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# How in Myanmar "National Races" Came to Surpass Citizenship and Exclude Rohingya

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**ABSTRACT**
The idea of "national races" or *taingyintha* has animated brutal conflict in Myanmar over who or what is "Rohingya." But because the term is translated from Burmese inconsistently, and because its usage is contingent, its peculiar significance for political speech and action has been lost in work on Myanmar by scholars writing in English. Out of concern that Myanmar's contemporary politics cannot be understood without reckoning with *taingyintha*, in this article I give national races their due. Adopting a genealogical method, I trace the episodic emergence of *taingyintha* from colonial times to the present. I examine attempts to order national races taxonomically, and to marry the taxonomy with a juridical project to dominate some people and elide others through a citizenship regime in which membership in a national race has surpassed other conditions for membership in the political community "Myanmar." Consequently, people who reside in Myanmar but are collectively denied citizenship – like anyone identifying or identified as Rohingya – pursue claims to be *taingyintha* so as to rejoin the community. Ironically, the surpassing symbolic and juridical power of national races is for people denied civil and political rights at once their problem and their solution.

**KEYWORDS**
Burma; Myanmar; *taingyintha*; national races; Rohingya; citizenship

"National races" or *taingyintha* is among the pre-eminent political ideas in Myanmar today. It has animated brutal conflict over who or what is "Rohingya" as well as communal violence that human rights researchers and advocates have variously characterised as a crime against humanity, ethnic cleansing and genocide (see Green, MacManus, and Venning 2015; Ibrahim 2016; Lindblom, Marsh, Motala, and Munyan 2015; Maung Zarni and Cowley 2014). Although more scholars are struggling to make sense of how and why the "Rohingya problem" appears to be so intractable (Kipgen 2014; Zawacki 2013), little explicit attention has been paid to how the conflict over Rohingya identity specifically, and contemporary politics in Myanmar generally, is contingent on the idea of national races.

This article seeks to provide a reckoning of the political salience of *taingyintha*. In particular, the article attends to *taingyintha* as an idea that provides the basis for guidelines by which certain facts are accepted and others rejected in determining

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membership in Myanmar's political community, with injurious consequences for any group like Rohingya who fail to obtain recognition. In contemporary Myanmar, *taingyintha* is an exemplary term of state: a contrivance for political inclusion and exclusion, for political eligibility and domination.

To explain how *taingyintha* came to surpass citizenship and exclude Rohingya, I adopt a genealogical method. Genealogy recommends itself for the study of *taingyintha* because it is concerned with denaturalising accepted ideas, with pointing to the ambiguity, contingency and uncertainty that inhere to human activities and interpretations of them (Bevir 2008; Hoy 1994). The genealogist seeks to trace how terms, categories and techniques constitute our present-day human relations: to interrogate the assumptions that lie behind them and understand how something has turned out to be the way it appears to us today; how it is possible for it to work the way that it does, as well as how we might think of it – and act on it – differently.

By adopting a genealogical method to *taingyintha*, I deliberately depart from conventional readings of the term as a synonym for race, ethnicity or indigeneity (see Cheesman 2002b; Nyi Nyi Kyaw 2015; Roberts 2016; Taylor 2015; Thawnghmung 2016; Walton 2013). This is not to say that it is wrongheaded to talk about *taingyintha* as denoting a kind of "state-sponsored" ethnicity, race or indigeneity (see Fujii 2009). Rather, the objective is to use a genealogical method so as to uncover features of the national-races idea and its attendant practices that might otherwise remain obscured, to bring out some of its historical contents that are buried or occluded by the politics of the present. In other words, a genealogical approach to *taingyintha* invites a different mode of inquiry from its conventional counterparts; one aimed at disaggregating rather than uncritically adopting the usual categories of practice as categories for analysis.

Like all research methods, genealogy has its limitations. One common criticism is its apparent disregard for human agency (see, for example, Allen 2002; Bevir 2010). This article has not overlooked the many ways in which political actors deploy the language of national races for their own goals, advancing group interests independent from or against the state – including the many political parties and alliances that presently go by the nomenclature of *taingyintha*. Genealogical study does not neglect but anticipates the forms of situated agency in which the lexicon of national races is used, because it is concerned with how statements come to be verified both through structure and agency (Foucault 1980, 112). The genealogical method reveals how political actors' capacity to speak and act authentically as *taingyintha* is contingent on subjugation to the modes of state practice for the organisation of truth. This subjugation is one of the reasons that so little criticism is levelled at the idea of *taingyintha* from within Myanmar: a point considered in the article's conclusion.

As this article uses genealogy to situate the conflict over Rohingya identity claims in the politics of national races, it begins by attending to the contingencies of *taingyintha*. Concentrating on significant episodes in the growth, development and change of the term since the colonial period, through readings of politically salient published texts, it examines how *taingyintha* went from being an idea of small political significance a century ago to become a pre-eminent term of state practice in the present. It then discusses the haphazard attempts to order *taingyintha* taxonomically, resulting in 135 officially designated categories, none of which is named Rohingya or Bengali. The taxonomy, married with a juridical project in which national race has become the surpassing quality for

membership in the political community "Myanmar," resulted in the elision of Rohingya through a combination of legal and extra-legal measures to deny citizenship. But the national-race idea compels any collectivity residing in Myanmar to participate in the project for its reproduction as a "price of admission to the polity" (Herzfeld 1992, 160). It at once invites and obligates people who self-identify as Rohingya to make collective claims to membership of the national-races schema, which generate hostility and contribute to the persistence of conflict.

To be clear, this treatment of *taingyintha* as a distinctive idea animating political action is not a retreat to exceptionalism. With Leider (2012, 369), I write against the scholarship of Myanmar as an exceptional case of anything, and argue for the expert study of its particulars that may better inform and enable scholars to make meaningful comparisons with other country cases. What follows is a study of how political relations in a specific setting consist of certain ideas and practices that validate some ways of knowing while subjugating others, and dominating some categories of person – those classed among *taingyintha* – while eliding others – namely, those excluded from the national-races schema.

## A Genealogy of *Taingyintha*

A genealogy of *taingyintha*, of that term denoting different linguistic and cultural groups joined together by an imagined and shared ancestry or a common homeland, must start from the premise that the term's meaning and function today are not the same as whatever they once were. How did *taingyintha* become politically salient? How has it grown, developed and changed?

*Taingyintha* is a term that, like so many other politically salient modern terms in Southeast Asia, has a history that is neither a long nor glorious one. A genealogy of *taingyintha* may begin in the British colonial period prior to national independence in 1948; followed by independence and the upsurge of civil war into the 1950s; then proceed from the consolidating of one-party dictatorship in 1964; and, from around 1990, to a condition of military rule absent ideology (Cheesman 2015a, 101–107).

*Taingyintha* was not a politically significant term in anti-colonial politics. Nationalist political leaders did not address their audiences as "national races," as their counterparts today so often do. Rather, nationalist leaders used terms like *taingthu-pyitha* for "countrymen and women," *pyithu* for "the people," and as politics moved increasingly to the left, *ludu* for "the masses."[1] When referring to racial groups they generally used *lumyo*, the generic term for race adopted in the colonial period and still used today, which literally means "type of person."[2] Most emerging political parties with ethnic or racial ascriptions adopted *amyotha*, or "national," to designate themselves – a term that could apply to any group in the country struggling for liberation, including "Indian nationals" or "Chinese nationals."[3]

Where writers and speakers in the 1910s and 1920s used *taingyintha* and its synonyms it was not to address a political community or refer to a particular linguistic or cultural group, as is so often the case today, but to recognise native handicrafts, medicines and trades. The term entered political language when attention turned to matters like rights to livelihood, such as when resolving to support the production of salt by *taingyintha* (Han Tin 1967, I: 157; Le Maung 1973, 114, 198). It also featured in

expressions of rights to teach in the vernacular, and in calls to value vernacular literature (see Gandalawka 1933; Han Tin 1967, I: 241, II: 44).

With the emergent nationalist movement of the early 1920s came strands of an explicit narrative for elision and domination through reference to *taingyintha*. In some usages, the term had a negative quality – as in the demands of a leading nationalist organisation in the 1920s that wealthy "non-*taingyintha*" be barred from owning or leasing land (Compilation Committee 1976, 85). In such usages, the necessary condition for being *taingyintha* was nothing other than not to be European, Chinese or Indian. Where convenient, the term could also be directed internally, to suggest the subordination of some groups to others, such as in nationalists' calls for autonomous regions to be brought under central government control so as to recognise the oneness of *taingyintha* and end colonial practices of divide and rule (Le Maung 1973, 237; Han Tin 1967, II: 391).

The idea also found its way into political language on the future state as a signifier of difference and plurality. At the end of the Second World War, it featured in negotiations on the draft constitution, in particular concerning the cultural and linguistic rights of "minority *taingyintha*" (Kyaw Win, Mya Han, and Thein Hlaing 1990, 427, 447).[4] Ultimately it failed to get a special mention in the 1947 Constitution on the matter of minority rights, succeeding only in getting two modest references in the chapter on citizenship, where in the English version it is translated as "indigenous races." Nor is it found in the 1947 Panglong Agreement, which is commemorated annually on Union Day and mythologised as laying "the foundation for *taingyintha* unity" (Ohn Pe 1984, 455; see also Walton 2008). Nevertheless, these two interpretations of *taingyintha* – one pulling various groups together under a single ascription, the other distinguishing some groups from others – would remain in play in post-colonial politics.

Burma's independence brought civil war. As armed groups formed under ideological or communalist banners, Prime Minister U Nu used an April 16, 1948 radio address marking the traditional lunar New Year to insist that everyone was duty-bound to work for the solidarity of *taingyintha*:

> Under no circumstances can we allow *taingyintha* unity to be destroyed. Shan, Kachin, Karen, Karenni, Mon and Burman must be united. The great mass of *taingyintha* in the union must be united. Our Union of Burma cannot go back to the fragmented "every man to his own chief" way that we've been – apart from during the reigns of [kings] Anawrahta, Alaunghpaya and Bayinnaung – throughout Burmese history (Nu 2013, 66).

In this address and others during the late 1940s and early 1950s Nu referred to *taingyintha* to denote safety from existential threat through strong statehood, exemplified by the mythology of ancient kings. Far from denoting unity in diversity, the political significance of *taingyintha* in these speeches is "more akin to 'unity through hegemony'" (Walton 2015, 2). Nu calls on *taingyintha* to accept and discharge a duty of responsibility to the state. Yet, he was speaking from a position of weakness, and his calls for solidarity for the most part fell on deaf ears.

*Taingyintha* remained on the periphery of political language over the next decade. It played a modest part in some debates, such as the long-running negotiations over the establishment of Mon and Arakan states (see Kyaw Win, Mya Han, and Thein Hlaing 1991; Myat Thu 2013). It also had a part in some forums where the emphasis lay on

unity of diverse religious, linguistic and cultural groups, such as in the formation of a National [Races] Religious Minorities Alliance in 1960 (Kyaw Win, Mya Han, and Thein Hlaing 1991, 106–107). However, the term was far from ubiquitous. Even in the aftermath of the first military coup in 1958, it failed to figure prominently. In stark contrast to the texts of later periods, the army's ideological paper on nation building contains no reference at all to the need for *taingyintha* solidarity, instead emphasising the rule of law, democracy, and the building of a socialist economy (Government of the Union of Burma 1960b).

On February 12, 1964, a new day dawned for *taingyintha*, one in which it would go from being a term of limited political salience to the paradigm for military-dominated statehood. General Ne Win, who had seized power for a second time two years earlier, now grasped the idea of *taingyintha* and wielded it in the manner of his predecessor Nu but with hitherto unprecedented enthusiasm. Drawing on familiar themes, lamenting the mistrust between *taingyintha* and the failure to achieve reconciliation some 16 years after independence, he used the Union Day address to urge that:

> Every one of the *taingyintha* needs to accept that the amity and unity of all *taingyintha* are fundamental to the building of an economically and socially prosperous state that is stable and united. To speak of unity and amity among *taingyintha* is to say that Kachin, Karenni, Karen, Chin, Burman, Shan and other *taingyintha* inhabiting the Union of Burma need to be resolved to stick together for life, through weal and woe. Only then will *taingyintha* be able to join hands with each other and work trustingly for the good of the Union and the good of all its inhabitant races (Ne Win 1965, 308).

According to his hagiographer Ne Win's address was special:

> The statement of policy on the national races was drafted by Gen. Ne Win with considerable care. Madame Ne Win and he went to Mandalay to participate in the celebration of the 17th Union Day (February 12, 1964), and he had spent the after dinner hours of February 11 with some members of the Revolutionary Council going over a draft…When time came to go to the mammoth rally at the foot of the Mandalay hill, the final draft was only just about done. The statement has so far been the only one which Gen. Ne Win wrote and read out. His other speeches were extempore (Maung Maung 1969, 312).

Ne Win may not have written the speech himself but from a genealogical perspective it hardly matters. The point is that with it, *taingyintha* obtained a hitherto unprecedented place in state lexicon, and thereafter, in the state-building programme and its rituals of national unity. It is only from this point that we can speak of *taingyintha* as "national races" with many of the connotations that it has today.

The project for national races meshed with a larger programme for political domination and exclusion through the nationalisation of assets and deportation of alleged aliens. This programme was not new, but it expanded and intensified after 1962 (Government of the Union of Burma 1960a, 216–217; Holmes 1967). It had profound consequences for permanent residents descended from Indian – and to a lesser extent Chinese – migrants (see Egreteau 2011; Ho and Chua 2016; Roberts 2016). The government arrested and imprisoned thousands on allegations of economic crimes; hundreds of thousands more it forced out of the country or marginalised by making life untenable for them (Cheesman 2015a, 110–111). In 1968 it also set up a new

department of national registration and committees for the scrutiny of citizenship records and applications (Khin Maung Kyaw 1971, 217–221).

But to have stronger political salience, *taingyintha* needed more substantive contents of its own. It had to function not only as a negative of something or someone else, but also somehow stand for the state, for what the state ostensibly represented. To this end, Ne Win closed his 1964 address by announcing that his government would "begin working systematically" to bring economic and social equality to the national races; and, would help them in projects for support of their literature, languages and cultures (Ne Win 1965, 316). Within the same year, the government had set up an Academy for the Development of National Races.[5] The following year, staff from universities around the country began state-directed fieldwork – autonomous academic research was by this time a thing of the past – to document and publish authoritative studies on national races' culture.

Throughout the mid-1960s *taingyintha* had an aspirational, modernising quality that complemented the larger state programme of building a modern socialist economy. The national races learned that they had had their difficulties in earlier feudal and colonial periods, but with five-year plans and abundant goodwill, happier days lay ahead. Nationalisation of capitalists' assets, industrial and agricultural development and systematic work would bring everyone together. Official lexicon affirmed the significance and centrality of *taingyintha* in state building through repetitive use of compounds such as the "national races-working people-of the union" (see Nyunt Maung 1967). The fortunes of *taingyintha* were bound firmly to regime aspirations for a modern socialist economy and unitary state. The 1974 Constitution subsequently affirmed this centrality of *taingyintha* to the national project, with Article 21(a) asserting that the state would be responsible "for constantly developing and promoting unity, mutual assistance, amity and mutual respect among *taingyintha*."

In 1967 Ne Win's Burma Socialist Programme Party published the first of seven books on national races, one for each of the categories for whom administrative regions had been demarcated: initially, Kachin, Karenni, Karen, Chin and Shan, and later, the Arakanese and Mon. Another book explored the economic, social, cultural and religious commonalities of the various national races (BSPP 1975). Together, the publications anchored aspirations for the new socialist economy in a narrative of solidarity that once had existed but had been lost during the colonial period. While striving for a better future, *taingyintha* now were invited also to gaze backwards to a mythical past. They did not have to imagine that they could be united; all they had to do was reimagine life prior to the colonial occupation when:

> From the beginning they lived together in the land of this Union as kinfolk and brethren. Up until the time that the imperialists arrived in Burma, *taingyintha* lived closely with one another through weal and woe…[Thereafter] outside instigation combined with landlordism and the evil capitalist system stirred up this country in which *taingyintha* had lived in mutual harmony through weal and woe, and the connections between *taingyintha* were broken, leading them to be ignorant of the lives of one other, and sadly, to the disintegrating of *taingyintha* unity (BSPP 1967, i–iii).

More books followed that reinforced both the essential unity of the national races and distinguished them from their enemies by describing how *taingyintha* had without reservation or exception fought valiantly against the British invaders. The first definitive

text on national races' shared anti-colonial resistance begins, "It is manifest that throughout Burma's history all *taingyintha* of Burma have been united in solidarity, both in their resistance to imperialist invaders and in the defence of sovereignty and independence" (BSPP 1971, 11). Texts after 1964 had reminded readers that "*taingyintha* capitalists" had once colluded with the British imperialists for personal gain and even after independence had continued to exploit their brethren (see BSPP 1966, 1972). But as time went on, no room remained in the emerging narrative for quislings or collaborators among national races. Unassailable facts drawn from historical data proved that national races had been united through weal and woe all along, and now the job fell to one official history after the next to iterate the details (see, for example, Compilation Committee 1976; Department of History 1988).

By the 1980s the national-race truth regime, the domain for the production and ordering of what constitutes truth and falsity, was firmly established. It was by now the orthodoxy that political texts – all of which had to meet with the one-party state's approval before publication – at some point refer to national races' eternal solidarity, their historical fraternity and their intentionality in working together for a new socialist economic order. And although that economic order – and with it the political arrangements that conceived it – collapsed under the weight of nationwide protests in 1988, the national-race truth regime not only prevailed but emerged stronger than ever.

The newly comprised military junta that seized control of government and suppressed protest lacked a coherent ideology. Instead it drew on a hodge-podge of political ideas from earlier periods to justify its takeover (see Cheesman 2015a, 101–102). Among them, it announced *ad nauseam* that "non-disintegration of national [*taingyintha*] solidarity" was the second of its three main causes. For want of any other unifying motif, national races were invoked on every broadcast and publication, and at every major event. The following year, the junta picked up on the institutional work of its predecessor to establish a new Central Committee for the Development of Border Areas and National Races, which later became a government ministry concerned with the material development of frontier regions.

If the 1940s marked the emergence of *taingyintha* as a term of state, and the 1960s its institutionalisation, then the 1990s witnessed its renaissance, yet with at least two distinct meanings at play. In one, national races comprised the members of a single political community, united in struggle against common enemies inside and out. In the other, national races were a sub-section of that community: people living far away who had failed to progress due to civil war and ignorance, people who were "primitive, backward and in need of guidance" (Walton 2013, 11). Between them, these usages worked to justify relentless military campaigns against armed groups operating under the banners of multitudinous national races (see Smith 1999; South 2009). The state's guiding hand was required to draw all *taingyintha* together into the natural condition of unity from which they had been driven by historical circumstances. Attempts by evildoers to push them further apart in the name of particularistic group interests could not be tolerated. The state had no choice but to respond with force, in the common interests of the *taingyintha*.

These messages were conflated with a third message, via the project Houtman (1999) described as the "Myanmafication" of the state in which "Burma" became "Myanmar" on the grounds that whereas the former term and its analogues refer to the Burman, the

latter supposedly denotes the inclusion of all *taingyintha* in the union (SLORC 1989). Children in schools across the country now sang of Myanmar to signify *taingyintha*, yet the books from which they learned, "Myanmar" readers, did not include the languages and alphabets of all *taingyintha*, or even the biggest linguistic groups; merely those of the dominant group. "Myanmar," while signifying national races, above all was to signify the pre-eminent linguistic and cultural group, the Burmans. To speak and read the language of the Burman, to be civilised and cultured like a Burman was nothing other than to belong to Myanmar, which is to say, to be *taingyintha* (see Cheesman 2002a, 156-160; Treadwell 2014).

And so, the rise of *taingyintha* to the apex of national politics in the 1990s brought with it a multiplicity of inconsistent meanings. On top of the semantic jumble, the junta rediscovered and imposed a schema for the identification, enumeration and management of all national-race groups in the country.

## Taxonomic Troubles

In 1990 army officers in the new junta began iterating that "135 national [race] groups" reside in Myanmar (BPS 1990).[6] The number was not explained or formally announced, and as Ferguson (2015, 15) has observed, its formulation remains something of a mystery. In 2013 a representative from Shan State in the union legislature, established at the end of unmediated military rule in 2011, asked in what period, under what government, and with what list or register the 135 groups had been identified and classed as national races. In reply, the deputy minister for immigration and national registration relied on an old newspaper article:

> With regards to the 135 *taingyintha* in Myanmar the September 26, 1990 edition of the *Working People's Daily* made known that the list had been the list of *taingyintha* used in the 1983 census, drawn up based upon the list of ethnic groups in the 1931 and 1953–54 censuses, and advice given in 1960 by the Office for Ancient Literature and Culture under the Ministry of Culture and in the same year by the advisory board of the Burma Historical Commission, with the coordination in 1972 of the Committee for National Race Affairs, Burma Socialist Programme Party Central Committee Headquarters (Pyithu Hluttaw 2013).

But if the number 135 had been the basis for enumeration of groups in the 1983 census, the advice and data from which the number was derived remain obscure. The 1931 census, for instance, lists what appear to be 135 or 136 groups, depending on whether two categories of person are separated or combined, classed by mother tongue (Bennison 1933). But many of the groups listed in the census tables do not correspond with the list of 135 national-race groups, and the tables offer no clues as to how the later list was derived. Nor are the contents of subsequent publicly available documents more revealing. The 1953 census report states that in drawing up the data officials had adopted the lists from earlier periods "with necessary modification" but had published data only for the "seven main indigenous race groups of the country and four foreign race groups" (Union of Burma 1957, xvii).[7] A government publication from 1960 listed 45 groups that when broken down into subgroups would come to "about 160" (Min Naing 1960, 21). The author added that probably more groups remained living in inaccessible places, or were trickling in from neighbouring countries.

The taxonomic volatility did not end when *taingyintha* became a term of state par excellence, notwithstanding the various projects to give it fixity and permanence after 1964. The purportedly comprehensive official list from 1972 contained 144 groups, while another that appeared in the state newspapers the following year had 143 (*Botataung*, February 23, 1973). These lists were reportedly part of preparations for the 1974 Constitution, but according to the head of the law reform commission, who was also instrumental in drafting the new charter, "although over a hundred names were already on the list of *taingyintha*, as the list was not yet complete" it could not be annexed to the constitution (Maung Maung 1979, 8). When the government later removed eight groups from the list for the 1983 census, to arrive at the number of 135, it did so without public explanation (Khin Maung Cho 2014, 66–67). And despite the belligerent insistence of army officers from the 1990s onwards that the taxonomy of 135 groups represents the natural order of things, even official records equivocate. For example, the 1996 Myanmar yearbook refers to "approximately" 135 groups (Sabebiman 1996, 43).

Taxonomies of populations register two political fictions: that they catalog differences rather than produce them; and, that they document social membership rather than create subject positions and affiliations (Stoler 2002, 207). They are implicitly hierarchical, and always concerned with the establishment of a boundary so as to separate those elements internal to them from potentially intrusive or disruptive external ones (Handelman 1981, 7–8; Herzfeld 1992, 109). In these respects, taxonomy recommends itself for translating a political idea like national races into a truth regime for differentiation, domination and exclusion of populations.

However, not all taxonomies realise their goals. For the taxonomy of a population to be successful it must appear natural and work in the background, describing, naming, ordering and distinguishing between the smallest of differences among literally everything that falls into its domain (Foucault 2002, 171–174). A successful taxonomy is not itself the subject of constant scrutiny or dispute. Naturalness requires that a taxonomy have consistent classificatory principles, that its categories are mutually exclusive, and that it be complete – that it cover the entire population with which it is concerned (Bowker and Star 1999, 10–11). Furthermore, its rules for the delineation of categories and resolution of anomalies need to be explicit, as well as those rules concerning how new categories are created (Handelman 1981, 7).

Myanmar's taxonomy of national races struggles to meet these requirements. Emerging haphazardly and episodically, it is internally inconsistent. Deriving from an essentially negative idea, denoting non-Europeans, Indians or Chinese, it lacks positive contents. To the extent that national races can be identified by name they were, up until recently, listed ad hoc. With the establishment of states and territories with cultural group ascriptions, the five and then seven groups whose names also designate states came, sometimes together with the Burmans, sometimes not, to signify *taingyintha*. Even the 1973 Interpretation of Expressions Law, which provided definitions of key political and legal terms of the period, says of *taingyintha* only that, "this expression includes Kachin, Karenni, Karen, Chin, Mon, Arakanese, Shan, Burman and other *taingyintha*" (Revolutionary Council 1973, section 5[a][i]). National race categories were by then supposed to be self-evident.

Of course, none of these categories is self-evident, as meetings of the union legislature during 2014 concerning an inaugural draft law for the protection of the rights of national races made clear. The chairman of the law's drafting committee said that as the 2008 Constitution contained no definition of *taingyintha* his committee had relied on the existing interpretation law (Pyithu Hluttaw 2014). A legislator from the Naga minority group, which was not shortlisted in the 1973 law, objected that the definition gives primacy to the eight groups named and implies that others are sub-types (Amyotha Hluttaw 2014). Legislators again raised questions about the enumeration of national races, with one arguing that the law ought to be postponed until the taxonomy itself was resolved. Others said this task would fall to a new union ministry for national-race affairs established under the law.[8] The bill went through a series of proposed changes in which the definition became increasingly convoluted as it attempted to address objections and encompass all possible articulations of national-race identity (Law Drafting Committee 2014).

Ultimately, the definition that the president approved in February 2015 contains none of the parameters of the drafts, or the contents of earlier versions that legislators criticised. Instead, the Law Safeguarding the Rights of National Races in section 2(a) adopts a definition that is even less precise than any of those preceding it, describing national races as "having continuously resided in the Union of the Republic of Myanmar as their homeland." Although the absence of the usual shortlisting of key national races might have satisfied the Naga legislator, the question of who is responsible for determining which groups are national races remains unanswered. For an answer to that question, we must turn to an earlier law, and an earlier reading of the national-race idea: one with damaging consequences for anyone identifying or identified as Rohingya.

## National Race Surpasses Citizenship

In an article on Myanmar's "citizenship crisis," Holliday (2014, 410) cites the English translation of the opening lines to the preamble of the 2008 Constitution, that "the national people [of Myanmar] have been living in unity and oneness," words he says "point to a mythic unity that has never emerged and could be read as a defiant repudiation of ethnic diversity." In Burmese, the term used for "national people" is none other than "the collective people of *taingyintha*." The phrase is repeated three more times in the preamble, signalling both a mythic unity, as Holliday suggests, but with it also a hegemonic conception of unity in diversity, one in which *taingyintha* continues as a trope for Myanmar's many linguistic and cultural groups pulled together in a state-building enterprise.

But the preamble does more than merely situate *taingyintha* at the centre of the narrative on state formation. It puts *taingyintha* over and ahead of citizenship, addressing the political community not as an aggregation of "citizens" but as "national races."[9] From its opening words, the constitution establishes a conceptual relation between national races and citizenship, such that the former is irreducible to the latter. Whereas in the independence constitution of 1947 citizenship preceded and enveloped the national races designation, lexically and legally, today national races precede and surpass citizenship. To talk of the political community "Myanmar" is to talk of *taingyintha*, and to talk to that community is above all to address its members not as citizens but as national races.

The pre-eminent political and juridical position that *taingyintha* now occupies did not, as we have already seen, come out of nowhere with the passing of the 2008 Constitution, even if that document is notable for the degree to which it has not only conjoined the state and national races lexically but also institutionally.[10] Rather, the superordinate relation of *taingyintha* to citizenship was already established a quarter of a century earlier, via the 1982 Citizenship Law.

Researchers and commentators alike tend to misinterpret both the contents of the 1982 law and the manner of its enforcement. News articles and opinion pieces frequently contain statements to the effect that Rohingya "have been stateless since they were collectively stripped of their citizenship in a 1982 citizenship law that recognised 135 ethnic groups" (*Canberra Times*, May 23, 2015). Human rights groups and international organisations make similar assertions (see, for example, Fortify Rights 2014; Green, MacManus, and Venning 2015; Lindblom, Marsh, Motala, and Munyan 2015; Quintana 2009). Scholarly work also misconstrues the 1982 law as having "denied the Rohingya both full and associate citizenship," thereby rendering them stateless (Holliday 2014, 409). In fact, the law contains no reference to the enumerated 135 national race groups nor does it contain any specific sections to deny Rohingya citizenship. Rather, it makes membership in a national race the gold standard for citizenship and the primary basis for determining the rights of someone claiming to be a member of the political community that was then "Burma" and subsequently "Myanmar."

To understand how the law achieved this outcome we need to compare it with its predecessor, the 1948 Union Citizenship Act. The earlier law, working from the 1947 Constitution, took *taingyintha* to mean "Arakanese, Burmese, Chin, Kachin, Karen, Mon or Shan race and such racial groups as had settled in any of the territories included within the Union as their permanent home anterior to 1823AD" (section 3), the cut-off date preceding the first Anglo-Burmese war of 1824–25. Having done so, it then paid no heed to *taingyintha* at all, instead stipulating in section 4 that "any person" whose forebears had lived in Burma for at least two generations would be deemed a citizen. And it went on to offer a range of other conditions that would satisfy the requirements for citizenship. In short, whether a person was *taingyintha* or not was incidental to one's citizenship after 1948. Like its counterparts in other newly independent Asian countries, the state in Burma granted citizenship rights to pretty much anyone residing in its territory and opting for them.

The insignificance of *taingyintha* for the pre-1982 regime is obvious from a glance at the identity documents issued in the period. The National Registration Card or "green card," which was first issued in 1952, under the 1949 Union Residents Registration Act (Khin Maung Kyaw 1971, 120), contains no entry for *taingyintha*. Even after 1964, no government agency had the authority to issue an official document indicating that a person belonged to a particular national race (Khin Maung Kyaw 1971, 190).

The 1982 law turned the contents of its predecessor on its head by making membership in a national race the primary basis for citizenship. It achieved this result in two steps. First, it declared in its section 3 that, "Kachin, Karenni, Karen, Chin, Burman, Mon, Arakanese, Shan and other *taingyintha* and ethnic groups who resided in an area of the state as their permanent home anterior to 1185 Myanmar Era or 1823AD are Burmese citizens."[11] Second, in its section 5 it individualised this provision, consistent with article 145 of the 1974 Constitution, such that, "All persons born *taingyintha*, or all

persons born of parents both of whom are *taingyintha* are citizens." Whereas in the prior law the person's individual status was not contingent on group identity, in 1982 not only were they bound together but also a person's status as a member of a national race, or not, preceded and partly determined their status as a citizen.

Importantly, for hundreds of thousands of people who were not classed as *taingyintha*, section 6 of the law provided that nobody who already had citizenship would lose it.[12] This provision should have functioned to prevent large-scale statelessness by enabling existing citizens to transfer over to the new regime without having to provide evidence in support of their claim, other than an application with a green card attached. But it is at this point that we move from questions of the law's contents to the circumstances of its drafting and application.

After a new constitution for a one-party state took effect in 1974, a law drafting committee began work on the new citizenship law, which passed through three rounds of revisions before a final draft (*Guardian Supplement*, April 21, 1982). Meanwhile, in 1978 the government launched the Nagamin operation to identify, prosecute and expel illegal migrants and non-citizens. Heavy violence accompanied the campaign in border areas adjacent to Bangladesh; a region that successive governments insisted had experienced high illegal immigration since the 1950s. Up to 250,000 people fled across the border. Authorities in Burma buckled under international pressure and took back some 200,000. A state media columnist wrote that the authorities had "gone all the way to accommodate even those who may not have registration cards in hand – even those who can offer only secondary proof that they have resided in a specific place within Burma" (*Working People's Daily*, October 2, 1978). Yet, a little over a decade later hundreds of thousands would again flee into Bangladesh, this time because of the registration process under the terms of the new law being drafted even as they were accepted back in 1978.

One reason that the second exodus did not occur earlier is because the 1982 Citizenship Law was not immediately implemented. Nor was it put into effect after the completion in September 1983 of a set of procedures for its administration. Only after some years did authorities officially begin issuing a Citizenship Scrutiny Card or "pink card," on which a holder is identified by entries indicating whether they are in part or fully a member of one or more national races or otherwise.[13] The work of introducing the new citizenship regime appears to have gone on lethargically and without fanfare.[14] But the year after the new military junta took power in 1988 and had reasserted *taingyintha* as a pre-eminent term of state it started vigorously enforcing the law, requiring anyone with a green card to turn it in for a pink one.

The re-registration process should not have posed an unusual difficulty to many among the Muslim population living near Bangladesh, who were probably better documented than other frontier groups (Aye Chan 2005, 413).[15] But, registration officers apparently acting on orders from superiors refused to re-register people who were entitled to pink cards. Those denied new documentation included not only people who may have been poorly documented but also state university graduates and civil servants who had already had to pass through numerous background checks. Furthermore, people who submitted green cards with their applications to obtain the new pink cards did not have their green cards returned to them, but instead were issued Temporary Registration Cards or "white cards" (ICHR 2010, 97; Kyaw Min 2015, 48).

These cards are, as their name suggests, clearly intended under paragraph 13 of the 1951 Union Residents Registration Rules only as interim documentation. They were never intended as alternative documents for non-citizens; in that case, the person should be issued with a certificate under the Registration of Foreigners Rules, 1948. Nevertheless, white cards were, from the early 1990s, treated as proxy permanent identification documents for some 700,000 people to whom they were issued (UNHRC 2011, 12).[16]

Thus, the process of rendering stateless hundreds of thousands hitherto identified or self-identifying as Rohingya but now officially designated "Bengali" was not *de jure* but *de facto*. It was not achieved by complying with the terms of the Citizenship Law per se, even though the law's contents were in their general intentions inimical to the interests of this population, but through their deliberate breach and selective application.

Because *taingyintha* identity had surpassed citizenship to become the gold standard for membership in the political community "Myanmar," the place of people belonging to non-national-race groups would remain precarious. Meanwhile, those people excluded juridically from Myanmar but living within its territory now had to find a way back in to the political community. And the only way available to them politically, as a collectivity, is to submit to the politics of domination inherent in the national races project, and insist that they too are *taingyintha*. This is exactly what Rohingya advocates have done, causing them to become the targets of much anger from the members of other communities.

## Reproducing the Truth Regime

In mid-2012 then-President U Thein Sein told the visiting head of the United Nations (UN) High Commission for Refugees that with regard to people who had fled from recent attacks into Bangladesh his government would "take responsibility for our *taingyintha*, but under no circumstances would accept illegally entering non-*taingyintha* 'Rohingya'" (*Weekly Eleven*, July 12, 2012, in Burmese). The following year media reported the then-speaker of the national assembly as saying that any failure to protect *taingyintha* from the exceedingly large Bengali populace in Rakhine State would precipitate the end of Myanmar itself (*Voice Daily*, September 30, 2013). And in 2014 when the UN Secretary General visited the country and called on the government to "ensure humanitarian access to Rohingya living in vulnerable conditions" he met with an outcry (*Irrawaddy*, November 13, 2014). An organiser of one of many public gatherings to condemn the UN chief for his use of the term "Rohingya" mapped national-race politics back onto the call for humanitarianism:

> In referring to Rohingya, who are not Myanmar *taingyintha*, Ban Ki-Moon has created an opening [for people to come from Bangladesh]. If we say that there are Rohingya, can we just accept anyone from over there who comes calling themselves Rohingya? In reality, they are not genuine *taingyintha* (*Tomorrow*, December 2, 2014, in Burmese).

While the Secretary General was struggling to respond sensibly to so much offence caused by saying so little, for those working according to the pervasive logic of the *taingyintha* truth regime, the reason for indignation was obvious. By this time, national-race identity was functioning to represent the integrity of the nation and exclude interlopers claiming to

be members of the political community "Myanmar." It is for this reason that, as Leider (2014, 221) has observed, the Rohingya claim "to be a separate ethnic group" is more than anything else what has caused such resentment and generated conflict with their counterparts (see also Thawnghmung 2016). Seen from inside the *taingyintha* truth regime, any claim to be Rohingya is not only to insist upon a falsehood, but also to be at once dangerous and illegal: it is an identity that is both politically and juridically unacceptable. Those people who accept that they are "Bengali" are entitled to present their credentials for citizenship on a case-by-case basis. But any assertions of a collective right to political membership by virtue of being *taingyintha* will not be tolerated, not for any logical reason but because according to the truth regime it must be so. The truth regime is self-validating. It does not invite questions about the reasons for inclusion or exclusion, and to ask after its reasons for the inclusion of some groups and exclusion of others would be to mistake happenstance for design.[17]

However, the present-day political imperatives of the national-races truth regime have to be reconciled with its juridical arrangements, which do allow for the possibility that groups who are not yet recognised as national races can become *taingyintha*. Section 4 of the Citizenship Law stipulates that cabinet has the authority to determine whether or not a group constitutes a national race.[18] Furthermore, paragraph 9 of the 1983 procedures recognises that apart from the eight national races listed in the law, "Many other races and ethnic groups that are *taingyintha* remain," hence the need to make determinations on which groups are *taingyintha* and which are not. In sum, people seeking to participate in the political community "Myanmar" are legally encouraged if not compelled to make claims that they too are national races, and the law implies that a process must for the adjudication and administration of such claims.

Consequently, rather than question the ambiguities and inconsistencies inherent in the national-race truth regime, the advocates of marginalised or excluded groups bypass them. Instead of challenging *taingyintha* they embrace the idea, and insist that they too deserve to be recognised as national races (Thawnghmung 2016, 534; see also Cheesman 2015b). They do not oppose the truth regime itself but rather the proposition that Rohingya are "not included in over 100 national races of the Union of Myanmar" (*New Light of Myanmar*, January 30, 2009). By engaging the state on questions of entitlement according to the terms it has itself laid down, rather than critiquing or challenging those terms, they rehearse the state's own logic (Herzfeld 1992, 109). By acquiescing to the national-race truth regime, they recognise that the surpassing symbolic and juridical power of *taingyintha* is at once their problem and their solution.

Rohingya advocates make their claim to be *taingyintha* in two parts: one evidentiary, establishing the existence of "Rohingya," the other typological, situating Rohingya as a category in the national races schema. The first part, aimed at demarcating the Rohingya as a distinctive linguistic and cultural group deserving of a category in the schema, emerged out of political and ideological struggle in the same period that *taingyintha* grew in stature, from the 1930s or 1940s onwards (Leider 2014, 211; Tonkin 2015, 7–10). Like the arrangements that produce and reproduce the national-race idea, the project to establish the category "Rohingya" advances historical claims based on an admixture of readings and interpretations from manuscripts, coins and engravings to rebut those "narrow-minded racists lacking Union Spirit [who] have fabricated allegations that Rohingya nationals are Chittagonian Indians or forest Indians, Bangladeshi foreigners and so on" (NHRDP 1990, n.p.). The project

is not concerned with establishing a claim that people designated "Bengali" have any rightful claim and place in the political community "Myanmar." Rather, the case for Rohingya as *taingyintha* aims to represent them as a distinctive and unique group that does not wish to be confused with the Bengali any more than any of the other national races, and that this discrete group's claim is legitimate (see Leider 2016).

Whatever their status today, Rohingya had been advocating for recognition and making some headway prior to Ne Win's Union Day address in 1964. By 1960, at least six groups were promoting the Rohingya cause (Yegar 1972, 102). The national encyclopedia refers to Rohingya as comprising some 75% of the population in the region bordering then East Pakistan (Burma Translation Society 1964, 90). At least one military publication carried an article sympathetic to the Rohingya agenda for recognition (in NHRDP 1990, 64). And, in 1961 the Deputy Chief of Defence, Brigadier General Aung Gyi told audiences that the government recognised Rohingya as an ethnic group in the union, and was committed to ensuring that they would obtain citizenship as promptly as possible (Aung Gyi 1961a, 1961b; NHRDP 1990, 49–50). He later wrote that the name Rohingya was agreed upon as official usage for the administration of a special frontier region which ran for six years from 1959, observing that as other races in the country that had once been known by one name had in modern times become known by another, no difficulty had arisen with the choice of term (Aung Gyi 1992, 8).

The second part of the claim is in some respects more difficult to establish, because when explicit references were being made to Rohingya in official and public records, the "national races" truth regime had not yet emerged. That Rohingya were not identified specifically as *taingyintha* when the term denoted different ideas from today and was not yet a term of state *par excellence* is not surprising. Nevertheless, it means that advocates of Rohingya claims to be *taingyintha* must work inferentially and establish their credentials consistent with the conditions that attach to being members of the national races in official histories published since. To write history for this purpose of establishing the existence of Rohingya is to rely upon the official history-writing project and the claim that "national races" also exist. It is to engage in a box-ticking exercise: national races have lived in the territory now designated Myanmar anterior to 1823, and so have Rohingya; national races lived together amicably prior to the British invaders' arrival, and so did Rohingya; national races fought together against the imperialists from the time of their incursion until the time of national independence, and Rohingya also laid down their lives for this cause (see Aung Khin 2012; Kyaw Min 2013, 2015; NHRDP 1990).

Thus, the alternative history that Rohingya advocates articulate, while being a history told "from within the shadows," is not a counter-history of subjugated knowledge of the sort that Foucault (2003, 70) envisages because although it aims to bring out historical contents that are buried and disqualified and contest some premises of the truth regime, it does not question the premises of the regime itself, or its underlying "truths." Far from releasing anyone from the *taingyintha* truth regime by virtue of their articulations, Rohingya advocates reproduce it.

## Conclusion

In his discussion of Myanmar's "citizenship crisis," Holliday (2014, 416) expresses concern at the tendency to focus "largely on the question of whether Rohingya are an indigenous or national minority," urging instead for attention to be directed towards

how best to build equal rights for this group. While I am sympathetic to his argument, and share with Holliday hopes for the emergence of a tolerant, consociational democracy in Myanmar, it is simply not possible to bypass the politics of national-race identity on the way to the question of citizenship. The latter is subsumed under the former. Myanmar's citizenship crisis is, like the question of Rohingya identity, a feature of the surpassing political force of the national-race idea. Without confronting the "national races" problem, Myanmar citizenship will remain in crisis.

The genealogical method that I have used to that end does not invite a prescription for the problems that the idea of *taingyintha* creates. It is not aimed at delivering solutions to the problems it uncovers. Nevertheless, it can be transformative. Foucault (1980, 133) insists that "the essential political problem for the intellectual is…that of ascertaining the possibility of constituting a new politics of truth." Having shown how particular truths come from contingent historical episodes, not as natural features of human relations, genealogy frees us to imagine other possible worlds (Bevir 2010, 430). An obligation now falls on the researcher to envisage something else in its stead, and to act to realise it.

Although this obligation may seem onerous, given the degree to which *taingyintha* has been naturalised and elevated as a term of state, neither the national-race idea nor its taxonomy is especially beguiling. It persists not because it is believable but because of its coercive power, because of the manner in which it functions to dominate and exclude politically. Consequently, self-identifying Rohingya have little choice but to give assurances that if included in the schema of national races they will be demonstrably good citizens by showing their commitment to the idea of *taingyintha*. Because people in a tenuous position have more to gain from showing their commitment to a project for political domination than people who are secure in their membership, ironically they aim to show that given the chance they could be more vociferous defenders of the truth regime than anyone.

Under these circumstances, Foucault's essential political problem of ascertaining the possibility of constituting a new politics of truth takes on an even greater urgency. A special responsibility falls to people who are not beholden to the politics of *taingyintha*, not subject to its practices of elision and domination, to ask questions of the national-race truth regime, to interrogate it. This responsibility extends beyond pointing to specific arrangements to deny Rohingya a place in the political community, and rightly condemning the gross and manifest abuses of human rights that people who identify or are identified as Rohingya suffer. It also extends to recognising and explaining how ultimately Myanmar's problem is not a "Rohingya problem" but a national-races problem: how the surpassing status of *taingyintha* itself is the problem.

To discharge this responsibility in particular requires of scholars that they challenge rather than uncritically adopt national-race categories for their analyses, and question rather than accept the premises of the *taingyintha* truth regime. Adapting Brubaker (2004, 32), we might say that the undeniable salience of specific ascribed national-race categories (or for that matter, ostensibly racial or ethnic categories) for the practice of politics in contemporary Myanmar does not require their use as categories of scholarly analysis. Not only might other categories of analysis or other modes of inquiry demand fewer intellectual and perhaps political compromises of the researcher, but they may also liberate scholarship on politics and conflict in present-day Myanmar of many of its self-imposed constraints.

A special responsibility also falls to those people who are part of the political community "Myanmar" but are least threatened by the present arrangements, by virtue of being authentic *taingyintha*. Because people living in Myanmar who are excluded from the national races are not themselves in a position to contest the truth regime's premises, its beneficiaries need to challenge them vigorously. So far we have little evidence that Burmese intellectuals and academics, let alone politicians or prominent religious figures, are cognisant of this responsibility, far less that they might be willing to take it on.

Given the pre-eminence of the *taingyintha* truth regime, the unpreparedness or unwillingness of intellectuals and political leaders to challenge its politics is hardly surprising. As these people are themselves subjugated by the politics of national races, even in their attempts to exert control over the idea they succeed in reproducing it, and in reinforcing the primacy of the state-building project innate to *taingyintha*. Nevertheless, evidence of some sustained efforts to speak back against not just the taxonomy of national races but also the idea itself will, for me at least, give cause for hope that Myanmar might one day become democratic: not in the sense that formal procedures exist to elect political representatives, or that military institutions are at last subordinated to civilian ones – although these conditions are necessary – but in the sense that the members of its political community are judged not according to the characteristics assigned them at birth but through their actions and opinions; what they say, do, and think (Benhabib 2004, 59). This vision of democratic politics does not occlude linguistic, cultural and religious difference, or deny its political salience, but nor does it privilege the identities of some categories of persons so as to elide others who notwithstanding would be entitled to participate in the community as political equals.

## Notes

1. The authoritative Burmese-English dictionary for the period contains an entry for *taingthu-pyitha* but none for *taingyintha* (Judson 1893). A widely used English-Burmese dictionary published in 1906 translates "native" as *taingyintha* or *pyiyintha* but makes no reference to it under entries for national or nationality (Tun Nyein 1906). Significantly, one of the most comprehensive dictionaries published after 1964 contains no less than seven entries for *taingyintha*, including two referring to it as a signifier for national solidarity (Hoke Sein 1978).
2. In the pre-colonial period *lumyo* operated across a variety of classificatory schema, which were class and caste-based. The radical bifurcation of *lumyo* was between noble and commoner. Consistent with Indic political theory, a fourfold stratification further divided *lumyo* into rulers and warriors, priests (Brahmin), traders and merchants and labourers (Tin 1965, 11).
3. An exception was the Arakan National Congress, established in 1939, which despite its translation to English as "national," in Burmese was not *amyotha* but *taingyintha*, or rather, the All Arakan Nationalities Congress (Ba San 1996, 48–64). Another exception was the United Mon Association, or Mon *Taingyintha* Association, formed in late 1945 and active from 1946 as the first Mon group with an overtly political agenda (Pantha 2014, 66–67; South 2003, 101). Thanks to Ashley South for his communication on this topic.
4. The published text of the draft constitution does not offer a definition of minority *taingyintha*, but in his book published over a decade later U Thant (1961, 189) identifies "majority" *taingyintha* as Mon, Burman and Arakanese, and "minority" *taingyintha* as "Shan, Chin, Karen, Karenni, and so on."

5. *Pyidaungzu Taingyintha Lumyomya Punbyoye Theikpan*. In 1991 the academy was rebadged as a university (Sabebiman 1996); and later was replaced by two degree colleges for "union national-race youths" (*Myanma Alin*, September 22, 2011).
6. The chairman of the military junta, General Saw Maung, made a passing reference to the 135 national-race groups in a press conference on July 5, 1989 (*Working People's Daily* 1989, 41); however, it was not until the following year that the junta began referring to the number routinely. I thank Derek Tonkin for drawing my attention to the 1989 speech.
7. The tables in 1953 list data for Burmese, Karen, Shan, Chin, Kachin and Karenni followed by "other indigenous races," then Indian and Pakistani, Chinese, European and American, and other races. The 1983 published data contain the same categories for national races; however, other categories are Chinese, Indian, Pakistani, Bangladeshi, Nepalese, "mixed foreign and Burmese," and "other foreign" (Immigration and Manpower Department 1986). The published data for Arakan State from 1983 suggests that Rohingya were classed among Bangladeshi, who officially constituted 24.3% of the total population in that state (Immigration and Manpower Department 1987, 1–14).
8. On March 21, 2016, the newly elected National League for Democracy-majority legislature approved the establishment of the new union-level Ministry of National Race Affairs, or *Taingyintha-yeya Wungyi-dtana* (*Myanma Alin*, March 22, 2016). In English, it has been designated the Ministry of Ethnic Affairs, concealing its distinctive nomenclature.
9. The preamble invokes national races seven times in two pages, repeatedly addressing the "national people" as *taingyintha*. The term for "the state" features 18 times, "sovereignty," thrice, "citizen," not once.
10. Section 56 establishes special autonomous regions for designated national race groups, while under section 161, *taingyintha* get seats reserved in the legislatures of states and regions where they reside if they have a population of at least 0.1% of the nationwide total (see TNI-BCN 2014, 12).
11. Paragraph 5 of the Procedures Concerning the Citizenship Law (Council of Ministers Notification No. 13/83), stresses that Kachin, Karenni, Karen, Chin, Burmans, Mon, Arakanese, Shan and others who had not settled in the territory of Burma for the requisite period are not *taingyintha* for the purposes of the law.
12. However, paragraph 7 of the 1983 Procedures Concerning the Citizenship Law is clear that these persons are "not citizens by birth" and therefore they can be prosecuted and can have their citizenship revoked if they have acquired it by deceit (see Cheesman 2015a, 112–114).
13. A pink card may have multiple hyphenated identities indicating parentage and lineage. For discussion and illustrations see Nyi Nyi Kyaw (2015, 52–53).
14. Accounts differ on when the law was first implemented. Tun Tun Aung (2007, 278) says 1985; Aye Chan (2005, 413), 1987. U Kyaw Min (Interview, Yangon, July 18, 2015) says that the new regime was not rolled out on the border of Bangladesh until 1989. His account is consistent with state documentation showing renewed interest in firm application of the 1982 law and its regulations under the junta that seized government in 1988. See State Law and Order Restoration Council Letter No. 057/1-1/NaWaTa, August 24, 1989 (in Burmese), circulated to the chairmen of military councils in all states and divisions, concerning work for the issuance of new identity cards.
15. The percentage of the Muslim population on the border with Bangladesh holding identity documentation at the time is difficult to estimate. Tonkin (2015, 18–19) notes that some 65% of repatriates from Bangladesh held green cards. The estimated percentage is complicated by the presence of children under the age of 12 who were not entitled to cards, suggesting that the percentage of eligible returnees holding cards would have been somewhat higher. The returnees reportedly included relatively few young men (Farrer 1979, 4), who would have had more difficulty getting cards after 1962 than their elders in earlier periods.
16. Under pressure from a Rakhine political party, at the end of March 2015 the government cancelled the white cards and replaced them with new interim documentation (President's Office Notification 19/2015, February 12, 2015; see Chit Win and Kean 2017). The card's

annulment might have resolved some of the ambiguity associated with the earlier regime, but the new document in effect confirms the existence of a category of persons that the state refuses to admit to any established legal or political category.

17. The question of why, for instance, certain groups like the Muslim Kaman (see Nyi Nyi Kyaw 2015), or Kokang of the border with China (see Maung Aung Myoe 2011), have obtained nominal recognition on the list of 135 national race groups while the Rohingya have not cannot be answered logically absent of a coherent set of criteria for determining whether or not a group is eligible for membership, or an epistemology permitting the objective identification, classification and perhaps measurement of each group of persons according to these criteria.
18. Under the 1982 law, the Council of State had this authority. Its successor military junta assumed the power of the Council of State via the 1988 Adaptation of Expressions Law. Since the 2008 Constitution took effect, presumably authority to make determinations under section 4 would fall to the Union Government, comprising the president, vice presidents, ministers and the attorney general.

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