CHAPTER -IV  
MARRIAGE AND FAMILY: CONTINUITY AND CHANGE

This chapter looks at definitions and understanding of the Mizo system of marriage. The close connection between marriage and family is highlighted, and the chapter analyses the “traditional” view on family and explains how traditional roles of men and women within family & marriage is critiqued by feminist scholars. The chapter reviews different perspectives on brideprice or bridewealth in general and also within the Mizo context. The influence of religion (i.e. Christianity) on marriage is discussed. An attempt is made to present the social context and meaning of marriages and family in contemporary Mizo society, how gender roles and responsibilities are shaped and influenced by both socio-cultural practices and religious ideology.

As discussed in the previous Chapter- III, Mizo society functions according to the patriarchal structure which considers men as superior. Though Mizo women’s association such as MHIP made an attempt to reform customary laws, so far, there has not been any significant response. In fact, any attempt to reform customary law is seen as a threat to the Mizo cultural identity. The state is seen as capable of making legal provisions for women and Mizo women are advised to turn to the state government to make laws. However, the Mizoram state government refused to pass any laws relating to women’s rights except for passing Marriage Registration Act, 2012 in response to Supreme Court India order (this particular act does not concern women’s rights). Marriage and divorce are governed by Mizo customary law. I will highlight Mizo women’s position within the institution of marriage, and the role of state and religious institution in perpetuating patriarchal ideology. I will attempt to look at how gender relations are shaped and moulded within this structure.

Definitions of Marriage

Anthropologists and sociologists have proposed several definitions of marriage, and tried to understand the various meanings and social context of marital practices by different cultures and society. In The History of Human Marriage, Edward Westermarck (1921:71) defined marriage as ‘A more or less durable connection between male and female, lasting beyond the mere act of propagation till after the birth of the offspring’. However, in The Future of Marriage in Western Civilization (1936:3), he rejected his earlier definition, instead provisionally defining marriage as ‘A relation of one or more men to one or more women that
is recognized by custom or law’. Radcliffe Brown’s (1950) definition, which states marriage as an alliance between two kins based on the common interest that is marriage itself. He sees marriage as a transfer of rights to the new spouse and rights to the spouse’s labour. He articulated the role that institutions played in maintaining social structure and social solidarity. For Brown, marriage is a cultural creation since it consists of rights and creation rather than behaviour (1950: 11-12). Edmund Leach (1961) argued that no one definition of marriage is applicable to all cultures. He offered a list of ten rights associated with marriage, including sexual monopoly and rights with respect to children, with specific rights differing across cultures.

**Debates on Marriage “Legitimacy”**

Notes and Queries and Kathleen Gough defined marriage as ‘A union between a man and a woman such that children born to the woman are the recognized legitimate offspring of both partners’ (Aiyisi 1997; Bell 1997). This view is contested by Bell (1997). Bell questions the construction of offspring “legitimacy” on the basis of parentage. The definition offered by Notes and Queries and Gough indicates a child to be illegitimate if its mother is not married. If we are to define marriage based on the legitimacy of children, Bell writes,

We are provided with no independent definition of legitimacy, and in the absence of such a definition the statement that marriage is required to produce legitimate children is tautology…. The illegitimacy of a child should be identifiable as a characteristic of the child itself… the data demonstrate conclusively that marriage is neither necessary nor sufficient to define the social position of children in many cultures (1997: 237).

According to Bell, it is not adequate to define marriage based on the legitimacy of a child. He argues an individual’s social position is determined by other factors such as: - rights to membership within relevant households, lineage, tribes, nation-states, and similar collectivises. Bell points out United States as an example, he mentioned, even though the children of never-married mothers are considered “illegitimate” in customary speech, but they have the citizenship rights of children, rights to the support of their father (and to his legacy if he dies intestate) and other rights. He argued, in such society, legal fatherhood with rights and responsibilities does not necessarily demand a relationship with the mother. Though a child without a father may suffer from the absence of a physical presence of a father, nonetheless, the marriage between a father and a mother has no relevance for the social position of the child. He also drew an example of Nuer community, where legal
fatherhood and marriage by levirate and by Ghost marriage is different. In these cases, legal fatherhood and the social placement of the children are determined by the person in whose name “bridewealth” has been paid even if that person is no longer alive and the mother of the children is married to someone else (Bell 1997:237)

Bell illustrates the need to define marriage independently and not based on legitimacy of children. He defined marriage as,

A relationship between one or more men (male or female) in severalty to one or more women that provides those men with a demand right of sexual access within a domestic group and identifies women who bear the obligation of yielding to the demands of those specific men (241).

In Bell’s opinion, marriage is “between individuals and not categories of individuals”. Bell explained that the husband is the only person with the rights to control the sexuality of a given woman, only the husband has an institutionalised, socially supported right to control her sexuality (239). The criteria by which men are evaluated for acceptance into the category “husband” are different from those that would be used independently by the woman whose services are sought. ‘The efforts of males to make claims against the services of females have roots that are ancestral to the evolution of Homo sapiens’ (Bell 1997: 238). This reflects the institutionalization of patriarchy which is historical.

Bell further went on to explain the term ‘right’ as “a socially supported claim” he argues, ‘Individual effort does not define a right. Rights are conferred by the action of others. A right or demand right exists only to the extent that there are other individuals who will cooperate in securing access for the individual to the thing or benefit in question’ (238). Bell also talks about the contemporary setting, where rights tend to be primarily state-oriented and state supported. However, he argued that this is not really effective as loosening of kin ties, and the increased size and anonymity of residential groupings have reduced the significance of certain informal mechanisms. But, in most cases, “many rights remain to be enforced only formally”. Bell points out the need to have a “valid cross-cultural” definition of marriage, he sees marriage as an institution which is of fundamental to the study of culture. He points out the requirement of ethnographic analysis in order to understand marriage. He said,
We must examine it as a construction in a social space whose dimensions are defined by an articulation of rights and responsibilities, and for the purpose of cross-cultural analysis it is essential that we define the minimal set of rights-responsibilities that may constitute a marriage tie (1997:244).

Critiques

There are many responses and critiques to Bell’s argument, to name a few, Burton questioned Bell’s attempt to provide “valid-cross-cultural” definition of marriage and in particular the husband’s sexual rights to wife. Burton argues, the degree to which marriage provides sexual rights to men and not to women should be an empirical question, and many marriage systems provide rights to women as well as men, with both men’s and women’s rights varying across societies (Burton 1997:245). Burton pointed out the Masai marriage system as an example. He argues, in Masai society, women have no obligation to yield to the demands of the men, possibly not even to the demands of their husbands. Burton argues, although marriage is usually imagined as granting men socially recognised rights of sexual access to women, he offers his own understanding of marriage, Burton writes,

I would contrast marriage in “classless” societies, where social inequality is commonly organised on the basis of rights in people, with marriage in class-divided societies, where inequality rests on rights in things. In the former, marriage is best imagined as a relationship between “men” in respect to “women”. In the latter, it is more appropriately conceived as a relationship between “spouses” in respect to property (1997: 246).

Burton is concerned with Bell’s attempt to establish “socio-cultural” rather than “biological-evolutionary” explanations for marriage. Instead of assuming that biology impels males to fight other males for access to females, he argued, men in what he called “bride-service” societies have good socially constructed reasons for imagining “wives” (not women) are a scarce resource.

Another critique comes from Sarah B. Franklin (1997), she questions, if marriage is an institution which establishes a husband and wife, providing the husband with a demand right of sexual access to the wife, who in turn will “bear obligation of yielding” to this demand, then another important question arises at the level of “the women choice [who] may be entirely excluded from the choice process”. This is a question many feminists asked of Levi Strauss, for whom the exchange of women provided the link between nature and culture. Levi-Strauss (1969) defines kinship as primarily operating through marriage. According to him, “exchange of women” is the basic phenomenon by means of which kinship is to be
understood. In his elaboration of exchange theory, he demonstrates that all marriages are exchange of women between two groups of men. He presented two models of exchanges; the first is the reciprocal exchange of woman between paired sections which he calls “restricted exchange”. The second is the circular pattern of wife giving and wife receiving which he calls “generalised exchange”. It permits either the even or odd numbers of groups to participate in the chains and it requires a minimum of three groups. Franklin argues that, more needs to be provided by way of explanation of “husband” and “wife”, if marriage resists definition as a matter of socially recognised parenthood or the legitimacy of offspring, and it is in addition so happily various as to elude, so far, definitional stasis, then socio-biology may, as ever, be recruited to do service where sociality alone will not suffice (1997: 248).

Ravindra Jain also questions Bell’s theory. Jain (1997:248) presents three main points; firstly, he argues that Bell does ‘nothing to mitigate the andocentric bias in the Levi-Straussian view of marriage’. Secondly, Bell builds his arguments based on outdated definition of marriage as a bundle of “jural rights and obligations”. Finally, the cross cultural ethnographic data that are used (i.e. the Comanche, the Bedouin, the Saranhua, and the Inuit) raise questions and doubts. Jain expressed, given the current mood of interrogating ethnographic texts, whether this is “macho” ethnography! Jain re-writes Bell’s definition of marriage as follows:

Marriage identifies a mutual relationship between one or more men (male or female) in severality to one or more women that provides these partners with social space to exercise agency and negotiation within a framework of normative patterning of rights and obligations in the domestic group, supported by law and ritual (1997:248).

In response to the criticisms, Bell defends his theory by stating that his definition of marriage implies the dominations of wives by husbands. He argues that the problem lies not in his analysis but with the formal definition of marriage, that ‘access rights to be granted to husbands and that wives yield to those demand-rights’. He dismissed the idea that wives’ obligation may not be necessarily oppressive to her and that he placed the obligations of wives with the obligations of parents, with domination implied in neither case. He states, the oppressed individual in the construction of marriage is not the wife, it is the man who must submit to a set of prescribed obligations and limitations within domestic groups in order to gain support from others for his claim upon woman.
Bell also argues that, Jain’s approach and his attempt to define marriage as the balance agency of men and women is an “effort to suggest how marriage should be constructed” which is different from the reality and that Jain’s approach lack “a dominant ethnographic representation” (Bell 1997:251). Bell also responded to Levi-Strauss’s approach, stating that, and Strauss’s elementary concept of marriage which involves the “exchange of women among men” would only matter whether it is analytically correct or incorrect, he states, in this case, ‘Levi Strauss is absolutely incorrect since families usually hold certain residual rights in married daughters, men seldom exchange women’. However, Bell points out, they may exchange the “fertility of women as a form of wealth for other forms of wealth” (1997: 251-251).

Duran Bell’s definition of marriage offers us an alternative way of looking at marriage. He successfully grappled the important question concerning marriage and legitimacy. He effectively argued that marriage cannot be defined based on the legitimacy of children. Rather, marriage according to him is based on men’s rights of sexual access to women. Though his attempt to offer a “cross-culturally valid” definition faced certain criticism, nevertheless, Bell gives a wider understanding of marriage and social relations within the study of culture. Bell states, ‘It is essential for the purposes of cross-cultural analysis that we define the minimal set of rights-responsibilities that may constitute the marital tie. He offers us a model of allocating conjugal services which is also connected with legitimacy in the construction of social order (Bell 1997:240-244). However, there are problems in his attempt to offer marriage definitions such as, “access rights” given to husbands overlooking women’s choice, and render women invisible. Bell seems to give supremacy to husbands where wives are supposed to “yield” to those demands. Although Bell’s theory is androcentric, it opens up critical questions, such as the understanding of social relations within a given cultural setting.

**Different Theoretical Perspectives on Marriage**

For the study, three theoretical perspectives such as Marxist, functional and feminist perspectives on marriage will be discussed.

**Marxist Views**

Frederick Engel analysed the history of family present by Bachofen in *Mother’s Rights*. Bachofen made three propositions; they are 1) in the beginning, humanity lived in a
state of sexual promiscuity, which he designates as “hetaerism”; 2) that such promiscuity excludes all certainty as regards paternity, that lineage, therefore, could be reckoned only through the female line-according to mother right- and that originality which was the case among all the peoples of antiquity; 3) that consequently women, who, as mothers, were the only definitely ascertainable parents of the younger generation, were treated with a high degree of consideration and respect…..was enhanced to the complete rule of women – “gynaecocracy” 4) that the transition to monogamy, where women belongs exclusively to one man, implied the violation of a primeval religious injunction, a violation which has to be atoned for, or the toleration of which had to be purchased, by surrendering the woman for a limited period of time (Engels 1948:10).

Bachofen finds evidence in support of his theory through countless ancient classical literature. According to Bachofen, the evolution from “hetaerism” to monogamy and from mother right to father’s right takes place among the Greeks as a consequence of the evolution of religious ideas, such as, the intrusion of new deities, representatives of new outlook and the old traditional pantheon representing the old outlook, so that the latter is more and more driven into the background by the former. Hence, Bachofen is of the view that, it is not the development of the conditions which prompt the changes, rather, it is ‘The religious reflection of these conditions of life in the minds of men that brought the historical changes in the mutual social position of man and woman’ (cited in Engels 1948:9-10).

Frederick Engels points out the transition of family pattern from the pre-historic stages of culture to the “civilized” culture. According to him, the monogamous family that arises out of the pairing family in the transition period from the middle stage to the upper stage of barbarism is the beginning of civilization. Engels further argued that, the monogamous family is based upon the supremacy of man; ‘its express aim is to the begetting of children of undisputed paternity, this paternity being required in order that these children may in due time, inherit their father’s wealth as his natural heirs’ (1948:62).

**Functionalist Perspective on Family**

Functionalism was the dominant branch of western Sociology until the 1960s. Functionalists argued that societies consists of interrelated social institutions such as schools, mass media, political systems, the Church and the family each of which contribute positively to the maintenance of stability of society as a whole. These institutions are considered to be
functional for societies as a whole (Carlsson 1962). Functionalists look at marriage and family, they examine how they are related to other parts of society, and especially the ways they contribute to the well-being of society (Adam 1949). For instance, G.P Murdock (1949) conducted a survey of 250 societies and claimed there are four universal residual functions of the family such as sexual, economic, reproduction and education. Murdoch is of the opinion that the nuclear family is useful to society and that it is inevitable and universal. Murdock argued that nuclear family was a universal social institution and it is required for the fulfilment of four basic functions for society such as: - the sexual, reproductive, economic and education functions (Majumdar and Madan 1985). The functionalist theories of the family focus excessively on the nuclear family form and insufficiently on other family forms (Zinn 2000; Fox and Murry 2000).

The Functionalist perspective on the family has been further developed by Talcott Parsons, his theories focusing heavily on nuclear, heterosexual families to the exclusion of other family forms. The main aspects of Parsons' theory as developed in the USA in the 1950s were as follows: - First, he argued that industrialisation resulted in the gradual replacement of extended families by nuclear families because industrialisation demands greater geographical and social mobility. He also pointed out, industrialisation also creates structural differentiation such as new more “specialised social institutions” such as factories, schools and hospitals developed to take over some of the functions previously performed by families. According to Parsons, the nuclear family loses some of its functions but it remains crucial in relation to the two functions namely the socialisation of the young and the stabilisation of adult personalities. Parsons also expressed, within nuclear families, roles are allocated between husbands and wives in accordance with the assumed instrumental characteristics of males (which makes them more suited to paid employment outside of the home) and the assumed expressive characteristics of females (which makes them more suited to childcare and domestic work) (Zinn 2000; Uberoi 2004).

Patricia Uberoi (2004) in her analysis of Parson’s theory of family states that, he was responding to the widespread post-war perception which states, the increase divorce rate, declining birth rate, and changes in the sexual morality indicated break-down of the American family. To the contrary, he argued that such changes were part of the period of transition, and “not signs of a trend to dysfunction and disorganisation per se”. Rather, Parsons asserted American society was going through the ‘Culmination of a long-term
process of “isolation”, differentiation, and ‘specialization of the nuclear family as a bounded sub-system of society’. Therefore, changes were inevitable. According to Uberoi, Parson’s analysis is “candid” and “narcissistic”, she writes,

…candid in its recognition that the functional stability of the American nuclear family was dependent on a supposedly naturally given generational hierarchy of authority and sexual division of labour, narcissistic in that the family pattern thus valorized within an evolutionary theory of societal development was both ideally and empirically typical of the white American, middle class family (father as breadwinner, mother as housekeeper), delegitimizing other family patterns (2004:278).

Patricia Uberoi argued that Parsons failed to see the “transition” that every American family goes through, and that “America family would be a continuing and open-ended process”. Uberoi points out important factors like demographic factors, difference in sexual and conjugal provisions such as gay and lesbian marriages, the legal recognition of live-in relationship, as well as the impact of new technologies have caused changes within the American family. Uberoi stressed, Parsons overlooked other modes of family life, Parsons’ main focus was solely on typical family pattern of white, middle class Americans, and he portrayed them as ‘the most advanced type of kinship organization, functionally adapted to the requirements of modern society’. Uberoi’s argument is that, by focusing only on the typical white American family, Parsons shows that he has little interest in understanding other modes of family life except insofar as these served to validate his general theory (2004:279). Clawson (1989:1-15) states that, Parson’s vision of the family no matter how much they take him for “sexism”, his “ethnocentrism”, his use of white-middle class model, his assumption that “family means mom, dad, two kids and a dog”, this view is held by most students and family continues to be seen as quite separate from the “outside” world where as personal life as a free space. It is the functionalist view of the separate gender roles within family which is perpetuated in society and critiqued by feminist scholars.

Feminist Critique of Functionalism and New Perspectives on Family

Though there are important divisions within feminism, all feminists are critical of functionalist theories of the family. They argue that, gender differences in socialisation within the family operate to the disadvantage of female. The traditional allocation of roles within the family reflects not the instrumental characteristics of males and females but the existence of patriarchal power within the family. Structural functionalism advocates the idea that the role and responsibilities allocated to men and women are natural and it is good for the function of the society, Maxine Baca Zinn writes,
Men's instrumental roles linked families with the outside world, while women's expressive roles ensured family solidarity. Structural functionalism made role differentiation an essential feature of families and the larger social order as well.... structural functionalism made the modern nuclear family a falsely universal construct. It ignored difference, even though race and class differences were at the very foundation of family (Zinn 2000: 44-45).

Feminists profess that the traditional allocation of gender roles restricts female employment opportunities and prospects. Even when women are employed outside the home this may nevertheless mean that they are obliged to undertake the so-called ‘triple shift’ of employment, housework/childcare and emotion work. The patriarchal power ensures that major family decisions are taken by males rather than females; that the existence of “empty shell marriages”, high rates of divorce and considerable levels of domestic violence show that family relationships are often far less harmonious than is implied by functionalist theory (Zinn 2000; Allen 2000; Fox and Murry 2000).

Maxine Baca Zinn also discussed the impact of feminism on the family, focusing on traditional understanding and academic representations of the family. How feminism plays an important role in “unmasking” of the gender-structured family. According to Zinn, though the early family scholars were pro-family, they failed to “endorse” any family form. In fact, the earlier understanding and academic presentation of family was highly influenced by the Chicago school of American sociology and were preoccupied with the transition from traditional to modern social forms. Nuclear family was considered as the “norm” even though there were many varieties of families in different regional, economic, racial, and ethnic groups. Zinn argues that, the early family scholars ignored the economic circumstances and social discrimination that produced distinctive family patterns; they confused “difference with disorganization” (2000: 44). Osmond (1987:113) also points out, ‘Early family thinkers were extremely conservative in regard to family’.

Zinn criticised the “mythical family prototype” advocated by structural functionalists, which states that, social order was maintained by a high degree of consensus and a division of labour between the various components of society. The most basic component was the family, and it was considered as “unalterable type of role structured”. Since structural functionalism made role differentiation an essential feature of families, the division of society into “public” and “private” and the division of men's and women's roles was viewed as
‘complementary’ and essential to advanced, industrial societies. The notion such as father as provider and head and mother as care taker and heart was the dominant feature of family framework in the 1950’s and 1960’s (2000:44-48).

From the late 1960s and throughout the 1970s, feminist scholars unmasked an idealized vision of the family that supported women's oppression. Feminist critiques developed in the context of the social and political upheavals of the times and questioned functionalism's basic premises. They challenged the ‘unified family’ because it obscured women's experiences. Where the mainstream family model saw the family as a cohesive system resting on integrated sex roles, feminists argued that the family was the primary site of women's oppression. What functionalism saw as role differentiation, feminists identified as the core of family politics. As feminists posed new questions and offered new ways to see family life, they also took careful stock of their own impact on the family field (Zinn 2000). Feminist scholarship takes the social construction of gender as a central concept. Feminists examined the structural, cultural, historical, and interpersonal conditions that create distinctions and perpetuate power relations between women and men (Allen 2000).

Allen (2000:8) rightly pointed out, ‘If our goal is to study social structures and processes related to families, we need ways to include more realistic understandings of the diversity of people's lives in our investigations’. Osmond and Thorne (1993) offered five central themes to feminist scholarship in family life: (a) social construction of gender as a central concept, (b) attention to socio historical context in the analysis of gender, (c) commitment to gender equality and social change, (d) centrality of women's experiences, and (e) questions regarding unitary notions of “the family”. Osmond and Thorne proposed that, to move beyond symbolism and idealization, family should be distinguished from household. A family is a construct of meanings and relationships; a household is a residential and economic unit (cited in Thomson and Walker 1995:848). Feminists look for an alternative definition of what “family” is. For instance, they pointed out that the concept of family is an “ideological concept”, which conceals varied meanings and configurations. Fernandez and Garcia (1990:141) points out, ‘Family” designates the way things should be, while “household”

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1 Thompson & Walker (1995: 847) in analysis of the place of feminism in family studies concluded that, though the place has created a legitimate place for feminism, but the place is more often at the margins of family scholarship rather than the center. Feminism moved to the centre only in the domain of housework.
refers to the manner in which women, men, and children actually come together in domestic units’. Feminists also deconstructed the daily activities that take place within domestic units. For example, housework was redefined as work, and concepts such as caring work were introduced to describe many of the unpaid and often unrecognized tasks that women perform for free.

Fox and Murry (2000:1164) expressed that, one of the most important reflections of feminist sensitivities in family research is the distinction between sex and gender. Feminists contributed to the wider understanding of family and provide recognition of gendered standpoint. Feminists also contextualize family relationship and critique the power relation within family institution. In other words, we may say that, feminists pointed out the gender discrimination within family, the roles and responsibilities given to male and female on the basis of sex. Feminists view family as a site where women are restricted, and power relations are divided unequally between men and women.

Feminist Views on Marriage

Simone De Beauvoir (1949:445) stated, ‘Marriage is the destiny traditionally offered to women by society. It is still true that most women are married, or have been, or plan to be, or suffer from not being’. Storkey (2000) has pointed out that the 19th century problems of “superfluous women” in British society; an unmarried middle-class woman was a liability. Working-class women could go into domestic or factory work, but those too highly bred for such were always someone’s dependent, a father’s, uncle’s or brother’s. So the solution was to marry her off, send her out as governess or companion to elderly widow encouraged her to revitalize religious orders, or to ship her out of the colonies; hundreds of un-married ladies crossed the oceans. Women are always encouraged to get married, getting a good husband is considered as a “good catch”.

There have been literature and research studies which show that marriage has different implications for women, while men are given the supremacy women are discriminated in many ways. In modern “civilized” society, monogamy is the most common and considered “appropriate” practice. In the Monogamous family, conjugal relations are determined by patriarchal customs (Engels 1948; Murdoch 1949). The scientific progress of the human society also contributed to changes in relation between men and women. De Beauvoir (1949) argues how economic evolutions have placed women at a lower level of the
society. She highlights that, during the French revolution, some enjoyed a liberty that was anarchic. But when society underwent re-organization, she was firmly enslaved anew (141). During industrial revolution, when men engaged with the new technology and inventions and work outside the household, women were forced to stay inside the household. The notion continues in the modern family set-up where the role of women was within the household. The social structure is such that upon entering marriage institution, she must embark upon her husband’s identity.

**Marriage in Mizo Society**

Marriage in Mizo society is based on a patriarchal system with father as the family master, and the marriage system is based on patrilocal. In patrilocal marriage system, the bride is brought to the family and place of the groom (Levine: 1997). Traditional Mizo marriage is performed purely through a civil-contract, although a pseudo-religious ceremony was performed in solemnizing the union. Polygamy was not restricted, but, most Mizo men have one wife, as polygamy was usually practiced by the chiefs and other rich men. The process of marriage starts with courtship, if the boy wanted to marry a girl whom he likes, he would inform his parents who in turn would take the initiative by sending two *Palai* or negotiators to the girl’s parents. The consent of the bride and groom was always sought before the final decision was taken. If consent is obtained from the girl’s party, then they can start negotiating the bride price that the boy’s family are supposed to pay. The two most important considerations are the willingness of the daughter and the price which the suitor or his family is agreeable to pay at the girl’s marriage. Once negotiations were completed, the wedding day was soon fixed. A feast was usually prepared on the wedding day (McCall 1949; Parry 1976; Hminga 1987).

There are also other forms of marriage such as *inru/tlandun* or elopement - couple who get married without the knowledge and consent of the parents. *luhkhung/fan* - If a man marries without the permission of his parents and goes to the girl’s house, it is called *luhkhung*, and if a girl goes to the boy’s house in order to marry him without the consent of her parents, is called *fan* (See Appendix II). Both *luhkhung* and *Fan* was considered embarrassing especially for a man (Parry 1927). Cross-cousin marriages are not favoured, although a widower may marry the sister of his dead wife for the welfare of the children.
**Mizo Customary Practice of Brideprice**

Brideprice plays a central role in Mizo custom of marriage. Without brideprice, a marriage is not socially and legally acceptable. Brideprice is not fixed and it differs from one clan to another. In traditional Mizo society, like among the Sumi tribe of Naga society, *Mithun* was considered the most valuable brideprice. Other articles like gongs, guns, beads and *puan* or loincloths are also used. In those days, marriage price was never paid up in full at once at the wedding, because, hardly anyone had enough money to pay up. Usually an instalment is paid on the wedding day and the balance is paid later. Sometimes it takes twenty years or more to make a full payment. Practice of brideprice is also common among Muslim tribals in Arabia which is considered as a mark of respect to the woman, and forms an essential part of a marriage contract. The only difference here is that an amount paid to the father of the bride was converted into *Mehr* (Agnes 2000:108); in Mizo marriages an amount paid to the father remains the father’s property.

According to the Lusei-Mizo custom, Brideprice falls into two parts the *Manpui* or main price and *Mantang* or subsidiary price. The *Manpui* goes to the father or brothers of the bride and *Mantang* is divided among the relatives (See Appendix II & III). Those who receive portion of the brideprice are usually those who are being favored among the relatives. If the bride has no father or brothers, the *Manpui* will go to her nearest male relation and if she has been adopted by some person who brought her up from childhood, it will go to him. Failing male relations, the bride’s mother might get the price, provided that she has brought her up and has not married again. The bride can let her get the price or she may select someone else to receive it. If the bride, on her mother’s remarriage, had gone to live with someone else, the person with whom she has been living and who supported her will get the price. The only case in which a mother can claim her daughter’s price as of right is where the daughter is a *falak* that is to say an illegitimate child that has not been recognized by her father.

If a man has brought up a girl from childhood in his house and takes the place of her father, he will naturally expect to get her brideprice and if there is a dispute about it and her relatives refuse to let him get it, he can claim *Chawnman* Rs 40/-, the fees which he can claim for having boarded and lodged a person who is no relation of his house and will be dealt later on. In a traditional Mizo society, the general rate of *Manpui* is four *Mithuns* or Rs
80/- if the girl has no dowry and five Mithuns or Rs 100/- if the girl has a dowry. The price is always increased by a Tlai or Rs 20/-, if the girl is provided with a dowry or Thuam. The value of dowry makes no difference, even if the dowry is worth Rs 100; it only causes the Manpui to be increased by Rs 20.

The Mantang or subsidiary price consists of the following subsidiary prices: 1) Sumhmahrual (Rs 60/-) is decided by the bride’s father. It is payable to the Bride’s father or brother. 2) Sumfang (Rs 50/-) is also more or less the same as Sumhmahrual, payable to the bride’s father or brother. 3) Pusum is given to the bride’s mother’s father. In case, if the bride’s mother’s father (Pu) is dead, the bride-price would go to the wife of Pu. If both of them died, then the bride-price would go to the son (mother’s brother), who is also the legal inheritor of Pu. This is very important and Mizos are very particular about Pusum. If it is given to the other person instead of the actual Pu, the Pu can sue the bride’s family and make them pay penalty that is Pu ban man sometimes the fine can be very expensive such as one Mithun. If the main Pu (bride’s mother’s father) died, Pusum can be given to more than one person that is called ‘Pu Phir’. 4) Palal (Rs 30/-). This is extended, only if a bride marries a groom who is not from the same village or from a different locality. The bride may select an adoptive father. Palal does not require relative, and it can be given to a person whom the bride selects as her guardian. 5) Ni-ar (Rs 20/-), this goes to the bride’s father’s sister. 6) Naupukpuan, this is given to the bride’s elder sister in consideration of her having carried the bride about in her cloth when the bride was a baby.

The Mizo Customary Law explained in detail, the process of marriage and the duties of persons who are an integral part of the marriage. Chapter-3 clause 36 to 37 deals with marriage price. Cause 38 to 74 give details of the process of marriage such as: - Palai-negotiator, Palai should not be less than two persons (2006:14-18). Another custom is Thutphah, when the bride’s family receives marriage price, Rs 20/- is given to the bride by the person who receives portion of the brideprice. Thutphah is important when a woman gets old and can no longer work, and if she is divorced by her husband, Thutphah will ensure that she can take back all her Thuam-personal properties (Mizo Hnam Dan, 2006, enclosed in appendix III). If a bride does not have Thuthphah, she cannot take back any of her personal properties, it will go either to the husband or her children. In a way, Thutphah ensured a woman’s security when in times of trouble.
Apart from *Manpui* and *Mantang* there are other optional prices and customs which must be mentioned such as below:

1) *Thianman:*- this is paid if the bride so desires to her female friend. It is payable out of the *Manpui* or (main bride price) and does not form a separate subsidiary price. *Thianman* is usually paid by the bride’s family. If the bride later on leaves her husband *Sumchhuah* or *Uire*, this price must be refunded by the friend to whom she has given it.

2) *Lawi:*- This *Lawi* is a custom where certain animal *Sial* or *Pig* is killed and is contributed to by the bride’s relations and all the people who get a share of her price. The bride and bridegroom’s family will divide the meat equally. The bridegroom’s family usually gets the head part.

3) *Mo-Lawi:*- On the evening or the night of the marriage day the bride is conducted to patrilocal residence. The husband’s family usually appoints a person to go get her from her father’s house. In early Mizo society, *Mo-Lawi* was usually completed on the second night. On the first night, *Puithiam* or Priest kills a pullet and sings a chant, wishing the couple long life, many children and that they remain together until they are both old. This chant is addressed to *Khuavang*, who are the spirits of the air. The bride then returns to her father’s house, and is brought back the next evening to her husband’s house and remains there. However, the practice is no longer there in ‘modern’ Mizo society, now *Mo-Lawi* is completed on the first night itself.

4) *Lawichal:*- this is purely optional price which cannot be claimed as right and comes out of the *Manpui*. It is only payable when the bride and the bridegroom live in different villages; this is the case when the bride is escorted to her new village by her friends and among them, one man is appointed as leader of the band, known as *Lawichal* and he is sometimes given a reward of Rs.2 in traditional Mizo society. This price also has to be refunded if the bride later on, leaves her husband *Sumchhuah* or *Uire*.

5) *Lawi Ar:*- This is when the bride goes to her husband’s house, she would take *Ar* or hen. *Ar* is bought by her family or relatives who get a share of her bride-price.
6) Zawnchawp Pa leh zawmchawp Nuta te:- Failing close relatives, the bride may select adoptive father or brother not only to act as Palal, but whom she can consider as real relatives. The bride’s family can decide to let them get the bride-price.

7) Palai Sa: Portion of animal killed given to Palai-negotiator between the two families- the bride and the bridegroom.

6) Nu Man:- If the mother of a girl who is getting married, has been separated from the girl’s father, she is entitled to a price known Nu Man (Rs 20/-). The price is payable only to the real mother of the bride. This is not part of Mantang.

There is also a custom of Man lova Innei. This means a couple gets married without marriage price as per the agreement of the family. Man Bo is related to a divorced woman by way of Sumchhuah or Uire, if she remarries without any demands of brideprice or without the consent of her parents, then the bride’s family can no longer claim the brideprice and it is called Man Bo.

**Different Views & Debates on Brideprice**

The giving of brideprice or bridewealth as some anthropologists have pointed out, always attracts the attention of anthropologists and feminists for it questions the very nature of the “value” of the human being “exchanged” (Basu 2005). Marriage among many tribal societies is seen as a contract between two lineages or families. The practice is that, the groom has to make substantial payment to the bride’s family. This was seen by the missionaries as degrading customs and they tried to suppress these customs. For this reason, the term “brideprice,” with its connotation of a woman being sold as chattel came; this is very current and colonial origin. In Africa, the issue was first raised during 1920’s by missionaries and administrators who insisted that ‘women were chattels in society with bridewealth’.

Anthropologists challenged this view in two ways. Structural-functionalists such as Evans-Pritchard (1931:38), argue that while marriage “price” may operate as payments, they have more “important social functions”. Evans-Pritchard proposed that transfers of marriage “prestations” be termed “bridewealth” to express the fact that they largely performed non-payment functions. Secondly, economic view emerged, for instance Gray (1960) and Goody (1973) respectively argued that wives were acquired like other commodities. They see
bridewealth as having negative connotation on women. Symbolic and economic views dominate contemporary understanding of bridewealth (Dalton 1966; Reyna 1984:59).

According to Marcel Mauss, the problem that arises while using the term bridewealth is that, bridewealth is not applicable to a situation where groom wealth is exchanged in return for a man. Mauss in his book, The Gift (1970) argues against the economic aspects of gift-exchange, he highlights the necessity and appealed for a renewed emphasis upon its moral and social elements where the relationship between gift-exchanges and social structure was primary. He identifies a type of gift-exchange as “prestations” or “total prestations”, which are meant to apply to a type of compulsory gift that falls upon the entire group and all its social phenomena including religious, legal, moral and the economic aspects.

As mentioned, there are differences of opinion with regards to brideprice or bridewealth. There are parallel views, one which see brideprice as a sign of recognition of women’s value and their labour power and while others see it as commoditization of women. There has been speculation of brideprice as less demeaning, for women compare to dowry practice where the bride’s family has to pay money to the groom’s family. But, before we say one system is better than the other and make a sweeping generalization, it is important to first understand the underlying concept of both the practices of brideprice and dowry, to examine the ways it is used and then see the impact it has on women.

**Brideprice vs Dowry**

M.N Srinivas (2005:3-14) defends dowry by stating that, dowry in its original form was given to the girl as a gift by her parents and he further continued by saying that there is a need to distinguish pre-British dowry and modern dowry. ‘Modern dowry is entirely a product of the forces let loose by the British rule such as monetization, education and the introduction of the organized sector’ (8). There is an attempt to equate a huge demand of dowry from the bride’s kin by the groom to Dakhina, which itself is an attempt to legitimize a modern monstrosity by linking it up with an ancient and respected custom into a common and hoary Indian lives. Srinivas sees dowry as a higher caste practice, he states, ‘In the context of dowry and brideprice, it means that lower castes tend to give up brideprice and replace it with dowry even when their womenfolk are engaged in productive work outside the home’ (11). Srinivas also states, brideprice amount was fixed within an endogamous Jati, and the various “prestations” were also specified, whereas, dowry is characterised by ‘asymmetry,
uncertainty and unpredictability’. The bride’s side may have to bear all the expenditures and there is no rule as to what the groom’s kin may ask.

Srinivas points out the importance of how dowry works differently among diverse groups. He compares between hypergamy or hypergamous ideology in the North India and isogamy in South India. He critiques the assumption that dowry is integral to hypergamy and the ‘economic interpretation’. In hypergamous areas, brideprice is considered ‘inferior’ and seek to improve their status by giving dowry. In South India, the practice of brideprice is common and the switch to dowry among the upper castes is post British. In order to understand the distinction between dowry and brideprice, he writes,

In studying dowry the continuous desire of the bride’s kin to improve their family standing or status needs to be kept in mind, particularly in hypergamous areas. Secondly, dowry and bride-price have also to be studied in the context of changing male-female sex ratios wherever the data are available. In this connection, it may be mentioned that demographic history is woefully neglected in India and there is not even awareness of the fact that it is neglected (2005:11).

The Practice of Brideprice among other Tribals: Views and Debates

The practice of brideprice is common among other tribes in India, D.N Majumdar & T.N Madan (1985) show, the tribal society such as the Kharias, living in the various hill-ranges of Orissa, the Ho, from Singhbhum, Bihar and the Khasi from Meghalaya. They talk about the reasons underlying marriage and its nature, various forms of marriages such as exogamy, endogamy, cross-cousin marriage, levirate and sororate, polygamy and hypergamy, and ways of acquiring mate. They tried to explain the social context of marriage system within different communities. They argued, marriage by what has been called purchase is found prevalent all over tribal India. They pointed out, for instance, the Naga tribes pay the brideprice and so does the tribes in Middle India. They write:

…it nevertheless would be wrong to regard the payment of bride price as indicating sale and purchase. It may be only symbolic of the utility of a woman, and by way of compensation to her parent’s family. In case the dowry which is often given to a girl by her parents is considerable the payment of the birdeprice ceases to have an economic significance (1985: 76).

They further argued that, tribal people’s contact with external forces is responsible for changing the basic values. They pointed out the Ho as an example, they expressed the economic aspect of the Indian tribe brideprice has assumed huge proportions. ‘Their general
economic conditions are not much worse than what they were before they came into contact with the agencies of the urban city culture, but the basic economic values have got completely changed’ (77). They mentioned high rise of brideprice brings certain difficulties within the communities. In order to solve the problems some of the tribes such as Gond or Baiga finds himself not in a position to pay the price, he goes to serve in his would-be father-in-law. Majumdar and Madan see brideprice as a positive indicator; they argued how the Rengma Naga pays brideprice, but no economic significance attached to it. They also stressed that, the absence of brideprice among the Ao and Angami Naga has resulted in a lower status for women and prostitution and that ‘it is brideprice which has protected the Rengma Naga’ (Majumdar and Madan 1985).

The above discussion is somewhat similar to how brideprice is usually viewed and understood in Mizo society. McCall (1949) is of the opinion that “marriage price” tends to celebrate Mizo women’s values. In the traditional Mizo society, the price was determined by taking into consideration different factors like the women’s capacity for hard work, industriousness, and skills and also by the looks of a woman. Brideprice is not exclusively appropriated by her parents alone and it is usually divided among the relatives. Those who receive portions of the brideprice are usually those who are being favored among the relatives. And usually the chief’s daughter fetches the highest price. This could be one reason why birth of the girl child is celebrated. At the birth of a child, if it was male the parent would say, he will become a brave hunter and warrior and will kill animals and enemies, and, if a girl child was born then they would say, ‘he will become a beautiful maid and will bring handsome marriage price’ (Sangkhuma 2000; Parry 1976; Mizo women today 1991; Sangkhuma 2000). A girl-child is expected to fetch a handsome price when she’s married off. It is said that divorce is less among the Mara’s than Luseis. Parry (1976:276) has pointed out, ‘The high marriage prices in force strengthen a wife’s position, and divorce is far less common than among the Lusheis, neither party being willing lightly to incur the material losses involved’.

**Brideprice in Contemporary Mizo Society**

In contemporary times, among the Mizo, the general belief is that, the practice of brideprice as opposed to dowry is the sign of Mizo women’s freedom, and is the evidence of their better status as compared with Hindu women. Contradictory to son preference in India, it is one of a few parts of India where positive response for the birth of a girl is elicited. However, to say that brideprice celebrates women’s value and labour power is far too simply
a formula. In fact, it has been argued that bridewealth is particularly associated with patrilineal societies. Wilken (1883) theorizes bridewealth originated in those societies which were changing from an original matriarchy towards patriarchy. He argues that, bridewealth in its origin would not have been a purchase, but a settlement for the offence caused by abduction of the bride, when patriarchal societies later firmly established themselves, bridewealth became a true purchase (as cited in Jimo 2006:22).

Pautu (2006:22) states that in Mizo marriage ‘Brideprice plays a central role in divorce settlements either the husband or the wife or even both would have to pay up, return or share the bride price…it is indeed a security to the marriage bond’. This may be because, if divorce takes place, husbands have to pay back the brideprice and if the price is high, it is considered more difficult to pay back the full amount since the brideprices are usually spent before divorce takes place. However, at present brideprice is Rs 420/- much less than what the traditional bride price would have cost. This is one of the reasons why MHIP demanded the rise of brideprice during the codification of Mizo Customary Law.

When N.E Parry compiled the first written form of Mizo Customary Laws or ‘Mizo Hnam Dan’ in 1927, one Mithun was equivalent to Rs 100/- which was not a petty amount at all. During the Mizo District Council period, there was debate on whether they should increase the brideprice. In the initial stage, majority of the MDC strongly opposed and stated that it should remain Rs 100/- just as N.E Parry has put it (1960 amended laws). However, it was later fixed at Rs 420/-. When the Committee on Mizo Customary Laws was formed in 1980, one of the issues MHIP demanded was increased of brideprice. MHIP leaders have argued that this ‘Women’s values are ignored in contemporary Mizo society. And that traditional brideprices celebrate women’s value but not anymore’. They argued that brideprice should be increased in accordance with the present economic value, my respondent, who is also a member of the Mizo Customary Committee, said,

*The traditional bride price (Rs 100/-) was equivalent to one Mithun. We argue that if we are to measure the original brideprice with today’s currency it is so much more than Rs 420/-, actually, if we combine with ‘Pusum’ (brideprice given to mother’s brother) it’s worth at least one lakh.*

The demand was refused on the ground that “customary brideprice is not to be translated in terms of economic value”. This invites speculation that the traditional values of brideprice
have changed. Pautu said, ‘Contrast to the traditional Mizo marriage, today it does not carry any economic value rather it has become a customary token’ (2006:31).

The argument here is that, the brideprice might be intended to celebrate the value of women or their labour power. In a subsistence economy, it was as likely as not ‘women’s work’ would be considered as more productive and necessary for the survival of the community, and girls would accordingly be favoured and welcomed more than boys (Mahanta 1999:345). But the important point here is, it is shaped and moulded out of patriarchal system. Furthermore, the MHIP feels that women are worth much more than Rs 420/-. One can argue whether this indicates that women are seen only in terms of economic value and that, by demanding the increase of brideprice, MHIP promotes further, the notion of commoditization of womenfolk. And the fact that even if it is used as customary token as members of the customary board insisted, it legitimizes the power of men over women.

In Mizo society, the brideprice often provides sexist jokes and excuses for men, it is common to hear man saying to their wives “I have bought you”. When I was interviewing one of the respondents, he used the sentence hralth toh or “sold” to refer to his daughter and sister’s marriages. Though any positive brideprice can be characterized, generally, as a compensatory payment to the family of the female for the production loss they suffer on her departure (Rajaraman 1983: 276). Studies have proved that, the character of dowry has led to decline in the status of women in addition to it being a threat to their very existence. However, contrary to the popular belief, women do not have a higher status in those communities where brideprice is paid for them it is a commodification (Shalini Randeria & Leele Visaria 1984:652).

**Critique of Early Writings on Mizo Women’s Position**

According to Chatterji (1975:12), the various forms of marriage price, regulations regarding their payment, treatment of the same in case of different types of divorces and the overall customary details indicates Mizo women’s high status. Chatterji’s argument is contrary to Levi Strauss’s theory which emphasise all marriages as “exchange of women” between two groups of men. In Mizo society, marriage was considered as an establishment of a new social relationship which requires the involvement of both men and women equally. Women’s ability to reproduce and their role as mothers were highly valued. She states,
‘Womenfolk enjoyed high esteem in their society in clear recognition of their roles for the perpetuation through child bearing ability’.

Part of Chatterji’s argument is based on the fact of the Mizo society’s “social concern” for the thisenpal (those who have children) and the thisenpallo (barren women or childless ones). Chatterji claimed that, her “careful” examination of the sociological aspect of Mizo marriage finds Mizo women have a high status. She argued that, this can be seen in the practice such as, Numan – a form of price payable to the mother of a girl who is going to get married even if she is separated from the girl’s father. She is entitled to get this even if she has again or has been found guilty of adultery and divorced on that account as uiire. And the second is sehruichat (the English equivalent of sehruichat is breaking of Mithun’s rope) which is a form of penalty price which a man has to pay if he becomes instrumental in dissolving the marriage of a couple by offering himself as the groom and then after being accepted by the girl, refuse to marry her. However, it so happened that sometimes, the girl after having accepted the new suitor refuses to marry him. In such cases, the girl has to pay a penalty of Rs 40/- to the new suitor for the purpose of calling back his previous wife whom he divorced in order to marry again. Chatterji explained the fact that the same amount of punishment and restrictions is extended to both the girl and the boy, this signifies “equality” (1975:12-14).

According to Chatterji, these practices indicate that a man and a woman in a Mizo society had to suffer “no discriminatory treatment” in such important spheres as marriage, remarriage and divorce. Chatterji pointed out, Mizo women enjoyed a “distinctively high status with a lot of freedom for the satisfaction of her natural impulses without being cried down”. In her opinion, a Mizo woman enjoys a large measure of protection against prostitution. She expressed that the “society’s tolerance and easy acceptance of unmarried mothers” as also their issues in the overall social structure bear testimony to the recognition of a place of honour for the womenfolk in their society. The fact that virginity before marriage was looked upon with great respect goes to establish that sober restraint in the premarital relationship was looked upon as ideal. Like Bell (1997) she also claims that a child born out of wedlock does not suffer as he/she is protected by the community (1975:13).

The above argument presented by Chatterji and Bell is the most common understanding of Mizo custom of marriage (McCall 1949; Hminga 1987). Bell (1997) argued
elsewhere “the minimal set of rights-responsibilities that may constitute the marital tie”. However, the relation within marriage and to what extent women do enjoy freedom and what really constitute marital ties are hardly highlighted in earlier accounts.

Since the process of Mizo marriage requires mutual consent of both partners, this indicates that women do indeed have certain freedom in choosing their partner, which further means they are not merely “exchanged” materials. Burton(1997:245) argues, whether marriage provides sexual rights to men and not to women should be an empirical question, and many marriage systems provide rights to women as well as men, with both men’s and women’s rights varying across societies. At a glance, Mizo women seem to have sexual freedom which is equivalent to men. However, another way of looking at it may suggest otherwise. For instance, as discussed in Chapter-III, E.J Thomas (1993) points out, Mizo women’s freedom in the matter of sex, marriage, and divorce given to women was in order to gain advantage for men rather than rendering higher social status. The question is, whether a Mizo woman’s freedom to choose partner is adequate reason to conclude that she enjoyed higher status as compared with women from other societies.

Marriage is not only as an institution which provides the husband with a demand right of sexual access to the wife, who in turn will “bear obligation of yielding” (Bell 1997). In the Mizo context, it is also equally wrong to claim and define Mizo marriage as the balance agency of men and women as early writers have claimed. Vanlaltlani (2005) points out; Mizo women in traditional society occupied much lower position as compared with men. Pautu (2006) also points out, Mizo customary laws of marriage discriminates women in such a way that she is forced to occupy the subordination position within family as well as in the society.

**Marriage in Contemporary Mizo Society**

Like any other society, Mizo society has also undergone several stages; there have been external forces such as western education and Christianity which influenced the customs of the people. Therefore, it is important to understand how marriage is perceived by the Mizo and in particular to understand what really constitutes marriage ties. This requires detailed examinations of social roles and responsibilities allocated within the marriage institution. At present, though a certain form of customary practices of marriage remains, there are external forces which influence the system of marriage. In order to understand what marriage really
means in contemporary Mizo society we must look at the influence of modernity (i.e. modern laws) and Christianity.

According to the *Mizo Hnam Dan or Mizo Customary Law* Chang 36(1), a legally and socially sanctioned marriage is ‘Between a man and a woman that is regulated by Mizo customary laws, rules and beliefs. The custom involves negotiations from both the parties through mediators called *Palai* (negotiator) including payment of the brideprice, and it should be conducted by any authorised person’. The “authorised” person can be appointed by the government or by any authority. Brideprice is recorded in writing; it shall contain the signature of witnesses. A sample of Brideprice form is enclosed in the *Mizo Hnam Dan* (See Appendix III). However, there is no marriage registration form given or mentioned. The question remains whether the Mizo customary laws of marriage requires registration, if so, it is uncertain as it did not mention where and how. It remains very vague as ‘there is no indication of who the “authorized” person is and who or where registration of marriage should be done’ (Pautu 2006:21). At present, the marriage register of the church seems to be the only place where marriages are registered. And the question of whether church registration does have legal sanctity is questionable. The relationship between customary laws and church laws is complicated.

**Church Law**

After the coming of Christianity into Mizoram, the church became the most powerful institution in Mizo society. Mizo society has undergone several changes. One of them is the Mizo custom of marriage which was seen as civil-contract is now coupled with religious duty. There is compromising between the indigenous process and Christian method. Now, it is often branded as ‘Christianization of the Mizo Marriage Custom’ (Sangkhuma 2002) (See Appendix I). According to Christian views, marriage is considered as a religious sacrament in which man and woman are bound in a permanent relationship for physical, social and spiritual proposes. Marriage is considered as a sacred unity of two people, to pursue their interests, and of course, to reproduce human race. The Presbyterian Church of Mizoram (largest denomination) has certain rules and regulation concerning marriage, including restrictions on those who can and cannot get married.

The Presbyterian Church in Mizoram has complete control over its members. For instance, Special Marriage Act, 1954 and Indian Christian Marriage Act, 1872 are not
recognised by Presbyterian Church. The Church rules and regulations states that, if members of church decide to get married under Christian Marriage Act, they should first seek the church’s permission. According to the *Nupa Chungchang Dan* (2006) or (Rules and Regulations Concerning Marriage) published by Mizoram Presbyterian Church, if a couple get married without church’s permission, the church will take action. Special Marriage Act is considered “marriage according to the world’s law” and action would be taken (2006: 39-40).

In Mizoram, majority of the people prefer to marry according to Mizo customary laws but have it solemnized in the church as it is considered the ideal place for marriage. In the initial stage there was an attempt from the church that the practice of brideprice should be put to an end as it was against the Christian beliefs. As such, in the year 1910, the Presbyterian Church decided that the church should abolish brideprice. However, this did not have much impact on society as till today the giving of brideprice is still practiced, and is still central to the Mizo marriage (Pautu 2006; Sangkima 2004). The influence of Christianity in Mizo society is enormous, though Mizo customary law is used for marriage, the roles and responsibilities attributed to marriage are based on Christian ideology.

There is a distinction made between the legal marriage and an illegal union. In legal marriage, the children born are given definite “legitimate” status in the society. This is in contrast with Chatterji’s argument; she states that the Mizo social customs protects children who are born out of wedlock (1975). Also, based on the study, to a large extent parent’s marriage status do determine the social rights and legitimacy of the children. As discussed earlier, Bell (1997) argued that marriage should not be defined on the basis of the legitimacy of the children and he pointed out that in United States, though the children of never-married mothers are considered “illegitimate” in customary speech, but they have the citizenship rights of children, rights to the support of their father (and to his legacy if he dies intestate), and other rights. This does not require marriage to the mother. He argued, in such society, legal fatherhood with rights and responsibilities does not necessarily demand a relationship with the mother.

However, in Mizo society, the case of illegitimate child is more complicated as an illegitimate child is never a man’s problem. A woman with *Sawn* is considered as an outcast by the society; suffers severe image damage which destroys her future prospects. Men are never blamed nor made to suffer and they hardly take any responsibility. The children of such
“women” often results in different treatment which can sometimes be considered as discriminating. One of my respondents, who is also an illegitimate child says, ‘It was very difficult growing up as Sawn, though the Mizo society is tolerant towards such children, I often faced certain kind of discriminations, but I do not want to disclose in details’. There is also a tendency to assume that children born out of “proper” Christian family has more values than compared with Sawn.

To sum up, we may say that Hendrix’s definition of marriage is applicable to Mizo society. Marriage involves a series of transactions and formalities in which the kin of both the families are involved, such as, 1) a sexual relationship that is socially approved, 2) reproduction of children socially approved, 3) economic co-operation and sharing, 4) co-residence of spouses, 5) expected duration for some years, at least, 6) a ritual or transaction marking entrance to marriage (Hendrix 2003: 74). In other words, marriage is generally accepted as the formal union of a man and woman, legally recognized by law, by which they become husband and wife in order to have legitimate children; one has to go through prescribed customary rituals which will enable him/her to claim the children as their own.

Overall, marriage is considered as an important institution in which the foundation of society lies upon. It is the union between two individuals for social and religious relationship, and of course to reproduce human race. There are many reasons why people choose to marry such as: legal, social, economic, religious and even emotional. Some people marry out of family obligations. The act of marriage provides legal obligations between two individuals involved. Marriage is usually recognised by the state, a religious authority, or both. The system of marriage varies from one society to another. But, in all given society, marriage is expected to be legally recognized (Hendrix: 2003).

The Gendered Subtext

Women are expected to be a good wife, hardworking and have a total loyalty towards their husband. Even after the death of her husband, she is expected to fulfil her roles and responsibilities (Pautu: 2006). The customary law Clause (66) explains ‘Inkaichhuak’ which means that a widow who remain chaste after the death of her husband, at the end of three months her family can come and take her back. Since she has not violated any rule she can get married and would not be considered as Uire- an adulterer. However, if a wife wants to remain in her ex-husband’s household, resume her duty and fulfil her responsibilities, she
can occupy the main bed  

**Khumpui** and resume her ex-husband’s position. Such women can claim their daughter’s brideprice and will even get **Pusum** when their grand-daughters get married. The customary law said “these women are considered in Mizo society as the “real” women, who are faithful and chaste. However, if she had any sexual relations with other men, she would be considered as committing adultery.

The Mizo customary law of marriage, which concern women, includes **Man Kiam theih Chin**—this means, women whose brideprice is cheaper than others; those are **Lamthlang rapthla**—widow, **Hringkir**—Divorced woman- childless woman (e.g. mis-carriage a child) thus goes back to her father’s house, and **Lenglekh**—Married women without a child. The Mizo Customary Law also gives certain responsibility to man to do what is expected of him with regards to women. For instance the custom of **Sebomawh** is a form of insurance to save people from being defrauded especially a girl. **Sebomawh** is paid when unmarried couple had a child and decide to get married eventually; the husband has to pay **Sebomawh** if the **Sawnman** has been paid. **Hmei** or concubine is not prohibited legally. The customary law states that, Clause (66) ‘When a married man, cohabits with other woman who is not his wife, she is called **Hmei**, which is considered as an inappropriate behaviour’. The Customary law does not extend any kind of punishments or strictly prohibits, but merely states that it is not a good conduct.

In Mizo society, women’s contribution towards family’s economy is very important. It is the fact that when marriage happens, she should contribute more to her in-law’s family instead of being a burden to the family. In tradition Mizo society, they were very careful in choosing a wife. A mate selection rather operates like a market, and the rules of selection determine the forms of exchange between partner and their household. C.L Hminga (1987) pointed out how the boy’s family investigates the girl they are supposed to marry, they will even inquire such as: whether she has any history of illness in her family, whether she can reproduce, is hard-working and healthy. In a stereotypical sense “healthy women” were preferred because of the heavy nature of work that is involved in Mizo society.

The Mizo customary law of marriage does not explicitly give any provision to women’s welfare. Some of the provisions related to women are not actually intended for women’s welfare rather it is to ensure the role of the husband as ‘protector’ and ‘provider’. The customary law talks about **Nupui Pawi Khawih**—this particular custom covers all
“mischief’s” or “offences” committed by a married woman. The responsibility for a woman’s misdeeds is divided between her husband and her brothers and any compensation due to her for offences committed against her is also divided between her husband and her brothers according to the nature of the offence. This also signifies women are not seen as individuals rather they are defined by their marriage status. In the last part of Mizo customary law of marriage, it says that if a Mizo man marries a woman who is from other community (non-Mizo), the marriage should be conducted according to the Mizo customs. However, if a Mizo woman gets married to a non-Mizo man, she has to leave her family and community as she has joined other community.

Marriage is not only a matter for individuals; rather it is a matter of families. This can be seen in the fact that brideprice is paid to the bride’s father and relatives who are being favoured. Marriage is used as strengthening ties and kinship. The Mizo Customary Law explains the practice of brideprice as ‘brideprice should not be seen in the light of human value, rather it is the tool of keeping families together, strengthening kinship and relationship with relatives’. Relatives who receive portion of the brideprice also have the responsibility towards the bride not only for the wedding, but also, in case if she is divorced by her husband, they are expected to help her.

**Family**

In order to understand the type and forms of family, we will look at some of the basic definitions of type of family. The Oxford Dictionary of Sociology mentioned three types of family such as: 1) Nuclear family- the term nuclear family is used to refer to a unit consisting of spouses and their dependent children. 2) Conjugal family- refers to a family system of spouses and their dependent children. In such system, because the social emphasis is placed primarily on the marital relationship, families are relatively independent of the wider kinship network. Because of the high rates of divorce, conjugal family has come increasingly to be applied also to partners who are in long term relationship, but who are not actually married. 3) Extended family- this term refers to a family system in which several generations live in one household (Marshall 1994:221).

D.N.Majumdar and T.N Madan have pointed out different forms and types of family in India. They asserted that, the type of family which is more familiar with our own society is a nucleus or spouse and their offspring surrounded by a fringe of relatives called conjugal family and is found among many tribes like the Kharia’. There are also other types of
families such as: *polygynous families* where a man marries more than one wife, a ‘common’ marital arrangements all over tribal India. And there are also *polyandrous families* in which the husbands are more than one (i.e. among the Khasa of Juansar Bawar, U.P where several brothers marry one wife without any exclusive right of cohabitation for any one spouse). There is also the joint system family, so very “prevalent in India, hedged in and sanctioned by tradition, history, pseudo-history, myths and religion”. Joint family is a collection of more than one primary family, on the basis of close bond ties and common residence. There can be two types of joint family, the ‘matrilocal joint family’ like that of the Nayar community and the ‘patrilocal joint family’ practiced in central India and all Hindus (1985:48)²

Majumdar and Madan argued that family is not to be solely defined with reference to men’s biological nature. They see family as a functional unit, functional in the sense that ‘It grows out of biological needs, particularly those of the expectant mother and the infant child, who cannot support and live by themselves’ (1985:45). They pointed out that, family as an economic unit has a personal and collective aspect. The family as an association can be regarded as ‘universal and permanent institutions of mankind’. According to Majumdar and Madan, it is the expectant mother and infant who require familial protection most (47). Majumdar and Madan analysis of family is based upon patriarchal understanding of family, which is also similar to the structural functionalists view which I have discussed earlier. This view suggests that women and child need protection, therefore, family is required. However, it left out men’s sexual desire and other societal need which are important traits of family.

**Mizo Society**

As discussed earlier, Mizo society is highly influenced by Christianity. Majority of the Mizo people will say that Christianity enhanced marriage institution and family. E.J Thomas (1993:14) points out; the patrilineal Mizo family is nuclear in structure with husband, wife and children, mainly girls as its constituents. The youngest son is expected to

² Patricia Uberoi (2004:276) argued that, the concept of the “Indian joint family” was the ‘Product of the engagement of British colonial administration with indigenous systems of kinship and marriage, notably with respect to the determination of rights in property and responsibility for revenue payment’. She points out, the British while trying to understand the principles of Indian legal systems, they turned to Hindu sacred texts, the Dharmashahtras, and for the Muslim population they turned to the Shariat the rulings of Muslim legalists. This approach which is later termed as “Indological” approach to Indian family studies confirmed the ’joint family; as the typical and traditional form of family in India.
stay with parents and look after the parents. In tradition Mizo society, family structure was based on division of labour focusing mainly on the basis of the sex rather than the skills of the individuals concerned. For instance, household chores are exclusively performed by women whereas men engaged themselves outside the household.

Family acts simultaneously as an educative unit and a socio-cultural agency. Family is used as educational institution, the agency through which the “impressionable rising generations is made familiar with tradition”. Most children get their first education in the family, in tribal societies such as the Naga, the Munda, the Oraon and the majority of the Gond, who have the dormitory institution, which might be regarded as an institution for imparted education (Majumdar and Madan 1985). The traditional Mizo society also has dormitory called Zawlbuk, but it was only meant for male members, boys were taught how to fight battle, how to live as ‘Mizo men’. It was indeed an institution which was purely based on men and celebrates male’s supremacy. In modern times, dormitory no longer exists in Mizo society.

Church View on Family

After the establishment of churches in Mizoram, family also underwent certain changes. Christianity is seen as a positive influence on family, it is believed that Christian ideology brought about positive family values. The Presbyterian church, the largest denomination in Mizoram have published books and articles on the importance of family and what constitutes a good relationship, and how to have a good and loving relationship with partners. Other denominations like Baptist Church of Mizoram, Evangelical Church of Mizoram etc have also stressed the value of the Christian family. As a member of the churches in Mizoram, I noted that the importance of building Christian family is one of the most discussed topics in the church, and it is considered one of the most important teachings that are constantly given to Mizo Christian youths. Majority of the Mizo highly considered Christianity as the driving force of the marriage. Marriage with other religious followers or sometimes labelled as “non-believer” is considered inappropriate.

Chhungkua (The Ecumenical Decade Paper, 1990), published by the Presbyterian church of Mizoram contains important suggestions and church concerns for marriage. The book points out the importance of marriage and how family should be built upon Christian ideology. The book also quoted several verses from Bible, and explains the role of men and
women within the family. The book states, as the Bible is written from the tribe (Hebrew) which emphasise on the supremacy of the male, as a Christian, men and women should be viewed as equal, to strengthen their point Bible verses such as Galatia. 3:26-28 and the book of Rome 15:2 (New Testament) are mentioned.

Though we believe that no one is greater (i.e men greater than women –vice-versa), this does not indicates that men and women are equal, men are women are given separate role by creator (God). Male are stronger, tougher and more capable, we are given the task of leadership, protector, breadwinner and provider. As for women, as they are the weaker sex, they are given the task of bearing and looking after the child, and since they are created as weaker they should be submissive and should be under the guidance/guardian of male. This does not mean that men and women are unequal, rather this is complimentary and good for the relationship (1990:26) (translated from Mizo).

The above statement reflects the notion of men and women in social life as well as within the family. Patriarchal ideology is deeply rooted in building the family. The church promotes women’s submissive role and men’s supremacy as beneficial for the society and family! This indicates that anyone who questions this view would be branded as a threat to the ‘smooth functioning’ of the Mizo society.

**Role of “Husband” & “Wife”**

Roles and responsibilities attributed to women and men are socially and culturally constructed. Women are the defined “weaker” sex, and they are being exploited by the “stronger” male. Bhasin (2000:32) thus pointed out that, ‘Different tasks and responsibilities are assigned to girls and boys, women and men according to their sex-gender roles, and not necessarily according to their individual preference or capabilities’. What it indicates is that men are often placed in the public sphere while women are confined to the private. This means that men are considered as the breadwinner and therefore they are assigned a role outside the household domain, whereas women’s primary duty is confined to household tasks. Women are expected to remain in the private sphere while men function in the public. This distinction between “public” and “private” enhanced more opportunities for men whereas women’s roles and functions are limited. Gender is constructed by culture and society. To be viewed as “gender appropriate” one must follow the norms applicable to one’s sex.

Even in Mizo society, the stereotyped gender roles and responsibilities are visible in all levels of society. Even among the educated and well to do class-gender inequality still prevails and majority believe that it is natural, and majority of women in her study consider
Men as the head of the family and women as “supporter” of the husband. It is always the case that for women family always comes before her career (Sawmveli 2005:110). It is very common for women to give up their job and career so that they can fulfil what is expected of her. But this is not to say that women are forced to give up their career, some women are forced and some gave up willingly. One of my respondents, who is one of the first Mizo women with an M.A degree, gave up her career, according to her,

*I had to give up my career because of my children and also because my husband (IAS officer) was transferred to different places. At that time, I did not pay much thought and thinking that I will not regret later. But now, when I think about it, sometimes I say to myself- I should have kept my job, there are lots of women who are working with pay job and look after the family. But I was young, and in those days, women were mostly confined in the household chores and look after the family. I was totally submitting to my husband. Actually my husband did not even ask me to give up my job, it was my decision, I thought as a woman that what I was supposed to do. I had to give up my career because of my children and also because of my husband. I was totally submitting to my husband. Actually my husband did not even ask me to give up my job, it was my decision, I thought as a woman that what I was supposed to do. I had to give up my career because of my children and also because of my husband.*

Since the social norms prescribe marriage for the continuation of the family, individuals must abide with them. Biological difference is universally popular, and it is an essentialist explanation for their difference, but the gendered behaviour labelled as “masculine” or “feminine”, “wife”, “husband” vary from one culture to another. A married women’s role is important in perpetuating the continuation of the family and society. She is required to enter the marriage institution as deemed by traditions and norms. The importance of women as producers of goods and children is a factor in promoting a more complete institutionalization of marriage. Social support and rights allocated to husband and wife is different, the social support that defines the rights of husband overwhelms women’s rights.

In Mizo society, the pressure for marriage is very strong, single mothers and un-married women sometimes become the jokes of the town. When compared to un-married women, a married woman in Mizo society is more respected, as she fulfils her duty as a “woman”. The Mizo defines women by her marriage. In contemporary Mizo society, due to external forces such as modernization which includes western education, a Mizo woman now has more options compared to older generations. Sangkhumi said that ‘The perception on single women also is not as hard as it used to be but, still it is good that a woman should get married’. Widows are especially one of the major victims in the Mizo society; they are sometimes labelled with different names, making fun of them and are seen as “incomplete”
(Denghmingliani 1998). The larger population sees women’s ultimate role as a mother and a wife. Marriage is seen as a place where a woman gets security, stability and also livelihood where she is provided by the husband-who is considered the “provider”. It is very common in Mizo society to find women giving up their career so that they can maintain their household. As one MHIP leader said to me “No matter what qualification she has, how successful she is, as long as she did not look after the family I considered her a failure’.

Christianity is known for its patriarchal ideology which considers men as superior to women. The biblical right of married women is one that includes endless discrimination and women were even considered as part of the husband’s property (Levine 1997). This notion of Christian patriarchal mindset is endorsed by majority of Mizo Christian population. Married women’s role and responsibilities are clearly marked and divided. The Mizo customary practices view men as the head of the family. My female respondents also used to quote Bible to justify male’s superior position, a female respondent and also leader of MHIP and member of the Committee on Mizo Customary Laws says, ‘As we see in the Bible- 1 Corinthians 11:3, the head of every man is Christ and the head of a woman is man. Therefore, we should not challenge male authority or try to rule over them’

In Mizoram, Christianity is very influential in marking gender roles and responsibilities. The church plays important roles in the marriage system and also within the marriage institution. Within the institution of marriage absolute authority of the male is justified and legitimised by cultural practices and religious texts. Being a Christian woman is very important, and she must obey her husband in accordance with the Christian ideology. This is also the extension of the traditional role of Mizo women, who were never allowed to participate in village administration, religious ceremony and they were even restricted to have a say in the family decision making. Her freedom is restricted as she has to live accordingly as her husband’s wishes.

Widows are especially one of the major victims in the Mizo society; they were labeled different names, made fun of and were seen as ‘incomplete’ (Denghmingliani (1998). Today, there are men and women who remain single by choice or other circumstances. Sawmveli (2005) in her study on Christianity and Gender: A Study of Protestant Mizos pointed out, most Mizo Christians consider marriage as a religious sacrament, and people have a deep concern about marriage. In Mizoram marriage is considered as the most important institution of a permanent relationship between a man and a woman. Its aim is not merely physical
pleasure but spiritual advancement. For instance, missionaries and pastors are encouraged to get married as they need support for their mission works and a wife would help a priest spiritually and physically.

Though traditional views on single women have changed to certain extent, majority of the people still consider marriage as the ultimate destination for women- where a woman gets security. Therefore, the decision taken by many people is rational rather than romantic. Marriage is an obligation, in the sense that women and men feel obliged to get married in order to attain what they desire. Compared to the traditional views, women now have more options and freedom whether to get married or stay single. But overall, the societal norms are still there. Single women are viewed upon as one who has “failed” her “duty”, and married women are relatively viewed as enjoying “better” status (Sawmveli 2005:91-93).

**Religious Ideology and the Legitimization of Gender Inequality**

According to Christian ideology, within the marriage institution, the role of male as a bread winner is glorified, while a woman’s role as wife is appreciated as long as she fulfils her “duties”. Motherhood is glorified and is considered as the most important role for women. Some may say that this indicates the value and significance of women’s role while some may argue that it is just a way of perpetuating male’s domination. Christianity specifies the role of motherhood, gender roles and relations that are clearly given within marriage. As marriage is considered secure, concrete and important sacrament more for female, it is a common belief that every woman should get married once they are of the age. To what extent a marriage can fulfil these aspirations is left to the goodwill of individual husbands. A little girl would be taught by her mother to be obedient and perform household duty so that she could be a blessing to her husband-to-be.

The distinct role given to women is much lower than of men, and this is always considered as natural. Karl Berth, one of the most influential theologians in the 18th century has the opinion that, God created humans of two kinds, wanting us to understand the sexual differentiation is the most basic of all human distinctions. He further cited that it is part of our “vocation” to preserve the differences of masculinity and femininity. He criticizes all those attempts to overcome those borders. He says man is the initiator while woman is the follower, man is A and woman is B, he quotes Ephesians chapter with 5:22-24 which says that, wives should submit to their husbands as they are the “head” of the family, and the head of man is
Christ. And this is relevant in the context of the present study; to try to overcome one’s accorded gender roles would only mean challenging “nature’s order”. So, rather the common notion is that difference between the sexes ought to be viewed as complementary. As Menon (2004:85) said, Church’s coercive to such tendencies is based on “Biblical Vision” and the “collaboration of men and women” which affirms the differences between the sexes ought to be viewed as complementary rather than competitive or contradictory”

Religious legitimization of the male’s authority has further impact even in society, as Collins (1979:246-47) has pointed out “the worst result is the internalization by many women of their own inferiority to men. This limits their life options and their potential, so that they can see themselves as baking cakes for the women’s society but not as the head of the boards of trustees or the council on ministries”. They themselves see male as the proper inheritor of power and economic resources. As studies have pointed out, in most cases, Mizo women used to justify their lower position by quoting certain texts from the Bible (Thomas 1993). The sanctity of marriage makes divorce a rather difficult entity.