Chapter VI

Conclusion

Tracing the disintegration of the matriarchal joint family, the taravad, based on the marumakkattayam system and understanding the evolution of nuclear family based on the patrilineal system, the present researcher is able to conclude that the processes thereof were causally linked more to the economic than to social. Such an argument may not viable in the case of the formation of the joint family - marumakkattayam system that had anthropological legacy from a hoary past. It did evolve in the stratified peasant economy but originated in a period much anterior to that. The system owed its disintegration into the nuclear family order to multiple socio-cultural factors as we know, but the primacy of materialistic causation needs underlining. It was the rise of the money, market and the non-local deployment of labour under the colonial economy that played the prime role.

It is possible to reaffirm the assumption that the crystallisation of the nair-s as a caste became complete during the colonial period. The colonial census, obviously overlooking the complex nature of internal divisiveness, unified the various sub-divisions under one head of the nair-s giving official legitimacy and documentary legality as one caste in the eyes of the colonial government. The demands of the various caste organisations of the nair-s show that the bureaucratic homogenisation of the caste was acceptable to them all. Organisations like the NSS and All Travancore Nair Conference called for the abolition of sub-caste distinctions and the amalgamation of these various sub-castes into one united body of nair-s. In the pre-colonial period, the nuclei of this caste can be traced to the intermediary agriculturist, militia, artisans, craftsmen, barber, washer men and other functionaries who belonged to the Sudra caste and whose
services were needed for the nambutiri Brahmins. In the post Perumal period, it was from among the nair-s that the ruling Samantha group (natuvali swarupam-s) emerged and gradually broke off to become a separate endogamous caste. The nair-s during this period were able to emerge as the dominant caste next to the Brahmins associating closely with the ruling class. They made their presence as militia of these natuvali swarupam-s. They also could be seen in the administrative hierarchy as overseers, ministers, accountants and other officials. Thus, interdependence was established between the natuvali-s and their retainer groups for their existence. This period also saw the emergence of powerful nair chiefs and taravad-s. This is reflected in the Malayalam proverb 'when the nair becomes ripe, he becomes an achan'. They were linked with the nambutiri Brahmins through hypergamous sambandham unions that enhanced their prestige in the eyes of the other castes. Soon taravad emerged as a focal point in the affairs of the tara or locality.

Even after the establishment of the colonial rule, they were able to retain the position of dominance. The nair-s were able to gain a foothold in the colonial administration initially by virtue of their association in the pre-colonial administrative set up and later as they took to English education. The late 18th and the 19th century saw the nair-s trying to increase their hold over land. Their presence in the revenue and administrative hierarchy helped in this. The reorganisation of the administrative divisions by H S Greame further helped them as the new political division was congruent with the sphere of influence of the taravad and the adhikari was often appointed from among the influential nair family of the area. The initial years of the colonial rule were helpful in once again re-asserting the influence of the nair taravad in local affairs.
But these conditions did not last long. Politically, though the influential nair chieftains lost their power, the majority of the nair-s who were the intermediary kanakkars adjusted very well to the situation. By gaining education, they soon occupied positions in colonial administrative and judicial set up. They became a dominant section of the middle class who became very vocal in the affairs of the Malabar. But the very education, which was the cause for their rise in the society, was also responsible for imbibing a new worldview within them. This acted as a catalyst in the changes that the community underwent from the later half of the 19th century. Linking up of villages and towns through roads and railway network, the disruption of the tara rights of various occupational castes, the increasing monetisation of the economy along with the changed political conditions led to the erosion of the ties of protection and dependence that sustained a feudal like society of pre-colonial Keralam. To meet the increasing expenses of the members within and outside the taravad, the members of the taravad started borrowing money. As these debts piled up, alienations, mortgages and giving melchart on land increased. Suits for the recovery of the debts filed by the creditors saw the colonial courts intervening to regulate the affairs of the taravad. These debts became a reason for the dissolution of the taravad.

Since English education was a must for gaining a job, taravad started seeing tussles among the junior members for receiving such an education. The taravad was in no position to send all the junior members since this would have been quite expensive for the taravad being the number of such juniors being high. This meant that the anantaravan who was nearer to the karanavan by virtue of relation (or who was his favourite) would get priority over the others. In case of the members whose fathers could afford such an expense also stood a chance. When the karanavan sent his nearest or favourite anantaravan for English education, the other anantaravan-s obviously had the
feeling that they are not part of the ‘inner’ family of the karanavan. When it was the father who taught them, their loyalties would be more towards the father than the karanavan (and the taravad).

Once the English educated members of the taravad acquired a job, often away from the taravad, they wanted to take their immediate kin such as mothers, sisters and nephews with them. But sooner or later the most feasible proposition of taking their wives and children to the job towns became the practice. The existence of the absentee member from the taravad in the town with his wife and children thus began to constitute the family form alternate to the taravad. Staying away from the taravad meant that the taravad had not to contribute to the living expenses of the member. This in its turn prompted such absentee members of the taravad to put up demands for maintenance from the joint family property. Staying away with a share of property obtained from the taravad entailed a further loosening of the bonds towards the joint family.

Western education inserted the people into the worldview of colonial modernity, a process that can be understood as subjectification, following the predilections of Foucault. The people started demanding changes in the marumakkattayam system, sambandham relations and the taravad joint family. The writings of the early travellers through their characterisation or representation led to the construction of a new image of the nair-s, which they eventually took as truth about themselves. This image was then reinforced through the various sites of the colonial society and government.

The image was linked to a gamut of ideas about matriliney and marumakkattayam that was conceived as remnant of a primitive society. (A patrilineal society was always considered to be much above in the scale of social evolution.) The marumakkattayam
system of descent and inheritance was seen as a result of the polyandrous sambandham relations practised by the nair-s in the absence of a legal or 'normal' marital ties common among other patrilineal society. Thus, this system was seen as unnatural, as there was no conception of a family life where the father, mother and children did not live together and where the interest of the siblings were taken care by distant relatives and not by the parents.

The junior members of a taravad did not have to worry about their existence as the taravad joint family would take care of their needs. Once the nair-s internalised the labouring subjectivity, they felt that this taravad system of joint family bred nepotism. The nair-s thought that this was detrimental not only to the progress of the individual but also to the progress of the caste as a whole. Thus, an institution that impeded progress and bred idleness should necessarily be changed.

In defining the taravad, the colonial characterisation saw it as a family form divorcing all other aspects like its position in the hierarchy of land relations, the relations it had with other castes of the tara and the ritual relations which bound them to other nair taravad-s, the temple or the kavu of the locality. This family form was defined in respect to the descent and inheritance in the female line but with the eldest male member, the karanavan, being the head of the family. The property of this joint family could not be partitioned. As the taravad was the corner stone of the nair family life, how it was defined assumed greater significance in the wake of demands to reform the marumakkattayam system and sambandham practises. The constructions about the system are important because the demand for reforms and the reforms that followed were a response to these 'lacks' perceived by the nair-s. The definition of taravad made it easier for the passage of various legislations that altered the structure of the taravad. A study of the legislations
enacted during the colonial period showed how these legislations tried to establish a legally recognised form of marriage and divorce proceedings. The study also showed how the legislations tried to establish devolution of the self-earned and the self-acquired property of the member of a taravad to his wife and children and to entrust the father with the responsibility of his family. It, thus, showed how a patrilineal society evolved out of the matrilineal form of society.

The Malabar Marriage Act (1896) stated its aim was to aid national progress and good morals. The act specified monogamy as one of the conditions for marriage. The marriage could only be dissolved through divorce proceedings as specified by the acts. The women could claim maintenance in the event of a divorce, but this could not be possible if she was guilty of adultery. Thus chastity of women entered into the picture. Through providing maintenance for wife and children and by being the legal guardian of the wife and children (except in respect to the wife's taravad property), the aim was to fix responsibility of the wife and children on the man as in the case of a patrilineal family.

While the Act of 1896 was a permissive one, the Madras Marumakkattayam Act (1933) legally accepted Sambandham according to custom as marriage. The act also brought within its purview the non-nair husbands of the nair women. Such women along with their children were given a share in the self-earned or self-acquired property of the husband or father. The act specified that polygamous marriage was invalid, even if sanctioned by the personal law. The Act of 1933 also allowed tavazhi partition. This was the first step towards the legal breaking up of the taravad. The taravad-s were given the right to do the partition or remain undivided. It can be seen that immediately after the act was passed, many of the taravad-s registered themselves as impartible. Several tavazhis followed suit. But by the end of 1950s, many of these registrations were reversed.
probably due to the new generation of nair-\textquotesingle s who had already accepted the patrilineal hierarchy now getting the power to implement the same. Individual partition was made possible now after the passing of the Kerala Nair Act, 1958.

The colonial judiciary also played a vital role in restructuring the taravad. Each family form has its own set of property relations and any change in the property relations may lead to a change in the family structure. In the case of the nair-\textquotesingle s also, the changes in the property relations, among other factors, paved way for a change in their family form. The emergence of the consciousness of a personal property as against the joint family property led to the demands for partition of the taravad and this led to the formation of a nuclear family form, the members of the family being 'next to kin' (wife and children) of the ego. This has been traced through the analysis of various judgements passed by the colonial courts.

The majority of the cases analysed involved issues of debts leading to alienations and mortgages of the taravad property. On analysing various cases, it was seen that, in many taravad-\textquotesingle s the members of the taravad entered into family karar-\textquotesingle s between themselves. This was the after effect of the incurring of debts by the karanavan or some other member(s) of the taravad. Though the Karar-\textquotesingle s were initially devised as a means to keep different tavazhi-\textquotesingle s of the taravad under control by regulating the affairs of the taravad, they acted in two ways to defeat this purpose. By allocating separate properties for separate tavazhi-\textquotesingle s or group of persons, they reinforced the idea of personal properties of the tavazhi-\textquotesingle s in relation to the rest of the taravad. They also led to the reinforcement of the feeling of 'next to kin' among the members of that group as against the other members of the taravad. The colonial courts, in their judgements.
recognise many of the Karar-s, which allocated the taravad property among the tavazhi-s, as legally valid.

Tavazhi-s also got established when certain members of a group in the taravad had access to self-acquired property of one of the members in the group. Tavazhi-s were also formed as a result of Putravakasam property being given to the wife and children by the husband or the father. The courts gave the initial seal of legality for the self-acquired property by accepting the category of self-acquired property or self-earned income and by distinguishing it from the joint family property. The courts reiterated the rights of the members of the tavazhi-s to enjoy the property thus devolved, in turn recognising the tavazhi-s themselves, through various judgements.

Once the separate management of properties continued for a long time, the question whether the tavazhi-s had become separate from the taravad, came up before the courts. By 1880s, it was held by the court that 40 years of separation was enough to prove effective partition of a taravad. However, the court did not allow partition since it maintained that impartibility was the rule prescribed. It was only after the passing of the Madras Marumakkattayam Act (1933), courts allowed the partition of the taravad into tavazhi-s by law.

The colonial courts, through various judgements, also promoted the alternate arrangement of husband, wife and children living together. But this was a gradual process happened by the shift in the stands taken by the courts, during the colonial period, in cases relating to maintenance right of the member of a taravad. In the 1850s, the court maintained that a member of the taravad is entitled for maintenance from the taravad only if he or she stayed in the taravad. By 1880s, the courts said that the
member, even if stayed outside the taravad due to the circumstances in the taravad, is eligible for maintenance. By end of 19th century, the courts allowed maintenance for women who went to live 'in between' to her sambandhakaran's house from the taravad. By early 1900s, the courts gave verdicts that women who stayed with their husbands were entitled for maintenance. In other words, the judgements by courts gave legality to the new nuclear family form of husband, wife and children living together.

With the establishment of a new judicial structure and a code, at the theoretical level itself, there were changes on how marumakkattayam law was treated. The courts equated the marumakkattayam family with the mitakshara joint family by making two simple substitutions – one being tracing of the descent through the females rather than through the males and the other replacement of the father with the karanaan, as the head of the family. The court felt that with these two substitutions, the two types of family forms could be equated since the working of these were similar. When in doubt the principle of the mitakshara law was applied. The reason by the court to equate these two systems of law was that the marumakkattayee-s were Hindus and all Hindus were governed by the same sastra-s. The only difference was that unlike the mitakshara family, the marumakkattayam taravad was impartible. With this, the taravad in its structure could also be equated to the Roman family gens (gens was the family form which the European judges were familiar with). The position of the karanaan was equated with not just the kartha of the Hindu family or the karanaan of the Nambutiri illom, but with the Roman Patripotesta. This equation meant that the anantaravan-s were now relegated to the position of Filius Familias with only the right to succeed to the headship and to be maintained in the family house. These substitutions led to the increased power of the karanaan, in the initial period. The taravad, then, had a two-tiered structure with karanaan in the apex and all other members below him. But the
karanavan soon saw curbs on his position as a result of increasing acts of mismanagement. The courts raised the senior most anantaravan, in age, to the position of *primus interparatus* among the other members of the taravad. He was named the chief anantaravan and his consent was needed (which, in turn, implied the consent of all other members of the taravad) in all acts of management of the taravad. Thus the taravad acquired a three-tiered structure. Later as the tavazhi-s got established, the strife within the taravad-s for the management of the property increased. The tavazhi-s had their own karanavan-s and of course, a chief anantaravan. Now, there were many dispersed centres of power within the taravad ie. the karanavan of the taravad, karanavan of the tavazhi-s, chief anantaravan-s in the taravad and tavazhi-s. The rifts between these centres of power within the taravad played a vital role in forging the members' opinion to the partition of the taravad. The courts, thus, through its interventions, also changed the power relationships within the taravad.

It was interesting to note that though marumakkattayam seemed to give importance to woman, as it traced descent and inheritance through her, the colonial courts, at no time, did recognise woman as the centre of power. Equating the taravad with the Roman *gens*, where the woman could not become the head of the family, the colonial courts eliminated woman from the headship of the taravad in the initial stages itself. The courts clearly stated that the women in kovilakam-s alone could become managers of property in preference to the senior male members. In the case of women of the ordinary nair taravad, it was held that clear evidences of such traditions of women being managers in the family was needed to be established, for the courts to accept women as karanavan. The courts always took the stand that the management of the taravad property came to hands of the women, in cases whenever it happened, either due to the fact that the men of the taravad consented to do so or there was no male
member in the taravad who was old enough to manage. Thus, the courts, through judgements, denied access for women to the management of property of the taravad.

The study “Property Relations And Family Forms In Colonial Keralam” gives an interconnectedness of various factors like constructions of the images of the customs and practises of the nair caste in the colonial period, the effect of these constructions on the reform process, the construction of the image of the taravad by the courts and the colonial administrative records and how the definition of the taravad was used to bring about legislations that changed the taravad itself.

The study points out how access to a separate property for a group of people in the taravad, in exclusion to its other members, was responsible for the rise of an alternate family form. It also shows how this changed notion of a personal property was built up and strengthened by the colonial judiciary through its judgements.

Looking at the changing power relations within the taravad, this study has brought out the role of a chief anantaravan, a new construct of the court, in the tussle between the karanavan and the anantaravan-s. The court, in him, vested the power to act as a check on the karanavan on behalf of all the members of the taravad.

What is striking about the findings of the present study is its success in culling out details by way of niceties and nuances. This study has compiled the data scattered in various sources, which are not easily available. The primary sources include several court records (from the Tellicherry court) which are used for the first time to do such a study. In many aspects, the study stays within the major thesis put forward by the
scholars. It strengthens them with the help of further primary data, collected and analysed. But it also draws several additional insights mentioned above.

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