

*Malabar
and its
Folk*

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Introduction
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CHAPTER III.

MARUMAKKATHAYAM.

In the preceding chapter I gave a brief account of a Malabar Nair Tarawad. I there pointed out that the law by which succession is regulated in these Tarawads is called the Marumakkathayam law, Marumakkathayam being a term applied to that system of kinship which regulates succession through the maternal line. It is a system which obtains in all parts of the world which have not yet emerged from primitive social obscurity, and is not peculiar to Malabar alone. It marks a stage through which all races, however high up in the scale of progress now, must, in the infancy of their social existence, have passed. Our own times present instances of its wide prevalence. Most Australian tribes of the present day preserve it in its pure form. America, by furnishing McLennan and others with examples of societies based upon systems similar to the Marumakkathayam has rendered material assistance in the refutation of the Patriarchal Theory set up by Sir H. Maine. Across the Himalayan border Tibet is said to maintain a system which is only one stage in advance of it. The Lycians mentioned by Herodotus followed practically the same system. This widespread law of female descent lies rather deep in the

history of society ; and though the nations of Europe and most of the nations of Asia have long given it up for better and more refined systems very many societies at the present day preserve a maternal system of descent.

An important question for consideration and one which has not been satisfactorily solved by any one, concerns the origin of this system in Malabar. Various theories have been advanced in regard to this. But there are two which stand out from the rest by reason of their being in a manner free from objection. The first of these may be called the "Brahminic Theory." According to this theory, the origin of Marumakkathayam is ascribed to the Numbudri Brahmins of Malabar. These people, the date of whose arrival in Malabar has not yet been settled, brought with them their own civilization and social laws. When they colonized the country, Malabar is said to have been a jungly tract, for the most part unfit for habitation. There are some, however, who hold the view that Malabar in remote antiquity was submerged deep under water, and that it must have been saved from the Arabian Sea by eruption of some hidden volcanic peak. But whatever the historical value of these conjectures may be, it is now conceded by all antiquarians that in the course of its history Malabar has received two distinct bands of immigrants, differing widely in their customs and manners, language and social organisation. The question as to which of these came first is quite foreign to the purpose of this treatise. One set of these colonists is

identified with the Brahmins of Malabar, usually called Numbudries. They are known to belong to the Aryan race of mankind ; and they preserve to this day racial and national peculiarities which testify to an Aryan origin. The other band of immigrants is generally believed to be of the Dravidian family, and forms the recognized stem of the Nair Branch of the Malayalies. The Aryan Brahmins when they came into the country had the same social organization as exists among their successors of to-day. Their laws strictly ordain that only the eldest member of a household shall be left free to enter lawful wedlock with a woman of their own caste, the younger members being left to shift for themselves in this matter. In ancient times the only asylum which these latter could find in the existing state of their social circumstances was in the Nair families which settled round about them. It should, in this connexion, be remembered that the Brahmins formed an aristocratic order ; and as such they were the exclusive custodians and expositors of the law. Naturally enough, too, large numbers of Brahmin younger sons, who were looking about for wives, turned to the Nair families, and began to enter into illegitimate unions of the nature of concubinage. Now the sanctity of formal and religious marriages was incompatible with the looseness and degradation involved in these illegitimate unions ; and Brahmin ingenuity discovered a ready means of getting over the difficulty by a social prohibition of all valid marriages among the Nairs, which would otherwise have prejudicially interfered

with their conjugal destinies. Moreover, the permission of valid marriages among the Nairs would have necessitated on their part a legitimate acknowledgment of sonship and parentage, which had they sanctioned it, would have injured their own interests in regard to the inheritance of property.. They would in that case have had to alter the nature of their family succession. Such property considerations were mainly at the basis of this social enactment on the part of the Brahmins. Their object would have been defeated if the junior members of their families had been allowed to contract lawful marriages, whether with their own kinsfolk or with the Nair women. This would have involved a superfluous and unwieldy addition to their families. The maintenance and support of these numerous progeny would have resulted in the dissipation of their property. Reasons such as these led to the restriction of their own lawful marriages. To enforce this social edict upon the Nairs the Brahmins made use of the powerful weapon of their aristocratic ascendancy in the country; and the Nairs readily submitted to the Brahmin supremacy. Thus it came about that the custom of concubinage so freely indulged in by the Brahmins with Nair women obtained such firm hold upon the country that it has only been strengthened by the lapse of time. At the present day there are families, especially in the interior of the district, who look upon it as an honor to be thus united with Brahmins. But a reaction has begun

to take place against this feeling ; and Brahmin alliances are invariably looked down upon in respectable Nair Tarawads. This reactionary feeling took shape in the Malabar Marriage Act.

A second and less commonly accepted theory in regard to the origin of Marumakkathayam is what may be called the 'Property Theory.' According to this theory the system was instituted in order to secure the property of the Nair families in *tact*. A system of valid marriages and male-kinship would have meant partition and consequent dissipation of property in these families ; and having this in view, the founders of the system declared property impartible which would have been impossible had the system of kinship been reckoned exclusively in the male-line.

A new and more plausible theory, and one which has amply been corroborated by the history of nations, is to be found in the practice of polyandry which obtains among many nations even in our own day. In the primitive stages of society, the indiscriminate union of the sexes forms the sole feature of married life. As societies progress, men's views on marriage broaden, and polyandry comes to prevail. This gives place to polygamy and finally monogamy is adopted. This is the way in which McLennan traces the successive stages of marriage. Now in the first two stages *vis.*, promiscuity and polyandry, 'paternity is practically indeterminate ; for in the first

the offspring of women belong by common right to a number of men who form the husband class; and in polyandry likewise a woman's children belong on the father's side to a number of men together, though on the mother's side they belong to one and the same individual. Owing to the absence of any marks of distinction it is impossible to determine paternity and so the devolution of property cannot be prescribed to the sons and in the male line but must be prescribed in some line and to some persons that are clearly distinguishable. Such persons are best found in the sons of sisters who, as *nephews*, are determinate identities even though on account of the uncertainty of their parentage they are not so determinate as *sons*. Thus the ready and unobjectionable expedient was hit upon by which nephews, and by necessary consequence sisters, were created the rightful heirs to a man's property instead of his wife and children. Hence arose the custom of female descent of property.

I pointed out in the previous chapter that polyandry in its simplest and essential form *vis.*, that of one woman having more than one husband at a time is still prevalent in parts of Malabar, and that no social stigma attaches to it. The following is what the Malabar Marriage Bill Commission has to say on the subject of polyandry in Malabar:—"If by polyandry we simply mean a usage which permits a female to cohabit with a plurality of lovers without loss of caste, social degradation, or disgrace, then we apprehend that this

usage is distinctly sanctioned by Marumakkathayam; and that there are localities where, and classes amongst whom, this license is still availed of." The late Sir. T. Muthusami Iyer says on this self-same subject:—"Apart from negative and symbolic evidence there is positive evidence to show that polyandry still lingers in the Ponnany and Walluvanad Taluques, especially on the Cochin frontier of the former Taluque." It is a fair inference from this that polyandry was once universal in Malabar, and that out of it sprang the great institution of Marumakkathayam.

And this inference is borne out by Mr. Grose who, in his "Travels to the East Indies," an old book published before 1762 A. D., says as follows:—

"It is among them (the Nairs) that principally prevails the strange custom of one wife being common to a number: in which point the great power of custom is seen from its rarely or never producing any jealousies or quarrels among the co-tenants of the same woman. Their number is not so much limited by any specific law, as by a kind of tacit convention, it scarce ever happening that it exceeds six or seven. The woman however is under no obligation to admit above a single attachment though not less respected for using her privilege to its utmost extent. If one of the husbands happens to come to the house when she is employed with another he knows that circumstance by certain signals left at the door that his turn is not come and departs very resignedly."

In this connexion it is worth while observing that the prevalence of polyandry may in its turn justify the conclusion that there was in our country a period when promiscuous intercourse prevailed. Thus it is quite possible that Marumakkathayam may have arisen out of the earliest form of marriage *vis.*, promiscuity, though there is no direct evidence of this promiscuity except in its probable descendant, polyandry, which has lasted down to our own times.

Sir John Lubbock says that the natural progress of ideas among mankind is that in the primitive period, when men lived in hordes, the child naturally belonged to the *clan*. This stage is in practice identical with the stage of promiscuity or of polyandry, in which a number of fathers collectively own the offspring of a woman. The process of time and the change of circumstances tend to vest the ownership of children not in the *clan* but in the *mother*. This is also parallel with the former stage ; but with this difference, that in this stage the superiority of the woman's right to the child's person over that of the *clan* is gradually becoming recognized. The stage of polyandry, no doubt, is an advance on that of promiscuity. In the latter there is no distinction of wives whatever. But in the former the wives begin to be isolated. The effect of both upon the establishment of parentage is, practically the same. In polygamy both paternity and maternity are ascertained ; but it is nevertheless regarded as an unsatisfactory state of social life, though

it is a far more advanced state than polyandry. Now from ownership by the mother the children pass on to ownership by the father, which is manifestly a more refined system. Then in course of time the child becomes the common property of the father and the mother,—the principle that prevails to-day in civilized life and is co-existent with monogamy and settled marriage.

Thus it has been shown that the real origin of our Marumakkathayam is to be sought in the system of polyandry or if we go a step further back, in promiscuity, which marks the dawn of married life. I know that there are many who would object to this theory and would assign as the origin of this system the racial pride and necessity of the Brahmin aristocracy. For my own part I am inclined to think—and there are others who would think with me,—that polyandry or promiscuity must have been its real origin. Of course there is no denying the fact that in a comparatively later stage, our social life after it had come under Brahminic influence was greatly affected by its perverse tendencies. McLennan, Lubbock and Mayor and other European writers agree that Marumakkathayam could only have originated from a type of polyandry resembling free love. Mr. Wigram, a Judge of considerable Malabar experience says:—"I am quite ready to admit that but for the Brahmins, all traces of polyandry would long since have disappeared and that the Brahmins encouraged concubinage between the younger members of their family and the

Nair women for the purpose of maintaining the impartiality of their estates." With this, however, I am not here immediately concerned. But for my faith in this theory I would not have ventured to put forward our Marumakkathayam as being sufficient evidence in refutation of the Patriarchal theory maintained by Sir Henry Maine. If it had been the result of an arbitrary caprice on the part of the Numbudri Brahmins it could not have possibly supported my position in regard to the "earliest and universal" nature of that theory.

The theory, that polyandry is the origin of Marumakkathayam has been combated on a ground which will not bear scrutiny. If, it is said, the system of female kinship were the gradual outgrowth from a primitive and widely prevalent custom such as polyandry, then it would be more rational to suppose that the system would have been preserved amongst the Parayas, Pulayae, Naidis and other depressed races of Malabar who are generally accepted as its unquestioned aborigines. But as a matter of fact these people follow Makkathayam and hence, the improbability of the theory is rendered all the greater. The critics, however, seem to forget one important point in our national history. It has been universally admitted that the Nairs are Dravidian immigrants and that they brought with them their own civilization. Looking at the matter in this light there seems to be no great necessity for the supposition that their customs were identical with those of the people of the country into which they immigrated. The

Nairs developed the system of female descent in their original northern abodes, and when they immigrated south they carried the system to Malabar. The aboriginal inhabitants had also developed this system, but owing to the absence in their case of extraneous influence, such as that of the Numbudris in our case, they had outlived it. In the case of the Nairs there can be no doubt that the Numbudri domination in the country has helped very much to maintain the custom in tact for such a long period of time without alteration. They had such power in the land—and they still have—as to enable them to prolong at their will even more important and far-reaching institutions than these. Moreover, it seems reasonable to suppose that polyandry, from which the system of female kinship has sprung in other parts of the world such as Australia, and America should have been the origin of a similar custom in Malabar.

As the habits of the individual change with its growth so do the institutions of nations vary with their development. A nation in its infancy, adopts systems which suit its life as it exists then. We see around us that the importance of maternity over paternity is maintained only by those races of mankind still struggling in the infancy of social life. Marumakkathayam is a primitive institution instinctively adopted by nations in early times.

On this score it may be and has been argued that every innovation upon it would only result in national discomfort

and dissatisfaction, as when the old furniture of a house is replaced by new. I should readily subscribe to this argument were it not for my belief in the Universal law which guides all nations and prepares them for the struggles of this life—I mean the law of progress. Nations have always changed their ideas and institution, through imperceptible gradations, according to their views of general expediency and progress. They have thrown away primitive traditions and customs to adapt themselves to modified environments. In the race of mankind, the law of progress and of change even in customs, however good and wholesome, must be given precedence over all other laws. We cannot check it by arbitrary restraints. We should never lose sight of the eternal truth that

“The old order changeth, yielding place to new,
And God fulfils himself in many ways
Lest one good custom should corrupt the world.

This is an age of progress, an age of revolution, in which one form of society is rapidly passing away, and its place being filled up by better forms fashioned after western models. Usages regarded as wholesome and sacred a few years ago are now practically defunct and obsolete. Fashions of dress and manners and modes of living and thought are likewise passing through the crucible of Western civilization. Reason is beginning to be the guide instead of blind adherence to customs. Changes in society will come about whether purposely introduced or not. Men's minds are becoming imbued with refined conceptions of life.

Thus it seems hardly inconsistent with prudence and policy to introduce changes, not of course radical in nature but slow and in the long run, desirable. In the existing state of our society it is not possible to introduce sweeping changes by legislative measures; for no such sudden reformation is possible in our world where nature works slowly and one cannot see the growth of a flower. Changes must be slow and must proceed from within, as was the case with English Constitution. Thus it was that the growth of popular sentiment found practical expression in the Malabar Marriage Act. It was a measure that came forth from within and not imposed from without; and so it richly deserves to be treated with all respect and consideration.

Another part of the subject is concerned with *marriages*. On this as well as on the subject of property observations have already been made in foregoing chapter. Many educated Malayalees, who ought to know better, seem to labour under the mistaken impression that Malabar Marumakkathayam marriages are quite as formal and religious as marriages in any other part of the world. On the subject of marriage in general Sir Fitz-James Stephen says:—"Most people regard marriage as a contract and something more; But I never heard of any one who denied that it is at all events a contract and by far the most important of all contracts. It is certainly not regarded in this country in all cases as a contract between the persons married as it is in Europe, but it certainly is regarded as a contract

between some persons—the parents of the parties or the parents of the girl and the husband. Whatever words we choose to employ, it is clear that all the elements of a contract must from the very nature of the case be found wherever a marriage occurs. There must be an agreement; there must be a consideration for that agreement; and there must be as a consequence a set of correlative rights and duties." Thus it will be seen that a marriage is in the main a contract though not always unaccompanied by some other element. In the highest acceptation of the term it is a contract solemnized by a religious sanction. Thus there are two sides to a marriage a *legal* and a *religious*. Now in the case of our marriages both these elements are wanting. They are not *legal* because they do not create any correlative rights and duties, and because in the majority of cases there is no agreement between the contracting parties; in which connection it should be observed that adultery is no offence amongst us, though even amongst the Hottentots and Australians it is judged worthy of being visited with the extreme penalty of the law. So also we have no law of divorce or maintenance. Bigamy and kindred offences are not recognized as crimes under the Indian Penal Code. Thus the *legal* side is absolutely wanting. So also the *religious* side. The late Sir T. Muthusami Iyer, again, says in regard to the religious nature of our marriages:—"They are not regarded as constituting a religious ceremony or *Namaskaram* or Sacrament in the Hindu or European sense

of the term. There is no officiating priest in attendance; there is no formula to be repeated; there is no Vedic, Puranic, or religious chant or exhortation and there is no formal benediction." These weighty remarks show to a certainty that our marriages are in no way religious.

The joint family system so peculiar to Malabar is a much cherished element in the institution of Marumakkathayam. It is no doubt a time-honored system which the majority of a people yet clinging to the old order of things would be entirely averse to modifying, much less abandoning. Nevertheless time requires its modification though not its absolute surrender. It has been in the past few years working much mischief owing to the incongruity existing between its principles and the altered ideas of the people.

Under the Marumakkathayam system property cannot be divided unless all the members of a Tarawad, come to a unanimous agreement. Under the system as it is administered at present, the Karanavan or manager obtains practically all power in the Tarawad. I am not advocating a total abolition of the system at present. I freely concede that it has its use in the way of preserving the stability of the family property, and that its wholesale effacement might result for the time in hardships to the people. But its tremendous disadvantages greatly outweigh its small advantages.

The system as it now exists, carries with it many drawbacks and evils. It requires to be altered so as to suit the existing conditions of our life. The main objections that

can be taken to it are of supreme importance in our national economy. We have already seen that its existence was due to causes which are fast disappearing from the country. Polygamy and polyandry are being rapidly abandoned. Female descent of property, being due to the indeterminate nature of paternity, must yield place to descent in the male line when the causes for the former are disappearing by the establishment of settled marriages. The tendency is daily increasing with us to look to the interests of wife and children and place them on a level of affection which has had no parallel in our social history before. Thus, though a thorough change might, in the existing state of our society, only paralyse its energies some change would be justified by the exigencies of the times. I do not believe that there are many leaders in the country capable of independent and sound judgment who would advocate the retention of an outworn and impracticable institution such as the Taravad system is. It may be that many of these may be satisfied with its modification on lines warranted by our present circumstances. But, sooner or later a time will come when every phase of our life and society will have so completely changed as to demand another system based on healthier and sounder principles.

The system as it is administered to-day fosters a dangerous spirit of idleness amongst the members of the joint family. They are perfectly certain that their vested rights in the joint property will supply them with all the

necessaries of life whether they apply their own labour and capital in the management and upkeep of it or not. The law is ready to help them in case of their being refused maintenance by an arbitrary Karanavan.

There is also the obvious fact that the probable discontent of the junior members regarding the Karanavan's management may lead to constant quarrels in the family. It is not too much to say that such family dissensions are likely to give rise to numberless litigations. Of late years the number of litigations consequent on the careless actions of Karanavans has been increasing by leaps and bounds; and many a wealthy Tarawad has been practically ruined. How can we expect any harmony of life or any unity of purpose to prevail amongst members who belong to diverse and distant branches, with little or nothing to keep them in sympathy with each other especially in those days when the interests of one's sisters and one's wife are diametrically opposed in every way? While the former are engaged in looking after the interests of their own children who are to inherit their brother's earnings, the latter will be doing everything in her power to promote those of her own children who as children of her husband are left outside the pale of their father's protection after his decease. Thus the current of domestic life is never allowed to run smooth.

It is also a fact worthy of notice that a family disturbed by dissensions due chiefly to the lax operations of

the joint property system loses its prestige in the eyes of neighbouring families. In addition to civil actions criminal proceedings are very often the outcome of such quarrels. The members of such a disturbed family cannot have any peace of mind, being worried incessantly by the thought of litigation and anxiety as to how they may obtain the support of adherents from other branches of the family. Such are some of the evils that arise when a Karanavan violates the trust reposed in him as the unquestioned trustee of the joint estate. This evil is all the more patent when the Karanavan happens to have no line of members standing in an intimate relation to him.

Moreover, the system often leads to injustice being done by the Karanavan to the other members of the family who are equally with himself entitled to all the benefits accruing from the joint property. The eldest member by virtue of his birth-right retains the power of management; and if he proves troublesome or offensive, as very often he does, the difficulty of checking his malpractices renders the position of the other members all the worse. The conduct of such a Karanavan thus deprives the other claimants of the family of their legitimate right.

Again, the hostile attitude of the junior members that I have adverted to towards a Karanavan and his colleagues in his unrighteous proceedings, naturally makes him less interested in the welfare of the Tarawad estates; and tends to careless cultivation and the resulting

impoverishment of the landed estates. It naturally inclines the balance of his affection in favour of his wife and children, to whose cause he becomes all the more jealously attached. Thus the joint family system is working its way towards the practical substitution of a paternal instead of a maternal line of descent. This is nearly the stage in which we are now situated. This practical substitution requires some sanction in the popular estimation. This sanction cannot, in our case, be *religious* : for the religious doctrines enjoined by Sankara Acharyar our great lawgiver, strictly uphold the existing system. Besides, those doctrines, claiming as they do, a divine origin are unalterable. Such a sanction must proceed from a determinate source whose mandates the people will have to obey despite their religious idiosyncrasies. The time of sacerdotal dictation is long past. Political power has taken the place of the old religious authority. Hence the command of a political superior alone will be adequately obeyed and acted up to by the people. Hence the necessity for an Act to sanction the adoption of a custom which has already begun to be favored.

The system as it stands at present, by not giving the members separately free and ample scope to contend against the growing keenness of competition, obstructs the progress of industries. Stimulation of industries is obviously impossible under a system in which the members have no individual interests save those created by force of circumstances, and in

which they cannot claim their separate shares of their property, which they might safely invest and utilize in such industries. This system, besides, is wholly unsuited to the present age, which is an age of individual ownership of property. Tribal and family ownership have all been given up by all surrounding nations; the retention of this system would be tantamount to the deliberate arrest of our national development.

I cannot better close this chapter than by quoting here the eloquent words in which the Malabar Marriage Bill Commissioners who are the latest authorities on the existing usages and customs of the country have expressed their opinion of this obnoxious system :—" With the advance of education Marumakkathayam is becoming hopelessly unworkable. It offends against every principle of political economy and of healthy family life. It is based upon the doctrine that there is no merit in female virtue and no sin in unchastity; and of this doctrine the very founders of this system are heartily ashamed. By freeing a man from the obligation of maintaining his wife and offspring it sanctions the reckless propagation of the species, destroying all motives of prudence and forethought, and forces up the population to the point whence it must be put down by the actual want of the means of subsistence."