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# Orality, Customary Law, and Identity: Negotiating Indigeneity among the Tribes of Arunachal Pradesh

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**ABSTRACT**

**Orality, customary law, and collective identity are closely interconnected in the social and cultural life of the indigenous communities of Arunachal Pradesh, a state in northeastern India characterised by considerable linguistic, cultural, and ethnic diversity. This article examines the relationship between oral traditions, customary legal practices, and the negotiation of indigenous identity among selected tribal communities of Arunachal Pradesh. Drawing on a qualitative, interpretive analysis of published ethnographic studies, scholarship on oral history, and available literature on customary jurisprudence, the article explores how oral traditions preserve cultural memory, legitimise customary institutions, regulate social relationships, and reproduce notions of belonging. The article argues that indigeneity should not be understood as a fixed inheritance or an unchanging cultural essence; rather, it is continually negotiated through the selective preservation, reinterpretation, and public articulation of tradition. The continuing significance of orality lies in its capacity to connect collective memory with contemporary social realities, while the future of customary law depends on its ability to remain culturally meaningful, socially inclusive, and responsive to changing legal and ethical expectations.**

**Keywords: Orality; customary law, indigenous identity, tribal communities, cultural memory, etc.**

## INTRODUCTION

Arunachal Pradesh occupies a distinctive position in the cultural and political geography of northeastern India. Its numerous indigenous communities possess diverse linguistic traditions, ritual practices, social organisations, systems of kinship, and forms of customary authority. These differences make it inappropriate to treat the state's tribal communities as a homogeneous cultural entity. Nevertheless, oral transmission and customary institutions have played important roles in the historical reproduction of knowledge, social relationships, and collective identities across many communities.

In societies where historical knowledge and normative principles have traditionally been transmitted through oral narratives, ritual performances, genealogies, folk songs, and community deliberations, orality functions not merely as a medium of communication but also as a repository of collective memory and a source of customary authority. It also examines how Christianity, formal education, migration, digital communication, state institutions, and changing aspirations influence the transmission and interpretation of indigenous knowledge. Particular attention is given to the relationship between customary authority and the modern legal order, including questions of gender, generational change, cultural continuity, and individual rights.

## OBJECTIVES OF THE STUDY

**The article pursues four objectives:**

1. To examine the role of oral traditions in preserving collective memory, cultural knowledge, and indigenous identity among the tribal communities of Arunachal Pradesh.
2. To analyse the relationship between orality and customary law, with particular attention to the transmission, interpretation, and legitimacy of customary norms.
3. To investigate the influence of religious change, formal education, modern legal institutions, and digital communication on oral traditions and customary practices.
4. To critically examine the tensions between cultural continuity, indigenous self-determination, gender equality, individual rights, and changing social expectations.

**Research Questions**

**The study is guided by the following questions:**

1. How do oral traditions contribute to the preservation and reinterpretation of collective memory among the tribes of Arunachal Pradesh?
1. In what ways do oral narratives and community deliberations support the authority and practice of customary law?
2. How might oral knowledge and customary institutions be sustained without treating culture as fixed or excluding internal differences within indigenous communities?

## RESEARCH METHODOLOGY

This article adopts a qualitative, interpretive, and interdisciplinary approach based on secondary sources. It draws on published ethnographic research, studies of oral history, sources on customary jurisprudence, and relevant conceptual literature on indigenous identity, collective memory, and legal pluralism.

**Analysis of the study:**

The significance of orality becomes especially apparent when it intersects with customary law. Customary law refers here to socially recognised norms, principles, procedures, and practices through which communities regulate relationships, resolve disputes, and establish obligations. In several tribal societies of Arunachal Pradesh, customary norms have been transmitted across generations through collective memory, customary deliberation, and the decisions of recognised community authorities. Tobi Lollen's study of the Galo community, for example, discusses the relationship between oral traditions and customary jurisprudence, particularly the role of the traditional village council known as the *Keba* (Lollen, 2021). Research on the Bugun community similarly examines the relationship between customary law, village institutions, and the administration of justice (Zaman & Upadhaya, 2015).

However, customary law is not simply a collection of inherited rules that remain unchanged over time. Its authority depends partly on how community members remember, interpret, contest, and apply established practices in particular circumstances. Differences between generations, religious affiliations, educational experiences, economic conditions, and understandings of individual rights may influence how customary principles are interpreted. Consequently, the relationship between oral tradition and customary law is dynamic rather than static.

These processes are closely connected with the negotiation of indigeneity. Indigenous identity involves historical belonging, collective memory, cultural practices, relationships with ancestral landscapes, and claims to recognition and continuity. Yet these elements do not necessarily produce a single, uniform understanding of identity. Individuals and communities may emphasise different aspects of their heritage depending on whether they are participating in village deliberations, religious institutions, educational settings, cultural organisations, or wider political debates.

The central argument of this article is that orality, customary law, and indigenous identity constitute interrelated but continually changing dimensions of social life in Arunachal Pradesh. Oral traditions provide resources through which customary authority is remembered and explained; customary institutions translate remembered norms into social practice; and identity emerges through the ways communities interpret and negotiate these traditions under changing historical conditions. Examining these relationships helps move beyond an essentialist understanding of indigeneity and toward a more historically grounded account of cultural continuity, adaptation, and contestation.

### 5.1 Orality as Cultural Memory

Orality refers to the creation, transmission, performance, and interpretation of knowledge through spoken language and related forms of social practice. It includes oral narratives, ritual recitations, songs, genealogies, proverbs, collective recollections, and spoken accounts of customary principles. In oral societies, knowledge is frequently preserved through repeated performance and social participation rather than through dependence on written documentation alone.
Jan Vansina's work on oral tradition established the importance of systematically examining oral accounts as historical evidence while attending to their transmission, context, and limitations (Vansina, 1985). Applied to Arunachal Pradesh, this perspective encourages scholars to treat oral traditions as sources requiring critical interpretation rather than either accepting them as transparent historical records or dismissing them as unreliable accounts.

Orality also provides a means through which knowledge remains socially embedded. A ritual chant, genealogical recitation, or customary narrative may acquire significance through the participation of particular elders, ritual specialists, families, and community institutions. The knowledge contained in such practices is not always separable from the relationships and obligations through which it is transmitted.

### 5.2 Customary Law as Socially Embedded Normativity

Customary law comprises norms and procedures recognised within a community as relevant to regulating conduct and resolving disputes. Depending on the community and context, such norms may concern marriage, kinship, inheritance, land and resource use, compensation, interpersonal disputes, and obligations between families or social groups.

The work of Sally Engle Merry (1988) on legal pluralism provides a useful conceptual perspective for examining the coexistence and interaction of multiple normative orders. In Arunachal Pradesh, customary practices operate within a wider institutional environment that includes statutory law, constitutional protections, state administration, and formal judicial institutions. The relationship between these systems is neither necessarily harmonious nor uniformly antagonistic.

Customary law must also be distinguished from the assumption that every inherited practice is equally accepted by every member of a community. Authority may vary according to locality, kinship position, gender, age, religious affiliation, and the nature of the dispute. Customary principles may be reaffirmed, modified, or contested when communities confront new circumstances.

**5.3 Indigeneity as a Relational Process**

Indigeneity is often associated with ancestral continuity, distinct cultural practices, historical attachment to territory, and collective self-identification. Nevertheless, indigenous identity should not be reduced to a checklist of supposedly permanent cultural characteristics. Communities maintain continuity partly through adaptation, selective remembrance, and reinterpretation.

Fredrik Barth's work on ethnic boundaries emphasises that ethnic identities are maintained through social interaction and boundary-making rather than through the uninterrupted preservation of every cultural trait (Barth, 1969). Although ethnicity and indigeneity are not identical concepts, this approach helps explain how communities negotiate belonging while participating in changing religious, educational, economic, and political environments.

For the tribes of Arunachal Pradesh, indigeneity may be articulated through ancestral narratives, local languages, customary institutions, ritual practices, relationships with land, and collective claims to cultural recognition. Yet these elements may be interpreted differently by different generations and social groups. A young person may express cultural belonging through language learning, community associations, digital archives, or public performances, even when everyday practices differ from those of earlier generations.

Indigeneity is therefore understood here as both an inherited relationship and an ongoing social process. It is grounded in collective histories but continually interpreted in response to contemporary circumstances.

**Orality and the Preservation of Indigenous Historical Consciousness**

Oral narratives are significant sources of historical consciousness among communities whose pasts have not been fully documented in written archives. They preserve memories of migration, settlement, intergroup relations, ancestral origins, conflict, environmental change, and encounters with external authorities. Such narratives help establish relationships between the past and the present by locating contemporary communities within longer histories of belonging.

Blackburn's (2003) research on Apatani oral history illustrates the importance of comparing local recollections with colonial records and documentary accounts. The comparison demonstrates that historical reconstruction benefits from recognising oral testimony as a source of knowledge in its own right. Documentary records may provide dates, administrative perspectives, and institutional descriptions, while oral accounts may preserve the meanings attached to events by those who experienced or inherited their memory.

This does not mean that oral accounts should automatically be privileged over written sources. Oral narratives may contain chronological variations, symbolic elements, omissions, or competing versions of events. Their historical value lies partly in the questions they enable researchers to ask: whose experiences have been remembered, which events have acquired collective significance, and how have interpretations changed over time?

At the same time, it is important not to assume that all indigenous communities possess identical relationships with territory or transmit their histories through the same narrative forms. The Apatani, Galo, Nyishi, Adi, Mishmi, Monpa, Nocte, Wancho, Tagin, and other communities have distinct histories and cultural practices. Their oral traditions must therefore be documented and interpreted in their specific linguistic, social, and historical contexts.

The preservation of oral history also raises questions of representation. When narratives are translated into dominant languages, edited for publication, or incorporated into official cultural archives, some meanings may be altered or lost. Researchers must therefore consider the relationship between oral performance, translation, community authority, and the intended audience of a recorded narrative.

Orality should consequently be approached not merely as an alternative archive but as a living practice through which communities produce and interpret historical knowledge.

## Customary Law and the Oral Foundations of Community Authority

### 7.1 Oral Norms and the Transmission of Legal Knowledge

The relationship between orality and customary law is particularly evident where legal principles are communicated through established practices, remembered precedents, and community deliberations. Customary norms may be learned through observation, participation in social life, the guidance of elders, and the resolution of disputes.

Lollen's (2021) study of Galo customary jurisprudence identifies the significance of oral traditions in the functioning of traditional legal institutions, including the village council known as the *Keba*. Such research demonstrates how cultural memory and normative authority can intersect within institutions responsible for community affairs.

### 7.2 Customary Institutions and Dispute Resolution

Traditional village councils and other community-based institutions have played important roles in the administration of customary justice among several communities of Arunachal Pradesh. Their structures, powers, and procedures differ, and they should not be treated as a single uniform institution.

Zaman and Upadhaya's (2015) study of the Buguns examines customary law and the role of the *Nimiyang*, a traditional village institution associated with community governance and the administration of justice. Considered alongside research on the Galo *Keba*, the study illustrates how different communities have developed their own institutional arrangements for managing social relationships and resolving disputes.

Depending on local practice, customary dispute resolution may involve mediation, collective deliberation, compensation, negotiated settlement, or reconciliation between parties and their families. Such processes can provide culturally intelligible ways of addressing disputes because they draw on familiar social relationships and shared understandings of obligation.

## Negotiating Indigenous Identity in a Changing Social Environment

### 8.1 Cultural Continuity and Transformation

Indigenous identity is maintained through the interaction of inherited practices and contemporary social experience. Oral narratives, ritual knowledge, customary institutions, kinship relations, and community celebrations may provide continuity across generations. Nevertheless, the meanings attached to these practices may change as communities encounter new religious traditions, educational opportunities, political institutions, and economic conditions.

Doye's (2015) research on indigenous beliefs and practices among the Galos provides a useful example of the relationship between religious change and cultural continuity. The study documents the persistence of traditional ritual knowledge within a community experiencing substantial Christian conversion. Its significance lies in demonstrating that religious transformation does not necessarily produce the immediate disappearance of older cultural frameworks.

The important question is not whether communities remain unchanged but how they determine which practices to preserve, reinterpret, discontinue, or revive. Cultural continuity often depends on the capacity to negotiate change rather than on the complete avoidance of it.

### 8.2 Education, Language, and Generational Change

Formal education creates new opportunities for mobility, professional development, and participation in wider political and intellectual networks. At the same time, changes in educational environments and language use may affect the intergenerational transmission of indigenous knowledge.

When younger members of a community spend more time using dominant languages than their ancestral languages, they may find it increasingly difficult to understand ritual vocabulary, oral histories, proverbs, or customary expressions. The loss of linguistic competence can consequently affect more than everyday communication: it may reduce access to the meanings embedded in inherited narratives and customary practices.

Such practices demonstrate that indigenous identity is not simply transmitted from elders to passive recipients. It is actively negotiated by successive generations.

### 8.3 Christianity, Ancestral Practices, and Cultural Belonging

Religious change is an important dimension of cultural transformation in several communities of Arunachal Pradesh. Conversion may alter ritual practices, understandings of spiritual authority, ceremonial participation, and the social significance of inherited beliefs. However, religious affiliation and cultural identity do not necessarily correspond in a straightforward manner.

A person may identify as Christian while continuing to value customary law, ancestral history, indigenous language, kinship obligations, and community institutions. Conversely, a person who maintains an ancestral religious tradition may interpret customary practices differently from earlier generations.

These possibilities challenge the assumption that indigeneity requires adherence to a single religious system. They also caution against treating traditional religion and Christianity as internally uniform or inevitably incompatible.

The more useful analytical approach is to investigate how individuals and communities negotiate religious commitments alongside inherited cultural obligations. This requires attention to local histories, individual experiences, and differences between communities rather than generalisations about the religious identity of Arunachal Pradesh as a whole.

## FINDINGS

1. **Orality provides a cultural and historical foundation for collective memory** by transmitting narratives, knowledge, and values across generations.
2. **Customary law transforms remembered knowledge into social and normative practice** through community institutions, established procedures, and the interpretation of customary principles.
3. **Indigenous identity is negotiated through the interaction of cultural inheritance and contemporary change**. Language, religion, education, digital communication, legal institutions, and internal debates influence how traditions are preserved and reinterpreted.

## CONCLUSION

Orality, customary law, and indigenous identity are closely connected dimensions of cultural and social life among the tribes of Arunachal Pradesh. Oral traditions preserve historical memory, communicate collective values, and provide interpretive resources through which customary norms acquire meaning. Customary institutions, in turn, translate remembered knowledge into practices of social regulation, dispute resolution, and community governance. These processes contribute to the reproduction of collective belonging while also providing spaces in which inherited principles may be interpreted and contested.

The analysis demonstrates that indigenous identity cannot be understood as a fixed cultural inheritance that remains unaffected by historical change. Religious conversion, formal education, linguistic transformation, digital communication, migration, and interaction with state institutions influence how communities understand and express their identities. Such changes may disrupt established forms of cultural transmission, but they may also generate new opportunities for the preservation and reinterpretation of indigenous knowledge.

Ultimately, indigeneity among the tribes of Arunachal Pradesh is best understood as a dynamic process through which communities negotiate continuity and change. By examining the intersections of oral knowledge, customary jurisprudence, and identity, the article contributes to a more nuanced understanding of indigenous cultural life—one that recognises historical depth, internal diversity, community agency, and the continuing possibility of transformation.

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