at the time, their interest rates were extremely high, roughly 16 percent in Patan.

However, Sapana had inherited another piece of land from her natal family, roughly 41.3419 square meters, west of Kathmandu proper outside the Ring Road. The land in this area was expensive; by her account she could raise eighty-four lākḥ NRs (84,000 USD) if she were able to sell it. Unfortunately, the land's ownership was contested on two fronts. First, Sapana's paternal relatives, whose land borders this plot, were claiming that there was an encroachment and that they deserved several meters of Sapana's land. Sapana thought very little of these relatives, calling them greedy and selfish whenever we discussed them. But their proximity to the land meant that they could scare off any potential buyer. The second conflict involved the son of her father's second wife. Though this son had a different father than Sapana and was born after the second wife had left her father, he had managed to file a court case to challenge Sapana's angsa. She had already been to court once and claimed to have won the case against her stepmother's son, but so far, nothing had been conclusively resolved.

As mentioned earlier, litigation like this is common in Kathmandu. One of the consequences of Nepal's legal joint ownership system has been that conflicts can linger for generations, with no statute of limitations on when one can file a case claiming lost angsa.<sup>56</sup>

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<sup>56</sup> This applies only to raikar land; that is, land that is privately owned. As mentioned in chapter one, during the Rana era, there were a number of other types of land that were gifted by the state to lords and military officials, including bhirta land and jagir land. Jagir land was never meant to be inherited by the receiver's offspring, and thus cannot be used as the basis for claims. Likewise, all bhirta land claims had to be settled by 1978, and thus can no longer be claimed. That said, a lawyer I spoke with said that there are still descendants of bhirta landlords trying to make claims, and indeed, one broker I knew was working on exactly this kind of case.

Court cases can take one to two years to complete successfully, and another four years if it is appealed to the supreme court.<sup>57</sup> Furthermore, several delay tactics can elongate this period, and in the end, the enforcement mechanisms for court decisions are weak. Because of the time and expense involved, most people choose not to file cases for as long as possible, leaving contested land unused in the meantime. Indeed, most people I spoke with in Patan had at least one lot of land they believed was theirs, but because others (most often kin) contested their ownership, they could not sell or build on these lots. Such plots held an interesting place in their financial imagination. Though on the one hand informants would readily admit that they would not be able to do anything with these lots for the foreseeable future, they still included them when calculating their own wealth, expressing confidence that the matter would eventually be resolved. Furthermore, though financially useless in the present, maintaining claims on these lots demanded a lot of work. Court hearings and meetings all took time, as did the constant vigilance required to ensure that the challenging party did not take the land by force. Sapana told me about several instances in which neighbors of her contested land called her to come quickly because her relatives were trying to build on or measure the land in order to increase the validity of their claim.

Thus, when thinking of the temporal aspects of household finance, these contested lands form a kind of ghost asset, conflicted by the past, promised for the future, and dead in the present. While counting such lands as part of one's family estate is common, one would be foolish to rely on these assets for any immediate needs. Unfortunately, that was exactly the position Sapana had found herself in after the earthquake. With her old house destroyed, and no

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<sup>57</sup> Nepal has three levels of courts: district courts, appellate courts, and the supreme court. There is also no division between criminal and civil courts, so that all cases must be heard by the same judge. Because criminal court cases take precedence, the wait for hearing a civil case (such as with land) can be long.

other finances within reach, selling her contested land became the only possible path she saw towards reconstruction and the remaking of the small but amicable household she remembered sharing with her daughter.

I only met Sapana's daughter a few times. During many of my visits, Sapana would apologize for her daughter's absence, explaining that she was spending a lot of time at her maternal cousin's house outside the Ring Road in order to use their internet connection. It took me over a month to realize that her daughter had moved there permanently, coming to see her mother only occasionally. Just before I returned to the U.S., Sapana began to talk of feeling lonely in the shelter. "If I can sell that land, I will build a small house," she said. This was the future hope to which she clung. In the meantime, it was clear that, from her perspective, the moral failure of her kin had forced her current separation from her daughter. Her husband, her marital family, her paternal relations, and her stepmother's son had all been greedy and jealous, she said, pushing her financial future beyond the foreseeable horizon. In our last meeting, she claimed that the conflict with the son of her father's second wife had been more or less resolved; however, her paternal relatives had recently filed a court case suing for what they claimed was their portion of the contested land outside the Ring Road. She told me that she had confronted them, saying, "Why are you doing this? We are family. I don't have a father, I don't have a mother, I have no brothers or sons, just my daughter. I am living like a sukambasi [landless person]. Why are you trying to take this land? This is my land."

## Unearthed History

Not all reconstruction issues were principally legal in nature. Indeed, in discussing reconstruction in Kathmandu as a contestation between legal/bureaucratic forms of ownership and the informal ownerships embodied in house construction, I risk presenting the latter as generally unproblematic; that is, that the house's materiality was under complete control of the inhabiting family, and as such, directly symbolized kinship's ideal form. This, however, was not the case. Houses, like any material object, bundle together an almost limitless number of qualia, only a select few of which are privileged in any particular moment (see Keane 2003). For example, the number of kitchens, the existence of partition walls, and the number of entranceways were made central in determining the family estate, but other qualities, such as the construction of joints, beams, and ceilings, were marginalized. In the aftermath of the earthquake, this system of privileging and marginalizing material qualities was scrambled. Though most houses in Patan did not fall down, the damage they sustained required that aspects of the house that had been ignored for decades now receive attention. This was not simply a matter of civil engineering; it also affected kin relationships because it interfered with the material arrangement of the family estate. Yet, even here, legal and bureaucratic systems were important, framing debates and structuring the possibilities for reconstruction.

I met my research assistant, Shyam, about four months after the earthquake. Interested in what was happening in Patan at the time, I had begun frequenting government ward offices, attempting to shadow the state's processes for reconstruction. Shyam was volunteering in one of these offices, helping with the distribution of state-authorized victim cards and whatever small amounts of aid money the government could muster in lieu of their promised reconstruction

grants. A resident of a ward near the historic center of Patan, he was known in his neighborhood for his early academic success and was finishing his final semester in civil engineering at the prestigious Pulchowk campus of Tribhuvan University, where he was enrolled on a full scholarship. I remember being struck by his deep interest and immediate comprehension of the topics I was researching: local family politics, bureaucratic transparency, and the difficulties in translating between the two despite a good-faith effort on all sides. Talkative, confident, and intellectual in his approach, he seemed genuinely interested in my research project, and so I hired him to help me make connections in Patan for my 90-person survey of effected families. It was not my intention to include him as an informant as well.

Shyam was the middle child of three. His older sister was as an office worker for a small airline company and was using the money she earned to cover most of her tuition expenses for a master's degree in business. His younger brother was finishing a bachelor's degree in business and commerce.<sup>58</sup> Both of Shyam's parents were less educated than their children—a common predicament for families in Kathmandu—neither having made it to the SLC exam at the end of class ten. Shyam's mother was a homemaker, having no income of her own, while Shyam's father was a handicrafts worker, designing masks, jewelry, and other small-scale products in a workshop on their house's top floor. When I interviewed him in the September after the earthquake, Shyam's father estimated his monthly income was between 15,000 and 20,000 NRs

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<sup>58</sup> It should be noted that there is a fairly set ranking of academic subjects in Nepal according to social prestige. Of highest rank are the STEM fields, which include engineering, biology, physics, medicine, etc. Second is business and commerce, while at the bottom of the hierarchy are the social sciences, usually glossed as “sociology.” This ranking maps onto other hierarchies, of course, including which school one attends and whether it is private or public. Interestingly, unlike with grade schools, several public universities in Nepal are considered very prestigious, including the Pulchowk campus Shyam attended, while certain private colleges are considered utterly worthless. For Tribhuvan University—Nepal's flagship public university—the picture is more mixed and depends heavily on the program being pursued. Because tuition to this university is relatively cheap, the requirements so lax, and the on-campus political culture so divisive, many students choose to rarely (if ever) attend class. Shyam, for example, has a master's in economics from Tribhuvan, but does not consider it a “real” degree. Likewise, one of Shyam's friends was pursuing a master's degree in sociology but had never attended a class. Still, it seemed she was passing, and planned to turn in a completely plagiarized thesis for her final project. She did not expect there to be any problems.

(150 to 200 USD), though like all handicrafts workers, these numbers fell precipitously after the quake and throughout India's fuel blockade, never recovering during the time I was conducting fieldwork in Nepal.

Shyam's house was located in the center of historic Patan, just a block from the famous Golden Temple, an important Buddhist Newar religious site and popular tourist attraction. Though Patan has always attracted tourists for its winding streets, Newar architecture, and a vast array of temples and courtyards, over the past ten years, as Kathmandu's expatriate community and tourist trade have moved south into nearby areas, many entrepreneurial Newars have begun opening boutique hotels and apartment rentals, driving up the price of real estate in the area. Such ventures were impossible for Shyam's family to pursue, as they had neither the capital nor the proper house for doing so. Nevertheless, this trend had increased land prices in this area, putting land purchases far outside the reach of most residents. For example, roughly one year after the earthquake, a wealthy resident on Shyam's street—whose house was roughly twice as wide as Shyam's—sold their house for ten khorod NRs (roughly one million USD), despite the fact that the house itself was severely damaged by the earthquake and would need to be torn down. After this purchase, Shyam joked that his family would never be able to buy property on this road again. "No one will sell for less now," he said, clearly dumbfounded by how expensive his own street had become.

Shyam's house had also been badly damaged in the earthquake. Though no walls had collapsed and there were no visible cracks from the outside, the structural damage meant that the house would need to be torn down and rebuilt. Though Shyam's family were still living in this house during my fieldwork, they had abandoned the upper floors, and even on the second floor one could feel the house shake ominously every time a truck passed by on the street below.

Unfortunately, the path towards reconstruction was not clear. For one thing, Shyam's family did not have the financial means to do so, estimating the cost of reconstruction to be over forty lākḥ (40,000 USD). Furthermore, their house was actually a partitioned section of a century-old Newar manor house, a physical structure that included the houses of ten of Shyam's neighbors. To rebuild his house, all ten neighbors would have to tear down their homes at the same time, for if one family were to demolish their house, they would undermine the already-compromised structural integrity of the adjacent houses. Not only this, but Shyam did not believe that his family could rebuild their house on such a narrow lot, and that they would need to buy an adjacent lot from one of their neighbors. The house to their right was inhabited, the resident a distant maternal relation who did not want to move, and the house to their left was owned by Shyam's younger paternal uncle (Np. *kaka*) who was in the midst of purchasing a new, modern house in northern Kathmandu. The uncle had offered to sell the house for sixty lākḥ (60,000 USD), a discounted rate to be sure, but still far more than Shyam's family could afford. According to Shyam, this family discount was not terribly generous, on account of the fact that this uncle and Shyam's father did not get along. As with most brotherly tensions, it was never clear what had happened between them. One recurrent theme I heard was how Shyam's uncle was wealthier, a fact he lorded over Shyam's family, though Shyam was short on details.

Shyam's house was not the only one structurally dependent on those of their neighbors. In the months after the earthquake, such structural contingencies were quite common. Sitting at local ward offices, I watched numerous residents come in to complain that their neighbor was either not tearing down their house fast enough—leaving its damaged walls leaning precariously over the street or into their house—or were threatening to tear down their house before they themselves were ready to begin rebuilding. Sometimes this was simply because neighboring

houses had been built sharing the same wall. Other times, such as with Shyam's house, it was because the houses were structural subdivisions of an older, larger house. While both cases demonstrated the mutual contingencies built into Patan's construction—in which a family's physical dwelling remained dependent on the stability of the dwellings surrounding it—cases like Shyam's illustrated how reconstruction had twisted the timelines of family and kin reproduction, turning Newar strategies of division against itself by unearthing marginalized histories of communality. Indeed, if one walked up to the third floor of Shyam's house, one would find a boarded-over entranceway to the neighboring house. Before, when all of these households were still part of the same extended patriline, they would open these entranceways to form a single banquet hall, becoming a single kin group as they hosted a feast. However, such days had long past, and every resident had boarded up their entranceways in the intervening years. The only vestige of kin unity that remained now was embedded in the architectural structure of the house itself.

While these structural entanglements of kin and history threatened to stall reconstruction, Shyam's family began to use their kinship network to search for new solutions. Shyam's elderly paternal cousin—whom Shyam referred to as his elder paternal aunt (Np. *phupu*)—lived in the same *tol* (city block) as Shyam's family, though not part of the same manor house. Her house was at the corner of two alleys, a larger house with an interior courtyard, and a cement ground floor she rented to an education center. She was in her sixties and unmarried, in part so she could devote her energy to taking care of her younger sister, who was severally mentally disabled and unable to speak. The two had been living in this house their entire lives, their parents having died when they were only children. Their two brothers had also died, so the only family they had left

were Shyam's nuclear family, Shyam's uncle's, and Shyam's great uncle's son, a man Shyam referred to as simply "elder brother" (Np. *dai*).

Like the other houses on this block, Shyam's aunt's house was still standing, but would need to be rebuilt. She had no money to do so, but did own a large lot of land in a neighboring part of Patan, further away from the tourist areas. In order to afford rebuilding her home, she had decided to sell this land to her paternal kin, splitting it three ways. The lot itself was fifteen ānā, which would have fetched her twenty to twenty-five lākḥ NRs (20,000 to 25,000 USD) per ānā if sold to a stranger.<sup>59</sup> However, because this was family, she would sell it at a major discount, gifting each family two ānā, and selling the rest at nine to ten lākḥ NRs (10,000 USD) per ānā. This meant that Shyam's family would need to raise thirty lākḥ NRs (30,000 USD), still an exorbitant sum, but at least a conceivable one. If they were to sell the land on which their damaged house stood, then Shyam's family could afford—with the help of a loan—to build a new house on Shyam's aunt's land, abandoning their own *tol* for a more modern domicile in a cheaper part of Patan.

Still, there were problems. First, there was the question of how to divide the aunt's land. Because the land only bordered the road for a few meters, it would not be possible to subdivide it so that each family would have road access. In the initial plan, Shyam's "dai" (his great uncle's son) was to get the land on the road, then Shyam's uncle the lot behind it, and Shyam's family getting the lot in the very back. Shyam's dai was a very wealthy man and could afford to pay extra for the land with road access. However, both Shyam's uncle and his father objected to this division, since the land on the road was worth more, and would provide its owner the possibility of renting out shop space. Instead, the brothers proposed that the land on the road be divided into

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<sup>59</sup> 1 ānā = 31.80 sq. meters

three sections, each larger enough for a shop space, one given to each family. Behind these shop spaces, then, each family would be given a lot parallel to the road, with a small private road to be built perpendicular to the main road so that each house would have some road access.

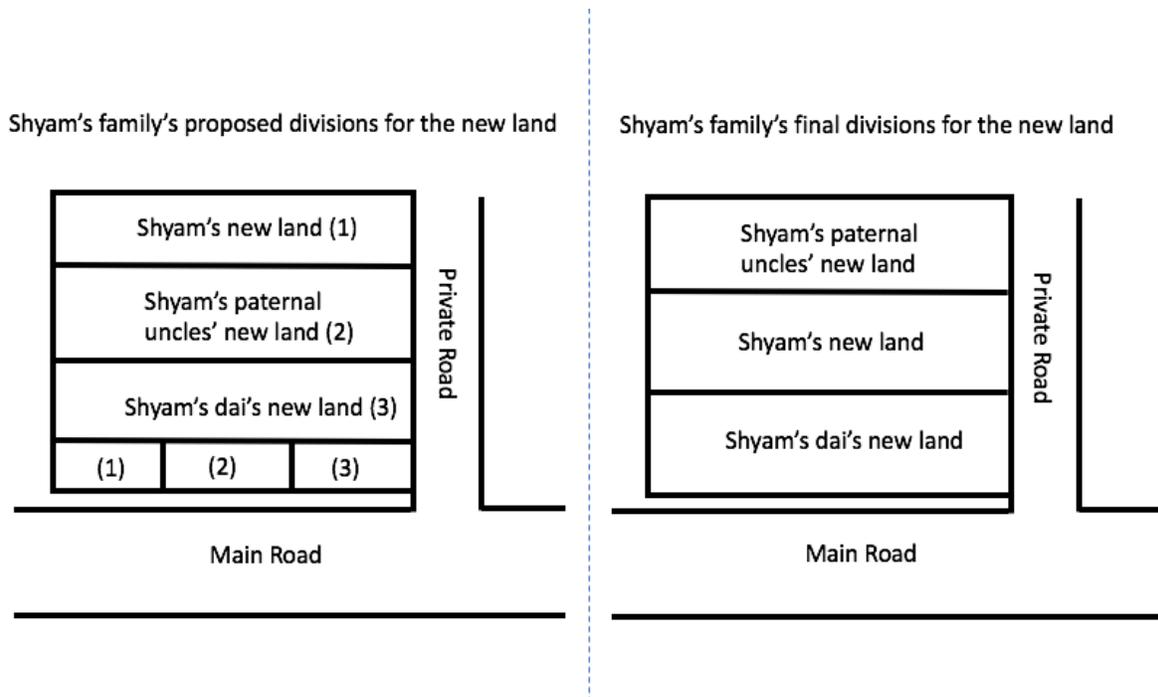


Figure 19: Plans for Shyam's family's new land

The second problem concerned Shyam's aunt's house. On examining her title in order to begin rebuilding, Shyam's aunt discovered that her land holding only included the land on which her house stood, not the courtyard that her house surrounded. Again, such problems were common at the time. Patan has many unregistered lots tucked into its back alleys, and it was not uncommon for Newar houses to enclose courtyards that had once been publicly accessible without ever registering the change with the local municipality.<sup>60</sup> Shyam looked into the issue,

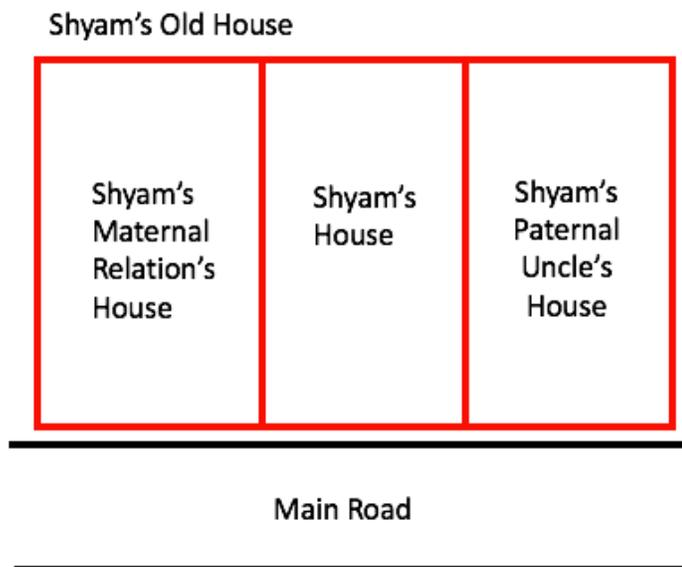
<sup>60</sup> Such enclosures should not be taken as a kind of malfeasance. Often, these courtyards, while physically accessible to the public, were really the "property" of a large Newar kin group, who would own all of the domiciles that surrounded it. As the number of kin members expanded, families were forced to encroach onto the courtyard's land. Whether such encroachments were recorded with the local municipality is another matter, yet given the expense and hassle of doing this, it is not hard to imagine why some families chose not to formalize these changes. Granted, I cannot say for sure if this is what happened with Shyam's aunt's property; it is possible that this land had simply never been officially registered.

eventually finding the original field book that recorded this land as “public,” thus complicating reconstruction plans.

The third problem once again involved Shyam’s uncle. To afford both the land and building a new house, Shyam’s family would have to sell their current land, which would require first tearing down their old house. Unfortunately, and in contrast to their cooperation when negotiating with Shyam’s “dai,” Shyam’s uncle was now dragging his feet on tearing down his own house—which was next door to Shyam and so had to be torn down in tandem with Shyam’s house—despite having long ago moved into a different house in Patan. The reasons for this were unclear; however, Shyam suspected the old rivalry between his father and his uncle was to blame, with the uncle having become jealous at the prospect of his brother acquiring a new cement house on the aunt’s land, even though this uncle already owned such a house and stood to gain yet another on the aunt’s land as well.

While these problems were being sorted, reconstruction in Shyam’s tol was getting underway. Though Shyam’s family had tried their best to keep their neighbors from starting, by November 2017 a neighbor two doors down from Shyam’s house began to tear his house down, beginning a cascade of demolitions up to and including Shyam’s adjacent neighbor (and distant maternal relation). Not only did these demolitions affect the structural integrity of Shyam’s house, but during demolition this neighbor adjacent realized that, according to his land title, the partition walls on the upper floors he shared with Shyam’s house encroached on his land, and so he began to tear down Shyam’s walls to correct the encroachment. This began a heated debate in the neighborhood, one that spilled out into public arguments and accusations, with both the adjacent neighbor/maternal relation and Shyam’s father bringing in politically-connected friends and relatives to help bolster their side. In the meantime, Shyam’s family was forced to rent a

room for several months. The adjacent neighbor/maternal relation eventually agreed to delay his reconstruction process, and Shyam’s family rebuilt their partition wall; however, the damage was done. Shyam’s house was even more structurally unsound, reliant entirely on Shyam’s paternal uncle’s house on the opposite side to keep it upright. Shyam’s uncle had since moved into his new house in northern Kathmandu and was showing no interest in working on his old house in Patan. Meanwhile, Shyam’s family had cut contacts with the adjacent neighbor/maternal relation, refusing to speak to him on the street. As Shyam told me, “We have formally separated.”



*Figure 20: Shyam’s old house*

It is worth noting Shyam’s deep involvement in this process. Of course, as an engineer, he was uniquely qualified to help both his aunt and his own family in rebuilding their houses. More importantly, as the eldest son and family “golden child,” he felt pressured to help his family afford their new house. As he told me, “I think it’s my responsibility to look after everything now. I’m the responsible one, I think.” Though his father and—to a lesser extent—his sister were paying for most of the day-to-day household expenses, Shyam took it upon himself to raise the necessary funds for the demolition of the old house, the purchasing of the aunt’s land,

and the construction of the new house, accelerating his career as an engineer accordingly. While most of his classmates were still working lowly positions in construction firms, Shyam began freelancing as a builder and contractor, investing the money he made—as well as no-interest loans from his sister—into more lucrative projects. He would put the money earmarked for project expenses in his own bank account, while depositing his profits in his father’s account, fearing that if left with extra money in his own account, he’d fritter it away on frivolities. In a sense, then, the earthquake had advanced Shyam’s career, partly due to necessity, partly because the earthquake ensured ample work for any civil engineer in Nepal. However, in another sense, it complicated his future, as Shyam had planned to go abroad for graduate school in engineering. Like many students, he would not be able to rely on his parents for the necessary funds and would have to chase scholarships and work positions to do this. However, after the earthquake, it was clear he wouldn’t be able to pursue such schooling until either the new house was finished or until he found a program that paid him enough to be able to send sufficient money home. During our most recent Skype conversation, he joked that he would need to be a “research assistant” to an engineering professor to afford his education.

Eventually Shyam’s family did purchase his aunt’s land, buying the middle lot and securing road access. Despite their protests, the aunt ended up selling the entire roadside lot to Shyam’s dai. “He played politics,” Shyam explained, taking her for rides in his nice car and bringing her gifts. Shyam also felt she had been intimidated by his wealth. “He’s rich, and when you see someone rich and big you will feel small.” Regardless, Shyam’s family bought the land, taking a loan from their microfinance cooperative.<sup>61</sup> Between interest payments and the cost of

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<sup>61</sup> They used a cooperative because the land was not on a major road and so commercial banks would not have collateralized it. Furthermore, at the time, low liquidity meant bank rates were actually much higher than cooperatives, 14.5% compared to the cooperative’s 13%.

the new house—which Shyam estimated to be sixty lākḥ NRs (60,000 USD)—the pressure on Shyam increased, and Shyam lamented that he would not be able to afford rebuilding their house in 2019 as he had originally planned. The problem, it seemed, wasn't that he lacked work; it was collecting payments for his work that was causing these delays. Nepal does not have a developed tort system (Rankin 2004; Nelson 2013), and written contracts for construction work are rarely used. Therefore, if a client reneges on a payment, there is very little a contractor can do. By his count, fifteen of his clients had not paid him, each giving a different excuse for why they needed time to raise the funds. Many of these clients were friends and relatives; indeed, it was these social connections that had made such jobs available to him in the first place. Shyam admitted that this was the flaw in starting his own business, and that a larger firm could apply the necessary pressure to make his clients pay. Still, he expected they would pay eventually, but he was extending his timeline. Maybe one year more, maybe two. “Things in Nepal take time,” he told me, joking that people who can't take it move to the U.S. He did not mention his delayed plans for graduate school at that moment.

### **Conclusion: Breaking Frames**

Throughout this dissertation, I have argued that the family estate is best understood as an assemblage of people, documents, land, housing, and a variety of other material practices. For this myriad of materials to be made sense of, they must be framed—not just once but continually—as the family estate grows, changes, and separates. This framing, as I describe it, (1) privileges certain kinds of material affordances within housing construction while marginalizing others, (2) mitigates the suddenness of legal division with socially-accepted forms

of separation, (3) elongates separation over longer time frames, and (4) recognizes certain kin as part of the family while excluding others. From this perspective, then, what the earthquake did was to break these frames, a kind of destruction isomorphic with the house's transformation from the family's central asset into a liability. This transformation of value created a cascade of changes, as conflicts once "internal" to the house flowed outwards, while those factors rendered as externalities flowed back in.

Within these new circumstances, other framings began to take precedence, the most important of which were bureaucratic and legal in nature. In the case of Sanjay, discussed at the beginning of this chapter, legal definitions of family—as recognized by private financial firms—forced a reckoning between him and his brother, one that deepened their separation. For Sapan, the legal fight over her land—once marginalized in her family estate—was brought to the center, at least temporarily barring her from residing with her daughter. Meanwhile, the legal and bureaucratic issues surrounding Krishna's land actually managed to bring him back together with his brothers, enacting plans of renewed cohabitation. Shyam's story, however, is a bit out of sync with this narrative, illustrating how the history of constructed affordances built into Newar houses came to the fore in reconstruction. Nevertheless, each of these affordances were made meaningful by their relationship to legal paperwork, and thus bureaucratic procedures played an important role in every step of Shyam's narrative: the encroachment on the adjacent neighbor/maternal relation's land, the banking regulations that kept Shyam from collateralizing both his old house and the new land his family bought, the discovery that his aunt's internal courtyard was "public" land, and—maybe most importantly—the lack of labor contracts which have endangered Shyam's business and, with it, the eventual construction of his new home. Before the earthquake, all such issues were easily mediated, mitigated, and even marginalized

within the family estate. Afterwards, such issues took precedence, affecting the very subjectivity of family members: Sanjay's "courage," Sapana's loneliness, Krishna's newfound fraternity, the pressure of Shyam's internalized sense of responsibility. As Laura Kunreuther argues, though Nepal's current inheritance laws are relatively recent, they have nevertheless been incorporated into the very way people think and feel about themselves and their family members (Kunreuther 2014). Yet, as these cases show, it is not just the legal rights, but the *administration* of these rights, both in and outside the house, that enacted these shifts in thinking and self-perception.

Underlying this analysis is the nagging question of what has changed since the earthquake in Nepali society; what historical shifts did the earthquake truly create? There is, of course, no clear answer to this question, as we—unbelievably—are only now just moving past the physical reconstruction stage. When I left in 2016, the mood in Nepal was deeply cynical; most people I spoke with believed that corrupt government forces had hijacked reconstruction, hence the lethargic pace. Yet this might just be how long reconstruction takes. Nepal's Reconstruction Authority (NRA) has set its goal for large scale reconstruction being completed within five years, and according to a World Bank official in charge of its reconstruction efforts, most rebuilding happens in the second and third year after an earthquake. In a comparable case, after the Gujarat earthquake of 2001, many of the larger societal and economic effects were not visible until five to ten years later (Simpson 2013).

Given this, my focus has been on all the small cracks that the earthquake has made in Nepali society; what trends there are and how they might change the structure as a whole. Though in many ways much less "knowable" than government initiatives, I believe it is at the household level where we get closest to the actual destruction of the earthquake. Yet, here too time is a factor. Though the earthquake has changed the balance between legal documentation

and other elements of household construction, this could very well be temporary, the balance slowly easing back to where it was previously as the material structures of homes are rebuilt and inhabited. Several officials I spoke with in both the NRA and in related NGOs said they believed that the earthquake would result in more robust and powerful bureaucratic practices, a positive effect in their view, part of Nepal's official mission to "Build Back Better" after the earthquake. I will explore this belief more deeply in the next chapter. For now, it's worth noting how the ever-present desire to reconstruct familial unity may be counteractive to this push towards bureaucratic reform. Indeed, there seems to be a real desire to bring the earthquake's destruction back into the cyclical time of domesticity, to remake what had been there before and reassert its amicable normalcy; in other words, a desire for a space that is removed from the outside, even if only by a well-maintained fiction. That space is still under construction.

## Chapter 7: The Papered Earthquake

During the summer of 2017, I visited an NGO-led reconstruction project in the Newar village of Fālcha. A twenty-minute bus ride south from the Ring Road, the town—like most agrarian Newar villages in the Kathmandu Valley—had been severely damaged in the earthquake. Roughly half of the houses were destroyed or uninhabitable, the town squares now a mix of cracked walls and piles of debris. Stacks of reconstruction materials covered in blue or checkered tarps—likely the same tarps which had been used for temporary shelters immediately following the earthquake—dotted the landscape. Two years had passed, and yet only a few houses had been rebuilt, the progress marked by the slate-gray fronts of the new concrete homes standing in stark contrast to the brick and wood houses that stood beside them. Most of these new houses were still unfinished, with open, dark holes where the windows and doors would be, the insides damp, cold, and cluttered with bricks, rebar, and sacks of cement. Very few families were living in permanent houses, most continuing to reside in corrugated tin shelters built in either empty lots near their broken homes or in the surrounding fields, the corn now high enough to hide their front doors from street view.

One day I went with the NGO's social mobilizer to visit a middle-aged woman in one of the tin shelters hidden in the corn fields. Married and a mother of three, her family had been living in this two-room shelter since the earthquake, working to raise funds and clarify their land title so they could rebuild. The problem was that the land her house had stood on was still in the

name of her father-in-law, so that her husband and his three brothers all had claim to it. The brothers had informally divided their family estate years ago, and later had brought in a lawyer to draw up a document giving her and her husband exclusive claim to this land. However, they had not registered this division at the Land Registration Office, and now she only had a photocopy of this document, the original in the possession of her eldest brother-in-law. Unfortunately, her husband did not get along with his brothers, and she worried they would seize on this opportunity to take control of the land, leaving her own family ostensibly homeless.

It was deathly hot in the room, the air stifling in the late afternoon sun. We were seated near the doorway to feel the scant breeze. Outside I saw a small cat scurry through the corn stalks, something brown and small caught in its mouth. The NGO mobilizer mentioned something about the reconstruction grants the state had promised, but in my momentary distraction I missed the gist of her statement, hearing only that the mobilizer felt it was dangerous for this middle-aged woman not to have the original document.

“She needs to ask her brother-in-law for it, no?” the mobilizer said, addressing me.

Enjoying a bit my interpellation as an authority in Nepali land documentation, I agreed, adding that if the brother-in-law claimed to have lost the original, maybe she could bring in another lawyer to reproduce the document. The mobilizer shook her head vigorously in agreement, and then continued to press the point that that this woman needed to secure these documents if she was ever to rebuild her home.

Walking back to the NGO’s office, I asked the mobilizer about what I’d missed when distracted by the cat and its prey. “I told her she needed to get the document. She wouldn’t be able to get a grant otherwise.” She explained that the woman was hoping to get her family—that is, her husband, herself, and her children—a government grant to help rebuild their home, one

that was separate from her brother-in-law's grant. This surprised me, as I did not think that the document they were debating would be helpful in this regard.

“Can you get a grant with just that [the lawyer's] document?” I asked.

“No, you can't,” said the mobilizer, confirming my suspicion. “You need a land title. But she won't ask her brother-in-law for that document if I told her that. She needs this document. It's the best she can get. I needed to teach her [that].”

In the weeks, months, and years after the earthquake, it was common to hear people complain about how nothing had changed, how reconstruction was simply not happening—or happening egregiously slowly—and how everyone who'd lost their homes had been left waiting in their temporary shelters. There was plenty of truth to this complaint; as noted previously, in the village of Fālcha—a mere thirty minutes from Nepal's seat of parliament—people had only just begun rebuilding their houses, now two years after the earthquake had destroyed them. Yet this narrative, as true as it seemed on the surface, belied the constant—at times frenetic—actions taking place out of sight, as family members negotiated the ownership of their estate in order to finance the rebuilding of their homes. This kind of negotiation did not lead directly to material structures, hence its invisibility. Rather, it took place at the level of legal land holdings: land titles, legal documents, death certificates, etc. Such negotiations were ubiquitous. In this particular project, for example, over half of the houses the NGO was assisting to rebuild did not have a title at all, while others did have titles, but were riddled with mistakes and inconsistencies that were only now being discovered. As the manager of this project told me, “Land is the biggest issue for reconstruction. People say it's finance. It's not. It's land... Not a single house doesn't have an issue regarding land [ownership].”

In this chapter, I discuss the state bureaucracy that cropped up after the earthquake, and how it intersected with these issues regarding land and its legal ownership. My focus is on the methods the government used to register victims, particularly for a government grant promised to all families who'd lost their homes. Though these grants were the centerpiece of the state's housing reconstruction program, it would take two years for the state to distribute them. The reasons for this delay were numerous, but I will focus on one: wanting to provide grants only to families who'd lost their homes, the state was forced to determine the membership and boundaries of the family estate, either through costly post-disaster surveys or through land titles they knew to be problematic. This dilemma—bureaucratic and dry at first blush—set the framework for a contestation between state officials and earthquake victims in which two very different approaches to bureaucratic landownership were put on display: one that embraced bureaucracy as a tool for creating a coherent picture of disaster, and one that saw such paperwork as open-ended and valuable for the possibilities and affordances it entailed.

Below I offer an analysis of the state's own positioning within the reconstruction movement, followed by an account of its victim verification procedures as they occurred in Patan. I argue that, despite a sincere effort to provide aid to earthquake victims, the state delayed its help in order to improve its own bureaucratic bookkeeping, so as to produce a more coherent picture of the disaster and the country. This delay was not always intentional, nor was it part of a kind of "shock doctrine" meant to dispossess victims through the instantiation of economic reforms (Klein 2007). Nevertheless, it did force numerous families to update their ownership records, in addition to keeping up with a series of state surveys and enrollment procedures. In this way, the state made formal ownership and state bureaucracy more central to the family estate. However, in doing so, it made the process of completing state paperwork resemble family

estate management, expanding the number of documents necessary to claim victimhood, while elongating the process of such claim-making over the course of years.

### **Build Back Better**

In the months after the earthquake, as government and international aid switched gears from relief to reconstruction, the slogan “Build Back Better” emerged as a central organizing idea. Though hardly original (see Barrios 2017), it was nevertheless ubiquitous, finding its way into newspapers, government documents, and reports from NGOs and iNGOs such as the UNDP and World Bank (e.g. “Supporting Nepal to Build Back Better: Key Achievements in UNDP’s Earthquake Response.” 2014; Wellenstein 2018). At its most basic, the slogan indicated the mutual intention among aid players to produce earthquake-resistant houses, so that such wide-scale destruction could not happen again. Beyond that, though, the slogan spoke to a more ambitious project, one that folded in numerous prior concerns of Nepal’s vast aid and development industry into the act of rebuilding: long-term environmental stability, clean drinking water, reliable infrastructure, robust medical facilities in remote areas, and pathways for the empowerment of women and minority ethnic groups, to name a few.

In other words, the earthquake quickly came to be seen as an opportunity to improve the country, not simply to repair it. Given the prior concerns of development in Nepal, this may not seem terribly surprising. In a country where development has been central to sovereign authority and national self-image, and where 25 percent of the national budget comes from international aid (Pradhan and Zellmann 2018, 10), development projects have long been a ubiquitous part of Nepali society; thus, in the aftermath of an historic disaster, one would expect prior concerns of

development to become reinvigorated. Furthermore, because development is often conflated with constructed, material things (e.g. bridges, water pipes, school buildings, etc.), local communities frequently judge the ultimate success of development projects by the tangible items the project managed to deliver to the community. As such, relief and reconstruction—two forms of aid oriented towards material deliverables—fit snugly within an already-existing discourse of development, aid, and “backwardness,” with the Build Back Better slogan coming to reference the myriad goals that development signified, overflowing its original meaning of simply building earthquake-resistant houses.

Nevertheless, in becoming an opportunity to improve Nepal, the earthquake also became an explicit indictment of Nepal’s *failure* to develop. Though not a particularly original sentiment, the vigor with which this old critique reemerged is itself noteworthy. Soon after the earthquake, both foreign and national presses were host to numerous think-pieces about what the earthquake “meant:” how it revealed a weak or broken state, or how the rampant destruction among rural houses and the houses of Nepal’s poorest peoples—in contrast to the relative lack of damage among newer, more “modern” cement homes—revealed endemic class and ethnic hierarchies that have long structured Nepal’s material landscape (e.g. Chughtai 2015; Koirala and MacDonald 2015). The position of these articles was clear: the tragedy of the earthquake was not mere happenstance. It was the product of decades of exploitation and mismanagement, a history that the earthquake had revealed. In this sense, the Build Back Better slogan functioned as a response, not just to the destruction of the earthquake, but also to this sense of prior failure.

At the center of this conversation was the Nepali state itself. Almost immediately after the earthquake, aid began to pour into Nepal, through established channels of foreign government aid, international NGOs, and through informal donations; this sudden bonanza of

monies dovetailing with a national informal grassroots relief movement. Concurrently, and in light of this phenomenon, the state found itself increasingly the subject of withering criticism, both for its past failures and its apparent inability to respond quickly to the crisis at hand (Burke and Rauniyar 2015; *Al Jazeera English* 2015).<sup>62</sup> Yet the state was hardly inactive. Possibly in part responding to the hostile media environment growing around it, within the first few months, the Nepal government moved to take the lead of post-earthquake relief and reconstruction, ordering surveys of all damaged houses, promising grants and loans to all victimized families, announcing plans to set up a new government agency called the National Reconstruction Authority (NRA) to head the mission, and—most controversially—declaring that all charitable donations must be routed through the national government, a move that included forcibly seizing all informal donations that had been collecting in private bank accounts and placing them in a state-controlled “Prime Minister’s Relief Fund.”<sup>63</sup> These moves clearly communicated the state’s intention to control and operate the country’s reconstruction efforts, with state officials often referencing the well-publicized failures of Haiti’s reconstruction following the earthquake there in 2010, offered as a cautionary tale for what can happen if the state is sidelined by the international aid community. In other words, the haste and scope of the state’s plans doubled as a

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<sup>62</sup> The criticism of the government’s slow response did not apply to the military, however, who were quickly lauded for their apparent selflessness, heroism, and speed in the days after the earthquake. This fits a general pattern in Nepal, where the military is often considered a separate entity from the state, particularly the elected parliament, who only acquired control of the military after the deposition of the monarchy in 2007. Furthermore, in a country whose national identity is tied closely with its own martial prowess (see here the history of the Gorkha soldiers in Britain’s military), national discourse often distances Nepal’s military from the government’s perceived corruption and incompetence.

<sup>63</sup> Such seizures could only occur with those bank accounts set up after the earthquake and named in such a way as to indicate their use (e.g. “Earthquake Relief Fund for Rasuwa”). For personal bank accounts set up before the earthquake, or for bank accounts already established by NGOs, such seizures were harder to monitor. Nevertheless, large transfers of money were monitored, albeit intermittently. A friend of mine, for example, collected over 50,000 USD worth of donations for his rural village destroyed in the quake, which he had transferred into a relative’s account. For a month the relative received numerous calls from the bank seeking explanation for these transfers, which he dodged until the bank lost interest and stopped calling.

declaration of its sovereignty, a claim to its own power and ability to tackle the complex problem of reconstruction.

Key to this claim was the rebuilding of residential housing. Not only was housing the single largest category of destruction after the earthquake—accounting for roughly half the estimated cost of all reconstruction (National Reconstruction Authority 2016)—it was also the most visible consequence, the shanty towns of tarps and corrugated tin set at the edges of leveled rural villages and Newar towns being the most immediate reminder that all was not normal in Nepal. Housing also holds a particularly poignant symbolism for the Nepali state. As discussed in chapter one, increased surveillance, regulation, and stewardship of the family estate has been a hallmark of Nepali state evolution, marking a clear pivot from the extractive practices of the Rana era to the developmentalist rhetoric of modern Nepal. Thus, it was not incredibly surprising that the state chose housing reconstruction as its own fiefdom. While NGOs and iNGOs were given more leeway in their projects for the reconstruction of monuments, schools, and other non-residential buildings, housing reconstruction projects were far more controlled, with some foreign aid groups actively discouraged from taking on such projects, while others (like the one in Fālcha) worked on behalf of the state under strict rules regarding what kind of help they could provide.<sup>64</sup> <sup>65</sup> Simply put, for housing in particular, it was the state who would lead the charge.

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<sup>64</sup> This state of affairs was made clear to me by a friend in a destroyed village in the Rasuwa district, who tried to secure money from an NGO with close ties to a European embassy. Though this friend had worked closely with this NGO in the past, his application was ultimately denied because, according to the NGO, they were unable to fund housing reconstruction at the time because the Nepali state had communicated its intention to do so instead. The NGO suggested he apply for money to rebuild non-residential structures, which my friend did. Unfortunately, he had already promised his village that he would find money for housing, so when he returned with plans to build a community center, he was ridiculed and attacked for being corrupt.

<sup>65</sup> Projects such as the one in Fālcha did not begin until over a year after the earthquake, well after the establishment of the National Reconstruction Authority.

## Reconstruction Grants

The state's move entailed some unintended consequences. Beyond charging itself with the largest category of reconstruction, taking the lead on housing also meant that the state was responsible for verifying which families had lost their houses. This was partly due to how the state structured its reconstruction program. Announced within weeks of the earthquake, the state promised personal grants to each family who'd lost their house, to be awarded in cash at two lākh NRs (2,000 USD), which was later raised to three lākh NRs (3,000 USD). However, because the grants were to be distributed to families rather than individuals, the state tasked itself with deciding who was considered to be included in a family and who was not, a process that necessarily involved deciding whether a family had already separated into smaller units or was still functioning as a joint family. Of course, this was no easy task. As described in the previous chapters, the division of the family is by definition an obscure process, in which minute actions over time lead eventually to a full separation. Thus, determining whether relatives were part of the same estate is hardly a straightforward proposition. In the Nepali census, such counting is done according to the number of kitchens found in a family house; however, with houses either fallen or in such disrepair that they were dangerous to enter, such material signs of family separation were inaccessible. State officials and surveyors could still ask families to self-report. However, the structure of the grant meant that families had a clear incentive to report themselves as divided—a fact not lost on officials, who were often quite suspicious of such self-reporting.

Beyond simply asking, the easiest way for the state to determine family size would be to use the land title as the ultimate determinant, basing membership in the family estate upon whose names were listed on the title. Yet, many families' proof of land ownership—particularly those in

rural areas—was either out-of-date, incomplete, riddled with errors, or totally non-existent. As described already, Nepalis are often loath to update their land titles, aware that in doing so they open up the possibility of intra-familial conflict and even estrangement. Furthermore, the paperwork itself was not always straightforward. For example, what would happen if a family of three brothers held three different houses on three different lots, but the titles were all in the names of all three brothers? Should all three brothers be given grants if they claimed to be living separately, or did having their names on each other's titles limit them to just one share? What if the name on the title was the father, who had died years before the earthquake? Or what if all three houses were on the same legal lot of land, thus having only one title? Add to these questions such contingencies as the ongoing fights between kin and the numerous errors and inconsistencies that were present on land titles, (swapped lot numbers between neighbors, discrepancies between the area on the title and the area of the actual lot, etc.), and one begins to understand the difficulties in maintaining the fiction that paperwork could act as a transparent record of ownership.

Thus, by positioning itself as the leader in housing reconstruction, and by structuring its effort around grants given to families, the state put itself in the unenviable position of having to recognize the holdings of over a half million homes simultaneously. Naturally, this opened the door to heated debates about what paperwork would be required for houses to access reconstruction funds, the essential question being whether having accurate land titles that assigned explicit property rights should be part of Building Back Better. On the one hand, requiring paperwork meant creating barriers to reconstruction aid, and also elongating the process. On the other hand, among the NGO and government employees with whom I discussed this issue, it was generally believed that these bureaucratic discrepancies were a problem that

needed to be addressed; why not address them now, when everyone was uniquely focused on their land and housing? One employee of an NGO made this idea explicit to me. Tasked with providing organizational support to the government for reconstruction, he told me that he did not expect the state to allow earthquake victims to receive aid without a correct title, stating, “We have to build back better, no?”

One does not want to overstate the centrality of this debate. Compared to other political problems at the time—most notably political infighting over the leadership of the National Reconstruction Authority and the blockade India had imposed on Nepal—the discussion over how best to verify and register earthquake victims was relatively minor. However, it was present, and it did contribute to the delay in rolling out aid. Just as importantly, this debate was not lost on the families applying for these grants, many of whom seemed to anticipate the state’s actions long before the formalization of the grant program. Within weeks of the quake, numerous families who’d lost their homes quickly moved to “update” their records so as to more accurately reflect their own living arrangements, essentially dividing their family into smaller units. In Rasuwa, for example, I heard of entire villages arriving at the local Land Registration Office to divide their family estates. In Lalitpur, the Land Registration Office was packed for months after the earthquake, both with families dividing their land, and with families seeking to formalize their ownership, requesting a title or correcting mistakes their title already contained. Reaction to this among officials was mixed, if not antagonistic. Many officials I spoke with seemed unaware this was happening, while those who were aware often told me they believed that families would not be given extra shares of aid if they legally divided after the earthquake, implying that such divisions were manipulations of the bureaucratic system for the family’s own benefit. In other words, though land titles were widely known as being out-of-date, to update them after the

earthquake was also thought of suspicious by some, a kind of minor fraud that did not match the “reality” of the lived-in estate. Early reconstruction policies not only set the stage for a debate over paperwork within the state-cum-NGO bureaucracy, it also created a space for contestation between earthquake victims and the state over who deserved aid, and how much. In the next section I explore this debate as it played out in Patan.

### **Legible Victims**

Dipak was a father in his mid-thirties, a woodcarver by profession and one of three brothers. When the earthquake struck, he was living with one brother in the same house, though the two had separated their kitchens. From what I could tell, the split was relatively amicable, as Dipak and his brother remained on speaking terms. I met Dipak’s brother a few times, but he seemed uninterested in helping with my research. The third brother lived in Thimi, another Newar community about four miles from Patan. Members of Dipak’s extended patriline were located in Thimi as well, but Dipak’s father had moved to Patan forty years earlier after his brothers—Dipak’s paternal uncles—had stolen his *angsa*, leaving him to rebuild his life on his own.

The house was thirty-nine years old, built in the traditional mud-and-raw brick style. While the earthquake did not destroy the house in its entirety, it had rendered it uninhabitable. When I met Dipak, he and his family were renting rooms in a cement house across the street. Dipak, by his own admission, was not an argumentative person, preferring to put his energy into less confrontational realms: his woodworking business, his young family, his group of male friends, and his local meditation group. He also had raised doves on the roof of his family’s house before the earthquake and was looking forward to starting that again. However, when we

talked the first time four months after the earthquake, he was planning to start a victim's group with another friend of mine in order to agitate for government support in their reconstruction efforts. He said he didn't believe he could afford to rebuild with his current resources, and that he was reliant on the government providing the grants it had promised but had not yet materialized. More importantly, Dipak believed he was being cheated out of his right to earthquake relief.

Within the first few weeks after the earthquake, the Nepali government instructed local government offices to conduct a cursory survey of all damaged homes, recording the name of the household's head, the number of family members, the number of members injured or dead, and rating each house either green (undamaged), yellow (damaged), or red (uninhabitable). In Patan, this operation was carried out by the local municipality, with each urban ward leading its own survey using engineers from the municipality's head office.<sup>66</sup> Results were collated by the ward, verified by the municipality, and posted publicly on the ward's wall. Soon after, each ward scheduled a day in which all surveyed victim families arrived to receive both 15,000 NRs (150 USD) in relief (given in cash) and a victim's card (later referred to as a "white card") in the name of the household head, which listed the same information the survey had collected, along with the amount of relief money received.

Naturally, this survey raised the question of how to count families, particularly whether married brothers living together should be counted as a single household, or as separate households. Because Dipak had been living in the same house as one of his brothers, they were counted as the same household, their separate living quarters (separate kitchens and a partition break) left unrecorded, as the surveyors—both in a hurry and scared to enter his damaged

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<sup>66</sup> Though this is scheduled to change with the new constitution, when the earthquake struck, Nepal was divided into 72 districts, which were subdivided into smaller local governments. In urban areas, the next level of division is the municipality (Np. *nagarpālikā*), which is further divided into a number of tiny wards. In rural areas, districts are divided into Village Development Committees (Nepali *gau bikās sāmīti*) called "VDC" or "GaBiSa" for short.

house—had made their report while standing outside, counting only the house’s single doorway. Dipak’s title was still in the name of his deceased father, and though he would later update it, he knew—as did most Nepalis by that point—that this would probably not persuade the authorities to issue him a separate victim card. Instead, he felt his best bet was to work through what political connections he had to petition the local municipality. He also sent a letter to the central district office of Lalitpur, explaining that, though they only had one land title in their deceased father’s name, they had separate kitchens, separate incomes, and had been divided for years before the earthquake struck. At the time, such letters were common. The secretary at the government ward office told me that they were being inundated with claims such as Dipak’s, and showed me a binder filled with letters: hand-written and brief, most simply announcing the author’s desire to be registered as a separate household from that of their family members.

Dipak’s decision to use political means to register separate households was not a terrible one, or terribly novel. Almost immediately after the earthquake, the local branches of Nepal’s political parties—most notably the Maoists, the Marxist-Leninist, and the Nepal Congress Party—positioned themselves as brokers for aid registration. It was clear almost immediately that local political power held sway in the matter of securing reconstruction aid. In one ward of Patan that I observed, almost all the houses were counted as destroyed and thus eligible for grants, while in the neighboring ward—which visibly appeared just as damaged—only a handful of residents were considered legible. According to my local informants, this discrepancy was because political leaders in the former ward were much stronger, and thus able to pressure the ward office into recording more people as victims. Likewise, on the days in which the victim cards (white cards) were distributed—all day affairs during which the line of victims snaked around numerous city blocks—the political parties ran the show, the ward secretary only signing

off at the very end of the process as each registered victim was leaving.<sup>67</sup> Indeed, the involvement of these political parties would go a long way in helping undermine the white card as a valid document only eight months after their distribution.

More interesting was how for all this political maneuvering, petitioning, and family coordination, the amount of money being offered by the state was not very high. Even in a village context, the cheapest house—according to the state’s own guidelines for earthquake-resistant structures—would cost over two lākh NRs (2,000 USD) just for materials alone, leaving families to still cover labor costs.<sup>68</sup> In Kathmandu, I heard many complain that the grant wouldn’t even cover the demolition of one’s old, broken house and the disposing of the debris. Granted, the government offered other sums to victims, including the 15,000 NRs (150 USD) distributed along with the issuing of the white card, and 10,000 NRs (100 USD) the December after the earthquake to help provide for winter clothes. However, these were paltry sums, seemingly not worth standing in line for hours or forcing one’s elderly father or mother to do so if they were still considered the head of the household. And yet, almost without exception, every family who believed they were eligible for these grants pursued them vigorously. As one middle-aged householder told me, “I have to stand all day for just 15,000. What can you do with 15,000? But if I don’t come today, then they [the government] will forget about me.” He later added, “This is my right.” An hour after we talked, a heated argument broke out between another middle-aged man and a local politician, the man enraged that they would not give two different victim cards to both him and his brother.

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<sup>67</sup> The parties had by this point formed an “All Parties Coalition” at the behest of the government, so that all major parties in each ward were represented at these events, thus ameliorating political divides.

<sup>68</sup> I base this calculation on having shadowed a reconstruction project in a village in the Raswua district.

Indeed, it was not just the money that motivated people to pursue these grants, but also the desire to be legible as victims. Such a desire can be seen as both emotional and moral in nature, as reflected in the man's declaration of his own rights. It was also strategic, a consequence of Kathmandu residents' (and many of their rural brethren's) deep familiarity with bureaucratic organization. I will return to this idea in the final section of this chapter. For now, suffice to say that this pursuit of legibility—whatever the motivation—was not an easy one. Ultimately, earthquake victims would need to be present for two surveys, the distribution of two different victim registration documents, a separate victim enrollment process, and the distribution of the grants according to a three-installment payment system, with each installment contingent on the demonstration of progress in housing construction, which had to be verified by a state-sanctioned engineer. In the end, the first installment of these grants wouldn't reach Patan until two years after the earthquake.

### **Surveys, Enrollments, and the Uncertainty of Ownership**

The earthquake hit in April of 2015; by August the official reconstruction effort had come to a halt. Political infighting in the parliament had led to the reconstruction bill—which would have founded the NRA at that time—to lapse, leaving the movement directionless. Likewise, the government's decision to hastily push through a new controversial constitution had shifted the attention away from reconstruction, especially once the southern Tarai region shut itself down in protest with a 100-plus day general strike against the Nepali government. By October, the Indian government weighed in on the side of the Tarai protesters, beginning an unofficial blockade that

quickly transformed into a fuel crisis in Nepal. By November, earthquake victims in Kathmandu and elsewhere were burning the scraps of wood from their broken homes for cooking and heat.

The Nepali government finally founded the NRA in December 2015. By that point, eight months had passed since the earthquake, and the government-led national housing reconstruction movement was dangerously close to being considered a failure. Yet, rather than begin the distribution of grants based on the data already gathered, the NRA's first major action—besides the drafting of its own bylaws—was to reconduct the survey that the government had conducted in the weeks after the earthquake. This was in part at the urging of several major international agencies, most notably the World Bank, who espoused the widely held belief that the first survey was inaccurate.<sup>69</sup> According to them and to other observers, this first survey had been conducted too quickly, with the distribution of cards far too susceptible to political pressure and underhanded dealings. Indeed, in the months between the distribution of white cards and the establishment of the NRA, there had been numerous news stories about “fake earthquake victims,” stories that ranged from families declaring themselves divided down to almost the individual, to entire towns returning their white cards out of fears of being prosecuted (e.g. *The Himalayan Times* 2015). Still, opinion on a second survey was somewhat divided, with several NGO and government officials confiding in me that they did not feel it was necessary at all.

Ultimately, this second survey was a much more thorough affair, with the NRA hiring thousands of young Nepali civil engineers—all of whom received a week of intensive training—and providing each engineer with a custom-made tablet computer (rumored to cost 600 USD each) that would immediately upload all information to a central database and then delete it from

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<sup>69</sup> Along with the World Bank, the International Monetary Fund (IMF), the United Nations Development Programme (UNDP), Asian Development Bank, and the Japan International Cooperation Agency (JICA) were all major players in designing the government's reconstruction program. Numerous other NGOs and foreign state aid agencies participated as well.

the tablet.<sup>70</sup> This survey took several months to complete, and like with the first survey, it was met with enthusiasm from those effected. In Patan, as in most locations, surveyors were accompanied by social mobilizers to help them locate individual family members. Since many of these family members were living elsewhere, either having been forced to move after the earthquake or having relocated to more “modern” dwellings before the quake, this often meant calling family members to travel across town for the purpose of the survey. Yet, despite the inconvenience, rarely did the surveyor have to wait (nor would he or she if asked), as family members were usually waiting expectantly outside their damaged house when the surveyor arrived.

Family members were right to think that their presence would make a difference. Not only was their family recorded in the survey, but who showed up also influenced how the composition of the family was recorded. As one surveyor confessed, though the survey asked for the names of all brothers who were legally part of the house, he would not record the names of any brothers not present. Of course, whether or not such an omission would mean anything in the long-term was anyone’s guess at the time.

Unlike the previous survey—which asked mostly about who lived in the house, who was injured during the earthquake, and how severely the house was damaged—the second survey’s questions were extensive, asking all of these same questions again, and also about people’s ages, incomes, savings, and even their bank accounts. It was unclear which of these questions would be determinative for receiving benefits later on. NRA officials described the survey to me as a way of simply “gathering information,” implying that much of what was gathered wouldn’t necessarily be relevant to aid distribution. Additionally, the surveyors I observed would routinely

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<sup>70</sup> Uploads were of course contingent on their being a reliable network connection, which is commonly not the case in most of Nepal.

enter the answers to numerous questions without consulting the resident.<sup>71</sup> Some questions, however, were clearly treated as determinative, particularly those questions concerning the arrangement of the family estate. The most important of these was whether or not the family had more than one residence. The government had already made clear that only those with destroyed homes would be eligible for the grants—and thus registered as victims—while those with a second or third undamaged house would be excluded, even if this house was not adequate to fit the entire joint family. Consequently, during the survey, families were extremely hesitant to admit they had a second residence, and it seems very likely that some lied, taking the risk that the NRA would not verify their statement with the Land Registration Office, and that the social mobilizer would not “out” them to surveyor.<sup>72 73</sup>

Of course, those who had separated their estate could avoid this trap, since only the separated family with an undamaged house would be excluded from receiving aid. Yet here, families were hemmed in by previous survey records. Though this new survey was meant to replace the first flawed survey conducted soon after the earthquake, the surveyors were still provided with lists of victims based on that survey and were given little leeway to alter their lists. This was made clear to me when one day shadowing a surveyor, a man stepped out from his broken house to tell the surveyor that, though it was his brother’s name on the white card, this was now his house, as he had recently won it from his brother in a court case. As proof, this man tried to show the surveyor his new title in his own name, but the surveyor refused to look at it,

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<sup>71</sup> Some of these questions were certainly ones that the surveyor believed he or she could answer on his or her own. However, this practice was extensive, and seemed to vary depending on the surveyor, leading me to believe that some omissions were simply for saving time. As I was unable to see the tablet as this was happening, I cannot be sure.

<sup>72</sup> It’s hard to say how much a risk this was, though I suspect it was minimal, especially if the other residence was located in a different district and thus registered at a different office.

<sup>73</sup> Again, the purpose of a social mobilizer is to act as a local liaison for the surveyor, government official, or NGO in question, a duty that in theory should include the verification of stated facts to these authorities. However, such verification clearly depends on the mobilizer’s ethical responsibilities.

saying that the man would have to file a grievance with the NRA if he wanted to be eligible for aid. The surveyor later told me that he was unable to add anyone's name who was not already on the list. In other words, the "flawed" white cards still held influence, seemingly vindicating people's initial interest in making sure they received one.



*Figure 21: Second earthquake victim survey in Patan*

This story cuts to the contentious and complicated ways in which reconstruction intersected with bureaucratic paperwork. In keeping with their "information gathering" task, surveyors were instructed not to investigate any legal ownership issues, registering even those whose houses were built on public or guthi land. They were also instructed to record any separations in the family that were verbally reported to them, entering in the number of "families" in each house based only on how the family members presented themselves. Indeed, in many ways, the NRA labored to limit the importance of paperwork. They established a grievance system for those who felt they'd been unfairly left off the victim's list or believed that their family should be counted as separated. They also proposed a community verification

system for those lacking titles or other paperwork, where a local community, set up in conjunction with the ward or Village Development Committee, could declare a family as having lost their house and thus make them eligible for aid, regardless of whether they had a title or not. However, despite these early efforts to lessen the importance of official paperwork, the NRA ultimately backed away from such workarounds. Within a few months of the second survey, each local government office received a list of eligible victims based on the survey's results. However, in order to enroll for these grants, one's name not only had to be on these lists, but one also had to present an official land title, along with any supporting documents such as death certificates, kin relationship certificates, and citizenship cards. After pushing matters of titles aside for the purpose of the survey, titles were ultimately made necessary for receiving reconstruction aid. And yet, participating in the survey was also necessary, as without doing so, one would not be included on the list of eligible candidates for reconstruction grants. In other words, rather than side-stepping a bureaucratic system, the NRA ended up only adding to it.

Not only this, but when I left Nepal in August 2017, it was not at all certain if families unable to acquire the appropriate paperwork would ever qualify for reconstruction grants. Though one could still apply for a grievance without a title, or with an out-of-date title, this system had not yet been tested, and it was unclear what its requirements were. When I interviewed the NRA official in charge of the grievance system, he dismissed the idea that kitchens could be used to count the number of families in the home, saying instead that families would have to present other evidence of their separation, possibly including, he said, electric bills, water bills, or even receipts of donations to one's local government office. As he told me, the point was not to give extra grants to one family just because the brothers were fighting, but to

give grants to those who were “truly separated,” a separation that ultimately had to be verified by bureaucratic paperwork of some kind.

The story of community verification was much the same. Community verification meant establishing a local committee who could verify the size and membership of families based on their local knowledge, which would qualify the families for grants regardless of the state of their legal titles. This process was of particular concern at the NGO-led project in Fālcha discussed in the opening of this chapter. Over half of their clients did not have a land title, while many others’ titles contained mistakes so egregious that they would not be able to enroll in the grant program. In fact, in the absence of so many titles, this NGO had been very quietly tapping its own funds to supply grants to these families, with the understanding that once these families managed to formalize their ownership at the Land Registration Office, the NGO could report that these families had received their grants, thereby erasing the discrepancy.<sup>74</sup> Of course, if the community were allowed to verify its own victims through a locally-selected committee, such a workaround would no longer be necessary. Unfortunately, when I left Nepal this system had not been introduced and, according to the NGO’s project manager, there seemed to be significant resistance to it within the Nepali government.

The issue of community verification came to a head for the NGO in the summer of 2017, during a meeting between the NGO’s manager and the local municipality. Nepal had just held its first round of local government elections in 17 years, and Fālcha had elected a new mayor who

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<sup>74</sup> This decision to provide grants created an uncomfortable situation for this NGO. Because the NGO had laxer paperwork requirements, those without titles got their grants much easier and much quicker than those with titles, the latter having to navigate municipality bureaucracy for their monies. Likewise, those with titles that contained massive errors found themselves caught in the middle, unable to get money from the state but also unable to petition the NGO as well. One man—an impoverished, half-blind young father who made his money through tilling other people’s land—tried to pretend he had no title in order to get his money from the NGO. When it came out that he did have a title, but that the lot number on his title was that of his neighbor (a neighbor he did not get along with), the NGO froze their payments to him, leaving him with a half-built house.

was eager to speed up reconstruction for his hometown. According to the manager's description of this meeting, she tried to use this new mayor's eagerness to her advantage, bringing up community verification as an alternative, noting that the NRA had already approved it, and then wondering out-loud why the municipality had not implemented this system given how few people had land titles in the town.<sup>75</sup> The mayor—as she predicted—quickly took her up on this, saying that it was absolutely in the municipality's interest to assist these families in receiving full grants, and that he would work hard to do so. He then pointed at the civil engineers in the room, telling them explicitly to fix the problem, however they could.

Unfortunately, what neither the mayor nor the NGO manager realized was that these engineers had already decided not to listen to the mayor or the NRA. According to the manager, the engineers had come to believe that the NRA was simply not that important, a temporary government agency that would be dissolved as soon as reconstruction was complete. In contrast, the current local government system of municipalities, wards, and Land Registration Offices—populated with the same appointed bureaucrats regardless of the new election—would remain. In other words, these engineers felt no reason to cooperate with newly-minted officials because they believed it would not advance their concerns in the long-term. Laughing, the manager described how, when the mayor left the meeting shortly after his proclamation, no sooner than the door had swung closed behind him, one of the engineers leaned over to say, “Please don't ask us to give grants to families without titles. We won't do it.”

The manager laughed again, recounting this story. “They refused!”

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<sup>75</sup> I was unfortunately not allowed to attend these meetings, because the issues discussed were so sensitive.

In this section, I have framed the hesitancy and ambivalence within the state's process of victim registration as partly stemming from a contestation over the purpose and worth of bureaucratic paperwork and its relationship to social realities. On the one hand, documents were a means to an end, and thus discrepancies within titles should have been tolerated and dealt with pragmatically so as to expedite victims receiving aid. On the other hand, accuracy within documents was an end in itself in the context of the Build Back Better campaign program, a robust land titling system being a sign of development. From this perspective, it was acceptable to delay or even refuse aid to those who could not produce proper documents.

This contestation produced a multi-sided and fluid discourse between multiple actors within the NGO and state apparatus, one that cut across different official roles and appointments. The positions individuals took were often deeply idiosyncratic, as were their reasonings, ranging from simple pragmatism, to concerns of fraud, to intra-governmental politics, to an explicit ideological stance. Yet, despite its sporadic and unpredictable movements, this contestation reflected a common belief in what constitutes crisis. Namely, crisis is a rupture, a moment when previous practices are shown to be flawed, when underlying vulnerabilities are discovered, and when new forms of governance can be forged. As I will explore in the next section of this chapter, this belief stems from a framing of crisis as a kind of revelation; a framing that can be harnessed to make a better, more rational society, which was used as the foundation for the Build Back Better campaign. However, for this revelatory stance to be enacted, one must go through the systems—bureaucratic, political, familial—that were already in place. In other words, rather than creating a true break from the past, crisis still remains contingent upon what existed before, even as it claims its own uniqueness.

This kind of contingency can be seen in the conclusion to Dipak's story. Dipak eventually did receive his own white card, separate from that of his brother's. However, the reason for his good fortune turned on a bureaucratic peculiarity. Though he and his brother had been living in the same house, according to their land title, their house sat on two different lots. One of these lots constituted the majority of the house's foundation, while the second (which was only a quarter the size of the first) was mostly empty, and according to Dipak, had been used for nonperishable waste. However, the existence of two lots on the land title meant that Dipak and his brother could successfully argue that each brother had separate lots, even though the title was still in the name of their deceased father. In this way, they were each registered as separate victims, and in the six months before official enrollment in the grant program, they were able to legally divide, redrawing the lot lines to make the split even, and registering for separate land titles. Dipak was clearly amused by this. After walking me through his new house, still half-built, we sat in his rented room as he sketched the lots on my notebook, smiling at the apparent absurdity of it. I asked him if he could now afford to rebuild his house, and his smile faded a bit. "I have to, right?" he said.

### **The Bureaucracy of Crisis**

A foundational argument within disaster studies is that a natural disaster—to the extent that the term can even be defined (see Oliver-Smith 1999)—is partly human-made, its form molded through a history of infrastructure construction, resource use, and the marginalization of subaltern peoples (Torry 1979, Barrios 2017). Such an historical perspective expands a disaster's temporal scale, tracing its origins to an accumulation of vulnerabilities that long precede the

disastrous event itself. This reframing has been critical to recognizing the very human power dynamics that undergird such seemingly nonhuman events, yet it has also helped promote the notion that disaster—and crisis more generally—reveals inherent truths about society through the actualization of those vulnerabilities which had hitherto been hidden.<sup>76</sup> As Oliver-Smith and Hoffman write:

No anthropologist or other social scientist can watch a people generate a culture or society from *tabula rasa* to complete formation... Disaster, however, draws a researcher as close to the basic elements of culture and society as ever found. Disasters take people back to fundamentals. In their turmoil, disassembly and reorganization, they expose essential rules of action, bare bones of behavior, the roots of institutions, and the basic framework of organizations. (Oliver-Smith and Hoffman 1999, 14)

This understanding of disaster has been critiqued for a number of reasons: it masks the ways the meaning of crisis can be manipulated to political ends (Solway 1994); it reinforces a strict divide between nature and society, ignoring how the two are co-produced within the disaster itself (Bond 2013); it skirts past the divergence between governance techniques and the subjectivities of those most effected (Barrios 2017b). And yet, despite these critiques, this perspective remains prevalent, in part because it so nicely corresponds to a folk understanding of disaster as essentially revelatory, a moment in which reflexivity is coerced through the apparently simple question of “What went wrong?” (Roitman 2011; Barrios 2017a). Indeed, such thinking was common in the aftermath of the Great Nepal Earthquake. As noted earlier, in those first few months after the quake, news stories began to appear discussing how the earthquake “revealed” a weak or broken state, as well as endemic class and ethnic hierarchies that have long structured Nepal’s material landscape. While these writers were generally correct in their assessments of

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<sup>76</sup> A note on definitions: throughout this chapter, I use “disaster” to refer to what is generally thought of as natural disaster; that is, those events which seem in part from the natural world. “Crisis” is used more generally to refer to any moment of intense trouble or difficulty, where every-day routines are challenged on a wide scale.

these issues, the idea that the earthquake revealed them is suspect. One did not need an earthquake to see government corruption, rural poverty or caste hierarchy in Nepal, and the fact that the earthquake was seen as doing this probably says more about how the trope of disaster operates as a maker of meaning than it does about the disaster's inherent revelatory power.

Despite these critiques, less focus has been given to how this conception of crisis-as-revelation nevertheless influences the course of reconstruction projects. By reframing disasters as the actualization of vulnerabilities, reconstruction becomes, in part, the recognition of these vulnerabilities, a vital first step before the actual rebuilding of material infrastructure can begin. This is not an irrational approach; however, it ignores the limitations in recognizing vulnerabilities, at least on the scale that such projects often imagine them. As the articles appearing in Nepali newsprint after the earthquake showed, “vulnerability” is a vague term, and can quickly come to encompass most every societal ill imaginable. While a focus on vulnerability might help to prioritize what needs fixing—e.g. earthquake-resistant housing before education reform—it also overflows its own framing, incorporating externalities as newly found vulnerabilities almost as quickly as it “solves” them. Indeed, vulnerabilities operate in much the same way as market frames, and as such, become mired in the same Sisyphean task of constant expansion and incorporation.

This results in a perceived gap in representation, convincing policy makers that what is needed is a panoramic picture of society, one that incorporates these newly discovered vulnerabilities. Indeed, as James Scott argues, such massive projects of representation have long been a staple of modernist statehood (Scott 1998). I argue that such a need highly influenced the Nepal state's registration of earthquake victims. Though at times the state and NRA endeavored to “lower the bar” for registration, throughout the process, their efforts they would orbit back

towards more intensive paperwork requirements for registration. This meant delaying the distribution of grants or sidestepping non-bureaucratic methods of verification, even when such methods previously been approved by strong actors within the state's own apparatus. In this way, the state's effort to register victims became an end in and of itself.

What is the appeal of this new end? In a word, coherency. In producing an accurate record of victims, the state can now, in effect, "see" the victims, and thus the disaster itself. Yet, the perception of coherency is itself misleading. Latour's discussion of "panoramas" is helpful here. For Latour, a panorama is produced whenever people attempt to create a bird's eye view of a structure, event, or society. Using 19<sup>th</sup> century panoramic images as the basis for his metaphor, he writes:

Panoramas, as etymology suggests, see everything. But they also see nothing since they simply show an image painted (or projected) on the tiny wall of a room fully closed to the outside. [T]hey paper over a wall in a blind room on which a completely coherent scenery is being projected on a 360° circular screen. Full coherence is their forte—and their main frailty. (Latour 2005, 187)

In other words, there is a disconnect between the panorama and what it is trying to represent. Indeed, the very act of trying to represent such things coherently assumes scales and contexts that makes such a disconnect inherent to this endeavor. This isn't to say that panoramas have no effect; clearly, the state's attempts to improve their registration systems had real consequences on the lives of those families waiting for grants. However, the relationship between a panorama and everything outside of it is not one of representation, but is rather an empirical question worthy of investigation. Likewise, the making of a panorama is never seamlessly integrated into the projects to which it is formally tied; or to put in the context of the Great Nepal Earthquake, registering victims is not the same as rebuilding houses, even if both are considered reconstruction. I argue that confusion over the exact relationship between registration and

reconstruction might help to explain the state's own hesitancy and backtracking on its earthquake victim registration procedures.

In many ways, this is no different than any state procedure meant to capture a coherent picture of those whom it governs. Yet, what makes disaster—and any national crisis—distinct is the way it challenges previously-held perceptions by reframing the data that constituted their validity as dangerously false. Here it is useful to return to Janet Roitman's analysis of the 2010 housing crisis in the U.S., in which she critiques crisis as a narrative trope. She argues that, because crisis is understood as revealing truth, it enacts a series of transformations in order to “correct” previous representations in order to more accurately “represent reality.” Her criticism—one that I embrace—is that this division between the real and its representation is itself ideological. Rather, it is best if we are able to understand financial and bureaucratic procedures as part of the same reality—what Latour would call flattening—so as to better appreciate their interactions. As Roitman writes, again in reference to the 2010 financial crisis:

I would like to go down a hypothetical road, which is more of a conjecture than a counterargument or counter-narrative: analyses were made, and decisions were taken to initiate the transformation of debt via a massive devaluation, and housing prices dropped. Not the reverse...The point [of this conjecture] is to consider what possible, alternative narratives might be generated without recourse to a sociology of error, without constructing a post hoc narrative of denunciation. (Roitman 2013, 55)

In other words, the devaluation of housing prices—something that can be seen as essential to the creation of a new post-crisis panorama—was produced as a response to the crisis, but did not cause it. In this sense, the crisis did not produce more accurate numbers; however, these numbers clearly had an effect. The question, then, is how were these numbers produced if not through correction, and what exactly was their impact?

These are roughly the same questions that I ask in this chapter: how was post-disaster reconstruction bureaucracy produced and to what effect? Key to answering these questions is to

recognize that, though bureaucratic procedures and their data points may have been denounced as false, they nevertheless retained agentive power. Here we can return to Nepal's post-earthquake reconstruction. Though the state initiated several programs to register victims designed, in part, to make up for the failings of previous programs, in each case, these new programs incorporated the data that had come before it. Thus, white cards produced from the first survey became the basis for the second survey, land titles were pushed aside only to be reincorporated for the enrollment in government grants, and changes to titles made by victims were scrutinized even as officials readily knew these titles were often out of date. In other words, the state never managed a true break from its past bureaucratic procedures, with even its attempt to found an entirely new government agency undermined by the bureaucracies that had existed before. Instead, it produced a daisy-chain of documents, each one connecting to the next, and each vital to the earthquake victim's registration. This might seem frustrating until we remember that—as discussed in the previous chapter—bureaucratic documents and procedures have always been incorporated into family estates and that these documentary representations were also material things in circulation, part of the families they supposedly represented. In this sense, producing better documentation of family estates without accepting the documents that already composed them was arguably always a futile endeavor.

Though futile it may have been, such bureaucratic procedures still produced important effects. Because reconstruction led many families to “update” their records, land holdings are now arguably more consistent and “property-like” in Kathmandu than they were before the earthquake. In this way, the post-earthquake reconstruction process helped to promote a neoliberal ideology of property rights (see de Soto 2000) by inciting people to make their land more transactable and asset-like. This was not necessarily intentional. Among state officials and

their NGO counterparts, the role that titles should take in reconstruction was highly contested, and without clear political mandate. However, because its bureaucratic infrastructure already relied on titles to make sense of land holdings, the state had little recourse but to incorporate them. This meant engaging the neoliberal and modernist ideologies already embedded within these documentary practices, including the belief that the documents could be purely representational and not also material (Hetherington 2011; Hull 2012b). As Robert Barrios has argued, even the slogan “Build Back Better”—which is common in post-disaster reconstruction efforts across the globe—often seems to “entangle neoliberal and modernist assumptions about the natures of people and the common good” (Barrios 2017a, 10). This is not surprising considering it is often the international bastions of neoliberalism (e.g., the IMF and the World Bank) that help design the reconstruction efforts which these slogans signify. There is an irony here: in an effort to break with the mistakes of past documentary practices, the state took a path that forced them to reengage with these same practices, while if it had embraced a more “pragmatic” approach and used the expediency of community verification, it arguably would have managed a new format for land holdings, and thus a more true rupture from the past.

This dilemma was not lost on many of those applying for government reconstruction grants. In contrast to the social mobilizer’s assertion that residents of Fālcha needed to be “taught,” earthquake victims were often quick to make themselves legible to state and other bureaucratic authorities, vigorously pursuing surveys, enrollment procedures, and other forms of registration, despite the massive time and effort such endeavors entailed. So enthusiastic was this pursuit that many victims outpaced the state’s own requirements, updating their land titles and dividing their family estate before the government had even settled on how it would distribute its promised funds. This is more interesting when one considers that, by the victim’s own

admission, the sum of money they were after was not terribly high. Indeed, it seems that, along with the money, the mission was bureaucratic legibility for the sake of bureaucratic legibility.

In other words, facing an uncertain future structured only by the vague promise of reconstruction aid, it seemed most citizens understood that what mattered was simply being counted, and that to do so meant keeping up with these different forms of verification. This logic reflected a keen understanding of the state's, the NGOs', and the iNGOs' own hesitations and changes in policy; the understanding that what they promise today, or the requirements they create, might very well change tomorrow, but never so completely that the old promises and requirements would be completely erased. The fact that many victims were knowledgeable of this even before the earthquake is itself not terribly surprising. Not only is Nepal's state bureaucracy generally both formidable and complex, but the implementation of aid programs—which often have similar requirements to those of the NRA—was a common occurrence. Consequently, most Nepalis I met were extremely familiar with these kinds of bureaucratic procedures, as well as their importance. To give an example, three weeks after the earthquake I went to the Rasuwa district north of Kathmandu to help deliver earthquake relief materials. This was just as the state was beginning to announce its plans, but before its first survey, and so I decided, on my own initiative, to survey the local townspeople who had lost their homes. I was quickly overwhelmed by the enthusiastic and even slightly aggressive response from residents, with some jogging up the street to make sure they made it on my list, and others peppering me with questions regarding which NGO I worked for—though I did not work for any—or if I had any connections to the Nepali government. In other words, though the disaster that prompted my presence and my survey was unprecedented, the basic tenants of what I was doing were not; thus,

it was unsurprising that many residents were clearly familiar with both the process and its implied value.

Such enthusiasm reflects not only an understanding of how bureaucratic institutions function, but also on the affordances that documents can produce. Whether a certain document is useful in the future or not is partly dependent on decisions that the state may make; it is also dependent on what utility this document might have in securing funds from different institutions. To put it concretely, a state-issued victim card might be used to secure grants from the state, but it also might be useful in convincing an NGO to help build one's house, in securing a loan from a cooperative or bank, or even in soliciting donations from private foreign donors. As often mentioned in science and technology studies, bureaucratic forms are eminently transportable, and as such, easily incorporated into separate bureaucracies (Latour 1987; Star and Griesemer 1989; Riles 2006). Likewise, their aesthetic values can be used as a purchase on truth far outside bureaucratic systems. Such documents are key "boundary objects" for families in search of aid, resources, or other benefits; the fact that one does not necessarily know if the documents will be useful in the future only increases the need to collect them.

Again, this is nothing new to Nepal; in fact, approaching documents as essentially open-ended in their utility is a strategy I came across continually when talking about bureaucracy with informants. To give another example—and one from beyond the concerns of reconstruction—a common conversation I had with some informants was about their applications for visas to other countries, most notably the U.S., Australia, and countries in Western Europe, and most commonly for the purpose of higher education. Such applications are laborious processes, and many would complain about the expense of producing the documents necessary to file their applications. Many of them showed me these documents, binders filled with clear plastic slips,

each containing some piece of paper that would hopefully get them closer to their goal. Some of these papers were standard: proof of employment and income, bank statements, family land titles, diplomas for high school and college. Others, however, were more idiosyncratic: letters from foreign friends, certificates for completing NGO training courses, awards for civic leadership. Not being an expert in the visa processes of these different embassies, I cannot speak to the utility of all these documents, but neither could many of the applicants.<sup>77</sup> They were forthcoming in telling me that they felt they should just include everything, not knowing for certain which of these documents might tip the scales in what was already a deeply obscure process. Indeed, in such instances, documents were not seen as a representation of any immediate reality; rather, their usefulness was in their ambiguous potential for future interpretation.

## **Conclusion**

It is worth contrasting earthquake victims' approach to documentation to those of the state and NGOs in charge of reconstruction efforts. While the state used documents both as a way to distribute aid *and* as a way to make the disaster coherent, earthquake victims were simply not invested in the idea of coherency. In other words, the documents they collected were not imagined as part of some larger coherency that would make sense of the disaster in which they were mired. Instead, the documents formed nodes in a network moving outwards from the family estate, the exact bounds of which were ultimately hidden from view. Latour terms those sites

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<sup>77</sup> Part of my ignorance here is that these visa processes continually change. In 2015, for example, the US embassy stopped accepting any proof of income or bank statements as part of their application because such documents were so routinely forged that they were rendered essentially useless. Visas would be given out based mostly on the interviews, though friends of mine who were applying would still bring their binders, just in case.

where information is brought and sent out *oligopticons*, producing a localized but clear perception of a limited number of things (Latour 2005). One could imagine, then, that the family estate is a kind of oligopticon because of the way it produces a node of management, often through documentary practices. Yet, this term lacks the mystery and tentativeness inherent to such practices. The management of one's personal documents is less the collection and distribution of information, and more a kind of social networking, wherein relationships are cultivated for their untold future possibilities. In this way, a document is embedded in hope. Following Hirokazu Miyazaki's work in Suva, I take this practice to be a kind of knowledge production that is always open-ended, where agency is placed in abeyance as one waits to see what will happen (Miyazaki 2004). In this way, the open-endedness of knowledge is maintained, a process that elides coherence in order to maximize possibility. I will return to this idea in the conclusion of this dissertation. For now, suffice to say, one can see such an approach in how families handle their own estates. As described in past chapters, future planning is eschewed for stopgap management techniques, which are meant to keep loose possible claims, obligations, and responsibilities in order to avoid devastating conflict. There is a kind of hope here too: that, at some point in the future, a kind of stability will be managed, the conflicts brewing will be resolved, and that true rupture in the family will be avoided even if the house was must eventually be physically divided. In this way, momentous clarification of the estate is replaced by the accretion of signs of ownership, a strategy that is challenged by the rigors of formal bureaucratic division.

It is here where the earthquake produced a funny irony. While before the quake, informal family estate management and its bureaucratic division could be balanced through the strategic use of the house itself, afterwards, ownership seemingly tilted towards state documentary

practices as families sought to rebuild their broken homes. *And yet*, because of state-led victim verification, the process for documenting ownership both elongated itself and incorporated a variety of documents. In other words, though the house was quickly damaged or destroyed, bureaucratic documents became more like house divisions, part of a slow accretion in which ownership was reaffirmed through an accumulation of signs. In this way, the earthquake inverted the usual relationship between estate management and state bureaucracy: the house was destroyed within a moment, while its documentation stretched on for years. In this light, it seems more than coincidental that the state's reconstruction program should have embraced a motto of future betterment that was both so utterly hopeful and so ill-defined.

## **Conclusion: The Benefits of Ambiguity**

At the beginning of this dissertation, I asked three questions fundamental to my project: (1) how are the financial values of urban land expressed within family relations? (2) how are family practices of urban land management incorporated into the market, state, and private institutions that administer land's ownership, value, and transaction? (3) how does disaster and the state's response affect this administration? In this final section, I want to address these questions by highlighting a key tension found throughout my dissertation: that between a sense of fixed coherency and open-ended ambiguity within the different procedures and transactions that I've described.

I begin with the market. In chapter two, I argued that land brokers helped to enact a market in which land values were illuminated by the juxtaposition of two different possible framings: that of the family estate, and that of supply and demand. This created an ambiguity over which forces prices were indexing, an ambiguity made possible by the land brokers' ability to obscure the actual framing of the transaction, hiding costs and negotiation tactics, and bracketing out their clients. In doing so, brokers transformed the land market into a series of hermetic but temporary transactional spaces, frustrating attempts to see large-scale price fluctuations and thus the development of a coherent picture of the market as a whole. This kind of strategic obscurity can be contrasted to the financial sector's attempt to value collateral according to a panoramic understanding of markets, in which shifts, bubbles, and busts are

understood to have market-wide effects. In other words, while banks worked as if informed by a coherent market, land brokers actively pushed back against this coherency, paradoxically allowing landowners the ability to read kinship values into market valuations, ultimately affecting the market's structure. This state of affairs was not lost on many of my informants, who claimed that a land holding is different, and should be valued differently, if it is collateralized.

One can see a similar tension between coherency and ambiguity in the financial institutions' verification of the family estate's economic practices, particularly income. As explained in chapter four, the family estate's "investments" are inherently muddy, as to make them coherent would mean discerning the claims and obligations of its human members, a process that could very well lead to conflict. As such, income is often hidden, claims are left underdetermined, and obligations to the family are assumed but never verified. By contrast, commercial banks often make their lending contingent on exactly this kind of clarity, both by demanding paperwork to verify income, and demanding family members co-sign or sign personal guarantees so that they are legally entangled should a loan go into default. In doing this, banks open up a new space in which families must publicly perform their relationships with each other, making their interior economics legible to the banks through ritualistic bureaucratic activities: signing loans, producing documents, entertaining loan officers when they arrive at the house for site visits, waiting together in the bank's reception area, etc. Such a performance produces an interesting effect on Kathmandu's socioeconomic hierarchy, in that these requirements naturally favor families of smaller size whose income is formally recorded. In other words, banking requirements support a family structure familiar to that of the global middle class.

Making the family estate legible to bureaucratic authorities was also the driving narrative thread in the discussion of family estate division and post-earthquake victim verification. As with financial investments, the separation of the family estate is considered something best kept ambiguous in order to avoid family tension. In keeping with this maxim, informal divisions are consistently thought of as solutions to current problems the family is experiencing rather than as planning for future separations; in engaging in such thinking, individual, segmentary, and conflicting claims to the estate are elided. In this way, the division of the estate happens over a relatively long period of time, one marked by an accretion of signs indicating the estate's future, each judiciously framed as only collective solutions to present-day problems. Such a strategy contrasts that of the state's administration of land rights, which is premised on clear divisions between households, leading to a bureaucratic process that compresses the estate's division into a single declarative moment. Before the earthquake, families managed this divergence through a strategy of delay, putting off formal divisions until absolutely necessary, thus allowing their informal divisions to do most of the work in determining the boundaries of the new fledgling estates. However, after the earthquake, this strategy became untenable, as the earthquake both destroyed the material record of informal divisions and also made families' engagement with state and financial bureaucracies necessary to afford their house's reconstruction. This became apparent in the bureaucratic drama over state-sponsored reconstruction grants, where the state positioned itself as the arbiter for household membership, while families worked to position themselves in the most advantageous way possible.

Thus, to return to my initial questions: because all kin relations are contingent upon the family estate, land holdings are key to their formation, and as such, they are entangled with the institutions (and markets) that administer landownership in Kathmandu. However, this

contingency goes both ways, as family land management helps to shape these institutions and markets, not through acts of resistance, but through various techniques of engagement and mediation. These techniques play with the temporal orientation of land's economic value, stacking transactional frames during the sale, reimagining values as contingent upon the long-term relationships that collateral creates, and stretching the legal procedures of division across decades. Within this complex temporal field, the earthquake functioned as a kind of interruption, bringing these processes momentarily to a halt, and in doing, so pulling them out of sync. Reconstruction, then, can be seen as the meta-process by which these other processes are brought back together, through the rebuilding of the central temporal-cum-material mediator: the house itself.

This summary suggests that it is the bureaucratic, financial, and state authorities that are most invested in enacting coherent panoramic models, while families seek to avoid such classification in order to maintain a useful ambiguity in their estates. Such an interpretation is arguable to a point. The bureaucratic methods I observed do place pressure on families to make themselves legible, in James Scott's sense of the term (Scott 1998). Furthermore, though families endeavor to make themselves legible to bureaucratic authorities, it is done with the belief that such legibility is not absolute; that there is a "backstage" that contrasts with what is written on bureaucratic documents. The fact that these bureaucratic presentations and transactions actually help define intra-kin relations is a point rarely acknowledged, even as it ultimately shapes families' strategies of engagement.

Yet, such a stark contrast between bureaucratic authorities and the families that engage them is easy to overstate. As acknowledged at the end of the last chapter, while bureaucratic procedures require that families present themselves coherently, the aspirations and goals of the

institutions who administer these procedures are rarely clear. For example, the Build Back Better campaign never presented a clear vision of its own goals and procedures, and seemed to redefine this vision continually in its attempt to verify earthquake victims. This lack of clarity was exacerbated by the institutional conflicts between local municipalities and the NRA. Likewise, the conflict between the NRB and private banks in their negotiation over subsidized loans for earthquake victims can be read as a disagreement over the relationship between private finance and the state, wherein the ambiguity about private finance's claims and obligations to the nation became a point of explicit discussion, even though it had previously been kept ambiguous. In this sense, the conflict between these two institutions (or institutional sectors) is oddly similar to those happening within the family estate, wherein the earthquake forced an explicit reckoning among family members regarding their economic arrangements.

This is not terribly surprising. As argued throughout this dissertation, there is no fundamental division between the domestic sphere and the state-managed capitalist marketplace, and thus, finding the same strategies used in spaces associated with these different spheres is to be expected. The question is how these strategies are deployed and to what ends. Here I return to the idea of framing. As presented by Callon, framing is necessary for transactions because it blocks out externalities, thus allowing the agents included within the transaction to calculate value. In other words, frames create coherency by fixing the value of things through the reduction of alternatives. This being essential to any transaction, such framing is an everyday activity for landowners, brokers, banks, state institutions, and other actors in land administration. If this kind of fixity is more associated with state and financial institutions, it is probably because such institutions are dealing with transactions in aggregate, and thus are more invested in approaches that emphasize a fixity that allows for calculations on a much larger scale. Yet there

is another kind of calculation, one I termed in the introduction as second-order calculation, that recognizes the possibility of other transactional frames, and endeavors to work between them. This second-order calculation inherently creates ambiguity by opening up calculation to a number of possible outcomes.

This division between first and second-order calculation is reminiscent of a number of famous theoretical distinctions, most notably Max Weber's separation between instrumental rationality and value rationality, as well as Bourdieu's attempts to reconcile subjectivity with objectivity within social analysis (Weber [1922] 1978; Bourdieu 1977). Yet, for this conclusion, I want to use Miyazaki's conceptualization of hope to help explain this divide (Miyazaki 2004). As introduced at the end of the last chapter, Miyazaki understands hope as a methodology, in which knowledge is temporally reoriented towards an open-ended future. This is not optimism; one does not simply hope for the best. Rather, one keeps things loose and ambiguous enough to maintain many possibilities for future resolution. This looseness, in turn, means avoiding coherent models and descriptions of the present moment because making such descriptions reduces future possibilities by clarifying current ambiguities. As Miyazaki describes, this is why the concept of hope is so difficult to analyze, as any coherent analysis "forecloses the prospective momentum inherent in hope" (ibid, 8). Nevertheless, it is this sense of hope that I believe is inherent to second-order calculation and is what makes it so useful. While working between different potential framings might complicate numeric calculation, it also allows for a city where land prices might never go down, where families are poised to resolve their tensions, and where the state might succeed in building back a better nation.

I began thinking about hope near the end of my research. In the summer of 2017, having returned to Nepal to follow up with those who were still rebuilding their houses, I met with

Sanjay again to see his new house (see the Financing Fraternity section in chapter six). In the months since I left, he had taken a large loan from a commercial bank—close to forty lākh NRs (40,000 USD)—and had rebuilt the four-story house he’d shared with his parents, this time with reinforced concrete. The structure of the house was now finished, though much of the finishing was still needed: paint, plaster, hand railings in the stairwell, etc. His family was still renting rooms across the street but was expecting to move into their new house that autumn. Sanjay was clearly quite proud of his house, and took me on an extended tour, examining every room, opening every bathroom door, looking out of every window, until we finally made it onto the rooftop terrace. This house was taller than his old one, and from the terrace we could see over the tops of the houses across the street, and across Patan’s cluttered skyline. The pace of our conversation slowed, while I asked him a few follow-up questions about his loan. And then I asked about his brother.

“Have you seen him?”

“At the temple two months ago. I haven’t seen him since.”

“So you are separated? [Angsa banda].”

“We are finished separating!” he said. Then, after a pause: “He might help pay for this house, though. If he wants to move back. We’ll see.”

I was taken aback by this statement and asked if his brother had indeed offered to do so. Sanjay wouldn’t say, and we left to have tea in his rented room.

How to make sense of his statement? Clearly, Sanjay was leaving the door open for some kind of reconciliation, placing his own will and agency in abeyance by leaving it up to his brother to help repay the loan and move back home. I have no idea if Sanjay ever communicated this thought to his brother, or how likely Sanjay really believed this possibility to be. Indeed,

there is no doubt that this statement helped put Sanjay on the moral high-ground by placing the onus of separation on his brother's continued decision to not pay this loan. Nevertheless, one cannot deny the hopefulness of this statement, a hopefulness built around imagining a separate transactional frame wherein his brother took partial responsibility for the loan and their house would no longer be divided. In this way, Sanjay reoriented the coherency of his division to something more ambiguous, opening the future to a possible reconciliation.

Such reorientations help to clarify what disaster and crisis mean. As stated in the introduction, I find the term "rupture" to be less useful, as the techniques needed to make sense of a rupture originate from whatever existed before. Likewise, the idea that crisis reveals a once hidden truth involves play between "reality" and its representations that is theoretically dubious. Rather, divorced of the ideological narratives used to understand it, crisis shifts contexts on a massive scale, and in doing so, presents new angles by to which to see. For those invested in instigating widespread change—through development, for example—such shifts can be exhilarating, as they loosen the panoramic views from before, allowing for the creation of a new and improved coherency. For those not so invested, the experience is almost the opposite: a momentous reduction of options, and a loss of techniques that maintain the ambiguity necessary for hope. The question is how to bring this apparent divergence in perspective back into sync.

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