

Social Reform, Law, Gendered Identity among an Oppressed Caste, the Ezhavas in Travancore¹

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Introduction

Research and feminist scholarship have noted the impact of colonization, changes in land relations, the commercialization of the economy and the growth and spread of formal education as having provided the basis for the growth of public politics and the emergence of ideas on the distribution of wealth and power in Kerala. These developments prepared the ground for significant changes in the lives of women from the 1880s to the 1950s.³

While growing ideas of justice and fairness in society that the social reform movements among varied communities did inform the changes in inheritance laws, it was a complex process and “contradictions emerged in the social process.”⁴ A study of the upper caste Nair matrilineal *tarawad* points to the historical re-ordering of power relations within the *tarawad* as underlying the changes in kinship and its role in the creation of new identities for women and men and for Nairs as a caste in the 20th century.⁵ The social reform movement among the low caste Ezhavas suggest not only a contest between different traditions within the movement but also the development of several spheres of

autonomous activity by women. These informed women's social roles.⁶ However, discourse within Ezhava social reform on matriliney, inheritance, form of marriage and the campaign for a law of succession and marriage for Ezhavas was predicated on a distinct construction of gender.

Context

Spices from Kerala attracted European trading companies to India's coasts and the growing cultivation of cash crops for the world market had far reaching impact on Kerala's social structure. In Travancore, this process accelerated in the 20th century with the opening of capitalist plantations in the hill regions and the reclamation of backwater areas along the coast for commercial paddy cultivation. By 1921, less than half the cropped area of Travancore was under cash-crop cultivation. Caste, which formed the structural basis of society and defined the nature of Travancore's 'feudalism', was still largely intact. Excluding the Brahmins who, despite their pre-eminent ritual and economic status constituted only a tiny minority, there were broadly four major castes or groups of castes who inhabited very different symbolic-cultural-ritual worlds and commanded vastly different economic and political resources. At the top of the hierarchy stood the Nairs, the traditional military-aristocratic and ruling caste of Travancore and the most important land owning caste. Those who were not land owners held 'superior' tenancies from Brahmins, the state (including the state-owned temples) and/or from other wealthier Nairs and generally cultivated these with the help of Syrian Christian or Ezhava tenants or sub-tenants and untouchable landless laborers.⁷

The Ezhavas following diversified occupations took advantage of the new opportunities that arose under the impact of colonization, changes in land relations, commercialization and the rise of an educated middle class. Many small scale entrepreneurs and traders emerged among

them. A small section acquired 'superior' tenancy rights and landed property. An English educated middle class arose as also a large working class.⁸ Undoubtedly the most widespread mass movement that Travancore witnessed, the social reform movement among the Ezhavas, arose in the context of the emergence of new social classes from among non-dominant castes and communities in Travancore

A new social and cultural discourse signified the changing environment as evident from the Sree Narayana Dharma Pariplana Yogam's (SNDP Yogam) campaign for a law of succession and marriage among the Ezhavas and the Report of the Ezhava Law Committee, 1919 prepared for the Sree Mulam Popular Assembly of Travancore. While scholarship is limited, a pioneering study indicates that the Ezhavas, ranked below the Nairs as a polluting caste were traditionally and mainly share cropping tenants working in the gardens or rice fields owned by Nairs or Nambudiris. Having localized matrilineage, the members of the property group owned the hereditary right of tenure of plots of land and were attached to a Nair land owning family. In the latter half of the 19th century, Ezhava matrilineal *tarawads* began to lose their hereditary rights to fields owing to the development of extensive cash crop farming and general absorption into the market economy. Many Ezhavas became short term share croppers holding plots as individuals while a considerable number lost all rights of tenure and turned to wage labor. Some moved into trade or became landlords in their own right.⁹

In Travancore, a significant section of the Ezhavas followed the *marumakkathayam* system, a section followed the *makathayam* or patrilineal system of succession and inheritance while a third section followed a mixed system or *misradayam* where a separate or self acquired property of a man dying intestate was shared between his children and his tarawad.¹⁰ A High Court statement noted that in south Travancore,

Ezhavas had no settled practices and “tended to adopt from time to time what appear to them best and follow spasmodically some of the customs prevalent among the dominant caste in their immediate vicinity”.¹¹ The Ezhava Law Committee held that where Ezhavas in Travancore following *marumakkathayam* had shifted to *makathayam*, there was a decline in family disputes and litigation. The shift suggested the impact of not only the neighboring *makathayam* areas but also of socio-religious organizations, according to the Ezhava Law Committee.

The Ezhava social reform movement sought to unite all sections of their caste through a common law of inheritance. To forge a community identity, the founder of the movement, Sree Narayana Guru, in a message to SNDP in 1909, stated: “Where *marumakkathayam* system is followed in the community, legal provision should be made to give wedded wife and children the right to a portion of the man’s individual earnings.

Otherwise, marriage would be meaningless. Necessary steps in this direction should be taken after careful consideration.”¹² The Ezhava Law Committee decided to exclude the sections following *makkathayam* from the ambit of the proposed legislation owing to opposition from that section. A common law covering those who followed *marumakkathayam*, *misradayam* and *makkathayam* was considered to be too radical a step at that moment.¹³

For Common Identity and Dignity

As low castes struggling to assert their identity and dignity, the Ezhava social reform movement’s campaigns were directed not only towards enhancing the educational and occupational status of the Ezhavas, but also at freeing them from social shackles or customs, many of which were considered as imitations from the upper castes. This had an important bearing on women and in informing gender identity in the community. From its inception, the SNDP

Yogam called for ending the elaborate and expensive customs including *talikettu kalyanam* (pre-puberty rite), *tirundukuli* (ceremonial bath after first menstruation), *pulikudi* (pregnancy related rite) and also called for a new code of marriage. As early as in 1904, Kumaran Asan, community leader and poet, noted: “The interest that has been generated among our people on the question of reforms in customs. The Yogam activist have two main objectives: one is to eliminate, to the extent possible, the impediments to the progress of the community caused by the enormous expenses and other difficulties that are incurred in order to maintain several meaningless customs and practices: secondly, to protect the dignity of the community which gets eroded and became an object of ridicule. It has been the esteemed opinion of our respected Guru Swami that the practice of *kettukalyanam* is unnecessary and an unworthy practice’. This practice cannot be found in Hindu scriptures or religious practice. Marriage by nature occupies an important place in human life and among Hindu customs it has a prominent place. If we are a community with real self respect and pride, we feel sorry that we have not so far felt ashamed of reducing an event of such importance to mere child’s play celebrated with much pomp and show.”¹⁴ Years later, the Ezhava Law Committee also echoed these views, stating “*Talikettu kalyanam* was an expensive affair for most Ezhavas and had led to tensions and litigation within Ezhava *tarawads* as the ceremony was considered a tarawad necessity, justifying alienation of property for meeting its expenses.”¹⁵

The new ideal: Form of marriage

The Ezhavas in Travancore appeared to follow two forms of marriage: the customary *mundukoda / pudavakoda* as well as *vivaham*, the new form introduced by Sree Narayana Guru. The customary marriage or *sambandham* as practiced by Ezhavas, according to the Ezhava Law Committee, “was not based on Hindu laws such as the

Smritis to which Ezhavas owe no allegiance. The unilateral declaration or act of one of the parties which is neither communicated nor assented to by the other, was considered insufficient for dissolution of *sambandham*. For the children of the sambandham, the sense of paternity in husbands is quite as developed as in the case of *makkathayam* (patrilineal) communities.”¹⁶ Elaborating its ideal of a patriarchal, monogamous marriage, the Committee held, “The Ezhavas maintain a high standard of conjugal fidelity and that they are keenly alive to the sacredness of the marital tie are clear alike from the undivided opinion of the community in favour of a law enjoining strict monogamy in future and from the rarity of instances of divorce. In the generality of cases, the Ezhava wife lives with her husband and under his protection.”¹⁷

Vivaham or the new form of marriage, propagated by Sree Narayana Guru through the SNDP’s reform committees, involved a simple ceremony to be held in a temple or open courtyard (in the presence of priests and elders), the handing over of the bride by her father/paternal authority and the tying of the *manglyasoothram* (the bridal string) around the neck of the bride by the groom. These acts were accompanied by chanting of *manthram*.¹⁸ The Law Committee noted that though this new form of marriage was spreading, the old forms too need to be recognized so as to “avoid bastardizing a large per cent of the present Ezhava population.” Opposing compulsory registration of marriage on the ground that it would go against the sentiments of the community, the Committee suggested legalizing marriage between sub-divisions and within members of the community in Travancore and outside.¹⁹ Among the propertied sections of the Ezhavas, marriages between members of the community from different regions were becoming a possibility. Thus, “it was possible for an Ezhava born near Shoranur in south Malabar to become manager of a cash crop trading company in Alleppey and

marry a woman from a household based at Quilon, which in turn prospered by ferrying coconut husks and coir yarn from central Travancore to Alleppey.”²⁰ With the Ezhavas moving into several niches in the economy being created by commercialization and growth of industries, interaction among sub-sections of the Ezhava caste also increased.

The Ezhava Law Committee moved in a more emphatic manner to elaborate its ideal of a patriarchal family norm, terming it ‘natural’ and ‘conforming to the line and tendency of civilization’, interpreting both Brahmanical precepts, including Manu, as well as liberal ideas of Bentham and Mill for this purpose. Opposing both polygamy and polyandry which prevailed among sections of the Ezhavas, as barriers to “moral development and tranquility of domestic life”, the Committee stressed that monogamy favored, “both cultivation of self-restraint and the elimination of female jealousy, a fruitful source of breach of domestic peace. Says the popular Malayalam poet of old, Kunjan Nambiar, a keen observer of social life: “the wretch who takes himself two wives never tastes the blessing of comfort....”²¹

Varied Customary Practices

Faced with increasing internal tensions and litigations for divorce within its matrilineal property groups in Travancore, the Committee was forced to investigate customary practices that prevailed within the community. Customs concerning divorce varied.

Judicial decisions on the question of the conditions of divorce too were conflicting. An account of a customary practice of divorce among Ezhavas revealed that if either party wanted a divorce, relatives and village elders were informed. If a compromise was not effected, the husband had to pay the wife *azhivu* or a compensation for damage to her youthfulness and health, *chilavu* or cost of marriage and *ozhivu pudava* or ‘release’ of cloth which the husband had presented to his wife and this would signify the end

of the relationship. Another form of divorce was effected through mutual consent, through the “wish of the husband supported by the decisions of the caste assembly and the wife receiving a share of the husband’s property or 101 *fanam* or a deed for 101 *fanam* by the husband.”²²

Shifting the site of decision making to the state, the Ezhava Law Committee suggested that instead of the caste assembly which interpreted the conditions of divorce in varied ways, the District Munisif’s Court should effect divorce as in the case of the Travancore Nair Regulation Act. However, in contrast to the Nair Regulation which provided for payment of compensation by the husband alone, the Ezhava Law Committee held that a majority of the witnesses questioned on the point (the men, mainly) were for making the wife also liable to pay compensation and therefore, compensation should be paid by the party seeking divorce, i.e. either husband or wife. Here, it may be noted that over 94 per cent of the petitioners seeking divorce were women.²³

The focus of the legislation concerned self-acquired property and the Committee stressed again and again that it did not wish to alter the rules of matrilineal succession in *tarawad* property. Here too it had to reckon with varied customs prevailing among the Ezhavas in Travancore. Some had been recognized through judicial decisions. One custom, *Valsaravakasam*, meant the enjoyment of the whole of the self-acquisition of a person by 22 Report of the Ezhava Law Committee, 1919, appendix. His wife and children for a year before a division was made. Another custom, *Cherunettam* or *Cheruthettum* provided for an additional share in the acquisition to be given for the marriage and ceremonies for minor children.

Judicial decisions concerning the origin of these customs varied and the debate centered around the recognition or not of a woman’s contribution and entitlements

to self-acquired property. The Saddar Court held that the wife's right to one half of the husband's self-acquisition originated from the contribution of her labor. It held, "In the enterprising community of Ezhavas, the wife generally helps the husband in his business, whether industry or trade." In a case, the Saddar Court, referring to the origin of the custom, ruled: "The reason is that among the Ezhavas, when a member of a *tarawad* makes a self-acquisition, his wife contributes partly to the same by her labor and the wife being non member of the tarawad, her progeny is entitled to the benefit of that labor to the extent thereof, that is, to a moiety and the rule, therefore, is that half the self acquisition goes to her heirs who are not heirs of the husband. The children received share of father's self acquisition not as his heirs but as heirs of their mother who was a co-owner with the father owing to the labor she put into the self- acquisition."²⁴

The High Court questioned the Saddar Court's interpretation of the custom based on the theory of joint labor, stating that it was not certain whether joint labor or 'natural affection' formed the basis of the custom. Later, the High Court rejected the theory of joint labor and entitled the children to one half of the self-acquisition, irrespective of whether the self-acquisition was made before or after the marriage of their mother. The Ezhava Law Committee viewed the High Court's rejection of the theory of joint labor as striking a blow to the very foundations of *misradayam* or mixed system of inheritance.

The High Court's decision had, for a time, led to the demand among sections of Ezhavas, for a law vesting the title in the son. The High Court emphasized that the legal rights of the children arose from the relationship with the father. The Law Committee held that there was a growing tendency among the Ezhavas following *marumakkathayam* to give the self-acquisition to the wife and children, although customary practice denied them such

rights. The Ezhava reform movement through the SNDP Yogam and over 60 other Ezhava organizations upheld the right of wife and children to self-acquisition. Among those who supported the High Court's version were *Karnavars* of wealthy Ezhava *tarawads*. The leaders included SNDP founder, Sree Narayana Guru, Dr. Palpu, Madhavan Vaidyan, Kunjushankaran Vaidyan, Kochukunju Channar, a wealthy *karnavar* and other influential Ezhavas such as Narayana Panikkar and Aiyappan Raman.

However, smaller sections of Ezhavas opposed this for they felt that such right of devolution of self-acquisition to the wife and children combined with individual division of property would destroy *marumakkathayam* households and the development of *makkathayam* would go against minors and women in the community. Among this section were C.O. Madhavan, Komathu Kunju Panikkar, C.V. Kunjuraman, B. Parameshwaran and Shankara Panikkar.

In the Committee's view, the conjugal union was held in the community as sacred and inviolate ...and the sense of paternity was deeply ingrained. The wife generally lived with the husband in his house along with the children. The father acted as guardian of his children and educated them. He lived and worked for his wife and children and the latter, whether they contributed or not to his self-acquisition, were in general made to expect the fruits of his labor. When he died, his children observed pollution and performed his funeral obsequies and *sradha*. Thus came into existence a species of property derived from the father on which the father's *tarawad* had no right and this contributed not a little to stimulate enterprise for which the community is well known.²⁵

Emphasizing that its goal was to move towards *makkathayam* or patriliney which it considered to be a 'natural course' since the Ezhavas, it felt, had "developed a high sense of duty, paternal and filial which followed from

natural consequence of the condition.” However, the Law Committee stressed that the proposed legislation concerned only the “self acquired and separate property of an Ezhava male left undisposed of at his death” and would apply to those self-acquisitions made after the enactment of the law. As the majority of the Ezhavas were laborers, the number of *tarawads* with over one acre of land were estimated to be not more than 5,000 by the Ezhava Law Committee. However, self-acquisitions were many. Increasing employment opportunities had an impact on the Ezhava joint households following the *marumakkathayam* system. The early recognition given to entitlements in self-acquisition may also have been due to the disinclination of the earning members of the *tarawad* to share the fruits of their labor. The need for separate residence and management could be another such reason. While the Ezhava Law Committee supported the idea of individual partition on the ground that individual ownership would be an incentive to expand more capital and labor on land and could lead to improved methods of cultivation and improve the productivity of the soil, it advocated caution. The Committee feared that making a law on individual partition might expose the landed property of an agricultural community to the risk of outright alienation.

Conclusion

The discourse around the Ezhava Law Committee’s attempts to enact laws of inheritance, succession and form of marriage suggest both an attempt to build a community identity, its ‘reputation’ and ‘status’ as well as the subordination of women by controlling relations, including property relations, between the sexes within the emerging unit of the ‘family.’ The concerted efforts of the Ezhava social reform movement led by SNDP Yogam to end matrilineal practices is also evident from writings, newspaper reports and reports of women’s meetings.²⁶ While the dialogue around the law involved representatives of Ezhava

organizations, religious leaders, educated middle class and government employees, Ezhava women were ignored. Women were viewed as subjects generally incapable of expressing informed or competent opinions. This is evident from the Ezhava Law Committee's directive to tehsildars to select witnesses for examination including "a few lady witnesses also, provided they are deemed competent to give evidence". Among 863 witnesses, only 10 were women. The Committee itself admitted that where women were consulted, they gave informed views. "In Kayamkulam centre alone, four ladies were examined. All the lady witnesses gave ready and intelligent answers to the questions put to them. They seem to have taken pains to study the questions framed by the Committee and besought on them. We may here record our appreciation of the interest, mostly well informed, evinced by the ladies who subjected themselves to viva voce examination as well as by others who sent written answers," the Committee stated. While the law was not the sole site of construction of a gendered identity for Ezhava women, it nevertheless provided the contours within which varied contests emerged within the Ezhava social reform movement in Travancore.

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