

Triangulating the Nation State through Translation Some Reflections on “Nation”, “Ethnicity”, “Religion” and “Language” in Modern Japan, Germany and Nepal

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Abstract

This paper is an attempt at expanding and problematizing the Japan-German comparison of “nation state” in terms of religion, language, and ethnicity, by using Nepal as the third reference point. The main question raised concerns the translatability and effects of actual translation of four western concepts in the process of the spread of nationalism and the nation state: “nation state”, “religion”, “ethnicity” and “language”. First, it is demonstrated that they cannot be treated as neutral analytical concepts across languages, by investigating Japanese quasi-equivalents of these four categories, as well as looking at Johann Gottlieb Fichte’s *Reden an die deutsche Nation* with its various Japanese translations. In the second part, following a brief outline of the history of modern Nepal, it is shown how the Nepali state has treated, in legal terminology, what outside academics would call “ethnic”, “religious” and “linguistic” diversities, identifying various specificities which enrich the Japanese-German comparison.

Keywords

Nepal, Japan, nation state, translation, language, religion, dharma, ethnicity

Introduction

Originally written as the second keynote speech for the symposium “Scaling the Nation-State – Religion, Language and Ethnicity in Contemporary Japan and Germany”, this paper is not so much a well-focused meticulous article as a tentative essay prepared for a particular occasion. It gathers together a

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number of threads of thought from my own perspective as a sociocultural anthropologist educated in Japan and working on Nepali and Himalayan societies. It presents an attempt at expanding and problematizing the Japan-German comparison of “nation state” in terms of religion, language, and ethnicity, by using Nepal as the third reference point. I first point out that the concepts “nation”, “religion”, “ethnicity” and “language”, cannot be treated as purely analytical concepts across languages. As major reference points, I use the Japanese quasi-equivalents of these four categories, as well as Johann Gottlieb Fichte’s *Reden an die deutsche Nation* with its various Japanese translations, one of the most important classics on nationalism. I argue that the quasi-equivalents of these concepts in various languages should not simply be treated as the equivalents of the western concepts but should also be recursively investigated, as these terms, with their peculiar denotations and connotations, have played an important role in the modern history of nation states. This will be shown by introducing the history of the modern Nepali state, focusing on how it has treated what outside academics would call “ethnic”, “religious” and “linguistic” diversity, identifying a number of specificities. This paper thus not only involves a rather twisted object-level triangulation of the nation state in terms of language, religion and ethnicity; it also reconsiders these concepts across different languages in relation to three modern nation states.

In his modern classic on nationalism and the nation state, Benedict Anderson (1991: 67, 80–1) used the concepts of “piracy” and “modular” to depict and explain the process of how nationalism spreads. Even though these terms are a good representation of the mimetic nature of the process in which each would-be nation state systematically borrows and adopts ideas, concepts and schemes from previous cases, I have felt these are not the most appropriate terms because the process has been far more dynamic, unpredictable and creative than these words imply.

Of course, the processes cannot be understood as a random bricolage of trial and error but, as I discuss below using some examples from Japan and Nepal, they have been much more than a simple copying and pasting exercise. Each nation state has existed in its own particular historical, socio-cultural, political, economic and ecological milieu. The phenomenon which has been analysed as “modular” by later observers often did not exist as a package for contemporary politicians, administrators and ideologues, but was found or “discovered” (i.e. re-created) each time.

The broader process by which nationalism and the nation state spread has been further complicated by the accompanying process of translating various concepts into the national language. The German language offers a canonical case here, in that it so successfully developed a huge modern vo-

cabulary, mainly through calques or loan translations, that the process was later learned and imitated as a normative precedent by nationalists in other countries, much as Anderson's modular concept suggested. It is in Asia, however, with its long traditions of classical written languages, that the real problem of translation appeared most starkly. First, unlike usual translations in which "one can in principle determine what is a semanticogrammatically justifiable translation in the target language by appealing to the fact that denotational meanings are anchored by paradigms of categorical mappings in and across particular languages" (Silverstein 2003: 79), the issue was to create a number of new semantic fields or denotational lexical domains in the target language, with vast amounts of new vocabulary. Second, unlike the German case where the foreign vocabulary was replaced by an etymologically German one, new vocabulary was created using the lexicon of a classical language: classical Chinese in East Asia and Sanskrit in many parts of South Asia.

Using the example of Japan and Nepal, two Asian states which have not been directly colonized, I focus on the typical fluctuation of denotation in the four modern, translated, nationalism-related terms, "nation", "religion", "language" and "ethnicity", in and across particular languages. I scrutinize these concepts recursively as object-level "native" concepts, by which these nation states, with their various peculiarities, have been constructed and transformed. Because *classical* Asian languages have been utilized to translate the vast majority of these words in modern Japan and Nepal, we have to consider not only the scale of nation state but also the scale of civilization. The comparison of three different states within different civilizations in this way would make a comparative history of nation states more nuanced and complicated. I admit that none of the points I raise in this paper are really new. Some are well known among serious specialists in Nepal, and others are well known to Japanese scholars from various disciplines. Putting them together may help to gain a more detailed picture of the complex processes in the development of two different Asian nation states.

"Nation", "ethnicity", "language" and "religion" in Japanese and their German quasi-equivalents

The discrepancy between the English terms "nation" and "state" on the one hand, and the Japanese terms *kokka* (国家, can be rendered as "state, nation, country"), *kokumin* (国民, "nation") and *minzoku* (民族, "nation, people, ethnic group") on the other hand, is already well recognized. Roughly

speaking, “nation” can be rendered both as *kokumin* and *minzoku*, while the term *minzoku* can be rendered both as “nation” and “ethnic group”. We can complicate the issue by comparing them to the German *Staat*, *Nation* and *Volk* (roughly, “state”, “nation” and “people” respectively), but one basic problem remains. The word *kokumin*, unlike nation in English or *Nation* in German, literally presupposes the existence of the state, most probably as a political entity, to which the people concerned belong. For a long time, I could not understand why Johann Gottlieb Fichte’s *Reden an die deutsche Nation* (“Addresses to the German Nation”), originally given in Berlin from 1807 to 1808, was normally translated as *Doitsu Kokumin ni Tsugu* (ドイツ国民に告ぐ), not *Doitsu Minzoku ni Tsugu* (ドイツ民族に告ぐ). In the first place, there was no unified German state at that time, and whatever Ernest Gellner and other theorists on nationalism have argued, modern German nationalism preceded the political “unification” of the German state by a considerable period. Note that there is nothing absurd in the phrase “stateless nation” or *kokka naki minzoku* in Japanese, while *kokka naki kokumin* is almost contradictory.

Japanese scholars seem to have given up their efforts to render the English word “ethnicity” into Japanese by loan translation. The transliterated word *esunishiti* (エスニシテイ) has been used widely within the academic sphere and beyond. Though this might be the most reasonable solution academically, the transliteration has inevitably blurred its semantic connection with the established category of *minzoku*. Furthermore, the discourse on what has been called “ethnicity” has changed substantially within the past 25 years. A crucial factor in the change has been the recent significance of the category “indigenous people(s)”, not only in anglophone settler colonies but far beyond, notably in some member organisations of the United Nations (Shimizu 2008, Kubota / Nobayashi 2009). In Japanese, the term is usually rendered as *senjū min(zoku)* (先住民(族)). The word *minzoku* has been revived, used this time not as the quasi-equivalent of nation or ethnic group but of people. There is some merit in the denotation of *minzoku*, which includes a wide range of intermediate groups on different scales, and which might therefore confuse those who presuppose a clear distinction between nation and ethnic group. Indeed, the inclusive nature of the concept enables some Japanese scholars to theorise a mechanism for the generation and development of *minzoku* in general. Ernest Gellner’s argument that tribalisms are failed nationalisms (1983: 86–7), for instance, sounds plausible in this

scheme. The genre has been called *minzoku-ron* (“theory of *minzoku*”, 民族論).¹

The Japanese word *shūkyō* (宗教, “religion”) is certainly one of the terms created and/or redefined in the early Meiji era (1868–1912) as Japanese equivalents of modern western concepts using two Chinese characters.² Ben Anderson’s concepts of “piracy” and “modular” would be highly suggestive here, at least metaphorically, but the problem is that every newly-rendered concept has a number of semantic and pragmatic repercussions, intended as well as unintended. For instance, Seki Kazutoshi (1997) pointed out that the western conception of religion at that time, which emphasised belief over practice, caused the Meiji government to suppress various types of practices based on what can be called “folk beliefs” and “folk religions”, considering them irreligious and backward. Isomae Junichi (2003, 2014), among others, pointed out that the long-standing debate on whether or not Shintō is a religion, initiated in the early Meiji era, cannot be properly understood without taking into account the crucial importance of the concept of “freedom of religion” in international negotiations between Japan and the great powers of the West.

This freedom of religion (debated as *shinkyō no jiyū*, 信教の自由, in late nineteenth century Japan) was guaranteed in a limited way in article 28 of the Constitution of the Empire of Japan (1889), and scholars have debated its historical significance and functions. Yijang Zhong (2014), for instance, connected religious freedom as a generic form of legal freedom in the Meiji constitution with the development of the private modern individual as a subject-citizen. Other scholars have scrutinised the much longer history of the changing and complex relationship between what is now called Buddhism and Shintoism, admitting that religious issues in modern Japan have evolved on the basis of pre-Meiji historical development³, and that the current conceptualisations of Shintō (神道) and Bukkyō (仏教, “Buddhism”) are clearly modern.⁴

As the concept of *shūkyō* for “religion” is also clearly modern, and modern ideologues of Shintō and Bukkyō have been selective in their reference to the pre-Meiji literature, it has become a rather daunting challenge to discuss *shūkyō* in the pre-Meiji era in Japanese without committing an

¹ The most influential article on this topic (Uchibori 1989) was partly inspired by the great German ethnologist, Wilhelm Mühlmann (1964).

² For a critical reconsideration on the process and effects of the translation, see Krämer (2013).

³ Furthermore, Japan had its first serious encounter with Christianity in the 16th century, long before any modern nation state was established.

⁴ For a concise and critical review, see Ito (2012).

anachronism. Moreover, while the prototype for the term “religion” has largely been Christianity, we cannot accept the same presupposition with regard to the term *shūkyō* unconditionally, as the term has always been applied to the Japanese situation recursively.

One might think that “language” as a concept is largely neutral in translation. True, the Japanese distinction between *gengo* (言語) and *hōgen* (方言) is not far from the English distinction between language and dialect, though it does not coincide with the French trichotomy of *langue*, *patois* and *dialecte*. However, it is in the modern Japanese usage of the term “language” that nation state ideology has penetrated most. Surprisingly, modern Japanese has no idiomatic expression for counting languages without implying states. The Japanese equivalent of “How many languages do you speak?” is *Nankakokugo hanasemasuka?* (何カ国語話せませすか, literally “How many state – or national – languages can you speak?”). More notably, “foreign language” is almost always rendered as *gaikokugo* (外国語, literally “the language of a foreign country”), while “mother tongue” or *Muttersprache* (in German) is still often rendered as *bokokugo* (母国語, “the language of one’s mother country”), not the more appropriate term *bogo* (母語, “one’s mother’s language”). Prototypically at least, a language is the language of a nation which has its own state. This is a well-known point which has been problematised by many Japanese scholars, notably Tanaka Katsuhiko (1981), for many decades, but the usage has not changed substantially.

On the other hand, the term *koku* (国), which usually refers to the (modern) state, sometimes denotes something quite different. Take the expression *sangoku ichi* (三国一) as an example. This archaic idiomatic phrase, literally “the first (or the best) in the three countries”, connotes “the best in the world”. Notably, the three countries referred to here are neither the Three Kingdoms of 2nd century China (Wei, Shu and Wu), perhaps the most authentic usage in East Asian civilisation in general, nor the three states in East Asia (Japan, China and Korea). In fact, they refer to Japan, China (the centre of East Asian civilisation) and India, or more precisely Tenjiku (天竺, the centre of the Buddhist world). The same Chinese character 国, especially when it is read *kuni* in Japanese, can mean a variety of geographical units, from one’s own native region to a fief. Various layers of meaning have been folded into each Chinese character used in translating modern western concepts, and any of them might infiltrate into modern usage. Thus there is always a possibility that the meaning of all these modern Japanese terms might suddenly be critically problematised, either by

a new reading of two Chinese characters or by analysing the gap between the current Japanese usage and the connotation of the original western term.⁵

This brings us back to Fichte's *Reden* and its Japanese translations. Certainly the collection is one of the classics on nation state most often translated into Japanese.⁶ While nobody would regard its argument as completely correct or accurate it has nevertheless become a classic. Its various seminal ideas, though not necessarily mutually consistent, and often undefined and contradictory, still stimulate our thoughts on the nation state.⁷ Before 1945, the book seems to have been read mainly in relation to prevailing (ultra-)nationalistic and totalitarian thought (Sato 2002). Indeed, the 1940 Iwanami Bunko version rendered *Nation* as *kokumin* (國民), *Staat* as *kokka* (國家, "state, nation, country"), *Muttersprache* as *bokokugo* (母國語, literally "language of [one's] mother's country"), *Vaterlandsliebe* as *sokokuai* (祖國愛, literally "love for ancestors' country"), and in one place *Stamm* as *bokokuminzoku* (母國民族, literally "ethnic group of [one's] mother's country"). The original German words share no common elements, while all the Japanese words share one character, *koku* (國).⁸ The selection of these terms makes the translation of Fichte's prose more state-oriented than the original, whether or not this was intended. However, the fact that the most radical and most authentic translations (Fichte 1997, 2014) still use the term *bokokugo* to denote *Muttersprache* shows the strength of the nation state-oriented Japanese language ideology. I was also astonished to find that the term *Vaterland* has always been rendered as *sokoku* (祖國, "ancestors' state or ancestors' country"), not literally as "fathers' (or ancestors') land".⁹

As is well known, in several places Fichte himself used linguistic criteria to define *die Deutschen* ("the Germans") as Germanic peoples who speak their own Germanic language.¹⁰ Fichte further argued that foreign

⁵ I am not arguing here that the relation between the *koku* in *gaikokugo* and in *sangoku* will become the subject of debate in the near future.

⁶ According to Hayase (2014), there are at least 17 translations, including his own. On the history of the translation and reception of *Reden* in Japan, see the following (Hayase 2014, Sato 2002, Ukai 1997).

⁷ In Japanese, Renan et al. (1997) is a very radical endeavour in this regard, juxtaposing texts by E. Renan and Fichte, as well as offering several critical commentaries.

⁸ The character 國, widely used until the late 1940s in Japan, is the "traditional" form of the (simplified) character 国 (*koku/kuni*).

⁹ This rendering is not wrong. It is absolutely correct, as Germany is *Deutschland*. I would like to point out that the Japanese translators, unlike those who rendered the word as "fatherland" in English, did not choose words which strongly imply "land".

¹⁰ This kind of virtual equation of the national/ethnic and the linguistic has been shared by some radical Japanese critics like Tanaka (1981).

concepts like *Humanität*, *Popularität*, and *Liberalität*, while sounding high-minded and elegant, are empty in that they do not remind these German speakers of anything (Fichte 1808: 133–134).

This argument reminds us of another difference between German and Japanese attempts at establishing new vocabulary. In the German case, etymologically foreign words, many of which were already well-known, were replaced by German equivalents, whereas in East Asia it was necessary to create new, originally foreign, semantic fields or denotational lexical domains in the same language. These new Japanese words are much more abstract and removed from experience than the German ones, as it is difficult for many Japanese to find semantic linkages with these terms simply from their sounds. Fichte would have criticised the Japanese attempt in that it utilises a foreign lexicon to create new vocabulary, not an etymologically Japanese one. Clearly, the decision to use two Chinese characters rather than the etymologically Japanese words was not a semantic but a pragmatic one, reflecting a pre-modern and early-modern literary tradition. Interestingly, theorists like Tanaka (1981) prefer the Japanese word *kotoba* (ことば, “language, speech, word”), an etymologically Japanese word written in *hiragana* (syllabary), to *gengo* (言語), another term consisting of two Chinese characters, even though *kotoba*, unlike *Sprache* (“language”) in German, has no direct etymological link to the verb “to speak” (*hanasu*).¹¹ However, Fichte’s text is itself not consistent here; there is a clear gap between his highly essentialist praise of the *Sprachkraft der Natur*, which can be retained only by continuously using one’s own original language throughout generations (thus his extremely negative evaluation of those Germanic peoples who adopted the Latin language), and his actual written text. It is certainly ironic that he had to use at least three etymologically foreign keywords throughout his address: *Nation*, *Staat* and *Religion*.

The question of whether Fichte’s *Nation* should be rendered as *kokumin* or *minzoku* is ultimately impossible to answer, partly because he used the concepts of *Nation* and *Staat* in a number of different ways in different contexts. In one place, for instance, he included Scandinavians in his concept of *Deutsche* (“Germans”). In this context, *minzoku* would be a much better rendition of *Nation*. On the other hand, he clearly distinguished *Nation* and *Volk*, and here it would be normal to render them as *kokumin* and *minzoku* (or *minshu*) respectively. Fichte’s uses of the term *Staat* are also problematic. In many places they refer either to existing political entities or to the would-be nation state of Germany. Surprisingly, however, in one

¹¹ Tanaka himself explained that he preferred *kotoba* to avoid the distinction between *gengo* and *hōgen*.

place he defined *Staaten* and their (inner) borders in terms of language (Fichte 1808: 408). Here, Fichte almost equated *Staat* with *Nation*, but note that he was not analysing established nation states in this case. Indeed, in his seventh address, he redefined *Deutsche* in terms of *Geistigkeit* (“spirituality”), rejecting linguistic or geographical definitions.

I have noted that the modern and contemporary usage of Japanese quasi-equivalents of nation, state, ethnicity, religion and language involve a number of peculiarities, even in their denotational meanings. Without considering these peculiarities, we cannot properly appreciate the history and current condition of Japan as a nation state, as these concepts have been indispensable in changing “discursive fields” in Japanese. Moreover, one cannot fully settle on the denotational meanings of these terms, since they simultaneously refer to their Euro-American “original” concepts (whether from English, French, German or other languages) and, in many cases latently and vaguely, to the etymological sense of each Chinese character used in them.

The concepts of “nation”, “ethnicity”, “language” and “religion” in Nepali language and history

As is the case with many nation states all over the world, the history of Nepal is both old and new, with its own distinctive twists.¹² A polity called *Nepāl* (or *Nepāla* in Sanskrit, the most authentic and standardised Indo-European classical language in South Asia) already existed in the fourth century AD, and probably earlier. However, to project the image of the modern territorial state of Nepal onto the ancient and medieval Nepal is more than problematic. First, the word *Nepal*, or *Nepāla*, principally meant the Kathmandu Valley. The ancient and medieval kingdoms of Nepal were polities based in the Kathmandu Valley, whose territory has never been comparable to the present territory of Nepal. Second, in medieval Nepal, the Valley was dominated by kings from a people known nowadays as Newar, whose traditional mother tongue was *Nepāl bhāṣā* or Newar, a Tibeto-Burman language (though Sanskrit was also used on some formal occasions). Note that the official language today called *Nepālī bhāṣā* or *Nepālī*, an Indo-European language (Indic branch), was formerly called *Khas kura*, or later, *Gorkhālī*. The language was mainly spoken in the western hills of the current territory of Nepal, the centre of the Khas Malla empire at the time. In its heyday the powerful and enigmatic mediaeval kingdom also dom-

¹² For a general history of Nepal, see Whelpton (2005).

inated some parts of the Tibetan plateau and the Gangetic plain. In the mid-eighteenth century a small kingdom of Gorkha expanded rapidly. They conquered the Kathmandu Valley in 1768–69 and shifted their capital from Gorkha to Kathmandu. *Nepālī* has also been called *Gorkhālī*, after the name of the old capital of this kingdom. Thus the Nepali language was metonymically connected with polities originally outside *Nepāla* through its aliases.

The development of modern Nepal's border

Modern Nepal's border was largely settled in 1816 after the Gurkha War or Anglo-Nepalese War (1814–1816), between Nepal and the British East Indian Company. Nepal lost more than a third of the territory it had occupied in late 18th and early 19th century, but it successfully escaped direct domination or colonisation by the British. The border was drawn up on the basis of the political and military status quo at the time of the ceasefire, and in no way reflected the ethnic, religious or linguistic distribution of the people. Consequently, the people living within its territory were extremely diverse, and included those belonging to various “caste” societies: Nepali-speaking hill dwellers; the highly complex urban society of Newars in the Kathmandu Valley (consisting not only of Hindu but also Buddhist castes); and plains caste societies divided by the India-Nepal border. There were also a number of non-caste communities, ranging from trans-Himalayan traders to hunter-gatherers and horticulturalists of semi-tropical jungles.¹³ The formation of the territorial state of Nepal clearly preceded the development of Nepali nationalism. Here, Nepal is different from Germany, where nationalism preceded the formation of the unified nation state. It is also different from Japan, where a sense of territorial unity and a form of identity (which cannot be directly equated with post-Meiji restoration Japan or Japanese identity) existed already in the Edo period (1603–1867) (cf. the concept of *sangoku*, discussed above). It also differs from post-colonial states in Asia and Africa, as Nepal has never been formally colonised.

The argument in the previous paragraph is still inadequate, in that it presupposes the existence of an exclusive international border. Indeed, Nepali rulers in the early 19th century simply did not understand what the “modern”, “western” international border was (Stiller 1976: 220–222, Burg-hart 1996: 246–249). After 1816, the British erected pillars to demarcate the borderline between Nepal and the East Indian Company, but Bhim Sen Thapa, the Chief Minister and man of power at the time, was initially

¹³ Note that all the categories I use here are modern, and there is some discrepancy with local level realities.

puzzled by this activity. For many Nepali officials then, the concept of an exclusive international border, beyond which they could not collect tax or exercise religious influence, was simply unintelligible. Instead, according to Richard Burghart (1996: 226–260), they conceptualised the territory of Nepal in three different ways. First, the king “owned” the territory in the sense that he had the right to raise taxes. This right was not exclusive. Until around 1950 some border communities in Nepal paid taxes to two or three different political entities simultaneously. Second, the king exercised Hindu ritual authority throughout the territory. It was, of course, the Brahmins who carried out the actual rituals, but the Hindu king had the duty of maintaining ritual order throughout the territory, without which the whole kingdom would have been “polluted” and the king’s authority destroyed. This was the reason why the king of Nepal declared in 1805 that no one was allowed to kill cows in his territory (Michaels 1997). The kings were very serious about maintaining purity and auspicious conditions throughout their kingdom in terms of upholding Brahmanic norms. Third, in most cases Nepali kings and their governments did not dominate their territory and people directly. Nepal was seen as the sum of different local entities or “countries” (*des* in Nepali), each of which had its own unique tradition and environment, and often its own language.

It is also worth noting that there was no modern concept of nationalism in Nepal shared then. One of the most renowned heroes of the Anglo-Nepalese war was Balbhadra Kunwar, who defended the fortress of Nalapani near Dehra Dun in today’s state Uttarakhand in India, against the much more numerous and well-equipped army of the East India Company for almost one month before he successfully escaped in November 1814. His soldiers even killed a British general during the battle. This incident, among others, made the British seriously reassess the strength of the Nepali army, and resulted in their recruitment of “Gorkha soldiers” from Nepal for almost two hundred years thereafter. In school textbooks of Nepali history in the 1980s, Balbhadra was depicted as a straightforward nationalist. But, as the Nepali historian Pratyoush Onta (1996) pointed out, Balbhadra had no concept of people born in the Nepali (or Gorkhali) territory spending their lives serving their country. In fact, after the Nepali defeat, he joined the Sikh empire of Maharaja Ranjit Singh, a chief enemy of Nepal in the first decade of the 19th century, and later died in battle against Afghans (Onta 1996).

The Mulukī Ain – Nepal’s first Civil Code

It was in 1854, the very year the Convention of Peace and Amity between the United States of America and the Empire of Japan was concluded by Commodore Perry and the Tokugawa Shogunate, and thirty-five years before Japan had its first modern constitution, that modern Nepal promulgated its first general legal code. The prime minister at the time, Jang Bahadur Rana, after securing power through a coup in 1846, visited Europe from 1850 to 1851. In the course of his visit he recognised that Nepal also needed a modern, unified civil code.¹⁴ On his return to Nepal, he ordered the formulation of a comprehensive code, which ultimately emerged as the Mulukī Ain (literally “Law of the State”, though often rendered as Civil Code) in 1854.¹⁵

The contents of this code might look strange from a modern western legal point of view.¹⁶ First of all, it is more than 1,400 pages long (in the original manuscript), a legal code written in Nepali, not in the classical language Sanskrit. This code was to be applied to virtually all the people in the territory of Nepal, including non-Nepalis like westerners. In this sense, the code clearly pre-empted the modern territorial state of Nepal governed through a vernacular language. Its formal dissociation from the South Asian tradition of *dharmasāstra* (Indian classical texts of jurisprudence written in Sanskrit) is obvious. Second, this code was what western scholars would call Hindu caste law, not only because killing a cow or a Brahman was the most severely punished offence, but because punishments differed according to “caste”. The social hierarchy was so omnipresent that westerners as well as Muslims had their place in it (both being classified as “not untouchable but water-unacceptable”). In this sense, the code was a strange amalgam of the ideas of the medieval Hindu state and society, and modern territorial (but not quite nation-)states. In Nepal, the idea of the territorial state, with its own modern vernacular official language (instead of classical Sanskrit), was adopted almost a century before the idea of the “nation state” itself. Nepali rulers established the law, and it was “modern” in the sense that it was written in the modern vernacular language and was universally applicable throughout the territory in the mid-nineteenth century. Based on

¹⁴ Whelpton (1992: 218) pointed out that he was particularly interested in the French Code Civil or Code Napoléon.

¹⁵ Interestingly, neither the term *mulukī* nor *ain* are derived from Sanskrit. The former is from Arabic and the latter from Persian.

¹⁶ The following argument of the 1854 Mulukī Ain is mainly based on Gaborieau (1977), Höfer (1979), and Sharma (1977). I consulted the official reprinted version of this code (Śrī 5 ko sarakāra 2022vs.).

this legal code, the oligarchy of the Rana family dominated Nepal for just under a century without any consistent attempt to create the modern Nepali nation. They were much less troubled by hegemonic modern western concepts regarding their subject population than Japanese politicians and intellectuals in the late nineteenth and early twentieth century.¹⁷

“Nation”, “ethnicity”, “religion” and “language”

After 1950 the polity of Nepal fundamentally changed, especially from 1961 to 1990 with the widespread implementation of a national integration policy, together with the development of the state under a Hindu king. During this period the Nepali government tried to create a homogeneous nation of educated, Nepali-speaking Hindus under the king. Caste discrimination in the public sphere was abolished, and Nepali was promoted as the national and official language, together with a national dress and Hinduism. On the other hand, the government banned all political parties, thus, in “modular” fashion, adopting the current pattern of developmental autocracy and more traditional “official nationalism”. Indeed, one of their ideal models was Meiji Japan, at least in school textbooks of the period. Throughout the era, ethnic, regional, religious, linguistic and caste differences were largely ignored, but while the process of so-called Nepalisation was certainly accelerated in a number of spheres, the homogeneous Nepali nation – modern Hindu citizens speaking the Nepali language – had not emerged at this point.¹⁸

After the success of the (first) People’s Movement in demanding multi-party democracy, the 1990 constitution redefined Nepal as a multi-ethnic and multilingual Hindu kingdom.¹⁹ Many ethnic activists chose the Nepali term *Janajāti* to refer to individual ethnic groups in Nepali, and adopted the word “nationalities”, not “ethnic groups” or “tribes” as its English rendition. The Nepāl Janajāti Mahāsaṅgha (“Nepal Federation of Nationalities”) was established in 1991 as the umbrella organisation, consisting of a number of member organisations from various Janajātis. Ethnic issues became political issues here, together with language issues (as many Janajātis have their own

¹⁷ For instance, what was crucially important for the Rana government was to maintain a good relationship with the British Empire, which basically did not intervene in the domestic policy of Nepal, while Japanese politicians had to convince the western powers that the state of Japan was legally modern enough to revise unequal treaties.

¹⁸ The voices of sociocultural and linguistic minorities against attempts at overly standardised national integration were already being heard clearly in the late 1980s, especially among ethnic activists.

¹⁹ See Śrī 5 ko sarakāra (2047vs.). Hutt (1994) points out that the rise of popular, ethnic concerns was sidestepped in the process of drafting of the 1990 constitution.

traditional mother tongue) and religious issues (as there are a number of non-Hindu or partly non-Hindu Janajātis). Until 1951, Nepal clearly acknowledged inter-group differences, but they were situated within the framework of the Hindu kingdom with its own “caste” hierarchy. In contrast, from the 1980s onwards, the issue was raised in nationalistic terms (cf. Gellner 2001).

We can find some interesting twists here. First, the word “ethnic” was deliberately avoided by the activists. What outsiders would call “ethnicity issues” did not appear in these terms, but first as issues of “nationalities”. Only later, in the context of the global indigenous peoples’ movement, were issues of “indigenous nationalities” raised, defining Nepali *Ādivāsī Janajāti*. The internal diversity of the Nepali people is so complicated that it cannot be understood as a simple majority versus minority antagonism. Three major areas of conflict have existed for a long time. They overlap, are partly incompatible, and became fully explicit after 1990: Janajātis against Hindus, Dalits (once treated as untouchables) against high castes, and people in the plains (Madhesī) against people in the mountains and hills (Pahārī) (Gellner et al. 1997: 1–31). No ethnic, caste, or regional group has a numerical majority. Moreover, the boundaries between these categories have been contested in many places, and the claims of different “minorities” have often contradicted each other.

Throughout the 1990s the state was not particularly enthusiastic about doing anything substantial in terms of making Nepal “multi-ethnic” and “multilingual”. Instead, it was chiefly the Communist Party of Nepal (Maoist) who, during their “People’s War” against the royal Nepali government from 1996 to 2006, tried to mobilise minority peoples, notably Janajātis and Dalits under the rhetoric of *mukta* (“liberation”). Though their baseline argument was and formally still is derived from the Marxist logic of class struggle, they simultaneously advocated liberation from all sorts of oppression quite successfully, including issues of gender, caste, ethnicity and religion, as well as regional inequalities.²⁰

After the ceasefire in 2006, a discourse of conflict resolution, reconciliation and social inclusion was introduced into Nepal, notably by some United Nations organisations.²¹ Nepal’s minority groups are now treated as groups with their own rights, both by insider and outsider activists and specialists. They are treated as peoples with their own distinct cultures, languages

²⁰ This was already clear in the 40 demands they sent to the Prime Minister at the time, Sher Bahadur Deuba, under the name of Dr. Baburam Bhattarai, just before the war began. An English translation of the demands can be found, for instance, in Thapa (2003: 189–194).

²¹ See, for instance, Martin (2010) and Landgren (2012).

and identities, who are to be included in the new Nepal.²² In 2008, Nepal ceased to be a Hindu kingdom, and became a multi-ethnic, multilingual, multicultural, secular federal republic. The new constitution, promulgated in September 2015, prescribes multi-ethnic, multilingual, multireligious, multicultural characteristics for the Nepali nation, but the debate over how to deal with the multiple diversity within the Nepali population has been far from settled.

As I discussed above in the case of Japan, the introduction of the modern sociopolitical system was accompanied in many Asian countries by the translation of modern and/or western vocabulary, by means of words and roots from a non-western, classical, written language traditionally used in (what we call) “legal”, “religious” and/or “political” spheres. The long-term side effects of translation may be subtle and difficult to trace, but they are substantial in many cases. It is not just the social realities of the country which are incompatible with the assumptions of western concepts. The literal denotations of the translated terms may affect legal and sociocultural processes. From this perspective, these terms are not particularly transparent, neither to outsiders nor to those on the inside. I have already discussed above the discrepancy between the English term “ethnic group” and the Nepali term *Jana jāti*. I will now briefly discuss this unstable relationship with respect to two English terms, namely “religion” and “national language”, and their Nepali quasi-equivalents.

In Nepali, as well as in Hindi and many other South Asian languages, *dharma* has been adopted as the equivalent term to the western concept of “religion”.²³ Unlike the newly-coined Japanese term *shūkyō*, however, the term *dharma* traditionally, and even frequently today, covers a quite different range of spheres from the English/western term “religion”. It can also be translated, for instance, as “law”, “custom”, “piety”, “(inherent) duty”, “justice”, “merit” and “faith”. Although the legal usage of *dharma* as “religion” can easily be distinguished from other usage in most cases, the connotations of the term *dharma* as a whole clearly affect the understanding of it as “religion”, in that *dharma* has always been conceptualised as basically collective, not individual. Consequently, since 1959, the “right to religion” or *dharma sambandī hak* in Nepali constitutions, has basically been the right to maintain the religion of one’s own community, even when Nepal

²² There are literally piles of books and papers on the political and sociocultural transformations of modern Nepal in relation to group categories and group mobilisation. For example, see Burghart (1996), Gaige (1975), Gellner (2003), Gellner et al. (1997), Hangan (2010), Lecomte-Tilouine (2013), Whelpton (2005) and Whelpton et al. (2008).

²³ I discuss this issue more fully in another article (Nawa forthcoming).

was a Hindu kingdom (Śrī 5 ko sarakāra 2015vs., 2019vs., 2047vs., 2069vs.²⁴). It was prohibited to convert someone to another religion, but there was no mention of conversion by free will. Interestingly, many Janajāti activists who fought for a secular Nepal against the dominance of Hinduism shared this conception, actively working for a revitalisation and recognition of their own traditional religions (such as Kiranti Dharma), while many Christians, for instance, did not. The global concept of “indigenous peoples”, which is clearly connected with the cultural rights of particular groups of people (not individuals), has brought further twists to the debate in the last 25 years.²⁵ The contrast with the case of Meiji Japan mentioned above, where the limited guarantee of freedom of religion (*shinkyō no jiyū*) as an individual right prompted the debate on whether Shintō is a religion, is very clear and noteworthy.

Language has also been a major issue in Nepal, especially since 1990 when the new constitution defined the country as *bahubhāṣik*, a “multi-lingual” kingdom. In the 1962 constitution, Nepali written in the Devanāgarī script was defined as the *rāṣṭra bhāṣā* or “national language” of Nepal (Śrī 5 ko sarakāra 2019 vs.).²⁶ In the 1990 constitution, Nepali in Devanāgarī was still the *rāṣṭra bhāṣā* (the governmental translation of the term was changed to “the language of the nation”). In addition, Nepali was also defined as the official language (*sarakārī kāmākājko bhāṣā*, literally the “language of governmental works”). At the same time, all the languages spoken in the various regions within Nepal as a mother tongue (*matṛbhāṣā*) were classified under the highly nuanced and ambiguous category *rāṣṭriya bhāṣā* (*rāṣṭriya* is the adjective form of *rāṣṭra*; the official translation of the phrase was “national languages”) (Śrī 5 ko sarakāra 2047vs.). The category of *rāṣṭriya bhāṣā* became nominal after the Supreme Court issued an order to prevent Kathmandu Metropolitan City from using the Newar language (also known as *Nepāl bhāṣā*) in 1998. In the 2006 interim constitution, the ambiguous *rāṣṭriya bhāṣā* disappeared, and all the mother tongues of Nepal were redefined as *rāṣṭra bhāṣā*, and its official translation, “the languages of the nation”, while Nepali in the Devanāgarī script remained the official language,

²⁴ The abbreviation “vs.” indicates *vikram (bikram) sambat*, the official calendar of modern Nepal. The first month of Nepali *vikram sambat* is *baisakh* which starts in mid April.

²⁵ During the last phase of the settling of the 2015 constitution, the concept of *dharma-nirapekṣa* as the Nepali rendition of “secular” was strongly problematised. The article on *dharma* has been substantially modified in the new constitution, but proselytisation is still prohibited.

²⁶ Though *rāṣṭra* can also be rendered as “state”, the government of Nepal has always preferred the word “national” in this context.

sarakārī kāmākājako bhāṣā (Śrī 5 ko sarakāra 2069vs.). The revolutionary element in this constitution is that it added a clause to guarantee that no mother tongue spoken in Nepal would be prohibited in local bodies and offices. Furthermore, state records have to translate these languages into the official language. Obviously, defining and identifying each *rāṣṭra bhāṣā* poses another challenge.

In Nepal, the oscillation of language policy between the strongly monolingual and the moderately pluralistic has been interlaced with the question of what “national” means. The curious coexistence of the language of the nation and national languages from 1990 to 2006 was a temporary compromise between two models of the state of Nepal, the “one nation” state model and a model where the “state consists of many nationalities” (recall that Janajāti activists rendered *Ādivāsī Janajātis* as “indigenous nationalities”). Here again, diversity has been the basic condition in Nepal, though of course Japan and Germany have never been monolingual states either. The modern Nepali vocabulary might have what Fichte called *Sprachkraft der Natur* for some of its citizens whose mother tongue is an Indic language²⁷, but certainly not for others whose traditional mother tongue is not Indic.

Conclusion

Let us briefly summarize some results of the disproportionate comparison of Japan, Germany, and Nepal. Comparing three states on the object-level, we can easily point out that, in terms of “nation” and “language” at least, Japan and Germany have much more in common than the two Asian states Japan and Nepal. This is partly because Nepal, unlike Germany and Japan, became a modern territorial state long before nationalism spread among its diverse population. Reflecting this historical-cum-geopolitical condition, the modern Nepali state has made various radically different attempts to deal with its complicated internal ethnic, caste, linguistic, and religious diversity, though modern Japan and Germany states have also made various attempts in this regard. It is here that the quasi-equivalents of these western concepts have mattered substantially within and across languages. On this level, Japan and Nepal have shared the same basic condition. Unlike the German case where the huge modern vocabulary was created mainly through calques, replacing already existing foreign words, modern Japanese and Nepali intellectuals

²⁷ Both Sanskrit and Nepali, as well as several other Indo-European languages spoken in Nepal, belong to the Indic branch.

have had to create a vast amount of new vocabulary using the lexicon of a classical language. What is more, they have had to do so in many new denotational lexical domains, largely already established, though always emerging, in modern western languages. Inevitable discrepancies among the quasi-equivalents within and across languages have affected the whole process of the modern history of Japan and Nepal (and of Germany or any other nation states). The Japanese and Nepali quasi-equivalents of “religion”, which show clear divergences from the western conception of the term in their respective ways, as well as the state-oriented nature of the Japanese conception of “nation” and “language”, are some conspicuous examples.

This paper started by mentioning Anderson (1991), partly because he is one of the pioneering scholars who treated nationalism not as an ideal type but in terms of its constantly emerging processes. Moreover, his historical reconstruction was not Eurocentric, taking its starting point not the French Revolution or the ideas of Antonio de Nebrija but the struggles for independence of former colonies in the Americas. I have tried to expand his concepts of “piracy” and “modular” by considering the effects of the translations which accompany the processes. I have also argued that we cannot use concepts like religion, language or ethnicity simply as a given. Of course, these are not new arguments at all. The critical reconsideration of the term “religion” has been a focus in sociocultural anthropology and religious studies. The relationship between democracy and ethnic and linguistic minorities in a nation state has re-emerged as a major conundrum in political science. What I would like to advocate here is an analysis of the nation state in which each of these analytical concepts is also scrutinised recursively as an object-level “native” concept. Furthermore, it is inadequate to treat Japanese, German and Nepali cases in isolation, as the people involved in the processes have often triangulated their thoughts and concepts across languages from a number of different perspectives. Focusing on denotational meanings and usages of such basic terms as “religion”, “ethnicity” and “language” in and across languages would enable us to go beyond conventional comparative studies of nation states simply *in terms of* religion, ethnicity and language on the one hand, and equally simplistic comparisons between Asian and European (or Euro-American) nation states on the other.

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