Chapter I

Introduction

The thesis entitled 'Property Relations and Family Forms in Colonial Keralam' is an attempt to look at the historical process of the disintegration of the matrilineal (marumakkattayam) system of inheritance, the joint family form (koottukutumbam) and the emergence of nuclear family order in Malabar, during the colonial period. Malabar is the southern part of the western coast of India so known to the traders, mariners and travellers from ancient times. The name Keralam was given officially to this region only after independence and the reorganisation of the states of the Indian Union. Study of the nair\textsuperscript{1} taravad is given importance since they are the major caste that followed the marumakkattayam system of inheritance in Malabar.

Looking at the process of disintegration, an attempt has been made firstly to understand what the taravad meant to its inhabitants, to the colonial administrative records, to the judiciary and to the people of the locality. The nature of the nair community, the marumakkattayam system of inheritance and the other customs and rites as constructed by the colonial administrators were internalised by the nair-s as truth about themselves. They in this state of colonial modernisation tended to make a clamour for reforms. The colonial constructs thus played a major role in the 're-forming' the customs and practices of the community through the legislative interventions that were carried out by the colonial government. The attempt is also to understand the changing concept of property and its relation to the emergence of a new family form and the role played by the colonial judiciary in this process.

\footnote{A Sudra caste in Kerala following the marumakkattayam system of inheritance.}
The Region

The term ‘Malabar’ was given to the Northern coast of Kerala by the Arabs. The first of the two syllables ‘Mala’ must have been taken to mean ‘mountain’ or ‘hill’ in the Dravidian language, while ‘bar’ probably came from the Arabic word ‘barr’ meaning ‘country’, thus meaning a ‘hilly country’. The Arabs called it ‘Malibar’, ‘Manibar’, ‘Malabar’ etc., and the Europeans who came after them followed suit. By the 18th century this region was called Malabar. The part of the country that came under British domination and which was referred to as Malabar was flanked in the north by South Canara district, in the east by Coorg, Mysore, Nilgiris and Coimbatore, in the south by Cochin and in the west by the Arabian Sea. It lay between the North Latitude 10° 5’ and 12° 8’ and east longitude 75° 14’ and 76° 56’.

In a very wide sense, the term ‘Malabar’ was used to denote the coast between Bombay and Kanyakumari, but it is mostly used to denote the western coast between Mangalapuram and Kanyakumari. To the north lay the coast called the Konkan coast.

Other terms that were used to refer the region were ‘Malayalam’ and ‘Keralam’.

“From ancient time the words Keralam and Malayalam were used as connotative and context sensitive terms to refer the region of far south. In mythological texts like Ramayananam, Bharatham, Reghuvamsham etc., the word Keralam was used to refer to this region. This term functioned to evoke the geographical space beyond the Sahyadri, rather than specifying any domain united exclusively in terms of politics or languages. The term had not bounded referent and was largely symbolic. Some of Ashoka’s edicts (especially the 2nd one) employ the term Kerala-puta that de-segregates a portion of the far south in to an exclusive unit differentiated from other regions like Chola, Pandya etc. The words Kerala-bhasha, Malayana or Malayazhma and Malayayma to denote the language in use had its antecedents in representations that have different

3 Idem.
temporal beginnings in history. These usages were in vogue at least from
the 10th century.14

Thus the term Malayalam was earlier used to denote the mountainous region that lay
between the Western Ghats and the Arabian Sea. The term ‘Keralam’ has been used in
the Keralolppathi and Keralamahaathmyam. These eschatological myths picture
Keralam as a land reclaimed from the sea by Sage Parasurama by the throw of his axe
and donated it to the Brahmins to settle - thus serving to legitimise the claim of the
Brahmins hold over the region.5

Though the term ‘Keralam’ or ‘Malayalam’ had been in usage from ancient
period, there was no such homogeneous political unit as ‘Colonial Keralam’ in the
colonial period. Politically the three units of Keralam, British Malabar and the princely
states of Cochin and Travancore were distinct but the people were united by a common
culture and language. Even though the focus of the study is Malabar, the changes and
developments that took place here cannot be treated in isolation to the changes that
took place in Cochin and Travancore since they influenced one another. In fact, in the
case of reforms, we see that by the 20th century it was often the native states that took
lead in passing legislations to alter the customs and practices than the neighbouring
Malabar, which was directly under the British rule. Thus, though the concentration is on
Malabar and the data collected pertains largely to Malabar; insights have also been
drawn from the process of reforms in these two neighbouring states of Cochin and
Travancore. Moreover, the nair-s, irrespective of the region they belonged to, discussed
the developments in other areas of Keralam as seen in the Native Newspaper Reports

5 Ibid., p. 9. Incidentally the Malabar Marriage Commission Report (henceforth MMCR) in its glossary
describes the region of ‘Keralam’ as the western coast from Gokamam to Cape Comorin comprising
Travancore, Cochin, Malabar and a part of South Canara. MMCR, App. VI, Glossary.
and in the back issues of the vernacular newspaper, *Malayala Manorama* and magazines like *Lakshmibhai*. While talking about the process of subjectification examples are taken from Cochin and Travancore without restricting the canvass of study to Malabar alone. It is because of this reason that the present researcher has used the term 'Colonial Keralam' instead of the more specific term ‘Malabar’ in the title.

**Historical Context**

Historically, Kerala was a part of Tamilakam⁶ in the first few centuries A.D. The first kingdom that came up in Kerala after this was that of the Perumal’s of Mahodayapuram, probably, out of the chiefly lineage of the Early Cera-s. This was popularly called the Second Cera Empire. The kingdom of the Perumals, ceased to exist by the first quarter of the 12th century, giving rise to the *natuvali* system of regional rule⁷ that continued up to the colonial times. During the 16th-17th century, there were four major lineages of Kerala namely the Zamorin of Calicut, the Kolathiri of Cannore, the Venad Rajas of Travancore and the Perumpadappu Swarupam of Cochin besides petty chieftains. The major chieftains of Malabar were the Ali Raja of Cannore, Achanmars of Randattara, Puranattu Raja (or the Kottayam Raja as the English called them), Kadatanad Raja, the Kurumbanad Raja, Pyyormala Nair-s, Valuwanad Raja, Pulavayi Nair-s, Palaghat Raja, Raja of Cranganore and Airur.⁸ The heads (karanavan-s) of other prominent *nair taravad-s* included the Karappuram Madampi-s, Kakkad Karanavapad, Kavalappara Muppil Nair, Kurangoth Nair, Karanavan-s of Kootali and

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⁶ Tamilakam denotes the entire landmass from Venkatam to Kanyakumari, according to the ancient Tamil heroic poems, popularly called Sangam Literature. This period was earlier referred to as Sangam period but ever since its rejection as a misnomer, it is termed as early historic period.

⁷ The traditional story of the last Perumal who went to Mecca after parcelling his land though not tenable historically has to be looked upon as a part of the legitimisation of the various *natu*-s that came up.

⁸ P K S Raja, *Medieval Kerala*, Annamalai University, Chidambaram, 1958, p. 64.
Vanjeri taravad to name a few. They also exercised authority and control, to an extent, over the areas of land that were under them. Thus political authority was dispersed among the various natuvail-s and petty chiefs of the various localities.

The arrival of Vascoda Gama at Kappad in 1498 inaugurated a new era not only in the history of Kerala but also in the history of India that finally culminated in the colonisation of the entire sub-continent. The Portuguese who arrived first was able to gain a foothold in Kerala. Their initial goal was the procurement of spices but soon they got entangled in political rivalry between the Zamorin and the Raja of Cochin. The Dutch, the French and the English followed them but it was the English who finally established their paramountcy over the western coast except for the small area of Mahe that was still under the control of the French.

Commercial interest had always played an important role in the formulation of the British imperial policy in India. The English East India Company (EIC) itself was founded on the last day of 1599 by a royal charter from Queen Elizabeth I to capitalize on the lucrative trade of spices in the east. The British got Malabar after the Third Anglo-Mysore War against Tippu Sultan in 1792. The country included the northern districts of "Chericul, Cotiote, Wynad, Cartinad, Cannanore, Irvenaad, Corengotte and Randaterra". The southern districts comprised of Coorimnaad, the Zamorin’s districts such as Pynnaar with Warcumbra and Curcumbra to the north and east of Calicut, countries of Ernaad, Shernaad, Venkillycotta, Malappuram, Capool, Wecnarcar, Cunumpoora, Nerenganaad and Poonay. British after 1792 amalgamated seven

9 Idem
11 Ibid., pp. 474-5.
Northern Kingdoms of Kolattunad. Kottayam, Kurumbranad, Kadattunad, Calicut, Walluvanad and Palaghat to form the District of Malabar.¹²

Though the British had fought against the Mysoreans along with the Zamorin and the nair chieftains of Malabar with the promise of re-instating them, after the war they did not do so. Initially they left the matters of revenue collection in the hands of the native chieftains but even this was withdrawn after some years when they found that surplus appropriation was not taking place as desired by them. Malabar was under the Bombay Presidency in the initial period, but by 1800 it was transferred to the Madras Presidency. The coming of the British in 1792 marked a perceptible change in the socio-political and cultural sphere of Malabar.

In the sphere of land relations, most of the land was owned and controlled by the three magnets - the ruling aristocracy, the nambutiri-s (Brahmin-s of Kerala) and the temples through the pandaravaka, brahmasvam and the devasvam tenures. A small portion of land was held as allodial properties, which, in the case of Kerala, was called kanom land. Sometimes taravad-s had under them kavu-s (shrines) which became yet another means of land accumulation.¹³ The majority of the nair-s, who were kanakkar-s, leased land from the nambutiri landlord and would in turn sub-lease it to verumpattakar-s or the actual cultivators. Thus as the nambutiri-s were not cultivators of the lands themselves, they had to depend on the services of the agricultural workforce. The society was organised on lines similar to feudal ties - by the ties of dependence and protection. The nambutiri used the service of the nair-s as their karyasthan-s (or

¹² Ibid., p. 475.
¹³ The Kootali Granthavan shows how the Kootali family acquired and controlled the land in the name of the Kootali deity.
managers) and also for the military protection. Nair-s as the warriors of the country had, thus, gained proximity not only to the nambutiri-s but also to the ruling lineages, emerging as the dominant class by this period.

Looking at the socio-cultural practices of Kerala, we see that the institutions here differed vastly from that of the rest of India. In fact in the Kerala society we see that the Pan-Indian system of four different castes was not prevalent in such a distinct manner but then the elaborate rules of untouchability and unapproachability was worked out in much greater detail leading Vivekananda to make his famous statement that Kerala resembled a 'lunatic asylum'.

Communities Under Study

The society of Kerala was pyramidal in structure, with the nambutiri-s at the top followed by the ruling royal matrilineages and below that the antralajati-s who were associated with temple worship. Then came the nair-s who had the rank of sudra-s and below them were the higher polluting castes of tiyya-s who were sharecropping tenants and toddy extractors, kanisan-s or astrologers, the artisan castes of blacksmiths, goldsmiths, carpenters, bell-metal workers, stonemasons etc. The lower polluting

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14 In the caste hierarchy the nambutiri-s corresponded to the Brahmin-s, the ruling families claimed the status of kshatny caste but were not recognised as belonging to this caste. The ruling king on his coronation then underwent a ceremony that led to his being imbibed with the status of the kshatriya. Neither was there a Vysya Caste but the function of traders was undertaken by the Muslims, Jews and Christians of the state. The nair-s were called the sudra-s and below then came the untouchable castes.

15 According to the myth of Parasurama, the land reclaimed from the sea was gifted to them as jenmom and sudra-s (nair-s) were brought in to serve them. It is said that he asked their women to shed the veil of chastity. Historically, the Brahmins were migrants who came to Kerala. By the 9th century, they attained hegemony over the others.

16 It was from among the nair-s that the Samantha group emerged who formed part of he ruling aristocracy. Many of them became natuvali-s or desavali-s, gradually broke off and became a separate endogamous caste by the time of the period under study.

17 They also included nambutiri-s that had fallen as a result of non-observance of rituals or caste rules.

18 Kathleen Gough and David Schneider, Matrilineal Kinship, University of California Press, 1961, p. 312.
castes of paraya-s and pulaya-s lived on the outskirts of the village in separate hamlets.
Outside the pale of the caste system were the Mappila-s, the Syrian Christians and the Jews.

In terms of social significance and sources, the nair community ranks foremost. So it is not altogether accidental that the nair community, who occupies a foremost position among the sudra-s, takes a central position in the discussion. Tradition described the function of the nair-s as the 'eye', the 'hand' and the 'order' ie. having the power to supervise, execute and to give orders so as to prevent the rights from being curtailed or suffered to disuse. 19 According to P K S Raja, the notable feature of the Middle Ages was the attempt at combining theocracy and feudalism in the west. Similarly, the nambutiri-nair relationship tried to establish a theocratic form of government par excellence in Kerala. Like the church and the baronage of the medieval Europe, the nambutiri-s and the nair-s effectively checked the royal authority. 20 Thus this nambutiri-nair alliance was advantageous to both and helped in maintaining their position of supremacy in the society. The nair-s in addition to being the militia served as retainers and overseers of the nambutiri-s and the lands under them. In the sphere of land relations we see that the Jenmom lands were under the nambutiri-s mostly though, there were nair-s who did have this right of land. Then came the kanakkar-s who were intermediaries between the nambutiri landlord and the agricultural tenants or the verumpattakar-s and below them came the actual tillers of the soil as the nambutiri-s were not cultivators of the lands themselves, they had to depend on the services of the agricultural workforce. The vast area of land were owned and controlled by the temple.

privately. These properties were called the Devasvam properties. The Brahmin Uraler-s who subleased it to the intermediary verumpattakar-s supervised these lands.

Thus the society was organised on lines similar to feudal ties - by the ties of dependence and protection. The nambutiri used the service of the nair-s as their karyasthan-s and also for the military protection. Nair-s who were the warriors of the country had gained proximity thus not only to the nambutiri-s but also to the ruling lineages. During the natuvai period some of these nair-s rose up in the military ranks to become natuvai-s or desavali-s. The nair-s also got lands from the ruling lineages in recognition of the services rendered to them. These lands became the jenmom of their taravad-s. Sometimes taravad-s had under them kavu-s which became yet another means of land accumulation as is seen in the Kootali Granthavari.

"The absence of bureaucracy, weak state structure, ubiquity of feudal tenures and extended family house-holds based up on whole lineages or upon lineage segments were all important in the kinship system here. The ruling class of Brahmins, Kshatriyas, Temple servants and Nair-s were all linked in a solid kin network to hypergamous or egalitarian marriage and affinal ties." 21

Thus the hypergamous sambandham alliances that the nair-s had with the nambutiri-s helped to strengthen their positions by linking them to the ecclesiastical hierarchy. Among the bigger taravad-s and kovilakam-s the tali-tier was the nambutiri. Barbosa described the talikutu-kalyanam as the first of the rites that a woman had to undergo. It was held when the girls were about 12 years old before the onset of puberty. The tali-tier could either be a kinsman or enangar, a nambutiri or even the mother of the girl who ties the tali and departs if he is a kinsman or cohabits for the stipulated period if he is not. 22

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22 Durate Barbosa, A Description of the coast of East Africa and Malabar in the beginning of the 16th century, AES Reprint, 1995, pp. 124-5.
Regarding the actual ceremony writers give varied description. The ceremony differed from region to region as is seen in the descriptions of the same in travelogues and in the MMCR. According to some on the fourth day, tearing a cloth into two pieces with each party retaining a piece was the enactment of a symbolic divorce. According to Barbosa after this the girl was ready to enter in to relationship with other man that i.e., she was ready to have sambandham with other men. Thus the talikettu-kalyanam was the rite of passage as far the women concerned. But it was the sambandham relationship through which, the nair taravad had relation with higher caste nambutiri-s and with taravad-s of higher or equal status of the locality or kara. Like the talikettu-kalyanam, there were differing versions and names of sambandham too in different parts of Kerala.

According to Barbosa, after talikettu-kalyanam the mother of the woman invited an eligible young man to live with her daughter. He paints existence of polyandry with more than one man co-habiting with the women in turns. But for the commencement of sambandham relations certain procedures were set. The sambandham should have the permission of the karanavan of the two parties. After which the astrologer was called in to decide the auspicious date and time for the performance of the ceremony. These ceremonies were similar except for minor variations. The man came with his party to the women’s taravad and for conducting the ceremonies to mark the beginning of sambandham between the two. Children born of this union belonged to the mother’s and not to the father’s taravad. Here again there were differences in the pattern of residence. In North Kerala after sambandham the women went to live in her husband’s taravad till the end of the sambandham or the death of the man where upon they were sent back to

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23 Sometimes talikettu-kalyanam was held simultaneously for all the children of the taravad from those in the cradle to the eldest one to save on the expenses that the taravad had to incur.
24 It was called Uzhamporkka, Vidaram kainga, Guna Dosham, Pudamuni, Kidakkura, Kalyanam, Vastradanam and also sambandham t良anguga. MMCR, Vol. I, para. 42, p. 22.
their mother’s taravad after putravakasam was given.25 Thus among the Nairs of north Malabar the residence was patrilocal, while in the south it was matrilocal with the man visiting the women in her taravad. This was also the case when the nair women had sambandham relation with nambutiri Brahmins. The nambutiri-s of Kerala followed a patrilineal system of descent and inheritance. Here the law of primogeniture can be seen in its extreme sense with only the eldest son being allowed to marry from among the nambutiri caste and the younger sons were to have sambandham relation with nair women. The eldest nambutiri could practice polygamy. Among the nambutiri-s dowry system prevailed. This coupled with the paucity of eligible nambutiri men for marriage led to older men of 70 years getting married younger antarjanam-s of 16 years. These men at times also had sambandham relationship with nair women. The children born of this union belonged to the mother’s taravad and not to the father’s taravad. In South Malabar, The pattern of residence was matrilocal with the man visiting the women in her taravad. This was also the case when the nair women had sambandham relation with nambutiri Brahmins. The nair children of such a relation were not considered as heirs to their father. It was interesting to note that, even their touch was considered polluting. In fact the nambutiri men would go to the taravad after their dinner and leave before breakfast the next day. But as far as the nair-s were concerned it was prestigious for taravad to have relations with them. Moreover such relationship was also advantageous materially by securing land on kanom and other tenures for the taravad.

Sambandham figures prominently in the travelogues of the writers from the 15\textsuperscript{th} centuries onwards. It is through their writing certain images were constructed regarding it. These are discussed in the second chapter in detail. Early writers did not think that

\footnote{25 This was a mere token given by the man’s heirs to his children in the form of some money or movables like utensils etc. that were used by him. This is discussed in greater detail in chapter V.}
sambandham constituted marriage, they tended to look at it as mere concubinage and talikettu-kalyanam as 'mere formality' which 'simply sets her at liberty to exercise and follow out her own inclination in more mature years'. These led it to be dubbed as concubinage as it did not fit in with the normal pattern of martial relation. This is reflected in reports and writings of the colonial period. Studies regarding this are reviewed in a subsequent section.

In lay terms, it is often said that the nair-s followed a matriarchal form of family. Here the term matriarchy has to be distinguished from matriliny. In a 'matriarchal' family, it is not only the descent and inheritance that is traced through the women but they were also responsible for controlling and managing the affairs of the family and its property. But in a matrilineal family only the descent and inheritance are traced through the women of the family but the affairs of the family and its property are managed by the males of the family. Among the nair-s, the latter and not the former that was in vogue.

The taravad traced its descent from a common ancestress through the female line. In most cases the management of the property was in the hands of the karannavan or the eldest male member of the family. The women of the family did not seem to have had much voice. The management though would be done at times in consultation with other members of the family it was the karannavan who was the final authority. In the colonial period this was strengthened by the British Courts through its decisions. Depending on the pattern of residence, nair families are classified as matrilocal and patrilocal. The nair-s of South Malabar had a matrilocal pattern of residence with the women residing in her taravad. In the case of the nair-s of North Malabar, the women usually resided in the man's taravad along with their children.

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26 Samuel Mateer, Land of Chanty A Descriptive Account of Travancore and Its People, AES Reprint, 1991, p. 36.
In this thesis, the attempt is to look at the process of disintegration of the joint family form *taravad* of *nair*-s that was matrilineal in nature to a patrilineal nuclear family. The term 'nuclear family' here is used in the sense of a unit containing father, mother and children. It does not include the children and their family after their marriage. In that sense it is used in the modern sense of the word. In the case of the *nair* *taravad* this transition is not simple one. The final emergence of this type of a nuclear family takes place only after the colonial period but the steps leading to this transition occurred in the colonial period.

The dominant paradigm or type of family form that is seen among the caste Hindus till the colonial period was that of the joint family. The *shastra*-s, *purana*-s etc. portray the patrilineal joint family form while matriliny was shown as an exception to this. This was the case in Europe too where the patrilineal family was the basic unit of the society. The joint family that is referred to here in this thesis is one that contains more than two generations of family living i.e. parents and children. The undivided joint Hindu family as visualised under the *Mitakshara* law is the typical example of a patrilineal joint family in India and in the colonial period this became the accepted as the pan-Indian Hindu family form as the British in these matters followed the *Mitakshara* law. The head of the Hindu joint family was the eldest male member called the *kartha* in whom was vested all the power and authority in the family.

Alan Macfarlane synthesising the work of social anthropologists and historians constructed a model of 'classical peasantry' found before the 20\textsuperscript{th} century in parts of Asia and Eastern Europe. In this model, family was the unit of production and consumption: the head of the household acted as manager or administrator rather than owner and
could be replaced if the other members of the household found him unsatisfactory. Land was held by the family as a whole and members got their rights by birth. Land could be sold on behalf of the family but was very difficult legally as it needed the consent of all the members and due to strong attachment towards land. It could be partitioned amongst the members of the family, but in general the notion of individual ownership was very difficult to introduce in such a society. According to him, this type of model was accompanied by the absence or very low level of cash and markets, low Geographical mobility of peasants, a patriarchal structure and low status of women. But this model of 'classical peasantry' has many problems. Though this family unit was said to have existed before colonial period, it co-insides very much with the family that existed after the operation of colonial law over the families. This highlights how the European understood Indian society. Here too we can see the influence of Marx's concept of the Asiatic mode of production in which land as private property did not figure but was held collectively and handed down through generations. Such a society did not have much of cash transactions either as it was a stagnant society. Only difference here was that the nair taravad was not a patriarchal but a matrilineal family. But this was just a minor substitution that was needed after which the pattern fitted perfectly.

The other communities included in the study, although incidentally, are mappilla-s, tiyya-s and all castes and religions following aliyasanthana system of inheritance in Kasargod and Canara region. The mappila-s of Malabar followed the marumakkattayam system. The mukkuva-s of the northern taluks Cherakkal, Kottayam and Kurumbanad

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28 'Aliya' means nephew and 'santhanam' means descent. Thus, the descendants among them were through the sister's son. This inheritance in the female line was taken to be the Canarese equivalent of marumakkattayam. MMCR, App. VI, Glossary.
too followed this system. In Central Kingdoms the *tiyya-s* had a double unilinear kinship system with localised patrilineages. But in the north, and in parts of Travancore, they followed a matrilineal system very similar to that of the *nair-s*. According to the MMCR, in 1881, out of a total population the Hindu *marumakkattayee-s* in Malabar formed 30% of the population as can be seen from the table given below:

Table (1)

<table>
<thead>
<tr>
<th>Total Population</th>
<th>23,65,035</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Nair-s</em></td>
<td>4,70,320</td>
</tr>
<tr>
<td><em>Marumakkattayee Tiyya-s and Mukkuvan-s</em></td>
<td>2,26,985</td>
</tr>
<tr>
<td>Total Hindu <em>marumakkattayee</em> population</td>
<td>6,97,305</td>
</tr>
</tbody>
</table>

Source: Drawn in the form of a table from the MMCR, Vol. I, para. 9, p. 5

While the above communities belonged to Keralam, the *Tulu* speaking people of South Canara followed *aliyasanthana* law, a custom similar to *marumakkattayam*. Historical evidence traces the origin of this practice to the 13th century. The book Bhutala Pandya’s Katto or law is supposed to contain the *aliyasanthana* law. Although a range of castes followed this law, it was primarily the law of *Bant-s*. There seems to be a section of *Jain-s* who followed this as can be inferred from the Report of the Registrar General on the marriages registered under the Act of 1896.

The persons who are descendents of a common ancestress through the females are said to be of the same ‘Bali’. Intermarriage among them or among specified ‘*kudu*’ (allied) *Bali-s* is prohibited, but a person could marry his mother’s brother’s daughter and

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30 Tradition has it that the system was established by the Tuluva’ King Bhutalapandya in 77 A.D. Memorandum by V A Bordie, Acting Collector, South Canara, MMCR, App. III, p. 8.
32 G.O No. 495, Public Dept., 21-6-1907.
her descendents or his father's sister's daughter and her descendents. Unlike the nair-s they have among them an engagement ceremony called Porina Pathera before the actual marriage ceremony. The husband makes a present of some amount of money to his wife called 'Thir Dochee'. A few days after the wife is taken to the husband's house where she lives till his death or divorce. In the case of inheritance, a man's property was to go to his sister and her children. But whatever he gave to his wife and children out of his self-earned income belonged to him. On his death his wife and children were the only ones to observe pollution.

"The senior male member is not always the manager or Ejaman of the family, as the senior male member is always karanavan in Malabar, but on the contrary the Ejaman is more generally the senior female." Though it was laid down that partition was not permitted, the treatise provided that if sisters quarrelled, the elder sister was to provide the younger sister with separate house and its necessary apparatus, retaining to the general manager-ship and the performance of ceremonies.

Thus, though the system is generally taken as the equivalent of marumakkattayam, there existed differences between them. As far as the British courts were concerned, they equated the two neither allowing partition nor recognising the marriage among them as legal. All the acts passed by the Madras Legislature were equally applicable to them as the marumakkattayee-s but when the Act of 1933 was passed, they were excluded from the purview of the act as a result of the request from the aliyasanthana-s. The Madras Aliyasanthana Act (No. IX of 1949) was later passed to regulate their marriage, inheritance, property management and partition. Later the Hindu Memorandum by V A Bordie, Op. cit., p. 2.

Succession Act of 1956 along with the Madras Aliyasanthana (Mysore Amendment) Act of 1961 led to the relative decline of the aliyasanthana law of inheritance.

This study primarily concentrates on the nair community of Malabar but all the communities who followed marumakkattayam or aliyasanthana system come under the purview because the courts followed the precedents set in the cases from any of these communities, while delivering judgments for others.

Sources

The primary sources for the study include travelogues, revenue and commission reports, government orders on administrative and legislative matters, opinions of the people collected by the government in response to the various bills introduced in the legislature, back issues of newspapers and magazines, court cases and judicial documents and legal books published during the colonial period.

One of the major aspects of the study is the attempt to look at the process of the construction of the image of the nair community, its customs and practices and how these colonial images were then internalised by the nair-s themselves. The internalisation of the image led to the demand of the nair-s for changes in their customs and practices. The process of the construction of the images can be seen right from the initial period of European contact. The writings of travellers and missionaries have been therefore scrutinised. Friar Jordanus (1324 AD) was the first to mention the existence while others earlier travellers like Suleiman (850 AD), Al Biruni (1051 AD), Al-Kazwini (1263-75 AD) and Marco Polo (1271-90 AD) do not mention the existence of this

The next major category of sources include the colonial administrative records, reports of the various commissions, Revenue Reports sent by the Collectors and Commissioners of Malabar, District Gazetteers, Malabar Manuel and the Surveys of Ward and Conner, Tenancy Reports Government Orders and Revenue Department files and archival material dealing with education, marriage, inheritance and tenancy issues. The proceedings of the Legislative Assembly introducing the various bills and acts and the Census Reports\(^3\) have provided valuable information for the study. The Report of the Malabar Marriage Commission of 1891 was a mine of information.

The enclosures and appendices of the Report of the Malabar Marriage Commission throw light on the opinions of the people. This along with the opinion of the people on marumakkattayam bills introduced in 1931 was useful in looking at the subjectification of the nair-s and the change in the demands and perceptions of the people after a gap of about half a century.


\(^3\) Cohen has looked at the process of objectification through the Census Reports. Bernard S Cohen, An Anthropologist Among Historians And Other Essays, OUP, Delhi, 1990, p. 230. In the case of nair-s the census helped in crystallising the caste into its modern form by bringing together the various sub-castes under it.
The Native Newspaper Reports, back issues of Malayala Manorama newspaper and women's magazine like Lakshmibhai throw light on the views of the people during this period.

It was the colonial judiciary that was responsible for restructuring the *nair taravad*-s to a great extent. The process of disintegration of the *taravad* in the colonial period has been looked into through these cases. In the Calicut archives there is a large collection of the court cases that came before the courts in Malabar. This researcher has gone through these cases and selected around 60 such cases pertaining to the period. These suits mostly belong to the second half of the 19th century, a period that saw the crystallisation of the *taravad* into a certain mould, setting precedents that were followed. The cases pertaining to the entire colonial period too has been looked up through the various law digests, journals and books complied by judges like Standish Grove Grady, Lewis Moore, John Bruce Norton, B Govinda Nambiar, R Sundara Aiyar, K Madhavan Nair, K Sreedhara Variar, P V Balakrishnan and others. These cases throw light on the changing aspects of property relations and the emergence of the notion of private property.

There is a fairly big body of secondary literature dealing with one aspect or other of the problem under consideration. They largely constitute the material for discussing historiography here.

**Historiography**

Colonial conquest was not only an economic and a military one but also a cultural one. It was this that made colonialism possible and that sustained and
strengthened it. The main task of colonial historiography was to understand the people historically, ethnically and culturally. This was a part of the colonial administrative strategy in the sense that the administrators had to know the people to govern or control them. Cultural forms in these societies classified as ‘traditional’ were reconstructed and transformed through colonial knowledge creating opposites between the coloniser and the colonised and ruling through delineations, reconstructions and representations. A major concept that played an important role in this reconstitution of tradition was the concept of the ‘orient’ that was there in the minds of the Europeans. For Said orientalism was a sign of the power of the Europeans over the orient they colonised. This orientalist discourse played a major part in the colonial reconstructions and representations. This operation of power-knowledge combine turned the people into subjects through the process of subjectification. This process is carried out through different sites in the society.

The colonial historiography included a collection of local histories, land tenures, customs and practices of the various castes that were essential for the British for governance, revenue assessment and collection and other land settlement process. Ideologically it also led to the construction of the nature of the Indian civilisation and formed the legitimisation for Britain’s civilising mission in India. This is seen in the Administrative Reports, Surveys, Manuals and Gazettes. In the context of Malabar this reinforced the ideas of the early travellers and those that were part of the image of the

39 Nicholas B Dirks, in Bernard S Cohn, Colonialism and Forms of Knowledge The British in India, OUP, Delhi, 1997, p. ix.
41 For details see Paul Rabinow and Herbert L Dreyfus, Michel Foucault: Beyond Structuralism and Hermeneutics, Chicago University Press, Chicago, 1983, p. 217.
42 Antonio Gramsci makes a distinction between political and civil society, the former consisting of institutions like schools, families and unions and the later consisting of state institutions like army, court etc. Moustafa Bayoumi and Andrew Rubin, Op. cit., p. 73.
orient thereby providing a ground for British to legitimise their rule as one that brought development to a static oriental society.

Two disciplines that emerged during the colonial period as part of the colonial enterprise were sociology and anthropology. These were disciplines that arose as a result of the construction of the 'other' and indirectly pointing to a construction of the self. Once in contact with the societies of Asia, Africa and America often it was realised that these people were still in different stages of development. Some of these societies were still in the hunting, food gathering stage. The studies of Bacofen, J F MacLennan, L H Morgan and J Lubbock tried to trace the development of the society from that of savagery to civilisation. They put forth the view that matriliny was prevalent in the initial stages of human society and as civilisation progressed it gave way to patriliny. Correspondingly in the sphere of marriage relations this transition took place from promiscuity to polyandry and polygamy and finally to monogamy. In the first two stages, owing to indeterminate paternity, the offspring belonged to the mother's group. Nephews were thus considered as next to kin and heirs and not sons thereby giving rise to matrilineal descent of property. Thus they tried to trace the evolution of family form from that of 'basic' stage of human society to a 'civilised' society having a definite patrilineal family form. This meant the acceptance of the equation, patriliny = civilised society, while matriliny = a society that has not yet fully reached the stage of civilised society. Matriliny was viewed hence as a freak remnant of a bygone era and such a society as one that had not progressed in the linear scale of civilisation.

The early travelogues had talked about the practise of matriliny and of the polyandrous relations of the nair women, which led to an interest in studying the nair community by the sociologist and anthropologists. The initial studies like those of Edgar...
Thurston and Fred Fawcett categorised the various castes and tribes on the basis of race. These classificatory studies were then taken up by a large number of Indian scholars like A Aiyappan, T K Gopalapanikkar, Anantha Krishna Aiyyar and K M Panikkar (primarily a historian who also wrote an article on nair-s in the Journal of Royal Anthropological Institute) who also followed a similar classificatory paradigm detailing physical appearances and anthropometrical measurements. They tended to focus on kinship relations, family forms, inheritance pattern and description of their customs and rituals. While theirs was generally a descriptive account, the works of later anthropologist like Gough and Dumont looked at these rituals, practises and customs from a structuralist and functionalist point of view.

Kathleen Gough sees the evolution of matrilineal kinship as the intertwining of two separate dominions: the kinship pattern and the political system. The term matrilineal kinship focuses only on the kinship as traced through the mother and implies no connection at all with the father and his people. According to Gough the wide span of large kin groups and perhaps the absence of bureaucracy must have permitted the retention of matrilineal descent among the secular aristocracy and their retainers, the nair-s. The hypergamous political unions of the various classes led to whole lineages being bound together inexorably into a kind of perpetual affinity that had great political significance regardless of individual marriage. The affinal ties bond together not only the lords and vassals in the feudal structure but also linked the ecclesiastical and political hierarchies.

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44 Edger Thurston and Rangachari K, Caste and Tribes of Southern India, AES Reprint, Delhi, 1987.
45 Fred Fawcett, Nayars Of Malabar, AES Reprint, New Delhi, 1990.
47 Ibid., p. 279.
Scholars like Kathleen Gough, Louis Dumont, Nur Yalman, Joan P Mencher, Melinda Moore and others have studied these rites in detail. Gough in her article, 'The Nayars and the Definition of Marriage' looks at the issue whether these rites constituted marriage but she does not subscribe to the view that marriage can be given a blanket definition that would be applicable cross culturally. For the comparative theorists like Mencher and Dumont who looked at the nair family from the light of comparative theoretical concerns, nair customs presented a paradox. They tried to see whether marriage as an institution had universal characteristics and related it to the issues of fatherhood and family structures. Edmund Leach gave ten classes of rights that would be present in marriage. They being the rights to (a) establish the legal father of a women’s children (b) to establish legal mother of a man’s children (c) to give husband the monopoly in the wife’s sexuality (e) to give the husband partial or monopolistic right to the wife’s domestic and other labour services (f) to give the wife partial or monopolistic rights to the husband’s labour services (g) to give the husband partial or total rights over the property belonging or potentially accruing to the wife (h) to give the wife partial or total rights over property belonging or potentially accruing to the husband (i) to establish a joint fund of property - a partnership for the benefit of children of the marriage (j) to establish a socially significant relationship of affinity between the husband and his wife’s brothers. According to Leach, if any one or more of these criteria are present, then it could be said that an institution of marriage has been established. Leach concluded that though the notion of fatherhood and other rights are lacking, the rights to establish a socially significant relationship of affinity is the only marriage characteristic that is present among the nair-s. But the main thrust Gough’s article is that we cannot define

49 Ibid., p. 239.
marriage in such dogmatic fashion. She disagreed with Leach that the notion of fatherhood is lacking because unless a child's biological paternity is vouched for by one or more men of the appropriate caste a child could never enter his caste or lineage. Though individual men had no significant customary rights in their wife and children, marriage and paternity were probably significant in political integration. These hypergamous unions were strictly regulated. For her tali rite was a case of group marriage that endowed the girl with sexual and procreative functions. It was simultaneously a surrendering of the natal kinsmen of their newly acquired right in her sexuality to a male representative outside her lineage. The right in her sexuality was received by her enangar as representative of the men of his sub caste as a whole. Thereby providing her children with ritual father who symbolised the correctness of their paternity and her children acknowledged their debt to him by mourning at his death. But in the case of the nair-s of North Malabar the wife resided in the husband's house thereby making such an explanation difficult. This leads Gough to seek and 'unconscious motivation'. According to her the horror of incest makes it necessary for the natal kinsmen of the women to renounce the rights in her mature sexuality before she was mature. For Nur Yalman's the tali right was the public recognition of an ideal paternity and was similar to the customary Hindu pattern of marrying off daughters before puberty.

According to K Ramanunni it might have originally being a 'true marriage', which under pressure from the nambutiri-s was relegated to a form of symbolic marriage at a younger age to leave the nair girls free to form unions with them. He even notes the

50 ibid., p. 252.
51 ibid., p. 253.
52 ibid., p. 254.
following functions of the nair polyandry.\textsuperscript{54} From the point of view of the women's taravad, polyandry enhanced their prestige as husbands would be men of merit and reputation and services of husband's of different occupation would be obtained and a woman would not have to divorce her sterile husband to ensure off springs! In the case of the sub caste that received husbands from higher sub caste polyandry was an adjustment to the situation of excess males over females, a widower could easily find a wife. The most important consequence of having a namburini husband was the creation of a channel through which a slow transfer of private property to the nair wife was ensured.\textsuperscript{55}

Louis Dumont looks at the nair institutions not as 'primitive' remnants surviving by a miracle amidst the general Indian environment, but as existing in close symbiotic association with sect of orthodox Brahmins.\textsuperscript{56} He looks at talikettu-kalyanam and sambandham as primary and secondary marriages. According to him in all Indian caste here existed these two types of marriages. The former being a perfect marriage, one par excellence which is strictly regulated, more solemn, costly and offering great prestige and is often the precondition for the existence of a less reputable marriage or union. The secondary marriage can be either a legitimate but less prestigious union than the first or an illegitimate union inferior to the primary marriage. As in the orthodox view primary marriage must proceed all manifestation of sexuality in a girl so does the tali rite, which is before the attainment of puberty. It marks the beginning of the transition from the category of a child to that of women. Among the nair-s, primary marriage is seen as mere ritual formality in order to contract the 'real' union that falls into the category of the

\textsuperscript{55} Idem.
\textsuperscript{56} Louis Dumont, "Nayar Marriage as Indian Facts", in Affinity as Value: Marriage Alliance in South India with Comparative Essays on Australia, pp. 103-144.
secondary marriage. While passing from the general case to that of the nair there is a kind of reversal in the relative importance of de facto relationship in the primary and secondary marriage. It is likely that this reversal is connected with the transition from 'paternal' to 'maternal'. Here the women being the secondary subject in the primary marriage can become the main subject in the secondary marriage. Thus "primary marriage is made fictious in all respects except ritual so that in the secondary marriage, the women may keep her residence and the children can belong to the mother’s lineage, inherit and succeed in the mother’s line."

But as far as the nair woman was concerned as long as caste rules were not violated, the relationship was endowed with legality. The status of a child depended not only on the mother but also on the father in a very wide sense. The tali rite probably corresponded to an exchange between the nambutiri-s and the nair-s by which the former gave prestige and latter the power. The nair-s thirst for prestige and the nambutiri-s greed would have perhaps led to the spread of the pattern first among the nair chieftain and then to the aristocratic class and then to the commoners. Soon even the lower class tiyya-s too started imitating the higher caste nair-s but among them a mixed system of descent and inheritance was found.

The books of Adrian C Mayer, George Woodcock and M S A Rao give a socio-historic picture of Malabar. While the sociologists tried to provide an explanation for the lingering of matriliny among the nair-s historians too tried to formulate their own theories. The traditional theory expounded by Keralolppathi and Keralamahaathmyam were that the nair-s were descendents of sudra-s brought in by Parasurama for serving the 64

57 Ibid., p. 131.
56 Idem.
Brahmin families that he settled in Keralam. Keralamahaatmyam opines that the nair-s were the offspring's of the union of the younger sons of the nambutiri-s with Deva, Gandharava and Rakshasa women brought by Parasurama. According to Chirackal Rama Varma Elaya Raja, the 'Drona Parva' of the Mahabharata talks about a matrilineal ruling class in Madhya Desa called Nayaka-s. It is possible that the Nair-s were the descendants of these people. When they came to Kerala, they were taught Kalarippayattu so as to guard the Brahmins against tribes while performing yajna-s. Keeping the mythical aspect aside it is probable that they were people who in the beginning were useful to the Brahmins on their arrival as militia, artisans and craftsmen.

According to the 'property theory' this system was instituted in order to secure the property of the nair families intact. A system of valid marriages and male kinship would have meant partition and subsequent dissipation of the property. For this, an injunction was made that property was impartible. Securing of property must have been one of the reasons, but it alone must not have led to this system. Moreover partition of taravad property was not absolutely forbidden as tavazhi partition did take place when the group became very large or when a group would stay afar to look after properties in a different place for a long time.

The earliest known reference so far known from a foreign source was the statement attributed to Megasthenese, by Pliny about 'Pandea' who alone among the Indian nations were ruled by a woman. According to Padmanabha Menon this could be a reference to people of Malabar and not to the Pandya-s of Madurai as the former had

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59 Chirackal Rama Varma Elaya Raja, Malayalthialae Nayanmar, Kuthuparamba, 1913, p. 8.
the *marumakkattayam* system of inheritance. Many theories have been formulated regarding the origin of the *nair*-s as caste and their system of *marumakkattayam* inheritance. The traditional explanation lies intertwined with the myth of Parasurama and his creation of Kerala, or the brahmanical theory. It was Padmanabha Menon who first articulated a theory based on Henry Main's postulation that patriliny could give way to matriliny under special circumstances. Prof. Elamkulam Kunjan Pillai tried to prove it took this up further. Atulay's *Mushikavamsam* according to him records this shift from a patrilineal system of inheritance to that of a matrilineal system. According to Elamkulam Kunjan Pillai's hypothesis this change in the system of inheritance must have taken place due to the Cera- Cola war of the 11th century. Similarly the royal families of Punjar and Pandalam were patrilineal when they came from Tamilnadu and continued to be so till the 2nd - 3rd century of the Kollam Era (or Malayalam Era - ME). The marriage alliances among the Cera, Cola and Pandya dynasties prove that these dynasties were patrilineal. If not the Pandya king Raja Simhan would have been the heir to the Cera kingdom. Even among the people, inheritance was largely patrilineal as the Tiruparappu edict of 1st ME and the Kerala *Krishikai Kshethram* and Tirupalkadal Edict of 4th ME prove.

Suggestion of change can be seen from about the 3rd ME in the inheritance pattern in *Mushikavamsam*. But the change in the inheritance among the common people at large comes about much later by about 5th ME. According to Kujan Pillai the Cera-Cola war saw the organisation of the *chaver* squads and as men had to spend

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64 *Ibid.*.  
most of their time in the battlefield, women took charge of the home front and men voluntarily gave up their property rights. 67 Meanwhile the nambutiri men contracted alliances with the nair women. The rulers were persuaded by the nambutiri-s to proclaim that the subjects should follow a matrilineal system. But it is difficult to believe in the voluntary denial of property rights by men. Moreover in the taravad women neither wielded power nor did they manage property affairs. In the land records and granthavari-s women do not figure either as owners or as donors transacting property. But this '100 Years War' thesis has now been repudiated by historians. 68 According to Gurukkal and Varrier, "Kerala was probably a region of matrilineal kinship during the early historic period". 69 Subsequently the society had elements of both matriliney and patriarchy. While the descent was traced through the mother, political authority was inherited from the father in the case of ruling families. The remnants of matriliney that persisted on with the people might have coupled with other socio-economic factors and led to the development of the marumakkattayam system. 70

The major category of historical works that has been studied belongs to those relating to the issue of land rights and tenancy issues other than those dealing with

67 Ibid., p. 88
68 Prof. M G S Narayanan has tried to refute the argument of Kunjan Pillai for the late evolution of matriliney as against all accepted cannons of social change and evolution. He does not support the view that the "Nayar was a clan or tribe migrating to Kerala with its own tradition of worship, warlike training and system of inheritance". He feels that elements of tribal matriliney must have survived in Kerala during the early historic period and the practise of Brahmin elites of the new settlements accepting mistresses from the natives must have given a new lease of life to the institution in the Post Sangam period. Soon a new sub caste came in to existence. "The anthropometrical measurements of Nayars exhibit a combination of Aryan Nambutiri and the native Dravidian features ... Therefore the proper assumption would be that it was a by product of Brahmin settlement ... The nature of the office, related to political power and rewarded with land owner ship, must have made this community very strong in the post Cera period of feudal anarchy". Thus it was Brahmin socio-economic leadership and caste hegemony rather than political wars that institutionalised, reinforced and popularised matriliney in Kerala and led to their rise as a dominant class. M G S Narayanan, Perumals of Kerala Political and Social Conditions of Kerala under the Cera Perumals of Makotai (c.800-1124) (Henceforth Perumals of Kerala), Printex India, Calicut, 1996, p. 151.
70 For details, see M G S Narayanan, Op. cit.
The works dealing with tenancy issues of the colonial period give us insights regarding the struggles of the various castes to gain advantageous interpretations of land rights especially those of the intermediary nair-s belonging to the middle class. They had gained a foothold in the colonial administration and in the 20th century, were trying to gain an upper hand from the nambutiri-s. This has to be linked with the demand of the middle class nair-s for the partition of the taravad properties.

The works of Padmanabha Menon, P K S Raja, Elamkulam Kunjan Pillai, K M Panikkar, T K Ravindran, M G S Narayanan, K K N Kurup, Raghava Varrier, Kesavan Veluthat, Rajan Gurukkal and K N Ganesh deal with the political, social, economic and cultural history of Kerala in different periods. These studies provide the background material for the present study. The works of T K Ravindran and K K N Kurup deal with the colonial political and administrative set up in Malabar as also the land and revenue policies of the British in Malabar. The works of T C Varghese and M A Oommen too deal with the changing agrarian relations and the tenancy reforms of the period. The works of P Radhakrishnan, M Gangadhara Menon and K N Panikkar focus on the Mappila Rebellion, agrarian issue and the changing socio-economic situation in Malabar. In his article, Panikkar looks at the causes for the changes in marriage and family organisation among the nair-s and the changing ideology in pre-colonial and colonial period. While the other works focus on Mappila Rebellion and agrarian issues.

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71 The works of these eminent historians, which have been reviewed, are enlisted in the bibliography and quoted in the thesis wherever appropriate.
The works of Bina Agarwal, Janaki Nair and Saradamoni look at the issue of changing women's rights in the context of the legislative and judicial interventions on the taravad in the colonial period. Janaki Nair has addressed various issues on the juridical aspects in colonial India - the theoretical foundation of the juridical framework evolved in the colonial period and its effect on personal and customary law of reform discourse and legislations, women and political movement and the question over control her sexuality by the society. Geraldine Forbes\textsuperscript{73} tries to look at women in the pan-Indian context of colonial legislative and political spheres, labour force and women's movement. As regards the position of women under marumakkattayam some tend to view that marumakkattayam allowed greater freedom for women. Saradamoni's books\textsuperscript{74} look at the nair women in Palaghat and in Travancore. According to her, women had considerable influence in pre-colonial times but with reform movements the position of those women who did not have access to economy became suffocating, as they had to accept the protection given to her by husbands within the patrilineal structure of the nuclear family.

The legal studies of K Sreedhara Varier and P V Balakrishnan, which are treated as secondary sources, deal with the subject from a legal point of view only. They tend to look at the process through the citation of the judgments of court cases. The other aspects are conspicuously missing in these books. The other legal books compiled by the various judges that have been looked up by the researcher belong to the colonial period and hence has been treated as primary sources.

\textsuperscript{73} Geraldine Forbes, \textit{Women in Modern India}, CUP, New Delhi, 1998.
The works of C J Fuller and Robin Jeffery are the major works that deal with the disintegration of the nair matrilineal family form. While Fuller's study is on a particular village of Ramanatukara from a sociological framework Jeffrey deals with the changed situation of the nair caste in the 18th century Travancore citing reasons for their decline from the position of dominance they enjoyed. P K Jyothi's thesis tries to look at the taravad and its land relationships and the causes for the disintegration of the marumakkattayam system in Malabar. Praveena Kodoth tries to understand the reconstitution of gender and property rights in the context of the nair-s in late colonial Malabar, which then influenced the conceptualisation of women's claims to property in the contemporary context. She also grapples with the issue of sexuality and how it had to be reconstituted through a reconstitution of property structures. According to her, colonial interpretation of family and land customs facilitated male control over property in the matrilineal family. For G Arunima, taravad in the pre-colonial period was an emergent political force that was also a site of administrative, ritualistic and economic power. She tries to see how the reordering of power relationship was responsible for altering the structure of the taravad.

The present study looks at the disintegration of the matrilineal family by looking at the process of the creation of a particular image of the nair-s, their subjectification through the various colonial sites of discourse and the legislatives initiatives as a response to this. The process of disintegration through the judicial discourse is mapped.

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to see the shifting counters of power relation between the members of the *taravad* and the emergence of the chief *anantaravan* and the *tavazhi Karanavan* as against the *Karanavan* of the *taravad*.

**Methodology**

The methodology adopted in the study is basically hypothetico-deductive based on empirical study using insights from social theory. To go into the empirical depth, over 200 cases were identified and subjected to quantitative analysis. These cases were the ones mentioned in legal books as precedents. The methodology adopted is not altogether explanatory nor is it descriptive either. It is a combination of both. Broadly speaking the methodology is that of explanatory narrative. There is no rigid adherence to any single theory as the framework of comprehension but it maintains the centrality of materialistic causation. The study however has drawn insights from various frameworks of conceptualisation especially from Michael Foucault and Edward Said particularly in the context of the construction ‘self’, ‘other’ and subjectification.

Subjectification took place in the colonial society through family, schools, unions and other institutions of colonial state like police, army, bureaucracy, legislature and judiciary. Through these sites various discourses on the objectification of the matrilineal joint family structure is effectuated. Placed within this discursive regime, the natives internalised this construction that constituted them in a subject position. Here the attempt is to find out if this subjectification has any constitutive role in bringing about a consciousness of themselves that induced them to change accordingly. The Colonial courts were a major site and its role is analysed through the study of various cases that came up on partition, eviction decrees like *Marupattom* and *Melchart*, removal from
Karanavasthanam, declaring one as tavazhi, suits to recover jenmom land and whether debt is binding on the taravad. These discourses that drew contours of the shift simultaneously played an important part in legitimising the ideal alternative through various genres of knowledge.

About the Chapters

The thesis has a total of six chapters including the introduction and the conclusion. The second chapter ‘Land Rights of Kerala through the Ages’ tries to explore, the evolution of land rights in Kerala. The evolution of the various tenures is traced along with the rise of the intermediary classes in Kerala society that later on crystallised as the nair class in the colonial period. The taravad is looked at in the context of the land relations and its emergence as a focal point in the locality having influences on the various castes and lineages of the society is studied. When the British took over the administration of Malabar and the nair-s who were already associated with the administration were ideally placed to take advantage of changed conditions of the colonial period, which they took.

The third chapter ‘The Nair Community, Marumakkattayam and Taravad: Aspects of Colonial Constructs looks at the crystallisation of a nair caste and the constructions of the image of the nair-s and their customs and practices. These images were created by the foreigners and were later on accepted by the nair-s as truth about them. Travelogues, writings of foreigners and various administrative reports are also looked into to see the process of subjectification. The colonial understanding of the taravad is vital as the taravad was the cornerstone of the nair family life and
marumakkattayam system and hence the construction of the taravad is dealt with in this chapter.

Colonial rule brought about changes in the socio-economic and cultural conditions that exerted pressure on the taravad to change. As a result of this pressure, the nair-s started feeling the need to change the 'cumbersome' family form, which they felt was an obstruction to their progress. The fourth chapter ‘The Representational Effect: Legislative Initiatives’, looks at the changes that took place in the Malabar nair taravad in the colonial period through the acts that were passed affecting the patterns of inheritance, descent and marriage. The attempt is to see how these acts were a response to the constructions that were seen in the previous chapter.

The establishment of the colonial judicial system and the codification of law saw the entire legal process and structure acquiring a totally different character. The fifth chapter ‘Forms of Property and Relations: the Changing Legal Scenario,’ focuses on the changes that were affected due to the judgments of the colonial judiciary. It tries to analyse the changing property relations of the taravad and emergence of the concept of a personal property as distinct from that of the joint family property that was to be enjoyed by all the members of the taravad. This idea of the personal property that was to be enjoyed by a person and his immediate kin led to the demands by the nair-s that their self acquisitions be given not to the taravad but to those 'nearer in kin'. The new worldview that had been internalised as a result of western ideas made the educated nair-s look upon their wife and children as next to kin as a result of the internalisation of the concept of the family as comprising of the husband, wife and children. The attempt is also made to see how the courts fostered the concept of a family through its judgments in the various cases of maintenance. The process of the dissolution of the joint family
has been traced to study the changing structure of the *taravad* and the changing equations of power between the various members of the *taravad* - the *karanavan*, the chief *anantaravan*, *karanavan* of the *tavazhi*, the rest of the members of the *taravad* and the exclusion of women from the management of the *taravad* affairs.

The sixth chapter, which concludes the thesis, brings together the major findings of the study.