

**TRADITION VERSUS TEXT: A STUDY OF THE
MATRILINEAL SYSTEM OF MALABAR WITH SPECIAL
REFERENCE TO *MAPPILA* MATRILINY,
1871 – 1939**

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfilment of the requirements
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MASTER OF PHILOSOPHY

Submitted by

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CERIFICATE

This is to certify that the dissertation entitled “**TRADITION VERSUS TEXT: A STUDY OF THE MATRILINEAL SYSTEM OF MALABAR WITH SPECIAL REFERENCE TO MAPPILA MATRILINY, 1871-1939**” submitted by **Ms. BENASEER. V.I.** is in partial fulfillment for the requirements of the award of the degree of **MASTER OF PHILOSOPHY**. This dissertation has not been previously submitted for any degree of this or any other university. To the best of my knowledge this is her own work.

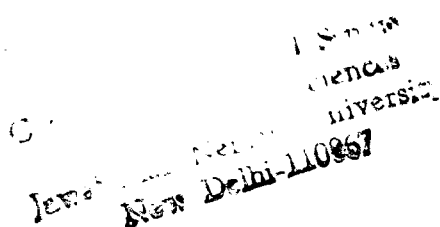
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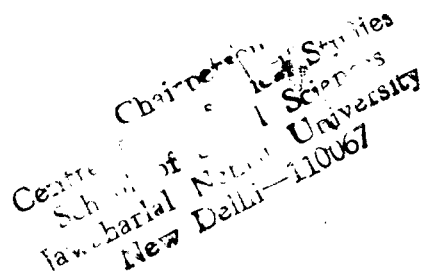

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Dedicated to my ever beloved

UMMA

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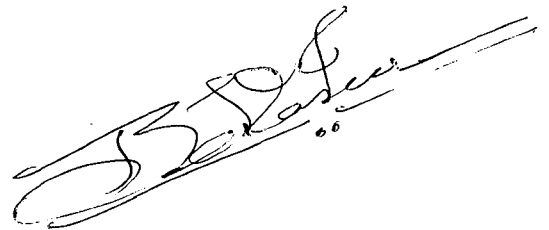
have been always stimulating. It was Ali, who, more than anybody else helped me to reach here, from a remote hamlet in Calicut and from a family of manual workers. I can't thank him since he believes it is his responsibility to provide his sister with better higher education.

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Ultimately, the responsibility for the gaps and defects that remain in this dissertation is entirely mine.



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INTRODUCTION

Sexual inequality cannot, in reality, be differentiated from social, economic and cultural inequalities in Indian society.¹ The Report on the status of Women in India, 1974, says these inequalities have a very significant influence on the status of women in different spheres. Socially accepted rights and expected roles of women, norms governing their behaviour and of others towards them vary among different groups and regions. Gerner in her study on the role of Muslim women in Arab countries, makes a similar observation; "there are variations based on the socio-economic class to which a woman belongs in a rural or urban area".² For assessing the quality of gender relations and women's situation, it is necessary to look at the familial and wider kinship dimensions of their life.³

Kinship is not to be viewed only as a moral code, it provides the organizing principles that govern the recruitment and placement of individuals in social groups, formation of domestic groups and production units, residence after marriage, resource distribution including inheritance, and obligations and responsibilities in the business of living of individual members of the groups at various levels.⁴ These have serious implications for the

¹ Siddiqui, H.Y., "Studies of Muslim Women in India : Approaches and Methodology", in Mohini Anjum ed., Muslim Women in India, Radiant Publishes, New Delhi, 1992, p. 10

² Ibid

³ Dube Leela, "Women in a Matrilineal Muslim Community", in Mohini Anjum, Muslim Women in India, Radiant Publishes, New Delhi, 1992, p.99

⁴ Ibid.

Position of women as indicated by their social identity and control over and access to resource, freedom of movement and interaction, bargaining power, role in decision making and autonomy.⁵

In matrilineal societies, relatedness through females is treated as culturally more significant than relatedness through males.⁶ In Kerala, among some groups, female links alone were recognized for sharing and transmission of property of the *Tarawad*.⁷ Family leadership and authority over jointly held property are in the hands of the eldest sister, and it descends from her through the female line.⁸ She entrusts the management of the property, however, to the nearest and eldest male relative, the *Karanavan*.⁹ Manjula Devi is of the opinion that it has created the general impression that women of Kerala enjoyed absolute freedom and equality.¹⁰

The Muslim community of Malabar, the *Mappilas*, generally follow the *makkathayam* or patrilineal law, yet in the matter of inheritance the *Mappilas* of North

⁵ Ibid

⁶ Holder Clare Janaki, Sear Rebecca and Mace Ruth, Matriliny as a Daughter-Biased Investment. Internet source.

⁷ Tarawad is the matrilineal joint family household in which all the members of the family, tracing their descent through female members, however distant their relationship, live together as a group. A mother and all her children, both female and male (unmarried), all her grand children by daughters, with the *karanavan*, are the basic representatives of the tarawad.

⁸ Miller E. Roland, Mappila Muslim of Kerala: A Study of Islamic Trends, Orient Longman, New Delhi, 1976, p. 252

⁹ Devi Manjula, Women's Movement in Kerala, Binow, Madurai, 2002, p. 88

¹⁰ Ibid

Malabar have been following the *marumakkathayam*¹¹. My proposed study is of women, especially of the *Mappila* women, in the distinctive matrilineal system¹². The period of study is from 1871 to 1939. 1871 was the year when the first Census Report was taken which enables us to tabulate the exact figures of the *Mappila* population of Malabar. More than that, in the same year, the British decided to impart modern education to the *Mappilas*, as a solution to what they termed as the "*Mappila* problem". So, in 1871, the Government started educational efforts on behalf of the *Mappilas*, which included inducements in the form of small salaries and grants for each successful student that would be given to *Mullas* (religious teachers) to encourage the provision of elementary instruction in Malayalam along with religious training in the mosques. The *Mappila Marumakkathayam* Act was passed in the year 1939 which removed the legal base for the continuation of matriliney among *Mappila* Muslims¹³. In the same year the first college graduate from the *Mappila* community was produced¹⁴. During this period, following the example of Nairs and other communities, *Mappilas* started an agitation for the application of the Mohammedan law as personal law. The

¹¹ *Mappila* Will Act, 1928, Calicut Regional Archives, Calicut

¹² David M.Schnieder and Kathleen Gough (1961) observe this as the most altruistic behaviour (egocentrism or excessive self indulgence is in no way found any place) in which including transfer of group membership, wealth, political rights everything transmit to the karanavan's sisters sons. See David M.Schnieder and Kathleen Gough (ed), Matrilineal Kinship, university of California, Berkely, 1961.

¹³ *Mappila Marumakkathayam* Act of 1939, Calicut Regional Archives, Calicut

¹⁴ The individual concerned was P.P.Hassan Koya.

Mappila Succession Act of 1918 had provided that the self acquired property of any *Mappila* who followed *marumakkathayam*, should, notwithstanding any custom to the contrary, devolve upon his heirs according to the Mohammedan law¹⁵. the *Mappila* wills Act of 1928 was another step forward to the *Mappila Marumakkathayam* Act of 1939, which declared that the testamentary disposition of the diseased would devolve in accordance with the provision of the *Mappila* succession Act of 1918¹⁶. In the midst of this period in 1922, the Kerala Muslim Aikya Sangham, the first attempt from the Muslim community to bring about unity in the community and start an era of enlightenment in socio-cultural and economic life, was formed. The main objective of this organization was to eradicate non-Islamic practices, including Matriliney from the community.

As Neera Desai and Maithreyi Krishnamurthy observe, the major family systems of the world are patrilineal, patriarchal and patrilocal, marked by unequal gender relations of power in which men's power and women's subordination are accepted as a social norm. It is not surprising, therefore, that women have a low position in our society, which expects a lower life expectancy, lack of access to education, health and employment opportunities, widespread neglect and abuse as the ultimate fate for the hundreds of powerless women¹⁷.

¹⁵ *Mappila* Succession Act of 1918, Calicut Regional Achieves, Calicut

¹⁶ *Mappila* Wills Act of 1928, Calicut Regional Achieves, Calicut.

¹⁷ Desai Neera and Maithreyi Krishnamurthy, *Women and Society in India*, Ajanda Publications, New Delhi, p.185.

Even though matriliney offers a kind of family where she has dignity and rights, one finds that political power and social control are exercised by men who may be husband or matrilineal kin.¹⁸ That is, men transmitting wealth and political rights to their sister's children.

Its origin lies in obscurity. The *Keralolpathi*,¹⁹ enshrined the tradition that it was designed by Parasurama out of devotion towards his mother. *Vyavaharamala*, a compendium of the customary laws of Malabar does not explain the origin of the system²⁰. According to Elamkulam P. Kunjanpillai, matriliney is a result of "the hundred years war", fought between Cheras and Pandyas²¹. The political and religious ascendancy of the Brahmins (*Namboothiris*) during the Chera-Chola war, their rise as landlords or jennies of Kerala, the introduction of compulsory military training and the formation of suicide squads (*chavettupadai*) to meet the threats of warfare are designated as the peculiar conditions that necessitated the change in the system of inheritance and

¹⁸ Ibid

¹⁹ *Keralolpathi* is the most popular traditional source on Kerala history. It contains the fables and legends related to Kerala history. The general assumptions of the historians are that it was consolidated not earlier than the 17th Century, Herman Gundert, Chalet Achutha Menon, Manavikrama Raja etc have prepared separate vision of *Keralolpathi*, but the basic theme remains the same.

²⁰ Elamkulam P.N.Kunjanpillai, *Kerala Charithrathile Eruladanja Edukal*, (Malayalam), Kottayam, National book Stall, 1957, p. 156.

²¹ Chera-Chola war which is depicted as Hundred years war is questioned by historians. It was never a continuous and uninterrupted one which spread over hundred years.

succession during the period.²² Thus the system began around 11th century AD. K.P. Padmanabha Menon, the first historian who dealt with Matriliney, opined that the system originated in Kerala in more recent times due to some peculiar circumstances.²³

Friar Jordanus who lived in Quilon during the 14th century AD, was the first foreign traveller to refer to the system in Kerala. After him, Ibn Batuta (1347), Abdul Razak, (1442) Nicolo Conti (1442) and others mentioned about this. Following Engels, K. Damodaran suggests that the ancient people of Kerala lived for a long time under a sort of primitive communism²⁴. The theory that Brahmin domination with their land-lordism and the Nair's military life caused Matriliney has been denied by E.M.S. Namboothiripad. He opines the system must have started from an interaction of cultures of the natives and the immigrants²⁵. Ehrenfeels suggests a probable relationship between matriliney in Malabar and the ancient Indian civilization.²⁶

But the special feature of the matrilineal system deserves attention. In other parts of the world where the system existed, it (the system) vanished by the

²² Menon K.P. Padmanabhan, History of Kerala, Ernakulum, 1924, p. 268.

²³ Ibid

²⁴ K. Damodaran, Kerala Charithram (Malayalam) Trichur, 1962, p. 202

²⁵ Namboothiripad E.M.S., Keralam Malaylikalude Mathrubhumi, (Malayalam), Chinta Publications, Trichur, 1969, p.27.

²⁶ Ehrenfeels Omar Rolf, Mother Right in India, Hyderabad, 1941, p.14.

time society had reached an advanced stage. But in Malabar, it has continued to live down to modern times and the reason for its continued existence is a matter of consideration. The advent of Brahmins in Malabar must have perpetuated the system among the Nairs because it was to the advantage of the Namboothiris who contracted sambandham with Nair women.

The joint family household called the *Tarawad*, child marriage called *Talikettu kalyanam*, polygyny, marital alliance of Namboothiri men with Nair-women called *sambandham*, *Thirendu kalyanam* -a ceremony associated with the first menstruation- are the main features of the Hindu Matrilineal system. But these features are totally absent among *Mappilas*. The transmission of family property through the female line, the status of women in household, the authority of the *Karanavar*, polygamy, the matrilocal system are the shared features of the matrilineal system of Malabar, among both Hindu castes and *Mappilas*.

Matrilineal women, whether they were *Mappila* or Hindu, differed from their patrilineal counterparts in two important ways. Marriage did not sever their ties, affective and economic, with their natal homes. Children, irrespective of their sex, belonged to their mother's *tarawad*.²⁷ The system clearly differs from the rights that a husband has over his wife in patrilineal families. But what I had found in my field trips and in various colonial reports and comments over the legal acts, is that the actual power of the *tarawad* was kept basically in the

²⁷ Malabar Marriage Commission Report, 1892.

karanavan's hand. He was like a godfather in the family and in the household as well as in society at large. No society or no family gives absolute power to women, but only property was transmitted through women.

M.P. Joseph is of the opinion that in pure *Marumakkathayam*, there is no space for the recognition of the relationship between husband and wife as well as of that between father and child. The wife's children belonged to the natal family and received no rights to the property left by the husband or the father²⁸. But this does not mean that women enjoyed sexual freedom under the system.

In the late 19th century, the new middle class started agitating for a legislation to abolish the system. Among the *Mappilas*, V.V. Kunhikrishnan writes that new social awakening, urbanization and spread of education created the necessary attitude to dispute or decry the system.²⁹ The *Mappila* Succession Act of 1918 enacted by the Madras Legislative Assembly provided a space for the observance of the *Shariat* for self-acquired properties of *Mappila* men who were following the *Marumakkathayam*. The joint family and its socio-economic structure came to be viewed as an impediment for individual growth and attainments.³⁰

The *Mappila* Wills Act of 1928 brought wills under *Shariat* law.³¹ The *Mappila Marumakkathayam* Act of 1939

²⁸ Joseph M.P., The Principles of *Marumakkathayam*, Kottayam, 1918, p.1.

²⁹ Kunhikrishnan V.V., "Matriliny Among *Mappilas* of Malabar" in Azghar Ali Engineer, ed. Kerala Muslims: An Historical Perspective, Ajanda Publications, New Delhi, 1995, p.64.

³⁰ Ibid.

³¹ Mappila Wills Act of 1929, op cit.

allowed partition of *tarawad* properties among the members of the *tarawad*.³² The law ensured the application of the *Shariat* Law of Succession to the *marumakkathayi Mappilas* also. In Chapter II, Provision IV of the law, responsibility is given to the *karanavan* to maintain a correct inventory of all the movable and immovable properties belonging to the *tarawad*. But, at the same time, it gave the right to the *anandaravar* (all male members of the *tarawad* except the *karanavan*) to inspect the inventory and accounts. Chapter III of the Act, which is on partition, gives rights to both individuals and *thavazhis*³³ to claim partition'.³⁴

Sheikh Zainuddin in Thuhfath-ul-Mujahiddin says the custom of excluding the immediate offspring from inheritance has been adopted by most of the Muslims in Cannanore and neighborhood³⁵ (He does not mention when the system struck roots among the *Mappilas*). They copied the system from Hindus even though they studied and recited the *Quran* without knowing its meaning.

Sundara Ayyar in the Malabar Law Digest opines that it emerged due to the massive presence of the Shudra community who used to follow *marumakkathayam* and who embraced Islam *en masse*.³⁶ Mr. Logan is of the opinion that the Muslims settled in North Malabar, changed the rule of

³² Mappila Marumakkathayam Act of 1939, op cit.

³³ New branch of a *tarawad* formed by a female member of the *tarawad*.

³⁴ Ibid.

³⁵ Sheikh Zainudeen, op cit., p.64.

³⁶ Ayyar Sundara, Malabar Law Digest, Trivandrum, p. 231

inheritance previously prevalent among them and adopted Matriliney.³⁷

Kathleen Gough divides the *Mappilas* into two theoretically endogamous castes. The descendants of converts from Brahmins and Nairs were higher ranking castes and converts from the polluting Hindu castes were the commoners. The higher ranking castes are divided into six endogamous matrilineal clans called 'Kiriyaans', dispersed throughout Northern Kerala and lower castes into 64 exogamous matrilineal clan called 'Illams'.³⁸

The matrilineal *Mappilas*, unlike Nairs and Tiyyars, were and are predominantly Matrilocal.³⁹ The wife would remain in her natal home even after her marriage. A young husband customarily moves to his wife's natal house on his marriage, where he lives a large part of his time and contributes to the maintenance of his wife and children.⁴⁰ Traditionally, in the land and property-owning aristocratic families, the eldest man of the *tarawad*, should return to his natal home, when he becomes the *karanavan*. But when it comes to the poor *Mappilas* they stay back in their conjugal home, but occasionally visit their natal *Tarawad*.⁴¹

Among the *Mappilas*, they often favour matrilineal cross-cousin marriage, that of between two brothers to two sisters. The middle class *tarawad*, women has shall have about 50 to 60 rooms and most often the

³⁷ Logan, op cit., p. 273.

³⁸ Gough Kathleen, *Mappila: North Kerala*, in David, M. Schneider (ed.), op cit., p. 418-419.

³⁹ Ibid., p.419

⁴⁰ Ibid

total members would be over hundred. Each room contains a small family unit has all the things that an entire house needs.⁴² Each room is like a family within the larger *tarawad* family.

The oldest women have all the authority in landed *tarawads*, they manage, supply and organize women's tasks. But outside home, the 1871 Census Report says, they are secluded as is the case of Mohammedans generally.⁴³ Contrary to this, Gough argues that the *Mappila* women were not in purdah in the presence of their matrilineal kinsmen.⁴⁴ But before outsiders they were still in seclusion and covered not only their head but their face as well and seldom came outside. They were always behind the curtain.⁴⁵

The mode of inheritance in the female line was supposed to give her a special status in the household. But in the Laccadive islands, Leela Dube argues, Muslim women were never in seclusion. They often went outside and did not often cover even their head.⁴⁶ Whereas Nairs

⁴¹ Interview with Adv. Zainuddin, Kannur, 30th September 04, (Member of a Matrilineal Joint Family, called Keyi).

⁴² Cheriya Maliyekkal is a Joint Family Tarawad in the Tallichery Town. The house in having 64 members with 24 Rooms. (visited 27th September, 04)

⁴³ Malabar District Census Report, 1871, Govt. Press, Madras, 1972

⁴⁴ Gough Kathleen, op cit., p. 428.

⁴⁵ When I visited Arakkal *Tarawad*, only Female members were there. They just peeped me behind the curtain had only one answer to my question. "You can talk to the male members, we don't know anything". Male members were holding job somewhere outside the town. In my view this condition (male members often outside the home for trade) compelled the female members to hold the authority of the family.

⁴⁶ Dube Leela, Matriliny and Islam, National, Delhi, 1969.

permitted and even took it as a sign of prestige to have more than one *sambandham*, *Mappila* women were strict in having one husband at a time but they encouraged widow remarriage. This shows their partial adherence to the Shariat and to Islam. In older times, widow remarriage was very uncommon among non-Muslim Malayalee folk.

Stridhanam grant is a special feature of Muslim *Marumakkathayam*, which is also contrary to Shariat. Stridhanam was always given by the bride's *karanavan* to the groom's *karanavan*. It later goes to the groom. Husbands used the gift for the maintenance of their wives and children.⁴⁷ Traditionally, the wife's *karanavan* is the legal guardian and husband enjoys only sexual rights over her. Contrary to Islamic law, if the husband happens to touch her when she is in ablution, it could endanger the efficacy of her prayers, but it could not happen when it comes his in-laws. This shows the cordial relationship of the husband with his in-laws in his conjugal home. He was most often treated as a son.

I wish to quote the Rajah of the Arakkal royal family about the exemption⁴⁸ of the Arakkal royal family from the *Mappila Marumakkathayam* Act of 1939. He says "the Arakkal swaroopam as an ancient ruling family, has certain family customs, these customs are unique and their continuance is in the best interest of the family. I am glad to say that the members of the family whole

⁴⁷ Balakrishnan, op cit., p.128.

⁴⁸ Arakkal royal family was exempted from the application of the *Mappila Marumakkathayam* Act of 1939. The royal family was giving a memorandum to the Madras government to exempt from the partition of *tarawad* property according to the said Act, since they were having some unique customs and traditions being an ancient ruling family, of Arakkal Swaroopam(dynasty).

heartedly approve of the exemption from the partition of Arakkal royal family".⁴⁹

In Islamic law, women have been allowed to hold and inherit property. Women have a right to divorce and divorced women cannot be left uncared for. She is given a certain amount of money at her marriage⁵⁰, called *mehr*. At the same time, according to the *Quran*, two women are equivalent to one man. It shows as in any other religion, Islam also does not provide equality in gender relations.

The *Quran* is clear, when it says in the IVth chapter, that all children have a right over their parent's property(33.4)⁵¹. But the women's inferior position is more clear when it says, men have more strength than women (34.4).⁵² Its patriarchal character is expressed through the lines, "if they refuse to share the bed, beat them up"⁵³.

In the first chapter I provide an historical account of the *Mappilas*, their origin, spread, proselytisation and within the socio-economic political and cultural set up of Malabar. In the second chapter, I will give an elaborate description of the *Marumakkathayam* system (Matriliny) of Malabar, of the *Mappila* matriline in

⁴⁹ Arakkal Adi Raja, Hussain Alias Imbichi Koyamma Tangal Average, Nor Mahal, Cannanore and Other five members of the Arakkal family in regard to *Mappila Marumakkathayam* Act of 1939, Arakkal Papers, Calicut Regional Archives.

⁵⁰ Ibid.

⁵¹ Jayanti Alam, Religion, Patriarchy and Declining Sex Ratio, Mainstream, March 10, 2001, p.24.

⁵² Ali A.Yusuf, The Holy Quran (trans. Of Quran), Amana Corp, Maryland, 1983, p. 190.

⁵³ Ibid.

particular and the relation between Islam and matriliney. The third chapter will focus on matriliney and gender space, focusing on the status of women. The fourth chapter is about the shifting outlook of the community in the first half of the 20th century and the subsequent legislation on the system.

Since it is a kinship study, the sources I have mainly depended for the study are mid 20th century anthropological works (e.g.:- Leela Dube and Kathleen Gough). So, although this an historical study, the inevitable anthropological intrusion, was unavoidable.

Through the dissertation, I am trying to unravel the contradictory laws of text and tradition and the configuration of these opposing tenets in a community. Some questions are still frightful and mysterious. How could Islam accommodate the un-Islamic practice of matriliney among its followers? In reality, what was the status of women in matriliney? Did they enjoy any superpower in the household or the societal structure? How far a woman in matrilineal household differs from her patrilineal counterparts? It is an endeavour to find the response.

Chapter I

MAPPILAS AND THEIR MILIEU

: A Historical Sketch

"Popular imagination overtakes itself by considerations of coercive conversion to Islam or Christianity but the material shows that in many areas where Islam has spread among vast numbers of people it has done so through trade links, through the influence of Sufis or through other processes that have little to do with political oppression".¹

The *Mappila* Muslims of Kerala, the oldest Islamic community in South Asia,² originated in Malabar through trade links with Arabs. So they are not an exception to this statement. No political pressure was involved in this early proselytisation undertaken by merchants,³ unlike North India where Islam came partly with political conquest.⁴ The *Mappilas*, however, established

¹Robinson Rowena and Clarke Sathianathan (ed.), Religious Conversion in India :Modes, mortification and Meanings, Oxford University Press, New Delhi,2003, p.14

²Dale Stephen Frederic, The Mappilas Of Malabar 1498-1922: Islamic Society In the South Asian Frontier, Clarendon Press, Oxford, 1980, p.1

³Rizvi S.A.A, "Islamic Proslitisation: Seventh and Sixteenth Cenuries",in G.A. Oddie (ed.) Religion in South Asia :Religious Conversion and Revival Movements in South Asia in Medieval and Modern Times, Manohar Publications, New Delhi, 1977, p.14

⁴ Muhammad -bin Qasim's invasion of India (Sindh),712-715

their strong base in Malabar through the adaptation and assimilation of cultural assemblages. The *Mappila* history or the history of the Muslims of Malabar thus is the history of the transaction and exchange among cultures.

Birth of a unique title: the “*Mappila*”:

Wherever a religion may have originated, when it comes to strike its roots in a new space, it generally assimilates cultural aspects of the space where it settles down. Malabar, the South West region of India, was not an exception to this when it embraced Islam as a new religious belief. Indigenous as well as foreign culture mingled to create a mixed community, having the characteristics of both. The result was the creation of “*Mappilas*” or the *Mappilas* of Malabar. The very title itself of the new community is an excellent example of Islamic assimilation and adoption of native culture.

Mappila is the transliteration of the Malayalam word മപ്പിള.⁵ The renowned Portuguese traveller of early sixteenth century, (1508 AD/914 HE), Duarte Barbosa, is the first traveller who visited Kerala. He mentions about the *Mappilas*. In the writings of earlier travellers, the word *Mappilas* was not used. But many Arab travellers mention about the Arab trade and, subsequently, their marriage with the native women. Barbosa’s travelogue entitled The Book of Duarte Barbosa uses the term *Moors*

⁵ Miller E.Roland, *Mappila Muslims of Kerala :A study in Islamic Trends*, Orient Longman, New Delhi, 1976, p.30

Mapuleres to denote the Muslims of Malabar⁶. It is a clear indication that the natives might have used the name during his time. Although many travellers had visited Kerala before him, including Ibn Batuta (1349 AD/ 743 HE), Abul Razak Samarbandi (1444 AD, 848 HE), Sheik Zainuddin Ma'bari (1583 AD/991 HE), the famous historian Firishta (1606 AD/1016 HE), and all mentioned Malabar Muslims in their travelogues, none of them used the term *Mappilas* or any other word similar to *Mappila*. This gives us the idea that the word *Mappila* had not been coined before the sixteenth century. But Meer Hussain Ali, hailing from Sri Rangapattinam, was the first indigenous writer who used the word *Mappila* in his book entitled *Nishane Hideri* which was written at the behest of Tipu Sultan.⁷ It was in the 18th century.

Mappila is a common title for Christians and Muslims in Kerala but they are called Nasrani *Mappilas* and Jonaka *Mappilas* respectively. William Logan argues that the word *Mappila*⁸ is a contraction of two words "maha" (means great) and "pillai" (an honorary title among the Nairs of Travancore, which means child); and it would be an honorary title conferred on early Muslim immigrants.⁹ Hamid Ali argues that this might be the most reasonable

⁶ Barbosa Duarte, *The Book of Duarte Barbosa, VOI.2*, trans. from Portuguese by Dames M.L., Royal Academy of Lisbon, 1812 (1518), pp.74-75

⁷ Dr. Qadiri Shamsullah, *Ancient Malabar*, (Malayalam trans. by V. Abdul Qayyum from Urdu), Buhara Publications, Calicut, 1954, p.48

⁸ Logan spells *Mappilla*

⁹ Logan William, *Malabar Manual*, Madras govt. Press, Madras, 2000 (1887), p.191

interpretation of the word *Mappila*¹⁰. K.K. Muhammad Abdul Kareem and K.P. Padmanabha Menon also support this view in their books on Sayyid Alavi Tangal¹¹ and The History of Kerala. Roland E. Miller justifies this argument by saying that a "new husband" was given the title to honor his entry into the family.¹² This term used by the local people was naturally attached without any prejudice to bridegrooms who came from the ranks of the honored visitors or immigrants from abroad. Muslim communities must have seen the practical and growing necessity in Kerala to develop a word to describe such marriages in a way that was both exclusive and respectful,¹³ treating them as different from the other communities and sects.

According to Lewis Moore, *Mappila* means "bride groom" or "son in law" and the name was given to Muslims Christians or Jewish colonists in Malabar who had inter married with the natives of the country.¹⁴ So the word is not confined to Muslims alone. Gundart also supports this view. It is significant that in North Malabar, husbands of all younger women of a *tarawad* household in which they live are considered always as bridegrooms. That

¹⁰ Al Hamid, "The Moplahs" in T.K. Gopal Panikkar (Ed), Malabar and Its Folk, G.A. Natesan and Co., Madras, 1927(1900), p.265

¹¹ Kareem K.K. Muhammad Abdul, Sayyid Alavi Tangal, C. H. Muhammad Koya and Sons, Tirurangadi, 1970, p.61

¹² Miller E. Roland, *op.cit.*, p.32

¹³ *Ibid.*

¹⁴ Thurston Edgar and Rangachari K, Caste and Tribes of South India, (vol.4) Asian Educational Services, New Delhi, 1993 (1899), pp.459-46

usage reflects the role of the young husband as an honored guest and partial outsider.¹⁵

Scholars like Francis Day and Jonathan Duncan have different perspective on this matter. Francis Day argues that the word must have been derived from "ma" meaning "mother" and Pillai" meaning "child". The meaning of the term is "mother's child".¹⁶ It designates the *Mappilas* as the children of foreign husbands who married native women. This emphasizes the indigenous relationship and corresponds to usages appropriate to the matrilineal system current among the Nairs.

Another interpretation about the derivation of the word *Mappila* is connected to the Arabic words "Mufih" and Maflih". Percy Budger argues that the name is either a corruption of the word *Maflih* (from the root *fallah* which means 'to till the soil'). It indicates someone who is prosperous or victorious. In this sense it would apply to the economic successes of the foreign Muslims on the Western coast of India. It could also be a similar corruption of Maflih (the active participial form of the same verb) which means agriculturists, an appropriate designation of *Mappilas*, who, according to Buchanan, are both traders and agriculturist. Contrary to this view, The Malabar Land Revenue Committee Report of 1887 says that the great bulk of *Mappilas* are traders by profession and only a few in South Malabar are cultivating

¹⁵ Gough Kathleen, "Mappila: North Kerala", in David M Schneider and Kathleen Gough (Ed), Matrilineal Kinship, University of California, Berkley, 1961, p.442

tenants.¹⁷ According to K.B.K.Muhammed, *Mappila* originated from the word 'mahfil' meaning 'gathering place' or 'meeting place'.¹⁸ He argues that the term was used to indicate the community gathering of Malabar Muslims.¹⁹

Whatever discourses there are on the origin of the name *Mappila*, I personally do not agree with the argument that this is an honorific title since the Muslims of Malabar always prefer to call themselves Muslims rather than Mappilas. Likewise the non-Muslims often use the word in a contemptuous manner and none of the *Mappilas* likes to be called by this title. So how can we say that it was an honorific title? I would trace the derivation of the word to 'ma' and 'pillai' meaning "mother's child".

Origin of the New Faith "Islam" in Malabar: A Historical Sketch

Kerala's geographic position, commercial traditions and the great abundance of spices and foreign goods attracted the commercial community of the world to itself. S.N.Nadvi points out that long before Islam came to North India, there were Islamic colonies in South India.²⁰ Miller also shares this view while arguing that the

¹⁶ Day Francis, The Land of Perumals, Grantz Brothers, Madras, 1863, p.364

¹⁷ Hill.R, Malabar Land Tenure Committee Report, Hill.R, Malabar Land Tenure Committee Report

¹⁸ Muhammad K.B.K, Whither the Mappilas, Malayalam, Mangalodayam Press Pvt.Ltd, 1956, p.4

²¹ Ibid.

²⁰ Nadvi.S.N, "The Muslim Colonies in India Before the Muslim Conquest", Islamic Culture, vol.8, 1934, p.478

Mappilas are the descendents of the early Indian Muslims.²¹ But the exact time of the coming of Islam to Malabar is obscure. Even today it is a matter of controversy.

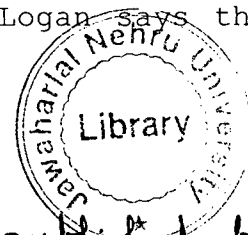
The most popularly held belief among the Muslims of Kerala is that Islam came to Kerala during the life time of Prophet Muhammad. But many scholars are of the view that Islam reached Kerala during the time of Pious Caliphate or the Ummayyad Caliphate. While some scholars opine that it must have been in the ninth century AD, and others stand firm on their view that the advent of Islam in Kerala took place only between the tenth and twelfth centuries. There is no epigraphic, numismatic or literary evidence to support this dating of the origin of Islam in Malabar.

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The narration contained in the Keralolpathi, the traditional account of Kerala, says that Islam reached Kerala during the Prophet's life time.²² It says that, the last king of Chera Empire, the Cheraman Perumal, came to know about the Prophet and his mission from Arab traders. He partitioned his kingdom and went secretly on a ship to Makkah and met the Prophet. There he embraced Islam and got the name Tajuddin. Then he got married to an Arab woman and after staying there for some years he returned to Kerala with his family to propagate the new faith. He, however, died on the way. William Logan, K.P. Padmanabha Menon, K.B.K. Muhammed believe in this theory. Logan says that the

²¹ Miller E. Roland, op.cit., p.39

²² Gundart, Keralolpathi, 1843, later published by DC: Books in 1992.



explanation is reliable.²³ Roland E. Miller takes a middle position; saying that there is no convincing evidence or tradition to support but there is no inherent factor that makes it improbable.²⁴ The Arakkal palace records also support this view.²⁵ Abdul Samad mentions that Al Tabari in his Firdous -ul Hikma of Ninth century AD and Firishta in his Tarik -e-Firishta had the same opinion.²⁶

The absence of written materials pertaining to the literary evidence on the origin of *Mappilas* is the stumbling block for the study of the *Mappilas* of Malabar. There are no *Mappila* manuscripts presently known that are earlier than the fourteenth century. The earliest known Muslim who attempted to deal with the subject of *Mappila* origin is Sheik Zainuddin (1498-1581?) of Ponnani. In this book, Thuhfath-ul Mujahiddin, he orders the Muslims to get ready for a "jihad" against the Portuguese, who caused the decline of the mercantile monopoly of Muslims in Malabar. Later historians depend on this book for their writings on *Mappilas*.²⁷

However there are references to Malabar Muslims in writings of Arab travelers and geographers. The earliest Arabic source for events along the Malabar coast is Sulaiman's Silsilath al Tawarik of 851 AD. Miller quotes Sulaiman, "I have never known anyone in India or

²³ Logan William' *op.cit.*, p.195

²⁴ Miller E. Roland, *op . cit.*, p.49

²⁵ Kurup.K.K.N, Ali Rajas of Cannanore, Publication Division, University of Calicut, 2002, p.99

²⁶ Samad M.Abdul, Islam in Kerala :Groups and Movements in the Twentieth Century, Laurel Publications, Kottayam, 2002, p.2

²⁷ Firishta M.Q. History of the Rise of Mohammedan Power, trans. by John Briggs (4 vols.) Longman, London, 1829, 4vol, p.531

China who embraced Islam or anyone who can speak Arabic.”²⁸ This has been used as a proof that the *Mappilas* might not have originated before the late ninth century. William Logan takes this as evidence and argues that there were no Muslims in Malabar prior to Sulaiman.²⁹ C.A.Innes, author of the Malabar District Gazetteer of 1905 also shares this view.³⁰

As the mercantile community, peaceful and non-combative, could win the confidence of the native rulers as well as of the common people of the country. Arab trade improved the economic welfare of the people. Also the missionary activities of the Sufis helped the spread of Islam. The rigid caste system that prevailed among the Hindu community and the most attractive tenet in Islam, the doctrine of equality, hastened the spread of the new faith in Malabar. Organized and well planned missionary work set in with the arrival of the Malik -ibin-Dinar and his team with the establishment of ten mosques between Manglore in the North and Quilon in the South³¹.

Although I.H.Qureshi asserts that the extensive Sufi proselytisation found elsewhere in North India is not evident in South India,³² the *malas*,³³ sung

²⁸ Miller, op. cit., p.

²⁹ Logan William, op.cit., p.191

³⁰ Innes C.A, Malabar District Gazetteer, Govt. Press, Madras, 1951, p.25

³¹ Sheik Zainuddin, op.cit., pp 38-39. (These early mosques were at Quilon, Kodungallure, Chaliyam, Panthalayani, Dharmadam, Sri Kandapuram, Madayi, Kasagod, Mangalur and Barker.)

³² Qureshi.I.H., Muslim Community in the Indo-Pakistan sub Continent AD 610-1947, Delhi, 1958,p. 144

³³ Malas emerged on the scene about five centuries ago as blend of Malayalam grammatical base, Arabic script: Malayalam, Arabic,

· extensively in the country, extolling the activities of Sufis especially their *karamas* or supernatural activities, seem to belie this.

*The Mu'ta marriage*³⁴ was another important factor that helped the growth of Islam in Malabar. A marriage of temporary nature in which the contracting parties agree to live together in the house of the woman (wife) for a stipulated time for which the man has to pay an amount mutually agreed upon, the 'mehr', the bride price. The parents who were troubling for getting dowry to give their children married, always found this as a divine grace. The Arabs never asked dowry in this marriages ³⁵were not given dowry and in always were

The encouragement given by the *Zamorins* of Calicut for conversion to Islam is really remarkable. The economic interest of the *Zamorins* lay with the customs duty on the export items, especially black pepper, ginger, ivory, cardamom, teak etc., were the main source of income

Tamil, Persian, and Urdu vocabularies with a few traditional orthographical symbols being utilized in it according to the need. The literature was narrative poetry with predominant religious themes. The first of this kind appeared in 1607, a popular devotional classic named *Moideen Mala*, in Arabi Malayalam.

³⁴ See. Koya S.M. Mohammad, *The Mappilas of Malabar: Studies in Social and Cultural History*, Sandhya Publications, Calicut, 1983, pp.17-18

³⁵ Among the Arabs dowry system as in our country does not exist. Contrary to this they have to give the bride a better amount of wealth, in kind or cash, as Mehr. Here in Malabar, they would get bride for a small amount of mehr. So for both parties this kind of marriage system was something advantages.

for the treasury. *Zamorin's* admirals the Kunhali Marakkar,³⁶ who came from a Mappila family of Malabar. Logan reports that *Zamorins* Rajas of Calicut who, in order to expand their navy, directed that one or more male members of the families of Hindu fishermen should be brought up as Muhammadans, and this practice has continued down to modern times.³⁷ The Mappilas did not miss this opportunity. The 16th century Portuguese traveller, Barbosa, reports that the *Mappilas* formed 20% of the population of Malabar. He reports,

"..... they are rich, and live well, they hold all the sea trade and navigation in such sort that if the King of Portugal had not discovered India, Malabar would already have been in the hands of the Moors, and would have had a Moorish King".³⁸

From these words we see how these two factors -the quest for propagation of Islam from the *Mappila* side and the encouragements given by the rulers- were successful in reaching their goal.

Hitchcock writes that because of the social condition of Malabar, the rigid caste system and the inferior status accorded in the society to the low born people,³⁹ the commoners of lowest strata, that is, Tiyyars, Cherumans, Parayars and *Mukkuvar* castes, found Islam

³⁶ The *kunjalis* are the admirals of *Zamorins*. It's said that this Muslim naval officers were coming from Cochin State. Being the admirals, they were quite trustful officials of the *Zamorins*.

³⁷ Logan William, *Malabar Manual*, 2000, (1878), pp.196-197

³⁸ Barbosa Duarte, *op.cit.*, p.74

³⁹ Kunhali.V, *op.cit.*, "Islam in Kerala: Special Features", in M.G.S.Narayan (ed), *Malabar*, Kerala Public Relations Department, 1993, Souvenir, p.33

capable of freeing them from the disabilities of ritual pollution,⁴⁰ and converted *en masse* to the new faith.

The 1871 Census report says that during Mohammedan rule (the invasion of Hyder Ali and Tipu Sultan) and even later, down to the late 19th century proselytism was going on among the lower orders of society.⁴¹

Mappilas and the Social, Economic, Political and Cultural Milieu of British Malabar:-

According to the Treaty of Sri Rangapattinam contracted between Tipu Sultan and the British on March 18, 1792, Malabar fell to the Company's share.⁴² On the Transfer of Settlement on 21st May 1800, Malabar was detached from Bombay Presidency and became a province under Madras Presidency. British Malabar covered an area of 6002 square miles and it included five Municipalities and ten taluks which were sub-divided in to 432 villages.⁴³ Cannanore, which was also a military cantonment with a European Regiment, Tallichery, Calicut, Palghat, and Cochin were the five Municipal towns of Malabar.

The 1871 Census Report says that the total population was 22,61,250. The people lived in thatched and

⁴⁰ Hitchcock.R,H., Peasant Revolt in Malabar: A History of the Malabar Rebellion, Usha Publications, New Delhi, 3rd edition, 1983(1925), p.2

⁴¹ Census report of India, Madras Presidency, op, cit, p.109

⁴² Logan William, Collection Of Treaties Etc., Relating To British In Malabar, Govt. Press, Madras, 1889 (1879).

⁴³ Madras Presidency Census Report- 1871, Govt. Press, Madras, 1872

tilled houses and there were a few terraced houses. The population included, Hindus with then 90 castes, Muslims and Christians and a smaller community of Jews. The people mainly engaged in cultivation and trade as occupation. Most of the land was owned by the Namboothiris and was managed by the Nairs and they employed low caste people as slaves to shoulder the drudgery of agricultural work.⁴⁴ There were a considerable number of *Mappilas* who engaged in trade.⁴⁵ Of the 3,577 Government Service employees, most were Nairs at around 1919. Of the 3,577 Military and Police jobs 1,155 meant to the Nairs and nearly a thousand were Europeans. Of the entire population only 5.3% could read and write.⁴⁶

Immediately after the ceding of Malabar, The British East India Company's Bombay Presidency appointed William Gamul Farmer and Major Dow as Commissioners of Malabar for inspecting and regulating the existing condition of Malabar and the land revenue assessment.⁴⁷ In 1794 itself, free trade was introduced in Malabar except in pepper.⁴⁸ Pepper trade was made the monopoly of the Company.

⁴⁴ District statistics under Census Report, Govt. of Madras, Madras, p.372

⁴⁵ Ibid, p.356

⁴⁶ Ibid.

⁴⁷ Diary of Malabar Supervisor on 18th Oct. 1794, in his letter to the Bombay Govt., in Logan's Collection of Treaties, op.cit., pp.219-222).

⁴⁸ The inspectors for inspecting the places ceded by Tipu Sultan, having taken in to consideration the least means of increasing trade and promoting prosperity of the inhabitants of the several districts, has resolved that from hence forward they before permitted to trade freely in any article of merchandise (signature of the said Commissioners the 20th day of December 1792. Signed W.G.Farmer, Jonathan Duncan, William Page, Charles

In 1793 Malabar was equally divided into two separate divisions, North and South Malabar. The administration was entrusted to two Civil Servants of the Company. They were to be the immediate representatives of the British Government within their respective districts; in which they were to preserve peace, administration, law and order and receive the revenue payable to the Government.⁴⁹ Henceforth Malabar was styled the 'Province of Malabar'. Special Superintendents were appointed to North and South Malabar at Talassery and Cheruplassery as the centers. Calicut became the center of the whole province of Malabar. A notification was given to the Rajas and Chiefs related to the transfer of Cochin, Malabar and Coorge from Bombay to the Madras Presidency on July 2, 1800.⁵⁰ In the same year the British abolished the Commission observing that the Civil Administration that was being carried out was not sufficient for the permanent governance in Malabar and appointed Major William Macleod as the Provincial Collector to Malabar.⁵¹ This was an important sign which shows how the Company acquired a hold upon the people of Malabar. Macleod got power over Civil jurisdiction also.

Beddam whatever excepting pepper which they are not trade in full (till) further orders. (Given in Calicut under the seal of honorable Company and the ND Alex Daw From the Diary of Malabar Joint Commissioners, Dated 20th December, 1792, Treaties and Engagements, Logan pp 171-172

⁴⁹ British Administrative Report of Malabar District; 1805, p.5

⁵⁰ J.A.Grant's, the Private Secretary to the Governor, letter to the *Zamorins* of Calicut dated July 2nd 1800

⁵¹ President John Spensor and other members of the Commission addressing the Commission on December 25th, 1800. Messes Strachy, Hodgson and Keate were selected as the subordinate

The chiefdoms under the minor Rajas or the chieftains gave way to the Taluks and Talukdars in the administration. Malabar province was consolidated and divided into eleven taluks, including Fort Cochin and Laccadives Islands.⁵² Malabar was divided into five revenue divisions named Tallichery, Kozhikode, Malappuram, Palghat and Fort Cochin.

The revenue policy in general and the land revenue policy in particular, were totally adverse to the peasants.⁵³ The Malabar Land Revenue report of 1885 shows prior to the Muslim conquest no land tax was existed. The officers Mr. Murdock Brown, Major Walker, Mr. Thackeray, Sir Thomas Munroe and the Board of revenue in 1818,⁵⁴ opined that the absence of land tax is probably explained by the fact that the Brahmin - the land owner - was exempted from taxation by Hindu custom.⁵⁵

Logan's etymology of the word "pattam" has been criticized. Logan says that Malabar was not an exception to the tax system. What the Joint Commissioners viewed simply as rent in the European sense, was in reality, a land revenue assessment imposed on all

Collectors, from Administrative records of Malabar Province Sept. 5th 1801, Treaties and Agreements, pp.345-346

⁵² Chirakkal, Kottayam, Wynad, Kurumbranad, Ernad, Valluvanad, Ponnani and Palghat with Cannanore, Tallichery, Mananthaody, Badagara, Manjeri and Perinthalmanna as their head quarters, 1871 Census report of Malabar, P.2.

⁵³ Census Hand Book, Malabar District, 1951, P.1

⁵⁴ Malabar Land Revenue Report 1885, No.650, Political/ Home, 1887, Madras, P.38

⁵⁵ Ibid.

cultivated land, as indeed the very name itself indicates, for "pattam" is simply the 'pad' that is authorities and 'var' that is share of the produce⁵⁶. The 1921 Census Report says that, ordinarily speaking, a man owns or tills land at his own risk but in Malabar the Nairs mostly owned the land and employed slaves to do the drudgery of the farm work.⁵⁷ Slavery no longer existed in the eye of law but the untouchables of Malabar were in bondage to their upper caste masters.⁵⁸

In land tenure traditionally two major interests in land were embodied in Janmam (birthright) and Kanam (supervision) or tenurial rights. The society was governed by *Kanam-Janmam maryada*, the traditional norms governing the rights and obligations of landlords and tenants. This dates back to the adoption of certain rules and regulations - *kachams* - by the *Sabhas*.⁵⁹ This was based on the principle of equal sharing of net produce among the Janmis, birth right holder or the modern proprietor in the European sense,⁶⁰ the *Kanakkar*, holder of *Kanam* tenure,⁶¹ and the cultivator.

This was the condition that prevailed before the advent of the British.⁶² Commercial principles based upon freedom of contract, completely then superseded

⁵⁶ William Logan, op.cit., P.509, //But Manual is published in and Report was in 1885,How the Report could refer Logan's view

⁵⁷ Malabar Census Report 1921, Govt. Press, Madras, P.352

⁵⁸ Ibid.

⁵⁹ Panikkar K.N., Against Lord and State, Oxford, New Delhi,2001, P.18

⁶⁰ Malabar Land Tenure Report (vol.i,), Malabar Special Commission 1881-82, GO, Judl.Dept, no.281, p.vii

⁶¹ Ibid

custom. Old Kanams and similar tenures governed by customary usage and not by contract became very rare.⁶³ As it was told to Jonathan Duncan, President of the Joint Commission appointed by the East India Company to enquire about the state of Malabar in the 1792, the right of the *Janmamkar* has been accepted by the British Government.⁶⁴ But in former days, William Logan asserts, *Kanakkar* had much authority which was like that of the *Janmi*. But this changed after the British occupation. The British made the *Janmi* a Ryot in whom the exclusive right to hereditary possession and usufruct of the soil was vested.⁶⁵

As in the pre-colonial time, in the colonial period too, the caste system ruled society in a most rigid form. From the Collector's list we know that the Hindus were classed under 90 caste headings.⁶⁶ In a total population of 2,261,250; the Hindus came first with a population of 1,655,918 of whom 8,30,154 were males and 8,25,764 were females⁶⁷. The higher caste Hindus consisted of Brahmins (Namboothiris), Kshathriyas (Warriers) and Vaisyas (Chettis) who were only 42,697; 588 and 27,904 respectively. The majority of the population (15,84,729) was either Shudras (Nairs) or Untouchables.

The Brahmins of Malabar were either Namboothiris or Pattars. The Namboothiris held themselves aloof from Pattars. They were originally Tamil Brahmins

⁶² Ibid, P.19

⁶³ Ibid.

⁶⁴ K.N, Panikkar , op. Cit. ., P. 19

⁶⁵ Revenue Consultations , 23rd Dec. 1818

⁶⁶ Census Report of Malabar District, 1871, Govt. of Madras, 1872 P.349

settled in the West. The Namboothiri Brahmins could marry as many as seven wives. The bridegroom would extract a considerable dowry through this marriage within his own community.⁶⁸ This superior caste never allowed the junior members to marry from their own caste, which is called Veley(വേലി.). The women in their family were always kept in seclusion or purda and were accompanied by one or two Nair women while going out. Logan writes that they must not look at the face of any man except their husband and when compelled to travel, they were invariably preceded by a crier in the person of a Nair woman called "Vaisali" to warn male travellers by a shout of "Ahayi".⁶⁹ After attaining puberty they were very rarely seen outside.

The Nairs, although they were Shudras attained great respect in society. Both men and women of the Nair community (Nair and Amma) were considered to be the servants of their upper castes, mainly of the Brahmins. Although the Nairs were Shudras, the Namboothiris had constant and close contacts with them.

The caste system in Malabar was closely associated with two kinds of pollution, viz., by people whose very approach within certain defined distances causes "atmospheric pollution" to those of the higher castes, and by people who "pollute by actual contact".⁷⁰ For example the Nayadis(dog eaters), the Pulayars(agrestic slaves), the Kanisan(astrologer), the Mukkuvar(fishermen)

⁶⁷ Ibid, PP.345-349

⁶⁸ Ibid, P.350

⁶⁹ Logan ,Malabar Manual , op cit., P.127

⁷⁰ Ibid., P.118

and others must stand at 72, 64, 36 and 24 feet distance respectively, away from the Namboothiris.⁷¹ But women, even of equal caste rank, pollute if at a certain times they came within certain distances, and this custom seems to prevail even among the lowest castes. A newly confined woman had to stand at a distance of 18 feet and a menstruating woman at 12 feet. Hence all respectable houses have special buildings set apart for special use by the women.⁷²

Such social condition did not change even in the twentieth century. The late nineteenth and early twentieth centuries were, indeed, a period of conflict between the reformers and the conservatives. Slavery had not yet actually died out in Malabar. The polluting caste people were formerly brought and sold with land.⁷³ The Parayars, Pulayars, Cherumans, Kalladiars and Vannars were the main polluted or slave castes who were leading a debased life.

Caste in Malabar was closely associated with the spread of Islam there. Logan writes that Islam had a most remarkable effect in freeing the slave castes from their former burdens. By conversion, a Cheruman obtains a distinct rise in the social scale, and if he is in consequence bullied or beaten, the influence of the whole Muslim community comes to his aid.⁷⁴ The most powerful of

⁷¹Ibid., PP. 117-118

⁷²Ibid

⁷³ Malabar District Census Report, 1921, Govt. Press, Madras, 1922, P.351

⁷⁴ Logan p.149

land-lords dared not disregard the possible consequences of making a martyr of his slave. The other foreign religion with political power, Christianity, was also against the rigid caste system. Although the Slavery Abolition Act was passed in 1843 by the British, it did not have much effect in Malabar.⁷⁵

While the *Mappilas* constituted a major portion of the Malabar population, the highest portion of the Muslims in the Madras presidency was concentrated in the Malabar province. In 1871, the *Mappilas* population of the Madras presidency was 6,36,289; out of which 5,81,609 were from the Malabar province. The situation was the same in 1921 also.

(figure.1)

Year	Mappilas /Madras	Mappilas /Malabar	Hindus Malabar	Total Population /Malabar
1871	6,36,289	5,81,609	16,37,914	22,19,523
1881	7,22,896	6,52,198	16,69,271	23,65,035
1891	8,22,891	7,42,590	18,34,298	26,52,565
1901	9,12,586	8,32,970	19,04,474	27,90,281
1911	10,32,757	9,53,331	20,08,082	30,15,119
1921	10,90,453	10,04,327	20,51,115	30,98,871
1931	13,54,890	11,63,105	23,03,754	35,33,105

Mappila population in Madras Presidency and Malabar Province, 1871-1931

⁷⁵Jayasree C.H., "Slavery in Colonial Malabar", in Kesavan Veluthat and P.P.Sudhakaran (ed) Advances in History :Essays in memory of Prof.M.P.Sreedharan, Prof. M.P.Sreedharan Memorial Trust, Calicut, 2003, p.216

{Source:- Census reports of madras presidency and Malabar province from 1871 to 1931, Govt. of press, Madras.}

Malabar *Mappilas* numbered 11,63,453 out of 13,54,890 of Madras *Mappila* population. 91% of the whole Mohammedan population of madras was in Malabar Province.⁷⁶

While *Mappilas* constituted 25.7% of the total population of Malabar in 1871, in 1931 the community was 32.9%.

(Figure.2)

Year	Percentage of Hindus	Percentage of <i>Mappilas</i>	Percentage of Christians	Others	Total Percentage
1871	72.4	25.7	—	1.9	100
1881	70.5	27.5	—	3	100
1891	69.2	27.9	1.67	1.3	100
1901	68.2	29.8	1.73	.37	100
1911	66.6	31.6	1.77	.03	100
1921	66	32	1.6	.04	100
1931	65.2	32.9	1.86	.04	100

The percentage of different religious communities in Malabar, 1871-1931.

{Source:- Census reports of madras presidency and Malabar province from 1871 to 1931, Govt.press, Madras.}

⁷⁶ According to 1871 Census report the total Muslim population in Madras Presidency 6, 36,289. In this 5,81,609 were in Malabar (except Pudukkottai territory).

The community was the second highest population of Malabar. The Hindus constituted to 72.4% of the population in 1871 and 65% in the year 1931. Figure(2) shows the percentage of different religious groups in Malābar.

The total population of Malabar in 1871 was 22,19,523. Hindus constituted 16,37,914 while *Mappilas* constituted 5,81,609. Christians were not counted separately for the census. After 60 years, in 1931 the population risen up to 35,33,105 to which the *Mappilas*, the Hindus and Christians constituted 23,03,784; 11,63,453; and 65,898 respectively.

(figure.3)

Year	Total population	Hindus	Mappilas	Christians
1871	22,19,523	16,37,914	5,81,609	Not counted separately
1881	23,65,035	16,69,271	6,52,198	do
1891	26,52,565	18,34,298	7,42,590	44,557
1901	27,90,281	19,04,474	8,32,970	48,362
1911	30,15,119	20,08,082	9,53,331	53,615
1921	30,98,871	20,51,115	10,04,32	54,650
1931	35,33,105	23,03,784	11,63,453	65,898

The population of different religious groups in Malabar, 1871-1931

{Source:- Census reports of madras presidency and Malabar province from 1871 to 1931, Govt.press, Madras.}

In 1871, 25.7% of the total population was *Mappilas* that is out of 22,61,250 the *Mappilas* constitute 5,81,609. After 50 years, in 1921 the population increased to 11,63,453, which is 32.9% of the total population. Figure.4 shows the proportion of *mappila* population in every census year from 1871 to 1931.

(figure.4)

Year	Mappilas	Total Population	percentage
1871	5,81,609	22,61,250	25.7
1881	6,52,198	23,65,035	27.5
1891	7,42,590	26,52,565	27.9
1901	8,32,970	27,90,281	29.8
1911	9,53,331	30,15,119	31.6
1921	10,04,327	30,98,871	32.4
1931	11,63,105	35,33,105	32.9

The *Mappila* population of Malabar during 1871-1931

{Source: - Census Reports of Madras Presidency and Malabar Province from 1871 to 1931, Govt.press, Madras.}

shows the growth of *Mappila* population in every ten years, from 1871 to 1921.

The *Mappilas* have enjoyed a good social status throughout and were ranked as second class, in the social structure of Malabar, who defile only by touch⁷⁷. Though not formally caste groups, according to the 1871 Census report, *Mappilas* were one among the seven castes in the Muslim community of Malabar. Others were Labbays, Arabs, Sheikhs, Sayyids, Pathans and Moghuls. The percentage of other caste groups was very nominal. The difference had wide significance during marriage relations. Apart from that, the high caste Muslims such as Sayyids, Sheikhs, Arabs, Pathans and Moghuls had high status in the society regardless, of their fiscal status. Figure.5 shows the numerical strength of this caste groups among the Muslims.

(figure.5)

Castes	Male	Female	Total	proportion
Mappilas	2,74,320	2,72,592	5,46,912	91.8
Labbays	8,706	8,779	17,485	2.9
Arabs	93	107	200	.03
Sheikhs	2,710	2,586	5,296	.9
Sayyids	698	779	1,477	.2
Pathans	2,071	1,847	3,918	.7
Moghuls	42	31	83	.01
Other Muslims	10,583	9,955	20,538	3.5
Total	2,99,223	2,96,676	5,95,899	100

Population of Muslim community in Malabar Province according to each caste group in 1921

⁷⁷ Logan, p.118

(source:- Malabar Census Report, 1921, Govt. Press, Madras, 1922)

These different castes were spread all over the province. Figure.5 draws the picture of the distribution of these castes in taluk wise. *Mappilas* were the most

(figure.6)

Taluks	Mappilas	Labbays	Arabs	Sheikhs	Sayyids	Pathans	Moghuls	Others
Calicut	42,655	2	6	14	35	407	-	1046
Palghat	9,873	14,564	-	393	55	680	-	601
Cochin	224	113	26	1,786	59	116	7	1,226
Cherical	41,433	-	-	1	52	85	-	71
Kottiom	33,252	11	-	62	6	266	-	92
Ernad	1,37,460	14	-	736	135	683	1	2,079
Valluvanad	74,037	806	-	3	2	272	-	46
Ponnani	1,30,093	168	-	17	282	127	-	16,954
Wynad	6,172	383	3	561	168	379	2	174
Kurumbra-nad	56,588	-	472	150	342	5	-	803

Distribution of caste groups among the Muslims of Malabar in Taluk wises

(source:- Malabar Census Report, 1871, Govt. Press, Madras, 1872)

populous group among Muslims of Malabar. The highest concentration of *Mappilas* was in Ernad taluk.

The 1871 district Census Report says that the *Mappila* community was energetic, enterprising and independent, of whom 96% were Sunnis.

The British occupation of Malabar had been catastrophic for the *Mappilas*. It was a sudden setback from the status they had enjoyed during the Mysorean occupation and even under the *Zamorins* rule. Prior to 1792, they were "*Kanakkar*" (cultivating tenants) and held landed property which was not redeemable to the Janmi at all, although the "*Kanakkar*" paid renewal fees (*polichezhuttu*) every twelve years. This was a hereditary entitlement. The "*Kanakkar*" could not be evicted even for failing to pay the "*pattam*".

During the Mysorean invasion, many Janmis had left the country and the Government concluded agreements with the "*kanakkar*". As the Malabar Joint Commission (1792-1793) wrote, when the Rajas and Chiefs returned after the Mysoreans were driven away, they acted with avidity to acquire wealth, more as plunderers than as the protectors of their respective small states⁷⁸. The assessment was unequal in which the *Mappilas* were rated higher. As Logan observed, the result was that from 1792 to 1802, the district was in a state of constant upheavals

⁷⁸Joint Commission Report, Para, 261

from rebellions to organized robberies and in these the *Mappilas* took a conspicuous part.⁷⁹ The Janmis got the right to evict them from the colonial courts. The British granted the *Kanam* right to a third party, the Nairs, who could pay more to the Janmi.

Mappilas were filled with economic insecurity; miseries accumulated in the *Mappila mind* and it burst out in a rebellion ultimately in 1921. Although lower class Hindus were also suffering, they did not rise against the Janmis or the British as they were bound down to the all pervasive caste system.⁸⁰

Mappila enlightenment:

The type of education, the *Mappilas* got in the pre-colonial time consisted of a parrot like recitation of Quran.⁸¹ This still continued in colonial India. The earliest well known *Dars*, the religious school, was at Ponnani, established by Zainuddin Maqdam- the senior (1467-1521,AD), which later developed into a great Islamic educational centre and the place began to be called the little Makkah of Malabar.⁸² In 1887, there were about 400 students, while in 1906, the number was about 300.⁸³

⁷⁹Logan op.cit., P.613

⁸⁰Kunju A.P.Ibrahim, op.cit., P.90

⁸¹ P.198

⁸²Abdurahman K.V, "Ponnani: A Brief Historical Account", in MES.Ponnani College Souvenir, 1969, P.22

⁸³ Ibid

They turned their face against both English and Malayalam education saying that these were the language of Satan and of Aryans, respectively. As early as 1871, on the recommendations of a Committee to look in to the question of *Mappila* education, that had been appointed by the Government, an attempt was made to popularize the study of Malayalam reading and writing skills and to teach Arithmetic along with religious education. Although the Mullas got grants, this was not a success.⁸⁴ In 1894, the *Mappilas* of Ernad and Valluvanad were officially recognized as a Backward Class, and thus became eligible for special grants under the Grants in Aid Code. The need for the Muslim teachers to successfully work the scheme, led to the establishment of a Muslim Teachers Training school at Malappuram and a Muslim High School in 1936 at the same place. In 1940, the Government also established a Muslim Girls High School at Tirur.⁸⁵

In Cochin, a "Malabar Muslim Educational Association" was formed in 1911. Prior to this, "The Minaut- ul -Islam Sabha" was established in 1900, at Ponnani. The Little 'Makkah of Kerala Muslims' was formed in 1900, under the Presidentship of Pudiya Maliyekkal Pookkoya Tangal, for the welfare of the community. It was registered under the Company's Act in 1908. This Sabha mainly concentrated on the instruction of the newly converted people. But the Minath ul Islam Sabha focused on the education in the community.⁸⁶

⁸⁴Innes.C.A,op.cit., P.300

⁸⁵Farook College Souvenir, 1989, PP.22-25

⁸⁶ Ibid

The "Himayath-ul-Islam Sabha" was founded in 1891, and the "Lajmath-ul-Muhammadiya Sangam" in 1915 with the object of giving religious education to the community. The "Jamat-al- D'avat-i Tabligh-i-Islam Sabha" (JDT), was set up in order to take care of the orphans who had lost their parents in the 1921 Rebellion.

Finally in 1922 the Muslim Aikya Sangham emerged as a sporadic individual effort to achieve socio-religious reform. It was formed in Kodungallure. It took immense efforts by reformers to convince the community that without a modern education, no community could achieve progress.⁸⁷ Thus by the end of 1930's, the *Mappila* community was gradually getting into the mainstream of civil society.

Conclusion

Prior to the British, the history of the *Mappilas* is closely linked with the *Zamorins*, the Portuguese and the Mysorean Sultans, Hyder and Tipu. *Mappila* fortune had varied with the shifting of hegemony in the Malabar region. If the community found the zenith of its prosperity with the *Zamorins* from its very inception, the new expedition of the Portuguese with sword in one hand and the Bible in the other in the early 16th century was becoming cataclysmic for the flourishing mercantile monopoly and the blossoming Islamic faith in Malabar. But the invasion of Tipu Sultan in the later part of the 18th century came as a divine grace for the *Mappilas*.

⁸⁷Kunju A.P.Ibrahim , op.cit, P. 271

It was the *Mappilas* who backed the *Zamorins* to rise as suzerains of Malabar in the 14th century. The *Zamorins* in the 8th century had been *utayavar* (chieftain) of Eranad, and the family was called the *Eradi swaroopam* (dynasty) or the *Nediyirippu swaroopam* (dynasty).

By the end of the 14th century the *Zamorins* began to preponderate in Malabar and the Mohammedan influence was on the increase. By this time the preponderance of the Malabar trade with China and the East which had been noticed by Marco Polo had given place to trade with the West through the Muslim merchants, and as proof that Muslims were then both numerous and influential at Calicut, it may be cited that when Abdu Razak (1443 AD) visited the place, there were two *Jamath* mosque at Calicut....Ever since the advent of Islamic faith in Malabar, the *Mappilas* had enjoyed state patronage. But it passed when the British encountered Malabar. Yet, the *Mappila* disturbances which culminated the outbreak of 1921, was a shock treatment for the British and since then they cultivated friendly and amicable relations with the *Mappila* community.

Chapter II

THE MATRILINEAL SYSTEM OF MALABAR:

With Special Reference to the *Mappila* Matriliney

"Though the Muhammadans generally follow *Makkathayam* law (Patriliney) yet in the matter of inheritance the *Mappilas* of North Malabar and the Southern part of Kasargod taluk in the South Canara district have been following the *Marumakkathayam* law (Matriliney)."¹

Theoretically speaking, in matriliney, men's power and women's subordination on matters related to the familial and kinship relations are inverted. Matrilineal system ('*marumakkathayam*' in Malayalam) was a distinctive customary law of inheritance practiced by a section of the people of Malabar. In this unique kinship system, descent was traced through the female line and the property of the family was inherited by the nephews of the head of the family, not by his children.

Here the status of a person, her surname and wealth were transmitted from the *karanavan* (head of the family, most of the time the uncle) to the *anantaravan* (nephews, *karanavan's* sister's children). The general assumption is that women relished an unprecedented space in the domestic as well as in the public space within the system. Here, as Radcliff Brown observes, the greater part

¹Statement of Objects and Reasons, the *Mappila* Wills Act 1928, (Madras Act VIII of 1928), Legislature Department Proceedings , Home Department, Judiciary, File No. 837/27 Judi, 1927, P.10

of the body of rights of an individual, over things, over persons, or as a member of a corporation, are derived by the person through his mother and can not be transmitted to his children but devolve upon his sister's children².

Though the *Mappila* community of Malabar are the followers of Islam, the matrilineal system which is contradictory to the Islamic Shariat, is prevalent among the *Mappilas* of North Malabar. Apart from the *Mappila* Muslim community of North Malabar, the Muslims of the Laccadive Islands and one of the largest ethnic groups in Indonesia called the *Minangkabau* followed the matrilineal system of inheritance. The adaptation and assimilation of a different cultural group is seen here. How this culture emphasizing matriliney and female power does coexist with Islam, the patriarchal religion, is the most important question. Islam is practiced in this setting as a religion that ensures female value, emphasizes cooperation, and is defined as a mind set and a way of ordering a relationship rather than a rigidly codified and enforced set of beliefs and practices.

***Mappila* Matriliney and Its Features**

Like the Muslims of Indonesia (the *Minangkabau* ethnic group of Sumatra) and Laccadives islands, the Muslims of Malabar, the *Mappilas*, were following the matrilineal system of kinship, although the basic tenets of Islam are contradictory to the customary

² Brown A.R.Radcliff, Structure and Function of Primitive Society, Cohen and West Ltd., London, Seventh edition, 1968 (First Print 1952), P.36.

law. How the system of kinship originated among the *Mappilas* of North Malabar is a matter of controversy. Malabar Marriage Commission Report says, the *Mappilas* of North Malabar like the *Tiyyars*, follow *Marumakkathayam* but in their case this was because the fact that their ancestors were Nairs converted to Islam.³ It may be correct in the case of *Mappilas*. But when Logan says the *Tiyyars* of North Malabar generally follow Matriliney while in South Malabar the descent of property is generally from father to son⁴. Would it not mean they are also converted from Nairs?

But whatever caste they came from, the inhabitants of North Malabar generally follow Matriliney; even now it exists in a modified form of Matriliney.⁵ Even the *Mukkuva Mappila* communities of Malabar (fisher folk) had been practicing the system. Were they also converted from the Nair community? Sheikh Zainuddin (16th century) observed that the custom of excluding the immediate offspring from inheritance has been adopted by most of the Muslims in Cannanore and its neighborhood⁶. At the same time the conversion from lower caste Hindus was very high due to the rigid caste practices. It is clear that most of these converts were low caste Hindus, but among the low castes only very few sections were practicing Matriliney⁷. So

³Malabar Marriage Commission Report, Govt. Press, Madras, 1896, P.9

⁴William Logan, Malabar Manual, P.143

⁵Field work experience in North Malabar.

⁶Zainuddin Sheik, Thuhfath-ul-Mujahiddin, (trans. by K.Hamsa), Islamic Publishing House, Calicut, P.67

⁷See the list of *Marumakkathayam* castes, listed by Herman Gundart and quoted by Logan, previously quoted.

there must have been wide ranging conversion from the entire Shudra community.

Sundara Aiyer counters the argument of William Logan that the Muslim settlers of North Malabar, changed the rule of inheritance previously prevalent among them and adopted the *Marumakkathayam* rule.⁸ That was unlikely, but it could be that when a large number of people adopt a new religion the converts return to the rule of inheritance to which they were previously subject, and it is also extremely likely that the heads of the new religion should encourage conversion by making the change as easy and agreeable as possible to the new converts.⁹ The Kolathnadu had its own rigid social systems and the subjects under Kolathiri were strictly under his edicts.¹⁰ Muslims living in Kolathnadu were obliged to conform to the general practice prevalent in the land.¹¹ Although scholars are divided about the roots of matriliney among the North Malabar *Mappilas*, they are all united in the view that matriliney prevailed with all its vital features even if underwent some slight variations.

Features of *Mappila* Matriliney

Although the roots of *Mappila* Matriliney lie in the influence of Nair Matriliney, it has some peculiar features. The functions of the tarawad, the joint family, the authority of the karanavar, the inheritance through the

⁸Logan, P.204

⁹Aiyer Sundara, Malabar Law, P.231

¹⁰Balakrishnan P.V, P.122

¹¹Ibid

female line were the common features of Matriliney. But the sambandham system, talikettu *kalyanam*, Tirandu *kalyanam* and polyandry were some of the special features of Nair Matriliney. The matrilocal or uxorilocal residual patterns, Stridhanm, strong marital connections, adherence to Sharia law were peculiar to the *Mappilas*. Although there was no place for polyandry, polygamy was prevalent and customs like sambandham was totally absent. Yet the *karanavan* - *anandaravan* relationship was very cordial.

The *karanavan* was the most important member of the *tarawad*, in whom the management or the direction of affairs in the *tarawad* rests.¹² He arranges and conducts all social and religious functions, meets the economic needs of the members and by virtue of his position and authority, he is the person most to be respected and feared by other members. The right to the succession to the office devolves on the next senior most male member, whether it is the brother, nephew or any other matrilineal kin¹³. Here *Mappila* Matriliney finds its place within the general matrilineal features of Kerala.

Tarawad, the joint family household and the residential pattern are mutually connected to one another. Among the mother-right Nairs, husbands visited their conjugal house very often at the night, while the mother-

¹² D'souza S.Victor, "Kinship Organization and Marriage Customs Among the *Mappilas* On The South West Coast of India", in Family, Kinship and Marriage in India (Ed) by Imtiaz Ahmad, New Delhi, year. P.145

¹³Gough Kathleen, "*Mappila* :North Kerala" in David M.Schnieder and Gough Kathleen (ed) Matrilineal Kinship, University of California, Berkely, 1962, P.421

right *Mappila* has to live in his conjugal home permanently. That is why Kathleen Gough writes that unlike Nairs and Tiyars the *Mappilas* are Matrilocal.¹⁴ Even today the uxorilocal residential pattern is prevalent among the *Mappilas* of North Malabar. But Thurston remarks that in some localities such as Calicut, a husband is generally a visitor for the night.¹⁵ The duolocal residential pattern is practiced only when the natal and conjugal houses are nearby.¹⁶

In the matrilocal *tarawad*, the joint family consisted of a large exogamous unit. It comprises many individuals immediately or distantly related to one another, but all tracing their ancestry through the female line to a common female ancestor. Here the female members of a joint family live together while the male members staying in their conjugal home live in different places.¹⁷ The male member's position in his natal home is just like that of a bride in her natal house in a modern patrilineal society. The grooms were only visitors to their natal home. But, although by marriage the groom became a permanent resident of his conjugal home, he was never considered a permanent member there, nor did any role in decision making there. Except for the *karanavan*, there were only unmarried male members in the uxorilocal *tarawad*.

¹⁴ Ibid

¹⁵ Thurston Edgar and P. Rangachari, Castes And Tribes in South India, vol., Asian Educational Service, New Delhi, 1993 (1899, 1st edn), P.491

¹⁶ Field work findings.

¹⁷ Varma K.T. Ravi, Matriliny : Tribal Matriliney and Northern systems, (Mala), Institute of State Languages, Kerala, 2004, P.334

The husbands of female members would be there but as mentioned above they did not have any stanam (dignities hereditary in the family) there. In practice, their membership was in one place and they were living in another place. In the *tarawad* management also their role was nil.

On very rare occasions the husband takes his wife with him to his own house. Except for these kinds of very rare cases, the women would not have to leave her place.¹⁸ Kathleen Gough says if the wife's natal house was nearby, then the husband might visit her when he could. He could maintain an interest in the affairs of the matrilineal extended family and in his children.¹⁹

Some social and economic reasons have encouraged the practice. The Arab Muslim who came to Malabar for mercantile activities, married local women and divorced them on return to his country. These short lived marriages or Mu'ta marriages gave the foreigner a safer place to sleep in and a partner for relaxing with after a busy life. These grooms were generous to their wives and many families founded their fortunes by such marriages. The husband being either employed in the navy or in trade, the bride must have preferred to live with her own family.²⁰

In the matrilineal *Mappila tarawad* every individual acquires a right in the *tarawad* by birth. These

¹⁸Ibid

¹⁹ Kathleen Gough, *op.cit.*, P.423

²⁰ Kunhali.V, "Islam in Kerala: Special Features", in *Malabar(souvenir)*, ed by M.G.S.Narayan, year, P.33, See also, Gough, P.426

rights include co-ownership of the *tarawad* property and the right to have a share when the property is divided by the common consent among the members of the *tarawad*.²¹ The eldest male member, the *karanavan*, is the sole authority in the management of the *tarawad* property and in decisions on the members of the *tarawad*.

Since women reside in their own homes, they were maintained by the *karanavan* out of the *tarawad* property and their husbands were not bound to maintain them²². We may take, for example, the *tarawad* of Arakkal family, the only *Mappila* royal family of Malabar, where taking the husband's property was considered demeaning to their dignity. But when it comes to the poor *Mappila* folk, the husband should maintain the wife and for this purpose, *Stridhanam* is granted to him.

When it comes to the marriage customs of the matrilineal family, the *Mappilas* are quite unique among Indian Muslims. They always go for *nikah*, the religious marriage, along with other traditional customs. Girls are traditionally married after or shortly before puberty, and men when they are about then age of twenty.²³ At the marriage *Stridhanam* was paid by girl's *tarawad* and bride wealth (*mehr*) by the men's. Although *Stridhanam* is the dominant criterion for the marriage settlement of patrilineal families and it does not have any *Shariat* base, it was the major criterion of marriage among the

²¹ Gough, op.cit, P.429

²² Thurston, op. cit., P.492

²³ Ibid. (one rupee as a trivial amount is added to the dowry sum)

matrilineal *Mappila* community also. But its quality and quantity varied with the economic situation of the family. Thurston writes that huge amount of dowries were expected especially in North Malabar where in spite of polygamy, husbands are at a premium and a father with many daughters needs to find a rich man.²⁴ Unlike Nair Matriliney, this shows the obligation of the father.

Among the landed aristocratic class, the girl's *karanavan* pays a cash dowry to the husband's *karanavan* at the time of marriage. Gough says that it helps the bride's upkeep. If divorce happens, he has to return the dowry to her *tarawad*.²⁵ The net effect is that no significant sum changes hands at the marriage. But it varies according to the fiscal status of the family. Among the voiceless poor, even in matriliney, the dowry is for the husbands as a gift for giving women "a life".

The only religious ceremony necessary for marriage is the *nikkah*, which consists of the formal conclusion of the contract before two witnesses and the *kazi*, who then registers it. The *nikkah* may be performed either on the day of nuptials or before it, sometimes months or years before. In the latter case the father of the bride and the bridegroom go to the bride's family mosque and repeat the necessary formula, which consists of the recital of the *kalima* and a formal acceptance of the conditions of the match, thrice repeated. In the former case the *kazi* as a rule comes to the bride's house where

²⁴ Thurston, op., cit., P. 493, see Innes, p.192

²⁵ Ibid, 494

the ceremony is performed, or else the parties go to the *kazi's* house.

In North Malabar, the former is the rule whereas in Calicut the *kazi* will only go to the houses of local privileged families. After the performance of the *Nikkah* there is a feast in the bride's house. Then the bridegroom and his attendants are shown to a room specially prepared with a curtain over the door; the bridegroom is left there alone and the bride is introduced into the room by her mother or sister. In North Malabar she brings her dowry with her, wrapped in a cloth. She is left with the bridegroom for a few minutes, and then comes out and the bridegroom takes his leave. In some cases, the bride and the bridegroom are allowed to spend the whole night together. Cohabitation as a rule begins at once unless the bride is too young.

Polygamy was the rule and it is estimated that in the early 20th century, in South Malabar 80% of the males have two wives or more, and for 20%, three or more. But in North Malabar it is not usual for a man to have more than two wives.²⁶ Whereas in South Malabar divorce is common in North Malabar it is not favoured. All that is required in divorce is, for the husband to say, in the presence of the wife's relations, or before her *kazi*, that he has "untied the tie and does not want the life any more"; and to give back the *Stridhanam* or dowry.

Divorce by the wife (*faskh*) is rare and can be had only for definite reasons, such as when the husband

²⁶ Kunhanpillai P.N.Elamkulam , op.cit, P.165, see Innes, P.193

is incapable of maintaining her or is incurably diseased or impotent. Widows may remarry without limit on the members; but the dearth of men makes it difficult to do so.

This reveals that unlike Nairs and patrilineal Muslim counterparts, among the *Mappila* marumakkathayees, the marriage tie was quite tight and fit. Among them, unlike among Nairs, polyandry never existed and encouraged.

Tradition overcomes Tenets

Here we can see an adjustment between religion and tradition. While Islam through *Shariat* strictly confers inheritance on the son the *Mappilas* follow the customary law. Without creating any special textual discourses, they got religious sanction for their custom from the *Calipha* of the time, the Turkish Sultan²⁷. The letter from the Emperor of Constantinople to the Queen Beebi of Cannanore in Hijira 1194, sanctioned the Hindu custom of succession, as the "custom of land"²⁸.

Here unlike other matrilineal communities, a man's self acquisitions usually descend to his wife and children in accordance with the Mohammedan law of property. The combination of the two systems of law often leads to great complications. In the South the *makkathayam* system is usually followed, but it is remarkable that succession to

²⁷ See the translation from the Portuguese manuscripts in the Huzzur records, in William Logan, A collection of Treaties and Engagements etc, xxiv, pp.22-23

²⁸ Kurup K.K.N, The Ali Rajas of Cannanore, Publication Division, University of Calicut, 2002, p. 16

religious *stanams* -dignities hereditary in the family- such as that of the *Valiya Tangal* of Ponnani, usually goes according to the *Marumakkathayam* system²⁹.

There seems to be a growing discontent meant with the *Marumakkathayam* system.

The joint family household called the *tarawad*, was formed by the women. It had very loose connections with strict religious practices and rituals. It followed an uxorilocal or in some places, a duolocal residential pattern. *Stridhanam* system was predominant among the matrilineal families also, just like among their patrilineal counterparts.

Matriliny and other Muslim Communities

The Muslims of the Laccadive islands of the south west coast of India followed the matrilineal system. The system, Leela Dube writes, was brought from the coastal regions of Kerala and implanted on the soil of Laccadive islands. It seems to have persisted for centuries in relative isolation³⁰. The *Minangkabau* community of Sumatra, is the another group of Muslims who have been following the system. These two groups and the Nairs of Malabar are, generally regarded as the true and only representatives of the pattern of social organization.

²⁹ *Valiya Tangal* of Ponnani was the religious head of the *Mappilas*. After the death of the Tangal as religious head, his nephew succeeds him; not his son.

³⁰ Dube Leela, Matriliny and Islam: A Study of the Laccadive Islands, National, Delhi, 1969, p.3

The system followed by the Laccadive Muslims, although implanted from Kerala, is quite different from the Mappilas. While the *Mappilas* of North Malabar practice the matrilineal residential pattern, the islanders are strict in following the duolocal residential pattern³¹. Here the *tarawad* is a group of individuals of both sexes who can trace their origin by a common genealogy from an ancestress in the unbroken female line. Every *tarawad* has a name which is used by its members as a prefix to their personal names. Birth in a *tarawad* gives a member the right to a share in the *tarawad* property which consists mainly of land, trees, boats, and buildings. This right passes through the female members; a male member has only a usufructuary right over the *tarawad* property³².

In the Laccadive islands as in Malabar the oldest male member belonging to the senior most generation in a *tarawad*, irrespective of the kinship status of his mother in her generation, acts as the *karanavan* or head of the matrilineal group. The larger matrilineally linked group, is known as *kudumbam*, which is found to comprise two or more *tarawads*. Unlike Malabar, here the *tarawads* within each *kudumbam* are known by separate names, usually one *tarawad* within the *kudumbam* retaining the name of the original *tarawad* from which all sprang up³³.

Here for the inheritance of property two entirely different sets of rules are in operation: the traditional matrilineal rules and the Islamic law of

³¹ Ibid, p.4

³² Ibid, pp.27-28

³³ Ibid, p.35

inheritance. Leela Dube writes, this is classified into two groups, one is *Velliazhcha Swatthu* or Friday property and *thinkalazhcha Swatthu* or Monday property.³⁴ The *Thinkalazhcha Swatthu* should be governed by the Islamic law of inheritance as given in the Sharia and the *Velliazhcha Swatthu* should pass on matrilineally. This is related to the private property and to the *tarawad* property of the Malabar *Mappilas*. *Friday property* is the property of the *tarawad* or its segment and is maintained in the name of the matrilineal group. *Monday property* is mainly acquired when a man buys, with his personal earnings, some property in his own name or when a man or a woman or a group of siblings inherit some property through the Sharia, or when a man, as the sole survivor, is the only effective claimant to the property in possession of his matrilineal group³⁵. But in Malabar until the Act of 1939 was passed the property was inherited only through the female by the matrilineal tradition.

Although the Muslim law, the *Shariat*, was contrary to these practices, the Muslims have admitted to the matrilineal society. As Leela Dube observes the process of accommodation and compromise between the two apparently incompatible systems, involved resolution of conflicts and dovetailing of the two codes.

³⁴ *Ibid*, p. 36

³⁵ *Ibid*, p.36

Origin of the Matrilineal System in Malabar:-

Although the Nairs were the dominant caste who practiced the system, the Namboothiris of Payyannoor village, Tiyyars and the *Mappilas* of North Malabar were the other communities who followed it. Even if the basic features of the customary law are similar in every community in Malabar, minor differences can be noticed. On the origin of matriliney as K.T.Ravi Varma asserts both the terms matriliney and patriliney showed that these customs originated in a male centric society. He challenged the view of the Marxist historians especially of E.M.S.Namboothiripad³⁶. William Thackeray in his Report to the Board of Revenue to the Revenue affairs of Malabar and South Canara opines that once the system was established among the high caste Nairs, it became fashionable and was adopted by the other castes, even by the *Mappilas* who were from a different community³⁷.

Keralolpathi is (which means 'the origin of Malabar'), a book believed to have been written in the 16th century by an anonymous author. According to the *Keralolpathi*, Parasurama, the incarnation of Vishnu, created Kerala out of the sea, brought Arya-Brahmins from Arya Puram (North India), and placed them in 64 villages. These villages are situated in an area that extended from

³⁶ Varma K.T.Ravi, (Mala) Matriliney: Tribal Matriliney and Northern Systems, The State Institute of Languages , Kerala , 2003, PP.158-160

³⁷ Extract from the Report of William Thackeray to the Board of Revenue on the Revenue Affairs of Malabar and Canara, dated Sept.8,1807, in Malabar Marriage Commission Report of 1892 by H.M.Winterbotham, NAI, New Delhi, P.3 in Appendix I

Gokarnam (modern Kasargod) to Kanyakumari (Cape Camorin, now in Tamilnadu). Parasurama himself gave names to these villages. Then he instructed the Brahmins to follow *marumakkathayam*. All these Brahmins, except those of Payyannur village, felt worried about this order. But the Payyannur village agreed. Afterwards, he brought Sudras from other parts of the country and made them agree to the matrilineal system of inheritance, Sudras were to serve these 64 Brahmin villages. Their protectors were to be the Brahmins³⁸.

Matriliney, is one among the 64 *anacharams* (the irregular customs) of Kerala. It is alleged that Sankaracharya promulgated them on 25th August 825 AD, the first day of the first year of Kollam era, followed on the coast³⁹. Being concerned chiefly with Brahmins and addressing Brahmins only, William Logan argues that the Keralolpathi was nothing but a creation of Brahmins⁴⁰. The 62nd of the 64 *anacharams* says the right of inheritance among Kshathriyas and others (including the Nairs) goes to the nephews⁴¹. This custom is at the root of the matriliney. The 59th custom of which "the eldest son alone is entitled to a legal marriage"⁴², was the green signal for *Sambandham* for the Brahmins to have sexual relations with the Nair

³⁸ Keralolpathi (Origin of Malabar), compiled by Hermann Gundert in 1843, is the first traditional narrative book on Kerala, in Scaria Zacharia edited Keralolpathi and Others, DC Books, Kottayam, 1992 (1868), PP.158-159

³⁹ William Logan, Malabar Manual, Asian Educational Services, New Delhi, 2000, (Govt. Press, Madras, 1887), P.155

⁴⁰ Ibid

⁴¹ Ibid., 157

⁴² Ibid

women without any obligation. This theory, based on the Keralolpathi, is questioned by the modern historians of Kerala.

Saradamoni (1999, observes that matriliney was concocted by Namboothiris to give divine sanction to their superiority⁴³. They did not have conjugal relations with many castes including lower sub divisions among the Nairs⁴⁴. So the Sambandham system, one of the most important feature of matriliney was essential for the Brahmins to create such a familial societal and conjugal order favourable only to the Brahmins. According to the theory, the system of inheritance in the Pre Brahmin period is out of question, because, it was that the land itself is a creation of Parasurama who soon after brought the Brahmins to the newly created land and Sudras or Nairs as their servants.

The major debate on the origins of the matrilineal System is between Elamkulam P.N.Kunhanpillai and E.M.S.Namboothiripad. Elamkulam agrees with K.P.Padmanabha Menon's (1924) opinion though with a little difference He doesn't have any objection to Padmanabha Menon's view that matriliney was the outcome of the peculiar circumstances created in medieval Kerala. But contrary to his argument that matriliney started dominating the kinship system in the 14th century, Elamkulam argues that it must

⁴³Saradamoni.K, Matriliney Transformed, Sage Publications India Pvt.Ltd., New Delhi, 1999, P.60

⁴⁴Ibid

have originated in the 11th century⁴⁵. As proof for this argument he states that prior to Friar Jordanus, who visited Quilon (Kerala) in the 14th century, no travellers who visited Kerala mentioned matriliney or any other distinctive law of inheritance. If matriliney prevailed in that time, then they might have recorded it. But after Friar Jordanus Abdurazak, Nicolo Condi, Duarte Barbosa all pointed out the strange system of inheritance which they couldn't see anywhere else⁴⁶. Although Elamkulam has differences over the time of the origin of the system, he shares the same opinion that it was a later origin and was not the left over of a primitive Society as the Marxist historians argue.

While agreeing with the opinions of Mc Lennan and Morgan; Engels had written that matrilineal kinship governed the social order of all people in the stage of savagery and barbarism⁴⁷. Elamkulam severely criticized the views of Marxist historians that Matriliney was only the residue of a primitive society. Hamilton, in the Malabar Marriage Commission Report shares this view. He cited three accounts on Nair matriliney. Firstly, the Asiatic Researches which says that among Nairs it is the custom to have one woman attached to two males or four, or perhaps more as they cohabit according to rules⁴⁸.

⁴⁵Kunhanpillai P.N.Elamkulam, The Darkest Decades of Kerala History, (Mala), National Bookstall, Kottayam, 1957, P.155

⁴⁶Ibid.

⁴⁷ Engels F, The origin of Family, Private Property and the State(in the light of researches of Lewis H.Morgan), Progress Publishers, Moscow, 1972, Eight Printing (1884, 1st edition, 1948, 1st printing), P.30.

⁴⁸ Asiatic Researches, vol.V,pl3, quoted in Malabar Marriage Commission Report, 1892, Appendix I, P.10

Secondly, the Account of the East Indies, which says that a Nair woman could have no more than twelve husband and had to select them under certain restrictions as to rank a caste⁴⁹. Thirdly, Francis Buchanan's account, in which he states that the women after marriage are free to cohabit with any number of men, with restrictions as to tribe and caste⁵⁰. Consistent with the three accounts Hamilton state that a Nair (Nair is the term used to denote male persons of the community, Nair's feminine is *Amma*, but now Nair is used for females also) may be one in several combinations of husbands, that is, he may have any number of wives"⁵¹. Mc Lennan was of the opinion that Kerala was still living through primitive Communism, in which mother right or inheritance through mother or maternal relations was customary.

These arguments were accepted by E.M.S.Namboothiripad. He does not agree that it was a patrilineal system that gave way to matrilineal system of inheritance. He opposed the theory of Elamkulam and others that Kerala had already passed on from the Matriarchal to Patriarchal stage before the coming of the Brahmins, that the new superior class of Brahmins forced them to go back to matriarchy. He joins the debate, asking "how much force could make a whole society to change its family system in such a backward direction?"⁵². The Brahman migration and the subsequent caste based landlordism (Janmi system) were

⁴⁹ Account of the East Indies, vol.1, P.308, cf. MMCR, P.10

⁵⁰ Francis Buchanan, A Journey From Madras Through, Mysore, Canara and Malabar, vol.111, P.411, c.f., MMCR, P.10

⁵¹ Extracts from Mc Lennan's Primitive Marriage, quoted in Malabar Marriage Commission Report 1892, Appendix I, P.10

⁵² Namboothiripad E.M.S., op.cit, P. 16

highlighted by Elamkulam as the cause of the change of kinship system from patriliney to matriliney. But the question of other societies which had not undergone such a system although the caste system was very much prevalent among them, is not answered⁵³.

Elamkulam P.N.Kunhanpillai agreed with the findings of K.P.Padmanabha Menon that the special circumstances of the medieval period were the cause of the origin of matriliney. He was supporting the view of the Tamil historian, P.T.Srinivasa Ayyankar, with regard to the period of the origin. It was from the 11th century that Kerala society was ruled by the inheritance through mother. He did not negate the Punaluan marriage, in which many men marry many women together, where paternity is uncertain. Definitely the kinship was matrilineal and when the mode of production changed and private ownership of land started working, male dominance increased and pairing in marriage came to be established⁵⁴.

But he negates their view that Kerala was still under primitive society. How could only Kerala society remained unchanged while all other Dravidian societies gave up inheritance through mother around 2000 years back? It wouldn't happen⁵⁵. He argued that after the 12th century the moral life of the Keralites started disintegrating after the Chera-Chola war which lasted

⁵³ E.M.S.Namboothiripad, Kerala: the Motherland of Malayali's in P.Govinda Pillai, ed., the Compilation of E.M.S Works, vol. (9), A.K.G. Center for Research, Trivandrum, 1948, 2000, P.37

⁵⁴Chentarasery.T.H.P (ed), Elamkulam and Kerala History, Prabhath Books, Trivandrum, 1938, PP.120-121

⁵⁵Ibid, P.122

about hundred years. The introduction of *Kalari*, training center of martial arts for Nairs and *Chavettupadai*, the suicidal squad of Nairs, might have been crucial for the introduction of the matrilineal system⁵⁶. The *chavers*, the members of *chavettupadai*, could not lead a normal married life since they had been in the field for years. This situation compelled the women to take charge of family governance, and the ownership of property⁵⁷. Thus the Matrilineal system of inheritance started operating in the society. But how the system got acceptance among the *Thiyyas*, who were not a martial group or among the *Mappilas* is question to which this theory couldn't answer. Apart from this, in many societies, for example Sparta, the Greek city state, in the IVth century BC witnessed compulsory military service for the boys in each family, but didn't go for this kind of a kinship system.

P.V.Balakrishnan (1981) who had studied about the aborigines of Malabar (especially Wynad) says that matriliney was native to the soil of Malabar⁵⁸. Innes, the author of the Malabar District Gazetteer (1908) also points out that the aboriginal tribes of the Wynad and other places followed the matrilineal system of inheritance⁵⁹. These aborigines did not have any contact with the Brahmins who are said to have invented the system. One interesting thing about them is that they treated the

⁵⁶Ibid

⁵⁷Ibid

⁵⁸Balakrishnan P.V, Matrilineal System in Malabar, 1981 , P.8
He is not specifying which group it was.

⁵⁹Innes C.A, Madras District Gazetteers: Malabar , Madras Govt. Press, Madras, 1908, PP.136-137

high caste Hindus of the land as untouchables⁶⁰. But he never explained the existence of matrilineal elements in many civilized societies.⁶¹

Features of Matriliney:-

The matrilineal system functioned through many distinctive usage's and customary practices. There was no written or codified law but it existed through the ages as customs. Apart from Kshatriyas (warriors) and Nairs; the Thiyyas and *Mappilas* of North Malabar also followed matrilineal kinship practices. The Hindu *Marumakkathayam* population in 1881 was about 6,96,414 of whom 4,70,329 were Nairs and 2,26,085 were Thiyyas and Mukkuvars (fisherfolk)⁶². The total population of the year was 23,65,035 consisting of Hindus as 16,69,271, Muslims as 6,52,198 Christians as 43,196 and others were 370. In this population only 30% were practicing matriliney. But it excluded the Muslims. Quoting Herman Gundart, Logan gives the caste names of those who followed matrilineal system in largely⁶³.

⁶⁰Ibid

⁶¹ For example, Ashanti tribes of North America.

⁶² Malabar Marriage Commission Report, P.5

⁶³caste groups- (1).17 Brahmin Ellams of Payyannur, Chirakkal Taluk (2) Kshatriyas (3) Tirumulpad (4)Nair (5)Urali (6) Andor (7)Pallichan(8)Kusavan (9)Vyapasri (10) Kolayan (11) Chembolli (12) Pisharadi (13) Variyan (14) Nambi (15) Teyyambadi (16) Maran (17)Poduval (18) Kuttunambi (19) Attikurichi (20) Unnithiri (21)Ernad (22) Vallodi (23) Nedungadi (24) Veluttedan (26) Chalian (26) Tiyyan in North and in Travancore ., Logan P.154

Tarawad is the joint family household of a matrilineal family. According to John D. Mayne, the *tarawad* and the domestic system presented the most perfect form of the joint family then existed⁶⁴. Each *tarawad* lived in its own mansion nestling among its palm trees and surrounded by rice fields but apart from and independent of its neighbors. This arises from the peculiar structure of the family which traces its origin in each generation of females, who live on in the same ancestral house and not to males who would naturally radiate from it, as separate but kindred branches of the same tree⁶⁵.

A *tarawad* consists of all persons who can trace their descent in the female line from a single ancestress. No descendent of a male could belong to the *Tarawad*⁶⁶. The senior male for the time being is the head and manager and he is called the *Karanavar*⁶⁷. The Malabar Marriage Commission Report says;

"Here the females have only to follow their natural instinct to be fruitful and multiply; while males (free from all sordid care for their own progeny) labour like the honey-bee for the common good of the *tarawad* hive and pour their earnings into the lap of the venerable *karanavan*, who in the exercise an absolute and wise

⁶⁴John D. Mayne, A Treatise on Hindu Law and Marriage, Madras , 1922, P.33

⁶⁵Ibid

⁶⁶Malabar Marriage Commission Report, Govt. Press, Madras, 1892, P.27

⁶⁷Ibid, [karanavan-singular, karanavar-plural]

discretion, administers the income equally for the benefit of all⁶⁸.

Then the question arises what happened to the female members of the family by whom the *tarawad* was formed? What happens to the senior most female members of the family? Where is her voice in the family? As G. Arunima points out, the most significant feature of *tarawad* formation was that, women were central to the creation of many of them. She later argues, women in the families, had rights to property and decision making in the *tarawad* matters.⁶⁹

The Malabar Marriage Act of 1896, defined the *tarawad* in which it includes all the members of a joint family with a community of property governed by the *Marumakkathayam* Law of Inheritance.⁷⁰ The joint family in a matrilineal *tarawad* consists of a mother and her male and female children and the children of those female children and so on. It is a joint family property. But it doesn't belong to the issue of the male children in the family and they do not belong to the *tarawad* either.⁷¹ Each of the members of the joint family, whether it is a male or female and whether of the right age or not, has an equal interest in the common stock of the *tarawad*, says Logan, but no member can claim the share in it.⁷²

⁶⁸MMCR, P. 27

⁶⁹Arunima G, There Comes Papa: Colonialism and the Transformation of Matriliney In Malabar, Orient Longman, New Delhi, 2003, P. 27

⁷⁰Malabar Marriage Act 1896, Madras Act No.4 of 1896,;27 May 1896

⁷¹Aiyer Sundara, Malabar Law, Madras Law Journal Office, Madras, 1922, P.7

⁷²Logan, Malabar Manual, P.153

The impartible joint property or the *tarawad* property was one of the most important features of the matriliney of Malabar. The Malabar Marriage Commission writes, secured by impartibility of the estate, refreshed by the acquisitions of the junior members, and under the beneficent sway of the senior male the *tarawad* should wax great and endure through all generations⁷³. However the *tarawad* as a body, can of course make any division it pleases of the common stock and among more influential families it is customary to set aside certain portions of it, for the life enjoyment only, of members who attain to stanams or dignity in the family⁷⁴. The portions so set apart are intended to help them in maintaining the dignity of their positions, and in respect of them they are to a great extent in the position of trustees. And when a partition takes place the *tarawad* disintegrates and dissolves in to so many fresh *tarawads*. Even among the highest classes who consider maintaining *tarawad* undivided as a part of their dignity and pride, the *tarawad* gets split into thavazhis or branches.

As Leela Dube asserts, the *tarawad* is essentially an exogamous unit. It may function as one domestic group or one or many comprise a number of domestic groups⁷⁵. The *tarawad* need not always be an economic unit owning all property in common and acting also as a production unit⁷⁶. The complexity of management and control

⁷³ MMCR

⁷⁴ MMCR

⁷⁵ Dube Leela, Matriliney and Islam: Religion and society in the Laccadives, , National, New Delhi, 1969, P.28

⁷⁶ Ibid

might have been the reason behind this. The Cheriya Maliyekkal *tarawad* in Tallichery, Cannanore district, which I visited during my field work was having forty members at a time but some of the rooms were closed for many years because the occupants are away. Yet they are the members of the family and have their own spaces within the single household, the *tarawad*. Each member of the family were (it was matrilineal) has separate arrangements for his or her own maintenance, although the *tarawad* has everything in common⁷⁷. Thus a *tarawad* may form a property group operating as single production and consumption unit, or it may have split up into more property groups or production units, each forming one or more consumption unit⁷⁸. In this way the *tarawad* contributes largely to the functioning of the matrilineal system in Malabar.

The *karanavan* is the person in whom the right to management was vested and the succession to this position is hereditary, recognized by the customary law Malabar. M.P. Joseph writes that the Malabar family speaks through its head and in courts of justice, except in antagonism to that head, can speak in no other way.⁷⁹ *Karanavanship* could not have created by a contract and his position was not that of a mere trustee or of an officer of a corporation, or the like.⁸⁰ The Malabar Marriage Commission Report says as the senior male member in the

⁷⁷field work findings, Tallichery, North Malabar, Cheriya Maliyekkal *Tarawad*

⁷⁸Dube Leela, *op.cit.*, P.28

⁷⁹Joseph M.P, The Principles of Marumakkathayam, (Mala), Kottayam, 1918, P.31

⁸⁰ Appeal Suit 120 of 1862, Judgement by Justice Halloway, Tallichery, 1862

ideal matrilineal house holds, the *Karanavan* is entitled to the possession of the *tarawad* property, and he is absolute in his management.⁸¹ The junior members have only a right to stay and have food in the family house. *Karanavan* is the legal guardian of the every member of the *tarawad*.⁸²

But it may note that the *Karanavar* did not have any personal obligation to support any member of the *tarawad* by his own labor or from his self acquisitions. He is only responsible if only the family possesses ancestral property and to the extent of that property, writes the Malabar Marriage Commission. But when it comes to other male members of the family they worked for the *tarawad*, toiled in the field from morning to night but they did not have any authority on the family property or any role in the decision making. These junior members of the *tarawad* are called the *Anandaravar* (singular is *Anandaravan*). This led to many suits and court disputes in the 19th and 20th centuries. The *anandaravan* came forward to remove the authority of the *karanavar* and the mismanagement of the family property.

In the matter of removing a *karanavan* for mismanagement of the property the High Court remarked:

"in such a state of property and family relations as that of Malabar there must be " to a man in the position of *karanavan* " a constant conflict of interest with duty " but they held that *karanavan* " should certainly not to be

⁸¹ MMCR, P.27

⁸²Ibid

removed from his situation except on the most cogent grounds."

The state of family and property in Malabar always create difficulties. Their solution will not be assisted by bringing in the anarchy and insecurity which will always follow upon any attempt to weaken the natural authority of the *karanavan*".⁸³ While the court legitimized the increasing powers of the *karanavar*, their unreasonable activities did not go uncontested by the junior members and branches, as well as by other women, writes G Arunima⁸⁴. She finds changing power relation as the cause behind this. Thus the most influential personality in the family as well as society, the unquestioned authority begins to be questioned by his *anandaravans* during the late 19th and 20th centuries.

Talikettu kalyanam or the ceremony of tying the *tali* (knot), before a girl attains puberty, especially a Nair girl, was a matrilineal custom of Malabar. The Malabar Marriage Commission Report says, this is the only marriage custom which is most peculiar, distinctive and unique which got Europeans and Brahmins united in describing it as the only marriage form recognized by the matrilineal system. The *tali* is a small golden ornament worn on the neck that every large *tarawad* has its own way of celebrating it.

⁸³Indian Law Record 1, Madras, 1881, P.153

⁸⁴Arunima, There comes Papa, P.98

Francis Buchanan writes the female Nairs little girls go through the ceremony of marriage both with Namboothiris and Nairs; but here as in the south the man and girl never cohabit.⁸⁵ K.R.Krishna Menon, retired sub judge, reports, *talikettu kalyanam* is some what analogous to what a Devadasi (dancing girl) attached to temples of other districts under goes before she begins her profession. Among the royal families and wealthy classes, a Nedungadi was invited for the function to the girls place at an auspicious hour appointed for the purpose. There with presence of friends and caste members he ties tali round her neck and goes away after receiving a certain reward for his trouble.⁸⁶

Among the sects the horoscope of the girl is examined along with those of the boys of her *Enangan* (a reconciled member of ones own clan families) and the boy whose horoscope is found to suit with her's, is marked out as a fit person to tie the *tali*, and a day is fixed for the tali tying ceremony by the astrologer and information given to the *karanavan* of the boy's family.⁸⁷ On the appointed day the boy is invited to a place near that of the girl, where a feast called "Agni Unu" is held and the boy is henceforth called *Manavalen* or Pillai (bridegroom). From the house in which the *Manavalen* is entertained, a procession is formed preceded by men with sword and shield shouting a kind of war cry. In the meantime a procession

⁸⁵Bucchanan Francis, A Journey from Madras through Mysore , Canara and Malabar, vol. III, Madras Govt. Press, Madras, 1807, P.513

⁸⁶Account given by K.R.Krishna Menon, retired sub judge, to Malabar Marriage Commission, MMCR, P.14

⁸⁷MMCR, P.14

starts from the girl's place, with similar men, headed by a member of her *tarawad*, to meet the other procession. The *manavalen* is conducted to a seat of honor and there his feet were washed by the brother of the girl, who receives a pair of cloths on the occasion. After this the brother would take the girl from inside the house and round the *pandal* in three times and place her at the left side of the *manavalen* and the father of the girl then presents a new cloth, tied in the *kambli*, to the pair and with this new cloth (technically called *manthravadi*), they change their dress.

After the decoration on the girl with ornaments by the *karanavan's* wife, the *purohit* called, the *Elayath*, gives the *tali* to the *manavalen*, and when the family astrologer shouts *muhurtham*, the *manavalen* putting his sword on the lap, ties the *tali* round the girl's neck, who is then reacquired to hold an arrow and a looking glass in her hand. After the performance of a blessing song, the couple were carried by *Enangans* to a decorated apartment in the in the inner part of the house where they are required to remain under a sort of pollution for three days. On the fourth day they bathe, holding hands, in the near by river. After this, with a procession, they returning home, where the doors are all shut, which the *manavalen* was required to force open. There, they would have meals from the same leaf, and after that they severed the cloths each other in front of the *Enangan*. The severing of cloth is supposed to constitute a divorce.⁸⁸

⁸⁸ precise of the account of the K.R.Krishna Menon, quoted in MMCR, PP.15-16

The kind of custom, had support even from the educated elite group. C.Karunakara Menon, Chief Sub-editor of the news paper "The Hindu", says, *kettu kalyanam* is not a meaningless ceremony as has been vulgarly supposed.⁸⁹ He argues that, the *manavalen*, in the *talikettu* ceremony performs merely a vicarious part of the future husband!⁹⁰

The European writer's view is that *marumakkathayam* usage intends the *talikettu kalyanam* to be to be the only ceremony which a girl approaching womanhood needs to fit her fort cohabitation with one or more men of her own or higher castes.

Sambandham, is the general *Marumakkathayam* term, to denote that a woman and man are "joined together" in a manner socially approved. It was a Sanskrit word used to express various sorts of connection⁹¹. Thus there is *Rakta Sambandham* = blood connection, *Mudal Sambandham* - property connection, *Pula Sambandham* - connection by pollution; and between men and women with whom they avowedly cohabits. This connection is called *Sambandham*, without qualification says, Malabar Marriage Commission.

Sambandham, the hypergamous sexual relation,⁹² says, G.Arunima, was introduced by the hegemonic

⁸⁹Explanation of C. Karunakara Menon, sub editor of The Hindu and strong defender of *Marumakkathayam*, on Talikettu kalyanam to the MMC, MMCR, Pp.15

⁹⁰MMCR, P.16

⁹¹Ibid, P.13

⁹²G.Arunima, op.cit., P.4

power of the Namboothiri land owners, for the advantage of their family to sustain their joint families based on primogeniture and patrilineal descent. The interrogators of the Malabar Marriage Commission used the term to denote the customary nuptial union of man and woman.⁹³

Whether *Sambandham* could be used as in any real sense a marriage had been the subject of much discussion. The Malabar Marriage Act of 1896 which legally sanctioned *Sambandham* defines it as alliance between a man and a woman by reason of which they in accordance with the custom of the community to which they belong or either of them belongs to, cohabit or intend to cohabit as husband and wife.⁹⁴

As O.Chandu Menon writes, this generic name *sambandham* is used in South Malabar between Calicut and Nedungad and in Ponnani, Cochin and parts of Travancore. It was the only word to denote marriage. But it is known by different terms in other areas such as "*Guna Dosam*" in South and North Malabar, "*Pudamuri*" or its Sanskrit synonym "*Vastradanam*" in North Malabar "*Uvamporuka*" and "*Veredaram Kayaruka*" in North Malabar and the "*Kidakkora Kalyanam*" in Palghat and parts of Nedungad⁹⁵. The peculiarity of *Pudamuri* is that the groom had to give a piece of cloth to the bride. This formality was not gone through in other forms but till *Pudamuri* was performed, the bride was not taken to

⁹³Commission used the terms "husband", "wife", and "marriage" in inverted commas for *sambandham*. The inverted commas being meant to show that the words are used in a marumakkathayam sense.

⁹⁴Malabar Marriage Act of 1896

⁹⁵Memorandum by O.Chandu Menon to Malabar Marriage Commission, P.5

the husband's place. In South Malabar betel nuts were given instead of cloth.⁹⁶

There were no customary restriction as regards to marriageable age, but marriage before puberty was permitted though it was neither obligatory nor common.⁹⁷ In this system Mannath Padmanabha Menon, a renowned Nair reformer of the 20th century, writes in his auto-biography that no freedom was given to bride or groom in choosing their partners.⁹⁸ But both of them could have divorced, whenever they liked.

Conclusion

In marital engagement between Nair woman and high caste man, writes Saradmoni, the educated men were embarrassed by the outsider's derogatory remarks about their marriage practices and demanded changes in matrilineal practices.⁹⁹ What she finds as advantage in sambandham is the mutual divorce practice and widow remarriage.¹⁰⁰ But what about the absence of consent of girl, who is being the part of *sambandham* marriage? Did anybody ask her opinion about marriage? Or any discussion was made about her marriage and husband? Whatever age the Brahmin (most of the time, many times older than her!) had, she should have been ready in the room when he entered.

⁹⁶Aiyer Sundara, op. Cit., P.199

⁹⁷Balakrishnan P.V, op.cit.,P.105

⁹⁸Padmanabhan Mannath, My Life Struggles (Mala.), vol. I., Nair Service Society, Changanassery, 1964, P.69

⁹⁹ Saradmoni, Matriliny Transformed, Sage Publications, 1999, P.65

¹⁰⁰Ibid

What were the feelings of the girl? She never got an opportunity to see the groom before the cohabitation. She never knew who was to be her husband, today? or tomorrow?

Mappila matriliney finds no difference except the Arakkal family where the headship of the family as well as the royal throne inherited on the basis of seniority. That is, female members were ruled the swaroopam for many consecutive terms.

Matriliney is, it is said, women friendly; but in all these features of Malabar matriliney where can we find any element of women friendly custom?

Chapter III

WOMEN IN MATRILINY:

With Special Reference to *Mappila* Women

"....to achieve the actual equality of man and woman within the family is an infinitely more arduous problem. All our domestic habits must be revolutionized before that can happen. And yet it is quite arduous that unless there is actual equality of husband and wife in the family, in a normal sense as well as in the conditions of life we can not speak seriously of their equality in social work or even in politics. As long as the woman is chained to her house work, the care of the family, the cooking and sewing, all her chances of participation in social and political life are cut down in the extreme".¹

These words of Trotsky underline the fact that the domestic status of women and her societal status are interconnected inseparably; or in other words, the societal status and her role as well as her opportunities in the public space are the reflection of the respect or equality that she enjoys in the domestic sphere. The traditional family pattern should change

¹ Leon Trotsky, From the old to the new, an article printed in Pravda, July 13, 1923, the first English translation appeared in Problems of life in 1924., in Women and the Family, New York, 1970, p.14

completely to attain gender equality. In the light of this, it is important to inquiry into the status of women matrilineal household. An inquiry in to the kinship organization is necessary to know the domestic status of woman of the matrilineal families of Malabar and especially of the matrilineal *Mappila* Muslims of Malabar. Gender status in matriliney varies in the different matrilineal communities and societies.

The late 19th and early 20th century was the time of shifting power relations in the matrilineal *tarawad*. It was a time when the traditional form of social institutions like marriage, family, caste system, were questioned and restructured by the middle class intelligentsia as a result of the colonial impact.

The employment of Indian intermediaries by European traders, the new pattern of appropriation and distribution of peasant surplus, and changes in the nature and requirements of state patronage, and above all the integration of Indian economy with the world capitalist market², were some of the broader factors that contributed to the restructuring of family organization and marriage system in Malabar. In the new socio-cultural and political environment of Kerala, in the early 20th century, society witnessed changing roles of the women.

² Panikkar .K.N., Culture, Ideology, Hegemony :Intellectuals and social consciousness in Colonial India, Tulika, New Delhi, 1995, pp.176-177

Matriliny is related to the transmission of property by inheritance. Though it has a global application it varies from place to place and from time to time. Radcliff Brown opines that in matrilineal succession the greater part of the body of rights of an individual, over things, over persons, or as a member of a corporation, are derived through his mother and cannot be transmitted to his children but devolve upon his sister's children³. Neera Desai and Maithreyi Krishnamurthy say that, in matrilineal kinship families the women controls her own life and her children; and in case of a break down of marriage, the children stay with her.⁴ Frederic Engels asserts that according to mother right, descent is reckoned solely through the female line.⁵ G.Arunima points out that in matriliny, inheritance is traced through women which implied that women had the right to receive or bequeath ancestral property.⁶

Mappilas were ruled by the matrilineal system of property inheritance. The Islamic law of property inheritance is followed by the *Mappilas* staying

³ Brown Radcliff, Structure and Function of Primitive Society, Cohen and West ltd., London, 1952 , (1968, 7th edn), p.36

⁴ Desai Neera and Krishnamurthy Maithreyi, Women and Society in India, Ajanda Publications, New Delhi, 1987, p.193

⁵ Engels.F, The Origin of the Family, Private Property and the State: in the light of the researches of Lewis H.Morgan, Progress Publishers, Moscow , 1884 (1948), p.55

⁶ Arunima.G, There Comes Papa :Colonialism and the Transformation of Matriliny in Malabar, Orient Longman, New Delhi, 2003,p.10

outside North Malabar. They followed the same system that they had followed before the conversion to Islam. Or they had adopted the system which was followed by the natives of the place.

All these comments dealt with the privileges women had in the system in terms of property inheritance, in the joint family. What was her role in the decision making? Did she have a higher status or position equivalent to the male member of the family in the domestic arena than that of her counter parts in the patrilineal households in Malabar? What was her relation with the *Karanavar*? How did the family function? Was there a dual power-center in the *tarawad*? These difficult questions really explicate the gender space in domestic life, which determined her societal status. Whether she was given any freedom in choosing her partner or whether she was asked for her consent before giving her in cohabitation with a stranger is a question to be answered. I would like to focus on these haunting questions in the chapter on matriliney.

Gender space in Domestic life

Gender space in domestic arena is closely related to the *tarawad* organization in a matrilineal family. While the paternal grand father would get prominence in the patrilineal society, the maternal grand mother was given great importance in the

matrilineal *tarawad*.⁷ The matrilineal grand mother along with all the other female members of the family and the *karanavan* as the head of the family is the inhabitants of the matrilineal *tarawad*, the domestic arena of the women's life.

The *tarawad* system consisting of joint family, matrilineal or uxori-local family, cross cousin marriages and the close and intimate relationship between uncle and nephew determines the domestic value of the women. In an household whether it is *mappila* matrilineal *tarawad* or it is a Hindu matrilineal *tarawad*, women is treated as a primary member and all the decisions on the family matter is negotiated with her.

Gender Space in Property Inheritance

Women in matrilineal societies are entrusted with enormous right over property and important duties in performing family rites. The *tarawad*, matrilineal family household with all the members tracing their descent from a single ancestress,⁸ would be formed only by a women who inherited her property from her ancestress. The *Mappila* women of the matrilineal joint family of North Malabar enjoyed full property right

⁷ Rao.M.S.A., Social Change in Malabar, Popular Publications , Bombay, 1957, p.117

⁸ MMCR, p.27

over the land and objects of the *tarawad*. The Nair women of Malabar, Neera Desai writes, relished full property rights and inheritance, and succession continued through her.⁹

But the Malabar Marriage Commission reports that, the *karanavan* as the senior male member of the family is entitled to the possession of *tarawad* property, and he is absolute in this management.¹⁰ This clearly indicates the contradiction between the theory and practice of mother-right. A memorandum to the Malabar Marriage Commission says, in the matrilineal joint family household everybody who traces their descent from a common female ancestress also live together in subjection to the power, guidance, and control of the senior male person of the *tarawad*.¹¹ The notion of the *tarawad* property is that the entire family property is impartible except by common consent and that each individual member is entitled to maintenance in his or her.¹²

In a judgement delivered in 1813, the courts considered the management and collection of the rent and income as invariably vested in the senior male.¹³

⁹ Desai Neera and Maithreyi Krishnamurthy, *op.cit*, pp.191-192

¹⁰ MMCR, P. 27

¹¹ Memorandum to MMC, p.2

¹² *ibid.*

¹³ Rao.M.S.A, *op.cit.*, p. 131

Here however although the inheritance is through the female, a male member is ruling the household as the super power over all the female members of the *tarawad*, including the senior most female member by whom the *tavazhi* was formed. He has the right to manage the property and has power over the distribution of the family income and the family expenditure. He is the legal guardian of every member of the *tarawad*.¹⁴ This is an important point to remember, as the mid 19th century judicial assumption regarding the matrilineal households in Malabar was that women did not possess any distinct rights to the property and were the mere conduits through whom descent and inheritance could be traced.¹⁵ G.Arunima finds that, till the early 19th century, it was possible that divisions emerged along the lines of age rather than of gender at least in relation to the power within the household.

While this gives a general; picture of the matrilineal women as a whole, what was then domestic value in *Mappila* matrilineal *tarawad*? Unlike Nairs, among the *Mappilas* of the north Malabar alone followed matrilineal kinship system.¹⁶ Here the line of

¹⁴ MMCR, p.27

¹⁵ Arunima.G, op.cit., pp.34-35

¹⁶ some families of Tirur, Parappanangadi (the south Malabar areas) were following mixed system and some Muslim families resident in Edava and Varkala (Travancore areas) were following matrilineal system, see S.M.Mohammad Koya's *Mappilas of Malabar :studies in Social and Cultural History*, Sandhya publications, Calicut, 1983, pp.63-72

succession was traced through the mother sides, the rule of non-partition of the common property prevailed.

The endogamous "higher ranking castes" who got converted to Islam from Brahmins and Nairs and the commoners, that is, those who got converted from polluting Hindu castes,¹⁷ maintained different values regarding women. For the commoners the duolocal residence pattern was most common while the high ranking castes always went for matrilocal residence. But generally the community followed the matrilocal residential pattern.

Although the *karanavan's* authority was counted the foremost, the father had responsibility over his children. This was at least true of the self acquired property. It was so before the legislature interfered with it. But except for the Arakkal royal family of Malabar, the *karanavan's* position was valued higher than that of the *karanavathi* (feminine of *karanavan*).¹⁸ The whole property was at his disposal.¹⁹ The *karanavan* looks after all the affairs according to his whims and fancies; the members who are not in his good books are refused even maintenance. P.K.Kunjali Kutti wrote to the Select Committee for the *Marumakkathayam* Bill of 1938 that there were innumerable instances where the *karanavan* has not

¹⁷ Schneider M. David and Gough Kathleen (ed), Matrilineal Kinship, University of California, 1962, pp.418-419

¹⁸ See. K,K,N,Kurup, Ali Raja's of Cannanore, Publication Division, University of Calicut, 2002

¹⁹ P.K.Kunjali Kutty.B.A., Sub Inspector Of Athikad, On Mappila Marumakkathayam Act Of 1939, In Opinions Received By The Select Committee On Marumakkathayam Bill Of 1938

given maintenance to the members for years together and those people who had no means to go to court had to lead a very miserable life. In many instances he sold out the properties on account of the junior member's inability to take legal action.²⁰ Where does the eldest female member, his sister or mother, or any matrikin find her space in the affairs of the house hold? She with the Anandaravar,²¹ the junior members of the house or all the male members of the *tarawad* excluding the *karanavan*, was under the subjection of brother or uncle, her matrikin.

Contrary to the views of feminist scholars who argue that women enjoyed a higher status in matriliney; the opinions received by the Select Committee on the *Marumakkathayam* Bill in 1939 show that "the conditions of the sister communities that follow *marumakkathayam* law of inheritance have considerably improved after the passing of *Marumakkathayam* Act xxii of 1933 (will explain on the acts in the next chapter).

Only the Arakkal royal family was an exception to this case, where *Karanavanship* of the family was vested in the senior most member of the family, whether male or female.²² Arakkal Adi Raja of Cannanore in

²⁰ Ibid

²¹ Ananadaravan-singular and Anandaravar -plural

²² Arakkal Adi Raja Hussan Alias Imbichi Koyama Tangal Avargal, Noor Mahal, Cannanore and five other major members of the Arakkal family on *Marumakkathayam* bill of 1938, In Opinions Received By The Select Committee On *Marumakkathayam* Bill Of 1938, Madras Legislative Assembly, 1938, Calicut Regional Archives, Calicut.

1938 said that there were documents showing that the first *karar* (agreement) with the East India Company was made by a lady known as "*Balia Beebi*", the then head of the family.²³

Gender space in rituals and customs

In matriliney a woman's relations with her conjugal family are slighter than those of her men's relation with his in-laws. She seldom lives with them and her visits over the conjugal house, are a matter of ceremonial obligation. Mutual politeness characterizes her relations with her husband's kinswomen. Kathleen Gough writes, in general a woman is the recipient rather than a donor of gifts and privileges in her husband's home.²⁴ The wife hosts her husband's kinswomen in her natal home. She hosts them with feast of pregnancy and birth. The wife must be invited to almost all life circle feasts in her husband's natal home.

The *Mappilas* of Malabar did not have *Sambandham* or *talikettu kalyanam*. But puberty rituals called *tirandu kalyanam* (*tiranduka* means menstruate and *kalyanam* means marriage), ear piercing ceremony, are celebrated by Hindus and *Mappilas* and matrilineal as well as patrilineal families alike.

²³ Ibid

²⁴ Gough Kathleen, "Mappila: North Kerala", op.cit., p.438

The *nikkah* is the main religious rite done among the *Mappilas* for marriage ceremony. While boys married generally at the age of 12, girls married at nine, some time before attaining puberty. This also was similar among both matrilineal and patrilineal families. (Except in Northern parts, the *Mappilas* of Malabar generally follow patriliney.) Pre-puberty marriage was a rule for the girls.²⁵

Unlike *talikettu kalyanam*, among *Mappilas*, the groom permanently stayed with the bride in her natal house. But the marriage was completely a male function presided over by the *karanavar* of both sides and here the father has a very nominal role to play in the *nikkah* ceremony. Here the consummation of the marriage takes place only after the *kalyanam* is over, but before the *kalyanam* functions the *nikkah*, the marriage custom according to *Shariat*, might have been performed. On the occasion of *nikkah* the bride may not be present but her guardian would represent her. Until and unless the *kalyanam* was over the bride did not have any opportunity to see the groom. Many of the times her consent was taken for granted, writes Victor S. D'souza.

²⁵ D'souza Victor, "Kinship Organization and the Marriage Customs Among The Moplals on the South West Coast of India", in Imtiaz Ahmad (ed) , Family, Kinship and Marriage Among Muslims in India, Manohar Publications, New Delhi, 1979, p.156

Gender Space in Conjuality

The most important characteristic of the ideal typical construction of the conjugal family is the relative exclusion of a wide range of affinal and blood relatives from its every day affairs: there is no great extension of the kin network.²⁶

Among the *Mappila* the conjugal couple lived together, often.²⁷ Although she did not have any role in the *nikkah*, she got a sort of respect from her husband's side, since he stayed in her natal home. She never faces insecurity of the newly wedded wife of the patrilineal family and was not afraid of all the assault from the husband's part. The domestic subordination of women was much distant from the matrilineal wife.

The in-laws should be most often the concerning members for the wife in patrilineal family. Many a time she should appease them, more than that of her husband. Her position before the husband, is determined with regard to her adjustment with her in-laws. Contrary to this established tradition, in matriliney the wife's relation or meetings with her in-laws were very rare. The ceremonials like, marriage, pregnancy rituals, circumcision of boys or ear-piercing

²⁶ Goode.W.J., Changing Patterns Of Kinship, in his edited work Kinship: Selected Readings, Penguin books, 1971, p.372

²⁷ If the husband's natal house is near by his conjugal home, they always prefer duolocal residential pattern.

ceremony of girls were the only occasions which the wife had to be in contact with her in-laws.²⁸

The ultimate right on the children of the matrilineal couple, is solely vested at the hands of the wife. The offsprings always got the status of the mother's family. If there is break up in the relation, then the children always remain with her. some They always known with the name of their *karanavan*.

As in the case of the Nairs, the *Mappila* women also did not get any opportunity to choose their future husband. The decision was always taken by the maternal *karanavan* of the woman, and she had no voice in this matter, than accepting the words of the eldest male member. Whatever economic class she represents, there was no difference in this. The relationship between the spouses was generally cordial, but among lower class mappila folk it was different. Women in the poor agricultural labourers or the fisher folk groups in the community would always suffer from male super-dominance.

Neither the conjugal couple nor the kinfolk has many rights with respect to each other and the reciprocal obligations are few. Contrary to this in matriliney, as the most widely discussed characteristics of matriliney, the conjugal relations of the couple are centered on the sexual aspirations of both, the moral obligations and responsibilities are confined to sexual relations or the couple did not have a room for that in

²⁸ Fieldwork findings in North Malabar, done on September 2004

mother-right. The conjugal relation ship is tied up with the *Sambandham*, polyandry, or *talikettu kalyanam* and others in Matriliney.

Marriage appears in an attenuated form because husband and wife do not reside together, and is sub divided in to two species, one formalistic and the other substantive. The official relations that integrate the several matrilineages with one another are also of two kinds.²⁹ There first the *talikettu kalyanam* (tying the tali by a man of Enangan lineage; the Enangan relationship is a kind of affinity that defines the relation between matrilineages,) whether it is reciprocal (as among common Nairs) or asymmetrical, more exactly hypergamous (among aristocrats), and it is the structural equivalent of cross cousin marriage.³⁰ Whether it was a marriage or something else is still a subject of controversy.

The second kind of marriage was the *Sambandham* between Nair women and her visiting husbands³¹. While Trautmann argues that women had a great deal of freedom in entering into such unions, the literature of the period says many of the Nair women partners did not even know who were going to be their sexual partners. Is this the freedom enjoyed by women? *Talikettu kalyanam* or

²⁹ Trautmann.R.T., Dravidian Kinship, Cambridge University, London, 1981, p.417

³⁰ Ibid

³¹ Ibid

sambandham were purely male created systems of marriage and women never had the choice of selecting their conjugal partner, all were done by the *karanavan* of the family.

As explained in the second chapter *talikettu kalyanam*, as a custom was performed in a very early age before the girl reached puberty. K.Sreedhara Varier observes that the failure to do so was considered as a degradation of the family status.³² The ceremony which lasted generally for four days did not have any legal sanction and the most interesting fact is that it conferred no valid marital relationship on the couple. Balakrishnan observes that, this pre menstruation ceremony went with a fictitious cohabitation with the *manavalen* (groom) who most of the time was an aged Namboothiri.³³ Can we see this as the liberty or sexual freedom in the marital alliance? Quoting Mayne, he mentions that ex-communication was the result of the failure for the *talikettu kalyanam* performance before puberty.³⁴

The Malabar Marriage Commission found that notwithstanding the 'divorce' (the end of *talikettu kalyanam* ceremony) custom obliged the girl to observe

³² Sreedhara Varier, Marumakkathayam And Allied Systems Of Law In The Kerala State, Ernakulam, 1969, P.157

³³ Balakrishnan, V., Matrilineal System In Malabar, 1981, P.91

³⁴ Ibid

pollution when her bridegroom (*manavalen*) dies and the Namboothiris for some purposes regard her as a widow³⁵.

The exhaustive study of G. Arunima of Nair *Matriliney of Malabar*, sees this only as a puberty ritual and argues that the *tali* could be tied by the girl's mother or a local Namboothiri Brahmin.³⁶

In *talikettu kalyanam*, the girls would, for three days, have been secluded in an inner room of the house and had to observe taboos as if they had menstruated.³⁷ At the end of the period of seclusion the couple was purified from the pollution of cohabitation by a ritual bath. The 'eleven year old girl' was then left without any kind of obligation from the groom's side, but she had to observe all kinds of death pollution with her children even if they were not the deceased's children.

This *tali* rite marked many changes in the social position of a girl. She was now thought to be at least ritually endowed with sexual and pro-creative functions and was thenceforward accorded the status of a woman³⁸. After the *tali* rite a girl must observe all the rules of etiquette associated with incest prohibitions in relation to men of her lineage. She might not touch them, might not sit in their presence, might not speak

³⁵ MMCR, P.19

³⁶ Arunima.G., *op.cit.*, p.24

³⁷ Gough Cathleen, *The Nayars And The Definition Of Marriage*, in Patricia Oberoi (ed), *Marriage, Family and Kinship In India*, 1993, pp.241-242

³⁸ *Ibid*, p.242

first to them and might not to be alone in a room with one of them³⁹. After the *tali* ceremony and as soon as she became old enough (that is shortly after or before puberty) the girl starts receiving visiting husbands (simultaneously or serially). They must be a number of men from her sub castes but from outside her lineage, usually, but not necessarily from her neighborhood.⁴⁰ The engagements for this were done by the *karanavan* of the *tarawad*. She did not have any voice other than yielding to him. These miseries and imposed sexual relations that the girl had to keep with aged men, can not be seen as sexual freedom or liberation.

Sambandham was the hypergamous marriage relation of Nair women with Namboothiris or high caste Nairs. It was the principal word denoting marriage among the *Marumakkathayam* Nairs, even if many would not call it so. Whatever it may be, marriage or illegal cohabitation, the women or girls, were the victims of the system. The Namboothiri or Kerala Brahman, who have *sambandham* with the Amma (feminine of Nair), never took this as marriage.

Except for 21 witnesses out of 134, to the Malabar Marriage Commission, the rest pointed out that whether a Brahman was the bride groom and he did not have food with his Sudra (Nair) wife therefore it is unable to join in the wedding feast.

³⁹ Ibid, pp.242-243

⁴⁰ Ibid, p.243

The local manifestation of *Sambandham* such as *Guna Dosam*, *Pudamuri (Vastra danam)*, *Uzhamporukka (Vidaramkairuka)* and *kidakkora kalyanam* had hardly any internal difference. In all these, the *Sambandham* would have been with a higher caste male, and *Sambandham* with a lower caste man was never approved of by the society. Such cohabitation was treated as prostitution, and the women would be outcasted. In the 19th and early 20th centuries the outcasted women could never return to the household and were sold to the Arabs and converted to Islam. While women were living outside in pollution, because of the ostracism, the *karanavan* had all the right to take her life in order to secure the dignity of *tarawad*.

Conclusion

The lineage through women gives a picture that in the matrilineal system of Malabar, women was holding a special and unique position in the family and society. Through the chapter I was unraveling the status they enjoyed in the every day life.

Although women had comparatively high status in the household and in very few cases in the society, the customs and practices of the communities in no way allow women the social space to participate in decision making.⁴¹ Thus myth of the powerful matrilineal

⁴¹ [http://India together.org/php/sendform.](http://India%20together.org/php/sendform.), website source

women is challenged when we look at the gender space in every field of her life.

The position of women in property inheritance was giving her more or less a superior status. The every day schedule of the household was fully framed out by her but in outside the household the *karanavar* or the husband was managing the affairs. While the role of the senior most women (*karanavathi*) was treated in a dignified manner and her every word is taken seriously or counted substantially, the other female members of the family more or less subjected to the male members.

In matriarchal family Neera Desai and Maithreyi Krishnamurthy, observe some typical features:

- " 1. Women are not social dependents of men.
2. They are the perpetrators of the family line and the children owe their social placement through the mother, acquire their share in moveable or immovable property, and also acquire positions of authority through (as the heiress's brother) her.
3. The women are not under social pressure to produce male children, or to prove their fertility as a precondition to their position in family.
4. A woman is a full member of her matrilineal group and continues to be so even after her marriage.
5. She has important religious and social responsibilities which she fulfils as the heiress of the family property.

6. She controls her own life and her children. In case of breakdown of marriage, children remain with her"⁴².

The economic independence of women is as important as the social independence. Since the property inherited is through women, women enjoyed a sort of fiscal stability, in matriliney.

But, although the line is constructed through the women, the power rests with the men, who may be or may not be the husband. Men's superior physical qualities are recognized, and war and politics was left with them.⁴³ Although the Zamorins were matrilineal system of inheritance, they never contributed a woman ruler. But Arakkal *Mappila* royal family had many women rulers.⁴⁴

⁴² Neera Desai and Maithreyi Krishnamurthy, Women and Society in India, Asian Press, New Delhi, 1987, pp.192-193

⁴³ Ibid, p.193

⁴⁴ The women rulers of Arakkal family added '*Sultan Beebi*' as a suffix of their name.

Chapter IV

TEXT OVERCOMES TRADITION: UP-DATING MATRILINY

"It is of course essential that the *Mappilas* must be freed of this cursed system which is a standing monument for their deterioration, and ignorance of the Islamic principles".¹

The late 19th and early 20th century was the time of shifting power relations in the matrilineal *tarawad*. It was a time when the traditional form of social institutions like marriage, family, caste system, were questioned and restructured by the middle class intelligentsia as a result of the colonial impact.

The employment of Indian intermediaries by European traders, the new pattern of appropriation and distribution of peasant surplus, and changes in the nature and requirements of state patronage, and above all the integration of Indian economy with the world capitalist market,² were some of the broader factors contributed to the restructuring of family organization and marriage system in Malabar. In the newly derived

¹ K. Moidoo, Timber Merchant, No.71, Sydenham's Road, Park Town, Madras; on *Mappila Marumakkathayam* Bill of 1938 of Khan Bahadur Mahamud Schamnad Sahib Bahadoor (MLA), In Opinions Received By The Select Committee On Marumakkathayam Bill Of 1938, Madras Legislative Assembly, 1938, Calicut Regional Archives, Calicut.

² Panikkar .K.N., Culture, Ideology, Hegemony :Intellectuals and social consciousness in Colonial India, Tulsa, New Delhi, 1995, pp.176-177

socio-cultural and political environment of Kerala, society witnessed the changing roles of the women is worth mentioning.

Among the Muslims of North India, the Wahabi movement and the theological seminary of Deoband which had been founded in 1867 became spearheads of opposition to the British government and to the revivalist movement. Deoband stood for reaffirming traditional beliefs and practices.³ On the other hand Sir Sayyid Ahmad Khan, a believing even if not a pious Muslim, persuaded Muslims to acquire western knowledge through education in the institutions that were being set up, as otherwise they would deprive themselves of the means of survival.⁴

In Malabar all caste and religious groups underwent radical reforms under their own respective caste leaders, which created a new 'community consciousness' among the people. Although the initial steps were taken by the upper class of each caste, they gradually penetrated among the masses. Unlike North India, where Hindu reformers were targeting the rigid scriptural codes to achieve social change, in Malabar the reformers stood for changing the customary laws which they described as outdated and savage such as matriliney, *talikettu kalyanam*, *Tirandu kalyanam*, and the untouchability, unseeability, unapproachability,

³ Mujeeb M., Social Reform Among Indian Muslims, Delhi School of Social Work, Evelyn Hersey Memorial Lecture, Vol.1, P.15

⁴ Ibid., p.17

prohibition of worshipping in temples, half-nakedness of the ladies and other minor social customs/evils.

The social evils and the caste ridden societal order came in to rule the Malabar society from the medieval times. During the Mysorean occupation in the late 18th century, Tipu Sultan abolished the prohibition against lower caste women, in wearing the upper garments.⁵ Without giving concern on the ramifications from the society, he wanted end the customs and traditions that he found un-Islamic, from Malabar. This may be seen as the initial attempts for the social reform movement and religious revivalism as well, in Malabar.

By a royal edict Tipu Sultan forbade the practice of polyandry prevalent in the country,⁶ in the late 18th century. He required the people to clothe themselves decently and prohibited the habit of women of exposing their bosom. Another important reform of Tipu Sultan was the prohibition of intoxicants since the Nairs were excessively addicted to intoxicating liquors. He forbade the employment of female servants for domestic work as it would lead to immoral activities.⁷ Later he

⁵ Hiderali's encounter of Malabar in 1764 is followed by Tipu Sultan who was very rigorous on the matters of polyandry, half nakedness and matriliney. The period of Mysorean rule in Kerala is from 1764 to 1791. The Mysorean occupation of Malabar terminated with the British occupation in 1791, through Sri Rangapattinam Treaty. For details see C.K.Kareem's Kerala Under Hider Ali and Tipu Sultan, Paico publishing house, Ernakulam, 1973

⁶ Kareem C.K, Kerala Under Hider Ali and Tipu Sultan, Paico publishing house, Ernakulam, 1973, p.179., c.f.Kirk Patrick, No.XIV and Wilks: History of Mysore, Vol.II, p.120

⁷ Ibid

created an endowment for the purpose of giving financial help to get poor unmarried girls married.⁸

But all these reforms were resented by the Nair community who believed that these were an outright encroachment upon their religious observances. The failure of Tipu was that he could not feel the pulse of the society and could not make his people understand that what he was doing was for their own good says C.K.Kareem. We can trace the beginning of the revival and reform tendency of the *Mappilas* from the seeds thrown by Tipu Sultan to change the society in a more religious basis.

As the eighteenth century progressed, the merchants began to resort, more and more, to inland transport, to move merchandise to far away ports in order to circumvent irksome restrictions which limited the price and choice of customers at the nearby ports.⁹ By the mid nineteenth century, the most dangerous threat to the existence of *Mappila* trade monopoly came in the form of transport revolution. The movement of change by steamships, trains and wheeled carriages dealt a crippling blow to the channels of distribution, especially to the settlements, which had formed a chain of intermediary collection and transshipment points. The cheaper and faster carriages that the British were seeking to promote were steadily undermining the

⁸ Mohibul Hasan Khan, History of Tipu Sultan, p.373

⁹Banerjee Ruchira, "*Mappila* Mercantile Network of Malabar in the 18th century", in Anirudha Gupta (ed), Minorities on India's West Coast: History and Society, Kalinga Publications, New Delhi, 1991, p.173

interdependence of the network and its transporters.¹⁰ Gradually the mercantile superiority of the *Mappilas* fell down in favour of the British, which was initiated by the Portuguese.

Although among the *Mappilas* the caste system did not prevail as among the Hindus, other non-religious practices, that is ancestral worship, *uruz* festival, lightening the lamp at the dusk, *kuthu-rattib*, *moullood*, shrine worship, matriliney, *oppana*, crying in the death of immediate relatives, the *marakkirikkal* and huge celebrations for *kathukuttu kalyanam* of the girls and *markkom kalyanam* of the boys were prevalent in the community at large. These customs ruled all people irrespective of caste and class.

Stimulated by the Wahabi movement and the Aligarh movement, the *Mappilas* pondered on how closely they were following Islamic injunctions, since their every day life was more mixed with the customary laws of the land. By the first decade of the 20th century, there slowly began a quest for modern education based on religion. The reformers of the community stressed on the prophetic saying that "the ink of a scholar is more precious than the blood of a martyr".

Mappilas had absorbed and shared social and cultural traits of Kerala from dress habits to marriage practices, including customs such as *tali* tying,

¹⁰ Ibid, p.186

paying dowry to the bride groom and purificatory ablutions after birth and death.¹¹

But as Abid Hussain writes, modern education had never been as widespread as among Muslims in North India¹². Ever since the reforms were introduced among the other communities in Malabar in the late 19th century,¹³ *Mappilas* started to agitate for the application of the Shariat instead of the customary laws of the Hindus that they have been practicing from the times immemorial. Religious text began to spread among the *Mappilas*, and traditional and customary practices began to withdraw from the scene. The educated elite among the *Mappilas* intended to boycott all the unIslamic practices within the community, mainly the prominent *Mappila* social adaptations,¹⁴ and the *Marumakkathayam* system in the early 20th century.

Shifting outlook

As mentioned in the previous chapter, Islam had a paradoxical relationship with the customary laws of Malabar since the Quran is the compilation of the

¹¹ Miller E.Roland , *Mappila Muslims Of Kerala: A Study In Islamic Trends*, Orient Longman, 1987, P. 251

¹² Hussain S.Abid, *Destiny Of Indian Muslims*, Asia Publishing House, New Delhi, 1965, P. 18

¹³ Sree Narayana Guru (1885-1928), Ayyankali (1863-1941), Chattambi Swamikal (1853-1924) were inspiration for the *Mappila* community, too.

¹⁴ Miller E. Roland, op.cit., p. 1

customary practices of Arabia.¹⁵ The Islamic system of succession is based on the customary law of pre-Islamic Arab tribal society, a law adapted to the structure of the patrilineal, patriarchal family.¹⁶ Inspired by the great Mujaddids (scholars coming at the end of each century in the world to cleanse Islam of all irreligious practices) of Islam,¹⁷ Malabar witnessed the purificatory tendencies among the *Mappilas*. In Malabar, Sayyid Sanaullah Makthi Tangal (1847-1921), Chalilakath Kunhahammad Haji (d-1919), Sheikh Muhammad Mahin Hamadani Tangal (d-1922), Muhammad Abdul Qadir Moulavi or Wakkom Moulavi (1873-1932) were the main leaders who struggled to eradicate the superstitious and un-Islamic practices among the *Mappilas*.

As a part of the 20th century religious revivalist movements within Islam,¹⁸ Malabar witnessed the emergence of a shift in social perspective outlook. The

¹⁵ Layish Ahron., Women And Islamic Law In A Non -Muslim State: A Study Based On The Decision Of The Sharia Courts In Israel, Keter Publishing House, Jerusalem Ltd., 1975, P.279

¹⁶ Ibid

¹⁷ The great Mujaddids in Islam are Umar Ibn Abdul Aziz (AH.62-101), Hasan al Basari (AH.21-110), Imam Abu Hanifa (AH.80-150), Imam Malik (AH.95-179), Imam Shafi (AH.150-240), Imam Ahmad ibn Hanbal (AH.164-241), Imam Abul Hasan al Ashari (AH.260-324), Imam Gazali (AH.405-505), Abdul Qadir Jilani (AH.470-561), Muinuddin Chishti (AH.537-637), Imam ibn Taimiyah (AH.661-728), Imam Suyuti (ninth century), Sheikh Ahmad Sirhindi (AH.95-1034), Shah Waliullah Dahlawi (AH.1114-1176), Muhammad bin Abdul Wahab (AH.1115-1206), and Jamaluddin Afghani (AH.A255-1315).

¹⁸ Sir Sayyid Ismail formed Mujahid movement in India, Jamat Islami formed in India in the 1940's, but before that Hasan al Banna started Iqwan al Muslimin in Egypt. But all these puritanical movements although worked for the similar goal did not have a link among them.

main motivators and inspirational figures were Jamaluddin Afghani, Muhammad Abdu and Rashid Rida.¹⁹ The existence of matriliney has been termed as a stumbling block in the way of progress of the community as it was associated with the prevailing system of joint family. This shifted the legitimate aspirations and of large sections of people and denied them opportunities for full self expression in society.

As mentioned earlier, the new social awakening among all classes of people in Kerala with the spread of democratic and egalitarian ideas, the increasing pace of industrialization, the migration of people from village to towns and the improvement in the level of literacy and educational standards hastened the pace of social change in Kerala. Hindu joint families were breaking up and the same trend was happening among the *Mappila* community as well. Gough writes that in this new course the *Mappilas* have tried to strengthen the patrilineal ties as such as is compatible with matrilineal descent.²⁰

Wakkom Muhammad Abdul Qadir Moulavi (1873-1932), a noted scholar in Arabic, Persian, Malayalam and Urdu is the first theological scholar of the *Mappila* community. He exhorted Kerala Muslims to abandon

¹⁹ Kabir V.A, (Malayalam), Muslim Renaissance: Some Phases, in Prabodhanam Special Issue, Islamic Service Trust, Calicut, April 1998,

²⁰ Gough Kathleen, "Mappila: North Kerala", in David M.Schnieder and Gough Kathleen (ed), Matrilineal Kinship, university of California, California, 1962, p.432

unIslamic practices, to take to English education and to develop progressive movements. He published periodicals entitled 'Muslim', *al-Islam* (1918, April, Malayalam then changed in to Arabi Malayalam) and 'Deepika' in Malayalam to recall Muslims in to Quran and the true practices of the Prophet away from unislamic practices, and to establish Islamic unity²¹. In the *Muslim*, a monthly journal started in January, 1906, he wrote:

"Each and every community of Kerala has started to strive for its welfare and therefore the Muslims also must have a journal like this to educate them about their problems and to bring out necessary changes."²²

The journal published articles emphasizing that education was the base of all progress. Through the journal he advocated the need of welcoming the movement of Islamic reforms which had been on the move all over the Islamic world. He defined the movement as an attempt to restore the pristine purity of Islam.²³ This was the first attempt in Kerala to for Islamic puritanism which later became powerful and controversial movement.

But the support he got from the community was very meagre. The orthodox ulemas, who did not want to

²¹ Seethi, "Wakkom", in Mishakath-ul-Kuda, (Mala), November, 1959, p.41

²² The Muslim, January 1, 1906

²³ The Muslim, Vol.v, no.1, Chingam, 1091 ME.

make changes in the prevailing system, got irritated by the activities of Wakkom. They called them as *Wahabi*.²⁴

Following the spirit of Moulavi, Seethi Sahib (1898-1960) and K.M.Moulavi turned to their revivalist activities. Seethi's spirit was revealed in an early address in which he castigated the community for its internal divisions and religious wrangling for innovative mosques, for social behaviour that brought on the disdain of other communities, and for lack of mutual help. He passionately pleaded for Muslim unity and progress:

".....think what our conditions are today! Examine your hearts What sorrow! How low we have fallen! That chosen community which has come to establish peace lives like animals and totally self-centred...the fruit of our divisions is the continual flowing of the community's blood."²⁵

K.M.Moulavi (1886-1964)²⁶, a scholar in Islamic law and theology, was a different voice among the Muslims. During the revolt of 1921, he tried to persuade the rebels to turn back. Thus, already an opponent to the British since he was an activist of the Khilafath movement,²⁷ he then became unacceptable to the *Mappilas*

²⁴ A supporter of Muhammad bin Abdul Wahab, Islamic reformer in Arabia. His opponents calls his supporters as *Wahabis*.

²⁵ Seethi, op.cit., p.37

²⁶ K.M.Moulavi born in Tirurangadi, expert in Islamic law and theology became a friend of Wakkom.

²⁷ The British never kept an amicable policy towards the *Mappilas* up to 1921. The religious and pious *Mappilas* were looked with a hatred eye by the British.

also. Then he had to leave for Kodungallure, the central part of Kerala.

K.M.Moulavi the zealous worker for reform (islah), fought against what he regarded as either *shirk* or *bida*. He played an important role in the appearance of such publications as al-Irshad, al Islah and al-Murshid and contributed to the Egyptian al-Manar and al-Fathiha and published other writings.²⁸

The religious reform initiated by Wakkom Moulavi and carry forward by his followers was basically a conservative kind of reform. Although it differed from the rigorous puritanism of the Arabian reform, it was perhaps not unaffected by the spirit of that movement. The Arabic influence was mediated by the personal visits of *Mappilas* to Saudi Arabia.²⁹ Miller observes that, in the end the movement was neither the Puritanism of the Wahabi's nor the "neo Murtazilism" of the culture oriented North Indian Muslim reformers of the late 19th and early 20th centuries,³⁰ although it shared aspects of both.

The reformist attempt made by the great majority of successors of early reformist leaders especially Wakkom Moulavi began to be known as the

²⁸ Shirazi, Reform, K.M.Moulavi, p.92

²⁹ Swadesabhimani, May.15, 1904

³⁰CF. Ignaz Goldziher, Die Richtungender Islamischen Koranauslegung, 1920, p.15

Mujahid movement.³¹ This represented a broad spectrum of the society including the orthodox ulemas, the professionals, the madrasa teachers, business men and others, gathered an increasing number of sympathizers after 1930, and were formerly organized as Nadvat-ul-Mujahidineen in 1952, which took a total opposition to shirk in any form. This included a criticism of the Sunni veneration of saints, the seeking of their help in prayer, and the doctrines of *karamath* and *intercession*. Associated with this criticism is the attack on certain practices that have become a part of *Mappila* life:

"Muslims of today are buried in heaps of superstitions and errors. most of these have taken form in the name of religion".³² Their second major emphasis was on the importance of Quran and its correct knowledge. This account for the concern for good Arabic language training which they said should spread among the women, the use of Malayalam in the mosque, and the translation of Quran. Hadith was to be studied critically, and those traditions supporting views contrary to the Quran were to be rejected.

The Mujahid movement attacked the principles of *Ijma*, and *Taqlid*, blind acceptance of the words of one or more ulemas without critical consideration, on which the orthodox structure is based. They contended for the validity of the principle of *Ijithihad*, the rational interpretation of Quran by

³¹ Samad M.Abdul, Islam in Kerala :Groups and Movements in the Twentieth Century, Laurel Publications, Kottayam, 2002, p.101

³² Moulavi C.N.Ahmad, Lesson in Science, Muslim Educational Society Journal, (Mala), January 21, 1972, p.11

individuals, and the use of reason. The regard for *Ijma* as practically equivalent to revelation was termed a more serious fault than the Ahmadiya error of continuing prophecy. "The belief of the *Ijma* proponents is that, if you put all the learned together you will get one *nabi* (prophet)." ³³ Wakkom Moulavi held that freedom of thought and opinion was one of the glories of Islam up to the time of the four Imams and was lost there after as a result of a wrong turn.

In fact, the decline of Islam may be attributed to the fall of *Ijithad*. It is necessary to recover this principle of the right of private interpretation because all the personal and collective problems that faced the Muslims were not found in the Quran and Hadith. Changing circumstances and times bring both new problems. The Quran does not stand against the use of one's own reason in such situations. In their varied contexts the four Imams, the Caliphs and the jurists all utilized reason to arrive at decisions where the Quran and *sunna* were silent. The only limitation placed by the Quran is that the use of reason should not turn one away from the path of Allah, his Prophet, and the Sunna (prophet's own conduct and words). ³⁴

These purification attempts on the part of the reformers were more than enough for the *Mappilas* to rethink the matrilineal system that they were following. The inheritance and partition of the *tarawad* property became the main target of the revivalists in the rapidly

³³ "Ahmadiya", *Nirikshanam*, november, 1968, p.2

³⁴ Wakkom Moulavi, *Chintaprashnangal*, pp. 50-55

changing atmosphere of Kerala society and economy, firstly during the European trading activities and then the subsequent colonial rule. The advent of Europeans led to the expansion of trade and new urban centres.³⁵ *Mappilas*, the agents and intermediaries of Arab trade, were replaced by new groups for the procurement of black pepper, cardamom, and other spices from the interior, enabling at least a few of them, to occupy positions of importance in the new politico-economic system.³⁶ The extension of commercial agriculture, the expansion of money economy and the increasing use of cash transactions especially by the landed aristocratic elements in the villages changed the traditional agrarian structure and relations³⁷. The new generation was imbued with the idea of individual freedom and liberty produced by the western education. In this back ground it started questioning the authority of the *karanavan* who controlled all the joint property of the *tarawad*. The religious revivalist movements gave momentum to this tendency by encouraging the patrilineal kinship system of Islam.

Legislation on Matriliny

Islamic text, found their application through the legislations in the 20th century. Nair

³⁵ Panikkar.K.N, Land Control, Ideology and Reform: A Study of the changes in the family organization and Marriage System in Kerala, Indian Historical Review, April, 1977, p.35

³⁶ Ibid,pp.35-36

³⁷ Ibid, p.36

matriliny began to hear its death knell in the beginning of the century. Social legislation from the part of the people was at last pay the way for the legal legislation on the customary system of inheritance. A.Aiyappan (1965) writes that a movement for the change of the existing system started with the beginning of the Westernization of India and with the Protestant missionary activities.³⁸

The political policy of the British was not to interfere in the social affairs of the natives. Therefore, there was no direct administrative interference with caste procedures of Malabar. But, there were informal and unstructured kinds of action against some of the more extreme aspects of caste, which both the western missionary and colonial administrators found repugnant to their notions of human dignity.³⁹

J.D. Mayne had said in 1878, that even in Malabar he had witnessed continued efforts on the parts of the natives to cast off their own customs and to deal with either partition, alienation and devise, as if it were governed by the ordinary Hindu law.⁴⁰ Although the social legislation started from the establishment of the British empire and the missionary activities, the first legal interference with Matriliny was the Malabar Marriage Act of 1896. The Malabar Wills Act of 1898 and

³⁸ Aiyappan A, Social Evolution in Kerala Village, Asia Publishing House, Bombay, 1965, p.9

³⁹ Ibid

⁴⁰ M.S.A.Rao, quoted Mayne in Social Change in Malabar, Popular Publications, Bombay, pp.133-134

the Madras *Marumakkathayam* Act of 1933 were the main Acts which terminated the practice of the peculiar system of inheritance in Malabar among the Hindus.

Among the *Mappilas*, The *Mappila* Succession Act of 1918 was the legislative measure that was initiated social change in the matter of customary law.⁴¹ It ensured that self acquired wealth may be passed on according to Islamic inheritance laws. The *Mappila* Wills Act of 1928, and the *Mappila Marumakkathayam* Act of 1939 were the other important legislative proclamations caused for the death of matriliney.

The *Mappila* Wills Act of 1918 was passed in order to bring the customary law in conformity with the Mohammedan law.⁴² According to this Act the Mohammedan law of inheritance was applied to the self acquired properties of *Mappilas* following matrilineal law of inheritance⁴³. The Malabar Wills Act of 1898 applies to the persons who are governed by the *marumakkathayam* law of inheritance, enables dispose of their entire separate property by will. Although when this Act was passed it might not have been the intention of the legislature to make it applicable to the *Mappilas*, yet *Mappilas* also took advantage of it.

⁴¹ The *Mappila* Succession Act was passed in the madras legislative assembly in 1918.

⁴² Statement of Object and Reasons, The *Mappila* Wills Act of 1928, (Legislative Department Proceedings, Home Department, File No. M837/27

⁴³ Ibid

According to Mohammedan law a Muslim may dispose by will only a third of his estate that would be left after defraying funeral expenses and debts. Bequests in excess of bequtable one third or bequests to the heirs will not be valid unless the other heirs consent to that after the death of the testator.⁴⁴ It was supposed that the passing of the Malabar *Mappila* Succession Act would make the Malabar Wills Act inoperative in respect of wills by *Mappilas*. Therefore in order to bring testamentary law of the *Mappilas* also in to conformity with the Mohammedan law relating to wills.⁴⁵ (see appendix)

The *Mappila Marumakkathayam* Act of 1939 removed the legal base for the necessary continuation of the system. A law had already been enacted to ensure that self acquired wealth may be passed on according to Islamic inheritance laws and now the present legislation permitted an equal division of joint family estate between its male and female members. The *karanavan's* duty is well defined in the law which said "the *karanavan* shall maintain a true and correct inventory of the all the moveable and immovable properties belonging to the tarawad and shall keep true and correct accounts of the income and expenditure of the tarawad."⁴⁶ The enactment resulted in the division of many a Muslim matrilineal

⁴⁴ Ibid

⁴⁵ The Bill to amend the Malabar Wills Act ,1898 was introduced by Muhammad Schamnad Sahib, MLA, Madras presidency, in 27 march 1928

tarawad. These pieces of law had the support of Muslims. It showed the direction, in which *Mappila* public opinion was moving in Malabar in this respect.

The Act provided the *anandaravans* with the right to institute suit in a civil court for the removal of the *karanavan*.⁴⁷ This provision thus enabled each *anandaravan* to react against the ill management of the property by the *karanavan*. The position resulting from the operation of matriliney in so far as it does not allow men to bequeath conveys to one's own children and to their mother the self acquired property is fatal to individual industry and thrift.⁴⁸

Chapter third of the 1939 Act reiterated that, the succession to the property should be on the basis of *Shariat Law*. Its saying, the partition of the property, obtained by an individual member, shall be governed by the Islamic Law of inheritance.⁴⁹ (see. Appendix. III). This fact has been now realized by the members of the community themselves. But the partition of the *tarawad* property was done according to the customary law of inheritance; by this the male members get only one share of the *tarawad* property while the female members get shares for her children also. If the female member is pregnant, a share should keep apart for this child, too. That is according to the customary *marumakkathayam* law the all the female members along the female line get share whereas the male members should

⁴⁶ *Mappila Marumakkathayam Act, 1939*

⁴⁷ *Ibid*

⁴⁸ Logan William, *Malabar Manual*, p.155

⁴⁹ *Ibid*

satisfy with one share. His children could not be included in his in tarawad where he was born. But he (the father) can dispose his share according to his will.⁵⁰

As pointed out by Kathleen Gough, the general trend among the *Mappilas* as among the Nairs and Tiyyars has been a general disintegration of matrilineal groups. This implied the emergence of the elementary family as a residential and economic unit.⁵¹

conclusion

Change from matriliney to patriliney is really a social change of paramount importance and one of great consequence as it would imply far reaching structural changes in the *Mappila* society of Malabar.

Although through the legislation property inheritance and tarawad systems and the ceremonies associated with the marriage changed a lot, the uxori-local residential pattern does still prevail.

S.M.Mohamed Koya observes that despite the old force and vigor of matriliney, it considerably lost in favor of patriliney.⁵² Matriliney as a system remains but it is found eventually transformed. Through the enactment of

⁵⁰ Interview with Adv.Sainuddin, Member of one of the famous matrilineal *Mappila* family, the Keyis of Tallichery, 24th September, 2004

⁵¹ Gough Kathleen, op.cit, p.420

⁵² Koya S.M.Mohamed, *Mappilas of Malabar: Studies in Social and Cultural History*, Sandhya Publications, Calicut University, 1883, p.72

the law, matrilineal homesteads have become father controlled but children still belong to the mother's family, as Fr. Puthenkalen observes.⁵³

But what I found is that, they are proud to follow the traditional customs and manners. The ultra conservative groups as well as the modern educated and those who are inclined to the western culture and to the application of the religious law instead of the customary laws.

The customary law did not have support from either of the religious text, Hindu or Islam. The growing discontent and insecurity feeling of both of these texts and the shame on their practice when compare to the western practices, ultimately led the followers of the customary laws to look into their system, in critique. Since the practice is purely un-Islamic, the revivalist as well as reformist ideologies in Islam found the system, that should be wiped out from the society for ever.

⁵³ Fr.J. Puthenkalen, Marriage and the Family in Kerala, Alberta, Canada, 1977, p.216

CONCLUSION

In Malabar too, throughout the 20th century, the initiatives for social reforms were seized from the agencies of the colonial state by cultural nationalists and the religious revivalists. The customary laws were being subjected to or brought more in line with scriptural or textual readings.

The western idea of home, centred on one tightly knit group of parents and children, started to dominate the minds of the educated middle class at the dawn of the 20th century. In these upper middle class nuclear families, the women became dependent and powerless.¹ Along with that, as Tanika Sarkar observes, in the last four decades of the 19th century a fairly distinct political formation had emerged, which she calls "revivalist-nationalist".² These revivalist-nationalists chose to tie their nationalism to issues of conjugality, which they defined as a system of non-consensual, indissoluble and infant marriage. Colonialism replaced the pre-colonial 'patriarchal' domination by exclusively with the Western forms of gender relations. This naturally led on to an exclusive identification of patriarchy in modern India with the project of liberal reform.³

¹ Bhagwat Vidyut, Feminist Social Thought: An introduction to Six Key Thinkers, Rawat Publications, New Delhi, 200 , p.9

² Sarkar Tanika, Hindu Wife, Hindu Nation: Community, Religion And Cultural Nationalism, Orient Longman, New Delhi, 2001, p. 192

³ Ibid, p. 193

As a result of this colonial as well as religious intervention, matriliney, the women centred kinship pattern and a customary law, which ruled a major section of social folk in Malabar for centuries, witnessed its 'updating' tendency in the early 20th century. In the context of all social advantages and dignities are open to the whole male sex, the centrality and distinguished status of women in matriliney is more praiseworthy. But looking at the actual status that women had, in the domestic as well as in the social arena, the notions and claims of feminist scholarship are being challenged.

M.T.Vasudevan Nair, in his nuance novel named "Nalukettu", (a contrangular household with inner courtyard, this is the common stale of Nair *tarawad* household), unraveling many of the instances in which women was subjugated by the mail authorities, mainly the *karanavan*, of the *tarawad*.

I would like to quote some of his lines reflecting the godfather status and the superiority of the *karanavan*, over the senior most female member of the *tarawad*.

"There is no counter word against the words of *Valiyammama* (the *karanavan*)"⁴,

"*Thalle* (an abusing word of mother), shut-up your bloody mouth."⁵

⁴ Nair M.T.Vasudevan, Nalukettu, Poorna Publications, Calicut, 1980 (1959), p.39

⁵ Ibid, p.80

"Which female is dare to break my (karanavan's) word"⁶

the senior most female member as well as ten years elder sister of the *karanavan* was being abused his younger brother (the *karanavan*).

The voiceless position of the female, in selecting her partner is reflecting through these words:

"She did not like that relation. But could not utter a single word, while the *karanavan* ordered. I was yielding to their words."⁷

The status of women in matriliney, whether it is Nairs or *Mappilas* is almost the same. As long as the *karanavar* was holding the management of the *tarawad* property, the economy of the *tarawad* would be fully under his control. This underlines the fact, which ever or whatever kinship system is there, women are not going to get the better status unless and until they holds the management of the property. The wealth of the *tarawad* should be ruled by the female, then only she can achieve economic self-sufficiency.

⁶ Ibid, p.100

⁷ Ibid, p.81

APPENDIX A
MADRAS ACT NO.I OF 1918
THE MAPPILA SUCCESSION ACT

An Act to amend and define the law of intestate succession among *Mappilas* governed by the *Marumakkathayam* Law or the *Aliyasanthanam* Law of inheritance.

Preamble whereas I is expedient to amend and define the rules of law applicable to intestate succession among Mappilas government by the Marumakkathayam or Aliyasanthanam Law Of Inheritance; it is enacted as follows:-

Short title 1. (1) This Act may be called THE MAPPILA SUCCESSION ACT, 1918.

Local extend (2) It extend to the whole of the Presidency of Madras

Persons to whom this Act is applicable (3) It applies to Mappilas domiciled in the Presidency of Madras who are governed by the marumakkathayam or Aliyasanthanam Law of Inheritance and also in respect of immovable property situated within the Madras Presidency, to Mappilas domiciled outside the said Presidency who are so governed.

2. A person is considered to die intestate in respect of all property of which he has not made a testamentary disposition capable of taking effect.

Explanation:- "property" in this section does not include *tarawad* property unless the

person dying intestate was exclusively entitled to it.

3. Such property shall, notwithstanding Any custom to the contrary, devolve upon his heirs in the order and according to the rules of Muhammadan Law.

(3rd May 1918; 25th May 1918)

APPENDIX B
MADRAS ACT NO.VII OF 1928
THE MAPPILA WILLS ACT

RECEIVED THE ASSENT OF THE GOVERNER ON 9th MAY AND
OF THE GOVERNER GENERAL IN COUNCIL ON 30th MAY
1928

*An Act to define the Law relating to Wills by
Mappilas*

Preamble Whereas it is expedient to define the law relating to testamentary dispositions by Mappilas governed by the Marumakkathayam or the Aliyasanthanam Law of Inheritance.

And whereas the previous sanction of the governor General has been obtained to the passing of this Act; it is hereby enacted as follows:-

Short title 1. This Act may be called THE MAPPILA WILLS ACT, 1928.

Commencement 2. (i) It shall come into force on the first day of January 1929.

Extent (ii) It extends to the whole of the Presidency of Madras.

persons to whom and properties to which this (iii) It applies to testamentary dispositions by the Mappilas governed by the Marumakkathayam or the Aliyasanthanam Law of inheritance in respect of property which, but for such testamentary

act is disposition, would devolve in accordance with the applicable provisions of the Mappila Succession Act, 1918.

Testamentary 3. Testamentary dispositions to which this Act dispositions applies, shall be governed by the Muhammadan Law by Mappilas relating to Wills and not by the Malabar Wills Act, to be gove- 1898.

med by this
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by Madras
Act v of 1898

APPENDIX C
MADRAS ACT NO. XVII OF 1939
THE MAPPILA MARUMAKKATHAYAM ACT

29th June, 1939

WHEREAS it is expedient to define and amend in certain respects the law relating to family management, partition and succession among the Mappilas following the Marumakkathayam Law; It is here by enacted as follows:-

CHAPTER I
Preliminary

- Short title 1. (a) This Act may be called the mappila
Marumakkathayam Act, 1938
- Extent (b) It shall apply to all *Mappilas* following the
Marumakkathayam Law who are either domiciled in
the Province of Madras or have property situate within the
Province of Madras.
- Definitions 2. In this Act, unless there is anything
repugnant
in the subject or context,-
- (a) *Anandaravan* means any member of the *tarawad*
or *tavazhi*, as the case may be, other than the *karanavan*.
- (b) *Karanavan* means the oldest major male member
of a *tarawad* or *tavazhi*, as the case may be, in whom the
right to management of its properties vests or in the
absence of such a male management of its properties vests
or in the absence of such a male member, the oldest major
female member; or where by custom or family usage, the

right to such management vests in the oldest major female member, such female member

(c) "Major" means a person who is attained eighteen years of age.

(d) "*Marumakkathayam*" means the system of inheritance in which descent is traced in the female line

(e) "Minor" means a person who has not attained eighteen years of age.

(f) "*Tarawad*" means a joined family which includes all its members with community of property governed by the *Marumakkathayam* Law.

(g) "*Tavazhi*" means a branch of *Tarawad* consisting of a female, her children and all her descendants in the female line.

CHAPTER II

Tarawad and its Management

Duty of the karavan to maintain inventory 3. The *karanavan* should remain a true and correct inventory of all the movable and immovable properties belonging to the

Duty of the Karavan to keep accounts 4. The *karanavan* shall keep true and correct accounts of the income and expenditure of the *tarawad*.

Right of anandaravans to inspect inventory and accounts 5. (1) The inventory and accounts of the each year of the Malabar era, shall be available for inspection at the *tarawad* house by the major anandaravans throughout the month of *Vrishchikam*

following such year, and any such anandaravan may take copies of or extracts from the same.

(2) If the inventory of accounts are not made available for inspection as provided for in sub-section(1) the Court of a District having jurisdiction over the place where the *tarawad* house is situated may, on application by any major *anandaravan* and after notice to the *karanavan*, pass an order causing the inventory or accounts to be produced in court and allowing the *anandaravan* to inspect or to take copies of or extracts from, such inventory or accounts.

Right of every member for maintenance 6. Every member of a *tarawad* whether living in the *tarawad* house or not, shall be entitled to maintenance consistent with the income and the circumstances of the *tarawad*.

Investment of surplus income 7. Any surplus left out of the income of a *tarawad* after providing for the customary or legitimate expenses of the *tarawad* including charges pertaining to the education, marriage, or death of the members of the *tarawad*, and the charges necessary for *zakat* and the proper maintenance or upkeep of the *tarawad* or otherwise invested to the best advantage of the *tarawad*.

Application of immovable property by *karanavan* 8. (1) Except for consideration and for *tarawad* necessity or benefit and the written consent of the majority of the major members of the *tarawad*, no *karanavan* shall sell the immovable property of the *tarawad* or mortgage with possession or lease such property for a period exceeding twelve years.

(2) No mortgage with possession or lease with premium returnable wholly or in part of any such property executed by a *karanavan* for a period not exceeding twelve years, shall be valid, unless such mortgage or lease is for consideration and for *tarawad* necessity or benefit.

(3) Nothing contained in this section shall be deemed to restrict the power of the *karanavan* to grant in the usual cause of management, for a period not exceeding twelve years, any lease without premium returnable wholly or in part or the renewal of an existing *kanom*.

Dept contracted (9) No debt contracted or mortgage without
by *karanavan* possession executed by a *karanavan* shall bind the
when binding *tarawad* unless the dept is contracted or the
on *tarawad* mortgage is executed for *tarawad* necessity.

Immovable 10 No immovable property of the *tarawad* shall
property when be liable to attachment or sale in execution of
liable for any decree obtained by an *anandaravan* for
attachment or maintenance, until after the decree holder has
sale for exhausted his remedies, if any, against the
maintenance personal property of the *karanavan* or the income
of the *tarawad* property.

Right to remove 11. An *anandaravan* may institute a suit in a
Karanavan by suit civil court for the removal of *karanavan*
(i) for any malfeasance, misfeasance, breach of
trust or neglect of duty in respect of the *tarawad*.
(ii) for misappropriation or improper dealing
with income or the properties of the *tarawad*.

(iii) for unsoundness of mind or any physical or mental infirmity which unfits him for discharging the functions of a *karanavan*.

(iv) for persistent default in the maintenance of the inventory referred to in section 3 or the accounts referred to in section 4 or in making them available for inspection by the *anandaravans* under section 5; or

(v) for any other sufficient cause which, in the opinion of the court, makes its continuance as *karanavan* injurious to the interests of the *tarawad*.

Relinquishment of right of management by *karanavan* 12. Any *karanavan* may, by a registered document, give up his right of management.

CHAPTER III

Partition

Right of individual Members to claim partition 13. Any individual member of a *tarawad* may claim to take his or her share of the properties of the *tarawad* over which the *tarawad* has power of disposal and separate from the *tarawad*.

Right to *tavazhi* claim partition 14. Two or more members belonging to the same *tavazhi*, may claim to take their share of the properties of the *tarawad* over which the *tarawad* has power of disposal, separate from the *tarawad*, and enjoy the same jointly, with all the incidents of *tarawad* property.

Representation 15. For purposes of sections 13 and 14, a minor of the minor in member of a *tarawad* shall be represented by his claim to partition or her mother and in the absence of the mother, by his or her guardian under the Islamic Law.

Partition of 16. In a partition of *tarawad* properties, unless a *tarawad* two thirds of the members of the *tarawad* desire to the contrary, the *tarawad* house including the site or sites of any building appurtenant thereto and such other land as is necessary for the convenient enjoyment of the *tarawad* house shall be kept undivided for the common use of all the members of the *tarawad*, in which case, the charges of upkeep and maintenance of the *tarawad* house shall be borne by the members that live in the house.

Provided that were such house is no longer used or required for purposes of residence or is continually neglected, such house, site or sites, and land may be divided among the members of the *tarawad* entitled thereto.

Ascertainment 17. In case of a division by section 13 or 14, the of share at individual member, or the members of the *tavazhi* partition as the case may be, shall be entitled to such share or shares of the *tarawad* properties as would fall to such individual member or to such members, if a division per capita were made among all the members of the *tarawad* then existing.

Subsequent 18. Succession to the property obtained by an devolution of individual member on partition shall be governed the property by the Islamic Law of Inheritance.

Exemption of Arakkal family from partition 19. The provisions of this chapter shall not apply to the Arakkal family or the stanam properties of the Ali Rajas of Cannanore.

CHAPTER IV

Registration of tarawads

Registration as impartible *tarawad* 20.(1) If within a year from the passing of this Act not less than two-thirds of the members of the *tarawad* present a petition to the Collector of the district in such form and within such particulars as may be prescribed he shall, after satisfying himself that not less than two-thirds of the major members of the *tarawad* as impartible register the *tarawad* as partible.

(2) On such registration the provisions of Chapter III shall not apply to such *tarawad* unless and until the registration is cancelled under section 21.

(3) During the pendency of a petition under sub section (I) of this section, all proceedings in Court if any under Chapter III shall be stayed.

Cancellation of registration 21.(1) If at any time after the registration of a *tarawad* as impartible, not less than two thirds of the members of the *tarawad* present a petition to the Collector in such form and with such particulars as may be prescribed for the cancellation of such registration the collector shall, after satisfying himself that not less than two thirds of the major members of the *tarawad* consent and desire the cancellation of the registration.

(2) on such cancellation the provisions of Chapter iii shall apply to such *tarawad*.

Collectors 22. The Collector shall for the purposes of this powers chapter, have the same powers as vest in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters.

(a) enforcing of attendance of any person and examining him on oath or affirmation.

(b) compelling the production of documents; and

(c) issuing commissions for the examination of witnesses; and any proceeding before the Collector under this

chapter shall be deemed to be a judicial proceeding.

Collector's 23. The order of the Collector registering a *tarawad* as

order to be impartible as under section 20 or canceling such final registration under section 21, shall be final and shall not be questioned in any Civil Court.

Collector's 24. The Collector shall keep a register of all to maintain petitions presented to him under section 20 and 21

a register and of all orders passed by him on such petitions and shall, on payment of the prescribed fee, give a copy, certified under his hand, of any entry therein.

CHAPTER V

General

Chapters II and 25. The provisions of chapters II and III shall

III to apply to apply to every tavazhi possessing separate pr
tavazhi operties as if it were a *tarawad*.

Provincial 26. The provincial government may make rules
government consistent with this Act to carry out the
to make rules provisions thereof and these rules shall have
effect as if enacted in this Act from the date of
publication of the same in the Fort. St. George Gazette.

Savings 27. Nothing contained in this Act shall be deemed
to effect the provisions of the Mappila Succession Act,
1918, or the Mappila Wills Act, 1928, or of any law or
custom or usage except to the extent expressly laid down in
this Act.

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