

## Abstract of Doctoral Project

### *Legal Codification, Identity-Formation and State-Building in 19<sup>th</sup> century Nepal: The Mulukī Ain of 1854 as a Strategy of Hinduization*

(Within the project: *Transcultural Legal Flows in 18<sup>th</sup> and 19<sup>th</sup> Century South Asia: Changing Ideas and Practices of Law and Legitimation in Hindu Legal Cultures*)

The project aims to identify and examine patterns of transformation within the Hindu legal culture in the light of the plural, dynamic and hybrid legal orders in early modern and colonial South Asia. At the centre of my study is the Nepalese *Muluki Ain*, the first formulated legal code of Nepal issued at the initiative of Prime Minister Janga Bahadura Rana in 1854 AD, with an agenda of implementing Hindu norms on a state level. In the context of colonialization and economic and political exchange with the West and India, the composition of the text was influenced by several sources. Firstly, it was the classical Hindu legal code, the *Dharmaśāstra* literature, which constituted the central source for its formulation. Secondly, the composition of the code was strongly influenced by colonial Indian law systems. Thus, we find on the one hand, influences from the Mughal law system, which was prepared mainly according to Islamic law, and on the other hand traces from the Bengali law system, which was prepared under the direct influence of the colonial power. Through close diplomatic contacts between Nepal and the East India Company in Calcutta, it is in particular the juridical concepts of the latter that are visible in the *Muluki Ain*. Lastly, also Western concepts of law making that Janga Bahadur Rana encountered during his visit to London and Paris in 1850 AD (Dixit 2012, 8<sup>th</sup> edition) inspired the formulation of certain aspects in the code. Thus, the *Muluki Ain* becomes to represent the transcultural legal flows between Nepal, Britain and colonial British India, being a combination of customary and Hindu Law (e.g. the *Manusmṛti*) as well as juridical concepts and ideas pertaining to the British and Islamic law systems (Michaels 2010b).

As part of my project, I will collect and collate manuscripts of the hitherto unedited *Muluki Ain*, critically editing the sections on Criminal and Public Law, as well as providing annotated translations of them. While preparing the edition, the objective is to trace quotations and direct influences of Hindu customary law in the text, as well as detect indirect influences from the British as well as the colonial Indian law systems, with the aim to identify religious, social, economic and political values that may have impacted the formulation of the code. This will further serve as a basis to start an enquiry into the *Muluki Ain* in the context of South-Asian law making in the 19<sup>th</sup> century, partly by carrying out a close comparison with the contemporaneous Bengali law sources. With this detailed study of the *Muluki Ain*, my project aims to contribute to the larger project of identifying important texts, relevant actors and their networks in the production of knowledge in Nepal and colonial India in the light of trans-cultural exchanges and the strategic appropriation of external legal concepts in the transformation of Hindu law under the influence of colonial governmentalities.