

TRIBHUVAN UNIVERSITY

Sovereignty, Bare Life and Resistance in B.P. Koirala's *Life and Philosophy*

A Thesis Submitted to the Central Department of English  
in partial fulfillments of the Requirements for the  
Degree of Master of Arts in English

By

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**Letter of Recommendation**

This research "Sovereignty, Bare Life and Resistance in B.P. Koirala's Life and Philosophy" has been submitted by Ms. Dibya Shree Chhetry under my supervision in partial fulfillment of the requirements for the degree of Master of Arts in English. I recommend to submit the work to the research committee for approval.

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This thesis entitled Sovereignty, Bare Life and Resistance in B.P. Koirala's Life and Philosophy submitted to the Central Department of English, Tribhuvan University, by Miss. Dibya Shree Chhetry has been approved by the undersigned members of the Research Committee.

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## **Abstract**

This thesis studies Bishweshwar Prasad Koirala's life, political principles and philosophy in the light of Carl Schmitt, Giorgio Agamben and Michel Foucault's philosophical notions of sovereignty, bare life and power. Koirala's concept of sovereignty that it must be in the hands of the people rather than in the grip of the ruler or a king stands in contrast to Carl Schmitt's aristocratic concept of Sovereignty. Koirala has spent most of the times of his political struggle in prison living in a pathetic condition which turns him into Homo Sacer, a figure located both inside and outside the law. B.P. Koirala's struggle for establishing Democracy in Nepal reveals the unavoidable link between power and resistance whereby the resistance evolves out of the power and its exercise itself.

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## **I. Sovereignty, Bare Life and Resistance to Power**

This research studies the concepts of sovereignty, bare life and resistance in Bishweshwor Prasad Koirala, also known as B.P. Koirala's, life and his writings. Denying to follow the orders of the ruling authority even when he was imprisoned illegally, B.P. Koirala located himself both outside and inside the law. He was a Sovereign Exception in the sense that he was treated exceptionally than others and he challenged the authority even when he was imprisoned. Koirala's life was turned into a bare life where he was devoid of enjoying even the basic fundamental rights. He was treated as a mere political being in an inhumane manner. Circulation of power and resistance is also visible in B.P.'s own life who consequently gained the resisting capacity against the authority from the same authority that exercised power on him and gave him extreme sufferings. Through the peaceful means of fasting, B.P. challenged the authority even from inside the jail.

B.P. Koirala's strong faith on the democratic values and principles made him an ardent supporter of empowering people with the sovereign power so fully that according to him, people can even overthrow any autocratic and irresponsible government. In this aspect, his idea is disparate to that of Carl Schmitt who believes on the infinite strength of a Sovereign Ruler - a single person like King or President. Foucault's basic concept of the unavoidable politicization of common lives is comparable with Koirala's speeches who had very well understood the lives of common people and the impacts that political events made on their lives. Koirala also opines that the excessive exercise of power by the rulers mandates the revolution in the form of resistance among the people.

Initially influenced by Marxism and then by Gandhism; Koirala, in his whole life, showed his leanings towards Democratic Socialism that, for him, is the best

system to impart equal rights to all people. His life can be analyzed from varied perspectives which can be a great source of inspiration motivating the people to contribute for the society and the nation.

B.P. Koirala (1914-1982) is the first democratically elected Prime Minister of Nepal. He was also the founder of the Nepali National Congress Party, which in 1950 turned into Nepali Congress Party. The follower of Mahatma Gandhi, B.P. Koirala entered into politics from his involvement in the Indian Quit Movement led by Mahatma Gandhi while he was still young and living a life of exile in India. He joined Indian National Congress in 1934. During Second World War, he was interned by the British in Dhanbad for two years (1942-1944). After his release, the political situation in India was taking shape for liberation. Amidst this scenario, he set his strategies to bring freedom to Nepal, releasing Nepali people from the grip of the autocratic Rana regime. He was imprisoned in Nepal during 1947-1948 on reaching his hometown Biratnagar to lead a labor demonstration at Biratnagar Jute Mill. A year later he was arrested again, but was soon released after a 27-day hunger strike, protests and intervention of then Indian Prime Minister, Jawarharlal Nehru.

After years of struggle against the Rana regime, Nepali Congress Party led the movement for establishing democracy in Nepal in 1951. In the new cabinet led by last Rana Prime Minister Mohan Shumsher, B.P. Koirala served as the home minister for nine months. Koirala then walked away and concentrated on developing the Nepali political structure. Political parties were increasing in importance, and the king was pushed by events to offer some concession to growing democratic aspirations. King Mahendra responded with a new constitution enabling free parliamentary elections to take place in 1959. In the general elections, Koirala's Congress Party won two-thirds of the seats in the lower house. After several weeks of hesitation, King Mahendra



approved Koirala's name to lead the government from May 1959. Thus, he became the first elected prime minister of Nepal in the first democratic election held in the country, but failed to maintain stability.

On December 15, 1960, he was sent to jail after a bloodless coup by King Mahendra. The king suspended the constitution, dissolved parliament, dismissed the cabinet, imposed direct rule, and imprisoned Koirala and his allies. Many were released after a few months, but Koirala, although suffering from throat cancer, was kept imprisoned without trial until 1968, when he was finally permitted to go and live in exile in Banaras. Upon his release, he went into exile again. He returned to Nepal in 1976 with reconciliation strategies (Rastriya Melmilap ko Niti) with the king but was arrested. Considerable international pressure secured his release on parole and enabled him to travel to the USA for medical treatment. He was arrested again on his return from New York in late 1977, but in March 1978 was finally cleared of all treason and sedition charges. He had actively advocated for multiparty system during the referendum in 1980 but failed to get popular votes. He died on July 21, 1982. After returning from a medical visit to the USA, he held a series of debates with King Birendra and tried for a national reconciliation. During the student demonstrations in 1979, he was kept under house arrest. Despite this, he welcomed King Birendra's call for national referendum to determine whether to adopt multiparty political system or Panchayat. The referendum results were announced to be in favor of Panchayat led by the king amid widespread charges of vote rigging whereupon Koirala called for a boycott of the 1981 elections. He died on July 21, 1982, in Kathmandu. An estimated half a million people attended his funeral.

He followed democratic socialism and supported a constitutional monarchy in Nepal. B.P. Koirala always advocated for the establishment of Democratic Socialism

in the country which, he thought, is the best system for the upliftment of the country and its citizens. Throughout his political career, he fought for the institutionalization of democratic norms and values against the autocratic ruling regimes. In this due course, he had undergone extreme physical as well as mental tortures imparted to him by the then authoritarian regimes imprisoning him in jail many a times. Nevertheless, he spent most of his political lives in the prison; he never bowed down in front of the autocratic governors: 'Ranas' and 'Panchas'. However he remained much diplomatic being entirely cautious towards the national sovereignty and independence therefore he never lagged behind to offer his cooperating hands towards the same oppressing regime during the periods of national crisis. B.P. Koirala uniquely coined the reconciliation strategies (with the king) aka *Melmilap Niti* for the same purpose of preserving national independence and sovereignty of which he advocated till the end of his life. He envisioned a dire necessity and urgency of cooperation between the people and the king to protect the nation itself. He elaborated the responsibility of the king towards the nation so that the king himself would remain safe and secure in his position. B.P. was revolutionary leader who perennially worked and dedicated his life merely for the welfare of the country and its people regardless of his personal luxury and personal happiness.

B.P. Koirala underwent extreme hardships in his life but never stopped to fight against all the elements that hindered his journey on his path to the achievement of his goal of institutionalizing Democratic Socialism. Though, he could not accomplish his dream, he paved the way for his followers to pursue that path and reach the destination however it can be a matter of separate discussion and evaluation how much is B.P. followed even in his own party at present.

B.P. Koirala's life-story can be studied through several dimensions. Here, I have attempted to throw spotlight on his life using the theoretical lens from the philosophy of several philosophers like Carl Schmitt, Giorgio Agamben and Michel Foucault.

### **Concepts of Sovereignty**

In law, a contract is a binding legal agreement that is enforceable in a court of law. That is to say, a contract is an exchange of promises for the breach of which the law will provide remedy.

According to a legal scholar Sir John William Salmond, a contract is "an agreement creating and defining the obligations between two parties" (Morris 28).

In a society, contract becomes important at different levels, in several aspects in order to maintain cooperation and harmony among its members. At the macro level, social contract describes a broad class of theories that try to explain the ways in which people form states and/or maintain social order. The notion of the social contract implies that the people give up some rights to a government or other authority in order to receive or maintain social order through the rule of law. It can also be thought of as an agreement by the governed or a set of rules by which they are governed.

Social contract theory formed a central pillar in the historically important notion that legitimate state authority must be derived from the consent of the governed. This theory, nearly as old as philosophy itself, is the view that persons' moral and/or political obligations are dependent upon a contract or agreement between them to form society.

The starting point for most of these social contract theories is a heuristic examination of the human condition absent from any structured social order, usually

termed 'the state of nature' (Morris 52) . In this condition, an individual's actions are bound only by his or her personal power, constrained by conscience. From this common starting point, the various proponents of social contract theory attempt, to explain, in different ways, why it is in an individual's rational self-interest to voluntarily give up the freedom one has in the state of nature in order to obtain the benefits of political order.

Thomas Hobbes, John Locke and Jean Jacques Rousseau are the most famous philosophers of Social Contract Theory which formed the theoretical groundwork of democracy and republicanism thus building basis for the concept of sovereignty. The first modern philosopher to articulate a detailed contract theory was Thomas Hobbes. According to Hobbes, the lives of individuals in the state of nature were "nasty, brutish and short" (Morris 36), a state where self-interest and the absence of rights and contracts prevented the 'social', or society. Life was anarchic (without leadership/ the concept of sovereignty). Individuals in the state of nature were apolitical and asocial. This state of nature is followed by the social contract.

The social contract was an 'occurrence' during which individuals came together and ceded some of their individual rights so that others would cede theirs (e.g. person A gives up his/her right to kill person B if person B does the same). This resulted in the establishment of society, and by extension, the state, a sovereign entity (like the individuals, now under its rule, used to be) which was to protect these new rights which were now to regulate societal interactions. Society was thus no longer anarchic.

John Locke's conception of the social contract differed from Hobbes' in several ways, but retained the central notion that persons in a state of nature would willingly come together to form a state. Locke believed that individuals in a state of nature would have stronger moral limits on their action than accepted by Hobbes, but

recognized that people would still live in fear of one another. Locke argued that individuals would agree to form a state that would provide a "neutral judge" (Morris 56), and that could therefore protect the lives, liberty, and property of those who lived within it. While Hobbes argued for near-absolute authority, Locke argued that laws could only be legitimate if they sought to achieve the common good. Locke also believed that people will do the right thing as a group, and that all people have natural rights.

Jean-Jacques Rousseau, in his influential 1762 treatise *The Social Contract*, outlined a different version of social contract theory, based on popular sovereignty. Although Rousseau wrote that the British were perhaps at the time the freest people on earth, he did not approve of their representative government. Rousseau believed that liberty was possible only where there was direct rule by the people as a whole in lawmaking, where popular sovereignty was indivisible and inalienable. Citizens must, in at least some circumstances, be able to choose together the fundamental rules by which they would live, and be able to revise those rules on later occasions if they choose to do so - something the English people as a whole were unable to do.

Rousseau's political theory has some points in common with Locke's individualism, but departs from it in his development of the "luminous conception" (Morris 68) (which he credited to Diderot) of the general will. Rousseau argues a citizen can be an egoist and decide that his personal interest should override the collective interest. However, as part of a collective body, the individual citizen puts aside his egoism to create a "general will", which is popular sovereignty itself. Popular sovereignty (i.e., the rule of law), thus decides what is good for society as a whole, and the individual (including the administrative head of state, who could be a monarch) must bow to it, or be forced to bow to it:

The social contract can be reduced to the following terms: Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole

In forming his theory of Social Contract, Rousseau talked of the popular sovereignty simply as a 'general will'. Since then, the term Sovereignty has undergone several transformations and thus occupies one of the central positions in the modern political domain. In addition, it has remained much controversial throughout the history.

Sovereignty is the quality of having supreme, independent authority over a territory. It can be found in a power to rule and make law that rests on a political fact for which no purely legal explanation can be provided. The concept has been discussed, debated and questioned throughout history, from the time of Romans to the present day, although it has changed its definition, concept and application throughout human history. In short, a Sovereign is a supreme law making authority. However, the term sovereignty is notoriously difficult to define, as it takes on and sheds meaning according to historical context. Nonetheless, sovereignty was since the Renaissance and arguably still is, the central term around which the discourse on power – its ultimate source, its extent, its capacities – is articulated. It is an indisputable fact that this conception, from the moment when it was introduced into political science until the present day, has never had a meaning which was universally agreed upon.

Several social thinkers and philosophers have defined the term sovereignty in their own words. While Carl Schmitt defined sovereignty as “the power to decide the state of exception” (Schmitt 1); for Agamben, sovereignty is not exclusively a political concept but also an ontological one.

An important factor of sovereignty is its degree of absoluteness. A sovereign power has absolute sovereignty if it has the unlimited right to control everything and every kind of activity in its territory. This means that it is not restricted by a constitution, by the laws of its predecessors, or by custom, and no areas of law or behavior are reserved as being outside its control. For example, parents are not guaranteed the right to decide some matters in the upbringing of their children independently of the sovereign power; municipalities are not guaranteed freedom from its interference in some local matters, etc. Theorists have diverged over the necessity or desirability of absoluteness. Historically, it is doubtful whether a sovereign power has ever claimed complete absoluteness, let alone had the power to actually enforce it. The other key element of sovereignty in the legalistic sense is that of exclusivity of jurisdiction. Specifically, when a decision is made by a sovereign entity, it cannot generally be overruled by a higher authority, usually another state.

Concept of Sovereignty being primarily embedded in its absoluteness and exclusivity of jurisdiction gets elaborate ramifications in Carl Schmitt's book "Political Theology". In order to make the concept of sovereign power relevant to the modern state, Schmitt felt compelled to liberate the concept not only from the so-called scientific system of norms but also from obfuscations and repressions brought about by liberal constitutional thought and parlance. For Schmitt, "the sovereign authority not only was bound to normally valid legal order but also transcended it" (Schmitt Introduction xvii).

His sovereign slumbers in normal times but suddenly awakens when a normal situation threatens to become an exception. The core of this authority is its exclusive possession of the right of, or its monopoly of,

political decision making. Thus Schmitt's definition: "Sovereign is he who decides on the exception." (Schmitt Introduction xviii)

Here the exception is to be understood to refer to a general concept in the theory of the state, and not merely to a construct applied to any emergency decree or state of siege. The assertion that "the exception is truly appropriate for the juristic definition of sovereignty has a systematic legal-logical foundation" (Schmitt 6). The decision on the exception is a decision in the true sense of the word. Because a general norm, as represented by an ordinary legal prescription can never encompass a total exception, the decision that a real exception exists cannot therefore be entirely derived from this norm. And it is precisely the exception that makes relevant the subject of sovereignty, that is, the whole question of sovereignty. Its exclusive character further gives a paradoxical stance to the meaning of sovereignty thus lingering it in between outside and inside the law.

This paradox of sovereignty consists in the fact the sovereign is, at the same time, outside and inside the juridical order.

If the sovereign is truly the one to whom the juridical order grants the power of proclaiming a state of exception and, therefore, of suspending the orders own validity, then "the sovereign stands outside the juridical order and, nevertheless, belongs to it, since it is upto him to decide if the constitution is to be suspended in toto" (Schmitt Politische Theologie, p. 13). (Agamben 17)

The specification that the sovereign is "at the same time outside and inside the juridical order" (Agamben 17) is not insignificant; the sovereign, having the legal power to suspend the validity of the law, legally placed himself outside the law. This means that the paradox can also be formulated in this way: "the law is outside itself",



or “I, the sovereign, who am outside the law, declare that there is nothing outside the law [che non ce unifiiori legge]’ (Agamben 17).

Thus the paradoxical nature always places sovereign in a state of exception. For what is at issue in the sovereign exception is, according to Schmitt, the very condition of possibility of juridical rule and, along with it, the very meaning of state authority. Through the state of exception, the sovereign “creates and guarantees the situation” (Agamben 18) that the law needs for its own validity. But what is this situation, what is its structure, such that it consists in nothing other than the suspension of rule? What characterizes an exception is principally unlimited authority, which means the suspension of entire existing order.

The exception is that which cannot be subsumed; it defies general codification, but it simultaneously reveals a specifically juristic element – the decision in a situation in which legal prescription can be valid must first be brought about. (Schmitt 13)

Furthermore, the exception is a kind of exclusion. What is excluded from the general rule is an individual case. But the most proper characteristic of exception is that what is excluded in it is not, on account of being excluded, absolutely without relation to rule. On the contrary, what is excluded in the exception maintains itself in relation to the rule in the form of rule’s suspension. The rule applies to the exception in no longer applying, in withdrawing from it. The state of exception is thus not the chaos that precedes order but rather the situation that results from its suspension. In this sense, the exception is truly, according to its etymological root, taken outside (ex-capere), and not simply excluded.

Hereby, it is quite clear that the state of exception is embodied within sovereignty. The concepts cannot be understood in separation. The sovereign

produces and guarantees the situation in its totality. He has the monopoly over this last decision. There in resides the essence of the state's sovereignty which must be juristically defined correctly, not as the monopoly to decide. The exception reveals most clearly the essence of the state's authority. The decision parts here from the legal norm, and (to formulate it paradoxically) authority proves that to produce law it need not be based on law.

Precisely a philosophy of concrete life must not withdraw from the exception and the extreme case, but must be interested in it to the highest degree. The exception can be more important to it than the rule, not because of a romantic irony for the paradox, but because the seriousness of an insight goes deeper than the clear generalizations inferred from what ordinarily repeats itself. The exception is more interesting than the rule.

The rule proves nothing; the exception proves everything. It confirms not only the rule but also its existence, which denies only from the exception. In exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition. (Schmitt 15)

A Protestant Theologian who demonstrated the vital intensity possible in theological reflection in the nineteenth century stated:

The exception explains the general and itself. And if one wants to study the general correctly, one only needs to look around for a true exception. It reveals everything more clearly than does the general. Endless talk about the general becomes boring; there are exceptions. If they cannot be explained, then the general also cannot be explained. The difficulty is usually not noticed because the general is not thought

about with passion but with a comfortable superficiality. The exception on the other hand, thinks the general with intense passion. (Schmitt 15)

Thus in respect to Sovereignty, it is precisely the exception that makes relevant the subject of sovereignty, that is, the whole question of sovereignty. In fact it is exception, tied to war, tied to the political that is the fundamental category of Schmitt's work, yet it is never defined as such, as it always has the character of being beyond the law, it is thus referred to as danger, or extreme peril, in fact, perhaps anything that confronts, undermines and destroys the rule. Therefore evolves the concept of sovereign exception:

The sovereign exception (as zone of indistinction between nature and right) is the presupposition of the juridical reference in the form of its suspension. Inscribed as a presupposed exception in every rule that orders or forbids something (for example in the rule that forbids homicide) is the pure and unsanctionable figure of the offense that, in normal case brings about the rule's own transgression. (Agamben 19)

The sovereign exception represents a further dimension. It displaces a contrast between two juridical demands into a limit relation between what is inside and what is outside the law, what defines the character of the sovereign claim is precisely that it applies to the exception in no longer applying to it, that it includes what is outside itself: "The sovereign exception is thus the figure in which singularity is represented as such, which is to say, insofar as it is unrepresentable. What cannot be included in anyway is included in the form of exception" (Agamben 21).

Thus, the sovereign exception is an inclusive exclusion. Sovereign exception is a limit figure in which life is both inside and outside the juridical order and the sphere where this figure is located is the sphere of sovereignty:

If the exception is the structure of sovereignty, then sovereignty is not an exclusively juridical category, a power external to law (Schmitt), or the supreme rule of the juridical order (Hans Kelsen); it is the originary structure in which law refers to life and includes it in itself by suspending it. (Agamben 23)

Furthermore, the relation of exception is the relation of ban. A banned or tabooed man is equal to a sovereign figure for he who has been banned is not, in fact “simply set outside the law and made indifferent to it but rather abandoned by it” (Agamben 23). Such a figure is exposed in a threshold in which life and law, outside and inside become indistinguishable. Therefore, literally it is not possible to say whether the one who has been banned is outside or inside the juridical order. In this sense, the paradox of sovereignty can take the form: “There is nothing outside the law” (Agamben 23).

### **Homo Sacer**

*Life that cannot be sacrificed and yet may be killed is sacred life (Agamben 52). “Cum cetera sacre violari nefas sit, hominem sacrum ius fuen’t occidi”- While it is forbidden to violate other sacred things, it is licit to kill the sacred man. (Agamben 52)*

Giorgio Agamben in his main work “Homo Sacer: Sovereign Power and Bare Life”, analyses an obscure figure of Roman law that poses some fundamental questions to the nature of law and power in general. Under the Roman Empire, a man who committed a certain kind of crime was banned from society and all of his rights as a citizen were revoked. He has become a ‘homo sacer’ (sacred man). In consequence, he could be killed by anybody – while his life on the other hand was deemed ‘sacred’, so he could not be sacrificed in a ritual ceremony.

Just as the law, in the sovereign exception, applies to the exceptional case in no longer applying and in withdrawing from it, so homosacer belongs to God in the form of unsacrificeability and is able to be killed. (Agamben 52)

Roman law was no longer applied to someone deemed a Homo Sacer, although they would remain ‘under the spell’ of law. Agamben defines it as “human life. . . included in the juridical order solely in the form of its exclusion (that is, of its capacity to be killed)” (Agamben 71). Homo Sacer was therefore excluded from law itself, while being included at the same time. This figure is the exact mirror image of the sovereign (Basileus)—a king, emperor or president – who stands, on the one hand, within law (so he can be condemned, e.g., for treason, as a natural person) and outside of the law (since as a body politic he has power to suspend law for an indefinite time).

Homo sacer, the one who is “captured in the sovereign ban” (HS 83), the one who may be killed without committing homicide but not sacrificed, exists in a parallel relation to the sovereign in the sense that he also is outside the normal juridical order. Political sphere is thus constituted through double exclusion (HS 83). (Passavant, 148)

The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide, in the first tribunitarian law, in fact, it is noted that “if someone kills the one who is sacred according to plebiscite, it will not be considered homicide” (Agamben 47).

Homo Sacer is the one excluded from the religious community and from all political life: “he cannot participate in the rites of his gens, nor can he perform any juridically valid act” (Agamben 103). His entire existence is reduced to a bare life

stripped of every right by virtue of the fact that anyone can kill him without committing homicide. Yet, he is in continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditional threat of death:

He is pure *zoe*, but his *zoe* is as such caught in the sovereign ban and must reckon with it at every moment, finding the best way to elude or deceive it. In this sense, no life, as exiles and bandits know well, is more ‘political’ than his. (Agamben 103)

On the basis of its definition, it is much complicated and paradoxical to understand exactly who *Homo Sacer* is. So the question arises: what then is the life of *homo sacer*, if it is situated at “the intersection of a capacity to be killed and yet not sacrificed, outside both human and divine law?” (Agamben 48)

It is therefore not the originary ambivalence of the sacredness that is assured to belong to him that defines the status of *homo sacer*, but rather it is both the particular character of double exclusion into which he is taken and the violence to which he finds himself exposed define his stance. The violence – “the unsanctionable killing that, in his case, anyone may commit – is classifiable neither as sacrifice nor as homicide” (Agamben 52).

Since its origins, Agamben notes, law has had the power of defining what ‘bare life’ (*zoe*, as opposed to *bios*: qualified life) is by making this exclusive operation, while at the same time gaining power over it by making it the subject of political control. The power of law to actively separate ‘political’ beings (citizens) from ‘bare life’ (bodies) has carried on from Antiquity to Modernity -- from, literally, Aristotle to Auschwitz. Aristotle, as Agamben notes, constitutes political life via a simultaneous inclusion and exclusion of ‘bare life’: as Aristotle says, man is an

animal born to life (*zen*), but existing with regard to the good life (*eu zen*) which can be achieved through politics. Bare life, in this ancient conception of politics, is that which must be transformed, via the State, into the ‘good life’; that is, bare life is that which is supposedly excluded from the higher aims of the state, yet is included precisely so that it may be transformed into this ‘good life’. Sovereignty, then, is conceived from ancient times as a state of exception. According to Agamben, biopower, which takes the bare lives of the citizens into its political calculations, may be more marked in the modern state, but has essentially existed since the beginnings of sovereignty in the West, since this structure of ex-ception is essential to the core concept of sovereignty: "The fundamental activity of sovereign power is the production of bare life as originary political element and as threshold of articulation between nature and culture, *zoe* and *bios*" (Agamben 102).

The above statement clearly implies that the Western politics is a bio-politics from the very beginning, and that every attempt to found political liberties in the rights of citizens is, therefore, in vain. Since the very initial stages of the inception of governing body and the governed masses of people in the human society as a result of efforts to maintain law and order; individuals are subjections to the political power and never free in their doings.

Thus for Agamben, the production of bare life – the human life exposed to an ever-present vulnerability to being killed, the exclusion that founds the city of men – is the “originary activity of sovereignty” (Agamben 55) and this decisive constituted the “originary political relation” (Agamben 55).

Agamben traces the exclusion of bare life to the distinction ancient Greeks made between *zoe* (biological life) and *bios* (a way of life). The Greeks sought to exclude *zoe* from public or political space and confine it to the *oikos* (home):

Therefore, the human being with logos dwells in the polis “by letting its own bare life be excluded, as an exception, within it . . . . There is politics because man is the living being who, in language separates and opposes himself to his own bare life (HS 8)”. (Passavant 154-155)

The trend of bare life being enmeshed in the political calculations of the state has continued since classical times till the present time. The modern bio-political state has furthermore proved that life is immediately political. This political nature of life has made it impossible to isolate something like a bare life from human being’s cohesive unity.

Besides this, a state mechanism also asserts its right over the life and death of an individual and his assertion has become more and more stronger in the recent bio-political paradigm of modern states exercised by means of a sovereign power: “For a long time one of the characteristic privilege of sovereign power was the right to decide life and death (La volonte, p.119)” (Agamben 55).

In the classical theory of sovereignty, the right of life and death was one of the sovereignty’s basic attributes. Now the right of life and death is a strange right. In one sense, to say that the sovereign has a right of life and death means that he can, basically either have people put to death or let them live or in any case that life and death are not natural or immediate phenomena which are primal or radical, and which fall outside the field of power. (Foucault 241)

In this way, the modern states differ from the ancient that it no longer confines zoe to the oikos but has taken on the management of biological life as its sole concern. Placing biological life at the centre of its calculations, the modern state therefore does nothing other than bring to light “the secret tie uniting power and bare life, thereby



reaffirming the bond between modern power and the most immemorial of the arena imperii” (Agamben 11).

Moreover, what characterizes modern democracy as opposed to classical democracy is that modern democracy presents itself from the beginning as “a vindication and liberation of zoe” (Agamben 13) constantly trying to transform its own bare life into a way of life and to find, “so to speak the bios of zoe” (Agamben 13). Modern democracy wants to put the freedom and happiness of man into play in the very place – “bare life – that marked their subjection” (Agamben 13).

Nevertheless, modern democracy seem to be character by a basic principle of liberty, freedom and sovereignty, that are, assumed to belong to the citizens, modern bio-politics has so vastly entangled human life in its realm that such principles are almost lost as subjection to the political power:

Today politics knows no value (and consequently, no non-value) other than life, and until the contradiction that this fact implies is dissolved, Nazism and facism which transformed the decision on bare life into the supreme political principle – will remain stubbornly with us.

(Agamben 13)

Contrary to our modern habit of representing the political realm in terms of citizens’ rights, free will, and social contracts, from the point of view of sovereignty only bare life is authentically political. This is why “in Hobbes, the foundation of sovereign power is to be sought not in the subjects’ free renunciation of their natural right but in the sovereigns preservation of his natural right to do anything, which now appears as the right to Punish” (Agamben 64).

## Power

Michael Foucault introduces a novel concept of power that differs from the traditional one thus giving a new dimension to its definition. In the older concepts, power is regarded as a right which can be possessed in the way one possesses commodity. In the classic juridical theory of power, power is conceived as something which can be transformed or alienated, either completely or partly, through a juridical act or an act that finds a right: "Power is the concrete power that any individual can hold, and which he can surrender, either as a whole or in part, so as to constitute a power or political sovereignty" (Foucault 13).

With such definitions, power and its concepts are stunted within a narrow circle whereby power is accepted as the mere property of an individual or a group. Foucault freed the concept of power from this conventional analysis making several inquiries on the 'what' and 'how' of power:

. . . power is primarily in itself, a relationship of force which raises some questions or rather two questions: if power is exercised, what is the exercise of power? What does it consist of? What is its mechanism? . . . Power is essentially which represses nature, instincts, a class or individuals. (Foucault 15)

Thus, Foucault endeavours, in his own words "to look since 1970-1971 at the how of power" (Foucault 24). In his analysis of power and its mechanism, Foucault essentially mentions how power and truth are inseparably linked to each other. For Foucault, power produces the truth which further makes several effects "that power produces that this power conducts and which in turn reproduces that power" (Foucault 24). So, power, truth and right can be placed in a triangular position. In other words, power obliges to produce truth that demands truth and need it in order to function.

Truth is a construct shaped by power. Foucault denies the concept of a universal, widely accepted and permanent truth rather he believes on many truths. He further elaborates the intimacy between truth and power:

. . . we are forced to tell the truth, we are constrained, we are condemned to admit the truth or discover it. Power constantly asks questions and questions us; it constantly investigates and records, it institutionalizes the search for the truth, professionalizes it, and rewards it. (Foucault 24)

Throwing more spotlights on the nature of power, Foucault defines power as something that circulates:

Power must, I think, be analyzed as something that circulates, or rather as something that functions only when it is a part of chain. It is never localized here or there, it is never in the hands of some, and it is never appropriated. Contrary to the older concepts of power, Foucault envisions the circulation of power in networks – “Power is exercised, circulated and forms networks.” (Foucault 29)

Furthermore, Foucault relates concept of power with resistance to show how power and resistance are adhered to each other. For Foucault, resistance emanates from the power itself. Where there is power, there is always resistance and the two things are coextensive: "As soon as there is a power relation, there is a possibility of resistance. We can never be ensnared by power: we can always modify its grip in determinate conditions and according to a precise strategy" (Foucault 280).

Deployment of power inevitably invites resistance in several forms of struggles. Hence according to Foucault, the field where power is exercised is not of a doleful and stable domination. He envisions the necessity of agitations in response to

any forms of exercise of power: "The struggle is everywhere . . . at every moment, we move from rebellion to domination, from domination to rebellion . . ." (Foucault 280).

In other words, resistance in form of rebellion comes out as an effect of the conduction of power while power constantly aims to suppress and manipulate the resistance through several means of dominations and maneuvers.

## **II. B.P. Koirala: A Sovereign Exception and Homo Sacer**

Sovereignty, a term that has occupied central space in the political domain, is much complex to be precisely defined for it sheds meaning according to the historical context. Etymologically, the term has its root in the word 'sovereign' to which Oxford Dictionary defines as "a person with the highest power in a country, especially a king or queen". Thus, Sovereignty is the quality of acquiring this supreme authority.

During ancient periods, it was said to be inherited in a particular person or group who was a ruler or who governed over a certain territory and people living in that area.

However, with several transformations in the political philosophy, this trait has been linked with a whole country and its people. In modern times especially in democracy, sovereignty has turned into a quality that must remain in the hands of the citizens rather than in the hands of a ruler however the term never has a meaning which was and is universally agreed upon.

In the initial phases of the development of human society, when the necessity of a governing body was realized and such practices of ruling were started; people were happily subject to the rule of an individual or a group. People gradually realized the essence of individual freedom and basic human rights and started to demand for such rights with the ruling body only in the later periods. Prior to these periods, sovereignty was completely exercised by the ruler without any grudges from the side of the ruled ones. It was during this process that the political and social philosophers attributed a different definition to the term 'sovereignty' reflecting its necessity to be in the grasp of the citizens or ruled ones rather than in the control of the government or ruler. Several philosophers have defined the term in a varied ways thus reflecting its dynamic nature.

On the basis of its general definition, two traits- degree of absoluteness and exclusivity of jurisdiction – can be regarded as the important features of sovereignty. However, it is historically doubtful whether a sovereign power has ever claimed complete absoluteness, let alone had the power to actively enforce it. The democratic stream in political sphere has always attempted to include sovereign figure within the law in order to avoid the possibility of dictatorship. In this sense, sovereignty itself inherits a paradox in it thus locating a sovereign figure both inside and outside the law.

Carl Schmitt is one of the political philosophers who elaborately defines the several implications of the term giving it a new dimension in his philosophy. For Schmitt, “the sovereign authority not only was bound to normally valid legal order but also transcended it” (Schmitt Introduction xviii). For him, every government capable of decisive action must include a dictatorial element within its constitution. He defines the sovereignty as the power to decide the insaturation of the state of exception simultaneously defining sovereign as “he who decides on the exception” (Schmitt 1). He believes on imparting unlimited power and authority to a head of state that avails him to exercise such power to its extreme over his territory and its people without any limitation. His political theory founded on the idea of exception can be in a way, taken as an attack on liberalism. Thus, Schmitt’s political principles on Sovereignty directly contradict with that of a democratic Nepali leader B.P. Koirala.

B.P.’s political philosophy is basically grounded on the democratic norms and values. Some of the unavoidable traits of democracy are equality among people, transparency and accountability of the government. B.P.’s speeches carry the reflections of essences of such principles in his envisioned concept of Democratic Socialism. He remained a strong supporter of Liberal Democracy throughout his

political career and embraced the radical line of revolution against the autocratic government making best efforts to institutionalize democracy in the country. His concepts of Sovereignty in the national context are based on these basic principles of his political philosophy:

*. . . in the present age, no one can accept the older concept of state as the personal possession of king; that its sovereignty is embedded in the king and government is the machination of personal rule. (Rastriya Yekata ko Nimti Aahawaan 20)*

B.P. strongly defies that sovereignty is rooted in an individual that is, a king, in the then context. Instead, he boldly argues that the sovereignty must belong to the citizens and must be exercised by them: *"In democracy, state is the common property so its sovereignty must be endowed with its citizens thus government, the ruling machine of a state, must be established by the citizens themselves"* (Rastriya Yekata ko Nimti Aahawaan 20).

B.P. even argued that every government that is not accountable and responsible towards the citizens has no right to rule over them. While Carl Schmitt seeks to legitimate the sovereign power to an extent of facilitating dictatorship to him whereby the sovereign figure could exercise unlimited power transcending the limitations of law simultaneously grounding on the same law; B.P. never agreed upon the justifications made on the behalf of the autocratic rulers. He remained an indefatigable supporter of democracy and its basic norms.

Furthermore, he even envisioned the necessity of revolution and protests against oppressive governments and always inspired people to be ready for people's revolution in such special cases when the government would not grant democratic

rights to its citizens: *“I convinced the essence of revolution to the people against this undemocratic system” (Rastriya Yekata ko Nimti Aahawaan 25).*

Carl Schmitt’s concepts on Sovereignty and its power pursue the older trend of dominating the citizens where as B.P.’s concept embraces more liberal concept completely leaned towards democracy.

B.P. Koirala was not simply a political leader. Delving deep into his speeches and interviews makes it quite clear that B.P. was also a great political and social thinker. A renowned and revered political leader among common people, B.P. Koirala had closely observed their lives and living style. He, then, subtly opined that the common life of people is always encircled by the political influences. B.P. envisioned general lives of people embedded in the politics. For him, the society and its people can never escape away from the political impacts. According to B.P., especially during the period of political transition and national crisis; politics overhauls the personal lives of the people: *“State continuously assaults even the personal lives of people in the type of society where we are living at present” (Rajniti Abhilekh 327).*

Nevertheless, it was during the context of Panchayat system in Nepal that B.P. uttered such statements throwing spotlight on the impacts politics make in the common lives of people; the statement still remains a relevant one and will remain forever. A deep philosophy is hidden in the statement that mirrors the endowed political nature of human beings.

Here, B.P.’s opinions exactly coincided with 20<sup>th</sup> century thinker, Michel Foucault’s concept of the unavoidable politicization of people and society within a state mechanism that spread its tentacles in different forms.

Both for B.P. and Foucault as well, man in the modern state is totally ensnared in political calculations. Politics has beset human life in all the social, political,



economic as well as biological spheres. B.P. further argued that the attempt of any citizen living within the state mechanism, to escape away from being politicized is a mere futile attempt.

*Who is neutral? . . . Take out such concepts from your mind that anyone in Nepal is apolitical. A man who claims oneself as apolitical is a mere liar. He lies to others and also lies to oneself. (Raaja, Raastriyata Ra Raajni 9)*

Thus B.P. finds the inevitable linking of politics with people's lives.

As a revolutionary leader who was an advocate of democracy and its basic principles; B.P. reasonably and ardently encouraged people to revolt against the autocratic governments. His motives in making such summons cannot be however merely stunted within the then political context rather it is apt and subtle for every time and every human civilization: ". . . the voices of protest and revolution are obvious sovereign rule. . . In the absence of peaceful legal means of protests; the revolutionary principles must be embraced" (*Rastriya Yekata ko Nimti Aahawaan 8*).

B.P. emphasized the importance of people's revolution in his views and how it emerges out because of the power exercised by the authority itself. In a way, he admits that the authority itself produces the resisting power in the citizens. Whenever the autocratic governments try to suppress and dominate the citizens grabbing their fundamental rights; people must protest and dominate against the government. For B.P., such agitations and movements must be strong and united enough to compel the government to reinstate the fundamental rights of people: "*Revolution, in my analysis, is a state of protests that exerts pressure on government to such an extent that the government is obliged to grant the people's right to them*" (*Rastriya Yekata ko Nimti Aahawan 9*).

Hereby, Foucault's circular concept of power and resistance gets reflection in B.P.'s concept who also believes that the resisting power against the ruling authority emerges from the power exercised by the authority itself. For Foucault, where there is power, there is resistance. Power and resistance are inseparable from each other. With the exercise of the same power, the then authoritarian regimes tortured and tormented the general people therefore B.P. frequently envisioned the necessity of people's revolution in the form of resistance from the side of the people against the dominating power.

Furthermore, B.P. even perceived the inevitable essences of armed rebellion beside the peaceful protests to track down the autocratic regimes: ". . . *for the establishment of democracy, in special condition, armed rebellion becomes the birthright of citizens alike the right to self-defense*" (*Rastriya Yekata ko Nimti Aahawan 12*).

Thus Foucault's concepts of power and resistance coincide with B.P.'s summons for people's rebellion in the context of Nepali politics.

### **Sovereign Exception**

For Schmitt – "Sovereign is he who decides on the exception" (Schmitt 1). By exception, Schmitt means the appropriate manner of stepping outside the rule of law in public interest. A sovereign figure therefore can be a powerful ruler who can exercise power on exceptional basis locating oneself even outside the law as per the need of the situation whereby others are subject to abide by the actions of the Sovereign.

Italian philosopher Giorgio Agamben used this concept to define a figure parallel to the ruling one that is, Sovereign Exception – a limit figure which is both inside and outside the law.

Hereby, Agamben's concept of Sovereign Exception entirely coincides with towering and rebellion figure B.P. Koirala's personality and political life. Koirala underwent traumatic and turbulent days in prison when he boldly attempted to revolt against the ruling powers in favour of common people and their rights. B.P. Koirala was treated in a strict and harsh manner by the then authorities to stop him speak against them. However, despite their Herculean efforts to curb him from striving enough to revolt against them, Koirala boldly faced their actions and never let down his resisting power. Thus as per Agamben's concept, Koirala can be aptly termed as a Sovereign Exception who can be located both inside and outside the law. The then rulers neither could free B.P. nor could finish his life. Though he was under their continuous inspection in jail, he was challenging the same oppressive power from inside the jail. B.P. boldly spoke out time and again how the then government had kept him under surveillance without any legal fulfillment of law. He even questioned the legal validity of such act of the government in the court.

B.P. Koirala was imprisoned in 1947-1948 on reaching his hometown Biratnagar to lead a labor demonstration at Biratnagar Jute Mill. A year later, he was arrested again but was soon released after 27-day hunger strike. Even though, he was elected as the first Prime Minister of Nepal through a democratic electoral process in 1959, he was sent to jail after a bloodless coup by King Mahendra. Koirala spent the valuable eight years of his life from 1960-1968 in jail without trial. At this illegal act of the government, Koirala raises questions at the court:

*. . . there was no reason for the end of my premiership neither from democratic nor from constitutional or from national point of view.....but I have been imprisoned for 8 years without any charges . . . without any allegations, I have been standing in front of this court*

*time and again since the very day of my arrest . . . (Rastriya Yekata ko Nimti Aahawaan 5)*

Moreover in those times, many of the prisoners were released after a few months but Koirala was kept imprisoned until 1968 although he was suffering from throat cancer. In this manner, Koirala was exceptionally treated by the government which also proves him as a Sovereign Exception. He also raised the question at this act of arresting thousands of youths without fulfilling any legal procedures. He termed this action of the government as an act that sowed the seed of injustice:

*The bloodless coup of 1<sup>st</sup> Poush 2017 was not only improper, rather it was unconstitutional and illegal too. . . Thousands were imprisoned, many of them were inhumanely treated on that day . . . thousands of ignorant Nepalese were imprisoned and terrorized. They were turned into soulless beings . . . The seed of injustice was sowed in the year 2017 B.S. (Rastriya Yekata ko Nimti Aahawaan 17)*

Afterwards, he lived his life in exile in Banaras, India but was again arrested in 1976 when he had returned to the country with reconciliation strategies (Melmilap ko Niti) with the king.

On the whole, B.P. Koirala had spent almost ten years of his life in jail as an alleged crime. However, he had always remained an ardent follower of democracy and never bowed down in front of the ruling powers. His explanation to the court on its summon on behalf of the charges and cases suited against him is a manifesto of the courageous encounter of Koirala with the powerful rulers on those times. In addition, his recorded speeches compiled in the book “Atmabrittanta” and several speeches that he delivered in several times prove him as a charismatic revolutionary political leader who can be obviously regarded as a parallel figure to the rulers themselves.

B.P. Koirala, in many cases, denied answering the questions of the court, a representative of the sovereign head: *"I don't want to answer the question asked to me with reference to my possession of any weapons or not"* (Rastriya Yekata ko Nimti Aahwaan 13).

*In regard to a query related to my acquaintance with Girija Prasad Koirala, it is so that he is my own youngest brother. If he is a member of Nepali Congress or not, I don't want to say. (Rastriya Yekata ko Nimti Aahwaan 32)*

B.P. Koirala deliberately rejected to answer the questions asked with him in the court. He utterly maintained his spirit to fight with the authoritarian regimes and their followers.

Furthermore, he even dared to question the authenticity of the court and its decision: *". . . why are the procedures of law and justice futile in my context? I can't get any legal answer of my questions, the only I get is the political ones"* (Rastriya Yekata ko Nimti Aahawaan 49).

In 1976, when Koirala was arrested from the airport without fulfillment of any legal procedures, he boldly asked for the justifiable reasons of his imprisonment without trial in the court. Several of Koirala's statements amply prove to term him as a bold figure who despite the hardships never bothered to face all the steps against him. While B.P. was imprisoned in Sundarijal jail by the then king though he was suffering from throat cancer, he even threatened the authorities in the jail denying following their orders:

*. . . I will not take the medicine. Look at the way they are treating a prisoner. My fast is a protest. They have kept me in this inhumane*

situation for the last six months. I am allowed no letters, and do not even get to see another person's face. (Atmabrittanta 89)

He threatened the ruler by denying to accept the treatment manifesting how powerful a person is even when the state exercises its power so cruelly on him thus he indirectly himself drew a parallel between him and the ruler by defying the ruler's order.

Fasting has been one of the effective means in B.P.'s life through which he conveniently challenged the state authority in a way he himself turned into the ruler or a sovereign power rather than being a subject to the ruler or a threatened being:

While all that was happening, I was already 20-22 days into my fast. . . .  
On the 24<sup>th</sup> day, I was fainted. Three doctors visited me . . . when I regained consciousness, I saw that both of my legs were in a sling and I was being given a saline drip. (Atmabrittanta 91)

### **Homo Sacer**

Giorgio Agamben in his book "Homo Sacer and Bare Life" analyses an obscure figure of Roman Law – Homo Sacer - a person who is banned. The person is excluded from all civil rights while his/her life is deemed holy life in negative sense. Agamben describes Homo Sacer as an individual who exists in the law as an exile. Agamben further defines it as "human life . . . included in the juridical order solely in the form of its exclusion" (Agamben 71). This figure is the exact mirror of the sovereign – a king, emperor or president.

Taking into consideration, Agamben's definition of Homo Sacer, it would not be unsuitable to term B.P. Koirala as "Homo Sacer" in the Nepalese political scenario. He can be aptly termed as Homo Sacer according to Agamben's concept who also defines Homo Sacer as the "one who is captured in the sovereign ban" (Agamben 83).

B.P. Koirala exists in a parallel relation to the king in the sense that “he also is outside the normal juridical order” (Agamben 83). Outside the normal juridical order, here, refers to his imprisonment without legal order on the basis of some fake charges made against him. B.P. Koirala time and again reiterated in his own verdict in his explanation to the court that he was imprisoned because of some political motivations rather than because of his violation of law:

*Despite several warrants issued by the court, why was I directly arrested from the airport on 16<sup>th</sup> Poush, 2033 and imprisoned on the basis of the law of preventive detention rather than allowing me to give my explanation to the court? . . . The government has no lawful answer to this question. This was merely a politically-motivated action.*  
(*Rastriya Yekata ko Nimti Aahawaan 44*)

In addition, Koirala was treated in a disparate manner inside the jail whereby he was not allowed to meet any of his relatives and appoint his own lawyer as per the rule of the law provided by the constitution. He was prohibited to enjoy his right to self-defense:

*I was not allowed to remain in contact with my relatives in any way even so many months after my arrest. They even separated me from my colleague, Ganesh Man Singh with whom I stayed for some months and abandoned to stay alone. We were not informed of any charges against us rather in a fake manner, it was advertised that we were civil criminals. (Rastriya Yekata ko Nimti Aahawaan 45)*

B.P. Koirala was even kept ignorant of the disease he was suffering from when he was in the jail. The doctors were called in the prison to treat him but he was not at all

allowed to go outside. Once, even the x-ray machine was fetched to the jail in due course of his treatment.

Hereby, it is crystal clear that even when he was inside the jail, B.P. Koirala had compelled the Sovereign Power to be cautious towards his actions and his overall condition although he was under their entire inspection. Thus B.P. Koirala according to Roman Law can be termed as “Homo Sacer”.

Bishweshwar Prasad Koirala had spent almost ten years of his life in imprisonment though it was not on the basis of legal fulfillment that he was arrested time and again. The government authority (jailer) treated B.P. Koirala in an inhumane and barbarous manner inside the jail. Agamben’s concept of bare life as discussed in his book “Homo Sacer and Bare Life” can be subtly applied in B.P. Koirala’s political life. B.P.’s general life was turned into a bare life inside the jail where he had undergone through extreme physical as well as mental sufferings; he was curbed even the fundamental human rights and had to live in an extreme inhumane condition:

*I am subjected to the barbarous treatment. I am locked in a dark ill-ventilated cell measuring 7×6 day and night. I have to perform daily duties and cook my meals in the cell itself. In the beginning for one month I was fettered, handcuffed and chained all the twenty-four hours. (B.P. Koiralaka Chhariyeka Samagriharu 340)*

The lines mentioned above were written by Koirala himself in an article titled “A Letter to Janata” published in an Indian newspaper. It is much clearer that B.P. Koirala as a prisoner was not at all imparted fundamental human rights approved by the national and international laws.

Furthermore he has written:



*. . . I was not given any covering of bed. I had to pass the December nights without any protection against the severe cold . . . I am lodged in what used to be the captain's (jailor) stable hastily converted into my prison. The place is awfully dirty. (B.P. Koiralaka Chhariyeka Samagriharu 341)*

Koirala's poignant description of his pathetic condition inside the jail portrays the physical and mental torture he had to bear inside the prison. He was simultaneously imparted physical and mental torture; the first one by curbing his basic rights conveniently to food, shelter and clothes and the other by disallowing him to make any contacts with his family members and relatives:

*I am completely shut out from the outside world . . . I have been demanding that I should be permitted to write to my relatives and get books. They don't listen. My health is poor. (B.P. Koiralaka Chhariyeka Samagriharu 341)*

B.P. Koirala was completely abandoned and kept in a dark cell alone where light too was not in abundance. He was prohibited the companionship of other prisoners. He poured out his grudges against such inhumane behaviour of the authority: "I was not allowed to meet anyone, nor even see a face. I could hear what was going on outside, and also people conversing with the soldiers" (Atmabrittanta 85).

The very good instance of how state turns general life into a bare life by creating a schism between the biological and political lives of a single person is more heart-rendering in B.P.'s recorded speeches compiled in the form of a book "Atmabrittanta" whereby he describes the room in the prison where he stayed with great inconvenience:

. . . The room had the stench of a toilet. There was that small opening in the wall, but no passage was made for the discharge. Everything was supposed to end up in a pit below. I used a brick from the stone to cover the toilet opening which helped limit the smell somewhat.

(Atmabrittanta 85)

The penetrating description of B.P.'s living condition is a proof to the extremity of barbarity against the human lives. It is much apt hereby to say that power terrorizes. Human beings are turned into a subject of political control by the rulers in the due course of exercising power.

B.P.'s existence, was thus, reduced to a bare life curbed of every right. He had to live in a wretched inhumane condition whereby all the basic rights were curbed. Yet, he was in a continuous relationship with the power that tortured and banished him. The rulers also used to send the authorities to keep a strict watch on his actions and look after his condition to keep him alive.

However Koirala's life was turned into bare life and he was treated only with political motivations by the ruling authority, he was a great leader who showed his magnanimity and acted on the necessity of the time for the welfare of the nation and its people:

*Nevertheless, my health is not completely recovered and I do have no legal obligations to return back, I have realized and been aware of my responsibilities and duties therefore I have returned back to my country with a goal of achieving national unity to which I have been giving emphasis since earlier. (Rastriya Ekata ko Nimti Aahawaan 41)*

Foucault's widely accepted and much popular concept of circulation of power and resistance floods simultaneously throughout the whole political life of the political leader, B.P. Koirala. He faced the barbarous treatment from the Ranarchy and Panchayat system during his whole life to which he faced with full strength and energy. Furthermore, his course of actions and reactions justified Foucault's concept – where there is power, there is resistance. His actions very well depict the inseparable nature of power and resistance for he was capable of developing such insurmountable and praiseworthy resisting capacity from the same power that was tormenting him in one or the other way. In other words, it is true that power emanates resistance.

B.P. Koirala boldly spoke out against the government and its illegal action of arresting him in his explanation to the court on behalf of various cases and charges suited against him. There are several such evidences throughout his reply to court whereby one can easily feel the strength of resistance developed inside B.P. Koirala against the ruling system and its procedures:

*. . . yes, I have summoned for people's revolution. Nevertheless, I am ignorant of the bloodshed and the murder occurred at the instant of robbing bank, I am morally responsible for it because it might have been a consequence of my summons for strong people's revolution.*

*(Rastriya Ekata ko Nimti Aahawaan 2)*

B.P. even asserts the need of a revolution against such government which cannot avail its citizens with fundamental right and accepts his own action of disseminating such views among people: “. . . *I have conveyed the slogans for revolution. In absence of other peaceful legal alternative, I have embraced the principle of rebellion (Rastriya Ekata ko Nimti Aahawaan 8)*”

Furthermore, as Foucault opines that power constantly questions and questions, B.P. too was made several inquiries by the ruling power. His elaborate reply to the court itself is a manifesto to Foucault's concept that power constantly inquires and attempts to construct new truths dismantling the old ones.

However, despite several trials with B.P. Koirala one after another, he resisted the authority and challenged it by defying them. For instance, once he was inquired enough to reveal the names of those who were with him in the revolutionary campaign but he doggedly denied revealing:

What I told them was no different from what I had always said.....

“Tell us who else is with you in this”, they said. I replied, “I will not tell you. I may tell you everything but not this . . . I have sworn before god that I will not reveal their names, and I will not reveal their names before you people here”. (Atmabrittanta 82)

Voices of protests and revolutionary mood are in affluence in B.P. Koirala's explanation to the court: *“I am a revolutionist, not terrorist. Revolution for me is people's active protest against the government that does not work for people's welfare” (Rastriya Ekata ko Nimti Aahawaan )*.

B.P. uttered these statements against the Panchayat regime and its atrocities. In his whole political life, Koirala was always ready to boldly stand up against the ruling power that constantly troubled him and made obstructions on his path to achieve the goal by availing people with equal rights and comfortable lives under democratic system.

### **III. Conclusion**

Viewing B.P. Koirala's political life and principles through the philosophical veins of Schmitt, Foucault and Agamben adds a new dimension in the effort to study Koirala's life and philosophy. He has strongly fought against the autocratic ruling regimes always holding high the people's and nation's sovereignty. During this struggle, he spent most of the years of his political lives in confinement and a political gaze of the then governments thereby losing his rights and freedom. Almost all the times in the jail, B.P. was denied the basic fundamental human rights but he went on challenging the jail authority even from inside the jail. It is in this sense that B.P. can be shown as a parallel to Homo Sacer who lies both inside and outside the law. B.P. encountered tormented and barbaric situation in the prison where his life has been turned into a bare life. Concepts of Sovereignty and resistance are widespread in his speeches. He remained an ardent advocate of democracy and monarchy working utmost for the constant consensus between them to combat the national crisis.

Such comparative and contrasting analysis is much helpful in understanding more about B.P. Koirala, the then political situation and even to study about the present political scenario. At the present time of national crisis that has been elongating due to the lack of political consensus between the political parties, B.P.'s political principles based on consensus can be of great use if applied honestly in the current political scenario. Basically striving to promote consensus among all types of political forces and showing its importance in political domain, Koirala had worked keeping country's sovereignty in the first priority.

The study of B.P.'s political philosophy and life would be helpful to the novice learners interested to know the crucial problem of lack of consensus in our country. After all, it is the absence of strong willpower in our political leaders and

their deliberate carelessness towards the application of consensus politics regarding several national issues and core sovereignty of nation as well as their greed for power and perks. B.P.'s speeches clearly show that our sovereignty and leader's decisive power lie somewhere else. It is of utmost importance that the release be made out of this unjust grip for which eventually the leaders themselves are responsible.

To sum up, this work and analysis can help anyone to understand more and more about Nepali politics through B.P.'s eyes. Furthermore, there can be some more areas of interests for others, a comparative study of B.P.'s concept of sovereignty and the concept of sovereignty embedded in the speeches of the current political leaders can be helpful to explore out several dimensions of our political situation. Especially the sovereignty and its vague scope of which the Maoist leaders like Pushpa Kamal Dahal aka Prachanda mentions about time and again in their speeches can be analysed and understood comparing it with that of B.P.'s definition and essence of sovereignty.

## Works Cited

- Abrahms, M.H. *A Glossary of Literary Terms*. Banglore: India and Eastern Press, 1985.
- Agamben, Giorgio. *Homo Sacer and Bare Life*. Trans. Daniel Heller-Roazen. Stanford California: Stanford University Press, 1998.
- Chappell, Ben. *Rehearsals of Sovereignty: State of exception and Threat Governmentality*. Culture Dynamics 2006.  
<<http://cdy.sagepub.com/cgi/content/abstract/18/3/313>>.
- Dean, Mitchell. *A Political Mythology of World Order: Carl Schmitt's Nomos*. *Theory Culture Society* 2006. <<http://tcs.sagepub.com>>.
- Dolan, Frederick. M. *The Paradoxical Liberty of Bio-power: Hannah Arendt and Michel Foucault on Modern Politics*. Philosophy Social criticism, 2005.  
<<http://psc.sagepub.com/cgi/content/abstract/31/3/69>>.
- Foucault, Michel. *Society Must be Defended*. Ed. Mauro Butani and Alexandro Fontana. Trans. David Macey. New York: Picador.
- Koirala, Bishweshwor Prasad. *Aafno Katha*. Kathmandu: Sajha Prakshan, 2060.
- – –, *Atmabrittanta*. Trans. Kanak Mani Dixit. Kathmandu: Himal Books, 2001.
- – –, *B.P.Koiralaka Chhariyeka Samaagriharu*. Ed. Jeevan Chandra Koirala. Kathmandu: Q And Q Offset Printing Press, 2058.
- – –, *Pheri Sundarijal*. Ed. Rajendra Dahal. Kathmandu: Jagdamba Prakshan, 2063.
- – –, *Raja, Rastriyata Ra Rajniti*. Collected and Ed. Ganesh Raj Sharma. Kathmandu: Jagdamba Prakshan, 2063.
- – –, *Rajnitik Abhilekh*. Ed. Pradip Giri. Kathmandu: Bidyarthi Pustak Bhandar, 2066.
- – –, *Rastriya Yekata ko Nimitta Aawahaan*. Kathmandu: B.P. Samaj, 2047.

Morris, Christopher W. *The Social Contract Theorists: Critical Essays on Hobbes, Locke and Rousseau*. Maryland: Rowman and Littlefield Publishers, 1999.

Passavant, Paul. A. *The Contradictory State of Giorgio Agamben*. *Political Theory* 2007. <<http://ptx.sagepub.com/cgi/content/abstract/35/2/147>>.

Schmitt, Carl. *Political Theology*. Trans. George Schwab. Chicago: University of Chicago Press, 1927.