Chapter 2

The Making of Thathrikkutty: Smarthavicharam, Sexual Morality and More

I have never been able to discover any name that the Brahmans have for the country over which their doctrine has extended. (Buchanan 1807, 306)

Introduction

Smarthavicharam – the pre-modern practice of trialing Nambutiri women (antharjanam) charged with adultery and sexual infidelity – has remained a potential site for discourses of sexual morality from early modern Keralam to the present. An instance of smarthavicharam in the early 20th century and the huge controversy that erupted following this incident quickly captured the centre stage in the ongoing reformation enterprises in Keralam. The event and its central character Thathrikkutty – the woman who was trialed – have ever since remained familiar in its cultural terrains owing mainly to the moral anxieties it unleashed at the time of its occurrence. In the history of sexuality in Keralam this common presence has a critical significance for its construction in the public pronouncements cement ideas of pre modern sexual anarchy and the progressive turn brought in by the modern moral paradigm. The construction and reconstruction of this event in popular memories throughout the modern history have most effectively borrowed from knowledge produced during the early colonial regime about the ‘uncivilized conditions’ that characterized the local culture.
The living memories of *smarthavicharam* and Thathrikkutty provide with some of the most powerful imageries through which discourses of progressive sexual morality are regenerated time and again. In fact Thathrikkutty’s was the first ever incident in the modern history of Keralam that was discussed widely within the Malayali public sphere from the vantage of a modern moral perspective. The moral fermentation that Thathrikkutty’s incident caused had deep and wider significance that it continues to be a live presence in discussions of *sadacharam* in the contemporary society. Embedded within the larger discourse of sexual morality the narratives around *smarthavicharam* and Thathrikkutty had shifting and complicated trajectories where Thathrikkutty, initially identified as inciting shame for the whole Malayali society, especially the Nambutiri community, was later reassigned as an icon of vengeance. Within this common reading Thathrikkutty emerge as the first ever woman who deployed her sexual prowess to fight against the patriarchal sexual anarchy that prevailed among Nambutiris - a community whose scriptures and customs (doctrines, to borrow from Buchanan’s account given as epigraph of this chapter) were privileged in the early knowledge production undertaken by the western anthropologists and colonial administrators.

The iconic capacity of Thathrikkutty’s image was substantially a product of narratives produced in the preceding periods, especially in the 19th century, about local practices and a strong dissemination of this knowledge undertaken by the print, and later electronic, media in the subsequent periods. As I have already mentioned in the previous chapter the discourse of decadence had considerably drawn from practices like *marumakkathayam*, *sambandham*, and polyandry. Apart from the common factors that established the ‘immoral’ universe of these practices what marked their existence was a point of common origin – the Brahminical scriptures
– and the inherent power relations between Nambutiris and other communities.

Smarthavicharam was situated at the centre of this knowledge that was inherited and popularized as bona fide and authentic in the later periods. Thus the construction of Thathrikkutty’s image is deeply implicated in structures of power and knowledge and the politics of representation scattered across a time span of more than two hundred years.

This chapter discusses the hidden implications of the colonial inventions of local practices as immoral and degenerate that still rules the roost in debates around questions of sexual morality, ‘deviant’ desires and subjectivities. The early 20th century contestations around Thathrikkutty’s smarthavicharam are analysed here in order to understand the nuances of contestations that occurred around questions of sex, desire, chastity, promiscuity and deviance during this time period. Within the contemporary popular knowledge smarthavicharam and Thathrikkutty are synonymous existences where memories of one cannot live without the other. The division between practice and subject ceases to exist within this space. However smarthavicharam was already a site of knowledge production much before Thathrikkutty’s incident occurred. Print and, later, literary production in the post Thathrikkutty period was deploying and reproducing this knowledge where her instance was effectively used for filling the gaps. The sudden transformation of smarthavicharam from a communitarian practice to a public spectacle in the early 20th century raises a huge array of questions concerning the foregrounding of caste specific practices as an effective site to generate knowledge about civilized sexual appetites.
What initially seemed to be a communitarian practice gradually spilled out to become a major site of contestations around these issues as well as interrogating the very dynamics of the relationships that existed between different caste groups. Whereas at the centre of these contestations remained questions concerning accessibility to the body of women, and reproduction and bloodline the volatile public sphere around the issue stretched it to convolute issues of caste and gender producing hegemonic narratives of progressive, monogamous morality. Thus the chapter also discusses how questions of caste were conflated with questions of sex and desire; this amalgam was deployed by the proponents of progress to forward their propositions and prescriptions to the society at large under nationalistic imaginations and beyond the caste and communitarian divisions. The chapter engages with narratives and descriptions of this practice emerging from different time periods ranging from the second half of the 19th century to the first decade of the 21st century. I take an instance of this practice that occurred in 1904-05 to problematise the unilinear assumptions that have always driven, and still drive, hegemonic descriptions about this practice as such and the discursive exemplars of victimhood and retribution into which the trialed women are always inserted.

Section I

Exoticising the ‘local’: Smarthavicharam in late 19th century descriptions

By late 19th century Smarthavicharam had already become an integral part of the anthropologists’ descriptions about the local customs and practices. The exhaustive elaborations made available by the local and western anthropologists both treated the issue from an already consolidated definition of sex, chastity and communal (Nambutiris’) preoccupations with purity.
As I have already mentioned in the introduction this is not meant to be an exhaustive survey of literature produced on the topic. I have rather restricted myself to two texts. The first one covers a very significant position in producing and reinterpreting local customs. The meanings assigned in this text became so popular that cultural production around *smarthavicharam* in the 20th and the 21st century Keralam could be seen as substantially grounded on its observations. The second text, written by a local author, anchored its positions in a similar fashion. The former was written by William Logan and the latter by a local author called Shungunny Menon. I borrow elaborately from these texts in this section in order to present a summarized version of oriental knowledge of *smarthavicharam*. The observations made in these texts are critical for they provided ‘legitimate’ explanations of this practice, under theories of caste, gender and science of morals, that was later transformed into a popular knowledge in the post *Thathrikkutty* era. The generous use of early anthropological writings shall also enable the reader to understand better the fundamental premises of the intersectionality between caste groups and their permutation into definite theories which I deal in the next section.

William Logan, a Scottish officer of the Madras Civil Service under the British Government with a considerable amount of experience working in different capacities before he was appointed collector of Malabar, wrote about the practice of *smarthavicharam* in considerable length. In his book “Malabar Manual” (1887), known as the first authentic guide to Malabar District under the Presidency of Madras in British India, he writes thus

The episodes in the trial of a caste offence among the Nambutiris are so curious, and throw light on their ways of thinking and acting . . . [W]hen a woman is suspected by her
own kinsmen or by neighbouring Brahmins of having been guilty of light conduct, she is under pain of ex-communication of all her kinsmen, placed under restraint. The maid servant (Dasi or Vrishali), who is indispensable to every Nambutiri family, if not to every individual female thereof, is then interrogated, and if she should criminate her mistress the latter is forthwith segregated and a watch set upon her. When the family can find a suitable house (Ancham Pura) for the purpose, the sadhanam (the thing or article or subject, as the suspected person is called) is removed to it; otherwise she is kept in the family house, the other members finding temporary accommodation elsewhere (Logan 1887, 122).

According to Logan, smarthans, who were the presidents of the Nambutiri villages or neighbourhoods (gramams), presided over the assemblies constituted for this purpose. These assemblies required the sanction of the ruling chieftain, who, on representation made that a caste offence had been committed, issued orders to the local smarthan to hold an enquiry. “There seems to have been in former days no appeal from the decision of the gramam [village] assembly to any other authority, but within the last few years the decision of such an assembly was called in question, and the attempt that was subsequently made to overrule its decision greatly exercised the minds of the “twice born” in all the Malayali countries” (122).

Logan’s text combines prevailing theories of Anthropology with western centric notions of sex and chastity. He sets the practice of smarthavicharam within a pre-defined context of systems of marriage followed by Nambutiris. “As the eldest son only of a family may marry into his own caste the younger brothers cohabit with Nayar females, and many Nambutiri women never get a chance of marriage. It is on this account that the caste rules against adultery are so stringent. But to make tardy retribution – if it deserves such a name – to women who die
unmarried, the corpse, it is said, cannot be burnt till a *tali* string (the Hindu equivalent of the wedding ring of Europe) is tied round the neck of the corpse while lying on the funeral pile by a competent relative. . . In order to get his daughters married at all, a Nambutiri must be rich, for with each of them he has to pay the bridegroom a heavy dowry and many an *illam’s* resources have been drained in this way. ”. (128). Logan’s observations are substantially embedded within the colonial economics of power that existed through a stark ignorance or a complete rejection of the locally specific land and community relations. It is precisely through these ignorance/rejection episodes that Brahmins were assigned the status of the local custodians who then were equally held responsible for what was commonly agreed as degenerate conditions of the local.

The text considerably evokes the cultural geographies of the region while romanticizing the local. Arranged in a dramatic language the narrative offered inside the text generates realistic impression mainly through its descriptions of the proceedings related to *smarthavicharam*. A considerable amount of space is allotted to describe the power hierarchies within the community that subjected the women under trial with different methods of interrogation and observation. A dramatic unfolding of the whole event subsequent to the initial sprouting of doubts is arranged in the text. After the initial examination of the servant-maid, the Nambutiris of the *gramam*, in the event of the servant accusing her mistress, proceeded without delay to the local king who had the power to order a trial. After the king issued the order in writing the local *smarthan* calls together the usual number of *Mimamsakas* (persons skilled in the law). “They assemble at some convenient spot, generally in a temple not far from the place where the accused may be. All who are interested in the proceedings are permitted to be present. Order is preserved by an officer
deputed by the chief [king] for the purpose, and he stands sword in hand near the Smartha and members of the tribunal. The only other member of the court is a Nambutiri called Agakkoyma. When all is ready the chief’s warrant is first read out and the accused’s whereabouts ascertained” (123).

The smartha, accompanied by the officer on guard and the Agakkoyma Nambutiri, then proceed towards the house of the accused: the officer on guard was supposed to remain outside while the others enter. At the entrance, however, they were met by the maid servant, “who up to this time has never lost sight of the accused and who prevents the men from entering. In feigned ignorance of the cause for thus being stopped, the smartha demands an explanation, and is told that a certain person is in the room. The smartha demands more information, and is told that the person is no other than such and such a lady, the daughter or sister or mother (as the case may be) of such and such Nambutiri of such and such illam. The smartha professes profound surprise at the idea of the lady being where she is and again demands explanation”.

Here begins the trial proper. The accused, who is still strictly gosha¹, is questioned through the medium of the maid, and she is made to admit that there is a charge against her. This is the first point to be gained, for nothing further can be done in the matter until the accused herself has made this admission . . . [T]his point, however, is not very easily gained at times, and the smartha has often to appeal to her own feelings and knowledge of the world and asks her to recollect how unlikely it would be that a Nambutiri female of her position should be turned out of her parent’s house and placed where she then was unless there was cause for it (123-124).

¹ Gosha refers to both the long cloth and the practice of wearing this to cover the whole body from head to toe by Nambutiri women whenever they were out of their households.
On most occasions this preliminary stage was relatively “easy” and was “considered a fair day’s work for the first day”. The smartha and his colleagues then return to the assembly and the former relates in minute detail all that has happened since he left the conclave. The Agakkoyma’s task is to see that the version is faithful. He is not at liberty to speak, but whenever he thinks that the smartha has made a mistake as to what happened, he removes from his shoulders and lays on the ground a piece of cloth as a sign for the smartha to brush up his memory. The latter takes the hint and tries to correct himself. If he succeeds, the Agakkoyma’s cloth is replaced on his shoulders, but if not the smartha is obliged to go back to the accused and obtain what information is required” (124).

When the day’s proceedings were finished, the members of the tribunal were sumptuously entertained by the kinsmen of the accused, and this continued to be done as long as the enquiry lasted.

A trial sometimes lasts several years, the tribunal meeting occasionally and the accused kinsmen being obliged to entertain the members and any other Nambutiris present on each occasion, while the kinsmen themselves are temporarily cut off from intercourse with other Brahmins pending the result of the trial, and all sraddhas (sacrifices to benefit the souls of the deceased ancestors) are stopped. The reason for this is that, until the woman is found guilty or not, and until it is ascertained, when the sin was committed, they cannot, owing to the probability that they have unwittingly associated with her after her disgrace, be admitted into society until they have performed the expiatory ceremony (prayaschittam). The tribunal continues its sittings as long as may be necessary, that is, until either the accused confesses and convicted, or her innocence is established. No
verdict of guilty can be given against her except on her own confession. No amount of evidence is sufficient.

Logan states that, when the accused woman did not confess, “various modes of torture were had recourse to in order to extort a confession, such as rolling up the accused in a piece of matting and letting the bundle fall from the roof to the court-yard below. This was done by women . . . [A]t other times live rat-snakes and other vermin were turned into the room beside her, and even in certain cases cobras, and it is said that if after having been with the cobra a certain length of time and unhurt, the fact was accepted as conclusive evidence of her innocence” (126). On occasions when the accused woman offered to confess she was “examined, cross-examined and re-examined very minutely as to time, place, person, circumstances etc., but the name of the adulterer is withheld (though it may be known to all) to the very last”. Sometimes a long list of persons is given and similarly treated.

The tribunal meets at the accused’s temporary house in the pumukham (drawing room) after the accused has admitted that she is where because there is a charge against her. She remains in a room, or behind an umbrella, unseen by the members of the tribunal and other inhabitants of the desam who are present, and the examination is conducted by the smartha. A profound silence is observed by all present except by the smartha, and he alone puts such questions as have been arranged beforehand by the members of the tribunal. The solemnity of the proceedings is enhanced by to the utmost degree by the demeanour of those present. If the accused is present in the room, she stands behind her maid servant and whispers her replies into her ear to be repeated to the assembly (127).

According to Logan the greatest difficulty was experienced in getting her to confess,
but this is usually brought about by the novelty of the situation, the scanty food, the protracted and fatiguing examination, and the entreaties of her relatives, who are being ruined, and the by the expostulations and promises of the smartha, who tells her it is best to confess and repent, and promises to get the chief to take care of her and comfortably house her on the bank of some sacred stream where she may end her days in prayer and repentence. The solemnity of the proceedings too has its effect. And the family often comes forward, offering her a large share of the family property if she will only confess and allow the trial to end. When by these means the woman has once been induced to make a confession of her weakness everything becomes easy. Hitherto strictly gosha, she is now asked to come out of her room or lay aside her umbrella and to be seated before the smartha and the tribunal. She sometimes even takes betel and nut in their presence.

When the trial was finished, a night (night-time seems to be essential for this part of the trial) was set apart for pronouncing sentence, or, as it called, for “declaring the true figure, frame, or aspect” of the matter. “It takes place in the presence of the local chieftain who ordered the trial. A faithful and most minutely detailed account of all the circumstances and of the trial is given by the smartha, who winds up with the statement that “child” or “boy” (a term applied by Nambutiris to their east coast east-coast? pattar servants) will name the adulterer or adulterers. Thereupon the servant comes forward, steps on to a low stool, and proclaims the name or names.”

The next proceeding, which formally deprived the accused woman of all her caste privileges, was called the Keikottal or handclapping ceremony.

The large palmyra leaf umbrella with which all Nambutiri females conceal themselves from prying eyes in their walks abroad is usually styled the “mask umbrella” and is with them the outward sign of chastity. The sentence of excommunication is passed by the
smartha in the woman’s presence, and thereupon the accused’s umbrella is formally taken from her hands by a Nayar of a certain caste, the pollution remover of the desam. With much clapping of hands from the assembly the woman is then instantly driven forth from her temporary quarters and all her family ties are broken. Her kinsmen perform certain rites and formally cut her off from relationship. She becomes in future to them even less than if she had died. Indeed, if she happens to die in the course of the enquiry, the proceedings go on as if she were still alive. And they are formally brought to a conclusion in the usual manner by a verdict of guilty or of acquittal against the men implicated . . .

[T]he woman thus driven out goes where she likes. Some are recognized by their seducers; some become prostitutes; not a few are taken as wives by the chetties of Calicut. A few find homes in institutions especially endowed to receive them.

Perhaps the first text that dealt with the issue of smarthavicharam with its procedural details was that authored by Shungoonny Menon and published in 1878 AD. He provided a vivid description of the practice, as it was followed by the Nambutiris of Keralam, which was an example of the “rigorous and severe” rules laid down “for protecting chastity amongst [Nambutiri] females” (76). According to him when a female member of a family was suspected of having violated the laws of chastity, the head of the household communicated the information to his kinsmen. They then constituted an assembly along with some of the headsmen of the neighbouring village. This assembly conducted a preliminary enquiry through the maid servants in the house including the one attached to the suspected female. This was a very minute enquiry searching for evidence and, if the suspicion was found to be groundless, the enquiry was stopped and the matter dropped altogether then and there. On the other hand, if grounds for suspicion were found to be accurate, the suspected female was ordered to be located in a separate place called by the technical name Anjampura, where she was kept in isolation from others. The owner of the house and his kinsmen, together with the elders, then proceeded to the king to represent
the matter in a particular form.

The king, his family priest and other pundits of his court assemble and the sovereign himself puts several questions to the complainant and his kinsmen as to the nature and grounds of the suspicion and their own knowledge of the matter, their opinion etc., and the courtiers also follow the same course, and then the king issues a writ to the smarthan and deputes the king’s agent or deputy in the person of a learned man and a Vedic scholar of the court. The prosecutor, together with certain men of the committee, goes to the smarthan, lays down a certain sum of money as a complimentary present to the smarthan, and apprises him of the affair and of the king’s order; the meemamsakans [Vedic experts or scholars] are now assembled and all now proceed to the house of the suspected female, and the smarthan, with all the respect due to a Nambutiri woman, standing at a good distance without being seen by the female, makes a maid servant his intermediary and commences asking a series of questions (76-77).

If the woman’s answers satisfied the smarthan as revealing the accusations to be groundless, then he would communicate the same to the meemamsakans and the king’s agent present. They conduct a mutual consultation about the questions asked and the answers given and “should they agree with the smarthan that the accused is innocent, the enquiry is discontinued and a ceremony known as kshama namaskaram is gone through, i. e., lying prostate before the suspected female and asking her pardon for the vexatious procedure to which she was subjected, and thus the female is honorably exonerated” (77). On the other hand if the suspicion was confirmed by her answers, and good reasons were found for believing the charge, the smarthan, abandoning the service of the intermediary maid-servant, “shows him before the accused female, and confronting her, begins questioning her. From this stage onwards the female is addressed and called a sadhanam (thing)” (78). This examination continues about three days,
and by that time the guilt is likely to be completely established, mostly by confession
strengthened by evidence, and then the case is summed up and considered by the smarthan,
meemamsakans and others in the presence of the king’s agent. At this stage, the female is closely
watched not only to prevent any outside advise from reaching her but also to frustrate any
intentions of committing suicide which she may entertain. The result of the enquiry is reported to
the king, who, after hearing all the facts sanctions the excommunication of the female and allows
her a small pittance of rice and provisions to be issued from one of the Oottupuras (feeding
houses). The sentence of excommunication is pronounced by a foreign Brahmin called a? Pattar.
This person, standing on a platform erected for the purpose, declares in a loud voice the names of
the adulteress and the adulterer; he next announces that the crime has been proved against them
and that they both have been excommunicated. For this service, the Pattar gets a prescribed fee.

The cost of this enquiry . . . is somewhat considerable, and the whole is borne by the head
of the family who is bound to go through certain ceremonies after performing the mock
funeral ceremonies of the female, who is now considered as dead and severed from the
family. This concluding ceremony is called sudhabhojanam (messing after purification) . . .
During the enquiry the assembled committee is sumptuously fed by the head of the family .
. . [S]uch an enquiry is essential to the Brahmins for preserving the purity of their race
(Menon 1985 (1878), 76-79).

These texts both were built exclusively on the colonial politics of power and knowledge
where the local practices were wholly translated, with the help of theories already available, to
discover the immoral elements in the local traditions. As we shall see in the later sections of this
chapter these texts were rendering new colours to the practice by attributing undue significance
to questions those were never central to it. However they were immensely successful in making
smarthavicharam a symbolic representation of the local culture that testified its uncivilized character. This was attained on several grounds. The proposition, as evident from the epigraph in this chapter, that Brahminic scriptures determined the local customs gave sufficient room for these writers to focus upon practices followed by that community despite its small size in the demographic composition of the local population. This was a major factor considering that it enabled the colonial administration to bypass the dynamics of the various local cultural practices by focusing on selected scriptures and customs followed both by Brahmins and non- Brahmins.

As we shall see in the next section this also helped considerably in connecting all the major practices followed by other lower castes with the Brahminic scriptures and customs. Thus marumakkathayam (matriliny), sambandham and polyandry – practices followed by different caste groups including Nambutiris and targets of reformation enterprises in the 19th and early 20th century period – were all projected as part and parcel of the same network. Smarthavicharam occupied central significance in this knowledge field precisely because it was an ‘easy example’ at the hands of the colonizer for the noncivilised nature of the local people. However its reinterpretation into western knowledge was achieved by substantially altering the fundamental premises of its practice. These textual frames resurface in the post Thathrikkutty timeline in the modern history of Keralam. The projection of smarthavicharam in the 20th- early 21st century public spheres in Keralam invokes complex genealogies of knowledge production undertaken in

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2 According to the 1891 census Nambutiris in Travancore were less than .25% of the total population. Including all other categories of Brahmins in the region their size was less than 2% of the total population. In the case of Cochin their total size was less than 4% and in Malabar region it was less than 2.5% of the total population (Census of India, 1891, Madras, Vol. 13. report Madras 1893. Table XVI-A; retrieved from http://archive.org/details/cu31924023177268 on February, 2011).
the 19th century and the incorporation of the 20th century episode of *Thathrikkutty* into it. However in the contemporary social situation *Thathrikkutty* reminds a whole context of sexualities, translated under a compounded version of sexual anarchy, embedded within pre modern relations of power. It is precisely this constructed version of a whole context that travels along with *Thathrikkutty* in the contemporary popular memories. An understanding of this context shall also help us reflect upon the situatedness of the aforementioned texts.

**The context: combination of caste and sex in late 19th century Keralam**

... no stronger argument could be adduced of the existence of polyandry among the Nayars in ancient times than the fact that to this day the term Son of ten fathers is used as a term of abuse among them. (Wigram 1882, III).

This section is intended to briefly analyse the complex backdrop where discussions about the need to transform the locally embedded notions and practices around sex and morality were coalesced with caste relations and communitarian practices. The controversy around the site of *smarthavicharam* in the early 20th century had coincided with the emerging discourse that surrounded the larger questions around the diverse practices followed by different communities across the region. These include *marumakkathayam* (Matriliny), polyandry and the system of *sambandham*. A deeply loaded criticism of these practices was an inherent component of writings that emerged during this period on local customs and practices. A great many of these were with regard to the systems of marriage followed by different communities which were largely framed within the above-mentioned triad of *marumakkathayam*, polyandry and *sambandham*. With regard to matriliny Arunima argues that this institution in Malabar, as
elsewhere within the region, had undergone “several kinds of mutations through the nineteenth century” (Arunima 2003, 4).

She observes that the theorization of matriliny, an enterprise undertaken within the discipline of anthropology in the post 1950s, had resulted in rather simplified versions of its causative factors because “most scholars have not engaged directly with the analytical problems with their material”3 (2003, 3). Another implication of this overwhelming interest in matriliny was that it sidelined the practice of sambandham, a hypergamous relationship established between the Nambutiris and the Nairs, which equally captured the early colonial writers’ imaginations as the main factor in the origin of matrilineal system of inheritance. The theoretical enterprises undertaken by the colonial writers and jurists during the period framed these practices from the vantage of a thoroughly western-centric perspective. In fact a reference to the diverse, especially marital, practices followed by the different communities was part and parcel of almost all the texts produced on the region during this period, a point well reflected in the commentary offered by a writer in the mid 20th century that “South India . . . is often referred to as an ethnologist's paradise, owing . . . to the striking diversity of cultures found there” (Cappannari 1953, 263: emphasis mine). Marumakkathayam, sambandham and polyandry were often projected by the early colonial writers as instances that contrasted with the European model of monogamy. This field of theorization was indeed successful in situating these practices within the local caste hierarchy and inter-caste relations particularly those that existed between Nambutiris and Nairs and Nambutiris and other castes.

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3Her survey of the scholarly assumptions leads Arunima to argue that “[i]t is evident from these assumptions that the evolution of matriliny . . . is viewed as an unnatural system, and the result of Brahmin power (Arunima 2003, 5).
On the one hand these attempts drew a direct relationship between marumakkathayam – followed mainly by the Nairs and certain other non-Nambutiri communities in different parts of Keralam – and Nambutiris by contextualizing its emergence within the property related interests of the latter. The ordinance among the Nambutiris allowing only the eldest male member in a family\(^4\) to enter into a “lawful wedlock with a woman from his own caste” had made it necessary for the younger brothers to seek “asylum in the Nair families which settled round about them and began to enter into illegitimate unions of the nature of concubinage” (Panikkar 1900, 36: emphasis mine). This followed the constant threat of dividing the property outside the community among children born out of such alliances; to avoid this, marumakkathayam was administered among those other communities with whom such alliances were established. Thus these children never had any claims over their father’s property whereas they inherited from their mother’s line (Logan 1887).

*Sambandham* referred to these ‘illegitimate’ unions, bringing them directly into a cause and effect relationship with the marital practices followed by the Nambutiris and their exclusive control over the realm of laws. The capacity to regulate laws and practices according to their fancies was located within the land relations. Kodoth (2001) while investigating the larger political context within which the question of marumakkathayam was debated and contested in Keralam during the late 19\(^{th}\) century argues that “the mutually non-exclusive hierarchical interests in land” was interpreted by the colonial civil courts in terms of absolute proprietorship

\(^4\) Almost all authors who had written about these practices have referred to this point. William Logan wrote that “[a]s the eldest son only of a family may marry into his own caste the younger brothers cohabit with Nayar females,” (Logan 1887, 128)
by the Nambutiris; a position which enabled them “to ensure access to women of Nair tenant taravads (matrilineal joint families)” (350).

A similar situation existed in relation to polyandry as well. By the late 19th century the

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5 A number of studies emerged in the mid 20th century claiming that polyandry was widely followed by different communities in Keralam, especially Nairs and Ezhavas. Although it had been a topic that obsessed the colonial writers a structural study of the same was initiated by Mandelbaum (1938) where he notes that “in South India polyandry is of especially frequent occurrence” (581); in Cochin, he identified six polyandrous tribes including the Nairs (Nayars) of Travancore and the Ezhavas (Irava) of British Malabar. In fact polyandry, its existence and its spread among the different communities, in Keralam was a central point of academic debates among socio-anthropologists as well as local community leaders. In an article published in 1931 K.M. Panikkar, while writing about Nair polyandry in Keralam, contested the versions provided by British anthropologists. His main argument was that Nairs practiced only fraternal polyandry (as opposed to the European writers’ claim that they followed both fraternal and non-fraternal polyandry) in certain areas of Travancore and Malabar where “the Nambutiris tyrannized over the Nairs” (Panikkar K. M. 1931, 231). While responding to Panikkar’s arguments A. Aiyappan, a well-known anthropologist from Keralam, indicated that Nairs and Ezhavas practiced both fraternal and non-fraternal polyandry (1935). According to him both these versions of polyandry especially among these two communities had emerged because of the “Nambutiri ordinance that there should be no enforced chastity among the women of these castes”. That even to this day Nair women retain some of their ancient prerogatives. Within her private apartments she is absolutely free from the control of her male relatives. The brother-sister tabu operates against the brother’s interference, and the uncle’s control over the feminine section of his household is also limited. The absence of definite relationship terms for relatives on the father’s side shows the subordinate position of the father; he was not an equal partner in marriage. At funeral ceremonies a person's own children have a secondary role, while sister's children act as chief mourners. Disregard of the father factor goes to such an extent among them as to tolerate marriage of parallel cousins on the father’s side—a thing uncommon among the Hindus. The relatively insignificant position of the father is a natural consequence of polyandry; matriliny is not wholly responsible for it (Aiyappan 1935, 78).

Aiyappan adds that Panikker’s refusal to accept the evidences left by the European travelers of the 17th and 18th centuries and what was observed by the 19th century writers was due to “caste-pride clouding his vision” (79).
colonial authors had established that polyandry was an offshoot of *marumakkathayam*. Polyandry had already started losing its popularity around this period and its significance mainly remained in reminding a past where “promiscuity was the rule of the day” (Wigram 1882, 76). These narratives of the past were very often coloured by the predominant control that Nambutiris had over other communities and *marumakkathayam* was a clear reflection of this; it was also a direct link that connected this past with the present. An author in 1880s observed that “there is evidence to show that polyandry still lingers in the Ponnany and Walluvanad Taluques especially on the Cochin frontier of the former Tuluque. It is a fair inference from this that polyandry was once universal in Malabar, and that out of it sprang the institution of Marumakkathayam” (Moore 1882, 346). The Malabar Marriage Commission, constituted in the early 1890s to enquire into the various customs and practices in the Malabar and South Canara districts of the erstwhile Madras presidency, observed that “if by polyandry we simply mean a usage which permits a female to cohabit with a plurality of lovers without loss of caste, social degradation, or disgrace, then we apprehend that this usage is distinctly sanctioned by Marumakkathyam and that there are localities where, and classes amongst whom, *this license is still availed of*” (Report of the Malabar Marriage Commission 1891, 102. emphasis mine). The constitution of this commission was a culmination of attempts in the second half of the 19th century to effect change through legal interventions and bring the local marriage customs and practices under a codified law.

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Between the “caste-pride” of Panikkar and Aiyappan’s brief overview of polyandry remains the underlying politics of the civilization mission that was constantly involved in the production of knowledge about local practices, traditions and customs. The lack of male control over woman within the household, its translation in terms of her sexual freedom, the insignificant role of fatherhood etc., all of which considered as immoral from a Euro centric perspective were deployed to provide a value judgment of this practice. By this time, that is the mid 20th century, the relation between Nambutiris and polyandry followed by other communities had become quite an obvious connection both in the commonsensical and academic imaginations (Mandelbaum 1938; Prince 1955; Aiyappan 1935 & 1937).
*Sambandham* and *marumakkathayam* related practices were the main targets of these efforts. The existence of polyandry was assigned meaning in direct relation to the institution of matriliny. The idea that polyandry among Nairs was a result of vested interests of Nambutiris had gathered wider acceptance around this period.

Kodoth in her paper articulates that “signs of discontent with marumakkathayam were becoming apparent prominently in the newspaper reports” by the 1880s in Keralam (Kodoth 2001, 351; also see Panikkar 1995 for a detailed consideration of such reports). By this period a common understanding of *marumakkathayam*, in terms of the sexual access it gave for Nambutiri men to the women of other communities, was already arrived at in public discourses in the region. An author while addressing the inaugural meeting of the Thiruvithamkur Vidyabhivardhinee Mahasabha – a forum constituted to work around the issue of education and progress – observed that “a common reason for the consideration that chastity is not compulsory for Malayali women is because of the existence of marumakkathayam . . . [B]ut in marumakkathayam a woman can have marital relationship only with one man at a particular time. Only if she approaches another man during the period of a relationship could she be thought of as unchaste” (Varma 1898, 21-23: emphasis mine). He further situates this issue amidst interpretations that maintained that all non-Brahmin women should be accessible to Nambutiris. He adds that “chastity is the best ideal for any Malayali women rather than remaining a celestial princess meant to serve the Brahmins” (29-30).

The late 19th-early 20th century was a period when a clearly defined distinction between
what could be considered as moral and immoral was emerging. The concerns were unique to this context to the extent they were invoked against the complex background of a fabricated history of communitarian practices and relationships. References were often made to this historical backdrop to justify the movement towards a monogamous system with clear-cut lines drawn in terms of defining sexual desire. The key issues that regulated these narratives with a crucial impact on the common imaginations were those around the questions of control over women’s sexuality, paternity or a shared imagination of fatherhood and the male’s control over the family. Thus this discourse not only made patriarchy a desirable objective of any practice but also subjected women’s sexuality to regulations within the communities. Previously women’s, as well as men’s, sexuality was a subject matter of inter-community relationships between Nambutiris and other – mostly non-Brahmin – castes. This had enabled members of different caste groups to enter into conjugal relations with each other. The 19th century reinterpretations of caste relations led to the questioning of this whole system and sexuality became an issue over which each caste had their own stake. This coincided with the reformation discourse of sexual morality, discussed in the previous chapter, and attempts had already begun to transform each caste into endogamous units strictly following monogamy.

Access to the female body and its monopolization, and the complexities that surrounded the question of property inheritance had become the main concerns for the leaders of the

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6 I should take the caveat that these transformations indeed took a long time before these practices had completely disappeared from the Kerala society and studies record that practices, especially marumakkathayam and polyandry were still in place in Keralam even in the mid 20th century period. Refer to my previous note on polyandry in this regard; For marumakkathayam see Gough 1952 and 1959, Arunima 2003; Saradamani 1999; Kodoth 2001 and 2002. To get a total commentary on the changing family patterns especially among the Nairs see Mencher 1962; see Silva and Fuchs 1965 for commentary on changing family systems among Christians.
reformation process in different communities. This had massively contributed to the huge public interest suddenly attracted by Thathrikkutty’s *smarthavicharam* in the early 20th century period. An author in Malayala Manorama, a leading newspaper during the period, while the trial was progressing, wrote that

> It was precisely the selfish interests of the [Nambutiri] lawmakers to maintain purity and prestige of their community that a law to punish by casting out all those who had sexual relation with an *antharjanam* was sanctioned. Accessing the wife of a spiritual Brahmin whose life is devoted to the teaching of Vedas should definitely be considered as a crime that deserves such a treatment. But today’s Brahmins engage in at least three or four marriages and still approach a *sudra* [lower caste] woman to spend their nights with; they can never be considered on equal terms. *Is it not a grave injustice to demand one community to suffer for the sake of another?* 7

Thathrikkutty’s *smarthavicharam* was the first venue where oriental knowledge of local practices was deployed so powerfully as to generate wide public opinions. The trial was incidental in causing a sudden and violent discharge of hostility in the public sphere towards Nambutiri hegemony that was generally held as primarily responsible for all amoral practices in society of which the latest trial was projected as symbolic. The quote above shows the extent to which this knowledge had already gathered acceptance in the public realm and which was critical in shaping the new moral discourses through which Thathrikkutty would be seen in the subsequent periods. *Thathrikkutty's smarthavicharam* was the first site in the history of modern Keralam where issues concerning sexual morality, sexual freedom, the prevailing inter-community relations were openly contested with a rather wider participation; a site where

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7 Malayala Manorama, June 7, 1905. 43 (16). 1-3: emphasis mine.
questions of sex and body were merged with questions of subjectivity and modernity.

Section II

The early anxieties

In the year 1904-1905 a Nambutiri woman (antharjanam) called Thathrikkutty was brought to trial for charges of illicit relations with younger village men.

The trial lasted six months. During the proceedings she disclosed the names of sixty three paramours, most of them men of high caste, repute and influence within the community. As a result she and all the men she named were ostracized by the community. Following this case the Rajah of Cochin proclaimed that in future, for holding such a trial the caste council would need to deposit a large sum of money in Royal treasury as a security” (Mathur 1969; 211).

Although smarthavicharam was a practice followed by the Nambutiri community the discussions around the same had a critical bearing on the larger cultural spectrum of Malayali society. In a considerably popular book on Thathrikkutty’s smarthavicharam, the author Leelakrishnan observes that “[T]he Thathrikkatha [Thathrikkutty’s story] has influenced literally all fields of significance in Kerala’s culture namely arts, literature, women’s liberation, social reformation etc. It has assumed the proportions of a legend, through tales orally communicated, the size of which can only match time” (Leelakrishnan 1977, 1). A number of texts, fictions, cinemas, short stories, poems, articles and studies, have been produced in Malayalam around this topic. Nevertheless there has not so far been any serious academic evaluation of the topic. This is
despite the passing references made in a number of academic texts (Agarwal 1994; Fuller 1976; Mathur 1969; Mayaram et al 2005).

The timing of the Thathrikkutty incident was crucial in transforming it into a central issue to be taken up by the reformers. The reform movement had already set its stage in different parts of the region now known as Keralam by then and the print media were already replete with calls to abandon the degenerate social practices. The role of print media, particularly newspapers, was crucial in popularizing Thathrikkutty’s smarthavicharam. Malayala Manorama, the most well-known Malayalam daily of the period, regularly updated its readers as Thathrikkutty’s smarthavicharam was going on. In fact reports of smarthavicharam events had started appearing, especially in Malayala Manorama, even before the Thathrikkutty’s incident. However Thathrikkutty’s smarthavicharam was the first one where an updated sequence of events was made available to the larger public. For instance between 1903 and 1905 almost all issues of Malayala Manorama contained reports of the ongoing smarthavicharam with details thereof. On May 27, 1905 it reported the arrival of the king (Valiya Thirumanassu) in the capital Cochin after his visit to the neighbouring Thrissivaperoor district (now Thrissur) and the details of a smarthavicharam. The paper also reported that the king had decided, contrary to the custom, to provide an opportunity for all those men whose names were mentioned by the accused woman to

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Examples are Malayala Manorama newspaper reports on May 29, 1897, Meenam 16, 1901 (English date unavailable) and June 27, 1903. Some issues in Malayala Manorama magazine contained the details of some of the smarthavicharam incidents with minimal details of trials conducted in and around the Kottayam district. Malayala Manorama, 1901, 12 (No.s 58 and 59).
prove their innocence.

The introduction of the technology of live reporting through print media was critical in shaping public opinions at each stage of the trial. This live space literally worked formatively in shaping a volatile public sphere that engaged in frenzied arguments on questions regarding sexual discipline and non-normative sex, prevailing forms of conjugality and so on. This also led to the creation of a space where sexuality was looked upon as a major field of transformation with varying definitions consistently filling it. For instance an initial response to the trial held that “only the first person (male) has had intercourse with a Brahmin woman. All the other accused persons had sexual intercourse with a prostitute. Hence only the first person should be excommunicated.” The same letter pointed to the dangers of relying upon the statements given by the woman alone. “For example a woman in a village was caught red-handed for committing adultery. The woman, who came to know that it was the oracle of the village who helped others to find her place, decided to teach him a lesson and mentioned his name during the smarthavicharam. In the end he too was excommunicated.”

The newspaper reporting and the debates that followed were critical in objectifying both

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9. “The king had conducted discussions about an impending judgment on the ongoing smarthavicharam of which the sadhnam [the trialed woman] is kept under custody in heavy protection. The difficulty in coming to a final judgment had mainly arisen from the fact that more than sixty people, of whom many were renowned in the society, had been implicated in the case” (Malayala Manorama May 27, 1905).

10. See the quote in the previous section from Malayala Manorama Op. Cit. FN 7.

11. Malayala Manorama, June 7, 1905 (emphasis mine).

12. Ibid.
smarthavicharam and the traditional orders of sex. Thus the new smarthavicharam of Thathrikkutty was recast in the language of shame and punishment and of modern judiciary.

A list with the date, time, a detailed history and the names of accused men with proofs for each of the intercourses has already been prepared by the officials. All the 65 accused men were given separate dates for hearing at the palace. They were given the opportunity to prove their innocence and to ask questions with the woman directly. She replied like a barrister.¹³

Thathrikkutty’s smarthavicharam also generated debates about the prevailing systems of justice. Although smarthavicharam was a communitarian practice, Thathrikkutty’s trial had already caught the attention of the larger public for several reasons. While there was a stark absence of any opposition to conducting this trial there was a whole lot of opposition to the way the trial itself was conducted. One obvious reason for this was that since the list of accused men included people from other caste groups the validity of following sankarasmrithi, the text exclusively followed by Nambutiris of this region, was seriously challenged. The methods of conducting the trial, evidence that was accepted etc., differed from those followed by other communities. This evidently came out during the trial from a Brahmin himself. Rankan Pattar, one of the accused, while responding to the notice served on him, argued that, since he was a foreign Brahmin – one who did not belong to the original Kerala Nambutiris – the Smarthan of this incident was not eligible to conduct the trial. “The Smarthan of Keraladesam [Keralam] is ignorant about our caste-related customs, rules and regulations as also the smrithi that we as a community follow.

¹³ Malayala Manorama, June 5, 1905.
¹⁴ Rankan Pattar’s reference here is to manusmrithi –the scripture followed by most Brahmins in other parts of India
There were a number of suggestions before the king regarding the kind of changes required to make the *smarthavicharam* a more ‘judicial’ process. Rumours were widespread about literally everything related with the ongoing *smarthavicharam*. It was already the talk of the town, especially, in the Cochin and Travancore regions\(^\text{17}\). Two suggestions, about which rumours were widespread, deserve mentioning here; one was that the accused men, all those whose names were mentioned by the woman, would be called forth when they would be given an opportunity to directly put questions to the concerned woman in an attempt to prove their innocence. The second suggestion was that all the concerned records would be sent to an honourable judge of a court before whom the accused would be given an opportunity to orally prove their innocence. Both these suggestions were criticized on the ground that they did not contain sufficient room for the accused to provide evidence or any other testimonies that would

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\(^{16}\) Malayala Manorama, July 22, 1905 (emphasis mine).

\(^{17}\) Malayala Manorama was published from Kottayam, a district under the Travancore province then.
prove their innocence. “What purpose will it serve . . . when it is still believed that the woman would be fully honest and all the men are excommunicated on the basis of her statements alone. But the fact that over sixty names are already revealed proves that this woman is deceptive . . . [A] woman who have had sexual intercourse with such large number of people and who, by disguising herself, had enough mettle to visit places and see sights can never be trusted for what she states”18.

In fact trials and discussions around the practice of smarthavicharam used to be early occurrences in the courtrooms. As early as 1880 “a decision of smarthavicharam . . . excommunicating a women and a man she had implicated, was taken to, and overruled by, the High Court in Madras on the grounds virtually that the smarthavicharam had not observed procedures acceptable to civil courts. The High court held that ‘the plaintiff’ (the excommunicated man) not having been charged, nor having had an opportunity to cross-examine the woman, or enter on his defence, and vindicate his character . . ., the defendants had not acted bonafide in making the declaration”19. O. Chandu Menon, author of the first popular Malayalam novel Indulekha and an erstwhile member of judiciary, had earlier provided the description of an instance of this caste procedure while he was a sub-judge of Canara – in the northern part of the present Keralam. According to him the whole issue emerged in connection with a lawsuit before the Calicut sub-court to determine whether a Nambutiri could lose his caste for violating some caste rules. “The ordeal was well attended and ended in so much confusion and uproar that many officials including myself were unable to see how exactly the scales stood; but the judges

18 Malayala Manorama, June 5, 1905
19 Indian Law Reports (Madras Series) 12, 1889, cited in Thurston and Rangachari 1902, 224.
(Brahmin priests who officiated as judges) loudly and vehemently declared in favour of the poor accused” 20. In terms of the number of accused men also Thathrikkutty’s instance was not novel. References to different smartavicaram incidents are available from the archive records where the number of accused people was well over ten and twenty. Logan (1887) provides the following description

“Innocent persons are sometimes named and have to purchase impunity at great expense. In one case a women who had indicated several persons was so nettled by the continual “who else?” “who else?” of the zealous scribe who was taking down the details, that she at last, to his intense astonishment, pointed to himself as one of them, and backed it up by sundry alleged facts” (124).

The entry of the smartavicaram into the public domain during the beginning of the 20th century was made possible by multiple factors, as I have already suggested, including the emerging importance of print media, the forming of a public sphere and the ongoing reform process. Discussion of the smartavicaram had occupied a major space in this public sphere despite the communitarian resonance of the event. An author interrogates the need to involve members of other community in a process “that is purely intended to maintain purity of blood” within the Brahmin community21. Nevertheless what caused such a preoccupation with an event, the occurrence of which was not an uncommon one within the Nambutiri community, was much more than the fact that it involved people from other communities as well. Thathrikkutty’s

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20 (Cited in K P Padmanabha Menon (Menon 1933, 267-270). A discussion of both these instances are also available in Mayaram et al 2005., where the authors had initiated a discussion about the problems that persisted while dealing with local customs and practices (pp 200-201).

21 Malayala Manorama, June 5, 1905
Smarthavicharam was gradually taking on the appearance of a major spectacle signifying the seriousness of sexual offenses in the modern era; it projected sex as a major issue that invited the attention of all communities. I have elaborated on this aspect later in this section. Amidst all the debates that were going on there was an absolute absence of voices that questioned the relevance of the trial itself. On the contrary all the initial debates were concerned with the question of how the whole process could be made more judicial or be modernized. Even courtroom discussions and debates, as we have already seen, centred on the compatibility of the proceedings from the perspective of a modern judicial system. Throughout these debates what was commonly conceived of as the very base of conducting the trial, that is the sexual misconduct of a kulasthree, the questions of purity and bloodline, the negligence of accused men towards her chastity, remained un-questioned.

The site of smarthavicharam incited multiple images of Thathrikkutty drastically different from each other and, sometimes, contradicting each other within the opposition of which the prescripts of chastity and sexual deviance were articulated. The initial reaction to Thathrikkutty’s trial was a mixed one with curiosity regarding the event itself, hostility towards the woman and men concerned and so on. As the event progressed, rumours and gossips about the people involved, the proceedings, the involvement of the king himself and the options

22 Commonly translated as an ideal woman who represents all good qualities, most significantly including chastity and reverence for husband, of a home maker. This image of ideal woman, which was at the centre of the reform writings about constituting the domestic spaces in line with the emerging modernity, resurfaced and captured the public attention during discussions of Thathrikkutty’s smarthavicharam.

23 Although smarthavicharam - the trial, has a general and specific existence in the history of Keralam, in the popular imaginations the practice have a lively existence along with the name of Thathrikkutty. They are deeply correlated – one reminding the other.
available to the accused were becoming widespread. As mentioned earlier the persons accused by the woman were never permitted to disprove the charges against them, but the woman herself was closely cross-examined and the probabilities were carefully weighed. Until the early 19th century the customary practice was that every co-defendant, except the one who was the first accused, did have a right to be admitted to the boiling oil ordeal as administered at the temple of Suchindram in Travancore. “If his hand was burnt, he was guilty; if it came out clean he was judged as innocent. The ordeal by weighment in scales was also at times resorted to. The order for submissions to these ordeals is called a “pampu” and is granted by the president [smarthan] of the tribunal” (Logan 1887, 125). Somehow the practice of issuing pampu had been stopped during the early decades of the 19th century24. Fuller (1975 and 1976) also makes a passing reference to the punishment ordeals in his brief description of smarthavicharam. While providing an account of the outcasting procedures among the Nambutiri community he states that

. . . [W]hen accused of illegitimate sexual relations the Nambutiri woman was lodged in a separate hut, for her presence inside her family house could pollute other members of her family. She was then brought before a caste court and interrogated. The court could only sit after the king had issued summons, and it was held under his patronage. If the woman eventually confessed, or was judged guilty, she was asked to name all the lovers, of

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24 Records at Suchendram Temple (available at RAC, Ernakulam) show that a “Kaimukkal” was done in 1802 ce by one Narayanan Nambutiripad of Polpakkara Mana (then at Kilikkurissimangalam, Lakkidi of Palakkad District in northern part of Keralam). According to the available records this was the last kaimukkal instance. The next one turned out to be a failure. According to Logan (1887) “money goes a long way towards a favourable verdict or towards a favourable issue in these ordeals” (126). Krishna Iyer makes a passing reference to this ordeal in an article on pre modern social history of Keralam (Iyer, 1968). An online reference of this instance shows the extent to which the 19th century theories influence the contemporary knowledge of past. see http://www.namboothiri.com.
whatever caste. They were then brought before the court as well; their innocence or otherwise used to be determined through the use of ordeals, such as that with the boiling oil. The accused plunged his hand into the oil; if it was burnt he was guilty (Fuller 1976, 13).

Since the custom of issuing *pampu* did not exist anymore, there was no provision available for the accused to disprove the charges against them which eventually led to sympathy for their plight. A representation was made before the king in the year 1905 by a group of gentlemen (sajjanangal25) requesting him to arrange for a detailed hearing of the accused men in the absence of any other arrangements to that effect26. This, along with the demands to change the proceedings in line with the principles of the modern judiciary system, called for the king’s intervention into the matter27. He took the initiative to make sufficient changes in the trial and thus to provide an opportunity for the accused to prove their innocence. A royal proclamation was issued by the king on June 7th, 1905 where the rules that would govern the proceedings of

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25 This is a common translation of the term although the caste composition of this group was not mentioned in the document.

26 Document No. 309, RAC, Ernakulam. This is a main document containing a summary of the whole process of this smarthavicharam added with, at last, details of all the accused persons with smarthan’s note about each individual accused and the final judgment.

27 The king’s enthusiasm to conduct the proceedings in a smooth manner was quite evident. This was not only because smarthavicharam was practiced by the Nambutiris – the upper caste community in the prevailing hierarchy of castes in the region, but also because of the wide attention the incident has already gathered. An additional reason is cited by Bhaskaranunni (1965) and others (Nandan 2001; Leelakrishnan 2004); that there were rumours which suggested that during the course of interrogation Thathrikkutty had mentioned the names of 65 people and when the smarthan asked if there was more she replied by showing a ring (apparently interpreted as indicating the king himself, or a close relative of the king). Although a rumour, this has taken the form of a widely held belief that the king himself had to take the initiative to conduct smarthavicharam in a judicious manner. This rumour has apparently made appearance in almost all the literature around smarthavicharam including poetries, fictions etc. Bhaskaranunni (1978) has later shown the extent to which King’s decision was influenced by this rumour by referring to the notes in the King’s diary (152-55).
the trial were clearly set out. A main change that was made was with regard to the procedure itself that was introduced for conducting the hearing of the accused. The third clause of this proclamation decreed that, “the notice [to be served upon the accused] shall contain concise statement of the approximate time or the occasion when, and the place at which, according to the allegations made by the Sadhanam in her examination, he had carnal intercourse with her, and the notice shall also require him to produce on the day fixed in the notice all the evidence which he may wish to adduce in disproof of the imputation made against him”\textsuperscript{28}.

Despite the fact that the tradition of issuing \textit{pampu} had been stopped in the early 19\textsuperscript{th} century, some of the accused did try to get one in a desperate last attempt to avoid excommunication. Kanippayyoor Sankaran Nambutirippadu in his memoir refers to one such incident; that “[i]n the \textit{notorious} incident of Thathrikkutty’s smarthavicharam two people, who were in charge of the famous Guruvayoor temple, were also involved. In order to avoid excommunication (Bhrashtu) they tried to influence the smarthan to get a pampu” (Nambutirippadu 1964, 133; emphasis mine). According to the author the original \textit{smarthan} did not heed their request and they approached another Nambutiri who held equal social status. “The pampu that the latter Nambutiri issued became a controversy among in the Nambutiri community “and somehow the incident got leaked out . . . [E]ventually Nambiathan Bhattathiri [the Nambutiri who issued the \textit{pampu}] was identified as guilty and he was demanded to expiate for this sin (prayaschitham). According to the vedic system prayaschitham [penance] implies punishment” (135). Kanippayyoor’s book mainly relies upon memories of his early childhood

\textsuperscript{28} Kerala Archives Newsletter (Archives Week Celebration Special), 1989: 1-7. Available at Regional Archives Cochin (RAC), Ernakulam.
discussions, gossip and hearsay to chart a map of incidents that surrounded the trial. Here it is notable that the general sympathy towards the accused men in the absence of *pampu* immediately gave way to a hostile response when the *pampu* was actually issued\(^{29}\). The controversy was a not only a result of the general hostility towards such a measure from within the Nambutiris but also because of the fact that “it got leaked out”; a reflection of the general antagonism towards the accused for the very acts they had committed as also towards the modern bureaucracy for its failure to maintain confidentiality.

It would be interesting here to look into the initial debates that had eventually led to the banning of the system of issuing *pampu* and the practice of hand dipping (*kaimukku*). In a letter written in the year 1812 by Rani Lakshmi Bhai, queen of Travancore, and sent to the concerned colonial officials she stated that “[T]his criminal jurisprudence was stopped with the arrival of Hyderali in Malabar. Now during his tenure as resident Munro is also trying to stop this *unscientific* practice in Cochin and Travancore”\(^{30}\). Rani Lakshmi Bhai was not in favour of attempts to stop the practice. However in 1824 the then British resident at Travancore in an order issued while considering a request made by some “prominent people” to not to stop this practice clarified the importance of stopping such practices. That “it is long since such barbarian practices are banned in *civilized countries*; such ordeals are never helpful to prove the *innocence or guilt* of the concerned people . . . Application of certain medicines on parts of the body shall keep

\(^{29}\) A general reference to this incident was made in an article written in the magazine Lakshmibhai in the year 1906. The author while discussing about the differences between the traditional and modern legal systems makes a sarcastic reference to the ordeal called “sucheendram kaimukku” and the politics involved in the issuing of *pampu* (1906 (1081 M. E) Vol. 2: pp 14-15).

\(^{30}\) Quoted in V.R. Parameswaran Pillai (Pillai 1963, 319-321); emphasis mine.)
them away from being burnt” (Raja 1915, 95-100). This historical background was re-invoked, discussed, and made as points of reference during the controversy over the issuing of pampu to the accused in Thathrikkutty’s smarthavicharam. The core focus was on the scientific validity of the practice and the possibilities of the accused influencing the authorities with money. The interventions of modern science and bureaucracy played a crucial role in determining the nature and character of this whole trial.

The changes introduced by the king got a mixed reception from the society at large. A response from a reader in Malayala Manorama magazine stated that “the general disenchantments with the changes introduced by the king in this context [smarthavicharam] are totally out of place . . . it is too early for us to make such judgments . . . [I]n any case this is a remarkable change in itself (parishkaram). So let us wait.” The general concern and anxiety towards the trial and the whole proceedings is unambiguously represented in this letter and the writings that appeared in the press. A detailed report published in a special edition of Malayala Manorama newspaper in 1905 sums up the whole controversy around the smarthavicharam of Thathrikkutty. The report observed that apart from the smarthan and other people usually considered to be in charge of the trial (including the purakkoyma, the meemamsakan, the Agakkoyma etc) a superintendent and an office clerk were specially appointed to provide assistance in the ongoing trial. According to the report the list of accused included people from a variety of social statuses although some renowned people were also involved and that

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31 Documents 411, 412 & 413 at RAC Ernakulam.
32 Malayala Manorama magazine, Vol. 46 No. 15, 16 and 17.
33 Malayala Manorama magazine, Vol. 46. No. 16, June 21 1905: p. no. 2 (emphasis mine).
“excommunication will put them in a death-like condition, there was a heavy threat for the woman’s \((antharjanam)\) life or there is a possibility to kidnap her or to provide her with some ill-advises. Hence she is kept under heavy protection”\textsuperscript{34}.

The special edition literally celebrated the opportunity opened by the incidence by referring to even the minute details of the trial. It included elaborate descriptions of the arrangements made by the state in order to smoothen the proceedings and to add to its transparency. With a highly enthusiastic flavor the special edition discussed the measures taken to note down all the details regarding each sexual intercourse separately, the proofs (the body marks, dates of intercourse and other related details) that Thathrikkutty provided the tribunal to prove the facticity of her statements, the details of the question answer sessions between the \textit{smarthan} and the woman and the woman and the accused, when the latter were given opportunity to ask her counter questions, attempts made by some of the accused to get legal assistance by approaching advocates, attempts to secure \textit{pampu} and the controversy that it lead to, and so on and so forth. The report said that “It is heard that the list includes people from Nambutiri, Varrier, Pattar, Nayar etc. . . . It is indeed a \textit{sight} to watch the indomitability on their face when they go to question the woman and the grief-stricken expression when they come back”\textsuperscript{35}.

\textsuperscript{34} Malayala Manorama, \textit{Thripponithura Varthakal} (Special edition- News from Thripponithura), July 5, 1905 (emphasis mine).

\textsuperscript{35} \textit{Ibid} emphasis mine.
The general *disenchantments*\(^{36}\) that the reader talks about and the *sight* mentioned in the report stand for the eagerness, exhilaration, anxiety and deep-seated concern over the ongoing trial. Such wide and public expressions reflect the range within which the emerging definitions of sex, gender, pleasure, deviance, public and private, forbidden and decent existences were articulated. Interest previously confined to the community in conducting the trial was disseminated to the larger part of society through modern technologies of print media. There was absolutely no challenge raised against conducting such a trial although contestations did occur over questions of procedure\(^ {37}\). The communitarian concerns over purity and mixture of blood that predominated in the previous trials gave way to an overt enthusiasm over acts of deviance, questions of chastity and punishments for committing acts of non-conformity. Articles appeared in newspapers and magazines as also the subsequent writings and discussions transformed the trial into a site where some of the most private acts committed between individuals were publicly discussed and negotiated on the basis of an emerging notion of sexual morality. Sex was becoming public. Possibilities of different forms of justice and procedure were enthusiastically weighed against each other in terms of their compatibility with bringing out the truth. What led to an initiative to bring changes was mainly the fact that the *smarthavicharam* no longer drew the attention of Nambutiris alone. The king had become accountable to the larger society for what seemed to be a communitarian practice.

Thathrikkutty was praised by many for the ingenuity, resoluteness and the self-command

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\(^{36}\) Op.cit FN No. 32.

\(^{37}\) A widespread disillusion against this practice was visible among the Nambutiris in the later period at the heights of reformation. Nevertheless these were retrospective responses against the practice after it was stopped in the year 1918. I shall discuss this further in a later section of this chapter.
she displayed during the proceedings, especially while responding to the cross-questioning by the accused; however her predicament after the trial was never a central concern. In other words there was an implicit unanimity of attitude towards the ‘sin’ committed by Thathrikkutty as also in accepting that it should be taken to trial. Thathrikkutty was becoming an instrument in the hands of the emerging Malayali public sphere to consolidate the modern notions of sex and aberrance, chastity and punishment, and of the changing definitions of private and public. Sex and morality did not any longer remain topics to be discussed within the communitarian realms; the whole society had a stake in those issues. This male-dominated public sphere actively participated in the debates, contestations, negotiations and exhilarations with a voyeuristic flavour and with complacency over the very fact that the culprits, all of them including Thathrikkutty, were being punished.

The central question around which the trial was conducted, as mentioned earlier, was whether the unchaste conduct of the woman had resulted in a progeny whose blood line (caste lineage or paternity) was dubious. Together with the question ‘who was/were the paramour/s’, the questions when and where did the intercourse/s exactly took place were also equally important. The year, date and time of each of the acts of intercourse that the woman had admitted were carefully traced in order to make sure of the legitimacy of the children of both the accused men and the woman. The widely interpreted issue of lineage or blood line as the main motivating force behind the conduct of this practice becomes ambiguous here since the children of both men, in their respective wives, and woman were counted in this respect. Their children born during the period of such illegitimate copulation were also excommunicated along with the others. Hence the very fact that all the men (whether they were Nambutiris or members of other
caste groups) were punished was much more complicated than it was represented to be; neither was it merely a concern about the blood line since the children of the men were also excommunicated- given the fact that their wives, mothers of those children, were not in anyway touched by the trial. The resolution of these complexities remained within the pre modern notions of purity which was translated simply in terms of concerns over blood line and chastity by modern rationality.

Simply put, the question of chastity was never a central concern; it was only a starting point and one among the many issues that governed the custom as a whole. Nonetheless the modern interpretations of the practice made a caricature out of the whole issue by representing these issues as the central ones. By doing this it was convenient to treat the issue of bloodline as completely incongruent and incompatible from the perspective of an emerging sense of modern rationality and the issue of chastity remained an unquestioned one throughout the debates. The direct impact of this cultural politics was that the whole focus remained on the men with the question “who else” drawing wide attention. At the same time there was a stark silence in this whole discussion around Thathrikkutty’s misconduct and breaking the rules of chastity. This was not because chastity was not considered important in the public culture. But the reason was just opposite, that women’s chastity was assigned a sacred position in the progressive discourse of morality that it escaped any social scrutiny to be conducted in public.

The discourses of sexual morality in the preceding periods had already prepared the ground where the ‘original sins’ committed were silently accepted as such; this was because the
sin was not debatable whereas the modes of trial, the methods of punishment were. The rights or wrongs of what she did was beyond any discussion, whereas the details thereof, the social status, hope and despair of the accused and the practices of the Nambutiri community in general did explicitly circulate in this male-dominated public sphere. In other words Thathrikkutty’s ‘sin’ was ‘understood’ and was ‘self-evident’. Later, when reform movement became strong among the Nambutiris, smarthavicharam was criticized on the grounds of the ‘degenerate moral conditions’ amidst which this, and other similar, practices existed.

The press coverage and articles that appeared during the trial were more concerned about sensationalizing the whole event. References to the individual offenders, with full details about their names, family and caste, were made in the reports wherever possible. In the immediate post-trial period, the newspaper reports indefatigably insisted upon the plight, after the excommunication, of the accused men, publishing stories of their seeking asylum in various places, details of families where more than one member was excommunicated etc. One such report mentioned how the members of the family of an accused had to file a case against him at the local court as he continued to stay at the family residence despite being excommunicated\(^{38}\). From the beginning the newspaper reports, wherever possible, sketched the details of individuals involved with descriptions of their families, place of residence, region etc. The veneration for the families to which the accused men belonged always contrasted with the abomination for the act they had committed.

\(^{38}\) Malayala Manorama (daily), September 20, 1905.
The newspaper reports, as also the discussions at wider levels, transformed the space of this *smarthavicharam* into a spectacle where deviant acts were being punished under the *gaze* of the public. The gravity of the transgressions committed, the methods used to discover the facts and thus to implement justice, the time, venue and frequency of sexual intercourses, the names and details of individuals, the arguments and counter arguments, the physical marks of the accused mentioned as proofs by the woman under trial, the disgrace, the punishment, all were disclosed before the public so that it could watch and observe, experience the shame and excitement, learn the lessons concerning an emerging moral regime, and understand the elusive differences between deviant and non-deviant and normative and non-normative sexual acts. The discussions about accessing the body of an *antharjanam* or an *antharjanam* making herself sexually available for others, in turn transgressing a predominant communitarian norm, touched upon numerous reference models all of which were commented, evaluated, judged despite the fact that they were not directly, or even indirectly, related to the actual incident. However all these sounded logical against the emerging discourse of sexual morality informed by 19th century colonial knowledge and the reformers’ propaganda against the local practices.

The common associations of the practices of polyandry, matriliny and *sambandham* systems of marriage within inter-communal relationships had by then became typical examples of the Nambutiri ‘tyranny’ that had ‘ruled the region for centuries’. The explicit sexual connotations that these practices invoked were often contrasted with the purity concerns of Nambutiris. In other words the sexual anarchy brought into light by this *smarthavicharam* immediately provided a site for the accumulating vexation over the Nambutiris and their predominant status as custodians of the local customs, rules and practices to suddenly explode.
with a zeal to subvert the local framework for thinking about sex, marriage, body, deviance etc. Apart from making sex a public topic Thathrikkutty’s smarthavicharam was an opportunity to unleash, and make public, the stock of terminologies and conceptual abstracts of disciplined sex that the progressive narrative of reformation had accumulated in the previous periods.

The textual interpretations

The reason for the liveness in the story of Thathri [Tharikkutty] is its moral base. The theme of her biography is sexual anarchy that almost reaches sinning. It is precisely our carnal desires that perpetuate all our rethinking of Thathri. Who will not wish to enter into her mysteries? . . . Kuriyedathu Thathri continues to appear as a rival in the faux moral consciousness of Malayalis (Vijayakrishnan 2004, 12; emphasis mine).

Smarthavicharam invokes complex questions concerning pre-modern practices and their modern readings. It remained at large a practice embedded within power relations that preceded the modern epoch. This section consists of modern readings of Thathrikkutty and her smarthavicharam produced in the post trial period. The modern interpretations, all the variations thereof, articulate the emerging positions within modern Keralam with regard to sex, pleasure, non-normative sex and a variety of subjective dispositions. As a site smarthavicharam was clearly deployed to articulate the relations between bodily dispositions and a modern progressive society. Rather than reiterating the orthodox/western-centric definitions of chastity and the masculine predilections towards sex from a communitarian perspective, the debates consolidated a novel approach towards understanding sex and male-female relations from the vantage point of the wider society. This was particularly visible in the later discussions and writings on the topic.
that coincided with the escalation of the Nambutiri reformation movement to new heights as also texts produced in the post-Independence period.

Despite the wide level presuppositions about the immoral actions committed by Thathrikkutty, the later authors discovered an entirely different way of deploying her existence and actions. The symbolic existence of Thathrikkutty thus given popularity was in no way even close to the actual incident as it was described by Thathrikkutty herself to the smarthan during the trial. The subtle differences that exist between these narrations, offered by Thathrikkutty herself and by the later authors, reveal the sexual politics deployed both by the reformers and the Malayali intelligentsia. The texts in the post-trial period have played a crucial role in shaping an understanding of smarthavicharam and Thathrikkutty. Most of these texts, including fictions, were produced in the post-Independence period although their critical significance remains in the fact that they represent the never-exhausted efforts to reflect contemporary ideologies in historical events. My use of these texts is not intended to draw attention to the obvious meanings that they reflect upon; rather it is meant to establish the links between questions of sex, deviance, progress etc., that were taken in a totally axiomatic sense to the extent the authors of these texts understood their common perceptions within a cultural context. These texts reflect direct and indirect, visible and invisible connections that exist between the modern discourse of sex and morality and the wider social and political context. Deeply embedded within these textual spaces are the continuities and discontinuities of this discursive space and ruptures which are albeit linked together under the grandeur of a modern rationality.
In a short essay published in 1936 V.T. Bhattathirippad (here onwards VT), a pioneer of the Nambutiri reformation movement in Keralam and litterateur, argued that, “if the community had allowed Thathrikkutty to seek a suitable groom in time this smarthavicharam would never have occurred” (Bhattathirippad 1936, 626; emphasis mine). Thus, according to him, Thathrikkutty was setting herself up against the whole Nambutiri community in order to retaliate for what disenchantment she had suffered during her earlier life. According to VT three probabilities remained for a person while engaging in prostitution (vyabhicharam); they were desire, money or retaliation.

Thathrikkutty’s was a conscious struggle against the male chauvinist sexual anarchy, which was the rule of the day, with the same weapon. If desire was the reason she could have sought gratification from a selected few. Since she approached even the poorest ones it is clear that money was also not the motivation. Hence it becomes clear that it was a mental state of retribution that motivated her. She must have thought of insulting, disgracing and bringing disrepute to some of the most prominent people within the community and society at large, by implicating them in immoral activities including sexual intercourses.

What is obtrusive here is the very term that VT has deployed, that is vyabhicharam; directly translating the very act of Thathrikkutty as prostitution. The common Malayalam word

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39 Published as a short essay in 1936 the article has reappeared in “The full collection of VT’s writings” (VTyude Sampoorna Krithikal) published in the year 1997 (626-628). For the sake of convenience I have referred to VT’s writings, including the autobiographical notes appeared as essays in scattered form from 1936 onwards until their publication in one volume in 1970 (Kanneerum Kinavum), to this single collection. Although I shall make clear the particular episode and their time of appearance in the text itself the page numbers belong to the single volume. VT was perhaps the most prominent leader of reform movement in the first half of 20th century in Keralam in general and within the Nambutiri community in particular.
"avihitham" implying adultery and/or promiscuity is not used. Whereas within the common imagination of the Malayali cultural space both these terms invoke more or less the same moral connotations "vyabhicharam" or prostitution implies a different motive on the part of the woman concerned which is always other than or altogether different from sex itself. Whereas terms like "vesya" or "vyabhicharini," the woman who engages in prostitution, invoke the picture of a woman who engage in sex more because of social reasons than her own desire, the one who is engaged in "avihitha lyngika vezhchakal" or "bandhangal" (extramarital sexual intercourses or relations, sexual adultery, promiscuity) does it for gratification purposes. The question of chastity has different implications in both these cases; while a question about the chastity of a woman engaged in prostitution will be considered totally irrelevant, in the popular imagination of a women engaged in illicit sex chastity is the most central issue. Thus the use of the term "vyabhicharam" helps VT to think more in terms of the intentions/causes of the act and locate them within the prevalent social conditions than to question the moral connotations of the act itself. In other words Thathrikkutty’s self is freed from the moral/immoral implications of her acts and from questions of desire; it is now associated with retribution and the consequences.

On a different count, in VT sex becomes highly contested the use of which needed to be further conditioned to cast off its erotic implications. The sexual self of Thathrikkutty is completely forgotten, sacrificed and/or is constantly undisclosed and the public gaze is invited to the social repercussions of the whole incident. Asexualizing Thathrikkutty was the first step in acknowledging her capacities as an agent and any discussion of ‘adultery’ would have brought

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40 This would be more or less equal to the difference in English between "tart" or "whore" (where sexual pleasure is implied) and "prostitute".
the discussion back to the ethics or morality of her deeds. Just as the newspaper reports
contained an implicit agreement with regard to the ‘need’ for conducting such a trial thus
resulting in the observation of a silence about the rights and wrongs of her deeds, VT also keeps
himself away from discussing the basic questions upon which the actual trial was conducted.
This is not exactly because these texts identified them as irrelevant. Rather such similarities in
positions emerge out of certain cultural dispositions that exist despite the passage of time. For
instance the basic concern surrounding purity, often translated in terms of the regulation of
sexuality not only of the woman but also that of the men, remains the same for both those who
initiated and conducted the trial and those who made a critique of the whole event.

It is an implicit agreement on the part of VT as to the wrongness and impropriety of her
deeds that motivate him to assert how the presence of ‘a suitable groom’ would have eradicated
the possibilities of this smarthavicharam. This way of reading also becomes highly problematic
as it considerably distorts the facts behind the case. For instance the ‘groom’ suggestion fully
hides the fact that Thathrikkutty was actually already married according to the custom of
Nambutiri community. Her husband was one among those listed as accused and who was also
excommunicated after the trial. Such misreading had anyhow resulted in elevating
Thathrikkutty’s image to the standard of an icon. Monogamy is explicitly identified as the
effective means for controlling and regulating the individual’s (especially females’- in this
context Thathrikkutty’s) sexuality. According to VT, Thathrikkutty’s resistance to Nambutiri
patriarchy gathers significance as a “conclusion of the dark age in the history of Keralam” (627).
In the context of discussing his own *sambandham* relation with a woman outside his community, VT invites the reader’s attention to how Thathrikkutty is understood within the popular imagination of Nambutiris. In his autobiography published in 1965, while describing this episode in his life, he states that “it was the Nambutiri youngsters who were more agitated. [They] scolded me, insulted me, and some of them refused to participate in the marriage. They hate Nambutiris who engage in a *sambandham* relation [although] they themselves can fornicate, can have *homosexual intercourse*. According to them . . . [the male in a *sambandham* relation] is as *viler as the one excommunicated for having slept with Thathrikkutty*” (288; emphasis mine).

The hostility of youngsters towards VT is given an imaginary existence where both VT and his criticizers equally share their attitudes towards Thathrikkutty and homosexuality. In other words in the common imagination sleeping with Thathrikkutty and homosexual intercourse both gather the same moral connotation. I say this because VT’s way of ascribing these views to ‘them’ considerably reflects on his own views about those issues.

A number of texts have followed this tradition of marking Thathrikkutty as a symbol of retribution against Nambutiri tyranny. In her short story, written in 1938, Lalithambika

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41 One of the main objectives of Nambutiri reformers was to make provision to allow the younger brothers to marry from within the caste as opposed to allowing only the elder brother. *Swajati vivaham* (marry from one’s own caste) was a campaign gathering strength within, especially the younger members of, the Nambutiri reformers. It was during this period that VT, who was a prominent figure in the reformation movement, had to engage himself in a *sambanham* relation with a woman outside his community. This became a controversy among the reformers. VT’s statement should be read against this background. Later, when *swajati vivaham* became a strong movement VT abandoned his *sambandham* partner and married ‘legally’ from his own community (283-291).

42 In fact VT’s opinion was more in the context of remembering the past – the discussions and debates within the community and in the larger society during the period of reformation. Nevertheless when I say a ‘tradition’ I don’t mean to say something that was started ‘by’ a specific author rather as something that was constructed and has
Antharjanam (1909-1987), a renowned woman writer in Malayalam provides a firsthand account of the popular impression of Thathrikkutty within the Nambutiri community. Lalithambika, while narrating the dilemma of the author, reckons that “while presenting live stories of relationships on the basis of contemporary issues . . . [a woman author] will have to struggle against dissents from many corners including those from within her own community”\(^\text{43}\). The story, entitled \textit{Prathikara Devatha} (Goddess of Revenge), has only two characters including the author herself; the other is Thathrikkutty making a late night visit to Lalithambika’s contemplations. The author’s engagement with Thathrikkutty begins when she experiences tremors on her body while realizing that the figure in her presence is none other than the “thathri”. “Oh . . . I was shocked…. It is she….. even mentioning her name is forbidden by our mothers….. hatred would be a synonym of her name….. Oh.. what else can I say…..”\(^\text{44}\). In this diagesis Thathrikkutty assumes the role of the main narrator of her own story telling mainly “why she did it” . . . “I learned this technique . . . [in order] to satisfy my husband . . . since I was told that I was lucky to be married as the first wife of a healthy young man . . . In fact he himself taught me these techniques after our marriage. Probably this desire has become more an intoxication in me but I can promise he was the only object of all my desires”\(^\text{45}\). The rejection and negligence that she suffered at the hands of her husband eventually led her to abandon her conjugal home and return to the natal residence. Conditions were no better there either and,


\(^{44}\) \textit{Ibid} p. no. 40.

\(^{45}\) \textit{Ibid} p. no. 41.
through an episodic narrative that unveils the dismal picture of women within the Nambutiri community, the narrator arrives at the moment when Thathrikkutty had to choose from the two options left to her; “either to be a hysterical woman or to be a harlot”. . . “It should be a retaliation not only for my sake but also for the sake of all the women who have suffered . . . Let people see and learn that not only men but women can also ruin like this”46. The author speaking through the narrator – Thathrikkutty herself – however struggles to extenuate, and justify, her acts by inserting statements that reflect upon her hesitation and helplessness while standing in a public place, attracting men towards her. “I tried to avoid them saying that I am a married woman with a husband and that I am not a prostitute, but they insisted . . . and they left immensely satisfied . . . and very soon her name was widely spread”47.

The narrative in the story, however remote from the factual reality, signifies the moral ground of its emergence. The complexity of the task that the author had undertaken directly pertains to an already established moral regime that has predetermined definitions about the past and events that had occurred in the past. The contextualization of the retributive acts provides the effective means for the author to depict Thathrikkutty. Simultaneously the author was also addressing the odium in the community for Thathrikkutty. Outside the text and within the popular imagination this common hatred and the sexual extravaganza, which Thathrikkutty confesses inside the text through imaginative accounts, have a direct relationship; a relationship established by the reformation discourse to detest “sex” outside recognized (monogamous, heterosexual) relations. It is precisely this generic imagination of Thathrikkutty that is articulated

46 Ibid p. no. 44.
47 Ibid p. no. 45.
in VT’s interpretation of the common imagination of the male in *sambandham* marriage as viler. Thus the author, Lalithambika, could be observed as directly negotiating with her immediate surroundings responding to curiosities about the ethical nature of Thathrikkutty’s acts. A justification of the act could arrive only by locating it amidst a set of (oppressive) relations that preceded the present and by a sense of revenge against those relations. After listening, within the story, to the whole narration of Thathri the author responds;

\[\ldots\] [F]orgive me, but, for the public, thathri’s self sacrifice was nothing more than an ordinary instance of prostitution. Although it created a huge uproar it couldn’t show us the right path. The intention will not justify the route taken \ldots you indeed threw light on that stark silence of darkness which was indeed a great challenge and it still glows for the younger generation that was to come. The goddess of revenge deserves to be forgiven for that light (316; emphasis mine).

This passage reflects on the author’s ground rather clearly where Thathrikkutty deserves to be forgiven although the route she had taken, that is breaking the rules of chastity, could not be justified. The readers’ understanding of Thathrikkutty is shifted to the context of the Nambutiri tyranny although ‘what she did’ cannot be justified. The dilemma of the author, in terms of situating Thathrikkutty amidst a constellation of moral definitions of chastity, sex, prostitution and adultery at the same time as justifying her, is resolved by maintaining a separation of her acts and its consequences; the acts could not be justified although they could be forgiven on the ground of consequences they invoked. In other words an elevation of her status from that of a ‘mere prostitute’ to someone who could invoke serious consequences for the society required a compromise in the form of labeling her actions as ‘not justified’.
What is striking here, particularly in the light of the earlier concentration on the word for prostitute used by VT, is that Lalithambika has chosen an altogether different manner of describing Thathrikkutty’s character and yet both these texts produce more or less the same results. Both these texts, through different routes, urge to define Thathrikkutty’s self solely on the basis of her social significance urging also to forget (VT) and forgive (Lalithambika) her sexual self. VT’s pragmatic observations clearly asexualized Thathrikkutty and instead projected upon the role of the sexually anarchic conditions within the Nambutiri community in determining her fate. This invokes a sense of victimhood of Thathrikkutty – a fate that could have been avoided through some social engineering – in the form of a suitable groom as VT remarks. On the contrary Lalithambika identifies her as having much more complicated personal motives. Lalithambika’s was perhaps the first popular account of Thathrikkutty where one could identify her as a sexual being. However this projection of her sexual character is precisely what the author had to deal with since, as the author herself clarifies, the impression of shame that Thathrikkutty’s image invoked emerge from the sexual extravaganza in her life story.

According to Ochs and Capps (1996) there exists an intimate relation between narrative and experience; that “narrative and self are inseparable in that narrative is simultaneously born out of experience and gives shape to experience” (Ochs and Capps 1996, 19). The imaginary autobiographical narrative of Thathrikkutty in Lalithambika (1938) is mainly a result of the attempt undertaken by the author to address her own surroundings defined by her membership in a traditional Nambutiri family. The memories of Thathrikkutty, especially within the Nambutiri
community, were built upon the shame factor that her incidence had brought for the whole community. Lalithambika provides a short glimpse of conversations and rumours about Thathrikkutty that circulates within the domestic spaces of Nambutiri households. She empathises with Thathrikkutty to the extent she herself is also subjected to the strict regulations of Nambutiri patriarchy. This experience of memories of Thathrikkutty and Nambutiri patriarchy shapes her account. While the sexual self of Thathrikkutty is an inevitable part of this account this needed to be forgiven in order to shift the projection towards a more socially relevant existence of her. As a result ‘forgiving the sin’ at the end of the story is an urge on the part of the author to desexualize Thathrikkutty in the popular memories.

These texts reflect the context – context in terms of the germane and relevant restraints of the social, cultural situation that influence language use, language variation, and discourse – which determine, influence, distort a particular narration, description or a fictional representation in ways that are specific and particular to that context itself. The progressive narratives of reformation, in all senses, subordinate, regulate, restrict and re-route these narratives and descriptions to a past. In other words the significance of Thathrikkutty’s acts was exported to a different locale that was temporally behind and morally degenerate although those acts were not justifiable from the present’s perspective. This has emerged from a deliberate attempt to maintain a clearly defined distance between Thathrikkutty’s self and her acts. Whereas Thathrikkutty was inherently used as a symbol to demarcate the past from the present, such a symbolic existence needed to be freed from any moral implications. Thus the distance between her acts and her ‘self’ was directly translated into the symbolic nature of her existence where she will be remembered in terms of the context in which she lived and against which she ‘fought’ rather than
in terms of a moral, pragmatic understanding of what she actually did. An asexualization of this ‘symbol’ was being undertaken. Thathrikkutty was becoming a symbol.

All the narratives of Thathrikkutty and smarthavicharam, local studies and investigations, fictional narratives etc., have followed these models of victimhood/retribution. Her symbolic significance within the cultural space of Keralam has been invoked throughout the 20th century spilling over into the 21st. The popular imaginations of Thathrikkutty have invariably become a mixture of fictional narratives and ideological attributions. This is particularly so since the publication of the novel “Bhrashtu” written by Malayali writer Madambu Kunhukuttan and published in the 1960s. While “celebrating” the centenary of Thathrikkutty’s smarthavicharam, Mathrubhoomi, a leading Malayalam magazine in Keralam, had published studies and articles on Thathrikkutty. In one of the articles the author, Vijayakrishnan, investigates the question “thereafter what happened to Thathrikkutty?” (Vijayakrishnan 2004). The author steers his journey into the past through memories of people who belonged to the later generations of the close kith and kin of Thathrikkutty, through rumours in and around the locality where Thathrikkutty’s illam48 was located. Kappiyoor Parvathi Antharjanam, one of the great-granddaughters of Thathrikkutty’s sister, while sharing her thoughts on Thathrikkutty from what she had heard says thus:

She [Parvathi Antharjanam] remember clearly what was told by her mother about Thathri’s wedding day; all those who accompanied the bride’s party for the occasion of bringing her to the groom’s house after the wedding anticipated a grand reception.

48 Nambutiri household.
Immediately on reaching Kuriyedam [the name of husband’s illam] all stood still. Some serious discussion was happening inside. The elder brother had made his younger one to marry for his comfort. He threatened his younger brother who insisted on getting the opportunity of first night (Vijayakrishnan 2004, 10).

This argument about the wedding day of Thathrikkutty made its first formal appearance in Madambu’s novel where he elaborated the sequence of negotiations between the brothers for Thathrikkutty. In the novel a final settlement was arrived at after the younger brother, the actual groom, gives way to his elder one who thus gains the opportunity to spend the first night with the bride. In fact this once again carries the readers’ imagination back to the old days when the elder son in a Nambutiri family held absolute control over the whole family property. Thus the negotiations are invariably inscriptions of the contemporary’s axiomatic sentiments about the old power relations. During my interview with Madambu he said that this particular instance (as many others were) was merely fictional imagination. In fact arranging the plot for this particular sequence this way was a deliberate attempt to make “the context” clear for the reader 49.

Nevertheless Madambu’s book was suggested as the main reference by some of the universities in Keralam in order for the students ‘to learn more’ about smarthavicharam. In order to avoid the danger of considering this fictitious account for a narration of facts the reprints of Madambu’s book after 1979 came with the caveat that the book was a mere fictional presentation and many of the incidents presented there cannot be taken as originally happened.

With regard to the incident mentioned above the author, Madambu, had added in the

49 Interview with Madambu conducted in February 2009.
aforementioned caveat that “a scene that was added in the novel in order to add to the excitement is being taken widely as an actual practice that existed among the Nambutiris; the scene where the elder brother spends the first night with Paphthikkutty [the name of the character for Thathrikkutty in the novel] after the wedding”\(^5\) (Kunhukuttan 1962). The same sequence recurs in many of the texts produced in the later periods. The serialized investigation of Thathrikkutty published by *Mathrubhoomi* weekly in 1977 projects the ‘first night’ incident as “the culmination of the unending torments that had begun even before . . . [and] after that she was not willing to concede before men” (Leelakrishnan 1977 (2004), 27-28).

According to the records at the Ernakulam regional archives, Cochin the first person who had sexual intercourse with Thathrikkutty, when she was ten years old – a year before her menarche, was Kuriyedath Nambiathan Moossu, the elder brother of Raman Nambutiri whom she married almost seven years later. This disproves the factual relevance of the first night incident which, as several other such accounts, is still deployed as a signifier of the degenerate conditions in the Nambutiri community. Fictional accounts, far from reality, have entered into personal narratives and memories about Thathrikkutty. Even while this continues to remain so Thathrikkutty still remains an ambitious project of the sexual politics in Keralam. It simultaneously justifies the movement from the pre modern to a more modern and progressive era of sexual discipline and threatens any deviation from the latter as a symptom of going back to the dark age.

\(^5\) In the foreword of the novel.
The language of 19\textsuperscript{th} century colonizer and anthropologists’ has continued to remain crucial in throughout the descriptions of Thathrikkutty. The progressive narratives of modern sexual moral regime with clearly defined differentiations of gendered spaces and bodily inclinations have appeared throughout these descriptions. For instance the liberty enjoyed by Brahmin women to visit her relatives, religious places, her own natal residence etc., or to leave her conjugal residence according to her own discretion along with a maid had often been interpreted as ‘opportunities’ used by Thathrikkutty. Her fondness for music, Kathakali and that she attended classes of a local teacher (\textit{guru}) until she got married, are often discussed as ‘cases of exception’ for a Nambutiri woman during that period. Such classical depictions have complicated the representations of Thathrikkutty’s life and the inevitable backdrop of \textit{smarthavicharam} against which only her life history has a valid existence. Such additions not only validate the already acknowledged iconic values assigned to her but also make any reference of her or even of the practice, at the centre of the history of which she exist as a symbol, from any other perspective literally an impossible task.

Thathrikkutty’s fascination for Kathakali is a well known piece connected with the whole episode of her life. A great deal of romanticisation has taken place around this episode. This have considerably drawn from oral and literal depictions of a past when Kathakali was presented as an art form exclusively meant for the entertainment of the members of the royal family and upper caste Nambutiris. According to popular narratives Thathrikkutty, as a member of an upper caste, Nambutiri, family, used this opportunity to access the artists. The biography of Kavunkal Sankara Panikkar – a well known Kathakali artist who was one of the accused in Thathrikkutty’s incident– is invariably present in all these descriptions. In fact a legitimate account of
Thathrikkutty’s sexual self could be seen only in this context of her relationship with Kavunkal, for instance the film Vanaprastham, directed by Shaji Karun and released in 1999, and an essay written by Govindan in 1951. Although with different implications both these texts acknowledge this relationship with the Kathakali artist as romantic. Govindan observes her desire as desire for the masculine body language of Keechakan – the mythological character most famously performed on stage by Kavunkal Sankara Panikkar; that “her sexual desires were . . . invoked by Keechakan” (Govindan 1951, 694).

However the later readings of this relation between Thathrikkutty and Kavunkal Sankara Panikkar or even the relationship she had with Kathakali – the dance form – have very often targeted Thathrikkutty’s ‘notorious’ thirst for sexual pleasure. Even as early as in 1950s an author, in his commentaries on Kathakali as an art form of the region, laments that “if [he] was not excommunicated, this period would have been known as the age of Kavungal Sankara Panikkar” (Menon 1957, 311). According to the author this was a big loss which resulted from the “sexual thirst” of Thathrikkutty (312). He observed that “she [Thathrikkutty] possessed acute interests in Kathakali. At a proper age she was given in marriage to Kuriyedathu illam. After the marriage she made it a habit of visiting and staying at places like Guruvayoor, Thrissivaperoor [now Thrissur] etc., with a maid under the pretense of visiting her natal home [until] . . . everyday different lovers will play with her chastity” (Menon 1957, 311-312). The Kathakali episode in Thathrikkutty’s biography has a critical space in popularising her position both as a goddess of revenge and as a woman of unfathomable sexual desire. At least two films produced
in Malayalam have taken Thathrikkutty’s fascination for Kathakali as their central themes\textsuperscript{51}.

In the earlier mentioned special edition on Thathrikkutty Vijayakrishnan observes that “[I]t is not a surprise that she [Thathrikkutty] was enticed by the virility of Kavunkal . . . Rumours also speak about how was he asked to visit her in the same costume . . . She was not only attracted to the splendor of Kathakali; she read books on it. What did she give in return for those who gifted her books?” (Vijayakrishnan 2004, 10-11). The sexual excess in Thathrikkutty’s stories and her image as goddess of revenge is perfectly combined to produce a backdrop against which her ‘exceptional’ existence is rendered logical. In the contemporary social context in Keralam we find these combinations resurfacing as part of attempts to validate this social history. In yet another book published in the year 2001 an author observes thus

Nambutiris, and their women, never had difficulty for food. The women could travel around with a maid; can visit all the temples and can stay at all the illams. After puberty and until marriage they should not leave their home . . . they never cover their breast. While going out they will cover the whole body with a single cloth . . . She [Thathrikkutty] was unforbearing at any news of Kathakali performance. At times she pretended to be a Nair woman and dressed accordingly . . . [T]he rogue elephant Krangattu Kesavan, kept away during estrus, was quite popular during that period. The story of the woman inside the house who was also rutting out became very popular later”

\textsuperscript{51} These are films Parinayam released in 1994 and Vanaprastham released in 1999 apart from several other films with smarthavicharam as the main or sub themes.


http://www.imdb.com/title/tt0202055/?ref_=fn_al_tt_1
Nandan, in his book (2001), again discusses the different versions of how the relationship between the artist Kavunkal and Thathrikkutty was established. According to the various versions that Nandan provides he (Kavunkal) was either trapped by Thathrikkutty or such a relation did not exist at all (2001, 54-56). Thus Nandan focuses on blaming Thathrikkutty for she either allured the artist by using her sexual prowess or she wrongly testified to the *smarthan* during the trial. Both these assumptions, however, are built on the already established theory of retribution.

The 21st century representations of Thathrikkutty considerably draw from the already established social history the popularity of which has transformed it into commonsensical knowledge. It is precisely this common sense that is addressed in these writings and the authors invariably struggle as the different versions they produce easily become a re-production of an earlier version. This mainly emerges from the fact that Thathrikkutty and *smarthavicharam* have entered through a politics of knowledge inaugurated during the colonial regime. Part and parcel of such knowledge constructions has been values that have had both normative and abstract existence. The net result is that the ground of the descriptive space around Thathrikkutty and *smarthavicharam* has remained largely unchanged over time. The language of reformation and modernity had definite frameworks through which Thathrikkutty was/is remembered, defined and her significance accounted for. The numerous interventions from the many quarters could only rephrase, redefine, re-articulate and reconstruct Thathrikkutty mystifying the already
existing mysteries and intensifying her iconic capacities; the iconic nature of, and the allegories concerning, her existence and the conceptualization of a past in terms of its dark/uncivilized existence went hand in glove.

While the popular perception of Thathrikkutty was essentially implicated within descriptions of an amoral past, her victimhood and retribution, she at the same time continued to remain a mark of shame within the Nambutiri community. The sexual excess that accompany her memories are largely circumvented by shifting the focus upon her significance within a constructed history of sexual anarchy. This provides the definite framework within which her sexuality is wholly organized and configured. Outside this discursive framework it fails to gather any significance. Studies published especially from mid 20th century to the present could be characterized as situating Thathrikkutty amidst memories that invoke either an ignominious past or a shameful reality. All accounts of her, fictional or non-fictional, have traced this past with the assistance of knowledge produced in 19th century. It is precisely within this huge framework that even the most evident facts were either distorted or hidden from popular knowledge. The different models of Thathrikkutty as an icon fail to produce a factual and an unconditional account of her life history or even of the vivid descriptions that contained in her responses during the trial.

The different interpretations have succeeded in regenerating a language of morality where sex as an act has to be meaningfully and logically connected with a standard social process, for

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example reproduction. Such a connection erases the question of pleasure from popular accounts. In the case of Thathrikkutty from spectacle and a shame factor the whole incident transforms to assume the size of sexual and social revolution through which modern public morality was properly put in place within the regional culture. However an investigation into the construction of Thathrikkutty would be unfinished without taking into account the question ‘what actually happened?’ An investigation through the archive records considerably helps in elucidating the moral discourse around Thathrikkutty to the extent such investigation helps one to retrieve the original picture of her experience as she narrated it during the trial. It also helps us to confront a different image of the ‘dark age’ with an altogether different set of social and sexual geographies, fluidity in relations between same and opposite genders and so on. In the next section I deal with archive materials that contain descriptions of Thathrikkutty, the counter arguments provided by the accused men and the smarthan’s impression of them in the form of notes issued after every individual case. For reasons of space I have dealt with only a few out of the total sixty-five incidents.

“Give me a bottle of rose water and you can have it …”

1080 ME\textsuperscript{54} [AD 1905] Midhunam 18

“I know Anmathe Veettil Raman Nair [accused no. 49]. He was the mahout . . . I know

\textsuperscript{53} According to the archive records three men were already dead by the time smarthavicharam had occurred and notices were served upon the remaining sixty two. The regional archives at Ernakulam have kept all those documents pertaining to this smarthavicharam including the hearing of the woman and the men.

\textsuperscript{54} Malayalam Era. It is commonly considered that Kolla Varsham or the Malayalam year is 825 years behind the standard Gregorian calendar. The dates and months are provided in terms of the Malayalam Era or the Kollavarsham. The English year and dates, whenever possible, are given within the brackets. The Malayalam month and date of each testimony follows the year.
him very well . . . I had mated with him, but only for once – It was in an afternoon at the Kalpakassery pathayappura 55 – I think it was immediately after the Thrissur pooram 56 in 1068 [AD 1893]. He was in his twenties then. The reason I had intercourse with him was that he had brought a bottle of rosewater with him after the pooram which was kept inside the pathayappura – I saw it. I took it for me- but he refused to give it. When I talked to him about this he laid the condition that, since he had seen me having sex with Kantaru Nair, his wish should also be fulfilled if I must get the rosewater bottle- I said I shall not return the bottle at any cost and agreed to satisfy his wish 57.

1080 ME [AD 1905], Midhunam 19

I know Palathol Itteeri [Ravi Nambutiri; accused no. 61]. He is my elder sister’s husband. Their marriage was in 1069 Midhunam [AD 1894]. I knew Itteeri even before that, probably from 1068 Medam when he came to Arangottukara on his way to Thrissur Pooram. It was during an afternoon. I was there with some other people. He greeted me. After he left I asked others about him and then I came to know that he was Palathol. He came to illam while returning from pooram. He was invited for the punyam 58 of my elder sister’s first menstruation- I knew him since then- I used to visit Palathol frequently after the wedding of my sister . . . He was around 42-43 when he married my sister. I had sex with Itteeri on several occasions- all at either Kalpakassery illam or at Palathol matom 59. The first [sexual] contact was in 1072 Medam [(AD 1897) - it was during a night in the northern verandah at the Kalpakassery illam. Elder sister was pregnant then and was brought to Kalpakassery for delivery and post pregnancy treatment- Palathol also came with her. Until my sister had returned to Palathol [the illam] after her delivery Palathol [the person] used to visit our illam frequently- and thus on one day when he was returning from Thrissur after pooram he brought some saris of which one had silk border. I kept it with me and conveyed through another woman that I would like to have it. Palathol accepted that on the condition that I ask him directly in person. 3-4 days after

55 Barnyard
56 A famous temple festival celebrated annually at Thrissur, in the central region of Keralam.
57 “Smarthavicharam” Vol. I, p no. 64 of Smarthvicharam documents available at RAC.
58 The custom of purifying the residence or Illam whenever it was polluted. Women’s menstrual period was considered as one such occasion.
59 Although matam has different meanings here it is used as synonym of illam, a traditional Nambutiri household.
this when I was coming back from my bathe from the pond around the time of dusk, Itteeri approached me. It was almost dark then. I asked him about his condition. He accepted to give me the sari and requested me to have sex with him. I accepted. I said that I use the bedroom at the northern side and that I shall come out when he calls. We had sex at the adjacent verandah. I had to come out of the room because a maid was sleeping in the corridor. Last time we had mated was in 1079 Dhanu [AD 1904] at Palathol matam . . . my sister was during her period then. After dinner Itteeri went to Palathol matam. The next early morning when I went to the pond at Palathol matam to bathe we had sex - in between also it had happened several times. In 1075 Chingam [AD 1899] after my sister’s delivery at Palathol matam. In 1079 Etavam [AD 1904] when Itteeri was at Palathol matam he sent for me and told me that it is not right for him to ask me not to mention his name if the vicharam occurs. But he wanted me to do it in such a way as not to harm his elder babies in both marriages. Those babies had indeed come after our initial [sexual] contact. Itteeri had done several plays to satisfy me at Kalpakassery- when he comes to the illam he would hand his purse over to me and I could take whatever I wanted from it- I must have taken at least fifty Rupees from him.

1080 ME [1905 AD], Midhunam 30

After her [sister’s] delivery in 1075 she again delivered in 76- during the 76 pregnancy I asked her about the rumours about some sort of sickness for Palathol and that my sister would not be pregnant again. She said that there was some growth [on Palathol’s body] which was then severed and healed. I never asked Palathol about this- nor do I know if he has some scar on his body as a result of this. Sister was again pregnant in 78; and now, when I am under this vicharam, I have heard that she is pregnant again.

As I mentioned the 1905 smarthavicharam was different on different counts. The wider interest it generated in the region, the demands raised to bring changes in its practice in line with

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60 trial; referring to the impending smarthavicharam
62 Ibid.
the modern judiciary system, the general suspicion about the king’s and several other prominent people’s involvement in the case etc., had culminated in the elaborate bureaucratic procedures precisely meant, apart from making it more ‘judicious’ and foolproof, to record each and every occurrence related to this smarthavicharam. For the first time in the history of smarthavicharam the accused men were provided with an opportunity to question the woman (sadhanam), to raise counter arguments with the help of evidence and to prove their innocence.

Thathrikkutty was brought to Thrippoonithura – then capital of Cochin – from Irinjalakkuda – place of Thathrikkutty’s conjugal residence – by train on July 1905 and the trial was conducted at Thrippoonithura hill palace (Kunnummal bungalow) – now located in the Ernakulam district – under heavy security. In fact smarthavicharam was already completed under the supervision of smarthan at Irinjalakkuda prior to her shifting to the capital of Cochin. However due to the multiple controversies it had already raised there was huge demand to conduct the trial again through changes made in its procedure. By this time Thathrikkutty and smarthavicharam were already hot topics of newspaper columns. This led to the decision to conduct the trial afresh at the capital itself. As a result purushavicharam – trial of the male accused – along with a whole lot of bureaucratic measures including those meant to document the whole proceedings and to make it a transparent one was also included.

Notices were served upon all the sixty five men with whom Thathrikkutty had already stated to have had sexual relations. The list of men included several close relatives of hers,

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63 “Smarthavicharam” Vol IV: pp 15-16, available at RAC.
including her husband (Kuriyedath Raman Nambutiri), her father (Kalpakassery Ashtamoorthy Nambutiri), her brother (Kalpakassery Narayanan Nambutiri), elder brother of her husband, an uncle and two of her cousins. Of all the sixty-five men upon whom notices were served, sixty were present for the trial; two out of the remaining five had already passed away by the time the second smarthavicharam commenced at the capital (Thonnalloor Krishna Varrier and Njarakkal Achutha Pisharati) and others were absent because of illness (Parathayil Sreedharan Nambutiri), pilgrimage (Arangottu Sekhara Varrier) and one had already migrated to England (Pushpakath Kunjiraman Nambeesan). Out of the sixty who were present all except one refuted or denied the charges made against them. Thekkemadathil Samu Ramu Pattar, who accepted the charge, argued that he had been underage at the time when the alleged intercourse was said to have taken place. However the smarthan refused to accept this argument saying that “underage [was] not sufficient proof for one’s sexual incapacity”.

Most of these men accused Thathrikkutty of deliberately framing charges against them to bring ill fame to them and their family members. There was a wide spread confusion regarding what could be considered as valid proofs in order for this practice to remain competent with the modern judiciary system. This persisted while almost all validations submitted by the accused, as also the arguments offered by the smarthan to dismiss those proofs and their counter arguments, signified stark ignorance of the modern judicial system. Most of the validations contained details of paddy harvesting on the dates of intercourse mentioned by Thathrikkutty, certificates of land occupancy, letters sent by them to others on the said dates from elsewhere to prove their absence and so on; rare were those who provided medical certificates. Thathrikkutty, on the other hand,

64 “Smarthavicharam” Vol I: pp 18-25, available at RAC.
had to provide detailed descriptions including the time, date, year and location of each and every sexual intercourse she admitted. These were further supported by references to ceremonial, familial or other socially important occasions including menstrual periods, periods of pregnancy, temple festivals, Ayyappan Vilakku, Kathakali performances, harvesting periods etc. Whereas both these sets of evidences did not fit in any sense with the modern judicial system smarthan, who was equally ignorant about how to handle the proofs accumulated before him, used his discretionary right and all accused were excommunicated at the end of the trial. Thus the practice of identifying the guilty solely on the basis of the woman’s words, which was the custom preceding to this trial at the capital of Cochin, was retained on this occasion too despite all the efforts to ensure ‘justice’ in a modern sense.

Nevertheless Thathrikkutty’s descriptions do not in any way help the reader to situate her within the popular models of understanding that circulate in the Malayali culture. Her statements reflect on a different dynamics of gender geographies and relationships of play and pleasure within the social order. In her descriptions she makes it clear that her behaviour was no secret in the locality, especially among the males. Many of the sexual contacts had resulted from passionate requests for sex made by men on the basis of their prior knowledge of her relations. I use the term requests because such knowledge, on several occasions, functioned only as a minor factor in initiating conversations that eventually led to those sexual contacts. For instance in the

65 Locally held celebrations in the name of the deity Ayyappan. Reference to Ayyappan Vilakku is given in order to confirm the timing as it is usually organized between the Malayalam months of Vrischikam and Dhanu which is around the months November and December.
case of Anmathe Veettil Raman Nair\textsuperscript{66} the one time sexual contact between them was evidently a result of the blithe conversation between him and Thathrikkutty over the bottle of rosewater that fascinated her. The bottle belonged to Raman Nair who demanded sex with her in return for his bottle.

What is interesting in her description is that Raman Nair refers to Kantaru Nair, another mahout at the illam, with whom she already had sexual contact. Such reference only helps Raman Nair to place his request and Thathrikkutty makes it very clear that she agreed to fulfill his wish because she did not “want to return the bottle at any cost”\textsuperscript{67}. There was absolutely no mentioning of any fear on the part of Thathrikkutty in any these descriptions. In the context of her relationship with Muntayoor Madhavan Nambutiri (accused no. 53), who was an epileptic, Thathrikkutty had described the numerous sexual contacts that had taken place between them since their initial sexual contact “immediately after [her] 12\textsuperscript{th} birthday”\textsuperscript{68}. Madhavan, a distant relative and a childhood friend who lived in her neighbourhood, had a secret relationship with a woman in the neighbouring village. This was more like a clandestine relationship than an original \textit{sambandham} which was the customary practice for younger male members of Nambutiri families.

He had a secret relation with a woman at Kizhakke Varrieth. One day while he was on his way to meet this woman he had sickness and fell unconscious – his father came to know

\textsuperscript{66}The testimony relating to whom is given in the beginning of this section, recorded by \textit{smarthan} on 1080 ME. Op. \textit{Cit.} FN 57.

\textsuperscript{67} \textit{Ibid.}

\textsuperscript{68} “Smarthavicharam” Vol. IX: p no. 193, available at RAC.
about this and warned him not to go there anymore. Then one day when we were on our way to the temple I asked him, just for a conversation, if he would still like to meet his woman at Kizhakke Varrieth - while replying me he started asking about my dealings with Vasudevan Nampoothiri of Desamangalam and I accepted. Then Madhavan said that if I can deal with him in the same way then he wouldn’t visit that woman again - this was how he requested for our initial contact - I accepted his request. The first mating had occurred . . . some five or six days after this conversation. I remember it as 1069 Kumbham [AD 1894] because it was immediately after my 12th birthday. While we were having sex in 1079 Medam [AD 1904] he requested me not to mention his name before the Nambutiri from Desamangalam. He said that he is empty handed - not in a good relation with the Moossu [the elder brother] - it will be difficult to even survive then and so on. Now Madhavan would be around 27 years of age69.

The mentioning of previous relationships on the part of the men recurred on several occasions in Thathrikkutty’s descriptions. In almost all these instances Thathrikkutty do not characterize those men, or their knowledge of her sexual relationships, in terms of fear or as a threat that eventually led her to concede to their wish. The way she describe such mentioning of other relations indicates that it was merely a shortcut for those men to express their desire; a background against which their requests would not seem completely out of place. It was more a request-acceptance model rather than posed in the language of menace or fear. In one sense Thathrikkutty, in her descriptions to the smarthan, provided logically grounded situations where conversations, usually more intimate and casual ones, eventually culminate in requests for sex on the part of the male. Simultaneously she did not hide, in her descriptions, how she remained open and jovial on these occasions almost anticipating what was forthcoming. Sometimes she even made moves on the basis of her anticipations. For Madhavan Thathrikkutty’s relationship with

69 “Smarthavicharam” Vol. I: p no. 66, available at RAC.
Vasudevan Nambutiri was one way of explaining to her the kind of ‘deal’ that he anticipated. This sort of logic, or attempts to ascribe logic to the twists and turns that had eventually led to sexual contacts, circulates throughout her descriptions to the smarthan. The use of force is completely absent in these narratives.

Another notable issue is Thathrikkutty’s use of the word apeksha. Literally translated as request, apeksha, had a slightly different connotation at that time embedded within the power relations that regulated caste relations and differences. On most occasions Thathrikkutty used this term to signify how the men conveyed their desire to her. More formal than casual in any sense, this term could not have been expected from a woman unless she was treated by those men with the utmost respect. Her relationships with different men were not esoteric either. In her descriptions she provided details of the numerous conversations she had had with many of these men about the preceding/other sexual relations in a casual and informal tone. Palathol Ravi Nambutiri (Itteeri – accused no. 61) was Thathrikkutty’s sister’s husband. According to her descriptions her relation with him was rather an intense one which they continued for a relatively longer period. The relation between Ravi Nampoothiri and Thathrikkutty was not a secret. Cheeramputhoor Raman Nayar (accused no. 47), who was a singer for the Ayyappan Vilakku – a seasonal celebration organized at the local levels marked by devotional songs dedicated to the local deity Ayyappan – had visited Kalpakassery Illam when Palathol Ravi Nampoothiri and his

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70 However it is also notable that Thathrikkutty had not mentioned of a single instance where she had denied a request. Considering the openness and honesty she displayed while revealing everything about her sexual relations the absence of any instance of denial deserves further reading.

71 The testimony relating to who is given in the beginning of this section, recorded by smarthan on 1080 ME. Op. Cit. FN No.s 61 and 62.
wife were present around the time of her pregnancy\textsuperscript{72}. According to Thathrikkutty's description she had sexual intercourse with Cheeramputhoor only once when he visited Kalpakassery \textit{Illam} to sing for the \textit{Ayyappan Vilakku} organized by Ravi Nampoothiri. “[I] had frequent intercourses with Palathol [Ravi Nampoothiri] at Palathol \textit{Matam} – Raman came to know about this – \textit{probably} he also had a request”\textsuperscript{73}.

Mullappilly Durgadathan \textit{alias} Kunjan Nampoothiri (accused no. 57) “came to know of \textit{my behavior} through Muntayoor Madhavan, the childhood friend who was epileptic [accused no. 53], and conveyed his request through him . . . and I agreed”\textsuperscript{74}. Peramangalloor Kunjunni Nambutiri \textit{alias} Mannan (accused no. 58) was a friend and a close associate of Palathol Ravi Nampoothiri.

I have seen him on several occasions ever since my sister was married to Palathol [Ravi Nambutiri]. We had engaged in sex twice or thrice. I think the first one was in 1074 Medam [1899 AD]. All the rest must have occurred before Karkkatakam (around September). It happened at Palathol matam. The first intercourse was because of Palathol’s [Ravi Nambutiri’s] \textit{recommenadation} . . . Palathol told me that Mannan was a close associate of him who had sambandham with his daughter and that somehow Mannan had come to know of our connections and his wish should also be fulfilled. That is how our first mating happened – then before my sister left after her delivery we again had intercourse. He was less than 30 at that time. He had given me one rupee each on both occasions. I can recognise him even now”\textsuperscript{75}.

\begin{flushleft}
\textsuperscript{72} “Smarthavicharam” Vol. IX, p no. 111, available at RAC.
\textsuperscript{73} “Smarthavicharam” Vol. IX, pp 117-120 & 111, available at RAC. Emphasis mine.
\textsuperscript{74} “Smarthavicharam” Vol. IX, pp 273-308, available at RAC.
\textsuperscript{75} “Smarthavicharam” Vol. I, pp. 70-71, available at RAC.
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The use of terms again becomes important here. The first time she engaged in sex with Mannan was because of Palathol’s recommendation. She used the term suparsha, which literally means recommendation, in her description. The other term nirbandham – meaning compulsion – which was also popular in usage at that time is absent here. On occasions like this when the first intercourse had resulted from another person’s intervention, the subsequent acts of intercourse, in her descriptions, are more logically associated with the availability of a suitable time and place; that is, Palathol was completely absent from the subsequent contacts leading to presume that they resulted out of their own intimacy. In the whole narration provided by Thathrikkutty the use of the term fear, from a first person perspective to signify her initial response to an invitation, occurred only once. This was during her narration of Kantaru Nair (accused no. 48), the mahout at Kalpakassery illam, with whom she had admitted to having had intercourses on two occasions. Kanataru who saw her with Arangottukara Sekhara Varrier inside the pathayappura asked the latter about this although he did not tell him the truth. “So he asked me and I told him the truth. He then wanted for himself. His wish was fulfilled two days later. I had to do this because I was afraid of him making my case with Varrier public . . . our second intercourse took place almost immediately after the first one”.

Many of those who were in constant relation with Thathrikkutty knew or at least anticipated the impending smarthavicharam. As per the records, Palathol Ravi Nambutiri had called Thathrikkutty in 1079 ME (1904 AD), a year before the actual trial took place, specifically

to instruct her how to mention his name during the trial. According to her descriptions he did not request or demand her not to reveal his name during the trial. On the other hand she had described how he specifically mentioned about the injustice (anyayam) involved in making such a demand. His request pertained only to removing any possibility of his children being excommunicated. The complexities associated with the notion of purity are again invoked here as the children’s excommunication was directly related to the time of their conception by their mother and the time when their father had committed adultery or had violated the norms of the community. Ravi Nambutiri wanted Thathrikkutty to frame the timings of their sexual intercourses so that his children would be exempted from excommunication. Muntayoor Madhavan, with whom Thathrikkutty had sexual relation from 1069 to 1079 ME (1894 to 1904 AD), had had requested her not to mention his name during the impending trial as he was not only poor but was also an epileptic. In the response filed by Madhavan he, just as many other accused had done, argued that there had been a deliberate framing of charges against him. According to him this was due to the various quarrels that had taken place between him and the members, especially the female, members, of the Kalpakassery Illam. Apart from providing a detailed account of the whole history of these quarrels, Madhavan also filed a plea before the king on grounds of his sickness.

1. I received the notice. I have not committed the crime as mentioned in the notice.

2. I would like to state that I am an epilepsy patient and cannot move, nor am I permitted by my father, without assistance. All those who know me know this

77 OP. Cit. FN 62.
78 OP. Cit. FN 69.
very well.

3. The above mentioned sickness occurs at least five or six times a month. On occasions it is very severe.

Madhavan Nambutiri also provided the testimony of a witness to prove his sickness and all that he mentioned in his request. However all the evidence, testimonies and arguments in favour of the accused, including the six pieces of documentary evidence provided by Palathol Ravi Nambutiri, were rejected by the smarthan\(^79\).

Kavunkal Sankara Panikkar (accused no. 55), the Kathakali celebrity, in his reply to the notice served upon him, denied outrightly all the charges made against him. In fact in her description Thathrikkutty had mentioned how she managed to invite Kavunkal during the daytime to her pathayappura (barnyard) where she recited all of the verses from the part of Keechakan in the “Keechakavadham Kathakali” to which he danced. Immediately after this they had sex in the pathayappura itself\(^80\). According to her descriptions this event occurred in 1070 ME (1895 AD) and in his reply Panikkar argued that “it is impossible to believe that a woman of that age (Thathrikkutty was twelve years old then) could memorise and recite all the verses of Keechakan. Also, since there are other people at the illam, how could this have happened between us during the daytime?”\(^81\) However Thathrikkutty’s ability to recall things and events from the past considerably impressed the smarthan that on several occasions, including in the

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\(^79\) “Smarthavicharam” Vol. IX, pp 193-212, available at RAC.

\(^80\) “Smarthavicharam” Vol. I, p no 68, available at RAC.

\(^81\) “Smarthavicharam” Vol. IX, pp 251-263, available at RAC.
case of the Kathakali artists, he used this as a point to dismiss the counter arguments of the accused. His question about the timing was not even addressed by smarthan.}

Most of the relations that she was accused of had in fact occurred, or were entered into, when she was less than thirteen years of age. She was twenty-three at the time when the trial was conducted. However she managed to give a more or less perfect description of all the relations with direct and indirect evidence. For instance in the case of Palathol Ravi Nambutiri he questioned Thathrikkutty’s allegations claiming that “Thathrikkutty must have been aware of [his genital] disease . . . and she could not have entered into a sexual relation with” him. Nevertheless Thathrikkutty having already had mentioned about this disease in her description of her relation with Palathol the smarthan said that “sadhanam [Thathrikkutty] had already mentioned about this part in her testimony . . . and this only further proves her remarkable ability to remember things correctly”.

Ranathe Achutha Pothuval (accused no. 56) was a Kathakali teacher and a singer. He was invited by Palathol Ravi Nampoothiri to Kalpakassery Illam to provide training in Kathakali singing for some of the family members.

One night I was lying in the room adjacent to the Purathalam and he was lying outside.

82 Ibid.
83 OP. Cit. FN 62.
84 “Smarthavicharam” Vol. IX, pp 325-351, available at RAC.
85 An open room with wall on three sides, an outer verandah (meant for the use of strangers and lowly-placed
From our respective places we started reciting Kathakali verses. After some time he wanted me to open the room. I refused. Then he said that he knew of my behavior from Muntayoor Madhavan and wanted me to satisfy him also. I agreed and we mated for the first time. I think it was in 1073 Kanni month [1898 AD] – then before he left in Vrischikam (around October), again in the purathalam, we had mated for four or five times. He was in his twenties then.

The dynamics of these relations, as narrated by Thathrikkutty, lie in that they had always crossed the temporal, spatial and the normative restrictions associated with the very act of sex and had very often spilled beyond the caste hierarchies that is said to have prevailed then. The picture that emerges out of these descriptions remained beyond the Victorian imaginations of the reformers. The timings of these sexual acts were spread throughout the day and night and their spatial setting ranged from the bedrooms within the illams to the kyyala (mud-fence) lying outside the illam and the ambalapparambu (temple campus). The places and the illams where all these took place – mainly three illams including Thathrikkutty’s native residence, the Kalpakassery illam, her conjugal residence, the Kuiyedath illam, and her brother-in-law’s illam, the Palathol matam – were geographically considerably distant from each other considering the modes of conveyance available then. Around all these places Thathrikkutty and her sexual relations were no secret.

The temporal, spatial and communal settings and the acts of transgression simultaneously display the casualness and the mechanic character of sex at the same time as showing that it was

visitors)
86 “Smarthavicharam” Vol. I, p no 68, available at RAC.
blended with great amounts of intimacy, passion and desire. The graphic narratives provided by her to the *smarthan* had, every now and then, exposed the infinite pores that allowed fluid relations between people of different caste and status and between males and females in the society. The social situations described by her that facilitated the coming together of these individuals belonging to different caste groups completely problematise the neat and hard differentiations and categorizations often attributed to caste and gender relations and interactions during the earlier period. The popular discourses of Thathrikkutty, on the other hand, have remained successful in constructing the representation of her subjectivity in a drastically different and substantially untruthful manner.

**Conclusion**

The blithe and playful conversations, the language of desire and joy and the casual and intimate moments unveiled in her descriptions have remained completely absent in the popular narratives. On the other hand tailor-made stories of her victimhood and personal vendetta against the Nambutiri patriarchal order gained popularity. The popular depictions of Thathrikkutty completely conformed to the moral standards envisioned by the 19th century reformer by associating deeply negative connotations to sex outside monogamous relationships. The incident was/is constantly fictionalized and allegorized, narrating the story of a past – rather a degenerate one – rooted within uncontrolled desires and loose morals; an inevitable component of this past thus constructed was the binary opposition between the oppressor and the oppressed defined in terms of the Brahminic hegemony. The direct translation of this in terms of loose morals and sexual anarchy provided the reformer with ample space not only to problematise caste relations primarily reflected in the forms of conjugal relationships but also to insert the narrative of
progress in the recasting of body and desire.

The allegorisation of Thathrikkutty spills far beyond the immediate realms of the early 20th century reform discourses. The huge amount of literary and other textual and visual productions concerning her, and the instance of smarthavicharam, have elevated Thathrikkutty to the role of a martyr. The reproduction of these in the contemporary cultural spectrum considerably draws upon the already available victimhood - retribution models. What assigns Thathrikkutty a common significance in the culture of Keralam is a constructed knowledge of its history where Nambutiris and their scriptures were projected upon as its custodians. In popular memory this period equally signifies sexual anarchy where non-monogamy and concubinage – to borrow from the 19th century anthropologists’ vocabulary – were part and parcel of the daily lives. Such historical knowledge circulates as self-evident and factual in popular narratives of Thathrikkutty. The huge attention drawn by her smarthavicharam in the early 20th century was a result of the reformation propaganda that projected non-monogamous, non-modern customs and practices as basically contributing towards the society’s uncivilized, unprogressive conditions. The frame of understanding the whole event and terminologies used by the media and the public sphere foregrounded the centrality of sex in the ongoing social transformations.

While Thathrikkutty and smarthavicharam continue to register significant impressions in the popular assumptions and memories of non-normative sex, the trajectories of her emergence as a symbol give rise to interesting questions. The different circuits of her symbolic existence have all equally sidelined the original sexual self of Thathrikkutty. Her prodigious existence
owes to two reasons that are diametrically opposed. First, there was a stark silence in the Nambutiri community with regard to Thathrikkutty in the period that immediately followed the trial and excommunication. An author suggests that “Thathrikkutty’s name was noticeable for its stark absence in the magazines Unni Nambutiri and Yoga Kshemam which were the main mouthpieces of Nambutiri reformation [in the early 20th century]” (Sheeba 2004, 14). The anxieties addressed by Lalithambika in her short story further elaborate how this silence was an outcome of the sense of shame that overlapped Thathrikkutty’s memories.

This was a result of the huge publicity given to the event during the trial and the reformers’ propaganda that severely criticized everything associated with non-monogamous practices. As already discussed, especially in the 19th century anthropological descriptions discussed above, a number of smarthavicharams preceded Thathrikkutty’s where less or equally large number of people were involved and excommunicated. Nevertheless the reformation propaganda with focus on Brahminic scriptures, non-modern and inter-communitarian conjugal/sexual practices and the boom in print technology helped in the projection of Thathrikkutty’s case as unique. The media hype literally transformed the event into a spectacle where offenders were being punished for engaging in sex outside the normative frameworks. Individuals were identified both according to their community and for the offense they had committed. This shifted the significance of smarthavicharam outside the Nambutiri community as it was no longer treated as a communitarian practice. Instead it became a platform to identify, trial and punish the accused that the public watched with much excitement.
However the reformation movement in the subsequent period, particularly the Nambutiri reformers, succeeded in foregrounding a different image for Thathrikkutty in the public sphere. The reason for shame and embarrassment, resourced in her acts of promiscuity, was then deliberately kept aside by focusing on the causes, that remained outside her body and being, that led her to commit such actions. Here emerged the second reason that led to an exaltation of Thathrikkutty’s image and her symbolic significance in the society. Thus the shame factor was toppled to assign new meanings to Thathrikkutty’s existence and her, what was until then predominantly defined as highly immoral, actions. Her prodigious existence is then reasoned from the other end of the scale that is victimhood and revenge. Defining her actions in retributive terms was a rediscovery made possible through the writings of the leaders of the Nambutiri reformation movement, mainly VT’s, in the second and third decades of 20th century; Lalithambika’s short story was critical for it brought together the abstract elements of both the modern moral conception of sex and the colonial definition of pre-modern sexual anarchy in a more popular form. While this remained so the subsequent discussions and debates followed the old perimeters.

Thus Thathrikkutty and the smarthavicharam had, and still has, an indispensable role in depicting a past that was totally incongruent with progressive ideals and for celebrating the rise of modernity in Keralam. The symbolic construction of Thathrikkutty was a product of the 20th century Malayali public sphere’s deployment of public morality to analyse and popularize modern definitions of sex. Such construction assigns her an agency in absentia. My analysis of the politics of this construction shows how intertextual connections across different time periods – almost covering a span of two centuries – project on colonial knowledge as real knowledge and
the beginning of expanding our consciousness. This linear, progressive narrative of Thathrikkutty’s subjectivity and agency cannot be disrupted without going outside the modern discourses of sexual morality. It is precisely for this reason that she continues to be a live presence in the contemporary discussions where signs of deviances are analogized with the case of Thathrikkutty.