

Abolition of *Marumakkathayam* System of Inheritance and Nair Community

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Abstract

The *Marumakkathayam* method of inheritance among Nairs became a cause of contention in the early part of the twentieth century. It is of the opinion that the Nairs' military service brought them into the *Marumakkathayam* system. The matrilineal system, which existed until recently, was formed with the objective of protecting the property of their families. A *Tharavad* could have held the matrilineal descents of several sets of sisters, each linked by a common mother's mother or a distant ancestress. A typical Nair *Tharavad* in the days when the *Karanavar* was the chief of the *Tharavad* had a huge residence with 20 or 30 or more people. By the middle of the twentieth century, almost all Nair families in Kerala had adopted the *Makkathayam* system of inheritance. Nuclear families arose in their place when all of the joint families collapsed.

Keywords: Nair, *Marumakkathayam*, *Tharavad*, *Karanavar*, Hierarchy, Autocracy

Introduction

In the first half of the twentieth century, the *Marumakkathayam* system of inheritance among Nairs became a source of dispute. The offspring of a Nair woman inherited their mother's brother's property and hereditary honours, not their father's. He is their legal guardian, and they are their uncle's nearest heirs (Padmanabha Menon 1995, p. 140). The system of inheritance, known as *Marumakkathayam*, counts

descent and inheritance in the female line (Nagam Aiya 1989, p. 362). Thiruvalla Copper Plates from the 10th to 12th centuries show the predominance of *Marumakkathayam* among the Nairs in Kerala. It claims that one Koyirpurathu Chennan Kumaran and his *Marumakkal* (nephews) contributed a portion of their joint property's output to the Thiruvalla temple (Ramanatha Iyer 2004, p. 203). One-quarter of their *Panichavirithi* land is donated to the Thiruvalla temple by one Govindan Achuthan and his *Marumakkal*. From these reports, it is clear that the Nairs have had a solid matrilineal joint family system.

Friar Jordanus and other academicians believed that promiscuity and polyandry were the significant elements of the matrilineal system. "In this India, legitimate sons of great Kings, princes, or barons never inherit the goods of their parents, but only the sons of their sisters; for they say that they have no surety that those are their sons, because wives and mistresses may conceive and generate by someone else; but it is not so with the sister, for whatever man may be the father, they are certain that the offspring is from the womb of their sister, and is thus truly of their blood" (Nilakanta Sastri 2001, p. 209). Some say that the Nairs' military service brought them into the *Marumakkathayam* system. "Their heirs are their nephews, sons of their sisters," according to Duarte Barbosa, "who govern the Kings of the Nairs established an order that the Nairs should not be held back from their service by the load and labour of rearing children." Prof. Elamkulam Kunjan Pillai backed up this theory as well. In his book *Studies of Kerala History*, he claimed that during the Hundred Years' War between the Cholas and the Cheras of Mahodayapuram, the Nairs spent much of their time on the battlefields as Chavers (suicide squads), and that their nephews took over at home (Kunjanpillai 1970, pp. 310–311).

Nairs and Matrilineal System

P.K. Balakrishnan proposed another explanation about the origins of the matrilineal system among Nairs. According to him, when the Brahmins arrived, the Nairs' ancestors were in a fundamental state, hunting and gathering fruit. Immigrant Brahmins cut down trees, cleared farmland, and constructed temples. The Brahmins took advantage of Nairs' physical and numerical superiority. Nairs were submissive to a fault, and their women were utterly promiscuous. The Brahmins dominated the entire state of Kerala until the 18th Century. As a result, the Brahmins had no trouble enforcing the matrilineal system on a community of submissive males and promiscuous women. However, because there were no references to Brahmins' agricultural past, this viewpoint was not widely accepted. They only became landowners once the feudal system collapsed in the 18th Century.

The matrilineal system, which was in place until recently, was established with the goal of preserving their families' property intact. Because there are always several men attached to one woman, the Nairs never regard the children born to their mistresses as their own, no matter how close they may resemble them, and all inheritance among the Nairs goes to their brothers or the sons of their sisters born of the same mothers, with all relationships based solely on female consanguinity and descent (Balakrishnan 1981, p. 84). The Nairs lived in *Tharavads*, which were

made up of all the matrilineal descendents of a common ancestress, and a child was always a part of its mother's *Tharavad*. *Tharavad* was made up of a group of sisters, brothers, their children, and their daughters' offspring, among other things. In other words, a *Tharavad* had a significantly larger number of relatives. A *Tharavad* could have contained the matrilineal descents of multiple sets of sisters, each linked by a common mother's mother or a more distant ancestress. During the days when the *Karanavar* was the chief of the *Tharavad*, a large house with 20 or 30 or more people constituted a typical Nair *Tharavad*.

The *Karanavar* was the eldest male member of a *Tharavad*, and he was succeeded by the next oldest male person (Nagam Aiya 1989, p. 362-363). His dominance was undeniable. The property could not be claimed by any member of the *Tharavad*. The *Karanavar* was in charge of the *Tharavad*'s administration and was also responsible for

its members' well-being. Without the approval of all adult members, the *Karanavar* has no right to alienate the *Tharavad*'s immovable property. The *Karanavar* was always in charge of disposing of the transportable goods. If the *Karanavar* failed to administer the *Tharavad* for the benefit of its members, the member may launch an action to have the *Karanavarship* dissolved (Fuller 1976, p. 296).

The *Marumakkathayam* system reduced *Tharavad* to a social unit in which the individual was of little consequence. In an article published in *Service*, Mannathu Padmanabhan said unequivocally that the system of succession under *Marumakkathayam* was the primary cause of the Nairs' collapse. The polluting caste was likewise held at bay by the Nairs. They kept the Ezhava at a twelve-pace range and Pulaya at a sixty four length distance. The Nairs, on other hand, were unable to approach a Brahmin. The Nair touch was considered unclean by Brahmins. The Nairs can't even get within six feet of the Brahmins in some locations.

Status and Privileges among Nairs

As a result of their well-known reputation in the militia with their significant relationship well with Brahmin and political elite, they were granted various privileges and titles. With minor modifications, Nairs followed their superiors' ceremonies and behaviours. High-born Nairs enjoyed the pleasure of wearing kudumion their heads, just like *Nambudiri* males. They used umbrellas, chapels, and gold decorations, among other things. Except in front of the Brahmins, they wore dresses that went above the waist. Historians have maintained that the Nairs' greatest

luxury was their *Sambandham* relationship with the Brahmins. Through this system of liaison marriage, the *Nambudiri* Brahmins raised the Nairs to a level of the Sudras. As a result, the Nairs gained a prominent and influential place in society as servants of the Brahmins and monarchs. Their names changed depending on where they were. *Panicker*, *Unnithan*, *Valiathan*, *Kaimal*, *Kurup*, *Kartha*, *Mannadiar*, and *Menon* were local political leaders who wielded authority based on feudal land ownership and mandatory military service. Cultivators were the common folk among the Nairs. Some Nairs worked for Brahmin landlords, temples, and royal courts as managers, rent collectors, clerks, and petty officers. The matrilineal communities of the Nairs and Ambalavasi practised *Sambandham* as a marital system.

Marumakkathayam descendance and lineage, transferable joint family, total control over the family by *Karanavar*, the eldest male member, children having no right to their father's properties, husband living in wife's house, children's loyalty and love for their maternal uncle more than their father, no responsibility for the husband to look after his wife and children, very loose marriage ties, polygamy and polyandry in several places, *Sambandham* alliance with Brahmins. In different places, *Sambandham* is known by different names such as *Pudavamuri*, *Pudavakoda*, *Vastradanam*, *Vitaram Kayaruka*, *Mangalam*, and *Uzhamporukkuka*. The Madras Marriage Act of 1896 described *Sambandham* as "an alliance between a man and a woman, by reason of which they cohabit or intend to cohabit as husband and wife, in accordance with the custom of the community to which they belong, or to which either of them belongs." The groom and his family would arrive at the bride's house on a suitable date set by an astrologer. They'd be hosted in the house's southern hall, which had been carefully adorned for the occasion. In the centre of the room, two large brass oil lamps and paras of paddy would be placed, with a bouquet of coconuts in front of the lamp. The groom would take a seat in front of the lamp.

An elderly woman would bring the bride in before the groom at the appointed hour. The bridegroom would give the bride with a wedding shawl or *Pudava* with the approval of the bride's elders. When the bride receives the cloth, she delivers *thamboola* to the bridegroom (betel leaves and arecanut). The ceremony would then be followed by a feast in the house, and the feast would finish the process. Only if the bride has already undergone the complex ritual marriage known as *kettu kalyanam* may a *Sambandham* be performed. While most people anticipate marriage to form a lifelong bond between the man and woman involved, the *Marumakkathayam* law did not believe this to be the most important aspect of marriage. *Sambandam* weddings were more contractual in nature, and any side might end the relationship

at any time. By the late 18th century, the system had begun to evolve, and the *Sambandam* had become more regularised. Women enjoyed property rights under this matrilineal or matriarchal system, and children inherited from their mothers rather than their dads. As a result, dads were stripped of practically all responsibility for their children's upbringing and care.

The children's maternal uncles were more influential in their upbringing. *Sambandam* was a rite that established a man and a woman's right to cohabit and acknowledged a kind of relationship. Families organised these, which were not dependent on individual choice, but divorce was possible; a woman might have *Sambandam* with a male of her own caste or a higher caste. *Sambandam*, on the other hand, is not the same as concubinage. It was restricted since it could only be contracted after the bride had completed specified ceremonies, which were required under penalty of excommunication (Logan 1951, p. 136).

Although legal philosophy encourages flexibility in these relationships, conjugal fidelity is a very broad concept. Nowhere is the marriage tie - however informal - more strictly kept or revered, and nowhere is it more jealously guarded or ruthlessly avenged. Individual observance is closer due to the law's laxness; people are more vigilant about what they are likely to lose.

The Brahmins, who formed the governing class, were followed by the Nairs. The women of Nair are chaste and loyal to their neighbours. There are twelve *pidakai*, or sects, among the southern Nairs. Furthermore, they were the country's primary slave owners. In terms of social rank, the Brahmins and the Nairs have a lot in common. The Nairs, on the other hand, quickly saw the futility of the *Sambandam* system of marriage and divorce and resolved to abolish it.

In 1907, the Keralaleeya Nair Samajam held a meeting, which was presided by C. Krishnan Nair, a Legislative Council member. In his lecture, Krishnan Nair emphasised the need to alter Nair traditions such as the *Sambandam* system of marriage and divorce. He described Nairs' situation as "extremely awful" and "very deteriorating." The matrilineal joint family system was 'diseased' throughout the population. Only by legalising partition could the problem be solved, and only by changing the law could the law be changed.

Most of the proposals would have encouraged distantly related branches to voluntarily cut all ties and divide family property. The second Resolution called for *Sambandham* to be recognised as a legal marriage. These two resolutions, which called for legislative changes, were sent to the governments of Travancore, Cochin, and Malabar (*Malayala Manorama* 1907). The Sri Mulam Popular Assembly met in Trivandrum in November 1907, under the chairmanship of new Diwan

P. Rajagopalachari. In November 1907, C. Krishna Pandalay delivered a memorial to the Diwan during the session. As a result, the Government created a committee of five members to investigate and report on the adjustments needed in the matrilineal system on behalf of the Members of the Assembly who followed the *Marumakkathayam* system of inheritance in their proceedings No. J.530 dated 1st February 1908 (Government of Kerala n.d.). The Committee looked into the difficulties of the Nairs and Samantas, as well as the ten proposed reforms to the joint family and marriage *Sambandam* system.

Position and Hierarchy in Nair Community

The committee favoured partition and believed that the *Marumakkathayam* system should be abolished. The committee submitted its Report, which included their recommendations, as well as a draught Bill to put them into action, in a letter dated August 28, 1908. The Government issued orders on the Report on December 23, 1910, and the committee's bill was revised, and it was announced that the bill will be brought in the council. The council passed this bill on October 17, 1912, and it became Regulation

1 of 1088 M.E. With the passage of the Bill in 1913, the Nair community's hopes and dreams became a reality. "The law of marriage, succession, and family management of the Nairs" was defined and changed by Regulation 1 of 1088 M.E.

The Nair Regulation should apply to all Travancore-based Nairs as well as non-Nairs who are married to Travancore-based Nair women. The Act's second section dealt with marriage and its dissolution. Prior to the Act's introduction, a marriage should be approved according to accepted societal norms and usages, such as the male presenting cloth to the female. However, since the Regulation went into effect, a marriage should only be considered lawful with the agreement of the guardian. A marriage between a male under the age of 18 and a female under the age of 16 that takes place without the consent of the legal guardian may be illegal even after 60 or 50 years because the marriage did not take place with the consent of the legal guardian. If a judge determines that a marriage is invalid, all of the children would suffer in terms of inheritance, and they will be labelled as stamped bastards. The husband and wife would have no rights against each other, resulting in a slew of problems. The marriage should be considered valid if the parties continue to live together after they have reached the ages of 18 and 16, respectively. The dissolution of marriages was dealt with under Section 4 of the Regulation.

The Nair Regulation 1 of 1088 M.E. and its amendment of 1100 M.E., had far reaching effects up on the social and economic life of the Nairs. Changes at first came in the social field and later on the economic field. With the passing of the Nair Regulation Act of 1088 M.E., public *Sambandham* was legally recognized as real marriage. Polygamy which was prevalent among the Nairs was made unlawful and monogamy was enforced. By the 20th century, the younger generations of the *Nambudiris* were permitted to marry from their own caste, as a result of the social interventions of V.T. Bhattathiripad and others. It also contributed to the polygamy and polyandry. Polygamy spoiled the morality of the Nair community and the prevention of bigamy strengthened the family life and saved the children from bastard ship. With the passing of the Regulation of 1088 M.E. (1913), divorce was restricted and rules were made for determining the amount of compensation.

Conclusion

The Nair Regulations achieved the Nair community's goals and aspirations. It made Nair marriages legitimate, and Nair women were entitled to the non-Nair husband's self-acquired property. Polygamy and polyandry declined as marriages became monogamous. It restrained the *Karanavars'* autocratic powers, protected the interests of younger members, and provided for individuals who desired to pursue the *Marumakkathayam* method of inheritance. As the *Makkathayam* trend grew in popularity in the society, many joint families were split up, and its members were pushed to the brink of destitution and misery.

The poor families and branches discovered that their shares were insufficient to sustain them above their basic necessities and requirements. Overall, it was a moment of uncertainty, sadness, and overall hardship for the Nairs as they transitioned from the *Marumakkathayam* to the *Makkathayam* system (Govt. of Kerala, d.). Almost all Nair families in Kerala began to use the *Makkathayam* system of inheritance by the middle of the twentieth century. All of the joint families disintegrated, and nuclear families arose in their place. Despite the fact that the Nairs were first confronted with numerous hurdles, they eventually succeeded in successfully responding to these challenges, resulting in significant growth in the society.

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