

VICHARAMS: EVENTAL POINTERS, POSSIBILITIES AND INTENSITIES IN LIMINAL PHASES

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Abstract: This article discusses the trial of Thathri in terms of the sociological concepts of space and liminality, and illustrates how both the communitarian domain and the modernizing order in Kerala had significant differences in terms of the treatment meted out to the female gender, compared to other orders within the Indian subcontinent.

I came across the intriguing institution of *Smarthavicharam* in general and the celebrated trial of Thathri in particular through the culturally/historically embedded references in the everyday life of Kerala. The protagonist in this trial and the components of several trials have been the subject matter of an impressive number of films, literature and research works¹. In addition, there have been specific focuses on the Namboothiri community in the contexts of community reforms in the nineteenth and twentieth centuries in the socio-political milieu of Kerala.

The question for this brief conceptual enquiry starts with how I eventually relate to this material through my own engagements with public space and social organization particularly within Kerala. Which motifs in existing literature or popular references assume significance? Often the themes that emerged were the following: the public/private divisions and evaluations, spatiality, gender and kinship/ ordering, evolution of legal domains, as well as the association with state as a modern structure. There are revelations through comparisons with other Indic contexts of the pre-modern state positions on women (Chakravarti 1995), theoretical positions on public space (Freitag 1989; Devika 2002),

¹For a comprehensive list of works inspired by and based on the trial of Thathri see the sections Responses in the preface and Vijayakrishnan.

specific references to the trials (Sheeba 2002), reforms in Kerala (Elayidom 2014), theorizations of everyday and production of space (Lefebvre 1991), the possible anthropological dimensions in ‘liminality’ (Turner 1977 and 1974; Gennep 1960), as well as brief references in literature about the trial. They became coordinates to locate my reading.

The field of reference for a conceptual take on chastity trials stretches from the pre-modern Namboothiri order, to discourses of sexual morality, through the several trials and their transformations, to the beginning of twentieth century trial of Thathri. Kingship, feudal order, colonial regime and wider populations became part of the discourse over time. The phenomenological experience of the different actors involved through time and space moved across shame, vengeance, equilibrium, and morality.

Deviance, sexuality or morality may have been part of innumerable events involving other segments of the society, other communities, or overlapping domains as well. There might have always been the involvement of existent power structures. But by the twentieth century, the colonial capitalist relationships had opened up modern domains of engagement out of community spaces.

Modern Kerala was formed out of a rich mosaic of different social and political processes that had diverse, and at times conflicting, trajectories. Conflicts and ruptures emanated from changes in modes of production and the different relationships that ensue. The social relationships in turn shape the course of social history when they encounter the claims and contradictions of new requirements. The colonial order consolidated the existing caste-based feudal structure, delimiting and frustrating the tendencies of social transformation in the process. This can be seen as a strategic and pragmatic mechanism to protect the administrative system and its hierarchical social order from which many were excluded. The contradictions produced by the new colonial modes of production and feudal means of control moulded the reform movements that questioned the hierarchical order.

The tightening *jati order* meanwhile tried to maintain its ‘purity’ within a loosening land-based hierarchical order. New spaces opened up especially where the fast rigidifying *jati orders* went to breaking points and in the general environment of reforms that arose alongside. The inaccessible sacrosanct domains like that of the traditional legal code driven Namboothiri communities, structured more so after the eighteenth century, too came under public lens. This was also an effect of the growing public sphere.

In the transformation of a relatively closed space to an arena for spectacular events, important ideas like civility, statehood and public sexual morality got discussed. The narratives of the time also gave hints to ‘generation’ of another hegemonic discourse, distinct from that within the corporate order of Namboothiri—Nair dependencies and conjugal orders.

At a more anthropological level there are also the possible extrapolations into past wherein vestiges of polyandry may have got institutionalized, by eighteenth century, within an agrarian-feudal-hierarchical system into *marumakkathayam* (forms of matrilineal inheritance with avuncular control) as well as conjugal contractual formats like the *sambandhams*. They in turn got challenged in a new production and land distribution regime, with the coming in of separate caste reforms and monogamous moralities. The spatio-temporality of the transition period may well have liminal characteristics (Turner 1977). Turner borrows the idea of limen from Van Gennep’s tripartite processual structure of rites of passages². He used it to enquire into what happens in the marginal state of rituals. The state that a person is in during the liminal condition is one which is neither here nor there, neither this nor that; instead they are in Turner’s words “betwixt and between”. This is a state of paradox in which the former status is deconstructed so that they may emerge in a new status and state.

What we glean from the literature and studies is that there are demands by the accused men that they and their distinct castes (by those accused who are not Namboothiris) do not accept the legitimacy of the chastity trial. Owing to this they also demand modern forms of jurisprudential intervention which was getting established through the fast modernizing princely states of Kerala, which were already giving prominence to people’s representation, public health and public education. But these demands of public enquiries too, noticeably,

² A rite of passage is a ritual that marks a change in a person's status (social, sexual). The term was popularised by ethnographer Arnold van Gennep (1873-1957). According to Van Gennep, rites of passage have three phases: separation, liminality, and incorporation. In the first phase, people withdraw from the group and begin moving from one place or status to another. In the third phase, they re-enter society, having completed the rite. The liminal phase is the period sandwiched in between these states, during which people have left one place or state but haven't yet entered or joined the next.

never came close to the agency of the woman involved. Thus the accusations of the women were legitimate, but channels of modernization and modifications were resorted to by the accused males to find a way out. An aside to the reading on the chastity trial as well as the social ordering of the days is the clear suggestion of very distinct conjugal orders and relationships to land that preclude any form of pan-Indian assumptions. There is an omnipresent crossing of caste and community borders and boundaries in everyday life and that too not clandestinely, which should problematize any further assumption of a unitary caste-ideal as well and point more towards the specifics in the socio-cultural ambiances. The modernizing phases too maintain these distinctions.

The background information on the patriarchal and patrilineal power structure of the Namboothiris who were on top of the hierarchy logically necessitated a relatively stringent juridical control on sexuality of women. The maintenance of property also necessitated a distinction in the sexual freedom of male and female genders within this community. In fact, with eighty percent of the land under the control of a community that comprised less than two percent of the total population, this was one of the most skewed land orders in history.

The meticulous gestalt in the structuring of components within the jurisprudential system is significant for the method of chastity trials. There is the king, the *Smarthan*, *Purakoyma*, *Meemamsakan*, *Akakoyma* and the man (generally a Tamil Brahmin) who announces the ostracism of the accused woman and the men she had named. Then there are the spatial and procedural domains, like the different *Illams*, assemblies, or the changing of spaces as trial proceeds (*anchampura*). The ritual transformations like *Sradhhas* (types of homage) or *Prayaschitham* (penance), the specially designed sadistic tortures for wrenching confession as well as the transformations of the subject (reinstating as a human being into community after ritualistic apology- which was a rarity or into that of *Sadhanam* bereft of humanness after accusation and excommunications) etc. All talk about this order was maintained by the kingship. The maintenance can be explained by an entrenched exchange of status and conjugal rights. In the modernizing liminal situation the components in the gestalt were reshuffled and the ruling powers also started to reinterpret the scenario.

The role of media in and as public sphere was also on the rise during the trial of Thathri episode (Jeffrey 1987/2000). The accused was portrayed more as the victim, though the gender dimension that could be read into the trials was always part of the victimization discourse. In fact the whole reform phase, represented in the Namboothiri domain by the movements of V.T. Bhattathirippadu or Lalithambika Antarjanam, did not dwell much on

the sexuality of women and thus the lack of representation of this aspect still marred the public sphere that was on the rise. Often the calls for reform, even when they lamented the community imposed 'duties' and gave open calls to come out of clutches, asked women to come out in order to serve some larger cause. In the context of the rising national movement throughout India, it was often for the cause of nation.

What is very significant in the process of trial and litigation is the transformations of beings during what I take to be a liminal phase. I say so because all the erstwhile identity of the accused is removed both ritualistically and geographically. The blamed becomes an 'object' (*Sadhanam*) that is waiting to come out either as a being in the community or to be excommunicated. The procedural steps in the traditional trial start with the accused Namboothiri's maid servant. The *Sadhanam* is taken to the *anchampura* following this perfunctory blame. This is followed by *Smarthavicharam* proper, verdict, announcement of the verdict, severing rights of obsequies, excommunication and the purificatory feast. The whole process could be initiated by mere suspicion. There have also been extreme instances of sending snakes to separate spaces to try and intimidate the accuse woman to confess. The other possibility of rejoining the community as full-fledged Brahmin woman also did exist. In the instance of rejoining the expiator is accommodated in the purificatory feast.

The dominant portrayal of Thathri gives an understanding that there was a post-evental discourse that successfully tried to place practices within dominant discourses and narratives. Whereas the event or the practice itself was more of a possibility, in the ways it unraveled, make us understand how humans of that time embodied moralities albeit with contextual tensions and consequences. The success of dominant narratives and discourses (purity- victimhood- morality- monogamous ideals and caste boundaries) resulted in the furtherance of certain gendered moralities in the public spheres.

1900s was a period of grand convergences: the colonial economic apparatus was straining the existing *jati* relationships, reform tendencies were on the rise across communities and there was a rise of scientific discourse. At the same time there were reassertions of caste purity among certain caste strata. But with reforms in the air, the severance of conjugal dependencies and disintegrating material base of land and property relationships, these reassertions could at best be facades. The maintenance of a tradition of ritualistically transforming the accused into something less than a 'bare life' (a la Agamben's *Homo*

*Sacer*³) in order to proceed with the cleansing of community is such an instance. But for this, the accused will still be part of an order that is striving to maintain an imagined purity. One can imagine this in a rising moral environment wherein the prevailing conjugal order was fast disintegrating. In the trial of Thathrione sees the modern state interventions and space of appeal given to those excommunicated by the princely state. But parallel with the space grew the modern version of gendered morality.

But it is to be noted that both the communitarian domain and the modernizing order had significant differences in terms of treatment meted out to the female gender, compared to other orders within the Indian subcontinent, about which there is some documentation. This, for instance, can be contrasted with that of Maharashtra during eighteenth century (Chakravarti 1995). There women who were held responsible for adultery met with severest condemnation⁴. This substantially differs from the instances of trial in Cochin, especially the last ones.

Two of the significant tendencies as one looks back at chastity trials are conveyed well by the idea of liminality i.e. during the process of interrogation, and the transformation of the accused to not even a 'bare life', but an object. The transformation is a sine qua non for the preclusion of narratives that can otherwise come out of an Antharjanam.

There is much to read into the chastity trial as an event and in exploring the whole situation as a singularity (Bruce 2010) with rhizomic potentials vis-à-vis the then social order. In the specific case of Thathri's trial there were developments unprecedented and unfamiliar with anyone involved or was witness to. In this way it broke the routines of everyday. By breaking the everyday of the land based feudal order managed by a modernizing princely state, the event threw open possibilities for novel social relations or conceptualizations. With the newer actors involved and the intervention of modern jurisprudence, media etc., it became a "plateau of intensity" (Deleuze and Guattari 1987). The cocooned walls of community trials were conclusively breached and the communitarian realms became

³Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Tr. Daniel-Hellen Roazen. California: Stanford U P.

⁴ See Sheeba for a detailed discussion

inseparable from broader social realms. The long term outcome does demand further analysis. But the liminal phase of the event did bring things to the boiling point.

What was involved in the continuation of a community's legal codes in modernizing contexts and formation of the modern state is the maintenance of the façade of practice and at the same time the re-invention of tradition 'in and for' a changing socio-spatial order. It is not that the different *jati* orders in the then princely states of Travancore or Cochin had exclusive domains. The corporate *tharavads* of Nairs, or the land based feudal orders had conjugal, supervisory and contractual dependencies. But yet the order was mathematically maintained by kingship and the colonizers. This was falling apart in the early half of the twentieth century. In such a situation the event of the trial holds a multiplicity of potential and possible outcome apropos Turner's liminal outcomes (1974/77). The trial of Thathri clearly illustrates this. It potentially constituted a structuring of relationships in that gestalt spatio-temporal order and a plane of emergence irreducible as a representation of what was until then there, whether that is tradition or the moral puritan order of a community.

The meticulous organization of trial and the regulations on the public and private spaces along with gendered dimensions they signify speak volumes of a changing spatial order in the beginning of 1900s. The spatial practice does ensure a sense of community and cohesion, but at the same time the existing relationships of production or reproduction of the social order is in transformation. So the representations of space (Lefebvre 1991) are getting challenged and new representational spaces are in the making, which means that the façade of a practice as well as representations are bringing up newer interpretations. On the other hand one also sees new abstract spaces in the making, whose material bases are not yet fully visible. The pre-existing or entrenched power tries to assert its hegemony through facades of trial on one hand while the modernizing welfare state intersperses a gendered welfare order with technical interventions like modern legal codes and taking into consideration the 'civil matters' involved in the excommunication of the victim or any of the accused. The procedures of the courts as well as the methods of drafting and documentation were alien to traditional ways. There were also demands for qualified legal professionals rather than the unqualified *Smarthan*.

In both the communitarian order maintained by the princely state and the modernizing phase, one can glean distinctions from other Indian contexts. Unlike the experience in other regions, the older moral order that prevailed did not have hard rules of female sexuality per se though of course there were entrenched power-mediated relationships in the *jati* order. The *Manipravalam* works of fourteenth to sixteenth centuries did give space to erotic

themes and women's open expression of sexuality. In fact this was even admired. But by the end of the eighteenth century, as with the ordering of *jati* in general, there was a rigidification and in the patriarchic Namboothiri community, women's purity became a communitarian male-prerogative. But by the beginning of the twentieth century, as argued out earlier, this was falling apart and another modern state-mediated process was taking root. We see here the rise of a welfare protective moral regime which, unlike the nineteenth century chastity trials, takes measures to ensure the security of women during the trials and transports afterwards. The representative of the state emphasizes the liberty of women after trial to live her life the way she wants (Sheeba 2002). But one sees a new protective order, after the liminal phase of litigations and trials of early twentieth century. It is surely more cautious and concerned about the 'individual woman' who can be individually expressive, much more than the 'absolved individual men'. This had implications for the gendered order that was to follow in modern Kerala.

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