

## EMERGING MODERNITY AND THE TRIAL OF KURIYEDATH THATRI

Dr. Nisha M. and Mr. Rajesh K.

The colonial administrators all over the world used their mechanisms to “know” their subjects. Anthropological works that were written during this period serve to instantiate this. The practices of the local populace were minutely studied. Close scrutiny of the sexual practices of various communities were studied and included in the “civilizing” mission. *Sambadham*<sup>1</sup> and polyandry were two such practices. *Smarthavicharam*, being a caste inquisition, was the local practice of trying Nambuthiri women suspected of adultery. This paper attempts to show that the trial of Kuuriyedath Thatri (Savitri) in the *Smarthavicharam* of 1905 is as an example of the regimentation of the Nambuthiri woman through not merely caste inquisition but also through modern discourses aimed at social reformation. In the process, the tussle between the traditional law based on religious texts and modern judicial procedures was strengthened. So, the actual question was about the authority that could regulate the female sexuality.

Governable subjects during colonial modernity in Kerala required understanding of the economic relations. In Kerala the agricultural lands of landed communities like Nair and Nambuthiri remained undivided because of the family practices. In the case of Nairs, it was *sambadham*<sup>2</sup> where women could stay at their natal

- 
- 1 Sambandhams were conjugal unions where Nambuthiri men would “visit” their Nair women but had no right over children produced in such unions.
  - 2 Sambandhams were conjugal unions where Nambuthiri men would “visit” their Nair women but had no right over children produced in such unions.

homes and receive *sambandhams*. The landed property was managed by the eldest *karanavar*<sup>3</sup>. In the case of Nambuthiri, the law of primogeniture was followed. Only the eldest male member could marry and the younger brother or Aphan could engage in *sambandham* with Nair women. In order to break this consolidation of property, colonial administration struck at the structure of the family and bestialized the prevalent practice. *Sambandham* thus became mere concubinage. Polygamy of the eldest son in the Nambuthiri household and polyandry of Nair women were looked down. *Smarthavicharam* becomes significant in this context as it was the trial to regulate female sexuality.

*Smarthavicharam* was conducted to try Namboothiri women who were suspected of adultery. If the charges were proved against her, public pronouncements were made and she was excommunicated from the community and was treated as equivalent to dead. Rituals were conducted to this effect which was termed *irrikkepindam*<sup>4</sup>. The trial of KuriyedathThatri was the most sensational trial in Kerala which ran for seven months and the verdict was pronounced on the night of 13 July, 1905. She had named several prominent men and it has been noted that the Rajah of Cochin Rama Varma XV ordered that the trial be stopped after she had named sixty four men.

KuriyedathThatri<sup>5</sup> is a familiar name in Kerala. She was an *antherjanam*<sup>6</sup> who was tried under *Smarthavicharam* in 1905, and

- 
3. The patriarch who was the head of the family.
  4. 'Irikke' means when alive and 'pindam' is the rice ball offered to the dead.
  5. KuriyedathThatri was a woman of the Brahmin Namboothiri community of Kerala. She was tried in a caste inquisition in 1905 for adultery. She named 64 men in the trial who were excommunicated with her. This trial lasted for 7 months. For the first time purushavicharam was allowed.
  6. This literally means the people inside. The term was used to refer to Namboothiri women who were to remain inside their houses.

was turned into an outcaste. In the trial she had named 64 paramours, most of them prominent men, with whom she had secret liaisons. She has been recreated by many authors like Lalithambika Antharjanam, Matampu Kunhukuttan, Alankode Leelakrishnan and V.T.Nandakumar to mention a few writers. MatampuKunhukuttan's 1976 novel *Bhrashtu* was translated as *Outcaste* by Vasanthi Sankaranarayanan, which saw a second edition in 2019. Thatri's story has also been recast in films like *Parinayam* (1994) and *Vanaprastham* (1999). The films highlight the aesthetic quality in her, especially, her relationship with Kathakali artists<sup>8</sup>.

For *Smarthavicharam* to be initiated, the accusation of “*adukkaladosham*” was levelled against the woman. Though the term refers to adultery, literally it refers to the pollution of the kitchen. The *antharjanam*, as the Nambuthiri woman was referred to, had to remain inside, and the space prescribed in the *illam* (house) was the kitchen. She was responsible for maintaining the caste purity of the household and family through various rituals. As Gita Krishnankutty notes, “since the ritual purity of the kitchen, crucial for maintaining the household's caste status was in the hands of women, it was called into question the moment a woman of the household was suspected of an illicit relationship” (xxii). Accusation of adultery thus directly referred to the loss of caste, especially due to a possible “pollution” of the blood line.

The permission of the king was essential to initiate the *smarthavicharam*. Thatri lived under the jurisdiction of the Maharaja of Cochin. The king during this period in Kochi was Rama Varma XV, also referred to as Rajarshi. He had accorded permission for the

- 
7. A ritualistic caste inquisition, the rules of which are found in Chapter VIII, Padom I Shlokas 1-35 Laghudharmaprakashika in SankaraSmriti, an ancient text.
  8. The most notable relationships was with the famous Kathakali artist Kavungal Sankara Panickar.

conduct of the trial under the *Smarthan*<sup>9</sup> Jatavedan Namboothiri, other Mimamsakas and the royal representative the *Purakoyma*. Matampu Kunhukuttan was the grandson of the Smarthan Jatavedan Namboothiri. He records the trial of Thatri in his novel *Bhrashtu* (1976), translated as *Outcaste*. Two detailed accounts of this ritualised trial are found in Shungoony Menon's *Thiruvitamkur Charitram* (1878) and the anthropologist William Logan's *Malabar Manual* (1887).

The first stage of the trial was the *dasivicharam*<sup>10</sup>. If the accusation alleged was proven to be wrong, the officials prostrated before the accused, and did a *kshamanamaskaram*. *Kshama* is the seeking of forgiveness from the *antharjanam*. This is recorded in the book by Shangunny. It is not clear how many such instances of *kshama* were reported. But several instances of *smarthavicharam* have been reported. In the trial of Thatri, it was established at the stage of *dasivicharam* itself that she committed adultery. Once this was established, the *antharjanam* lost the status of being a *kulastree*<sup>11</sup> or even a woman. From thence, she was referred to as a *sadhanam*.

*Sadhanam* means a thing or an object. All those who were associated with the “thing” were considered “polluted.” The *Smarthan* could then proceed to question her in detail about the adulterers who were known as *jaransor* paramours. When Thatri was questioned, she mentioned, in addition to her husband, her husband's brother, her brother-in-law, her brother, eminent Kathakali artists,

9 Only three families had the right to conduct a trial namely Pattachomayarathmana, Vellaykatmana and Moothamana. Jatave<sup>s</sup> 44 Jatavedan Namboothiri belonged to the Pattachomayarathmana.

10 Dasi refers to a servant. A namboothiri woman could travel, only accompanied by a chaperone/s who was known as *dasi* or *thozhi*. Since she always was with her mistress it was presumed that she would know about her clandestine affairs, if any. So she was questioned first at the trial. Moreover no man, even the Smarthan, could approach the *antharjanam* directly.

11 An honorific given to an upper caste woman especially one who enforces the norms of the caste.

singers, fellow student and mahouts. The most shocking revelation was the name of her father. Lalithambika Antharjanam in her 1938 short story “Goddess of Revenge” (*Prathikara Devata*) presented Thatri's actions as that of revenge as she was asked by her own husband to turn into a prostitute. Madambu Kunhukuttan in *Outcaste*, gives the reason as rape by her husband's brother on the nuptial night. Scholar K. M. Sheeba notes that Thatri was only ten when she was forced into intercourse by a man who later became related to her as husband's elder brother. The trial of Thatri took place when she was twenty three. Though the reasons for her sexual excesses has never been understood clearly, many explanations have been forwarded like revenge, lustful nature and even love of various art forms. It must be noted that whether it was fornication or adultery, Thatri, being a learned woman was aware of the consequences of her actions. During the trial she reports of her brother-in-law, who had requested her to answer in a trial (if it arose) in such a way that the excommunication could not affect his children.

Following the confession, usually the concerned parties were excommunicated and purificatory rituals or expiatory rituals, as the case may be, were done. For the first time in the history of *Smarthavicharam*, a *purushavicharam*<sup>12</sup> was allowed. The motives of such an exemption are analyzed here to connect it to the concern of this paper. It has been noted earlier that the colonial administration was keen on studying the sexual practices and more of the people. The print sphere in the form of magazines and newspapers were instrumental in aiding with the “reforming” mission. The print media took an active interest in such a sensational case and began reporting the trial with attention to even minute details. While garnering the

---

12 *A purushavicharam* refers to a defence by the men involved. They could question Thatri to prove their innocence.

opinion of Thatri being a sinful woman the unfairness of such a caste trial towards men was also highlighted. The men, it was argued, were denied the chance of cross examination, to prove their innocence. The need was for 'modern' procedures of the court like fair hearing and cross examination. It must be remembered that modern courts of justice were in existence during the time and the ritual trials were "procedures [not] acceptable to civil courts" (Sheeba 117). The trial thus became a tussle between premodern and modern judicial processes.

Thrippoonithura was the capital of Cochin at the time. Thatri's trial was re-conducted here at the Hill Palace. Sixty out of the sixty four accused men took part in the trial but only one attempted to refute the charges levelled. Thathri, on her part provided details referring to dates of temple festivals, *kathakali* performances, menstrual periods, pregnancies of her sister and harvesting periods. In modern judicial systems, these are not proof enough to show that adultery took place on the said days. But the ritual - bound *Smarthan* took them as evidence and ostracized the men along with her. Hence, the trial could not be considered modern in the true sense.

Moreover, in the traditional practice, complete silence was to be strictly adhered to. Even the royal representative, the *Purakoyil*, was only a mute witness to the proceedings. If he had a difference of opinion, he would take off the piece of cloth from his shoulder and put it on the floor to indicate his dissatisfaction with the question. The *Smarthan* would then reframe his questions, and if satisfied, the representative would replace the cloth on the shoulder. By allowing the *purushavicharam* in this trial, the Raja was curtailing the hitherto sovereign right of the *Smarthan*. Also, in keeping with modern practices, the whole procedure was documented. The king, anxious of transparency, included certain new "acceptable" practices.

During the trial, the king provided the services of the State machinery which was at his disposal like police protection, services of the apothecary and officials to document the proceedings. This can be read as the assurance of a trial based on the procedures of the civil court. It must be observed that Thatri, who was the *Sadhanam* (object), could not question the men as she was in the object position. Termed as such, she did not have the agency to act. It is only in literary works that she raises her concerns. There, she questions the rigid orthodoxy. For instance, in Madambu Kunhukuttan's version, she questions the *pundits* as to whether her crime was merely being born an *antharjanam*. She is given the status of a victim who seeks revenge. In his version, she questions the innumerable number of secret liaisons of men and poignantly asks if even one Namboothiri would remain unaffected if they had a *smarthavicharam* initiated against them. Lalithambika Antharjanam treats her as the goddess of revenge albeit in the form of a ghost. In reality, though it was reported that she answered like a “barrister,” (Malayala Manorama qtd.in Devika *Kochi Post* ) she couldn't counter question. Given the previous knowledge of the unfairness of all such trials (a *smarthavicharam* could be initiated only if the *antharjanam* confessed to her guilt), perhaps her questioning would not have had any effect at all.

The print sphere was a part of colonial modernity in shaping the opinions of its readers. The surge in reformation across communities was sadly only the reformation of the woman. The vehemence with which the trial was attacked was seen here. Neither the State not the *Smarthan* condemned the actions of KuriyedathThatri. It was the print sphere that likened her to a “prostitute” and as a sexual offender. The *Malayala Manorama* daily wrote, “The number of men involved indicates that she was worse

than a prostitute. She moved about freely and did what she liked. How can truth be expected of such a woman with absolutely no morals?" (qtd. in Devika). The repeated circulation of Thatri as a shameless, sinful woman in the dailies, in fact, only strengthened the need for a monogamous relationship.

Any explanation of why Thatri was accused of adultery several years after her actions began seems unsatisfactory. Some accounts put forth a controversy theory on the part of the king against the English- educated youngsters, especially by pointing out the number of young men involved in the case. Other accounts suggest that the neighbour who levelled charges of accusation had economic motives behind this. That she did not bear any children even after involving herself in multiple relationships has been taken to show that the whole story was concocted especially after the hearsay after the trial. K.M. Sheeba notes, "Thathrikkutty was becoming an instrument in the hands of the emerging Malayali public sphere to consolidate the modern notions of sex and aberrance, chastity and punishment, and of the changing definitions of private and public" (127).

Caste orthodoxy and colonial modernity were grappling with the idea of female sexuality in different ways from late nineteenth to early twentieth centuries. Representatives of caste resorted to the *Smritis* and *Manu* for the chaste woman, whereas colonialists resorted to Victorian ideals of the chaste woman. Both required women to be chaste, offering her services to the household. The timing of the *Thathrikkutty* incident was decisive in transforming it into a central issue to be taken up by the reformers and the print media to abandon *debauched* social practices rooted in Kerala. The inability of the woman in gaining sovereignty on her body was strengthened by the print sphere, the State machinery and religion alike. The new



value order that emerged focussed on a new body and self that was suitable for the emerging modernity.

### Works Cited

Antarjanam, Lalitambika, *Cast Me Out If You Will: Stories and Memoir*. Translated by Gita Krishnankutty, Stree, 1998.

Devika, J. "The Many Incarnations of KuriyedathThatri." The Kochi Post 17 Sept. 2019 Accessed 20 July 2020

Kunhukuttan, Matampu. *Outcaste: A Novel*. Translated by Vasanthi Sankaranarayanan. Aleph Book Company, 2019.

Logan, William, *Malabar Manual* Vols. I-II, 1887. Asian Education Services, 1995.

Sankarasmriti: Laghudharmaparakashika with Malayalam Commentary, 1906 Accessed 22 Dec. 2019.

Sheeba K. M." Some Aspects of Women's Consciousness Among Namboodiris in Keralam in the Nineteenth and Twentieth Centuries." Dissertation, Centre for Historical Studies, JNU, 1995, *Shodhganga*. Accessed 3 August 2020.

Menon P., Shungunni. A History of Travancore from the Earliest Times: Volume 1. Madras : Higginbotham and Co., 1878. *Google Books*. Accessed 20 July 2020