



Multi-cultural and Multi-lingual Issues: Hegemony and Denial in the Constitutions of Nepal since 1990

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Abstract

Despite several attempts towards inclusivity, the rhetoric of language policy and planning and ethnic and cultural rights in the Nepalese constitution, though pluralistic in its presentation, is replete with the vested interest and hidden agendas that in one way or another help in maintaining dominance by the traditionally dominant groups. Though the interrelationship between language and culture is broad and complex, and the debate over linguistic and cultural inequality and intercultural communication is bound to remain, this article attempts to critically analyze some of the constitutional documents that have emerged since 1990 in Nepal to find out how discourses over this period of time have denied linguistic and ethnic/cultural rights to various marginalized multilingual groups and how such discourses need to be understood to help make the future constitutional provisions more conducive to the socio-cultural and multi-lingual setting of the country.

Key words: Language, Language planning and policy, Denial, Hegemony, Linguistic diversity, Multi-cultural, Multi-lingual

1. Brief Political History of Modern Nepal

1.1 From 1769-1950

Nestled in the Himalayas between China and India, Nepal, with a square area of 147,181 kilometers and a population of 25 million people, is geographically, biologically, ecologically, climatically, ethnically, culturally and linguistically a diverse country. There are 100 officially recognized caste and ethnic groups who speak 92 languages (Yadava 2007: 3), and Nepali is the state language, which also works as a lingua franca in this diverse community. The history of modern Nepal can be traced back to 1769 when the then Shah Dynasty King Prithvi Narayan Shah captured small principalities of the Kathmandu valley and other areas of the Himalaya region, and declared Kathmandu to be the capital of the nation called Nepal. He was apt at constructing nationalist identity through his metaphorical rhetoric. The metaphorical and pluralistic rhetoric like 'Nepal is a garden of four castes and 36 sub-caste' produced served in the denial of people outside the caste system and creation of fictive identities. The autocratic rule propagated by the Hindu Shah Dynasty Kings, where monarchy and religion played decisive roles in governance, thereafter,

was further fuelled by the dynasty of prime ministerial rule of the Ranas that followed. The Ranas, who came to power because of the intensive infighting that ensued among the royalties and between different powerful families of courtiers, continued for 105 years from 1846 to 1951 (Khadka 1986). People were bound in a mono-cultural nationalism, through one language, one religion, and one dress.

1.2 From 1951-1960

The archaic Rana rule that lasted for 105 years started showing signs of fatigue during the 1940s, as a heavy air of dissatisfaction among the common masses loomed over the country. The Ranas, though they eliminated, jailed, and tortured hundreds of people who were a threat to their regime, could not resist the 1950-51 revolution. The uniqueness of this revolution was the alliance between the then defunct Shah Dynasty King Tribhuvan Bir Bikram Shah Dev and the Nepali Congress party which was able to uproot the Rana rule. Democracy dawned in Nepal in 1951, and 'the institution of monarchy, overshadowed as it was for over a century, was thrown into the vortex of party politics in order to play an assertive role in the post-revolution period' (Baral 1983: 13). The interim government that was formed implemented the Nepal Act 1951, which declared the king as the head of the constitution. Executive powers were therefore held by both the council of ministers and the monarch. Unfortunately, the newly formed government collapsed within a few months and because of inter-personal and intra-party feuds, the governments that followed until 1960 allowed for a Royal ascendancy led by King Mahendra Bir Bikram Shah Dev, who had ascended the throne after King Tribhuvan's death in 1955. The democratic constitution of 1959 was suspended, political parties were banned, and most of the leaders of the political parties were jailed and eventually exiled. The King declared that the 'experiment with multi-party democracy' was a failure due to the extensive infighting that went on between all the stakeholders. He insisted on an indigenous system suitable for the sons and soil of Nepal and developed the partyless Panchayat system that exercised its authoritarian rule for 30 years to come. The monolithic ideology of the past, no doubt, was reinforced by the 'Panchayat' ideology and the rhetoric of nationalism and the inevitability of the crown were passed on to the people in such a way that no doors for any other options seemed open.

1.3 From 1990-2005

After much struggle and a bloody revolution democracy was restored in 1990. Since the advent of democracy, Nepal has been going through intensive debates on ethnicizing and de-ethnicizing. Indeed, such debates on ethnic formations are amongst the highest on the political agenda. They function as a space in which, as Omi and Winant mention, 'racial categories are created, inhabited, and transformed' (2002: 124). People who were suppressed by the assimilative and homogenizing rhetoric for years now started voicing their grievances, giving rise to strong counter projects of varied kinds replete with diverse visions, strategies and grievances that have come to intersect and to contest each other.

The first step taken by the new government that was now successful in providing a constitutional position to the King was to declare Nepal a multi-ethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom. To some extent, the new constitutional changes indicated liberal policy changes, at least in comparison to the past. However, the promises that were made for the oppressed and the suppressed groups began to fall short, as the infighting amongst the democratic forces for power and rampant corruption at all levels became the norm for this newly democratized state. This, in turn, gave rise to an extremist group called the Maoist in 1996. The Maoist capitalised on this weakness and pledged 'to free humanity from the yoke of class exploitation'. They started their struggle in the name of People's war (PW) from the mid western region (the most deprived region of Nepal). The impact of this conflict in this small multifaceted nation has been immense, and has today given rise to new hopes and desires for changes previously unsurpassed in the history of Nepal. The reality on the ground, however, is rather more alarming. The devastation, both physical and mental, in each and every aspect of Nepalese life is such that bringing the anticipated changes in this over-enthusiastic or hyper-expectant context is a daunting task, and seems likely to give rise to new conflicts.

1.4 From 2005-2011

Amidst the confusion and various understandings and misunderstandings between the political forces and the Maoists, Nepal was declared a republic. The royal institution was dismantled in May 2008 by the elected constituent assembly led by the Maoists, who were successful in acquiring the highest number of seats in the elections.

Nepal, no doubt, has suffered from ongoing instability, political strife, conflict, and uncertainty for centuries. Today, the constituent assembly that is supposed to draft a new constitution for the Democratic Republic of Nepal is rife with struggles for power between the major parties. In brief, the country currently is in chaos and the constitution making process is left in limbo.

2. The Overall Issue of Cultural and Linguistic Diversity

Though cultural and linguistic diversity is considered to be an asset of any country, the short-sightedness and lack of proper knowledge to guide the handling of this highly sensitive issue could lead to serious consequences, especially in the newly democratized countries where the expectations of the people are very high. As suppressions of varying nature have plagued such countries for centuries, and the nationalistic rhetoric of 'one nation, one language' has remained the motto behind the hegemonic intentions of the rulers, people now want to break these shackles and feel recognized linguistically, socially, ethnically, culturally and politically. Since language is a major marker of individuals in any multi-cultural society, it is very important to understand the overall evolution process of the languages in socio-historical contexts.

Similarly, in new democracies the most empowering factor seems to be an individual's ability to use the language(s) of his/her culture. Not being able to do so is necessarily disempowering. As Neville Alexander states:

The self-esteem, self-confidence, potential creativity and spontaneity that come with being able to use the language(s) that have shaped one from early childhood (one's mother tongue) is the foundation of all democratic polities and institutions. To be denied the use of this language is the very meaning of oppression (p. 2).

Clearly, things would be much easier for language planners and policy makers if every country had one culture, one language and one tribe but this is obviously not the case. This raises particularly pertinent issues for any individual as far as identity is concerned. According to Kari Gibson, language 'is a complicated dance between internal and external interpretations of our identity' (2004: 1). Identity can thus be defined both as achieved or inhabited, causing still bigger complications in the socio-cultural arena (Blommaert 2006: 238). The role of non-linguistic variables during the process of language planning is therefore crucial since they could be the markers of success or failure of any such planning (Garvin 1973: 69). In other words, there is an 'intricate interplay of language and power' which is in need of unpacking in order to understand the real intent behind the policy/ies in question (McKay and Bokhorst-Heng 2008: 91).

3. The Problem

Like most of the newly democratized multi-ethnic, multi-cultural and multi-lingual countries in the world, Nepal, even after twenty years of democratic exercise, is grappling with the ethno-linguistic problem. The problem, rather than being resolved, is persisting to threaten the now democratic process of the country.

It was not until 1990 that Nepal saw some rays of democracy. The autocratic regime of the King was toppled after a bloody revolution, and the democratic forces took over, confining the King to a nominal head position. In such a diverse society, the suppressed voices of the people now got an opportunity to vent their grievances and put forward their demands based on cultural, social and linguistic grounds. As a result, government policies coincided with dramatic changes in the language policies as well. As described by Sonntag (2007: 205):

the Nepali-only policy of the absolute monarchy was discarded in favour of an official language policy that recognized Nepal's linguistic diversity. This new multilingualism reflected a rejection of allegiance to a caste – stratified social hierarchy that had been imposed in the past.

Article 18:1 of the Constitution of 1990 provided that 'each community residing within the kingdom of Nepal shall have the right to preserve and promote its language, script and culture'. The Constitution also reserved the right of each community '... to operate schools up to the primary level in its own mother tongue for imparting education to its children' (Article 18.2)

(Cited in Toba et al. 2005: 21). However, today after two years of democratic exercise of all kinds, the much hyped liberal multilingual policy of the 1990s remains in a state of limbo.

4. The Purpose

Unfortunately, despite the tremendous support extended by the people, democracy in Nepal is bitterly struggling and the linguistic/ethnic situation is very fluid, resulting in multi-cultural and inter-cultural fluidity. In the remainder of this study, I will look into the rhetoric of constitutional policies and plans in Nepal from 1990 up until the present which address the linguistic and ethnic/multi-cultural issues, with references to the past as and when necessary, and find out how such rhetoric has helped to shape the overall linguistic, ethno-linguistic, and multi-cultural landscape, both overtly and covertly till to-date, and how many diverse cultural voices have been rhetorically silenced to maintain hegemony.

5. Research Questions

Insisting on the persuasive presence of ideology in language, Fairclough (2001: 2) argues that ‘...the ideological nature of language should be one of the major themes of modern social science’. It has been witnessed that ethnicity, culture, ideologies, language and power are closely related, and that the hegemony maintained through consent and coercion which Antonio Gramsci describes, is an inter-play between these factors. It is therefore important to recognize the role played by these elements in order to understand how language policies contribute to the domination of people of different ethnic and cultural backgrounds by people who hold the reins of power, and how such a situation can be avoided through critical understanding and critical negotiation while formulating new plans and policies.

It is interesting to note that whenever policy changes have been called for in Nepal, it has been at times of uncertainty, which have put pressure on policy makers to formulate people-oriented policies in a short span of time. The decisions that have been taken have often been made on ad hoc basis, heavily influenced by the ideological rallying points of powerful and articulate groups, and therefore offer a suitable site for investigating the role played by the socio-political vision of such groups at the cost of the marginalized sections of the society. Haley Woodside-Jiron (2004: 177) argues that under such circumstances ‘the policy documents, documents that serve to redefine current thinking that have high circulation rates, and specific events where particular ideas, voices, or agendas are brought to the front and acted on all become important sites for investigation’.

In order to look into the intricacies that have governed and are still governing the multilingual and multicultural Plans and Policies of Nepal since 1990, then, I propose the following research questions:

How have dominant discourses shaped multilingual and multicultural societies in Nepal, and how has this influenced the intercultural relationship within different communities?

How have hegemonic forces rhetorically manipulated their discourses to maintain the dominance of a single language?

6. Theoretical Framework of Analysis

It is clear that Nepal, with its extensive multiplicity, has to go a long way to establish itself as a pluralistic society with proper recognition of all the languages that are spoken within the country. It is extremely important that multilingual language policies, under such circumstances, be holistically analyzed so as to understand the complex relationships between languages, policies, speakers, and social contexts before being accepted. In the present study, in order to rhetorically analyze the language situation in Nepal since the 1990s, I have based my investigation on two key concepts in critical theory and discourse analysis: (i) 'hegemony' as theorised by Antonio Gramsci and (ii) 'denial' as described by Teun van Dijk.

Gramsci's notion of hegemony serves as the primary theoretical prism for my research because unlike the Marxist philosophy which only emphasizes the role of the dominating class in maintaining hegemony, Gramsci highlights the ruling class/working class dynamic. Crucially, he contends that a ruling class cannot act alone without the consent and support of the working class. According to Raymond Williams (1985), Gramsci conceived of hegemony as a form of control exercised primarily through a society's superstructure, as opposed to its base or social relations of production of a predominately economic character. He splits superstructure into two major levels: (i) 'civil society', which includes religious organizations, schools, trade unions that are normally considered to be non-political and or private and (ii) 'political society'. Gramsci's major thrust is to show that civil society's ways of establishing and organizing human relationships and consciousness are deeply political, and should in fact be considered integral to class domination.

Although they are useful for understanding different modes or aspects of social control, Gramsci does not retain 'social hegemony and political government' as purely distinct categories, but rather brings them together under the 'integral State'. His basic premise, according to Bates (1975: 351), 'is one with which few would disagree: that man is not ruled by force alone, but also by ideas'. Gramsci, in other words, has consistently tried to explore the middle ground between consent and coercion. There is nothing 'arbitrary' about the choice of the dominant language or culture. These choices are always political, and as such they are the result of a historical process that includes negotiation, compromise, and the building of alliances between groups to maintain hegemony.

Similarly, as voices from different sectors are raised to demand socio-cultural and linguistic recognition in such societies, policies formulated by those in power need to be rhetorically analyzed to see what is implied and what is denied in the discourses of the hegemonic group/s. Denial, according to van Dijk (1992: 308), is used by the elite members of the group in power or the

group itself as a 'strategy of defence, as well as a part of the strategy of positive self-presentation'. This is achieved by either playing down the issue, or through justifications or transfer of charges. In whatever way it is achieved, however, the people in power 'mark social boundaries and reaffirm social and ethnic identities, and self-attribute moral superiority to their own group. Therefore, denials have a socio-political, socio-cultural function, and they debilitate resistance' (p. 310).

Van Dijk (1992) similarly shows how the symbiosis between mass media and politics helps in creating a rhetorically structured discourse that seems to foster equality by denying ethnic reality. One of the major rhetorical strategies used by parliaments is that of 'nationalistic rhetoric'. Through such rhetoric of 'nation building' the minority groups are forced to succumb to 'ideologies and myths' (Baldauf Jr. and Kaplan 2004: 6), and the majority groups succeed in their strategic rhetoric of denial. In the name of 'democracy, equal rights, and tolerance', racism is denied and is projected as if it is a matter of distance, both historically and geographically. The basic strategy used by those in power is therefore 'the strategy of positive self-presentation' (van Dijk: 316-317). The system followed by them is projected to be the most democratic and inclusive of all.

Political parties aptly play a 'balancing act' and produce policies which are 'firm but fair' and defined as humane, thus denying the overall problem of ethnic discrimination (p. 322). Ethnic policies are thus rhetorically structured for agreement and are replete with denials: denying ethnicity and thus denying language. In what follows, I analyze the relevant constitutional documents to show how a Gramscian hegemony of 'consent and coercion' has time and again operated in the language planning and policy making in Nepal, and how 'denial' has been the discursive strategy deployed to maintain hegemony by denying linguistic rights to the marginalized populace.

7. The 1990/91 Democratic Constitution

7.1 The Preamble

Echoing Gramsci's notion of hegemony, Fairclough (1995: 76) says that 'hegemony is about constructing alliances, and integrating rather than simply dominating subordinate classes, through concessions or through ideological means, to win their consent'. During the drafting of the new constitution in 1990, which intended to establish democratic order in the country, a new commission was created. The commission comprised representatives and experts aligned to the major political parties (Nepali Congress and United left Front – two major democratic forces), and the King of Nepal. From the very first effort towards the drafting of the constitution, a struggle between the King, who demonstrated an unwavering will to remain the source of sovereignty, and the democratic alliance, was evident. Though there were demands for addressing the regional, religious, linguistic, gender and ethnic issues from all over the country, the commission unfortunately denounced these issues as a 'threat to the nation state's unity' (Bleie 2005: 72-73). In fact, the commission's chairperson characterized most of the issues raised by the people as 'unfortunate' and 'peripheral' demonstrating their lack of

constitutional knowledge (Hutt 1990). This is a universal view, it seems, when the issues related to ethnic/multi-cultural identities come in the way of establishing national identity. In order to justify the establishment of nation state, the discourse that is pushed forward is that 'Nation states are embracing and cohesive, whereas ethnic groups are exclusive and divisive. Nation states represent modernity while ethnic groups simply represent a harping, mis-informed, and misguided nostalgia' (May 2001: 20).

The Preamble of the 1990 constitution¹ and the linguistic, stylistic and semantic devices used to restructure hegemony through the content of the various Articles is highlighted below. The preamble says:

Whereas, we are convinced that the source of sovereign authority of the independent and sovereign Nepal is inherent in the people, and, therefore, We have, from time to time, made known our desire to conduct the government of the country in consonance with the popular will;

And whereas, in keeping with the desire of the Nepalese people expressed through the recent people's movement to bring about constitutional changes, We are further inspired by the objective of securing to the Nepalese people social, political and economic justice long into the future;

And whereas, it is expedient to promulgate and enforce this Constitution, made with the widest possible participation of the Nepalese people, to guarantee basic human rights to every citizen of Nepal; and also to consolidate the Adult Franchise, the Parliamentary System of Government, Constitutional Monarchy and the System of Multi Party Democracy by promoting amongst the people of Nepal the spirit of fraternity and the bond of unity on the basis of liberty and equality; and also to establish an independent and competent system of justice with a view to transforming the concept of the Rule of Law into a living reality;

Now, therefore, keeping in view the desire of the people that the State authority and sovereign powers shall, after the commencement of this Constitution, be exercised in accordance with the provisions of this Constitution, I, His Majesty King Birendra Bir Bikram Shah Dev, virtue of the State authority as exercised by Us, do hereby promulgate and enforce this Constitution of the Kingdom of Nepal on the recommendation and advice, and with the consent of the Council of Ministers.

The constitution that finally took shape in November 1990, if critically examined, reveals various power dynamics. The linguistic selections, their juxtapositioning, sequencing and layout from the Preamble cited above show how those groups that are historically associated with power make use of signifiers which assert their position in such critical circumstances. The initiation of the Preamble by the pronoun 'We,' and the juxtapositioning, sequencing and layout of discourses like 'I, His Majesty King Birendra Bir Bikram Shah Dev, ...with the consent of the Council of Ministers' distinctly reveal that the stake holders, through 'ideological discursive formations', are covertly trying to maintain hegemony by striking a compromise amongst themselves. In Gramsci's terms this kind of contradiction in the text is a reflection of the 'ideological complex', as it discloses an undercurrent in the formation of the new democratic constitution where discourses are 'structured and restructured', 'articulated and rearticulated' due to the ideological

struggle. The struggle is evident in the preamble, as the King, on the one hand, is attempting to portray a democratic image by leaning on the phrase 'popular will', whilst on the other hand he tries to promote the idea that he is still the authority by using extended texts like, 'I, His majesty King Birendra Bir Bikram Shah Dev, by virtue of the State authority as exercised by Us'.

7.2 The Relevant Articles in the 1990 Constitution

Article 4 of the constitution declares Nepal as 'a multiethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom'. The declaration of Nepal as a 'Hindu State' on the one hand, and recognizing Nepal as a 'multiethnic, multilingual, and a democratic' Kingdom on the other, is itself a solid act of denial and what Foucault (1978) calls 'tactical polyvalence of discourses':

Discourses are tactical elements or blocks operating in the field of force relations; there can exist different and even contradictory discourses within the same strategy; they can, on the contrary, circulate without changing their form from one strategy to another, opposing strategy (pp.101-102).

Foucault's point is further exemplified by Article 19.1 which says that 'every person shall have the freedom to profess and practice his own religion as handed down to him/her from ancient times having due regard to traditional practices'. The next clause of the same article bans any conversion from one religion to the other: 'no person shall be entitled to convert another person from one religion to another'. These two clauses, along with other associated provisions in the constitution related to the national anthem (that basically weaved patriotism with the worship of the king), the national animal, the national color, the national flag, and the use of Sanskrit language in education and the media, were transferred from the previous autocratic constitution of the Panchayat regime. These elements, no doubt, play a crucial role in creating a homogenized society, and an unequal power relationship between the dominant religious group and the non-Hindu religions.

Similarly, Article 6.1 mentions that 'the Nepali language in the *Devnagari* script is the language of the nation of Nepal. The Nepali language shall be the official language'. And Article 6.2 mentions that 'all the languages spoken as the mother tongue in the various parts of Nepal are the national languages of Nepal'. The linguistic interplay between declaring the Nepali language in the Devnagari script as the language of the nation and all other languages spoken as the mother tongue in various parts of Nepal as the national languages of Nepal is indicative of the hidden agenda in the 1990 constitution. It is, however, done in such a way that the cultural and linguistic hierarchy of Nepali language over the national languages still remains.

The basic premise of Gramsci's ideology 'that man is not ruled by force alone, but also by ideas', is depicted in Article 6.2. As the country had just emerged from a bloody revolution and the forces fighting against the autocratic rule of the King had fought on the basis of liberating the people from the clutches of domination, the first issue that needed to be addressed was the issue of equality to pacify the actors of the movement. The primary task for the democratic forces that came to power, therefore, was to design an interim

constitution that sounded as inclusive and recognizing as possible. This need of the hour gave rise to the rhetoric that ‘all languages spoken as the mother tongue in the various parts of Nepal are the languages of this nation’ (Article 6.2) – a grand rhetorical construction that at once said everything but defined nothing. This is a clear example of the rhetoric of ‘hegemonic neutralization’, as it helps in impeding the multiplicity of demands in such a fragile situation. The terms ‘mother tongue’ and ‘languages of the nation’ were left for the people to interpret. The two linguistic terms used: ‘the language of the nation’ and ‘national languages’ reveal the hegemony of the language of the dominant class, as one language takes the position of ‘the language of the nation’ with a determinative article ‘the’ and other languages become subordinate as, rhetorically speaking, the definition of ‘national languages’ is ambiguous.

Furthermore, Article 18.1 says that ‘each community residing within the Kingdom of Nepal shall have the right to preserve and promote its language, script and culture’. This is followed by Article 18.2 which says that ‘each community shall have the right to operate schools up to the primary level in its own mother tongue for imparting education to its children’. However, denial is distinct in the provisions thus made, as the commitment to do so by the governments that come to power is nowhere to be seen in the constitutional documents. The rhetoric used thus shows that the new constitution designers, in order to balance the equation, have followed the ‘assimilation – tolerance model’ that in its law ‘prescribes one language but provides room for other languages without any commitment to them’ (Nyati-Ramahobo, p. 28). Mark Turin (2004), an anthropological linguist who has conducted extensive linguistic studies in Nepal, says that

the combination of Articles 6 and 18 thus provides a solid constitutional bedrock for indigenous peoples to have access to mother tongue language instruction, even though it remains unclear from the second Article whether the ‘right to operate schools’ is one which will be underwritten by government financial aid. (p. 2)

Similarly, the next provision in the same constitution declares that the King must be an ‘adherent of Aryan Culture and Hindu Religion’ (Article 27), and the King is declared to be the ‘symbol of the Nepalese nation and the unity of the Nepalese people’. This provision in the constitution is foregrounded and rhetorically constructed in such a way that the provisions of a multi-ethnic, multi-cultural, and multi-lingual state mentioned above are in a way nullified, as the overall ruling power falls in the hands of the Hindu King and the proponents of the Hindu religion whose tenets are based on social hierarchy, and people from other religions and cultures must remain within the boundaries set by them. The constitution, no doubt, legalizes ethnic and ethno-linguistic diversity, but it rhetorically circumscribes pluralism and equality by defining the state as a ‘Hindu Kingdom,’ and later on in Article 112 political parties and organizations formed on the basis of religion, community, caste, tribe or region were banned, thus providing room for continued hegemony of the historically, linguistically and religiously dominant group. Evidently, then, as Malagodi (2008) argues, ‘the 1990 constitution [...] relied upon the cultural nationalistic narratives established during the Panchayat period, allegedly to foster the legitimacy of state power’ (p. 447). What we observe here is the hegemonic compromise between the stakeholders to hold

on to power. They have made the constitution a foundation for engaging in hegemonic practices by trying to formulate rules that benefit them and not the adversaries, and the King, who though confined to a constitutional position, makes sure to 'promulgate and enforce' the constitution by the making use of the first person 'I'- a distinct case of 'hegemonic regrouping', as many critics would say. Mara Malagodi, after comparing the 1962 constitution to that of 1990, states:

Notwithstanding a timid attempt towards a more inclusive system recognizing diversity within Nepali society, the 1990 constitution was still informed by a 'history from above'. This fact raised the question of how representative such state-constructed identity was of Nepal's entire population. Such provisions have been strongly contested since the time of the constitution drafting because they were perceived as the instrument endorsing and perpetuating forms of social, cultural and religious, exclusion, discrimination, and oppression (p. 448).

Looking at the constricted nature of the 1990 constitution, and its underlying efforts to create new classes of alliances (the political parties and the King) to maintain hegemony, one is again reminded of Gramsci who classifies this type of hegemony as 'hegemony protected by armor coercion' (1971: 263), where the coercion and the consent of the subordinate groups reinforces the foundation for hegemonic leadership and the 'expanded state'. Furthermore, by assigning executive powers to the King and the council of ministers (Article 35), the democratic constitution instantiates Gramsci's notion of 'hegemonic maintenance'.

The 1990 constitution, therefore, denies the existence of inequality and discrimination on caste/ethnic, linguistic and religious lines, and in fact separates politics from ethnicity by a provision prohibiting the formation of political parties on the basis of religion, community, caste, tribe and region, though it claims to recognize the pluralistic characteristics of the Nepalese society. Talking about the denial embedded in the legal and constitutional framework of the constitution, as far as equality of the cultural rights of the minority groups is concerned, Harka Gurung says that 'the State alignment to Hindu ideology continues to perpetuate social exclusion of millions of people with its economic and political ramifications' (2005: 3).

Interestingly, the 1990 constitution was appraised as one of the best constitutions in the world and the environment that was created around the constitution was such that people who were denied of their rights in the constitution were also made to believe in its plurality. A prominent political scientist of Nepal, Mahendra Lawoti, says

....but if you look at the ethnic background of those who praised it, it is not difficult to grasp the psychology behind it. Those who have praised the 1990 constitution are mainly male Bahuns (the elite dominant class). They are right to some extent, because if the dominant group member does not have ideological problems with the constitution, no constitution could be a better one to perpetuate continuity of their group dominance. It has provided democratic legitimacy to domination.

<http://homepages.wmich.edu/~mlawoti/documents/Interview.Yatra.2004.pdf>

Thus, despite the dawn of democracy and the constitutional provision for an inclusive system, the Hindu-centric hegemony persisted, brewing mass discontent which eventually gave rise to a people's war in 1996. The insurgents who called themselves Maoist argued that systematic exclusion and deprivation of indigenous ethnic groups should be addressed as a primary issue in equitable national development and integration. They gathered support through slogans that addressed the issues related to self-determination, ethnic and regional autonomy, proportional representation, equal language and cultural rights, elimination of caste based domination, patriarchy and untouchability. The significant steps taken by them were the formation of the All Nepal Nationalities Association (1994), the adoption of Ethnic Policy (1995) and the ethnic right to self-determination (1997), the establishment of an Ethnic Department at the central level and the formation of 11 ethnic/regional fronts (1998), as well as the Ethnic and Regional Coordinating Committee (2001) and the United Revolutionary People's Council (Sept. 2001) (Gurung 2005: 5).

The awareness raising campaign in the rural areas was so intense that by the end of the people's war in 2006, the Maoists had been able to promote a revival of indigenous people's culture and language at the local level. There was now increased awareness of the institutionalized exclusion of indigenous ethnic communities and people from all corners had started questioning the status quo.

The ruling group defined the rights and duties of citizens toward the state by conflating it with its own interests and adopting political institutions that concentrated power within the group. According to Lawoti, 'this disjuncture between the state and society is the underlying cause for the eruption of many of the contentious activities in present day Nepal' (2002: 8). The contentious politics that extensively came to vogue (the Maoist insurgency also can be taken as part of it) has ultimately been successful in bringing the country to the present condition. Today Nepal is a Democratic Republic and there is an elected constitutional assembly whose major task is to formulate a constitution. The governments once again have started coming and going, as none of the political parties, including the Maoist, have shown any national interest.

Almost all the parties that are in or outside the present coalition government have one thing in common: they all wish to build an inclusive Nepal. However, they all seem to have agreed to disagree, as the issue of federalism based on ethnicity/linguistic and regionalism, or the administrative federalism and or federalism with autonomy/self-determination, has become an intensively debated topic amongst these political players, nevermind the players that are not ready to buy into the idea of federalism. The indigenous people's demands are based on '(....) ethnic, linguistic and regional autonomy and sub-autonomy with right to self-determination should be the basis of federal democratic republic' that is very close in line with what the Maoist are aiming at. The Nepal Communist Party (UML), the second largest coalition partner, is not in favour of ethnic and linguistic autonomy and the third largest party the Nepali Congress is totally against the right to self-determination and ethnic and linguistic autonomy. Obviously one can

distinctly see the kind of situation the country is in, and the complications that can arise in trying to formulate an all-inclusive, amicable constitution.

The impunity and ease with which so many of those in positions of authority can circumvent formal rules and policies suggest that powerful informal systems, behaviours and norms are still very much at work—and that groups whose objectives differ from those officially espoused by the state still find it easy to call on these systems. (Bennett 2006: 31)

Amidst all these confusions, an interim constitution that underwent several amendments has been drafted to run the country as long as the new constitution is not in place.

8. The Interim Constitution (2007-2009)

8.1 The Preamble

Given the growing need for a restructuring of the state and the ethnic demand for a secular state, the new interim constitution that is functional today has been claimed to be created by the sovereign people of Nepal and not by a single person or power centre. The Preamble states that:

We, the people of Nepal, in exercise of the sovereign powers and state authority inherent in us;

Whereas, recognizing the mandate of the Nepali people expressed, from time to time, since prior to 1951 till now, through historical struggles and people's movements for democracy, peace and progress;

Whereas, having determined for progressive restructure of the state in order to resolve the existing problems of the country based on class, caste, region and gender;

Whereas, expressing full commitments towards democratic norms and values including competitive multiparty democratic rule, system, civil liberty, fundamental rights, human rights, adult franchise, periodic election, full freedom of press, independent of judiciary and concept of rule of law;

Whereas, guaranteeing the basic rights of the Nepali people to frame a Constitution for themselves and to participate in the free and impartial election of the Constituent Assembly in a fear-free environment;

And whereas, keeping democracy, peace, prosperity, progressive economic-social changes and sovereignty, integrity, independence and dignity of the country in the centre;

Now therefore do hereby promulgate this interim constitution of Nepal, 2063 (2007), prepared through a political consensus enforceable until a new Constitution is framed by the Constituent Assembly in order to institutionalize the achievements of the revolution and movements till this date.

There is a remarkable change in the preamble of the present interim constitution. The sovereignty now lies with the people and, evidently, extra

effort has been made to foreground the contextual requirements desired of a pluralistic democratic constitution with the use emphatic structures like, 'keeping democracy, peace, prosperity, progressive economic-social changes and sovereignty, integrity, independence and dignity of the country...'. Such interplay of semantic and syntactic structures helps in silencing the common masses immediately, as a majority of them do not go beyond the text of the preamble. Such readers usually go through 'peripheral processing' (Pratkanis and Aronson 1991) and fail to critically look beyond the initial text and identify the hidden agenda inherent in the ensuing discourse.

8.2 The Relevant Articles in the Interim Constitution

While going through the interim constitution 2007, which is still in place, the provisions made still carry hangovers from the past regimes and subtle denials are pervasive. For example, Article 5 of the interim constitution says 'the Nepali language in the Devanagari script shall be the language of official business'. This again assigns Nepali the status of a single official language, which is a clear sign of the continuation of the Panchayat era mentality that the leaders of these parties inherited. Although the prohibition in using other languages in local bodies has been lifted, not mentioning about their use in higher administrative contexts is a clear example of a denial strategy from the ruling coalition. Similarly, Article 17 of the constitution says 'each community shall have the right to receive basic education in their mother tongue as provided for in the law' – an interesting form of denial since no such law exists in Nepal (Shrestha 2007: par. 4).

Contradictions in the Interim constitution abound. The ordering of the text that ensures a progressive move in the right direction is immediately followed by a 'provided' clause that constricts the provision made above. For example, Article 12.3 (a) offers freedom of expression and opinion to all its citizens; however, the following sub-clause in the same article mentions that:

nothing in sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religion or communities, or on any act of defamation, contempt of court or incitement to an offence; or on any act which may be contrary to decent public behaviour or morality.

The linguistic trickery in the sub-clause lies in the phrase 'laws to impose reasonable restrictions'. This power to impose the undefined 'reasonable restrictions' is what Fairclough (2003) terms a 'key expression'. It gives the hegemonic group room to restrict any freedom provided in clause 3 (a) of Article 12.

It is interesting to see how the representatives of the political parties who debated longer than anticipated on making the constitution as inclusive as possible, ultimately succumbed to the rhetoric of denial no different than those of the past rulers. Article 33 of the constitution provides to end discriminations based on class, ethnicity, lingual, gender, cultural, religion and region and to deconstruct the present centralized and unitary structure of the state to reconstruct it into an inclusive, democratic and forward looking one by addressing women, low caste (dalit), indigenous nationalities, Madhesi

(People from the plains in Nepal), oppressed, neglected, minority communities and backward regions (Shrestha: par. 5). This is nothing new to what was there in the past constitutions.

The new constitution, therefore, is replete with denials that ensure, in one way or the other, the domination of the political parties that are still controlled by the high caste people. If one looks at the leaders of various leading political parties in the country, the ruling elites of the past, the 'Bahuns' and the 'Chettris', people from the highest caste (despite all the changes that have occurred in the country: the royal regime has been dethroned, Nepal has become a secular state, the constitution is the people's constitution), still hold the reins of power and are more interested in sharing or gaining access to power than in developing lasting foundations for party politics. Right from the most ethnic-oriented party, the Maoists, who have been trying to paint a 'colourful rainbow representation of different caste, ethnic, linguistic, regional, sex and class groups in the newly elected constituent assembly', the top brass are all Bahuns, and as such, 'have turned the constituent assembly into nothing more than their huge rubber stamp' (Bhattachan 2008).

Today, the major issues that have been raised by the ethnic minority organizations revolve around proportional representation, reservation, federalism and the right to use ethnic/indigenous languages in education and government offices. Some of these issues have been addressed not explicitly but vaguely. The provisions made in the interim constitution indicate a big gap between such demands and the interests of the political centres, and in the up-coming constitution such demands of ethnic equality through federalism, given the present tug of war going between various players, still stand a high chance of being sidelined by the dominant social groups. If discourses addressing such issues are not rhetorically analyzed and critically scrutinized before being given a place in the constitution, the provisions once again would be non-binding and the reigns will once again be held by the traditional dominant groups.

9. Conclusion

Given the above discussion it can be said that ethnicities and identities are 'imagined political communities' which are produced, reproduced, and modified largely through discursive and symbolic means. As we can see in Nepal, it is through political, religious and constitutional discourse that ideologies related to ethnic identities are produced, reproduced and reinforced, and the act of denial is always there in the form of hidden agenda in the hands of the elite groups. The participation of ethnic minorities in mainstream politics and various other social activities, though stressed in all forms of democratic governments that come to power, is a notoriously difficult task, as the ruling elites are, as van Dijk indicates, manipulatively playing the game of denial to maintain hegemony.

Therefore, though Nepal has been constitutionally recognized as a 'multilingual' nation there is still a huge area of disagreement amongst scholars, citizens and the government as far as languages spoken in Nepal are

concerned. Though the dissenting positions regarding the status of languages taken by all the stake holders looks troublesome, Mark Turin (2004) says that:

the fragmented nature of scholarship on Nepal's linguistic communities provides a fertile ground for scholars, ethnic activists and the national government to meet, discuss and formulate a progressive course of action for the coming years. In short, languages are always in flux and linguistic identities are anything but rigid. Linguistic policy, therefore, should remain equally flexible. (p. 1)

The interrelationship between language and culture is wide and complex and the debate over linguistic and ethnic/cultural inequality and intercultural communication is there to stay in Nepal for a long time, in fact, as long as the 'them' and 'us' mentality is present in those who come to power. Therefore, it is important to rhetorically analyze such discourses and identify and understand the hidden agendas before giving any approval to any plans and policies that deal with the critical issues of language, culture, and ethnicity in the newly democratized nations like Nepal.

Notes

- ¹ All the constitutions are originally written in Nepali. The English versions that I have used for the 1990 constitution has been translated by Nepal Law Commission of the Government of Nepal and the translation of the 2007 interim constitution is by UNDP, Nepal. I have reproduced both the translated versions exactly.

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