

Available at: <http://itirj.naspublishers.com>

pISSN 2321-5453

eISSN 2347-5722

INNOVATIVE THOUGHTS

INTERNATIONAL RESEARCH JOURNAL

Volume 3
Issue 6 **June 2016**

Indexed In

ROAD
Directory of Open Access scholarly
Resources



FROM MATRILINY TO PATRILINY: A STUDY OF THE DECLINE OF MARUMAKKATHAYAM AMONG MALABAR MUSLIMS

Dr. P. Musthafa Farook¹

Marumakkathayam is a peculiar social institution which was practiced in Kerala society during the medieval period. The social, economic and cultural aspects of the contemporary life of the period were influenced by this system. The emergence of feudalism, the predominance of Brahmins in the social hierarchy, absence of social mobility and political fragmentation were the developments that coincided with this system. The institution was the inheritance and succession through the sister's children in the female line tracing descent from a common ancestress. A large group of people descended from a female living together in a *tarawad* or ancestral house is the basic unit of this system. The Nair community who were the traditional warriors of the Kerala rulers practiced this system widely. From them many communities including Mappilas copied it down and reorganized life and system of inheritance according to it. However, the *marumakkathayam* began to disintegrate at the beginning of twentieth century. During this period, as free trade and cash crop economy developed, Mappilas began to acquire personal property by their individual efforts which they gave to their wives and children. The idea gained momentum among the Mappilas, as in the case of other communities, that such self-acquired property of a man should go to his wife and children, rather than to his matrilineal *tharawad*.

The Islamic reform movement started at the close of the preceding century made the Muslims conscious of the un-Islamic aspect of the system and the young generation began to criticize it. Islam insists that it is the husband's duty to take care of the wife and children. The religion, which is essentially patrilineal, exhorts its followers to curtail all those tendencies which lead to a gradual development of matriarchal society. Changes in social circumstances coupled with a revival of Islamic principles give an impetus to the disintegration of *marumakkathayam*. Man, placed at the centre of the family, acquired power and dominance over woman. Social resurgence due to the spread of modern education, growth of democratic and egalitarian ideas as a result of British influence, the increasing pace of industrialization and the urbanization were the other causative factors for its dissolution (IbrahimKunhu 1989:71). From the beginning of the twentieth century in Malabar there was a sensibility that matriliney was 'unIslamic' by nature. The translation of Islamic scriptures into Malayalam and publications of religious writings in the print media and the subsequent assimilation of these dialogues for the articulation of the daily life practices led the young generation to 'rediscover' the un-Islamic aspect of the matriliney (van der Veer 1996:220). Due to the pressure of these social forces the Madras government made legislations for its termination.

In 1920s, matriliney was referred to as "un-Islamic" in the discourses of the courts, reform movements, and Mappila youngsters who received Western education. These discourses on family practices emerged from multiple sites like the court, the state, and the orientalist texts. It was also the time when ideas proliferated in Malabar through print media. Books in English and Arabic were translated into vernacular after the advent of the print technology in South India. Christian missionaries as well as local Islamic scholars invariably engaged with their content. Hence, in the

¹ Asst. Professor in History, Sullamussalam Science College, Areacode, Malappuram, Kerala.

context of Malabar, we will see that there was an advent of new forms of “religious truth.” With reference to Islam, there were new discussions on existing practices.

A description of the ways in which court dealt with a late 20th century invention for the transfer of property among matrilineal communities is relevant here.. It is called transfer by “will.” The majority of the property among matrilineal Muslims was joint family property. Both men and women had right over the property and also for maintenance out of that in their lifetime; while only women inherited the property. However, individuals could acquire private property of their own. Initially, women received landed property as gifts to be owned individually at the time of marriage. Later, men increasingly started to acquire landed individual property. Resultantly, the dissolution of the individual property became a matter of dispute. According to the logic of matrilineal customs, the self-acquired property also reverted to the matrilineal joint property in the case of men being the owner, and to the branch of the joint family in the case of women after their death; and nobody could alienate the property by sale, gift, or will (Ali, 1933; Kumari, 2003). Many individuals wanted to transfer the ownership of property to their children and wife after their death. One of the mechanisms for this was carried out by employing the will. The will implied the gifting of the property during the owner’s lifetime. Malabar Wills Act of 1898 enabled individuals following matrilineal to gift their property by way of the will according to their wish (Kumari, 2003).

The legal back-up for the execution of the will was provided by the Act of 1898. It was general law for Hindus as well as for Muslims. The history of “will” shows the coming into being of the concept of self-acquired property. This in itself could have carried the seeds for the demand for a law which enabled the dissolution of the property to spouse and children (both male and female) of the owner leading to a threat of the integration of the joint family. However, the law per se did not cause a total ruin of the joint family, because the gifted property was mainly used for the formation of a new branch of matrilineal family consisting of mother and her children. Yet, the increase in private property gradually set up the male authority, especially of the father. Colonial court failed to resolve the disputes between male and female children. Over time, one could see that the precepts of Anglo-Muhammadan law gaining momentum against the customary practices of matrilineal. While the lower courts recognized the custom in the judgments, the higher court had an easy resort in the codified Anglo-Muhammadan law. The court had an abstract idea of the “correct” Islamic familial practice. The normative ideal of Anglo-Muhammadan law led to the legislation of the Mappila Succession Act in 1918 (Kumari,2003).

One of the central concerns of junior members of the matrilineal joint family, who were in the forefront demanding legislation, was the rights over property. They wanted to pass their self-acquired property, which was separate from the joint family property to their spouse and children. As per the custom, in the beginning of the 20th century, even the self-acquired property of individuals reverted to their matrilineal property after their death and thus became the part of the collective property. Young men had interest in acquiring the joint family property being a junior member and his wife’s property as the husband. According to Anglo-Muhammadan law, there is no joint family; thus, it was held that there was no provision for the existence of matrilineal joint family property. 10As a result, there was a worry about the mismatch between the “Islamic” notion of the inheritance of property and the existence of *tharavad* property. Young, educated Mappilas wanted bringing matrilineal inheritance in “accordance with the spirit and teaching of Islam” to resolve this incongruity.

The second demand for abolition was explicitly in response to the newly emerged demand for the changes in the customary rules regarding the inheritance of privately owned land according to the provisions of the Anglo-Muhammadan law. Anglo-Muhammadan law recognized individual property, while in matrilineal customs; the individually owned property reverted to the *tharavad* after the death of the individual. In response to this, there was growing demand for a legislation of an Act that legally set up the Anglo-Muhammadan law of inheritance over customary matrilineal customs. The Mappila Succession Act was passed in the year of 1918. The Act marked a shift in the conceptualization of inheritance of the property of matrilineal Mappilas. The inheritance was conceptualized in accordance with Anglo-Muhammadan law.

Mappila Succession Act was enacted in the year of 1918. The central focus of the Act was a provision for the inheritance of self-acquired property by the provisions of Anglo-Muhammadan law. Muhammadan law enabled a Muslim to succeed, to gift, and to own individual property. The Succession Act of 1918 brought those properties of which a Mappila who follow marumakkathayam, and has not made any testamentary disposition to devolve upon his heirs in the order and according to the rules of Muhammadan law even if he dies without making a clear will.

The Mappila Marumakkathayam Act of 1939 allowed the partition of tarawad properties among its members in accordance with the Islamic shariah law. This was a major event in the case of solving property issues among the practitioners of matriliney. This was a great blow to the joint family system. This Act marked the decline of the institution of *Karanavan* and *Karnothi* in the matrilineal family. The Act restricted the powers of the head of the *tharawad*. By the early twentieth century, male and female members became co-owners of the *tharawad* property. The *Karanavan* had to show the accounts of the income and expenditure to the members. There was also a decline in his ritual, spiritual and customary status. The alteration of the matrilineal customs contributed to the subjugation of the women to their husband. While by Act of 1918, self-acquired wealth of an individual may be passed on according to Islamic law of inheritance, the Act of 1939 permitted equal per capita division of a joint family estate between its male and female members (Miller 1976: 252).

Thus, by the end of 1940s, around the period of independence from British rule, the *marumakkathayam* system was replaced by *makkathayam* or patriliney, though some vestiges of it persist even now.

References

- Ali, H. (1933). *Custom and law in Anglo-Muslim Jurisprudence*. Calcutta, India: Thacker, Spink.
- D' Souza, V. (1976). *Kinship Organization and Marriage Customs among the Moplahs on the South West Coast of India*. in 'Family, Kinship and Marriage among Muslims in India', edited by Imtiaz Ahmad, 141-167. New Delhi: Manohar Book Service, .
- D'Souza, V. (1978). *Status groups among the Moplahs on the West Coast of India*. In I. Ahmed (Ed.), 'Caste and social stratification among Muslims in India', pp. 42-56. Delhi, India: Manohar
- Gough, Kathleen. (1961). *Mappila: North Kerala* in 'Matrilineal Kinship', edited by David M. Kathleen Gough, 415-442. Berkely and Los Angeles: University of California Press.
- Ibrahimkunhu, A.P. (1989). *Mappila Muslims of Kerala: Their History and Culture*, Sandhya Publications, Trivandrum
- Miller, Roland. E. (1992). *Mappila Muslims of Kerala*, Orient Longman, Madras.



Perinthattiri P.O, Cheloor, Malappuram Dt. Kerala, India, Pin - 676 507

Ph: 09745073615, 08907162762

Email: naspublishers@gmail.com, web: www.naspublishers.com



 /9745073615  /NasPublishers