

## A case study of “Wadu” Ordeal in the Yi Society

Erjin Aga

<sup>1</sup>Southwest Minzu University, China (Doctoral candidate)

<sup>2</sup>Xichang University, China (Teacher)

Email: 717188923@qq.com

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**Abstract:** In Yi society, the judge “Degu” Maintaining social order by customary law. But when disputes or cases lack of evidence and difficult to mediate in Yi society, the "Degu" is taken the parties to accept the “Wadu” ordeal. With the popularization and strengthening of the modern legal system, this ancient system of the Yi people has not faded. It still exists vigorously in the rural areas of the Yi villages, which is still used by the Yi people to deal with village disputes, maintain social order.

### 1 Yi Customary Law

Yi people’s customary law can not only fill the vacancy of national law, but also meet the diversified needs of the Yi people, so the customary law of the Yi people has not faded with the popularization and strengthening of the modern legal system. The customary law still exists vigorously in the rural areas of the Yi people, and is still used by the Yi people to deal with village disputes and maintain social order. Degu is Yi people’s judge, is a person with profound knowledge, eloquence, noble morality, impartiality and the ability to use customary law to settle hard cases or disputes. When using customary law to solve disputes in Liangshan Yi rural area, Degu mainly emphasized the witness and evidence. The ordeal is not the main way to mediate disputes and settle cases in Yi customary law, only when the facts of the cases were unclear or lacking evidence, Degu adopted the ordeal to solve.

The Yi people in Liangshan still believe in animism, believing that all right and wrong in the world are dominated by invisible ancestors’ souls. Therefore, anyone who violates taboos, infringes on the interests of others, or even does something harmful to nature will eventually be punished, the punishments including illness, death, accidents, disasters and so on. Based on this traditional, the ordeal is a mean adopted by the Yi people in solving hard cases.

In Yi villages, the types of cases are divided into three categories: “black cases” refer to very serious cases; “mixed cases” refer to relatively serious cases; “white cases” refer to general cases. When classifying each specific case, it is affected by multiple factors, the main factors are: motive, grade, consanguinity, way of committing a crime, place of committing a crime and so on. Take the case of stealing sheep as an example: if stealing sheep from a sheep pen is a black case; stealing sheep in the field is a mixed case; when herding sheep and other’s sheep follow their own sheep to go home as a white case<sup>1</sup>. According to the customary law of the Yi people, the cases that Degu could not solve were judged by ordeals. In the traditional society, there were six kinds of ordeals: 1. "Lekeduo"; 2, "Yikaluo"; 3, "Erchasu"; 4, "Chetuze" 5, "Sinuodu" 6, "Wadu". who can withstand such a test is considered to be blessed and innocent; on the contrary, considered to be punished by souls and convicted.

There were six kinds of ordeals in history, although they once played an important role in maintaining village order. However, because the first five kinds of ordeals are usually extremely cruel or even fatal, at the same time, the intervention of the national courts, the inadequate capacity

<sup>1</sup> Malzi, Liangshan Yi people Research, Liangshan Yi Slave Museum, 1998.

of Bimo to host ordeals and hold ordeals were costly, they have disappeared in the Yi village society. Only the "Wadu" ordeal is still used in the rural villages to solve disputes and hard cases.

## 2. "Wadu" Ordeal and Classification

### (1). "Wadu" ordeal

"Wadu" means beating chicken. The Yi proverb says, "Human life is like chicken's life, ancestor's soul will take it if he takes chicken's life; chicken wings can grow nine biers, and chicken heads can emit nine flames to burn corpses." This shows that it is a serious thing in the Yi society, the Yi people are afraid of "Wadu". Therefore, Clans within three generations will not hold "Wadu", no matter how serious conflict occurs, because once the chickens have been beaten, the relationship cannot be restored, including their own offspring, if restored they will also be punished by the ancestors' souls. Before Democratic Reform when the dispute that Degu could not mediate was financed by both parties to hold the "Wadu" ordeal.

"Wadu" usually chooses to be presided by Bimo in the wild, because Bimo is the representative of God and can convey the will of God. The ceremony should not only be open, but also have strict procedural requirements. Ritual requirements: "Shiji from home grabbed a white cock, dressed in white (white dress is dress of the Dead, it is a taboo in daily life), put 27 peeled divine branches on the head, right hand holding a sharp knife, left hand holding the chicken and a peach branch, went to the field, in the mediator's designated place. Before the reciting oath, the chicken was handed over to Jike, Lisa and other seven people for inspection. Nine people checked whether turf clumps were stuffed in the ears of chickens, according to Yi culture, if something is stuffed in the ears of chicken, beating chicken will not work. Beating chicken means inviting ancestor's souls to testify, and beaters are letting the souls of chicken instead of their own to suffer. If the ear is blocked, the chicken will not be punished by the ancestors' souls even if the chicken beater is guilty. ShiJi holds a knife and recites an oath: if Shiji stole a thing from mise's house he will die like this chicken. If he doesn't steal, everything will be as good as he likes, as white as snow. When he finished pledging, he asked one of the people who maintained order whether the oath was correct, and hit the chicken head with peach branch and knife. After the chicken was killed, he laid the chicken head on the ground to the north. The chicken put peach branch on the chicken and the knife on the chicken's side. He retreated<sup>2</sup>. After reciting the oath, Bimo held rituals, and both party drank chicken blood. When the ordeal is held, any mistake will lead to fighting between the two sides.

Compared with the traditional "Wadu" ordeal, now Yi villagers' hold "Wadu" ordeal is no longer complicated, but still quite strict with each procedure. Firstly, most of the cases of "Wadu" are presided by Degu, only very serious black cases are presided by Bimo. Sometime it hold by parties themselves, because of jealousy, suspicion and hatred, but there is no sufficient reason or ability to find the parties to settle, and Bimo will not help them with trifles, so the parties themselves presided the "Wadu" ordeal. Secondly, the requirements of the ordeal are no longer complicated, and the chicken beaters do not need to wear white clothes and insert divine branches on their heads. Finally, the chicken is not necessarily a white cock, and there is no need to check before the ordeal. But after the chicken was beaten, Degus ate the chicken, cleaned up the place where it was beaten, and hid the chicken bones and feathers in a remote cave, because if the party went to eat the chicken, or saw the chicken bones and feathers, it would be not work. Degu invited a Bimo to hold a ritual after the "Wadu", for driving out evil spirits.

People can judge innocence by seeing whose family member is dead, ill or disastrous things happen after a period of "Wadu". The openness and solemnity of divine judgment rituals are convincing and daunting, and they will not question the fairness of such results because they believe in the fairness of the souls of their ancestors.

### (2). "Wadu" classification

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<sup>2</sup> Hainailamo, Qumuzhiyue, Liangshan Yi Customary Law Collection, Yunnan People's press, 1998.

The Yi people worship their ancestors' souls and believe that they master all the misfortunes and blessings in the world. They believe that ancestors' souls should not be offended, or they will suffer disasters. ordeal is a customary law in the process of resolving conflicts and disputes, which decides whether it is true or false by supernatural force. The ordeal, as a supreme and final means of judgment, must be accepted unconditionally by all parties concerned.

In Yi society, "Wadu" ordeal is held in the following circumstances: 1. "Wadu" ordeal is usually used to solve difficult disputes. When Degu can't use his ability and wisdom to deal with disputes without evidence, then "Wadu" ordeal is adopted to deal with disputes; 2. When Degu settled a murder case, "Wadu" ordeal is usually held to tell the ancestors' souls that the murder case has been solved, and future generations cannot regret. Because according to the culture of the Yi people, once a homicide happens and when their children or grandchildren grow up, they will revenge; 3. Because of jealousy, suspicion and hatred, there is no sufficient evidence or ability to settle the case, people preside the "Wadu" ordeal by themselves; 4. The "Wadu" ordeal will also be held in the ceremony of expelling clan members, which means that the relationship will be cut off forever. In Yi society, expelling clan member is regarded as the most serious punishment. Expulsion is not only the loss of family support, relatives, social relations and assistance. What is more serious is that after the death of an expelled clan member, he may not be cremated at his ancestral grave or burned by his clan member<sup>3</sup>. he will not be sheltered and recognized by his ancestors. After his death, his soul will have no refuge and become a solitary ghost. If there is no "Wadu" ordeal when expelling clan member, it means that future generations can reconcile and restore clan relationship.

### 3.The Force of "Wadu" Ordeal

DM village is 37 kilometers away from Zhaojue County, covering an area of 7.8 square kilometers, with an average altitude of 2700 meters. It belongs to the remote mountainous areas, and the condition is very difficult. The population is dominated by two clan of Mahai and Sama, the other clans are Mose. Aku and Asu. People depend on clan organizations to ensure social order, and the clans accomplish his function through Yi customary law. In daily life, Degu and village officers work together to solve village disputes and conflicts between families and clans, so as to maintain order in the village. Sometimes there are criminal cases in the village, and when the policemen come, they let the Degus solve the problem, but Degu have to guarantee no violent incidents happens. The following five cases are representative "Wadu" Ordeals held in DM village.

(1). In 2016, the village of DM the government built houses for Poor households, where temporary working hours were needed in the construction site, villagers went to work there to earn money. One day, the villagers were working at the construction site, Sama agamo took his five-year-old son back to his parent's house in DM village and went with other villagers to earn money. Sama agamo's son drowned when he played with Mahai xiaoping's son and two Asu's children at a pond. Because of the lack of evidence, they did not know it was a murder or just an accident. And the three children said they were not pushing him into the water. After the mediation of Degu, they agreed to compensate for a total of 15,000 yuan to the Sama agamo's family. But the next day, her family asking 100,000 yuan. The other three families were unwilling to pay compensation. Degu mediated for several days but failed. Finally, the Sama agamo's family provide 5,000 yuan. The other three families provide 5,000 yuan altogether, two Degus held the "Wadu" ordeal. After the "Wadu", Sama agamo is not allowed return to the village. Other three families moved to Zhaojue County, because they were afraid that the village was "bad". Now Sama agamo's parents no longer spoke to the relatives of the three other families, and cut off all human relations.

The Yi people think that "people can't cross this chicken", after beating the chicken, the dispute was settled, which ended the quarrel between the two sides, prevented the situation from deteriorating in further and guaranteed the order of the village.

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3 Yang Huaiying, Liangshan Yi Slave Society Legal System Research, Sichuan National press, 1994, p88.

(2). In 2000, Asu lega's pig ran to Aku rufu's pigsty, and it was killed by Aku rufu. The Asu family quarreled with the Aku family, the Aku Muniu saw it, so he went to mediate. As a result, Asu lega's daughter hit the Aku Muniu with a stick. When Aku Muniu returned home, he took poison and committed suicide. Later, a chicken was killed at the door of Sama nigu's house. Sama nigu suspected that the "Wadu" was held by Axi wujida the wife of Aku muniu, because Asu lega's wife and Sama nigu's wife were sisters, and Sama nigu and Axi wujida are neighbors. But there was no evidence, so no action was taken to revenge. Since then, Sama nigu's wife has not had any children, thinking it was because of "Wadu", so in 2018 Sama nigu wanted to move out, so he spent 170,000 yuan bought a house and a small farmland in Lizhou, Xichang.

Liangshan Yi society is a typical rural society. The Yi society lacking mobility, people with strong sense of honor and disgrace. The Yi people are unwilling to be ridiculed and discriminated against by everyone especially by a woman. Asu lega's daughter hit Aku muniu with a stick, in yi society which is very humiliating to him, so he chose to commit suicide. The hatred between the two clans, which had nowhere to vent, so Axi wujida held "Wadu". At the same time, Sama nigu's family chose to leave because of his bad luck.

(3). In 2005, a people from Asu clan killed four people which all from Aku clan. The degu mediated and was settled by only compensate for 12000yuan, because the murderer's family was very poor. And paid each degu 200 yuan for the mediation. The degu held "Wadu", the Aku clan sworn when their children or grandchildren grow up, they will not revenge.

In any sense, the "Wadu" is not a punishment criminals. It is only a compensation to urge the victim to abandon the right to retaliate. The social interest of the ordeal is not to suppress crime, but to prevent endless family revenge and fights in order to maintain harmony between clans.

(4).The eldest son of Asu badong was a thief, used to steal money and things in Panzhihua and Xichang. In 1993, he stole 67,000 yuan from Xichang, that was a big amount of money at that time. His father thought he gave the money to his wife's father. In 1995, he hanged himself. Asu badong asked his wife's father to return the money. The family refused to return it, saying that they had not given any money. After the failure of the mediation by Degu, Degu hold the "Wadu" ordeal. Later, two other sons of Asu badong died of illness. Although his family had been very miserable since then, the villagers believed that he had done immoral things, so villagers unwilling to help his family in daily life. Only close family members had contact with his family.

People judge guilt by seeing who's family members are dead after "Wadu". They will not question whether such a result is fair, because they believe that the souls of their ancestors are just. After the "Wadu", the two sons of Asu badong's family died. Villagers believed that this was the punishment of the ancestors. The "Wadu" punishment played an important role in punishing evil-doers and encourage people to do good things.

#### 4.Conclusion

The authority of customary law in Liangshan Yi society should not be underestimated. This is the norm of people's social life, the standard of their behavior and the basis for resolving disputes. But when the Yi people have no way to go, they give up their judgment and hope that their ancestors' souls will show their strength to hold the "Wadu". They believe that the omnipotent ancestor souls will be aware of the autumn and will surely bring disaster to the wrong side, so that he will be punished as he deserves. We must not think that it is a meaningless strange custom, on the contrary, the emergence of this custom must have its profound social roots, its existence because it has important social role. "Wadu" plays a very important role in dealing with the relationship between clans,families and maintaining the order of villages in Yi society, including: 1. The Yi people's customary law emphasizes evidence, but the judge Degu lack relevant technology to collect evidence, and the Yi people's concept "the Yi people don't believe in letting han people solve their affairs ", so the "Wadu" is an expedient way to deal with difficult cases. By holding the "Wadu", we can prevent further deterioration of the situation, prevent the intensification of contradictions between clans and villages, and stabilize the order of the village. At the same time, it guarantees the reputation of Degu; 2. When people are suspected of making mistakes, but they are

unable to explain their innocence, they can only prove their innocence by "Wadu".it is a powerful weapon for the disadvantaged to resist and defend their own interests. 3. As a means of resolving disputes with a strong mysteries, "Wadu" has a deterrent effect on the members of villages and has a positive effect on preventing crime and stolen; 4. When both sides are confused and have to hold "Wadu", the wrong party will produce. guilty of being a thief. At this time, Degu will stop taking "Wadu" and persuade the wrong people to admit their mistakes and take responsibility;5. The Yi people believe that through the ruling of the ancestors, innocent people will be given innocence, the wrong people will be punished, and justice will be achieved.

Certainly, "Wadu" also has its unreasonable functions, including: Wadu judgment is obviously unreasonable, let the suspect go unpunished, rather than to investigate the responsibility; After "Wadu", some people have to leave the village; Obviously, some accidents and diseases are mistaken as ancestor's punish, which seriously damages the reputation of innocent people; "Wadu" cut off the future generations' relations, seriously hindering the harmonious.

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