


Chapter 2

What is Oral is Moral and Legal: Navigating the Rakhain Healing Cosmos from Sacred Chants to State Law

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ABSTRACT

This study investigates the Rakhain community's healing practices in coastal Bangladesh, focusing on how oral traditions—particularly sacred chants—function as systems of moral and legal authority. Anchored in indigenous gnoseology, the paper engages decolonial legal theory to explore how healing rituals operate not merely as cultural expressions but as juridical performances embedded in ecological and ancestral relations. The research is grounded in reciprocal ethnography and participatory fieldwork, emphasizing ethical co-engagement with healers and community elders. Three key findings are discussed: (1) the performative power of chants as moral judgments and legal acts; (2) the embodied and intergenerational transmission of knowledge; and (3) the bureaucratic disqualification of oral legitimacy by state and NGO systems. The paper concludes with recommendations for policy reform, ethical academic-NGO collaboration, and recognition of indigenous legal orders. It argues that within the Rakhain cosmos, what is oral is not only moral—it is inherently legal.

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INTRODUCTION

The healing practices of the Rakhain community in coastal Bangladesh represent a living cosmology where oral speech, ancestral memory, and ecological wisdom converge to restore life and social order. Within this cosmos, healing is not simply biomedical intervention but a relational event—performed through chants, ritual acts, and intergenerational trust—anchored in a moral-legal worldview rarely acknowledged in mainstream legal or public health systems. This paper examines how Rakhain healing chants and oral knowledge constitute a form of lawful being, asserting that what is oral is also moral and legal in Indigenous jurisprudence.

Modern legal regimes, especially in postcolonial states like Bangladesh, predominantly recognize legality through the lens of written codes, state institutions, and professionalized evidence (Santos, 2014). As a result, Indigenous forms of law—such as sacred speech, customary mediation, or ritual-based justice—are often dismissed as informal, irrational, or culturally symbolic. Drawing from reciprocal fieldwork with Rakhain elders and healers, this paper challenges that dismissal and explores the tension between oral-moral authority and state-based recognition systems. It investigates how a chant can act not merely as spiritual invocation, but as a juridical utterance—resolving disputes, restoring relationships, and enforcing obligations.

The broader aim is to interrogate the epistemic violence (Chilisa, 2012) that occurs when state and NGO actors demand documentation, certification, or codification from communities whose lawful traditions rely on embodied knowledge and relational authority. As one healer explained in the field: *“I was taught the chant, not with books, but with silence and touch. When I sing, the ancestors listen and the body listens too”* (Chowdhury, et al., 2023, p. 174). This invocation of ancestry and ecology suggests an ontological order where knowledge is sacred, collective, and orally sovereign.

This study is framed by a decolonial legal anthropology that treats oral traditions not as pre-legal but as pluriversal forms of law (de Sousa Santos, 2018). It engages with Indigenous gnoseology (Simpson, 2017; Chowdhury et al., 2023a), a mode of knowing that is rooted in relational ethics, lived memory, and ceremonial enactment. The research questions guiding this inquiry are:

- In what ways do Rakhain oral healing practices function as legal and moral authority?
- How do state and NGO legal frameworks challenge, suppress, or negotiate with these practices?
- What methodological and policy approaches can enable *reciprocal legal recognition* of such oral-moral systems?

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