

“The Ancestral Line is through the Father”: The Gendered Production of Statelessness in Rural Myanmar

Erin L. McAuliffe 

Myanmar’s citizenship law is stratified by ethnic membership, but, on the books, it is gender neutral. Much attention has therefore focused on ethnic discrimination codified in the law. But individuals whose ethnic identities should provide them with a legitimate claim to citizenship continue to face barriers. Why is this the case? This article examines the additional obstacles that women face legitimating their ethno-national membership and conferring citizenship on their children, despite the gender neutrality of the citizenship law. I argue that the patriarchal structure of evidentiary documentation and patrilineal understandings of ethnic membership transmission shared by village leaders operating as key gatekeepers influence which parent’s claim—father’s or mother’s—to taingyintha (Indigenous or national ethnicity) membership can strengthen or weaken an individual’s chances of obtaining citizenship. The ethno-national identity of women is not evaluated equally to that of men, challenging women’s ability to capitalize on their taingyintha identity for citizenship purposes and contributing to the reproduction of statelessness across generations. I focus on this intersection of gender and ethnicity in establishing ethno-national membership and citizenship across variation in regional geopolitical environments to expand socio-legal knowledge on how formal and informal discrimination together exacerbate inequalities beyond the letter of the law.

INTRODUCTION

U Hla Pu, the village headman, turned to me and said, “we always need to know who the father is. The father always needs to be in the system for these documents. The ancestral line is through the father.”

— Interview with U Hla Pu (Akha village headman in Eastern Shan State),
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Existing scholarship on gender and statelessness has focused largely on direct discrimination in the law that denies women the right to confer their nationality or citizenship status on their children (Laczo 2010; Theodorou 2014; Fisher 2015; Petrozziello 2019). Historically, many laws indeed prioritized the nationality of men since men were seen as responsible for the cultural and political character of the family (Collins 2011; Sainsbury 2018). Fathers were preferred in determining children's citizenship eligibility, and women were often required to relinquish their nationality and obtain that of their husbands once married. While some countries maintain gender discriminatory citizenship laws, such direct and *de jure* discrimination is largely considered a phenomenon of the past.

In Myanmar, citizenship laws have been gender neutral since independence in 1948. Ethnicity serves as the major axis of exclusion from Burmese citizenship, not gender. Exclusion based on ethnicity operates through the politicization of *taingyintha* (translated roughly as "Indigenous ethnicity") as the dominant classification of inclusion in the nation (Cheesman 2017). Notably, *taingyintha* excludes ethno-religious "others" from this category, which is how, for example, the Rohingya and other Muslim minorities have often been overtly denied Burmese citizenship. Most studies on citizenship exclusion in Myanmar have therefore focused on this particular mechanism of statelessness among ethno-religious minorities (Thawngmung 2016; Nyi Nyi Kyaw 2017; Prasse-Freeman 2017; Crouch 2021).¹

This article examines a more covert mechanism that reproduces statelessness among *taingyintha*, focusing especially on the ways in which gender compounds ethnic inclusion and exclusion. According to Myanmar's citizenship law, individuals are given full, uncontested Burmese citizenship at birth if they are identified by the state as *taingyintha*. Being born *taingyintha* presumably means being born to two parents whose *taingyintha* identity is recognized by the state. According to the law, if only one parent—regardless of whether it is the mother or father—is recognized as *taingyintha*, the child can apply for a secondary form of citizenship. In practice, however, if only the mother is *taingyintha*, she faces greater challenges transmitting her citizenship to her child, especially in the country's rural borderlands. This makes the child effectively stateless, which is a disadvantage that will be passed on to subsequent generations.

What contributes to this gendered reproduction of statelessness even among ethnically preferred populations? I argue that we must examine how gendered ideologies and social structures intersect the policies and practices of citizenship adjudication. My findings, along with Olivia Salcido and Cecilia Menjívar (2012), demonstrate how gender ideologies permeate citizenship processes and contribute to inequalities, despite gender neutrality in the law. Drawing on several months of fieldwork in 2019, I show how the patriarchal structure of evidentiary documentation and the patriarchal culture that shapes key gatekeepers' and decision-makers' beliefs and actions make it more difficult for *taingyintha* women than men to transmit their ethnic privilege and Burmese citizenship to their children. I further identify regional differences in this gendered

1. The law in principle makes it possible for non-*taingyintha* like the Rohingya to apply for full or secondary citizenship. But the application process requires them to establish their eligibility through documentary evidence of their parents' and grandparents' identities and residencies, and this documentary requirement proves extremely challenging for most individuals, in practice, to establish their claim to, and eligibility for, citizenship (Rhoads, *forthcoming*).

outcome, demonstrating how, in certain regions, racialized anxieties about the boundary of the nation are projected more intensely onto women whose husbands’ or children’s fathers’ ethno-national identities are either suspect or unknown.

I pay special attention to village leaders—village headmen (*ywalugyi* or *ywathugyi*) and village tract administrators (*okchokyayhmu*)—who become key local gatekeepers in the provision of citizenship. While neither are formal state employees today, these village leaders have long been crucial mediators or brokers between the formal state and villagers. During colonial rule, which relied heavily on decentralized or bifurcated systems of governance in the colony’s “Frontier,” or rural periphery, village headmen were formally considered government agents (Taylor 2009; Huard 2019; Faxon 2021). But while they continue to play an important role in conflict resolution, mediation, and everyday village affairs, they are not formally part of the country’s modern government bureaucracies and often try to “keep the state at arm’s length” (Scott 2009, 9; Huard 2019).² Village tract administrators today are also not formal government employees, despite receiving a travel subsidy by the government to attend meetings (Huard 2019).

This article will show that these village leaders came to play a key gatekeeper role in formal citizenship provision, particularly as the central government intensified efforts to document its rural population following the 2014 census. These efforts made village leaders’ affidavits³ an indispensable component of citizenship applications. The article will also demonstrate that growing immigration concerns and rising racialized anxieties across the country have reinforced this gatekeeping power of local actors. The central state now relies more heavily on their knowledge to prevent “illegitimate immigrants” from gaining access to citizenship. Their central role in citizenship provision requires us to reflect on and reconsider existing scholarship on bureaucracy and statehood, especially with regard to formal citizenship governance in the global South where state security concerns are often high but central state authority is weak.

I argue that the heavier reliance on local leaders is key to understanding the gendered reproduction of effective statelessness despite the absence of legal discrimination. In deciding whom to provide affidavits, village leaders rely on local understanding of kinship relations and belonging that elevate the status of men in the family and community. As I will also show, their practices mirror the patriarchal structure of key evidentiary documents required for citizenship, particularly the household list that privileges the father’s information, despite the gender neutrality of the citizenship law.

2. The recent military coup in 2021 may be changing the role of village headmen and their relationship to the state; however, throughout most of the modern post-independence period, these headmen were not formally part of modern government bureaucracies.

3. I use “affidavit” to refer to both the formal written affidavit provided by the village tract administrator for villagers’ missing documentation or information on documents as well as the more informal “recommendation letter” (*htaukansa*) provided by village headmen used to provide affirmation of an applicant’s identity and residency. The *htaukansa* from the village headmen generally states who the individual is and that they (and their family) belong to the village headmen’s village. Such an informal affidavit is often required when individuals lack all or most forms of evidentiary documentation and the village tract administrator does not personally know the villager, which is common in the rural mountainous regions. Villagers, village leaders, non-governmental organization (NGO) workers, and state officials referred to both kinds of documentation as a *htaukansa*, and so I have chosen to use the term “affidavit” to represent both forms of evidentiary documentation.

The interpretations and practices of village leaders, combined with the structure of evidentiary documents, reinforces patriarchal cultural norms that (re)produce inequalities beyond the letter of the law.

The ensuing discrepancy between the official law and discriminatory practices on the ground would likely not be contested by the Myanmar state. While the citizenship law is gender neutral, and the government promotes an official narrative of gender equality, the Myanmar state continues to be shaped and guided by patriarchal norms and practices that subordinate women (Ikeya 2005, 2011; Tharaphi Than 2014; Minoletti 2016; Faxon 2017). Furthermore, because of women's role in "reproducing the nation," their bodies have often been sites of state anxiety and targets of state migration and citizenship governance (Brown 1992; Yuval-Davis 1993; Haney 2000; Ikeya 2005; Lonergan 2018). This research contributes to our understanding of ethno-national boundary making, especially the more mundane struggles over how ethno-national membership is established in bureaucratic settings, by showing how legalized ethnic discrimination meets entrenched patriarchal norms to produce effective statelessness beyond the letter of the law.

The organization of this article is as follows. The next section explains the theoretical framework, building on theories of state power and ethno-national boundary making, on the one hand, and theories of street-level bureaucracy and legal pluralism, on the other. It is followed by my data and methods. The empirical section begins with a historical overview of the country's citizenship laws. I outline the legal pathways to citizenship since independence, showing how ethnic exclusion has intensified, while the law has remained gender neutral, and how recent government efforts have increased the state's reliance on village leaders. Finally, I analyze how the structure of key evidentiary documents and villagers' understandings of ethno-national belonging buttress patriarchal norms in ways that hinder women's ability to capitalize on their ethnic identity for citizenship purposes. I conclude by discussing the article's broader theoretical implications for the studies of statelessness, ethno-national boundary making, and legal pluralism.

THE MANY HANDS OF THE STATE⁴: CONSTRUCTING ETHNO-NATIONAL MEMBERSHIP AND CITIZENSHIP

Citizenship Laws, Administration, and Street-Level Bureaucracy

Citizenship scholars have shown how the modern state regulates ethnic, racial, and religious boundaries and how states make ethno-racial or ethno-religious classifications politically significant (Wimmer 2008; Mullaney 2011; Loveman 2014). Basing access to citizenship on the recognition of an individual's ethnic, racial, and/or religious identity is one of the most powerful ways in which states make and unmake ethno-racial and ethno-religious boundaries (Brubaker 1992; Joppke 2005; Brubaker and Kim 2011; FitzGerald and Cook-Martín 2014). The redefinition of national boundaries through the revamping of citizenship laws has taken an especially dramatic form in the aftermath of colonial rule or state breakdown (Koska 2012; J. Kim 2016; Vasiljević 2018; Parla

4. This term is borrowed from Morgan and Orloff 2017.

2019). In Myanmar, for example, taingyintha became the most dominant and salient ethno-national⁵ classification in postcolonial nation building, operating as the defining mechanism of citizenship inclusion and exclusion (Holliday 2014; Ferguson 2015; Thawngmung 2016; Cheesman 2017).

The state, however, cannot exclude ethnic “others” simply by declaring ethnic membership to determine citizenship and creating official ethno-national categories. For ethnicity-based citizenship exclusion to work, the state must determine which markers of ethnic and national identity, such as language, dress, or family relations, are necessary to establish individuals’ ethno-national membership (Calavita 2000; Morning 2008; J. Kim 2019; Ng’weno and Aloo 2019). Such conversations also commonly revolve around questions of descent as states grapple with how to designate the ethno-national identity of children born to only one parent identified as belonging to a favorable ethno-national group (Laczo 2003; Collins 2011; Chung, Draudt, and Tian 2020).

Moreover, the state relies on individuals to implement the state’s exclusionary policy. These individuals are tasked with verifying the indicia of ethnic membership presented by citizenship applicants on the ground (Sadiq 2009; Flaim 2015, 2017). Such verification hinges largely on the everyday actions, interpretations, and beliefs of street-level bureaucrats—the lower-level public service workers who exercise considerable discretion in their everyday interactions with people (Lipsky 1980; Gilboy 1991; Heyman 1995; Maynard-Moody and Portillo 2010; Engelcke 2018; Borrelli 2022). Recent work on ethno-national boundary making has shown (1) which indicia of ethno-national membership are favored; (2) the (gendered) rule of ethnic membership transmission; and (3) that the discretionary power of street-level bureaucrats determine to what extent individuals can actually capitalize on their ethnicity, gender, class, or family relations for citizenship purposes (Calavita 2000; Ehrhardt 2017; J. Kim 2019).

Existing scholarship highlighting the discretionary power of street-level bureaucrats in the provision of state goods, especially citizenship acquisition, has paid less attention to “bureaucracy” and “bureaucrats” beyond formal state institutions. One exception has been recent scholarship on welfare provision, which underlines the important involvement of actors and organizations not formally part of, but often related to, official state bureaucracies (Sharma and Gupta 2006; Brodtkin 2012; S. Kim 2013; Rusczyk 2019; McCarthy 2020). Non-governmental organizations (NGOs) have become crucial in the provision of welfare services in part because of their knowledge of, and proximity to, local communities and in part because of the neoliberal retrenchment of the welfare state in the West. Citizenship provision, by contrast, is widely accepted to be the state institution where formal state bodies and actors have unilateral power to determine eligibility and distribute documents (Torpey 2000; Caplan and Torpey 2001). In countries where the central state has limited knowledge of, and political authority over, peripheral populations, however, local-level leaders are summoned by the central state to assist applicants and provide

5. Ethnicity is often a crucial component of defining national membership. As such, I use the compound term “ethno-national” to conceptualize these identity categories and classifications in the broader literature (see Fenton and May 2002; Wimmer 2008). As ethnicity is a crucial determinant of national belonging and membership in Myanmar (see Cheesman 2017), my use of ethno-national to broadly refer to ethnic/national classifications and their political salience is appropriate for the case of Myanmar.

key affidavits offering proof of eligibility to state officials (Sadiq 2009; Risse 2011; Flaim 2017).

A recent call to expand the literature on street-level bureaucracy beyond its concentration on the global North (see Lotta et al. 2022; Peake and Forsyth 2022) is useful to capture the role of these local leaders in ethno-national boundary making and citizenship conferment. This study contributes to this call by building on and joining several existing studies of local-level citizenship governance and service provision in regions of the world commonly designated as part of the global South. For example, Amanda Flaim (2015, 30–31, 142) emphasizes the ways in which citizenship in Thailand is mediated by individuals and documents at the household, village, and district levels, resulting in rather arbitrary and discriminatory pathways to citizenship for Indigenous ethnic minorities. In the Middle East, Joseph Suad (2005) studies the mediating role of religious institutions in family affairs with implications for women's access to citizenship. Both Lina Abou-Habib (2011), focusing on the Middle East, and Gerard McCarthy (2020), studying Myanmar, show the significant role that NGOs and non-state actors play in providing state welfare rights to individuals. Collectively, these scholars reveal the limitations of theorizing bureaucracy and state service provision in various domains, such as citizenship conferment, exclusively through empirical cases from the global North, and they emphasize the diversity of decision makers and institutions involved in formal state policy making and goods distribution (see Gupta 1995, 2012).

State Capacity, Legal Pluralism, and Gatekeepers beyond the State

As many studies of governance in developing countries have long shown, the absence of centralized state control, whether intended or not, results in the delegation of governance to non-governmental and local authorities, such as traditional or Indigenous local leaders (Greenhouse, Mertz, and Warren 2002; Chatterjee 2004; Zwingel 2005; Sharma and Gupta 2006; Cammett and MacLean 2014; Piper and von Lieres 2015; Förster and Koechlin 2018; Wael 2019). In a similar vein, studies of legal pluralism have challenged the idea that law is only rooted in the state and show how broader social norms and beliefs shape legal outcomes (Nader and Todd 1978; Arthurs 1985; Merry 1988, 2012; Cotterrell 2006). The recent call to reconceptualize street-level bureaucracy with more systematic consideration of the different forms of states and political cultures draws on these theories to emphasize the diversity and complexity of “the state” and actors vested with decision-making authority (Lotta et al. 2022; Peake and Forsyth 2022).

These theories and insights are critical to analyzing the gendered reproduction of statelessness in Myanmar's rural borderland for two reasons. First, studies have shown that local leaders are given greater authority where, as in Myanmar's rural borderlands, geopolitical concerns heighten suspicion of the local population but the state lacks the infrastructural capacity to make them legible on its own (Sadiq 2009). Compared to neighboring China and India, Myanmar is a relatively small, politically weak country, and state officials feel beset with geopolitical anxieties—specifically, the constant fear of infiltration by immigrants who unlawfully obtain citizenship (Ghosh 2019;

Borrelli 2022).⁶ These challenges are particularly strong in frontier regions where territorial borders developed across existing kin networks and cultural communities and where populations often live without a formal political or economic relationship to a state (Toyota 2003; Scott 2009; Middleton 2013). Local leaders who are not part of the formal state institutions are likely to play key gatekeeper roles in this context.

Second, the delegation of state authority to non-governmental and local authorities can bring about gendered consequences in women’s citizenship rights, especially in societies where patriarchal norms and customs prevail (Abou-Habib 2011). Feminist theories of the state have demonstrated the embeddedness of patriarchy in all dimensions of state power. In Myanmar, the central government is likely to tolerate or even endorse the violation of women’s citizenship rights, especially when women are seen as responsible for the reproduction of the “purity” of the nation, making their bodies a prime site of boundary policing (Brown 1992; Yuval-Davis 1993; Haney 2000; Ikeya 2005, 141; Lonergan 2018). This again characterizes Myanmar’s rural borderlands where ongoing conflict, combined with high levels of autonomy, has contributed to single motherhood, human trafficking, displacement and migration, and uncertainties between the boundaries of taingyintha and foreigner. These characteristics indicate that, while the citizenship law in Myanmar is gender neutral, the patriarchal norms and customs that permeate the political culture, especially the gendered understanding of ethno-national membership transmission, and geopolitical anxieties are likely to hinder women’s ability to access the formal legal process through the mediation of these local gatekeepers.

For these reasons, the distribution of citizenship in Myanmar’s rural borderlands provides a particularly illuminating case through which to explore how the involvement of various actors and normative orders produce decoupling between citizenship eligibility as stated in the law and as determined on the ground, and how this decoupling generates particularly gendered patterns in the reproduction of statelessness. The remainder of the article will show that village leaders become central to the production and affirmation of citizenship documents. Their actions to provide or withhold key affidavits are determined, in part, by their ideas, norms, and understandings of family, community, and national belonging. These ideas are reinforced through the patriarchal structure of evidentiary documentation, despite the inclusivity of the law.

DATA AND METHODS

This study relies on a close, multi-method inspection of the citizenship application process to uncover gender discriminatory outcomes influenced by the patriarchal structure of evidentiary documents and the central involvement of village leaders. I analyzed government documents, interviewed key informants involved in local-level citizenship applications, and interviewed villagers about ethno-national membership, family, and their citizenship application process. I focused my fieldwork in Myanmar’s Shan State, a

6. Indeed, as Jayde Roberts and Elizabeth Rhoads (2022) point out, the motto “being swallowed by the earth will not cause a race to become extinct, only another people will make a race extinct” is stated across the website and office walls of Myanmar’s Ministry of Labor, Immigration, and Population. In other words, there is the fear of foreign invasion through foreigners taking over the country’s ethno-national population.

northeastern administrative region bordering China, Thailand, and Laos, where ethno-national membership is contested, and families are particularly impacted by ongoing geopolitical conflicts and anxieties.

The Burmese government's elusive definition of taingyintha provides one window of opportunity through which to study how struggles unfold between individuals and decision makers in ethnicity-based citizenship provision. The Burmese government has consistently referred to the "list of 135 taingyintha groups," but how these groups are determined and which specific groups this list includes has been elusive or inconsistently discussed (Cheesman 2017). Consistently clear in the government's narrative, however, is who should be excluded from taingyintha membership and citizenship, notably the Rohingya, a Muslim minority group violently persecuted by the Burmese government, whose members claim they are foreign to Myanmar. Citizenship exclusion based on ethno-religious identity is an overt mechanism of discrimination. Not only are Muslim minorities like the Rohingya excluded from taingyintha, but there are several discriminatory laws targeting Muslims or mixed-religion households.⁷ The children of parents who belong to different ethno-religious groups often face significant barriers accessing citizenship irrespective of which parent identifies as Muslim.

To understand more of the mundane processes of inclusion and exclusion beyond criteria explicitly stated in the laws, I conducted my research in Shan State where much of the population is rural and identifies as taingyintha but, prior to the 2010–11 quasi-democratic transition, largely lacked any form of civil documentation. To hone in on these more covert and mundane mechanisms of exclusion that often unfold during government efforts to determinate citizenship eligibility among the population, I specifically focused on minorities whose claimed ethnic identity is designated as "indigenous." Shan State borders China, Laos, and Thailand and is home to over thirty of the 135 government-recognized taingyintha.⁸ Many of these taingyintha are also categories of "hilltribes" (*chaokhao*), designated by Thailand, or "national minority ethnicities" (*shaoshu minzu*), designated by China. Shan State also contains five of the country's semi-autonomous self-administered zones granted to certain ethnic minority populations. The geographic isolation and higher levels of local autonomy lead government officials to rely heavily on village leaders in their effort to extend governance into Shan State.

Additionally, the prevalence of migration, displacement, and gender-based violence in Shan State make it an apt field site for studying the intersection of gender, citizenship, and community belonging. In fact, it is through my own previous experiences in Shan State that I first became familiar with issues of belonging and recognition for women in the context of displacement, conflict, and trafficking. Shan State continues to experience ongoing civil wars between armed ethnic organizations and the Burmese military. The use of rape as a weapon of war, combined with the disappearance or death of men conscripted to fight, have increased the proliferation of single motherhood in the region (Shan Human Rights Foundation [SHRF] and Shan

7. With respect to Myanmar, see the Law for Health Care Relating to Control of Population Growth, Pyidaungsu Hluttaw, 2015; the Law Concerning Religious Conversion, Pyidaungsu Hluttaw, 2015; the Buddhist Women Special Marriage Law, Pyidaungsu Hluttaw, 2015; and the Law on the Practice of Monogamy, Pyidaungsu Hluttaw, 2015.

8. These data are according to the official list of ethnicities used for the 2014 census.

Women’s Action Network [SWAN] 2002; Women’s League of Burma [WLB] 2014). These factors also contribute to high levels of forced migration and displacement, which can separate women from their families and strong community networks that can otherwise help women’s recognition and status. Furthermore, parts of Shan State are along drug- and human-trafficking routes, where sexual violence against women is well documented. Not only do these issues proliferate single motherhood, but they induce high levels of social stigma that impact women’s relationships with leaders in their communities (Gender Equality Network [GEN] 2015; SHRF and SWAN 2002).

I conducted interviews in all three subregions of Myanmar’s Shan State between May and August 2019 with three local research assistants (RAs). I conducted interviews in English and Burmese. My RAs assisted with translation from Shan, Akha, and Lahu, three ethnic minority languages spoken by many of the villagers we interviewed, as well as with subtleties in Burmese since Burmese is not my native language. I worked with a local RA from each subregion who identified with, and was recognized as, belonging to one or more local ethnic minority community. My RAs spoke Burmese and one or more ethnic minority languages fluently, and they all spoke English at an advanced level.

The status as an “insider” of each of my RAs was crucial not only for linguistic and cultural interpretations but also for trust and rapport building between us and our interlocutors. Their insider identity made them a valuable asset to the recruitment and selection of villages and local organizations. Furthermore, my RAs were important contributors to the interviews themselves beyond simply translating between languages. Their familiarity with local histories and cultures contributed to important leading and follow-up questions in our interviews. In contrast to my RAs, I was an outsider. My status as an outsider, however, was complicated by my familiarity and experience in the region and my ability to communicate in local and national languages, which facilitated trust and openness with the individuals. It is likely that my outsider status facilitated my ability to ask questions about citizenship and documentation that would have seemed “too obvious” or “suspicious” if asked by local researchers (for a similar discussion, see Fujii 2009, 34). My identity as a foreign researcher served as a symbol of my naivety. My interlocutors responded to my questions in ways that indicated they wanted to teach me about their experiences in Myanmar. But, because of my linguistic abilities, many interlocutors also asked me questions about citizenship and politics in the United States, turning our interactions into reciprocal conversations about citizenship in Myanmar and the United States.

My RAs and I interviewed two groups of individuals. First, we interviewed key informants involved in local-level citizenship applications to understand the roles of various actors and their relationship to the citizenship verification process. We interviewed NGO workers involved in advocacy and documentation efforts, local government officials, and village headmen (for an overview of interviewees, see Table 1). The village headmen were all men, which is consistent with the overrepresentation of male-headed households in Myanmar⁹ and the continuing masculine

9. A man was the household head in 76.3 percent of enumerated households in Myanmar and 81.2 percent of households in Shan State specifically in 2014.

TABLE 1.

Overview of Interviews Conducted with Key Actors Involved in the Provision of Key Documents

ACTOR	# INTERVIEWS	GENERAL ROLE
NGO workers (male and female)	16	Lead advocacy and awareness efforts regarding the need for and benefits of documentation; provide villagers with assistance completing and compiling citizenship application components
Village tract clerk (GAD) (male)	1	Assist with government documentation projects in their respective village tract
Village midwife (female)	1	Assist with birth registration in the villages and provide awareness regarding the importance of birth registration
Village headmen (male)	7	Local (male) elders of a village who are often asked to provide affidavits for individuals the village tract administrator does not formally know

nature of household and village affairs (Enlightened Myanmar Research Foundation [EMReF] 2012; Minoletti 2016; Huard 2019). While we did not interview any village tract administrators, these individuals were referred to frequently by other interviewees.

Additionally, we conducted twenty-six interviews with villagers belonging to six ethnic minority groups—Shan, Lahu, Akha, Wa, Ta'Ang (Palaung), and Ang—across twelve villages in Myanmar's Shan State, which exposed individuals' experiences applying for citizenship documentation and how they themselves interpreted citizenship eligibility. I did not specifically ask these interviewees for their citizenship status or identification (ID) card type during recruitment or the interview, though several did explicitly share their citizenship status with us in discussing their own experiences. Inquiring directly about documentation status can be a highly sensitive topic, and my focus was primarily on exploring the process of acquiring documentation and citizenship status among rural ethnic minority communities and identifying differences and similarities in their struggles and successes. Furthermore, by not asking about documentation status, I sought to avoid the possibility of overestimating the difficulty in citizenship applications—a potential bias that could have emerged if I had selected interlocutors on the condition of lacking documentation. The names published in this article are all pseudonyms.

In several villages where families had recently received documents from government projects, discussions about the kinds of documents they had and what information they contained prompted villagers to share their documents with me during the interview. Collectively looking at and talking about the documents sparked further conversation about individuals' families, interpretations of the documents, and views on belonging in Myanmar. As these documents often became objects of conversations embedded in interviews, I became more aware of the structure of these documents. I then began explicitly considering these documents as objects of analysis as well. Through the analysis of key documents in Burmese—government documents that frame

citizenship eligibility, such as constitutions and citizenship laws,¹⁰ and government-issued civil documents, such as ID cards, household lists, and birth registration forms—I traced evidentiary criteria for citizenship and the government’s framings of eligibility. To analyze interview transcripts, memos, and documents, I relied on a grounded theory two-stage coding process (Glaser and Strauss 1967; Charmaz 2000). My initial analysis illuminated the central role of affidavits from village headmen and the differences between how informants discussed applicants who were men and those who were women. A subsequent focused coding process synthesized the themes of patrilineality and the decision-making roles of various actors.

CITIZENSHIP CONFERRAL IN HISTORICAL PERSPECTIVE

Pathways to Citizenship in the Law since Independence

The 1982 Citizenship Law currently governs citizenship in Myanmar. Myanmar’s 1947 Constitution and 1948 Citizenship Act, enacted following independence, were more ethnically inclusive than the current laws. While one’s taingyintha identity provided a pathway to citizenship in these earlier laws, it was not the only means through which the state bestowed individuals with citizenship at birth. This earlier citizenship regime permitted both *jus soli* and *jus sanguinis* paths to citizenship. Individuals were granted citizenship if (1) their parents were taingyintha; (2) they were born in the territory of Myanmar and at least one of their grandparents was recognized as taingyintha; or (3) at least one of their parents was a citizen, which generally meant at the time that their parent had been born in Myanmar and their family had lived in the territory for at least two generations (Rhoads, forthcoming).¹¹ These earlier laws also provided naturalization pathways for individuals not designated as taingyintha and without ancestral connections to the country, a right that has effectively been revoked under the 1982 Burma Citizenship Law.¹² However, contrary to many citizenship laws at the time that favored the father’s nationality in citizenship conferment, Myanmar’s first post-independence citizenship regime in the 1940s did not restrict citizenship conferment based on the citizen parent’s gender. Citizen mothers and fathers were considered to have an equal right to pass Burmese citizenship onto their child.

The 1982 Citizenship Law maintained this gender neutrality. However, the 1982 law made significant changes to the meaning and acquisition of citizenship, becoming more ethnically exclusive. Whereas the 1948 Union Citizenship Act recognized only one category of citizenship, the 1982 Citizenship Law stratified citizenship into three hierarchical categories—full (pink ID card), associate (blue ID card), and naturalized

10. I analyzed relevant laws and constitutional sections in Burmese. There are no official English language translations for these texts, making a reading of them in Burmese important for understanding the nuances of how the government understands citizenship by birth and citizenship through application or naturalization.

11. Constitution of the Union of Burma, 1947, art. 11; Union Citizenship Act, 1948, arts. 3; 4, para. b; 5, para. a.

12. Burma Citizenship Law, Socialist Republic of the Union of Burma, 1982, arts. 25, 42.

(green ID card).¹³ Furthermore, the 1982 law declared only children born to two taingyintha parents to be citizens by birth, requiring all other individuals to apply for citizenship based on “their family’s genealogy and a dossier of documents to prove their claims” to Burmese citizenship (Rhoads, [forthcoming](#)). The state bestows full citizenship on individuals recognized as “born taingyintha” or granted to those who have applied with conclusive evidence that their grandparents and parents are Burmese citizens of any form.¹⁴ Individuals can acquire associate, or “guest,” citizenship if they have submitted a citizenship application under stipulations of the 1948 law but have not yet been granted citizenship. Individuals can apply for naturalized citizenship if they can provide sufficient evidence documenting that they would have been eligible for citizenship under the 1948 law but had not applied for it or they have one citizen parent and one foreign parent who holds an official foreigner registration card (for visual clarification of how citizenship is conferred across three generations, see [Figure 1](#)).

In summary, to acquire citizenship in Myanmar, one must either be identified by the government as “born taingyintha” or provide documentary evidence of their ancestors’ identities and residency in the country, a challenging requirement for many who have long resided in the country without formal documentation. In the country’s periphery where ethnic groups span international borders and geopolitical anxieties over “illegitimate foreigners” run high, currently undocumented residents face heightened challenges and scrutiny in asserting and legitimating their ethno-national eligibility and obtaining related identity documents.

Despite becoming ethnically exclusionary, the 1982 Citizenship Law did not become exclusive on the basis of gender, as mentioned above. While pathways to citizenship are clearest for those who can establish citizenship eligibility through two citizen parents, the ability to obtain citizenship through one parent—without reference to a specific gender—was not eliminated with the 1982 law. Individuals born to one parent who holds any type of citizenship (full, associate, or naturalized) and one parent who is a foreigner are eligible to apply for naturalized citizenship.¹⁵ But while the citizenship law has consistently been gender neutral, gender discrimination nevertheless occurs. In practice, women who identify as taingyintha are disadvantaged heavily in capitalizing on their ethnicity to confer citizenship on their children, especially if they are single mothers or their child’s father’s nationality is unknown or undetermined. I argue that their inability to provide proper family and residency documents is key to understanding why.

Citizenship Documentation Projects during Myanmar’s Quasi-Democratic Government (2010–21)

Following the new changes to citizenship set by the 1982 Citizenship Law, the government launched a national campaign to “scrutinize” the identity of individuals

13. Some individuals may have a “white card,” which is a temporary registration certification (TRC). Officially, these cards are residency documents, not citizenship documents. TRCs were issued to many individuals considered of Chinese, Indian, or Muslim descent (Justice Base 2018, 8). The government invalidated them in 2015, effectively delegitimizing holders’ identity and residency documents.

14. Burma Citizenship Law, arts. 3, 5, 7.

15. Burma Citizenship Law, art. 43.

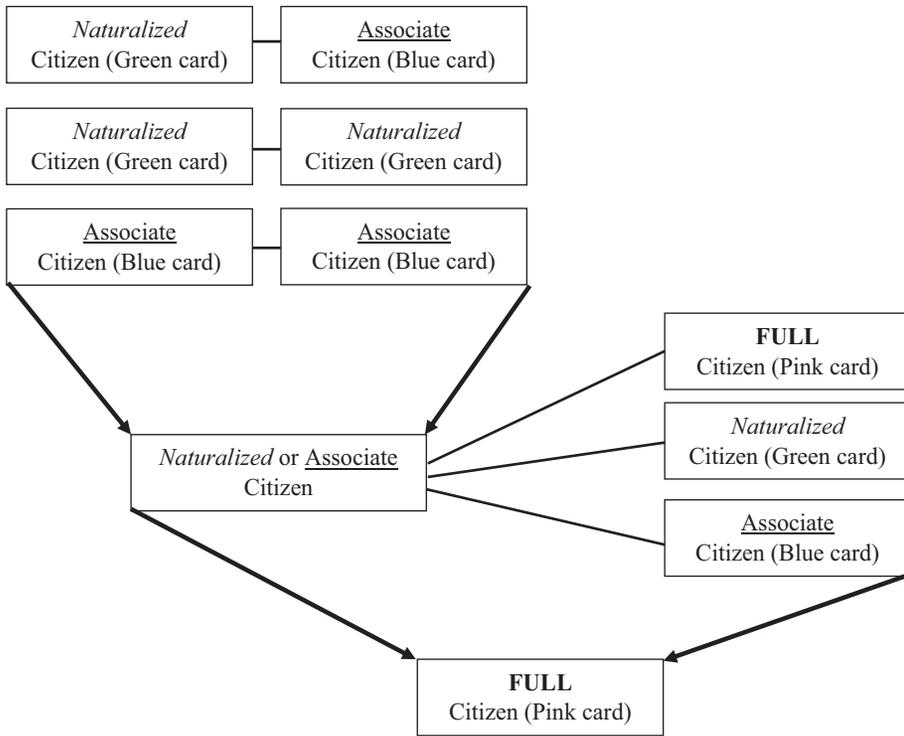


Figure 1.

Parent-child citizenship conferment for full citizenship. This figure shows how citizenship is conferred across three generations, showing what is necessary for a child to obtain full citizenship. The bottom “full citizen” represents the third generation, the middle the second generation, and the top the first generation. In other words, so long as the child had grandparents who were both at least associate or naturalized citizens and did not have a foreign parent, they should be a full citizen.

and evaluate their eligibility for citizenship (Ne Win 1982). The government directed this scrutiny process primarily at the Rohingya and other Muslim minorities whom the government classified as non-taingyintha and, therefore, foreigners (Islam 2017; Nyi Nyi Kyaw 2017). According to the 1982 law, these individuals would not be eligible to receive any form of citizenship or, in the best-case scenario, would acquire a secondary form of citizenship. The reach of this citizenship verification process, however, was limited in the mountainous, geographically isolated regions of the country’s borderlands where many ethnic minority populations reside. As the 2014 census documented, at least 30 percent of the rural population enumerated in this census lacked any form of citizenship documentation, and this number is higher for administrative regions in the country’s northern borderland regions (Republic of the Union of Myanmar 2015, 207). The limited reach of this process can be attributed to both the deficit in government infrastructure and the limited knowledge about such documentation among the rural population.

Moreover, citizenship documentation played little to no role in villagers’ everyday lives because they had limited interactions with formal state institutions and there were few citizenship benefits to capitalize on under military rule (Holliday 2014; Lall et al.

2014; Walton 2017). My observations and conversations during previous visits to these rural mountainous regions between 2011 and 2016 indicate that villagers previously saw little need to have formal documentation. Their reasoning was that they did not travel far and require documents for check points and accommodations, and many did not attend schools beyond their village elementary school that may have asked for documentation during registration. Many taingyintha individuals in the country's frontier therefore remained effectively stateless, lacking citizenship documentation despite their taingyintha claim.

The lack of documentation among the country's rural populations began to change during Myanmar's decade-long experiment with democracy (2010–21). National efforts to document the population ramped up following the (contested) 2014 census.¹⁶ These efforts coincided with the increasing awareness among the rural population of the significance and need for such documentation. These documents, for example, are increasingly needed to access formal employment, enroll in schools, purchase and sell land, and travel domestically and internationally (Roberts and Rhoads 2022). Moreover, in 2019, villagers shared with me that they had more desire to travel, which necessitated documentation to pass through check points and stay in other areas. Additionally, individuals expressed a stronger desire for documentation now so that their children and grandchildren could attend school. These conversations paralleled my own observations in 2019 that I had not experienced in previous trips to these field sites, including significant road development that made travel easier, especially in Eastern Shan State, an increase in the number of local schools, and attention given to the value and importance of education for children.

Ironically, the expansion of such documentation activity in these regions has made it more difficult for individuals to get their citizenship recognized, especially for those without documentary evidence of their birth or family relations. Contrary to the earlier days when villagers could “just provide officials with their name and get an ID card,” today the government requires an assortment of documents and affidavits for citizenship.¹⁷ Individuals applying for a national citizen ID card for the first time are required to provide the personal record form (*Naing-2*), headshot photos, a family tree form, their original birth registration,¹⁸ their parents' ID cards, the household list on which they are listed, a blood test to determine blood type, and a recommendation letter (*htaunkansa*), which is a type of affidavit, from the ward or village tract administrator as proof of residency.

The documents providing key supporting evidence of information in the application—the birth registration, household list, and affidavits—are the central “feeder documents” involved in the citizenship verification process for individuals without ID cards (Sadiq 2009). Documents such as a birth registration and a household list help establish

16. The 2014 census was the first nationwide population survey in decades and coincided with crucial moments in the political transition and had the potential to shape the allocation of resources, determine political positions, and redefine territorial boundaries. The ethnicity results have yet to be published. For more information on the contested nature of the 2014 census, see Transnational Institute 2014.

17. Yo Mu Yar (Akha villager in Eastern Shan State), interview by author, August 2019.

18. I refer to “birth registration” to collectively mean a birth certificate—acquired at birth—or a birth registration form—a form acquired after the fact to register a child's birth if they were not issued a birth certificate.

relationships between family members as well as the residency of family members. An applicant’s parents must already have citizenship ID cards or also be able to prove eligibility for their own ID cards since both parents’ ID cards are required in their child’s application. The application form—both the Naing-2 and the family tree form—also requires the applicant to provide biographical information for the parents and both maternal and paternal grandparents. As previously shown in Figure 1, proof of three generations of any kind of citizenship should entitle an individual to full citizenship according to the law. Individuals must bring these materials to their township’s National Registration and Citizenship Department¹⁹ office to apply for citizenship or, alternatively, can apply when the official “six-person committee”²⁰ comes to their village as part of recent government documentation efforts.²¹

When any of these required documents are missing or incomplete, which is the case for most villagers, further affidavits from community leaders such as village tract administrators, village headmen, teachers, doctors, or other professionals, are additionally required (Justice Base 2018). The village tract administrator is a community member from one of the villages in the tract who is elected to the position for a five-year term. The village headman helps with intra- and inter-village relations. The headman is either appointed by the villagers or inherits the position from a male relative. Together, they constitute the day-to-day authorities that rural villagers encounter, but they are not formally state officials. Procedurally, the required affidavit for the citizenship application must come from the village tract administrator. However, it is common for the village tract administrator to first require the individual to acquire an affidavit from their village headman when they do not personally know the claimant. Both the key informants involved in the citizenship adjudication process and the villagers themselves emphasized the crucial importance of these affidavits in the acquisition of a citizen ID card. As one villager said, “if the village headmen won’t give you an affidavit, you won’t get anything.”²²

19. The National Registration and Citizenship Department is under the Ministry of Labor, Immigration, and Population. Everyone refers to this department and township office as the “LWK (*la-wa-ka*),” which is the Romanized abbreviation for “immigration” in Burmese (*luwīnhmū kyīgyatyè*). I use this abbreviation in my interview quotes as this was how all of my interlocutors referred to this office and these officials.

20. The six-person committee is a group of local authorities who the government declares collectively qualified to adjudicate individuals’ eligibility. The committee includes: a township immigration official, a government project official, police, a Ministry of Health official, a township General Administrative Department (GAD) employee, and the village tract/ward administrator.

21. My interlocutors and research assistants shared in 2019 that these projects began within the last five to ten years and that the committee came to any given village approximately every two years. Issuing identification (ID) cards and household lists to the largely undocumented rural population has been one goal of these projects. However, villagers indicated that they could only obtain this documentation through these official committees when their eligibility was uncontested by the committee. I gathered that uncontested eligibility generally meant that all family members were all present when the six-person committee arrived (or whose whereabouts were known from several people in the village) and individuals’ taingyintha identity was unquestioned. Villagers whose villages experienced high rates of migration, had fewer family members present, or who claimed certain ethnic identities that were considered national ethnic minorities in neighboring countries as well seemed more likely to have their taingyintha identity and eligibility contested. In these cases, they had to apply at the state government or union government level.

22. Sai Kham (Shan villager in Eastern Shan State), interview by author, July 2019.



Number	Name	Date Of Birth			Sex		Father's Name	How is the individual related to the household head	Occupation	ID card number			Ethnicity	Nationality	Religion	Notes
		Day	Month	Year	Male	Female				Township Abbrev	Citizen	Foreigner				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Figure 2.
Photo of the Top of the Household List (Column Headers) [English Translation Below].

Neither this stringent documentary requirement nor the decisions of these community leaders should explicitly privilege one parent over the other in the citizenship process. However, I will show in the next section how the structure of several key documents, the interpretations of these documents by key gatekeepers, and the beliefs and values of village leaders end up privileging the father’s taingyintha status in citizenship conferment, producing gendered outcomes.

THE STRUCTURE AND INTERPRETATION OF EVIDENTIARY DOCUMENTS

Individuals who have both a household list and a birth registration document without missing information experience the clearest path to citizenship as their application is less contingent on affidavits from community leaders. However, single mothers and fathers who are foreign or whose nationality has not been determined by the state are often deprived of the ability to complete and capitalize on these documents as uncontested evidentiary requirements for citizenship, especially for their children. This is partly due to the structure of key documents and how information on, or missing from, these documents is interpreted by the state officials. Women, in particular, are often erased by the structure of these documents and the prevailing patrilineal culture that informs leaders’ beliefs and actions, which undermines women’s ability to capitalize on the main evidentiary documents for citizenship and increases their reliance on affidavits from village leaders.

Household Lists

In Myanmar, there are no formal laws prohibiting women from becoming the household head, but the structure of the household list weakens the evidentiary value of the document for women who are household heads because it requires

documentation of the father’s name for each family member (see [Figure 2](#)). Requiring the father’s name is common on most official documents in Myanmar, in part because of the absence of a shared family name among family members. However, specifically in the case of the household list, this requirement operates to exclude single mothers and families with unknown or foreign fathers from using the document as uncontested evidence for citizenship. The household list (Form 66/6) is a family registration document indicating the personal information of everyone in the household and their relationship to the household head. While column nine, which asks “how [each] individual is related to the household head” is gender neutral and does not specify which family member is the household head, this column is immediately preceded by the column asking for the father’s name of each individual (column eight). Requiring the father’s name, but not the mother’s name, before requesting each individual’s relation to the household head operates to presume the father is the household head.

Villagers reinforced these practices and beliefs. In explaining the information required on the household list, Sai Hseng, a Shan villager in Eastern Shan State, mentioned that the most important information was “the person’s name, date of birth, gender, relation to the household head, and their father.” When I asked about the mother’s information, Sai Hseng replied: “No. The mother is not important—only the father. In my household list (showing me his list), I am listed on the table by my kids’ names (in the column for father’s name), and here it is states that they are my children (relation to the household head).”²³ Pointing at his household list, I responded: “Could your kids’ relationship to your wife be here (column nine)?” Sai Hseng shook his head and replied: “No. Just me. I am the father.”²⁴ When women are the household head, this structure undermines the legitimacy of the household list for women as it results in blanks (when an individual’s father is unknown) or invites further scrutiny as to why the information in column nine (relation to the household head) does not refer to the relationship between the individual and the father listed in column eight. Furthermore, individuals’ attitudes toward women as household heads further undermine women’s ability to use the household list for evidentiary purposes. Although possible for a woman to be the household head, historically, only the father or husband has been referred to as the household head in other reports (see Committee on the Elimination of Discrimination against Women 1999). Men are still overwhelmingly presumed to be the only legitimate household head (Norwegian Refugee Council [NRC] 2018).²⁵ This invisibility of women on important family documents subordinates their status in the family, community, and nation and impairs their ability to exercise their rights (Faxon 2017).

In addition to disadvantaging women who are the household head, the structure of the household list also poses challenges to individuals with foreign fathers or fathers whose nationality is unknown or questioned by the state. According to column twelve (“citizen registration number”) and column thirteen (“foreigner registration number”), foreigners should be able to officially be included in the household list. However,

23. Sai Hseng, interview by author, July 2019.

24. Sai Hseng, interview by author, July 2019.

25. 2014 census data documented 2,581,297 woman-headed households out of a total of 10,877,832 households enumerated (23.7 percent). This percentage is lower for rural Shan State (18.8 percent) (Republic of the Union of Myanmar 2015, 47–48).

individuals with decision-making authority over the legitimacy of individuals' evidentiary requirements claim that foreigners could not be included. According to U Aung Htun Min, a village tract clerk (lower-level General Administrative Department official) in Eastern Shan State, "foreigners cannot be the household head and they cannot be entered into the household list."²⁶ While I was not surprised to hear him say that foreign men could not be the household head, I was surprised that state bureaucrats refused to acknowledge that foreigners could be entered into the household list given the specific delineation between columns twelve and thirteen. However, among rural populations who lack any or most forms of state documentation, it is quite uncommon to find families with formal documents, such as marriage certificates and foreigner registration documents. None of the villagers I spoke with had a formal marriage certificate. This absence of documentation formalizing relationships and belonging contributes to the blurriness of the boundary between "native" and "foreigner."

Households with unknown or foreign fathers or husbands are thus disadvantaged in their ability to make the most of the household list for evidentiary purposes due to cultural norms pertaining to legitimate family and household structures. Privileging fathers as the legitimate household head—both through the structure of required information and cultural norms—while also hindering the ability of foreign men or men whose nationality is unknown to register on the household list increases the likelihood of missing information or information considered atypical on this document. In these cases, toleration of missing information on key documents is at the discretion of the official adjudicating the document as evidence for citizenship. This is also the case with missing information on birth registration documents.

Birth Registration

The birth certificate (acquired at birth) or registration form (documentary evidence of birth acquired after the fact)²⁷ asks for the names and citizenship ID numbers of both the father and the mother. However, whether documents with un-entered information will be accepted for a citizenship application is up to the discretion of officials providing or evaluating the document. Data collected by the NRC (2018, 32–33) report regional variations in the evidence that officials required of individuals to obtain birth certificates. In some regions, the names and ID numbers of both parents were required, whereas, in other regions, individuals explained that they needed to report at least one parent's name on the certificate. Despite this variation, the NRC's data still show that the father's information was privileged.

Prioritizing the father's information in adjudicating missing information on documents precludes women, especially single mothers, from conferring citizenship on their children. In some cases, women attempt to avoid these difficulties by having other men

26. U Aung Htun Min (GAD official in Eastern Shan state), interview by author, August 2019.

27. Birth registration has only recently become more common, especially in rural areas of the country. Today, many young children have a birth certificate, although this appears to decline with distance from city centers. None of the adult villagers I spoke with, by contrast, had birth registrations. Most adolescents in the villages I spent time in had the form that registered the birth after the fact. To get this after-the-fact birth documentation, the parent(s) need an affidavit from their village headman.

in their family or community step in as the documented father for the purpose of completing a birth registration form, a practice that the NRC (2018, 32–33) also documents. Nang Hom, a Shan woman from Eastern Shan State, told me: “When I had my baby about twenty years ago, I crossed the border to Thailand to deliver at the hospital there. The father is important, but I did not have a husband. So, a friend—a Thai citizen—joined me in the hospital, and he was listed as the father on the birth certificate. My daughter has Thai citizenship because of this. I knew it would be difficult for her to get Burmese citizenship without knowing the father.”²⁸ Nang Hom was aware that her daughter could face significant challenges acquiring Burmese citizenship without a known father, and she was able to capitalize on kinship relations across formal state borders in Thailand to ensure her daughter acquired formal citizenship documentation.²⁹

The preferential value afforded to the father’s information on key documents, especially the birth certificate, is also a problem faced by orphans in Myanmar, especially those abandoned soon after birth. Nang Kham Aye, an NGO worker in Eastern Shan State, informed me that monks have registered as the father for orphans raised at the monastery.³⁰ This practice not only further affirms the priority of the father’s information but also the discretion involved in recognizing and legitimating these family relationships. A father-child relationship between a monk and a child should not be legitimate, given the celibacy requirements of monkhood; however, the fact that some orphans obtain citizenship this way indicates that village leaders and government officials alike can exercise discretion in acknowledging the legitimacy of parent-child relations for citizenship purposes.

These practices also pose challenges for the children of migrant workers in Thailand who are generally ineligible for Thai citizenship and lack current relationships with village leaders in their home village in Myanmar as well as Burmese birth registration documents. In discussing migration to Thailand and citizenship with Htun Pe, a Pa-O village headman and his family from a village in southern Shan State, Htun Pe shared: “These children are born as foreigners because they are born from Burmese parents who are migrants in Thailand. The parents sometimes try and send their baby back to Myanmar if the baby is born in Thailand. The child’s grandmother and grandfather may raise the baby because it is difficult for a [Burmese] baby born in Thailand to get documents.” In response, I asked: “But can the child be entered on the grandparents’ household list without the parents?” Htun Pe replied: “If the children do not have a birth certificate from Myanmar, they cannot easily be entered in the grandparents’ household list. But sometimes the grandmother and grandfather adopt the child.” I asked whether this was difficult or not, and Htun Pe, reflecting, said: “Most people do not actually do this—only the smart people who know about these issues and want the children to go to school and have opportunities in life. So, they adopt them and enter them in their household list.” I asked how this adoption worked, and Htun Pe replied: “The grandfather needs to be listed as the father, and it is also up to the village

28. Nang Hom (Shan villager in Eastern Shan State), interview by author, July 2019.

29. Crossing the border into Thailand and giving birth in a Thai hospital was a more common strategy for individuals from Myanmar prior to the onset of parent-child DNA testing for Thai citizenship. Economic, educational, and health benefits for citizens in Thailand are better than they are in Myanmar.

30. Nang Kham Aye (NGO worker in Eastern Shan State), interview by author, August 2019.

headman or the village tract administrator to affirm in their recommendation letter (affidavit) that this child is really from this village and [the grandfather] is really the father. So, it is really up to whether the village headman and administrator want to help and give them the letter.”³¹

These examples—showing how individuals maneuver through bureaucratic obstacles of family relations and documentation—emphasize the significance of being able to document and verify the father’s identity for a child to be able to obtain citizenship documentation more easily. However, relying on other men in the family or community to be a substitute for the child’s father could be problematic down the line. These men must not only be willing to provide their information when the child applies for an ID card at age ten and renews at ages eighteen and thirty, but their legitimacy as the child’s father must remain unchallenged by officials with each renewal (NRC 2018, 33).

In summary, individuals and families with unknown or foreign fathers and husbands are disadvantaged in their ability to capitalize on these documents as unequivocal, uncontested evidence for citizenship, especially for their children. As I previously stated in the overview of application requirements for a citizenship ID card, individuals with missing or contested information are often required by state officials to provide further affidavits from village leaders. Formally, an affidavit is required from the village tract administrator for the citizenship application, but when these administrators do not personally know the individual seeking an affidavit, they often rely on the local village headmen to first provide an affidavit asserting the identity and residency of the individual from their village. An affidavit is also required for individuals to obtain birth registration after the fact, which the village headmen shared must affirm that the child is from their village and was born to these identifiable parents. This stipulation increases the decision-making power of these village leaders, especially the village headmen, in such situations, elevating the role they play in gatekeeping individuals’ access to citizenship.

THE ROLE OF VILLAGE LEADERS IN THE PROVISION OF CITIZENSHIP

Formally, the decision as to whether an individual is eligible for Burmese citizenship is for officials in the Ministry of Labour, Immigration, and Population. As previously mentioned, local village leaders are neither formal state actors employed to adjudicate citizenship nor legal professionals with the training and experience to interpret the Citizenship Law. Nevertheless, they become crucial gatekeepers of citizenship acquisition in these mountainous rural areas where it is almost impossible for individuals to acquire citizenship without village leaders’ affidavits. To understand the difficulty that women face in establishing their *taingyintha* status, and, by extension, their Burmese citizenship, I argue that we must examine how these key gatekeepers conceive legitimate family relations and ethno-national belonging in the way of privileging patrilineality.

31. Htun Pe (village headmen in Southern Shan State), interview by author, June 2019.

Village leaders, and the villagers themselves, shared the impression that the father’s identity and ancestral line were the determining factors in an individual’s ethno-national membership. One afternoon outside the house of U Hla Pu, an Akha village headman, I asked the few Akha villagers sitting with us what they thought was the most important document to have in Myanmar. One middle-aged man quickly stated: “the father’s ID card,” to which the other villagers quickly nodded in agreement. A young mother with a child in her lap replied: “If the father has an ID card, it is not difficult for the children to get citizenship.” Her husband, nodding in agreement, chimed in: “Yes—the father’s ID is necessary for the household list and for the children’s ID cards.”³² U Hla Pu then shared with me the quote with which I opened this article, emphasizing that knowledge of the father’s identity is necessary to trace ancestry and acquire documentation.

The importance of the father’s ID card was commonly recognized across villages. In another village, U Ai Luak, a Lahu household head, also informed me that “the father’s ID card is the most important document to have.” But when I asked U Ai Luak about the mother’s ID card, he replied: “No—the mother’s ID is not important. Just the father’s ID. The father’s ID card is important for the household list and for children’s birth certificates. My name and my ID are on my household list, my children’s ID cards, and my children’s birth certificates.”³³ While the citizenship laws are gender neutral, perceptions of difference in the value afforded men’s and women’s identities align with the structure of the government-issued documentary evidence for citizenship that requires and relies on the father’s information.

Shared beliefs in the importance of the father reflect a widespread perception that fathers transmit ethno-national membership to their children, considering how people discussed who they believed was eligible for full citizenship (pink card), subordinate citizenship (green card or blue card), or no citizenship based on the ethno-national membership of different parents. In response to my question about what kind of citizenship an individual could acquire if their father was a foreigner, U Ai Pun, the son of a Lahu village headman, replied: “The individual cannot get a pink card (full citizenship), but they can get a green card (naturalized citizenship).” This response is in line with the current law; however, U Ai Pun then proceeded to say: “The children get green cards because their mother is taingyintha, but their father is a foreigner. If the father is a Myanmar citizen but the mother is a foreigner, then the children can get a pink card.”³⁴ This perception of full citizenship eligibility is not a reflection of the current law; the law does not preference the father’s ethno-national membership over the mother’s in determining the citizenship of the children when one parent is a foreigner. Nevertheless, this gender distinction reflects common “knowledge” regarding lineage and citizenship conferment.

32. Akha villagers in Eastern Shan state, interview by author, July 2019.

33. U Ai Luak (Lahu villager in Eastern Shan State), interview by author, July 2019.

34. U Ai Pun (Lahu villager in Eastern Shan State), interview by author, July 2019.

Conflict, Cross-Border Activities, and Geopolitical Anxieties: Intra-regional Variation

The gatekeeping power of village leaders in determining individuals' citizenship eligibility does not operate equally across the country. While an affidavit is a required component of the application when documents are missing or incomplete, the intra-regional variation that I observed across Shan State suggests that proximity to the international border, prevalence of internal and international migration in the region, disruptions from armed conflict, and the degree of central administrative control determine the degree of the government's reliance on village leaders in adjudicating individual eligibility. I found that the government relied most heavily on village leaders and afforded more weight to their affidavit in Northern and Eastern Shan State. In Northern Shan State specifically, some taingyintha minority individuals told me that they needed more affidavits for their application than individuals who belonged to the national ethnic majority (*Bama*) or regional ethnic majority (Shan). My findings confirm that individuals claiming certain taingyintha membership in Northern Shan State are often required to obtain an additional affidavit or signature from the ethnic group's community cultural organization, affirming that they are "truly" a member of that local ethnic community.³⁵

Conversations with villagers illuminate how proximity to the Chinese border, high rates of internal and international migration, and higher autonomy of the region intensify village leaders' and state officials' sense of fear, mistrust, and suspicion of the population. U Min Nyo, an Akha villager, shared with me his friend's experience: "My friend's husband is from a remote Akha village in Myanmar. Neither she nor her husband had ever had a household list or ID card. After they got married, they went to the LWK ("la-wa-ka")³⁶ to get ID cards, and the LWK said that they first needed recommendation letters (affidavits) from the village headman and village tract administrator. The village headman gave them the letter, but the village tract administrator would not provide the affidavit because he was afraid. He did not know if her husband was really from the area or not, and he did not know if they were truly Myanmar."³⁷ Similar stories were common across the region. The fear of being reprimanded by the government for providing an affidavit for the "wrong" or ineligible person influenced the withholding of affidavits. The fact that some Chinese citizens use illegitimately acquired Burmese citizenship as a cross-border business strategy has aggravated already widespread suspicion and fear.³⁸

By contrast, in Southern Shan State, a less autonomous and more politically and geographically central region, people generally faced less scrutiny over their identity in

35. This additional affidavit is required for many Kokang applicants (see Wang 2017). Ta'Ang individuals in Northern Shan State also shared having to obtain such an affidavit.

36. The abbreviation for immigration and most common way of referring to the government office that adjudicates citizenship ID card applications.

37. U Min Nyo (Akha villager in Eastern Shan State), interview by author, August 2019.

38. In fact, while I was in Northern Shan State in 2019, several immigration officials from the township office were fired over committing bribery in issuing ID cards and household lists to foreigners (see Pyae Phyo Aung 2019). While foreigners wanting to purchase land or businesses in Myanmar may have the financial capital for such bribes, such levels of bribery and corruption were not prevalent among rural villages with limited financial capital.

acquiring an affidavit or in the evaluation of incomplete information. Nang Haeo Hseng, a local NGO worker in Southern Shan State, perhaps illuminates why. When I asked whether individuals in Southern Shan State faced similar issues to their counterparts in Northern and Eastern Shan States, especially those living in proximity to the Thai border, Nang Haeo Hseng responded: “It is totally different in Southern Shan State than in Eastern and Northern Shan States. Here in Southern Shan State, we do not have problems. People here do not face many challenges getting ID cards because we are taingyintha. Since we are taingyintha, it is easy for people to complete the citizenship process. The process is not difficult here in Southern Shan State because Southern Shan State does not share a border with China. We do not have grandparents who are Chinese. There are no foreigners here.”³⁹

While there are certainly non-taingyintha individuals residing in Southern Shan State, most state and non-state actors involved in documentation efforts appeared much less consumed by the fear and suspicion that foreigners were “acting as taingyintha” to acquire citizenship. If the problem of local village leaders withholding affidavits or local-level government officials refusing to process citizenship documents was discussed, it was often attributed to their “laziness” rather than “fear” and “uncertainty.” I also did not witness or hear about community cultural organizations being involved in documentary efforts in Southern and Eastern Shan States. I also attribute increased suspicion of individuals and the heavier reliance on affidavits to increased documentation efforts in these rural areas over the last decade. While many villagers identifying as taingyintha, especially in Eastern Shan State, noted that it had been “easier in the past” to acquire documentation, resulting in part from the acknowledgment that large proportions of the rural population lacked any documentation, it has recently “become much more difficult.” Mi Ju, a Lahu villager from Eastern Shan State shared that “people in the past did not have to show their household list to get the citizen ID card.” She then described how her parents previously got their ID cards: “My parents did not have these documents in the past. They just told the LWK that they never had these documents and told them their names and their ethnicity—Lahu—and the LWK just gave them ID cards. It was less important to provide all these documents for proof in the past.” Mi Ju then proceeded to describe how her parents’ experience contrasts with the need for complete evidentiary requirements today: “But nowadays it is necessary to have all these documents—the household list, the birth certificate, the parents’ ID cards, and the recommendation letters—to get ID cards. Everything is strict now. The government must be more careful because so many immigrants are coming [to Myanmar].”⁴⁰

Officials seem more skeptical now than they were in the past as to why villagers still lack documentation. While individuals previously could receive an ID card by simply providing their name to officials, the demands for, and the scrutinization of, documentary evidence has made the affidavit more important and the ID card more challenging to acquire in recent years. U Khin Htoo, an Akha villager, shared with me how a member of his village was recently unable to acquire an ID card due to missing documents. Even a bribe could not help him: “When the government project came to the village last month to issue ID cards to villagers, one villager without an ID card or

39. Nang Haeo Hseng (NGO worker in Southern Shan State), interview by author, June 2019.

40. Mi Ju (Lahu villager in Eastern Shan State), interview by author, July 2019.

household list brought the project committee a chicken for their lunch as a gift in hopes of helping him to get an ID card. But the committee still refused to give him an ID card. They said that he did not have the necessary affidavit so they could not give him an ID card there. [Laughing] The man had asked for his chicken back after being denied, but he was told by the LWK officer that it had already been eaten.”⁴¹

Conditions in Northern and Eastern Shan States, especially, provoke gendered consequences for citizenship acquisition. In these subregions of Shan State, long histories of conflict between the Burmese army and ethnic armed organizations incite violence against women (SHRF and SWAN 2002; WLB 2014). The systematic use of rape as a weapon of war, forced marriages and human trafficking, compulsory male conscription combined with local residents’ effort to flee conscription, and deaths from armed conflicts have all contributed to the proliferation of single motherhood in the region (SHRF and SWAN 2002; WLB 2014). James, an international NGO worker in Northern Shan State offered this description: “You will not see any fighting aged men in the IDP [internally displaced person] camps. Those who have not already gone to fight are afraid of being conscripted. They know that different armies can just show up and take them if they are physically able to fight. So, they flee and go into hiding.”⁴²

These single-mother families face considerable challenges in acquiring the necessary documents and affidavits for citizenship, especially as they must rely on village leaders who do not know them or have themselves been displaced. Elders in the areas where these individuals have resettled may be unwilling to provide them with affidavits, according to a NGO worker in Northern Shan State, because of their “inability to identify who [these displaced individuals] truly are, where they are truly from, and who their family truly is.”⁴³ However, returning home following displacement to acquire documents left behind or acquiring an affidavit from a community authority in the home village may not be feasible or safe, especially for women alone. This issue is compounded by the fact that relevant elders who could have provided affidavits in home villages may no longer reside there even if individuals attempt to return home (NRC 2018, 18). Ei Daw, an NGO worker in Northern Shan State, elaborates on the problem of displacement for citizenship acquisition:

Many people lose their documents during all the movement, and others do not even have the opportunity to get documents due to ongoing conflict and displacement. This displacement makes it hard to get documented, especially if the villagers cannot return to their home village. This is particularly the case for women as it is quite unsafe and risky for them to travel alone—they may be trafficked or raped. For some, even if they can return home, the village headman might not live there anymore or might not know them, depending on when they were displaced.⁴⁴

Stigmas attached to women, especially mothers without husbands, contribute to challenges women face acquiring affidavits. Single pregnant women may flee their

41. U Khin Htoo (Akha villager in Eastern Shan State), interview by author, July 2019.

42. James (NGO worker in Northern Shan State), interview by author, June 2019.

43. Chan Ei San (NGO worker in Northern Shan State), interview by author, June 2019.

44. Ei Daw (NGO worker in Northern Shan State), interview by author, June 2019.

families and villages to avoid stigma and shame, pressuring women to give birth secretly or at an informal clinic (Hein Ko Soe 2017; *Bangkok Post* 2018). In these cases, children typically do not receive official birth registration. This stigma also impedes single mothers' ability to acquire necessary affidavits from village leaders who are primarily men (GEN 2015; NRC 2018). Fear of discrimination is a common concern that single mothers have, which hinders their willingness to approach men for assistance. Their fear is not unfounded; male village leaders have also refused to provide single mothers with the necessary affidavits because they do not believe they need these documents or that they are worthy and deserving of their assistance (NRC 2018, 23). Although my data do not include any single fathers, which census data also show to be quite rare (Republic of the Union of Myanmar 2016, 64), the few conversations I had with villagers about single fatherhood and single motherhood provide insight into differing perceptions of these situations. While single motherhood was associated with stigma, shame, and unknowns, single fatherhood was typically associated with the death of the mother, whose identity provoked little attention or suspicion.

CONCLUSION

Myanmar's citizenship laws are ethnically exclusive but have consistently been gender neutral, preferencing neither parent in the conferment of citizenship on a child. This article, however, has illuminated the ways in which patriarchal family relations stratify citizenship even among those who identify as taingyintha. My findings, along with Kamal Sadiq's (2009), demonstrate the central role of village leaders in regulating citizenship acquisition, but I further highlight the gendered outcome that these gatekeepers help produce. The patriarchal cultural norms regarding family relations and national belonging are compounded by geopolitical anxieties and concerns over admitting “illegitimate foreigners” into the national body politics, making it difficult for women in rural Myanmar to capitalize on their ethno-national identity to transmit citizenship to their children. Through analyzing individuals' experiences with state evidentiary documents and their perceptions of family relations and ethno-national membership, we come to better understand how the boundaries of citizenship are created and maintained beyond formal state institutions in developing countries, creating a consequential discrepancy between the law on the books and the law in action.

These findings have three important theoretical implications. First, this article helps us understand how the state's increased efforts to document populations can ironically end up further (re)producing statelessness in gendered ways (Flaim 2015, 2017). As the country ramped up its documentation efforts among rural populations during the quasi-democratic rule (2010–21) and especially following the 2014 census, concerns over differentiating between “its” Indigenous population and “foreigners” who identify with the same ethnic identity increased. This heightened suspicion resulted in more evidentiary requirements for certain borderland populations, elevating the role and significance of village leaders' affidavits to affirm who the individual was and where they come from. The involvement of these village leaders, whose decisions are shaped less by bureaucratic expectations and obligations than by social norms and their views on

family, community, and national belonging, can limit women's ability to adequately fulfill citizenship application requirements.

Second, these findings demonstrate the social constraints that individuals face as they capitalize on their ethnicity or kinship relations for citizenship. This enhances our understanding of ethno-national and ethno-religious boundary making, specifically the often hidden and mundane struggles over how to establish one's ethno-national membership in bureaucratic settings. I focus on the intersection of gender and ethnicity in determining ethnic membership transmission for citizenship eligibility as well as how variation in geopolitical anxieties within one region of a country shapes the concrete forms that this intersection takes on the ground. My analysis shows that, despite the gender neutrality of Myanmar's citizenship laws, women in rural borderlands are unable to capitalize on their taingyintha identity in the same way as men for citizenship purposes. These challenges are magnified in geographic areas where the central government is weak, geopolitical anxieties are high, and the boundary-policing effort is projected toward women's reproductive bodies. The resulting gendered disadvantages accrue to future generations as children who cannot obtain citizenship now through their mother are likely to pass on their statelessness to their children.

Third, these findings provide an illustration of both the documents—the material objects that structure and symbolize individuals' relations to the state (Hull 2012a, 2012b; Carswell and De Neve 2020)—and actors involved in legal decision making and the provision of citizenship in developing countries. More recently, studies of street-level bureaucracy have attended to the growing role of actors outside the formal state bureaucracy, but their focus remains largely on welfare and service provision. Broadening street-level bureaucracy scholarship, especially within the global South where governance is often delegated to non-governmental and local authorities by reason of limited centralized state control, this article has shown how citizenship adjudication unfolds across a plurality of actors within and beyond the formal citizenship institutions of the central state. In doing so, this article contributes to our understanding of how the involvement of these various actors and interpretations and the structure of evidentiary documents contribute to producing gendered inequality beyond stipulations in the letter of the law. As documented by the scholarship on legal pluralism, these actors' perceptions of, and ideas about, citizenship eligibility and national belonging constitute an important part of the law in action, facilitating or obstructing individuals' access to citizenship.

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