

# “Justice of Compensation”: Unravelling the Notion of Justice among the Zo/Mizo Tribes

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## I. Introduction:

Social Justice translates itself to ‘Distributive Justice’. However, experience suggests that ‘Social Justice’ cannot be realised if the notion of ‘Justice’ that prevails among people continues to be unequal in practice. In other words the socio-economic and cultural specificities remain embedded within the notion of justice.

The paper attempts to unravel the notion of ‘Justice’ among the Zo/Mizo tribes by flipping through the ‘Kuki-Chin-Mizo Folklores’ and reaffirm that the nature of the Zo/Mizo sense of justice as deliberated through the ‘*Nexus of Patriarchy*’ is based on the ‘Justice of Compensation’ rather than on ‘Social Justice’. Thus every act in the Mizo society is compensatable in economic terms as almost every object, article or body is said ‘to have a price’ (*Man a nei*). In short, ‘fine is the only remedy for any sort of crime’ among the Zo/Mizo people. The paper accentuates the different scales or criteria of justice for men and women among the Zo/Mizo tribes; and highlights the gendered dynamics that make the entire process as well as the notion of justice an unequal experience for men and women. The paper brings to the fore the role played by ‘Cultures’ in the deliverance of ‘Social Justice’.

## II. De-Coding The Notion Of Justice In The ‘Kuki-Chin-Mizo Oral Traditions’:

The ‘Kuki-Chin-Mizo oral traditions’ is a blanket term used to refer to the common ‘oral traditions’ of the people living in and around the region of the present state of Mizoram in India; and the neighbouring areas including the Chittagong Hill Tracts in Bangladesh and the Chin Hills in Myanmar. The ‘Kuki-Chin-Mizo oral traditions’ are the common heritage of the people and a widely found with certain degrees of interpolations and changes.

The Kuki-Chin-Mizo oral traditions help to reflect on the distorted and stereotyped construction of gendered practices in the Zo/Mizo society – old as well as new. Reading between the lines of these narratives helps to understand two important phenomenon: First, the *calculated process of displacement* of the female and of the marginal agencies by the patriarchy. Re-reading the ‘Zo’ Oral traditions helps to understand the representation of women and the marginals

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in the Mizo/Zo society and the complex nature of the power-play functioning under the patriarchy. I consider the process of displacement or marginalisation to be a 'calculated' one because the Patriarchy determines how much one is to be displaced, the degree of displacement being controlled by the 'time and space' factor which again changes, according to the benefits that it gives to the patriarchy in operation. The oral traditions are coded with socio-economic-political meanings and needs to be de-coded in order to understand their significance to particular local specificities.

The position of women in the traditional Zo/Mizo society can be assessed historically through the arduous task of decoding or re-tracing the Zo oral traditions or the Kuki-Chin-Mizo Folklores. For analyzing the extent of the stereotypes and prejudices acting against women lets us flip through the few popular Kuki-Chin-Mizo Folklores<sup>2</sup>.

### **II. I. Story One:**

The story of Kelngoteii is that of an abandoned girl who was adopted by a village Chief and appropriately named Kelngoteii meaning the 'beloved white goat'. In course of time Kelngoteii grew up to be a beautiful lady with several suitors in the village. One day Kelngoteii and her friend heard of a popular and skilled goldsmith in a distant village who could make the most wonderful bracelet out of gold and accordingly they ventured out to meet the goldsmith. The cunning goldsmith seeing the desperation of the girls put a condition that he would provide his services only if they agree to sleep with him. Kelngoteii declined the offer and as a result the goldsmith made for her a false bracelet made of clay while her friend who agreed with the terms of the goldsmith got a shiny gold bracelet. On their way home both the girls washed their bracelets while her friend's one shone brighter, Kelngoteii's melted away. Kelngoteii wept bitterly she was grief stricken and made herself sick. She had to be carried all the way home by the male fellow travellers who took turns to sleep with her in return for the services. Both friends became pregnant and were unable to identify the fathers', having slept with so many men at the same time.

Kelngoteii's story shows the nature of the dealings between men and women only in terms of sexual favours for instance women bartering sexual favours for the sake of gold, which again is the best allegory for material richness or worldliness. This story also suggests that women are ready to sleep with multiple men as long as they can avoid hard work. The men demanding sex in exchange for any type of services shows the importance associated to having sex with numerous women in the traditional Zo life, which was a precondition for

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2 Thanga, L.B. (1978). *The Mizos: A study in Racial Personality*. Guwahati: United Publishers.

entering Pialral after death<sup>3</sup>. The belief that the souls of the dead are judged after death is found in some societies and where such belief is found, it implies an assessment by a deity based on the quality of the individual's life on earth, and an allotment of rewards and punishments accordingly. The nature of the rewards and punishments meted out to the soul has given rise in the popular imagination to elaborate myths of heavens, hells and purgatories<sup>4</sup>. The Lushais believed in life after death and that the souls of the dead were judged according to fulfillment of required perquisites by 'Pu Pawla'. Those who fulfilled the criteria for instance the Pasaltha, the Tlawmngaih, men who had sex with several women etc. could enter 'Pialral' (Heaven) and rest of the people would enter the 'Mithikhua' (Village of the dead). These places were located near the 'Rih Dil' (Rih Lake) on Mizoram-Myanmar (Burma) border across the plains of Champhai<sup>5</sup>

## II. II. Story Two:

The story of Darpawngi the bond-woman is a true story which has assumed the status of folklore- a legend or a myth. Even though, many writers refer to the state of 'bondness' that existed in the Zo society in the early times to be akin to slavery. It is difficult to use the term 'slavery' in its total meaning to denote the same, for the marked differences between the two states of existence. There were two distinct types of 'bondness' in the early Zo society namely 'Boi' (*Bawi*) and 'Sal'. The 'Boi' category of bondness could be maintained only by the Chiefs while the commoners could maintain the 'Sal' category. There were four board categories of 'Boi' namely (i) Inpuichhung Bawi (ii) Chemsen Bawi (iii) Tuklul Bawi (iv) Fatlum Bawi. Inpuichhung Bawi lived in the house of the Chief and was a part of the Chief's household. The other categories of Bawis lived in separate household and their degree of subjugation differed. The 'Sal' was basically a prisoners of war or raids and mostly comprised of young girls. The number of Bawis, that the Chief had determined his economic prosperity and strength and popularity. The Bawi brought the Chief economic benefits for instance the Chief got the Bride- price (*Man*) of the Bawi's daughter in terms of 'Sial'<sup>6</sup>. Also the Chief could grant freedom to the Bawi i.e. the Bawi could buy his/her freedom in return for a 'Sial' (or more) or rupees forty as fixed by the British and proposed by the Government of Assam. Dr. Peter Fraser, a missionary

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3 Lalchungnunga. (1994). *Mizoram: Politics of Regionalism and national Integration*. New Delhi, India: Reliance Publishing House, p. 31; Ray, A.C. (1982). *Mizoram Dynamics of Change*. Calcutta: Pearl Publishers/ ICSSR p.63.

4 Sharpe, Eric. J. (1971). *50 Key Words Comparative Religion*. London: Lutherworth Press, pp.32-33.

5 Lalchungnunga. (1994). *Op.cit.* p. 31; Ray. (1982). *Op.cit.* p.63.

6 Verghese, Brig. C.G., & Thanzawna, R.L. (1997) *A History of the Mizos- Vol. II*. Delhi: Vikas Publishing House. Appendix 2 'Mithun: A Semi-domesticated Animal- Integral to Mizo-Culture', pp.289-291. Ray. (1982). *Op.cit.* p.35.

physician led the movement of the abolition of Bawi system and ultimately in 1927 the Bawi system was abolished<sup>7</sup>.

Darpawngi was originally the bond woman of a powerful Chief named Lalkhuma. She married Lalkhuma's son Lalbuta but they were forced to divorce on grounds of disapproval that she was a slave girl. Once the marriage with Lalbuta was dissolved, Darpawngi had to leave the Chief's house and also her daughter Lalrikungi behind. She then moved from village to village and finally the Chief of Khawbel granted her refuge. Here she met Thanglianpuia and fell in love with him and bore him a son. However, Thanglianpuia refused to marry her because she was the Chief's bond woman. In 1889, the British attacked the village of Khawbel and burnt it to ashes and the village was relocated elsewhere. It was here that Darpawngi met another youngman named Daipawla with whom she had a daughter named Lalremi and just as in the earlier case Daipawla also refused to marry the bond woman and instead paid the Sawn-man of rupees forty. But as Darpawngi desired to have a child of her own she decided to conceive once again and declare the child 'Falak'<sup>8</sup> (Compromised Child). 'Falak' referred to a child whose parentage in terms of 'the father' could not be ascertained, the 'Falak' was thus a compromised child and considered the mother's child ('*Nu Fa*'). Here it must be kept in mind that in the traditional Zo Customary Rights a mother had no rights over her children and in case of a divorce the father automatically had the rights to possess all the children fathered by him. The mother had the custody of the child and acted out the role of both the father and the mother. In case the 'Falak' was a girl then at the time of her marriage the bride-price or '*Man*' was given to the mother, however, she could not claim the '*Nu-Man*', a share of the bride-price given separately to the mother of the girl. 'Falak' thus was a case where the paternity of the new born was uncertain therefore the child belonged to the mother according to the Zo/Mizo Customary Law.

Darpawngi strategically schemed and got herself a second child by Daipawla and this time declared the child 'Falak'. Daipawla challenged her claim and the case was taken to the British Magistrate, who decided in Darpawngi's favour. Darpawngi won the custody of the child but as luck would have it she lost her 'Falak' daughter. Disillusioned with destiny and the hegemony of the patriarchy functioning all around, she once again moved from village to village till she reached Khuangbung village where the Chief sheltered her. Here she met another bond-man named Chawngbawnga who seemed to be her man of destiny and married him. The Chief of Khuangbung granted them freedom after they

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7 Sangkima. (2004). *Essays on the History of the Mizos*. Guwahati: Spectrum Publications, Chapter-8, 'Bawi and Sal in Early Mizo Society', in *Essays on the History of the Mizos*, pp. 78-87.

8 Awia, Mc. (1992). *Customary Law- Mizo Hnam Dan*. Aizawl, Mizoram: Arbee Publication & Printing Press, pp. 19-22.

paid the token sum of rupees forty for buying their freedom. Happiness, however was short lived for Darpawngi, she soon lost her husband and also the Chief who gave her freedom.

Once again she followed her earlier course of wondering from village to village till she once again met her old lover Daipawla, who by this time had grown old and also lost his wife. This time it was Daipawla who wanted to marry Darpawngi, but she declined because the humiliation caused by him continued to haunt her daily existence. However, at the request of their first daughter Lalremi, she agreed to marry Daipawla on the condition that he would give a gun as a part of the Bride-Price ('Man'). The gun<sup>9</sup> occupied a significant aspect of the traditional Zo society and symbolized the power, manhood, bravery ('*Huaisen*'), virility associated with the image of the 'Pasaltha' (Brave warrior, hunter, a chivalrous man etc.). The gun as a Bride-price or '*Man*' could be afforded only by the Chiefs. The 'gun' ('*Silai*') in the primitive economy of the Kuki-Lushai-Chin tribes formed 'a thing of luxury which only the rich and well to do could afford'. Receiving a gun as a Bride-price was the highest honour befitting only a Chief in Zo society. Daipawla agreed and she was honoured by the man who had dishonoured her earlier, she died an old frail lady in Chhingchip village.

Darpawngi's story reflects the diverse range of strategies that people adopt in the course of their daily lives. It also shows the dilemmas of a bond person in the Zo society and the stigmas associated to being a bond person. It also shows how people in any given society use and abuse the laws and structures of the society and in this case the Customary Laws of the Lushai-Chin-Kuki race. Darpawngi's story once again reaffirms that the structures used by Patriarchy as an effective weapon to control women becomes useful to both those who inflict it as well as those on whom it is inflicted.

### **II. III. Story Three:**

The story of Lianchhiari and Chawngfianga is about the daughter of the Chief and her lover the poor man. This again is believed to be a true story which has gained the status of folklore. Lianchhiari was the daughter of the Chief of Farkawn village. She fell in love with a poor man named Chawngfianga and despite of severe disapproval from her parents she tactfully convinced her parents. As required by Lushai Custom for arranging a marriage a Palai ('go betweener'/ 'middleman', as it was the Mizo/ Zo tradition to always speak through a third medium; this form of interaction is considered the appropriate form of interaction in the Zo society) was sent with great difficulty by Chawngfianga's family. The Palai however, grew jealous of the readiness of the Chief's family to accept a poor man as their would-be son-in-law and misinformed Chawngfianga's family

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9 Verghese, Brig. C.G., & Thanzawna, R.L. (1997). *Op.cit* Appendix 5, 'Secret of the Gunpowder', pp. 297-298.

about the anger expressed by the Chief for their audacity. The Palai then advised Chawngfianga's family to leave the village, which they did. Lianchhiari's family was shocked and humiliated but Lianchhiari was convinced some mischief had been done and continued to believe in her love. To keep the family prestige Lianchhiari agreed to marry anyone but on the condition that she would continue to love Chawngfianga and if ever she met him she would be faithful to him alone. In course of time her parents found a suitable groom for her named Pawngsena the famous Pasaltha. Years later Chawngfianga returns to the village and Lianchhiari meets him and rekindles the old passion and Pawngsena true to his promise and the words of a Pasaltha abides by the conditions put to him before marriage. Pawngsena befriends Chawngfianga and the three become good friends and their friendship became a legend popularized through the saying 'Pawngsen Talivar'. It is said that true to the words of a Pasaltha, Pawngsena would never interfere with Lianchhiari and Chawngfianga and; whenever Chawngfianga would come to visit his wife he (Pawngsena) would silently move away giving the lovers a chance to be together. Pawngsena would keep a vigil through the night by a bonfire so that the lovers would not be disturbed. '*Pawngsen Talivar*' refers to the night's vigil by Pawngsena for his wife and her lover.

Lianchhiari and Chawngfianga's story reflects the bonds of true love and friendship and primacy attached to spoken words in a pre-literate society. The story also highlights who men themselves under the patriarchal hegemony have to abide by their own constructed notions of manliness and obedience. It also shows the diverse nature of human relations and behaviours that exists in different societies.

These narratives also serve as justifications for the distorted and stereotyped construction of gendered practices in the Mizo society – old as well as new. Reading between the lines of these narratives helps to reflect upon the stereotyped depiction of women as greedy, materialistic, vain and immoral (sexual) and the projection of 'Others' as cunning, shrewd, lustful, always looking for sexual favours from Zo women. Most of these folktales reflect the underlying patriarchal biases acting against women and the marginals.

### **III. Justice and Christian Ethics Among the Zo/Mizo:**

Localization of the Gospel contributed to dual process of the assimilation of the chauvinistic traditional Zo practices into the already male centric Christian religion<sup>10</sup> and vice versa. There were many commonalities as well as differences

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10 Christianity as a religion is male centric it moves around the pivot of the Trinity- the Father, Son and the Holy Spirit. Christianity revolves around the 'Father-Son Axis' and this axis gets filtered into the individual family system itself. Thus the male gets to play a more prominent role while the female get to play a subservient role. In case of the Mizo society this filtering of the 'Father-Son Axis' psychology led to the further male-ifying of the already male society.

in the outlook of Christianity and the traditional Zo way of life<sup>11</sup>. The missionaries sidelined the cause of women and the marginalized as they found this strategy to be more useful for their goal of mass proselytization. In order to gain the confidence and support of the patriarchal mindset, the church introduced Victorian morality, which became the guiding beacon for judging everyday Mizo social relations. Thus in a way the language of the mission became sexualized and gendered<sup>12</sup> fusing the elements of patriarchal chauvinism inherent in the Mizo socio-religious system with that of the patriarchal biases in the Judeo-Christian traditions. The introduction of Christianity and the internalization of the abstracts from the Old Testament like the story of the Creation-Genesis, the fall from Eden and Original Sin etc. further justified the repression of women. Thus controlling the sexuality of women and mapping their spatial domain<sup>13</sup> became the holy goal of the Zo Christian world. In other words notions of spirituality, divinity and God<sup>14</sup> began to be used as weapons to oppress Mizo women. Language (spoken words) and symbols (dress code and colours) were used as weapons to show Zo/Mizo women their spatial position and inferior status in the social hierarchy. For instance, men in the Zo/Mizo society consider 'puanfen' (skirts) to be the symbol of femininity i.e. inferior and make it a point never to wash 'skirts', whatever the situation be, this is true for male domestic helpers as well. Men in the Mizo society, usually try to dictate terms to their women, as to what they wear, whom to marry etc<sup>15</sup>. Women in the Mizo society has been ascribed the role of an 'out-let' (thereby reduced to the position of the sexual organs) to creation but not the status of a procreator, for such a revered position is reserved only for the male-the vigour, the powerful Pasaltha. It was for this reason also that the men in the Mizo society consciously and unconsciously treated women as a sexual being whose urges need to be repressed and directed.

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11 Ralte, Lalrinawmi. (1993). *Crab theology: a Critique of patriarchy – cultural degradation and empowerment of Mizo women*. Episcopal Divinity School, UMI Dissertation Services, Michigan, U.S.A: A. Bell & Howell Company.

12 Matthews, Shelly. (2001). *First Converts- Rich Pagan women & the rhetoric of Mission in early Judaism & Christianity*. Stanford, California: Stanford University Press. p 7.

13 I owe this insight to Professor Rudo B. Gaidzanwa. 'Silence becomes useful to both those who inflict it as well as those on whom it is inflicted. That is to say 'silence' becomes a weapon for male hegemony (maintained through 'Fear Psychosis') and at the same time it also becomes a weapon for women in her own domain- the household, the private arena. (At the CODESRIA/SEPHIS Extended Workshop, Dakar, 2006). Emphasis added: A.S.C.

14 Daly, Mary. (1973). *Beyond God The Father- Towards a philosophy of Women's Liberation*. Boston, U.S.A: Beacon Press. pp.19, 20.

15 For instance wearing of trousers (men's clothing) is scorned, so is the wearing of salwar kameez ('Vai kawr', Indian dress). Likewise marrying a 'Vai' leads to social ostracization and stigmatization of the children ('Vai fa').

Indigenous Zo religion, which revered women deities like 'Khuanu' amidst the male god- 'Pathian' and a neutral divinity- 'Khuavang', was completely erased<sup>16</sup>. The role of women attaining or being capable of attaining divinity was totally wiped-out by Christianity, which prescribed and reserved such positions 'Only for Men'<sup>17</sup>, and this resulted in 'God', being imagined and perceived only as male<sup>18</sup>. This exclusion of women resulted in a systematic distortion of all the symbols of Christian theology by patriarchal bias<sup>19</sup>. Christianity cleverly sustained patriarchal elements in the Zo/Mizo society and erased the matriarchal elements in order to maintain the hold of patriarchy (both traditional & new) and thereby, sustain the British rule. Masculinity was equated with sexual activity and knowledge, while femininity was equated with passivity and innocence<sup>20</sup>. Thus women's 'subordination' or 'passivity' and 'sexuality' or 'innocence' determined the Zo way of life both on earth and after, either overtly or covertly. The whole process of undermining women results in what Ralte (1993) calls de-humanization of women and the inherent contradictions have compelled women to live in a sort of schizophrenic dilemma. However it would be unfair to blame the impact of westernization in toto for the entire crisis in the Zo/Mizo society, the Britishers through Christianity merely reinforced Mizo laws and code of conducts especially moral laws as is evident from the Chin Hills Regulations of 1896.

The transition from the indigenous traditional religion to Christianity had both liberating as well as oppressing effects on women and the marginalized sections of the Mizo society<sup>21</sup>. Most writers focus on the positive effect of proselytization on the primitive Zo tribes and turn a blind eye on the wholesale slaughter of the indigenous Zo/Mizo culture<sup>22</sup>. No doubt Christianity accelerated the momentum of change in the Mizo society from a primitive stage economy to a modern one and had evangelical effects on the Mizo society ushering in the high tide of western enlightenment, rationality, education -scientific temper, morality, politics, and the power to read and internalize the 'Holy Gospel'. It however failed to end the conservative attitudes and bring about a change in the position

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16 Chhange, L.H. (1987). *The Life and Witness of the Churches in Mizoram*. Bombay: GLS Press/ Serkawn, Lunglei: Baptist Church of Mizoram. pp. 32-34; Ralte. (1993). *Op.cit* pp. 130-131.

17 Haddad, Yvonne Yazbeck. & John. L. Esposito. (Ed.). (2001). *Daughters of Abraham- Feminist Thought in Judaism, Christianity & Islam*. Gainesville, U.S.A: University Press of Florida. p. 66.

18 Ruether in Haddad & Esposito. (2001). *Ibid*. pp. 65-80.

19 Ruether, Rosemary Radford. (1993). *Sexism and God Talk: Towards a Feminist Theology*. Boston: Boston Press.

20 Foreman, Martin. (Ed.). (1998). *AIDS and Men: Taking Risks or Taking Responsibility?* London: Panos Institute and Zed Books. p. 31.

21 Ralte. (1993). *Op.cit*.

22 Downs, Frederick. S. (1983). *Christianity in North East India*. Delhi: ISPCK. pp.14-15; Ralte. (1993). *Ibid*.

of women and the marginalized<sup>23</sup>.

Change in the Mizo society has been considered to be a change for convenience rather than progress and naturally it has been caught in the dilemma of tradition and modernity. For instance, changes in the laws of Inheritance<sup>24</sup>, which can be considered to be reflective of modern democracy culminating in the new found 'Economic independence' of women, has not resulted in changing the power relations in the Mizo society. The Mizo Hnam Dan<sup>25</sup> i.e. traditional laws continue to dictate the terms of Marriage price<sup>26</sup>, dowry and divorce. Even though Mizo women enjoyed considerable freedom<sup>27</sup> in Nula-rim (courting), marriage, sex, and divorce, they somewhat played a muted role when it came to the matters of property, decision-making, and politics. These freedoms granted to Mizo women are not backed by evangelical motives but are accepted merely for the fact that they are advantageous to men<sup>28</sup>. The discriminatory processes acting against women at various levels snip their chance to play an active role in politics and other determining position. For instance, a state, which boasts of nearly 87 per cent female literacy and where women out-number men in as many as 26 out of the 40 constituencies, only one woman has so far been elected to the State Assembly ever since it attained statehood<sup>29</sup>. Women face challenges

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23 Ralte. (1993). *Ibid*.

24 Women have the right to inheritance under the Lushai District Act, No.1, 1956 (Inheritance of Property). A daughter or a wife can inherit property only if the deceased has no heir on the male side. Women, however, are entitled to their own property i.e. the dowry, called 'thuam', which she gets during her marriage from her parents. A written 'will' formally executed may now confer woman the right to inherit the family property.

25 The traditional laws or the 'Mizo Hnam Dan' are a novel attempt of combining the British laws and the traditional Kuki-Chin-Lushai customary laws. They were compiled by B.C Carey and famously known as the Chin Hills Regulations of 1896. Under the chiefs derived their authority from the British Superintendent.

26 The Indian Christian Marriage act is not applicable in Mizoram and the customary law has fixed the bride price at rupees 420/- reducing women to a cheap purchasable commodity.

27 This freedom however does not suggest that the terms of justice for men and women are equal nor does it enable women to enjoy an advantaged position in the Mizo social system. It basically provides freedom of choice as determined by the patriarchy. This has to be understood in the light of the Engelsian debate. I owe this insight to Dr. Samita Sen, Reader, then associated with the Department of History, University of Calcutta. (At the CODESRIA/SEPHIS Extended Workshop, Dakar, 2006).

28 Thomas, E.J. (1993). *Mizo bamboo Hills Murmur Change (Mizo Society Before And After Independence)*. New Delhi: Intellectual Publishing House. p. 16.

29 Singh, S. N. (1994). *Mizoram- Historical, Geographical, Social, Economic, Political & Administrative*. New Delhi: Mittal Publications. pp 173-174; Government of Mizoram. (2002). *Statistical Handbook of Mizoram, 2002*. Aizawl: Directorate of Economics & Statistics. Table No. 6.1, pp.82-83.

even in the field of the Mission and find it difficult to break the glass ceiling even in the field of being ordained.

In order to gain the confidence and support of the patriarchal mindset, the church introduced 'Victorian morality', which became the guiding beacon for judging everyday Zo/Mizo social relations. Thus in a way, the language of the mission, fused the elements of patriarchal chauvinism inherent in the Mizo socio-religious system, with that of the patriarchal biases in the Judeo-Christian traditions. The internalization of the Bible, for instance, 'the story of the Creation', 'the fall from Eden', 'Original Sin', 'stereotypical depictions of the Jews' etc. further justified the repression of women in particular, and the marginals in general. Controlling the sexuality and mapping the spatial domain<sup>30</sup> of the 'Triad of the Marginals' thus became the holy goal of the Zo Christian society. In other words, notions of spirituality, divinity and God<sup>31</sup> began to be used as weapons to oppress women.

#### **IV. The Notion Of Justice Among The Zo/Mizo And The Marginals:**

##### **IV. I. Women and Justice:**

Women in the Zo society has been projected as invisible identities by addressing them as somebody's mother, somebody's wife etc. as though they had no names, no individuality. The Patriarchy traditionally regulated women to the 'private space' inside the home and dictated the terms on them but in the process an interesting phenomenon that follows is that 'women who are considered to be the 'politically public outsiders' and are traditionally regulated within the 'private space'; muster their own strategies within the home, 'private space' and channel out their voices in the public<sup>32</sup>.

The functioning of the chauvinistic patriarchal attitudes tends to silence women at the public arena but at the private domain, women are able to built strategies to overcome the limitations of 'Silencings'<sup>33</sup>. In their private space, women are able to built strategies and speak and at times their voice echoes out

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30 I owe this insight to Professor Rudo B. Gaidzanwa. 'Silence becomes useful to both those who inflict it as well as those on whom it is inflicted. That is to say 'silence' becomes a weapon for male hegemony (maintained through 'Fear Psychosis') and at the same time it also becomes a weapon for women in her own domain- the household, the private arena. (At the CODESRIA/SEPHIS Extended Workshop, Dakar, 2006). Emphasis added: A.S.C

31 Daly. (1973). *Op.cit.* pp.19- 20.

32 Chakraborty, Anup Shekhar., (2008 a). 'Emergence of Women from 'Private' to 'Public': A Narrative of Power Politics from Mizoram' *Journal of International Women's Studies(JIWS)*, Bridgewater, 3rd May, Vol. No. 9.

33 Chakraborty, Anup Shekhar., (2007). Politics of Silencings: Echoes of the Margins from Mizoram. *Indian Journal of Political Science*, Vol. LXII, No. 4, Oct.-Dec.

of the household into the public arena through their male counterparts. Re-reading the 'Zo' Oral traditions as well as the 'Written history' helps to understand the representation of women in the Mizo/Zo society and the complex nature of the power-play functioning under the patriarchy. The oral traditions as well as the written ones are coded with socio-economic-political meanings and re-reading these in the gendered perspective helps to de-code their significance to particular local specificities.

The Kuki-Chin-Mizo Folklores also at times reaffirms that the nature of the Mizo/Zo sense of justice as deliberated through the '*Nexus of Patriarchy*' is based on the Psychology of Compensation rather than on social –justice<sup>34</sup>. Thus every act in the Mizo society is compensatable in economic terms as almost every object, article or body is said 'to have a price' ('Man a nei')<sup>35</sup> and naturally 'fine is the only remedy for any sort of crime' which is a unique feature of the Chin- Kuki tribes to which the Mizos or the Zos belong. If a man, for instance, wishes to evade the responsibility of a child born out of wedlock, he simply pays an adequate fine called 'Sawn man' of rupees forty to the girl's father or brother and avoid the responsibility of the fatherhood. The provisions of Sawn man under 'Notification No. JUD. 10/58/114 of 3<sup>rd</sup> Oct. 1958' further states that incase the same man, fathers a second child to the women there is no need to pay Sawn man, the fine is applicable only on every alternate child. These legal provisions based on the Mizo Customary Laws reflect the discriminatory nature of Mizo justice functioning against women<sup>36</sup>.

Violence against women in the form of rape, sexual harassment/abuse, domestic violence, and other psychological and physical violence have been on the rise as evident from the increase in the number of crimes committed against women year by year<sup>37</sup>. Although this can be seen as a positive phenomenon that the habit of lodging complaints to authority has been on the rise, it is more often than not in common experience that most of the violence committed against women neither are reported to the authority nor are registered. The Human Rights & Law Network (HR&LN), Mizoram, in its study on the specific issues like sexual abuse, rape and many other forms of sexual harassment among minor girls, ranging from the ages of 5 (five) years till high school and college years observed that many of these cases never reached the police. The reason could

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34 Stevenson, H.N.C., F.R.A.I. (1943, Falam). (First Indian reprint 1986) *The Economics of the Central Chin Tribes*. Aizawl, Mizoram: Tribal Research Institute: Everly Press; Chatterjee, Suhas. (1995). An Analysis of Mizo Jurisprudence. *Proceedings, NEIHA*, 16<sup>th</sup> session Silchar, Shillong: Modern Offset.

35 Ray. (1982). *Op.cit.* pp. 73-74.

36 *Mizo Hnam Dan*. (1996). *Mizo Hnam Dan*. Mc. Awia/Arbee Publication & Printing. Venghlui: Aizawl. Bung 5. 'Inngaih Thu Leh Sawnpai Thu'. pp. 44-48.

37 Government of Mizoram. (2002, 2003, 2004, 2005, 2006, 2007, 2008). *Statistical Handbook of Mizoram*. Aizawl: Directorate of Economics & Statistics.

be generalized under three points: firstly, women who are raped are often looked down upon by the society, and thus rape is never openly discussed. Secondly, women are not aware about the various rights and provisions available under the Indian law; and thirdly, as a Christian State, the idea of forgiveness is of common practice. Instead of lodging complaints and reporting the incidents to the authority, people make compromises or conciliations between them based on the Christian principle of 'forgive and forget'. Thus, the victims would feel more at ease forgiving them. Even with regard to domestic violence, it was found that victims of violence hardly complained or reported the matter to the authority. The victims simply seemed to have kept secret the incidents just to avoid wide publicity in view of their future in a very close-knit society as the Mizo people<sup>38</sup>.

The most pathetic aspect of 'Justice' prevailing among the Zo/Mizo which exemplifies gender inequality is in the case of divorce. Since there is no scope for legal safeguards for women under the traditional system of marriage, a woman has no claim over properties in case of divorce. She is allowed to take back whatever she has brought in at the time of marriage. Any accumulated wealth that might have been jointly acquired with the husband after marriage belongs to the husband in case of divorce. Moreover, a man can simply oust a woman from the house without assigning any reason thereof and just uttering 'Ka Ma Che' or 'Ka Mak Che' ('I divorce you'). Since children of divorced parents normally stay with the mother, supporting children even after divorce also tends to rest on the mother's shoulders<sup>39</sup>.

The Psychology of Compensation, which is the moving force behind the Mizo/Zo sense of justice and also the inherent contradictions<sup>40</sup> in the expected sexual behaviour of the Zo People, continues to undermine the very existence of women and the marginalized. The psychological impact of all these discriminatory processes functioning through diverse mediums at different levels in everyday life, results in 'Emotional Dependence'<sup>41</sup>. As a result even though women are educated and play an important role in the Mizo economics they seldom become active actors at the political arena. The hegemony of the 'Nexus of Patriarchy' systematically displaces women and the marginals form the space of power and authority. The inherent sexism and forced subordination results in the birth of this exclusively skewed phenomenon of displacement of women and marginals from the realms of politics – power and authority.

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38 Fente, H.K.Laldinpuii. & C.Lalhmanmawia. (2006). *Violence Against Women and Related Issues in Mizoram*. Aizawl: Human Rights & Law Network, Mizoram/National Commission For Women, New Delhi.

39 *Mizo Hnam Dan*. (1996). *Op.cit*. Bung 4. 'Inthen'. pp. 31-43.

40 Ralte. (1993). *Op.cit*. pp. 25-29, 43-49.

41 Daly. (1973). *Op.cit*. pp. 54-55

#### IV. II. Vai and Justice:

The notion of Citizenship in 'Northeast' more so in Mizoram, is channelled by the politics of *inclusion and exclusion*. The term 'Vai' is a blanket term to denote people from mainland India, who have Aryan features; it evokes mixed feelings of contempt, distrust, mockery and envy. For the Mizos, the term Vai as an out-group has three broad meanings. In one sense, all non-Mizos including the British with reference to the 'Raj' were deemed as Vai. In the second sense, all the people living in the plains of India are Vai. In the third sense, the word associates the plains people of Burma to be Vai but in contrast to the Indian, the notion is more positive and traditional<sup>42</sup>.

The inflow of the 'Vai' in present day Mizoram has a strong colonial linkage<sup>43</sup>. The gradual yet sure, entry of the 'Vai' into the Zo/Mizo economy: provided for a greater degree of interaction between the 'Vai' and Zo/Mizo women<sup>44</sup>. The arena of economics, thus became the realm for the activities of Women and 'Others', i.e. for all those who were excluded from the realms of *spirituality and politics*. The Zo/Mizo patriarchy under the impact of Christian traditions began to view economics and the notions of business and that of profit to be both sensuous and materialistic and linked them with the notions of '*original sin and sexuality*' and everything signified by the word '*Khawvel*' (worldly)<sup>45</sup>.

The Post-Colonial Zo/Mizo Politics propelled by the *Politics of the Pan Optics*<sup>46</sup> relied heavily on the Youth and students' organizations like the Young Mizo Association (YMA), the Khristian Thalai Pawl (KTP) and also the Mizo Zirlai Pawl (MZP) for '*systemic or structural control*'. 'Vai Ban' (Bandhs)<sup>47</sup>

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42 Cf. B.B Goswami, "out-group from the point of view of In-group: A Study of Mizos", in Dubey, S.M. (1978). *North East India: A Sociological Study*. pp. 99-110.

43 This however, does not go to suggest that there were no linkages between the 'Vai' and the Zo/Mizo worlds prior to British Colonial intervention. An analysis of the Kuki-Chin-Mizo folklores speaks volumes about the initial pre-colonial contacts between the two worlds. For details Cf., Chakraborty, Anup Shekhar. (2008b). 'Manufacturing of Spaces: The 'Others' in Zo/Mizo Politics' *South Asian Journal of Socio-Political Studies (SAJOSPS)*. Vol.9 No.1, July-December.

44 Cf., Chakraborty. (2008a). *Op.cit.* Also see, Chakraborty, Anup Shekhar. 'Mustering Empowerment experiences from Mizoram: A Leap from 'Private' to 'Public' Living Spaces' *Global South SEPHIS e-magazine*. Vol.4 No.4, July, (2008c).

45 Cf., Chakraborty. (2007).

46 The Mizo society serves as the good example for Bentham's Panoptic Society, where all persons are fearful of being watched by the church and the moral agencies. The only difference being that in the case of the Mizo society the observer can be seen and sometimes partially invisible.

47 The latest of these 'Vai Bandhs' were called by the MZP, the Mizo Students' Union and the YMA following the killing of a Mizo youth on 18<sup>th</sup> July, 2007 by suspected *Bangladeshi goons* at Dholai in Cachar District, Assam. Quit Mizoram notices were issued to the 'Vais' and a blanket curfew was imposed on the 'Vais' which was lifted

for instance, is the most often sought mechanism for “Regulating Citizenship” and controlling the flow of the Vai in Mizoram. These ‘Vai Bandhs’ are often preceded by ‘quit Mizoram notices’ to the non-tribals, as for instance in 2004 the YMA served notices to the non-Mizos to quit Mizoram within a month<sup>48</sup>. During these Bandhs, which can stretch from 12 hours to 48 hours or more the ‘Vai’ are subtly directed to stay in-doors and restrain from venturing out-doors for the sake of their own “safety”. Defying the diktat is followed by physical assaults and mob fury; not surprisingly the *victims* i.e. the petty migrant labourers mostly from Cachar and Bihar are rounded-off by the Police in lock-ups.

An interesting occurrence that takes place post-Vai-Bandh, is that women either as individuals or as organizations, along with the Y.M.A, K.T.P etc. visit these lock-ups and offer eggs, bread and tea to those who faced the brunt of mob fury. In short, the *perpetrators of violence* themselves take the role of *healers* and publicly exhibit the act of ‘Justice’. So exhibition of ‘Justice’ or public display of the act of ‘Justice’ also becomes a unique feature of the underlying notion of ‘Justice’ among the Zo/Mizo or the *Zo hnahthlak*. An interesting illustration of the display of the act of ‘Justice’ is the case of caging people in traditional traps referred to as ‘Savawm Bawm’. Community policing in its attempt to regulate the unregulated takes recourse to methods of ‘punitive actions’ in the name of ‘instant justice’. The caging of the culprits (victims) in a ‘Savawm Bawm’ (Bear Cages/animal traps) and putting them at public display; reminiscent of the pre-colonial tribal days when ‘Human heads’ or animals caught in a game were displayed for flaunting ‘Heroism’ reflects the exhibition or display of the act of ‘Justice’.

## V. Conclusion:

The entire notion of ‘Justice’ as endorsed among the Zo/Mizo exhibits a strange yet convenient elixir of traditional practices, Judeo-Christian ethics and Indian Judicial mechanisms. The ‘*Nexus of Patriarchy*’ determines and directionalizes the notion of ‘Justice’ strongly among the Zo/Mizo or the *Zo hnahthlak*. Social Justice cannot be realised if the notion of ‘Justice’ that prevails among the people continues to be unequal in experience and practice. The Zo/Mizo case presents the different scales or criterias of justice for men and women.

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only on the 25<sup>th</sup> of July 2007. The MZP, however, claimed that it had not imposed any curfew, but merely requested non-Mizos to stay indoors for their own safety. It also called a 24 hour bandh at Vairengte the nearest town to Silchar, Cachar or the plains and demanded Rs. 15 lakhs as compensation for the slain youth. Cf. J.B Lama, The Statesman, 30, July, 2007, ‘The inside and out of Mizoram’s ethnic skirmishes’ for details.

48 Thangliana, The Telegraph, 2004, <http://www.northeastvigil.in/archives/?p=6919>; Also see J.B Lama, The Statesman, 30, July, 2007, ‘The inside and out of Mizoram’s ethnic skirmishes’.

The gendered dynamics in justice make the entire process as well as the notion of justice unequal. As a result social justice gets shadowed by economic justice or what Stevenson calls 'Compensatory Justice', further reaffirming that cultures play a crucial role in the deliverance of 'Justice'.