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Customary Law and Customary Practice: Changkija's Criticism of the 'Customary' in Relation to Gendered Experiences

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Monalisa Changkija interrogates two significant aspects of the 'customary'; as law grounded in jurisprudence/justiciability in the court and as practice grounded in tradition/tribal belief systems. Within the Naga context in which she writes and speaks, these aspects of 'customary' structure both the village and worldview. This article explores the political functions of the 'customary,' which regulate the life and living of women, and often subjects them to various forms of disenfranchisement and discrimination. The regulation of the state/village is androcentric and justified through what is, or is not, considered 'customary,' restricting women both at the levels of decision-making and political participation. Changkija views such injustices as political, reflecting systemic gender discrimination and violence in society, and personal, as a woman victimized by these laws and practices which are 'customary.' Such blurring of a strict distinction between the 'political' and 'personal' in Changkija's criticism is discussed through feminist approaches in the investigation of Naga laws and practices. Employing a feminist approach to politics, this article argues that, by drawing attention to the political function of custom, Changkija contributes to theorizing the diverse forces that constitute and shape politics and political participation. It further argues that the difference between customary law and practice is determinable in Changkija's writing, and comprises multiple sites of women's victimization, which Changkija gives the name 'customary victimization.' I argue that these aspects of the 'customary' produce both gender constructions and gendered experiences, which are central to Changkija's criticism.

1. Introduction

Enquiries into the 'customary' are ever-expanding beyond the two usages discussed in this article, namely customary law and customary practice. Nevertheless, these two distinctions are central to the argument, which concerns gendered experiences implicated in both the law and practice. This article draws on Monalisa Changkija's conception of the 'customary victimization of women' in Naga society, a victimization she experienced and narrated through a public speech during the publication of her book *Middles* (Changkija, 2018a). This article argues that this form of victimization is evidenced at both levels of customary law and customary practice. Monalisa Changkija is a poet and veteran journalist based in Nagaland, India. She is also the founder and editor of the English language daily *Nagaland Page*. From the newspaper's inception in 1999, until its closure in 2024, Changkija remained the only woman editor, proprietor, and publisher of a newspaper in not only Nagaland but the entire Northeast of India (Kurmi, 2025; *Newslaundry*, 2025).[1] She is known for her strong views against injustices in the social, political, economic, and cultural systems of Naga society. This article focuses on her concept of 'customary victimization' as well as her experiences of this form of victimization, which are closely tied to the politics of 'customary'.

Changkija is important to the discussion for the various ways in which her speeches and writings on customary victimization substantiate my arguments on the differences and overlapping features of customary law and customary practice. The article theorizes the politics of the 'customary' through an examination of the speech and writings of Changkija. Employing a feminist approach to politics, this article further argues that, by drawing attention to the political function of custom, Changkija contributes to theorizing the diverse forces that constitute and shape politics and the political participation of women. Following Changkija, this article focuses on the subjugated standpoint and situated knowledges (Haraway, 1988) of Naga women. However, the gendering of experiences that occurs in this context, as discussed in this article, may have parallels with the experiences of women in different cultures and societies.

2. Defining 'Naga' and the *Ura*

The Nagas are an indigenous group of tribes, mainly inhabiting the Northeast Indian states of Nagaland, Arunachal Pradesh, Assam, and Manipur, as well as Myanmar. Both Naga identity and territories are contested across these boundaries, not only in India but

[1] There are some few women newspaper editors in the Northeast of India, but they are not founders of the newspaper. Changkija as the only founder, editor and proprietor of an English newspaper in the Northeast of India is documented in various biographical notes on Changkija, such as found in her books *Cogitating for a Better Deal* (2014) and *Monsoon Mourning* (2013).

also transnationally. The context, usage and meaning of Naga is, likewise, varied and vast. In this article, the term 'Naga' is used to refer variously to a collective of people, the village or state and worldview, including laws and practices. At the same time, it may refer to the individual tribes within the collective, such as the Ao-Naga, Chakhesang-Naga, Phom-Naga, etc. There is also an understanding of a Naga that is sub-divided within their tribes and villages. The discussion of the customary law and practice in this article has various renderings of such usages of the word 'Naga.' This is evidenced in the discussions of specific tribal laws, such as Ao customary law, as well as in general usage, such as Naga customary law, referring to any laws which are Naga's. 'Naga', then, has multiple meanings, and might be considered 'polynomic'. The idea of polynomia is conceptualized by Shaj Mohan and Divya Dwivedi (2019) from the Greek *poly* (many) and *nomos* (law). Beyond this etymological meaning and its interpretation as merely 'multiple laws,' Mohan and Dwivedi theorize polynomia as being reflected in language where no single law manifests one word or the arrangement of the sound. The inference is that of complex determinations of a single word, or of multiple regularities (or laws) to the very word (or object). The 'laws' are moreover actively performing multiple functions and, therefore, resist 'functional isolation', which refers to cases in which 'laws' would be passive and perform one function, at best (Mohan and Dwivedi, 2019: 77). The usage of 'Naga,' here, is similarly polynomial, where multiple tribes and sub-tribes, languages and sub-languages, religions, practices and laws belong to the word 'Naga'. In other words, as Mohan and Dwivedi described, there is a propelling toward 'great speeds and distances' in its very usage (77). It may further be noted that Monalisa Changkija, the writer and thinker in focus, often critiques the 'customary' within a specific Naga context, such as the Ao law or Ao tribe. However, even in such cases, it may be compared with the larger context, such as Naga laws or Naga tribes, since her criticism concerns the Naga woman/women whose gendered experiences are comparable with women across different Naga tribal laws and practices. Therefore, even in Changkija's criticism, polynomia is at play, given that the reference to 'Naga' may refer at some point to the Ao tribe, and at other instances, it may refer to the Naga in a larger context, whether or not it may include the Ao tribe.

In analyzing the Naga, the 'state' may refer to both the territorial demarcations of a political state, and community affairs, such as village politics, power centers, governance and the public sphere. The interpretation of law, or customs, thus, reflects the practices of a community. This interpretive approach reflects community practices, as Porter (2007) argued, in order to have a purchase on that community. Jelle J.P. Wouters (2022) appropriates the Greek *polis* in order to conceptualize the '*Nagapolis*' or the 'Naga kin universe' (19). Wouters observes the Nagas's endless invocation of the 'village republic' in any discourse on the Naga sovereign state (25). In this republic,

the village and the worldview have a common lexis, which in the Chokri language is the *Ura*.[2] The *Ura*, which means 'our village' or 'our land,' is defined not merely by its spatial implication, but by the notion of a place where a worldview is further realized. The *Ura* is considered as the root of Naga philosophy, and 'the place of one's spiritual and cultural heritage' (Sanyü, 2010: 55).[3] It is within this context that notions of 'customary' are established and perpetuated which make any engagement with Naga laws and practices a politics of its own. The politics of 'customary' are discussed in this article, drawing on feminist scholarship and inspired by Changkija's criticism of the customary victimization of women. The article argues that Changkija's articulation creates new possibilities for theorizing politics, not only with what may be 'customary,' but also with what may be appropriations of what is 'customary.'

3. Feminist Theory and Politics

The study of Naga women in this article develops from a specific kind of women discrimination which is affected at the level of discriminatory practices evidenced in both the Naga customary law and customary practice, which Monalisa Changkija (2018b) referred to as the 'customary victimization' of women. I discuss this concept by relating it to feminist theories on gender discrimination and politics, since this form of victimization affects women's political participation, their decision-making power and their autonomy in politics and the public sphere. In making a feminist critique on the public sphere and the various kinds of discrimination women face in politics, I refer to Seyla Benhabib's discussion of the agonistic and associational models of envisioning the public sphere, as found in Arendt's political philosophy while discussing visions of liberation in human relations and transformations in public life. Benhabib (1993) asserts the need for a feminist critique to consider the agonal concept of public space as one based on collaboration, where 'men act together in concert,' against the competitive agonistic view, where one 'competes for recognition, precedence, and acclaim' (102). Such agonal model of reimagining the public is evidenced in Changkija's criticism, which I argue is found in her call for dialogic action from the Nagas and affecting discourses for gender justice in the society.

Feminist criticism in various indigenous and tribal customs shows different levels of gender discrimination within the customs. Temsula Ao (2014a) shows how both

[2] Chokri is the language of one of the sub-groups of the Chakhesang Naga tribe. The same word and meaning for *Ura* is also used in the language of the Angami Naga tribe.

[3] Visier Sanyü points out to how the *Ura* has the same meaning and philosophy among various Naga tribes and languages. For example, the Ao tribe called the *Ura* as *Yim*, the Mao as *Eneu*, the Rengma as *Rünyü*, etc. For details, refer to Sanyü (2010).

customary law and practice distinguish between men and women, and how customary law perpetuates the social and political disqualification of women in the traditional Ao-Naga society. Similar critique of discriminatory customary laws is evident in Susan H. Williams (2011), who takes the Liberian example to show how many tribal groups in Liberia suffer from gender discriminatory practices which form a part of their customary law. Muna Ndulo (2011) argued that discrimination against women is legitimized by the African customary law, particularly, personal law. Changkija's criticism of customs are argued alongside such experiences of women discrimination by, and in, customs. The argument that her writings are both political and personal emanates from such shared experiences of customary victimization of women in various places and spaces. In analyzing such views on customary laws and gendered experiences in various contexts, this feminist critique is also drawn from arguments on the nature of the law being dynamic or 'living'. Such arguments often lead to deconstructive approaches toward the laws. Anthony C. Diala (2017) discusses how the study of gender-based discrimination is instrumental in the deconstruction of customary law. In cognizance to such deconstructive approach, I argue how addressing the customary victimization of women may help in the deconstruction, or re-construction, of the customary law of the Nagas.

The deep patriarchal structuring of Naga society not only reveal male dominance in society but also the deprivation of inheritance rights, restriction of women in politics and the denial of decision-making power. Apart from the challenges to such systems of societal ordering and practice, which I discuss in Changkija's works, Temsula Ao's (2014) critique of social exclusion of women also substantiate the argument that certain aspects of customary laws are discriminatory against women. Moreover, such feminist critique reflects the ways in which notions of citizenship are informed by patriarchy and androcentric customs. Feminist theory and criticism have shown histories of oppression against women across societies when it comes to any discussion on patriarchy. Similarly, Alison M. Jaggar (2005) argues that citizenship in 'Western history' is 'gendered masculine' and the relationships between citizens are 'conceived as fraternal bonds' (92). While the Naga patriarchal history, with all its customary victimization of women, may produce different experiences of gender discrimination, I argue that the study of patriarchy and feminist politics in Naga context also yields comparable views of citizenship, as Jaggar pointed out.

I also draw from various feminist theory in analyzing how the practice and notion of 'customary' is political. Temsula Ao (2014b) argues that the political participation and representation of Naga women is nominal, despite the presence of women in electoral politics. The relegation of women in society and the unequal treatment of women are seen as consequences of such exclusionary practices in the society. I therefore

argue the need for gender justice and equal participation in this context alongside Nancy Fraser's theory of participatory parity against androcentrism. Fraser (2007) argued for a 'bifocal vision' in feminist politics which must include both recognition and distributive justice (33). I read such approaches to feminist politics against what Temsula Ao (2014b) considers as nominal representation in Naga politics and decision-making bodies. Further, I place the Naga women as the center of emphasis, by following the feminist approach of taking the subjugated standpoint and focusing on 'situated knowledges' (Haraway, 1988).

4. The Two Facets of 'Customary' and the Question of (In)Separability

Both customary law and customary practice have their etymological derivation from the word 'custom', and may form a part of custom. However, in this article, I argue that despite their derivatives from custom, customary law and customary practice are two distinct aspects of customs, with differential ways of perpetuating gender inequality and injustices. The difference between customary law and customary practice may be understood through semantic variations based on their grounding principles. The customary laws of the Nagas are framed through the 'law of the land' and function through the legal philosophy of the people through, for example, laws of inheritance, decision-making rights, and levying fines. Customary practice, on the other hand, is grounded in tradition and belief systems, such as gendered divisions of labor, festivals, traditional attires, etc. This foundational distinction between the law and practice comprise the two facets of 'customary' in this article. This distinction demonstrates an ordering of the community through two different operating systems, though not necessarily limited to only these two systems.

While I argue that customary law and customary practice are distinct from each other, I also argue that, in certain instances, the two may be related and inseparable. This complex relation between law and practice can be addressed by discussing how or where they overlap with each other. The relation between custom and law is often ascertained by originary arguments of precedence of the one from the other. James Bernard Murphy (2007) examines such arguments to the precedence of law or practice while interpreting Aristotle's view of custom as both *ethos* (customary habit) and *nomos* (customary convention) with its semantic variations. With cognizance to the overlaps in Aristotelian distinction, Murphy distinguished between an interchangeable 'habitual conventions' and 'conventionalized habits.' Similar considerations to varying degrees of customs may be applied to understanding 'customary' in the Naga context, where the discussion between *ethos* and *nomos* may be used interchangeably with practices and laws, alongside their overlapping features.

Customary laws are often understood to derive from customs that precede them, such as the practices within a traditional or indigenous society. These laws are largely viewed, read, or understood as derived from 'custom/s' and therefore, merely custom. It is often erroneously thought that they are not laws in the same sense as one would have thought of written statutes, with their nature of legality or justiciability. Mattias Ahrén (2004) writes against such misconceptions, arguing that there is no significant distinction between indigenous customary law and state statutory laws, except that customary law is more closely attached to a people's culture. Ahrén's point is that one law is not subordinate to the other. In the same vein, Naga customary law has its own jurisprudence that distinguishes it from what may be misconstrued as simply traditional belief, which I have ascribed to customary practice. This affirms Brendan Tobin's (2014) assertion against the claims of its subordination or inferiority to other laws, and his argument that customary law is not only law in itself, but is also essential to the indigenous legal regime. Further, in arguing for the distinction between customary laws and practices, I not only assert a special place for customary law in discourses around the 'customary', but also challenge viewpoints that treat customary laws as mere customs of indigenous people, and thus, without an independent judiciary or a judicial system. Such recognition of customary laws as independent judiciary of the indigenous people further enables a better understanding of the demands for reforms within the law and the enactment of provisions against the discrimination of women, even without external intervention. Moreover, the fact that indigenous laws are independent legal systems also suggest that women's rights can be ensured within the customary law itself.

In Naga society, each tribe implements its own tribal laws and practices. This attests to a polynomic Naga, where multiple laws are at work in different Naga contexts, and these laws are not 'functionally isolated' (Mohan and Dwivedi, 2019).[4] The polynomiality, or resistance to functional isolation, of a tribal law in the Naga context may be understood when viewing a particular tribe's law as a Naga law. For example, while one may differentiate between tribes (such as Ao, Chakhesang, Phom, Yimchunger, etc.), one cannot separate the tribe from being Naga (a Naga tribe).[5]

[4] Mohan and Dwivedi (2019) conceptualize polynomia and its resistance to functional isolation while critiquing the hypophysics of M.K. Gandhi, in *Gandhi and Philosophy: On Theological Anti-Politics*. They theorize the mind's ability for multiple regulations and its tendency to create new laws, which they see as the stumbling block to Gandhi's hypophysics, and which Gandhi resisted in the making of the *satyagrahi*. While my arguments differ from this context, I found their concepts, here, polynomia and its opposition to functional isolation, pertinent and useful to my own theorization of the multiple identities and laws that are contained within the single word/entity that is 'Naga'.

[5] The actual number of Naga tribes is not known to date. There are various assumptions and attempts made to ascertain how many tribes exists, or existed. One of the most reliable sources is the list brought out by the Naga Hoho, listed in the 'White Paper on Naga Integration,' which identified 66 Naga tribes from India and Myanmar. It is hinted that there may be some tribes missing in this list.

Similarly, while customary law and practice are different from each other, they are inherently Naga. This does not entail that a Chakhesang customary law or practice may be the same as the Phom's. There are obvious variations, making it distinctly Chakhesang or distinctly Phom. These Naga tribes' folk songs, originary myths and lore, as well as their attires, food cultures, languages, religions, and political systems have distinct tribal mores. This may lead to the argument that reading a common Naga customary law or practice is not possible, or that a tribal law cannot be separable from their customary practice. However, the usage of 'Naga' to refer to the many laws and practices of such varied tribes can also converge, and justifies my arguments in relation to the Naga customary law and practice.

Customary law and customary practice cannot be easily separated, although they are separable in various counts. The question of separability or inseparability arises because of certain overlaps between the two usages of law and practice, such as between *nomos* and *ethos*, as Murphy (2007) observed in relation to 'habitual conventions' and 'conventionalized habits.' At the same time, the two forms of customary may be interchanged or distinguished by what they essentially entail, making one as law and the other as tradition practiced over time by the people. What is customary law may be customary practice, but in several instances, what is customary practice may not be customary law. For example, the customary law of being excommunicated from the village for thievery or murder may arise from the customary practices of communal living, whereas the customary practice of celebrating *Sükhrünyie* (the Chakhesang festival or ritual mainly for sanctification and preparation for becoming a warrior) is independent of the customary law.

Apart from the arguments of precedence of customary practices to customary laws, as we have discussed, customary laws are also said to enforce customary practice. Murphy (2007) brings into the dynamics of custom the question of its legal enforcement, making apparent the force of law in reinforcing, supplementing or suppressing custom. Law is, likewise, viewed as 'a remedy for the deficiencies of customs' (76). While customs and, therefore, customary practices, may be remedied by law, analyzing the 'deficiencies' in customary law (with regard to gender relations) adds another layer of remedial measures within the law itself. Such remedial relation of law to custom, and the nature of custom (or the customary) that can be remedied, is of importance rather than the distinction or claims of precedence of one over the other. The distinction is made, however, to show where and how customary victimization of women takes place both at the level of the laws and practices of the Nagas. Since the Naga identity and the tribe is polynomic, the various tribal laws and practices as 'Naga' enables a critique of exclusionary politics amongst multiple Nagas as similarly reinforced by each different

tribe's customary laws and practices. Further, the distinction between the law and practice of a particular tribe similarly makes for the possibility of critiquing other tribal laws and practices from one determining Naga, as well as in critiquing the 'customary' factor. This offers, in a sense, a critique of the polynomiality of tribal laws and practices that are considered Naga; a legislation of 'different regularities in the same object' (Mohan and Dwivedi, 2019: 77). A diagrammatic representation of the two facets of 'customary,' depicting the key differentiation between customary law and customary practice is depicted in **Figure 1**, where the inseparability of customary law and practice is represented by the dotted lines. The illustration is only a representation of the separability or inseparability between the law and practice as discussed in this article and is by no means an exhaustive depiction of the Naga customary laws and practices.

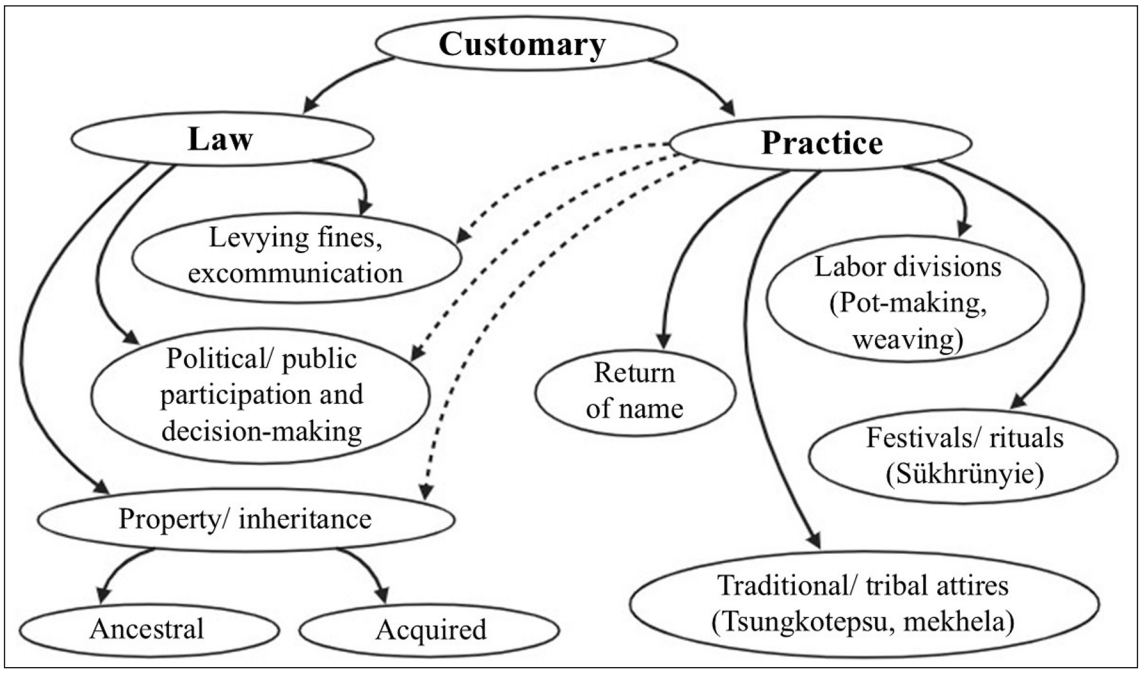

Figure 1: Two facets of 'Customary' (law and practice). The figure is an original illustration made by the author.

While customary law may be differentiated from customary practice, the two are inherently related. In this article, I argue that the interrelation is affected at both levels when considering the customary victimization of women. The study in this field is lacking, both in the literature by, and about, the Nagas. However insufficient the interrogation to date may be, both in the oral tradition and written literatures, customary law legitimizes the restriction, if not prohibition, of women in politics or any decision-making bodies responsible for the governance and maintenance of the community and its affairs.

Susan H. Williams (2011) argued that attention needs to be paid to the 'dynamics within the cultural community' and therefore emphasized the need for an internal critique in addressing gender discrimination especially legitimized by customary law (71–72). Taking the Liberian example, Williams also discussed how customary law includes various kinds of 'gender discriminatory practices' such as 'treatment of adult as minors, the inability of women to inherit property either from their fathers or their husbands, the tradition of levirate, polygeny, bride price, and female genital cutting,' which shows the discrimination of Liberian women in their customary laws (81). Similarly, Platteau, Camilotti and Auriol (2018) discuss 'women hurting customs' and argue that the eradication of such custom is made more difficult because of the people's 'strong feelings for identity' and the 'role of culture' (321). In addition to these, they also pointed out the 'strong determination of the local (religious) elite to maintain their political and patriarchal power,' showing how culture and cultural identity is strongly intertwined with, what they call, the 'game of local politics' (350). This further provides different contexts in understanding Changkija's assertion of how women face victimization based on what is considered as 'customary' which is closely tied to local or tribal politics. In line with the question of (in)separability between law and practice, I further examine how customary practice, like the customary law, perpetuates exclusive citizenry and the subordination of women. The study of gender-based discrimination is, in fact, considered instrumental in the deconstruction of customary law (Diala, 2007). By addressing the customary victimization of women in the Naga context, likewise, one may attempt to construct a deeper understanding of the relationship between Naga custom and politics.

4.1. Practice Aspect of Customary Victimization

Between the two facets of 'customary', I will first show how customary practice legitimizes gendered experiences, drawing on Changkija's criticism. Certain Naga customary practices perpetuate exclusionary politics through and in language, as well as through the imposition of traditional attire, and in the form of tribal taboos and belief systems. Changkija's critique on the problem of gendering may be gauged through her criticism on the various levels of differentiation between men and women in the Naga customs and society. With regard to their clothing, Changkija (2018b) writes thus, in her middle writing, 'But you don't look it':

> ...it is expected of us, especially women of certain age ~ married or single ~ to wear mekhelas to church, weddings and all kinds of formal, official and cultural events. That a lot of us refuse to do the 'expected things' increasingly portends that we are coming into our own now. But come to think of it, while talking about mekhelas, why isn't it expected of men to wear their traditional attires to church, weddings and all

> kinds of formal, official and cultural events? To me, this is certainly an inquiry that begs immediate attention! (26).

Changkija's observation reflects the politics of customary impositions on women. The *mekhela* is a traditional woven skirt wrapped around the waist, which only women wear. While women, 'especially women of certain age' (older), are expected to wear *mekhela* in any public appearances, the criticism is directed at men who, having come to don 'western' clothing, do not carry with them the same compliance to customary expectations and practices that women are subjected to. In a similar argument, Temsula Ao (2014a) discusses how distinctions between men and women's garments are 'fraught with semantic interpretation of the woman's inferiority.' In the Ao tribal instance, she writes:

> ...it is strictly prohibited for women to wear the distinctive Ao shawl known as 'Tsungkotepsu' or the warrior's shawl, because they are not entitled to public honor and fame. But on the other hand, for a man to touch, let alone wear, a woman's shawl or skirt is a matter of mortal shame and insult because it signifies emasculation. Even crafts like weaving and pot-making are taboo for men for the same reason (97).

The above assertions against the expectation of women 'of certain age' to wear the *mekhela* or the prohibition of women to wear the *Tsungkotepsu* reveals two glaring sides of gender discrimination in the customary practice; one that imposes and the other that prohibits what a woman can or cannot wear. These two instances are only an example of a much more extensive culture of discriminating against women through customary practices, which also lends a sense of entitlement (whether it may be honor, fame, etc.) to the man, and deprivation for the woman. Moreover, the above reference to taboo is a criticism of work that is assigned to women as a customary practice, such as weaving and pot-making. While Changkija, or Ao, may be writing within the Ao context, such differences in privileges or restrictions (in terms of attires for men and women, or gendered differentiation of roles) are observable in other Naga tribal customary practices. It may not be the same practices as wearing the *mekhala* or *Tsungkotepsu,* but each Naga tribe has certain kinds of clothing, such as a woman's shawl or skirt, associated with 'emasculation' (Ao, T., 2014: 97). Attire worn by women is generally considered inferior, while certain attires worn by men are associated with strength, courage, manhood, or honor. This inferiority is also extended to the gendered division of working roles. For instance, pot-making and weaving are considered as 'woman's work,' whereas warfare or hunting are associated with men. Therefore, it is not the tangible markers of practices per se, but the logic and general practice of gender discrimination within the customary practices which is important to assess before arguing, for instance, that all tribes do not

wear the *Tsungkotepsu*. This approach will justify a critique of the Naga customary practice across various contexts within even a single tribal instance. They form extensions to the conception of a citizenry fraught with 'fraternal bonds' and a history that is 'gendered masculine' (Jaggar, 2005: 92). Jaggar discusses such notions and history of citizenship in the 'West,' but the Naga patriarchal history, with its deep practice of the customary victimization of women, also reflects comparable views of such citizenship in the study of patriarchy and feminist politics, particular to the Naga context.

4.2. Law Aspect of Customary Victimization

Even in the second instance of critiquing the 'customary' (that is, customary law), the problem of gendering runs parallel in multiple instances. An analysis of the customary law of the Nagas, with regard to the administrative and judicial bodies of various tribes, reflects androcentrism in positions of power and control, especially in their political, religious, and judicial systems. Moatoshi Ao (2019), in his study on four Naga tribes, the Angami, Lotha, Sema, and Ao, exemplified how the Village Council or the Council of Elders of each of these tribes are androcentric. In each tribe, not only was the elected head of the Council or the hereditary chieftain (such as the Lotha's *Puti* or the Sumi's *Akukao*) male, but also its entire membership. These Councils are the apex ruling body in any Naga village, where the councilmen deliberate and make decisions for the community and its affairs, such as adjudication or the settlement of disputes. Therefore, while it may seem that they are concerned with legislature, or the political, their function and control also extends to the executive and the judiciary. This shows where the power of ruling and making decisions for the entire community rest: on a few male-heads of the village, with power which is legitimized by their customary laws. At the same time, the question of the (in)separability between customary law and practice creeps in again, particularly when considering who administers these laws and practices, and the authority or basis on which they function. The Village Council, or a Council of Elders, may adjudicate on civil or criminal matters based on the legal proceedings bounded by the law, while customary practices cannot be administered through such usages of law, but rather on the basis that they are a community's way of life and living.

An evaluation of this structure (and a heteronormative one at that) reveals not only a male-dominated society, but the restriction of women in politics; the actual positions of power and decision-making. Changkija writes, and speaks, against what she repeatedly calls the 'male-only tribal bodies,' which she asserts is because of the practice of patriarchy and the patrilineal system (Changkija, 2014a: 19). In her essay 'The Naga Marriage,' Changkija (2014c) critiques the inequality between men and women within the 'Naga marriage' and ascribes the problem to patriarchy which, to her, is 'the

foundation and roots of our existence' (80). At the same time, she challenges various organs of government as excluding women from the political and public sphere, such as the legislature, executive, and judiciary. She argues these government organs are knotted together with patriarchy alongside the androcentric justice systems and customs. While the Ao village council (*Petu Menden*) is a male domain, as we have observed, Temsula Ao provides a pronounced account of the restriction of women in this apex decision-making body, which forms a part of the Ao customary law. In her book, *The Ao-Naga Oral Tradition* (2012), Ao cites the conditions for the formation and membership of the *Petu Menden*, one of which is that 'women are never allowed in the council' (35). Further, such debarment includes various restrictions on women, which reflects the politics of the 'customary.' Ao further cites Tajen Ao's book, *Ao Naga Customary Laws* (1980) in her essay, 'Articulate and Inarticulate Exclusion,' and discusses the list of 'Social Disqualification of Ao Women' (2014: 95). The list of social and political disqualifications of women in the traditional Ao-Naga society are cited below:

i. She cannot become a member of *Samen Menchen* (M)/*Tatar Putu Menden* (C).[6]
ii. She cannot become a *Patir* (M)/*Putir* (C) though she may be the oldest person in the village. Thus, she is debarred from performing religious rites and sacrifices. She can assist her husband in family worship.
iii. She cannot participate in debate and discussion of public interest.
iv. She is not entitled to get honor, title, and fame. However, in songs sung in feasts of merit performed by her husband, her name may be mentioned, which is highly esteemed.
v. She cannot inherit landed property. She is also not liable for debt of her ancestor of her heir. If she is allowed to inherit, her share will go to sons who are members of other clans.

The given instances of gender discrimination are not merely aspects of customs but are customary law itself, with a legally binding force. Changkija's (2014a) awareness of such laws which perpetuate gendered citizenship led her to a conviction that customary laws are 'archaic, undemocratic and unrepresentative' (20). There are possible counterarguments to such an understanding of law when considering the temporal shifts affecting Naga traditions over the years. There are also certain arguments that the Village Councils no longer yield such absolute power, or that there is a shift from traditionality to modernity, including discourses on shifts in gender relations in the society (Khutso et al., 2021). However, to these arguments against what might be societal and temporal shifts, one could at the most read a continuation of age-old

[6] 'Where 'M' refers to Mongsen and 'C' is Chungli; the two main sub-groups of Ao language' (Ao, 2014a).

traditions in new avatars. Of the many instances that could be drawn, and which we will continue to come back to, one could take the example of the seeming reform within the structure of the Village Council and the customary courts.

Naga historiography and oral tradition points to the Village Council as the highest body for the administration and implementation of justice in the villages. In 1984, the Rules for Administration of Justice and Police in Nagaland (Rules) inserted a chapter (IVA) which recognizes the Village Court, Subordinate District Customary Court and the District Customary Court (Dobashi Customary Court) as statutory courts.[7] While the Subordinate District Customary Court no longer exists today, both the Village Court and District Customary Court function as apex customary courts. Although the composition may somewhat vary amongst tribes, a comparative study of these customary courts, brought into effect by the Rules, continue to provide glimpses into the exercise of the same legal authority and power structures in the Naga *Ura*, the patriarchal *Ura*. Thus, I argue that age-old traditions of male-centered rules and male-dominated courts are still in place in new avatars. Within this judicial system, the legal heads and the powers of adjudication continue to rest with the men, particularly the male elders. One could ascertain, likewise, how androcentrism is widespread in the customary institutions, such as the Village Council or the customary courts. It substantiates the argument that both practice and law create distinct, as well as overlapping, forms and experiences of the customary victimization of women.

5. Customary Victimization of Women and Changkija's Criticism

In the introduction to her poetry collection, *Weapons of Words on Pages of Pain*, Changkija writes, 'because battery against women and domestic violence exist in large scale in our society, it is POLITICAL. It is also PERSONAL because I am a woman' (1993). Reminiscent of the feminist rallying cry of the second-wave, 'the political is personal', Changkija attempts to politicize the private by drawing the convergences in which, as a woman, she shares and writes about various female experiences in a discriminating society. Her assertion is to affect dialogic action through writing, particularly poetry in this instance. Seyla Benhabib (1993) discussed the agonistic and associational models of envisioning the public sphere, as found in Hannah Arendt's political philosophy, while discussing visions of liberation in human relations and transformations in public life. Benhabib's assertion is that a feminist critique needs to take into account

[7] The concerns here overlap with both the customary law and the Constitution of India, the two laws which govern contemporary Naga society, and attest to legal pluralism within the Naga context. While the society also functions under the Constitution of India, it provides a special provision (Article 371A) for the protection of the Naga customary laws and practices.

the agonal concept of public space based on collaboration, where 'men act together in concert,' against the competitive agonistic view, where one 'competes for recognition, precedence, and acclaim' (102). In the Arendtian sense, public space is not topographical or institutional. Rather it may be a private dining room, a field, or a forest, so long as they are spaces for individuals and groups to collaborate in the pursuit of freedom. Benhabib refers to such space as a 'sphere of politics' which involves 'transforming private shame into a public claim' (111). Changkija's poetic space may be said to embody this 'sphere of politics', and her shared experiences with women in a discriminating society is suggestive of a feminist critique based on an associative model. Changkija further maintains that her poetry collection contains her 'thoughts' and 'feelings' on matters that are 'both political and personal' (Changkija, 1993). The usage of 'both' in her assertion indicates that they form a part of the same criticism and call for action.

There is another dimension to the relationship between the political and the personal in Changkija's protest against women's suffering. While it may seem that the abuse of women or domestic violence is, for Changkija, a political concern, there is a transference from the political to personal: 'because I am a woman', but more so because she is a Naga woman. When we analyze Changkija's poetry alongside her speech (which is discussed in the following lines), we find that there are various levels of transference between the political and the personal. I argue that this transference is another way of understanding the interrelation between the political and the personal. It is not to say that with a shift from the one to the other, the relation is broken down. Rather, the idea is that there is movement between the two which goes back and forth. It reflects an idea of the political as personal, and vice versa.

In Changkija's poetry, there is a movement from the political to the personal. When she describes the experiences of a battered woman, or a woman who is suffering domestic violence, she is not really describing her own experiences. However, she claims such experiences as personal to her. In this instance, I argue that there is a transference from the political to the personal, which is affected by her own assertion that such experiences of women's suffering are personal to her: 'because I am a woman' (Changkija, 1993). The convergence of the political with the personal is affected at the level of her being a woman in Naga society, or of her being a Naga woman, as she writes about 'our society'. Her identification with women and the shared identity of womanhood makes it personal for her.

On the other hand, when she delivered a speech on the customary victimization of women, one can read another level of transference; a reversal from her poetry, from the personal to the political. As a woman delivering a speech in the public space, she stood out in both the public and political sphere to share a very personal experience of her suffering

from the customary victimization of women. In a sense, there is a transformation of 'private shame into a public claim' which Benhabib asserts for a feminist theorizing of the public space and public discourse (1993: 111). While Changkija asserts shared notions of gender discrimination and violence against women, when it comes to discrimination in regard to Naga customs, she provides another 'shared' notion which moves from her to other women. In her speech, during the publication of her middle writings at Dimapur, on 11 December 2018, Changkija recounts a personal experience of discrimination and disenfranchisement of women, in relation to Naga customs. She tells her audience: 'besides going through the agony of the loss of my husband last November, my daughters and I also had to undergo the kind of 'cultural and customary' victimization that most Ao women without sons and brothers suffer' (Changkija, 2018a).

From Changkija's speech, I extrapolate the 'customary victimization of women', to describe a victimization affected at both levels of customary law and customary practice. Changkija writes against gendered experiences on a certain level of it being personal; because she is a woman. Whereas, she spoke about customary victimization personally and experientially. There are multiple contextual specificities to her words— concerning an Ao woman, Ao customary law and Ao customary practice, as well as the context in which a woman (particularly, a wife and a mother) is without a 'male heir.' The problem precisely arises from the customary law against women in relation to inheritance and property ownership. It is also a personal narration of how tribal laws and customs infringe upon women's rights, granted by the fundamental rights of the Constitution of India as well as the universal human rights. The customary law, which supplements the patriarchal system, restricts women from inheritance and property ownership (mainly landed and ancestral property). Academic scholarship has sufficiently documented such discrimination in not just the Ao customary law, but also in the Naga tribal laws as a whole (Jamir, 2012; Pou, 2015; Ao, M., 2019). Muna Ndulo (2011) discusses how many African customary laws, particularly personal law, discriminate against women, in similar ways to the Naga customary law, including through gendered laws around guardianship, inheritance, and appointment to traditional authority. He further observes that within such a tradition, women are seen as 'adjuncts to the group to which they belong, such as clan or tribe' (Ndulo, 2011: 89). Changkija spoke against such 'adjunct' treatment and forms of 'lawful' discrimination, calling out the customary victimization of Ao/Naga women.

Changkija (2017) narrates a personal suffering to her listeners. The death of her husband is an 'agony,' having 'lost' someone she dearly loves; 'someone I have shared the better part and the best parts of my life'. Adding to this, she narrates a 'cultural and customary' victimization, which she and her daughters suffered, and which 'most

Ao women without sons and brothers suffer.' This particular victimization arises once the sole male member of the family has passed away, and when there is no 'male heir' to the family. As customary laws and practices grant, it becomes the prerogative of the other male members of the extended family to stake their claims to land and properties. Manchanda and Kakran (2017) describe such male claims and entitlement in Changkija's life, even before the passing of her husband, when they interviewed her in August 2013: 'already, Monalisa Changkija, owner and editor of *Nagaland Page* is feeling the pressure from her uncle and nephews to pass on the newspaper business to her maternal nephews, their clan heirs, and not her daughters who belong to another clan' (74).

The entrepreneurship is Changkija's own; founded, owned, edited, and run by herself since its inception on 29 May 1999, until its closure on 21 December 2024. At the time she gave the speech, there was 'pressure from the uncle and nephews' to take possession of *Nagaland Page*. There is a 'but' to this ownership— it is a woman's; it is an anomaly to what customary law sanctions; it deviates from the customary control of women in making decisions and being in the public, let alone running an enterprise her own. This may be an experiential narration of an Ao woman, and yet, it may also be another Naga woman's experience, especially those 'without sons and brothers.' Such gendered experiences inform Changkija's writing even in her essays. In 'The Naga Marriage,' she writes:

> If a Naga man does not gift his daughter moveable and immoveable property, she is already de-enfranchised in terms of inheritance. If Naga man does not leave behind any moveable and immoveable property to his wife, the same daughter is doubly de-enfranchised in terms of inheritance. Now even if a Naga woman acquires moveable and immovable property and male members of her family/families take them away, in the event of abandonment, destitution, divorce and death, her de-enfranchisement is complete (2014c: 82).

At the level of complete disenfranchisement, Changkija tells her audience about the customary victimization of women. The different levels of disenfranchisement reveal the lack of autonomy for a woman not only in terms of property and landed inheritances, but also in relation to authority and power structures. Similar critiques of customary victimization can be levelled against the tribal people in the Nagas's neighboring northeastern states of India, and other indigenous peoples whose customary laws and practices regulate their existences. While this article focuses on the patriarchal Naga society, the criticism is not limited to patriarchy or patrilineal systems. The Khasi matrilineal society of Meghalaya, for example, may be studied alongside the customary

victimization of women. Khasi matriliny is distinguished from matriarchy for the fact that power and authority is the male prerogative (Hayong, 2017; Sasikumar, 2017). With the practice of female ultimogeniture in inheritance, only the youngest Khasi daughter, *ka khadduh*, has some privilege; however, this is merely as the custodian of the family property. One may further consider the exclusion of the elder sisters of *ka Khadduh*, as well as other women in this system. Any decision-making or management of family or clan property rests with the uncles (*ki kni*) along with the brothers of *ka khadduh* (Hayong, 2017). Thus, customary victimization of women is at play, even in this matrilineal context. Customary victimization is, thus, highlighted through a comparative analysis across kinship systems, regions, and cultures, where the 'customary', be it law or practice, forms the basis of discrimination against women.

There is, at the same time, an appropriation of 'customary' in cases where inheritance beyond ancestral land and property is concerned. This may be an indirect victimization which may be justified through customs, but which is not necessarily provided in customary law and practice per se. While customary law may prohibit women from inheritance, mainly in terms of ancestral properties and lands, the assumption that law prohibits inheritance by women may be used to claim acquired properties of women, which may not fall under the purview of some tribal customary laws. We find this in the case of the uncle and nephews trying to take over the newspaper business, as seen in Changkija's case, which has nothing to do with ancestry. This is also where Dolly Kikon (2015) is coming from, as she writes that, 'in reality, the interpretation between what was self-acquired and what was inherited was often vague. The focus was primarily on naturalizing the widely held belief that Naga women were not entitled to inheritance' (61).

Inheritance and its deprivation may, likewise, involve any form of ownership by a woman, be it land (farm, forest, houses, etc.) or enterprises, or any kind of property which a woman can own but which a man feels entitled to claim. However, such a claim gets justification through traditionality or customary authority— the claims that it is ancestral, it is customary law, it is customary practice, and this is *Ura* (our village and our worldview) with its notions of what is 'customary.' In customary victimization, thus, the personal is political and vice versa. This transference is informed by the experiential narratives of the customary victimization of women, a victimization which is legitimized by notional reverences to what is 'customary' and the claims that could be made thereof.

While the earlier analysis is a personal and verbal critique of customary victimization, mainly at the level of the law, Changkija also writes about victimization in relation to practices. This critique is often articulated in her poetry. In one of the most significant poems against customary practice, 'Take This Name,' Changkija (2014b) writes:

> Take this name,
> Take it.
> Like all women,
> With nothing left to give,
> That's the only possession
> That can be returned
>
> Take this name,
> Take it.
> I give it on my own volition
> and while I'm still able
> Why wait for death to take
> what anyway must be returned? (65).

The contextual understanding of this poem comes from the Ao customary practice of 'giving back' a woman's name to her clan when she died. Toshimenla Jamir discusses this practice, writing that 'even the name of a woman is returned back to her paternal clan after her death, saying something to the effect of: the name of so or so is hereby returned back to you' (2012: 24). Moreover, the 'return of name' is pronounced by the clan members of her husband. Temsula Ao recounts a personal experience of this customary practice thus:

> 'Giving the name back' to the clan is a custom which is prevalent even today. For example, when this writer's aunt died in 1994, after the period of mourning was over her sons came to the mother's clan elders with some agricultural tools (a small hoe and a weeding implement called 'ayah' in this case) for the ritual of handing over the mother's name Talitsungla back to the clan. The father had died some time back, otherwise the ritual would have been performed by him. Subsequently a girl born to the clan shortly afterwards has been given this name, thus perpetuating the name which belongs to this clan only (2012: 27).

Changkija writes 'Take This Name' against such 'age-old customs and tradition,' using poetry as an 'instrument of protest' (2014b: 65). It is a protest against customs which, she writes, 'seek to perpetually keep society's most vulnerable suppressed and silent.' By 'society's most vulnerable,' she means women, referring to the vulnerability that discriminatory customs relegate women to. The poem is not merely an enunciation against a customary practice, but a rejection of it. The vocabulary and the manner of enunciation reflects a poetic proclamation of the customary victimization of women.

The poetic persona voiced 'Take This Name' not in the formal and customary manner that Jamir informs us that 'the name ... is hereby returned' (2012). She makes a straightforward and unabashed 'take it' which is suggestive of a protestation against the rationale behind this practice which treats women akin to property; that 'her' name is 'the only possession/ That can be returned'.

Here, we find another convergence of customary law and practice. When the practice of returning the woman's name is performed by the paternal male members of the family, it is done in the spirit of the law, one in which the power of decision and agency is vested on the men. Therefore, while giving back the name 'on my own volition/ and while I'm still able to,' the protest is not merely against patriarchal kinship (or clan) systems, but against the 'customary'— of both practice and law. She declares, by herself, what must be done by the clan members of the husband, and she gives it her volition. She does not 'wait for death to take/ what anyway must be returned.' Therefore, she is insisting on giving away that name which they will claim in the way it cannot be claimed. In such registering of dissent, the politics of discriminating against women in the name of custom finds resistance and calls our attention to the need to amend these laws and practices that discriminate against women. Such interrogation of politics in Changkija makes her not only a political thinker, but also as one of the most important thinkers of Naga politics.

6. Theorizing the Politics of 'Customary'

In Changkija's critique, we find that there is no clear-cut distinction between the two facets of 'customary,' but the distinction is determinable. A contextual knowledge of the Naga laws and practices will enable a better understanding of Changkija's criticism. Although it does not necessarily imply a precondition for reading Changkija, a contextual understanding informs the level at which her critique is political, and not merely because it concerns the affairs of the *Ura*, the *Nagapolis.* I further argue that Changkija's criticism of the customary victimization comes with various understandings of politics, which encompass feminist critiques of politics and the public sphere, the interrelations between the political and the personal, as well as questions of citizenship. The analysis of politics in these contexts, as discussed in this article, gives out various ways in which feminist theory contests the idea of politics. At the same time, I argue for another understanding of politics, which is affected at the level of the customary victimization of women, where the understanding of politics comes with notional claims and the appropriations of what may or may not be 'customary.'

Customary victimization concerns the state in the sense that it affects women's political participation, decision-making agency, and exclusionary practices in the

public sphere, or anywhere beyond 'the hearth' (a domestic space traditionally associated with women). This argument may lead to counterattacks on various grounds of a 'shifting' culture and claims of transition within the Naga society— that one has assimilated into a 'globalized' market; one has abandoned the animist beliefs of old; one is 'educated'; one is adapting with technological advancements; all of what drives what one considers 'modernity' to be. There is also justification for shifts in society, while considering women's political participation, which Naga society may finally be embracing. The favorite example will be the election of the two female legislators into the Nagaland Legislative Assembly (NLA) after decades of male-only NLA. Salhoutuonuo Kruse and Hekani Jakhalu assumed the position through the 2023 Assembly Polls, and became the first female legislators to be elected since Nagaland, one of the Naga states, began its Legislative Assembly elections in 1964. While this may well be a start, it is hard to see such instances as anything more than tokenism in Naga politics.

Both Kruse and Jakhalu won through the ruling (dominant) party's ticket— and might otherwise have suffered a fate akin to the other two women contestants, Rosy Thomson and Kahuli Sema (having contested with other party tickets and lost the election). Additionally, Kruse and Jakhalu's position as their Party's mouthpieces thus far makes one question whether merely being a member of the NLA actually addresses deficits in political representation, participation, and decision-making power of women in the political and public sphere, which their election into the NLA was thought to herald.[8] Moreover, while women have been elected to other decision-making bodies, they are often namesake members, performing gendered roles traditionally assigned to women, while men make the decisions and take control of the functioning of these bodies. Temsula Ao (2014b) argues against such nominal representations, discussing the seeming inclusion of women in the Village Development Boards (VDBs). She quoted one such elected woman as saying, in Nagamese: '*Hoi amakhanbi VDB member ase, holebi meeting time te amakhan to chahe bonai*' (Yes, we are members of VDB, but we only make tea during the meeting) (45–46).[9]

We do find the presence of women, thus, in Naga politics, decision-making bodies, and the development boards of Naga villages. However, the question remains as to what

[8] There were only four female candidates out of 183 candidates who contested the election. The first time both Kruse and Jakhalu are reported to have spoken at the Nagaland Legislative Assembly (some months after assuming office) was to merely applaud the ruling party's (Nationalist Democratic Progressive Party) announcement of the implementation of a 33% reservation of women in Urban Local Body polls, which was controversially on hold under the same leadership for two decades. This controversy is another instance of the difficulty of breaking through the customary victimization of women.

[9] Nagamese is a combination of Assamese, Bengali, Hindi, and English languages. It was used by the Nagas in earlier times to communicate with the people outside of their land, mainly for trading purposes. It has now become a common language, although not recognized by the state, and even considered a 'bastard language' by many Nagas. The translation is my own.

level of participation or decision-making power they share with men. The relegation of women to mere mouthpieces of the larger body they represent, or to making tea while the men discuss and frame policies, are extensions of the customary victimization of women; where the law and practice, in the first place, legitimizes the exclusion of women in these spaces, and through which men continue to stake their claims against the rights of women. The roles that such elected women play might not be problematic had it not been thus implicated in the customary victimization of women. Making tea is a good thing to learn and comes with a dignity of labor. However, women making tea at the VDB meetings while the male members make all the decisions, is a deeply customary imposition which brings us back to the earlier argument against 'woman's work'. This leads one to assess such contexts in relation to the need for a 'bifocal vision', which Nancy Fraser strongly advocates for a feminist politics while discussing gender justice against androcentrism (2007: 33). On the one hand, there is the urgency for recognition which comes with notions of status differentiation. On the other hand, the urgency is toward distributive justice, which largely hinges on the gendered division of labor and gender roles. At the same time, in the Naga context, the principle of participatory parity, which Fraser proposed, cannot be effectively incorporated in isolation with the 'customary.' Mnisi and Claassens argue that, 'legal strategies to support woman's land rights cannot evade the customary law arena and instead should engage with it directly' (Mnisi and Claassens, 2009: 493). This applies beyond land rights, on to any discourse and action against the customary victimization of women for the Nagas. It necessitates the return to the customary laws and practices, and therefore, the *Ura*.

Women continue to be excluded. While the nominal representations of women in politics and the public sphere described previously could be slow emergences, Changkija highlights the persistence of gender inequality in Naga society despite these changes. With regard to the Naga marriage, she writes, 'I still firmly maintained that the load on the back of the Naga woman doubled' (2014c: 83). Changkija makes a parallel between the Naga marriage in traditional and modern society, and argued that while one has not abandoned the patriarchal system which adds to the 'load' of women, the modern society comes with its own new 'trappings' for women, with women 'rushing around to meet the demands of both the market and the home with very little say in both the market and the home' (79). Such positions demanded of women in modern society, along with the reinforcement of patriarchal norms, then doubled the 'load' for women. When it comes to political participation of women, Changkija writes:

> Our male-only tribal bodies refuse to concede that urban bodies such as municipal councils, town committees, etc., are not Naga traditional decision-making bodies but constitutional bodies which cannot bar women from entry and participation.

> Here, by and large, our political parties tacitly support male-only tribal bodies because they see Naga women's entry into the constitutional political process as a threat to their political careers (2014a: 19).

These observations suggest that customary victimization is being perpetuated at multiple levels. It is now not merely the continuance of a tradition, but also the fortification of the believed male space and roles which custom has fostered, and which men see as being threatened by women. While this concerns the field of politics and the public sphere, Changkija's argument regarding the 'load on the back of the Naga woman' concerns that of the 'private' sphere as well. The emphasis is not the demarcation of spheres per se, but to show how, irrespective of wherever it may be, deprivation and disenfranchisement is affected by the customary impositions and gendered expectations placed on women. Moreover, as one could discern from the above quotation, there is a perpetuation of the old order into 'new' ones. Whether it may be tribal/traditional bodies, or constitutional bodies, there are inferences of appropriation of what is customary in each instance.

Staking claims on the basis of custom, thus, makes possible another theorizing of politics in relation to what is customary. It may involve the very customary victimization of women, where the victimization of women is perpetuated on the basis of the politics of 'customary'— whether law or practice. At the same time, the politics of 'customary' may also be affected by merely citing customs, or traditional beliefs, to victimize women beyond what customary law or practice may legitimize. It need not directly involve community affairs, governance, the laws of the land, and practices of the people. However, it is the notion and mere claims of 'customary' by which women's position in society as well as their political and public participation gets monitored, restricted, or prohibited, leading to a certain kind of politics in relation to what is customary.

Moreover, considering the polynomic Naga identity, the critique on the politics of 'customary' can be further applied to equally polynomic Naga tribes and their customs. The word 'Naga' comprises the capacity for legislation of 'different regularities in the same object' (Mohan and Dwivedi, 2019: 77). Likewise, the laws and practices of the Nagas will have various sites of customary victimization of women which may be comparable from one tribe to the other, where what may or may not be customary is justified on the basis that it is 'customary.' It is politics, not only in so far as the victimization concerns the affairs of the state and governance, or the *Ura*, but also in the sense that this very form of victimization (through what is, or is supposedly, customary) affects and controls, the representation and participation of women in politics and decision-making bodies, the public sphere, or any position of authority and power.

7. Conclusion

The discriminatory aspects of both customary law and practice comprise the object of Changkija's polemic, which I argued through her conception and criticism of the 'customary victimization'. I argued this form of victimization is affected by both the customary law and customary practice. This very victimization, along with the discussion of gendered experiences, particularly of women's experiences in Naga politics, is analyzed through feminist theoretical framework. The feminist critique of politics and the public sphere, as well as arguments of citizenship are made in conjunction with the study of Naga women as seen in Changkija's works. This article establishes that the two aspects of customs comprised various sites of gendered experiences, which are affected at the levels of either law or practice, as well as at the interrelation of the two, as determinable in Changkija's speeches and writings. This further necessitated the discussion of the (in)separability between the two. Feminist approaches to discrimination which is legitimized by customary laws are also emphasized to show how the problem of customary victimization can be addressed through an internal critique of the community's own laws and practices. I further theorize the politics of 'customary' by arguing that the conceptions of public sphere, gender injustices, and inequality may be produced through notional claims to what may not be 'customary' but are claimed as such, or are appropriations to what is believed as 'customary'.

While this article has focused on the customary victimization of women, it is also important to note that this is not Changkija's sole concern, as she critiques various other gendered experiences and sites of gendering. She acquired and unleashed both a speaking and writing voice, which questions, protests, and asserts. It reminds one of an impatience with a certain kind of 'ceremonial order.' Dwivedi and Mohan, in attributing Romila Thapar as the 'modern among historians', describe this impatience in Thapar (2024: 243). They describe Thapar, whose practice of politics is a fight for freedom against a casteist ceremonial order, as 'modern.' If modernity is 'the confidence in humanity that the present can be the origin of new and impossible orders, and that the essential is available every moment,' then making a break, or the attempt of a breakthrough, from ceremonial orders thus produces the modern figure (243). This too is the modernity that needs to be realized, instead of the superficial shifts that have taken place in the Nagas's *Ura*. A modernist conception of politics entails the entry of women into the public sphere; Benhabib observes the porosity of public space for the 'moderns' (1993). Moreover, this entrance has a 'public agenda', as the struggle for what gets included in this agenda is itself a struggle for justice and freedom. Therefore, while there is a vision of breakaway from 'ceremonial orders' or oppressive regimes, there is

also an entrance into the public sphere, and earlier spaces of gendered exclusion in the making of modernity. Changkija's criticism of customary victimization contributes to formulating an agenda for such changes.

Changkija orients her readers and listeners toward the need for gender justice. Some recommendations may be made, as gauged from such a critique. Platteau, Camilotti and Auriol (2018) show that there are those who consider 'women-hurting customs' as part of their culture, and therefore have low aversions toward such 'harmful' customs. In addition to this, the community's deep reverence to their 'living' laws or the customary laws make it even more difficult to pose challenges, even when the laws are discriminatory. There is a need for the direct intervention of legal systems and courts in this instance to affect justice and ensure that laws are in accordance with the changing times. It is, however, as Ndulo (2011) argues, that courts alone cannot be depended for a task as large as reform. Communal and individual efforts in correcting attitudes and notional prejudices are crucial, and likewise, the legislature too has an important role to play in affecting changes by implementing policies which guarantee gender equality. In this sense, reform is a multi-dimensional prospect; something that comes out of what each individual or organization or 'body' can do and does.

Gendered differentiation in customary practices, such as gendered attires or gendered work, as discussed, may be addressed through creating awareness in the community and informing the community against such discrimination. I read Changkija's act of writing and speaking against injustices as an effective means of achieving such levels of awareness and action. At the same time, her assertions and protestations may be read as another effective mechanism in affecting discourses of judicial amendments and legislative reforms. I ascribe the election of women in development boards or women legislators in the Legislative Assembly as a by-product of such assertions and protestations. It is only when writers and activists like Changkija begin to talk and/or write about gender discrimination in Naga customs that the discourse began, and the need for women's political participation became the center of discussion. Such beginnings in academic discourse and Naga scholarship are deeply influenced by these thinkers. As pioneers of Naga literature, Changkija, along with Temsula Ao, Nini Lungalung, and Easterine Kire, are the most prominent voices in various discourses on women's experiences, if not on gender injustices and women equality, discussions which are also reflected in the writings of K.B Veio Pou (2015) and Vizovono Elizabeth and Sentinaro Tsuren (2017). While women are thus made visible in the public sphere, political institutions and courts, as well as traditional institutions, should strive to foster strong representation and the active participation of women.

Transformative and equitable laws and practices ought to integrate inheritance rights for women, whether ancestral or acquired, whether land, or any other property, which are currently restricted by law. So long as the interpretation of customary laws and the changes in it leads one for the better, the 'customary,' be it law or practice, can be embraced as the community's guiding force. Several scholars propose the codification of customary laws as a method for affecting gendered justice, with the belief that a written statute may better identify and address the problems (Ao, T., 2012; Ao, M., 2019). Those who share this view often believe that the problems would be solved in the very process of codifying law. However, the uncodified nature of law is not the problem, nor does codification necessarily entail a solution. Whether codified or uncodified, reformation in laws is nothing new, yet at the same time, one cannot codify the laws enough; they will inevitably reappear, as Amanda Perreau-Saussine (2007) argues, given the scope of interpretation. Laws, regardless of codification, are dynamic and subjected to reformation and modification. Therefore, the emphasis should be on where change is desirable, rather than futile attempts to change the nature of the law (or practice).

Discriminatory laws and exclusionary practices may 'continue for another millennium' (Ao, T., 2014a: 100). However, there also remains the hope that thinkers like Changkija have initiated the discourse needed to affect change.[10] One could ascribe to such thinkers the nominal representations that are surfacing in Naga politics, through, for example, the fact that one could now at least claim women's representation in politics, which, however tokenistic, one hopes would change into the level of participatory parity feminists have been fighting for across continents and cultures. At the same time, such representation and participation, not only in politics itself, but in the *Ura*, the community and all its affairs, necessarily requires the interrogation of the 'customary.' Such interventions cannot be made without challenging the two levels of customary subjected to critique here, that too, at the village level with its androcentric worldview; the very model from which the towns and semi-urban or urban centers are built. It is the customary victimization of women that prevents the emergence of a movement for change; a movement that is feminist and modern, with a mobility that comprises women's freedom, enabling women to freely participate and make decisions in/for the community. With the challenges to such an emergence, naming the victimization practiced in the Naga society and calling our attention to gendered experiences by critically speaking and writing against it—the customary victimization of women, as Changkija boldly proclaimed— marks a defining moment in the Naga feminist movement that has only barely begun.

[10] To this group of thinkers, I include Temsula Ao, who, like Changkija, writes and critiques the customary victimization of women in a way only very few writers within this context can match.

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Competing Interests

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