

The Nayars and the Definition of Marriage

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The problem of a satisfactory definition of marriage has vexed anthropologists for decades and has been raised, but not solved, several times in recent years. Over time it became clear that cohabitation, ritual recognition, definition of sexual rights or stipulation of domestic services each had too limited a distribution to serve as a criterion for all the unions anthropologists intuitively felt compelled to call 'marriage'. For good reason therefore the Notes and Queries definition of 1951 makes no reference to any of these: 'Marriage is a union between a man and a woman such that children born to the woman are recognized legitimate offspring of both parents.'

Admirably concise though it is, this definition too raises problems in a number of societies. The Nuer institution of woman-marriage-to-a-woman would be a case in point. Here, both parties to the union are women yet, as Evans-Pritchard (1951, pp. 108-9) has shown, the legal provisions of the union are strictly comparable to those of simple legal marriage between a man and a woman. Few therefore would question Evans-Pritchard's logic in caning this union a marriage.

The Notes and Queries definition contains two criteria: that marriage is a union between one man and one woman, and that it establishes the legitimacy of children. Nuer woman-marriage does not conform to the first criterion but it does to the second. At this point the problem therefore becomes: is a definition feasible which would insist only on the second criterion, that of legitimizing children?

In Europe, Dr Edmund Leach initiated the most recent chapter in this discussion (Leach 1955), and rather than review its whole history it is pertinent for me to take up the argument where he and others have left it. In effect, Dr Leach answered 'no' to the question posed above. He argued not only against the vagueness of the phrase 'legitimate offspring' but also against any use of potential legal paternity as a universal criterion of marriage. He concluded in fact that no definition could be found which would apply to all the institutions which ethnographers commonly refer to as marriage. Instead he named ten classes of rights which frequently occur in connection with what we loosely term marriage, added that 'one might perhaps considerably extend this list', and seemed to conclude that since no single one of these rights is invariably established by marriage in every known society, we ought to feel free to call 'marriage' any institution which fulfils any one or more of the selected criteria.

There is, surely, a quite simple logical flaw in this argument. For it would mean in effect that every ethnographer might extend at will Dr Leach's list of marital rights, and in short define marriage in any way he pleased. This may be legitimate in describing a single society. But I would argue that for purposes of cross-cultural comparison, we do need a single, parsimonious definition, simply in order to isolate the phenomenon we wish to study.

In support of his argument against using the legitimizing of children as a universal criterion of marriage, Dr Leach cited the Nayar case. On the basis of two of my papers on the Nayars (Gough 1952, 1955a), he stated that the Nayars traditionally had 'no marriage in the strict (i.e. *Notes and Queries*) sense of the term but only a "relationship of perpetual affinity" between

linked lineages (Gough 1955a). The woman's children, however they might be begotten, were simply recruits to the woman's own matrilineage.' He stated further, 'The notion of fatherhood is lacking. The child uses a term of address meaning "lord" or "leader" towards all its mother's lovers, but the use of this term does not carry with it any connotation of paternity, either legal or biological. On the other hand the notion of affinity is present, as evidenced by the fact that a woman must observe pollution at her ritual husband's death (Gough 1955a). Later Dr Leach concludes that among the matrilineal matrilineal Nayar, as we have seen, right (to establish a socially significant "relationship of affinity" between the husband and his wife's brothers) is the only marriage characteristic that is present at all' (Leach 1955, P- 183).

This paper has two objectives. It will begin by analyzing traditional Nayar marital institutions and thereby showing that in fact the notion of fatherhood is not lacking and that marriage does serve to establish the legitimacy of children. My analysis will, I hope, not only dispose of a misinterpretation on Dr Leach's part, but will in general clarify what has always proved a crucial but difficult borderline case for theorists of kinship. The paper will conclude with a new definition of marriage which will again make the status of children born to various types of union critical for decisions as to which of these unions constitute marriage. The ultimate aim is not of course to re-define marriage in a dogmatic way to suit a particular case, for definitions are tools of classification and not aims of research. The aim is to show that there is a common element not only in the institutions anthropologists have confidently labelled 'marriage' by the *Notes and Queries* definition, but also in some unusual cases to which that definition does not apply. Whether we call the element 'marriage' does not much matter provided it is made explicit, but it would probably be convenient to do so.

This account will refer to Nayars in the former kingdoms of Calicut, Walluvanad, and Cochin in the centre of the Malabar Coast or Kerala. In the northernmost kingdoms (Kolattunad, Kottayam) and probably also in the southernmost kingdom of Travancore, Nayar residence appears to have been avunculocal even before the period of British rule, marriage was optionally polygynous but not polyandrous, and individual men appear to have had definite rights in and obligations to their children. Full information is not available for these northernmost and southernmost kingdoms in the pre-British period. But it seems probable that in the northern kingdoms at least, even the *Notes and Queries* definition of marriage was applicable to the Nayars. It was certainly applicable in the latter half of the nineteenth century for which I have accounts from informants.

My account of marriage in the central kingdoms is a reconstruction of a state of affairs which appears to have been general before 1792 when the British assumed government of the Coast. As I have shown elsewhere (Gough 1952) Nayar kinship was slowly modified in the nineteenth century and more rapidly in the twentieth. But in remote villages the traditional institutions persisted until towards the end of the nineteenth century and were remembered by a few of my older informants. Their reports are not contradicted and are substantially corroborated by writings of Arab and European travellers of the fifteenth to eighteenth centuries.

In this account I shall use the terms 'marriage', 'husband' and 'wife' without definition. My reasons for doing so will appear later.

In each of the three central kingdoms the Nayar caste was divided into a number of ranked subdivisions characterized by different political functions. Chief of these were (a) the royal lineage, (b) the lineages of chiefs of districts, (c) the lineages of Nayar village headmen and (d)

several sub-castes of commoner Nayars. Each of these last either served one of the categories (a) to (c) or else served patrilineal landlord families of Nambudiri Brahmans. I shall deal first with the commoner Nayars of category (d).

There were present in each village some four to seven exogamous matrilineages of a single sub-caste of commoner Nayars. These owed allegiance to the family of the head of the village, which might be a patrilineal Nambudiri family, a Nayar village headman's matrilineage, a branch of the lineage of the chief of the district, or a branch of the royal lineage. The commoners held land on a hereditary feudal-type tenure from the headman's lineage and, in turn, had authority over the village's lower castes of cultivators, artisans, and agricultural serfs. Each retainer lineage tended to comprise some four to eight property-owning units which I call property-groups. The property-group formed a segment of the total lineage and was usually composed of a group of brothers and sisters together with the children and daughters' children of the sisters. The members owned or leased property in common, lived in one house, and were under the legal guardianship of the oldest male (*karanavan*) of the group. Both the property-group and the lineage were called *taravad*.

Nayar men trained as professional soldiers in village gymnasias, and for part of each year they tended to be absent from the village in wars against neighbouring kingdoms or for military exercises at the capitals. Only the *karanavan*, the women and the children of the property-group remained permanently in their ancestral homes.

The Nayars of one village or of two adjacent villages formed a neighbourhood group (*kara* or *tara*) of some six to ten lineages. Each lineage was linked by hereditary ties of ceremonial co-operation with two or three other lineages of the neighbourhood. These linkages were reciprocal but not exclusive, so that a chain of relationships linked all the lineages of the neighbourhood. The lineages linked to one's own were called *enangar*; the total neighbourhood group, the *enangu*. At least one man and one woman of each linked lineage must be invited to the house of a property-group for the life-crisis rites of its members. Its linked lineages were also concerned if some member of a lineage committed a breach of the religious law of the caste. It was their duty at once to break off relations with the offending lineage and to call a neighbourhood assembly to judge and punish the offence. Its linked lineages thus represented the neighbourhood group as a whole to the offending lineage and were special guardians of its morality. Sometimes in small neighbourhoods the commoner Nayar lineages were all *enangar* to each other, but in larger neighbourhoods this was not feasible, for the heads of property-groups would have had too many ceremonial obligations to fulfil.

The linked lineages played their most important role at the pre-puberty marriage rites (*talikettukalydnam*) of girls (Gough 1955b). At a convenient time every few years, a lineage held a grand ceremony at which all its girls who had not attained puberty, aged about seven to twelve, were on one day ritually married by men drawn from their linked lineages. The ritual bridegrooms were selected in advance on the advice of the village astrologer at a meeting of the neighbourhood assembly. On the day fixed they came in procession to the oldest ancestral house of the host lineage. There, after various ceremonies 'each tied a gold ornament (*tali*) round the neck of his ritual bride. The girls had for three days previously been secluded in an inner room of the house and caused to observe taboos as if they had menstruated. After the *tali*-tying each couple was secluded in private for three days. I was told that traditionally, if the girl was nearing puberty, sexual relations might take place. This custom began to be omitted in the late nineteenth century, but from some of the literature it appears to have been

essential in the sixteenth and seventeenth centuries. At the end of the period of seclusion each couple was purified from the pollution of cohabitation by a ritual bath. In Calicut and Walluvanad each couple in public then tore in two the loin-cloth previously worn by the girl during the 'cohabitation' period, as a token of separation. This rite appears to have been omitted in Cochin. In all three kingdoms however, the ritual husbands left the house after the four days of ceremonies and had no further obligations to their brides. A bride in turn had only one further obligation to her ritual husband: at his death, she and all her children, by whatever biological father, must observe death-pollution for him. Death-pollution was otherwise observed only for matrilineal kin. In Cochin, even if their mother's ritual husband never visited his wife again, her children must refer to him by the kinship term *appan*. Children in the lower, patrilineal castes of this area used this word to refer to the legal father, who was presumed also to be the biological father. In Walluvanad and Calicut I did not hear of this verbal usage and do not know by what term, if any, Nayar children referred to their mother's ritual husband.

The pre-puberty tali-rite was essential for a girl. If she menstruated before it had been performed, she should in theory be expelled from her lineage and caste. In fact, however, my informants told me that in such a case the girl's family would conceal the fact of her maturity until after the rite had been performed. But it was a grave sin to do so and one which would never be publicly admitted.

The tali-rite marked various changes in the social position of a girl. First, it brought her to social maturity. She was now thought to be at least ritually endowed with sexual and procreative functions and was thenceforward accorded the status of a woman. After the rite people addressed her in public by the respectful title *amma* meaning 'mother', and she might take part in the rites of adult women. Second, after the tali-rite a girl must observe all the rules of etiquette associated with incest prohibitions in relation to men of her lineage. She might not touch them, might not sit in their presence, might not speak first to them and might not be alone in a room with one of them. Third, after the tali-rite and as soon as she became old enough (i.e. shortly before or after puberty), a girl received as visiting husbands a number of men of her sub-caste from outside her lineage, usually but not necessarily from her neighbourhood. In addition she might be visited by any Nayar of the higher sub-castes of village headmen, chiefs or royalty, or by a Nambudiri Brahman. All of these relationships were called *sambandham*. Among commoner Nayar women, however, the great majority of unions were with men of commoner subcaste.

Relations between any Nayar women and a man of *lower* Nayar sub-caste, or between any Nayar woman and a man of one of the lower, non-Nayar castes, were strictly prohibited. If a woman was found guilty of such a relationship her lineage's *enangar* carried the matter to the neighbourhood assembly. This temporarily excommunicated the woman's property-group until justice had been done. In the nineteenth century and early this century the property-group was re-accepted into caste only after its *karanavan* had dismissed the woman from her household and caste, never to return. In pre-British times a woman so dismissed became the property of the king or chief and might be sold into slavery with foreign traders. Alternatively, however, the men of her property-group had the right, sometimes exercised, to kill both the woman and her lover and thus preserve the good name of their lineage.

After the ritual marriage the bridegroom need have no further contact with his ritual wife. If both parties were willing, however, he might enter into a sexual relationship with his ritual bride about the time of her puberty. But he had no priority over other men of the

neighbourhood group. There is some uncertainty as to the number of visiting husbands a woman might have at one time. Writers of the sixteenth and seventeenth centuries report that a woman usually had some three to eight regular husbands but might receive other men of her own or a higher caste at will. Hamilton in 1727 stated that a woman might have as husbands 'twelve but no more at one time' (Hamilton 1727 I, P. 310). As late as 1807 Buchanan reported that Nayar women vied with each other as to the number of lovers they could obtain (Buchanan 1807 I, P. 411). A few of my older informants could remember women who had had three or four current husbands, although plural unions were being frowned upon and had almost died out by the end of the last century. There appears to have been no limit to the number of wives of appropriate sub-caste whom a Nayar might visit concurrently. It seems, therefore, that a woman customarily had a small but not a fixed number of husbands from within her neighbourhood, that relationships with these men might be of long standing, but that the woman was also free to receive casual visitors of appropriate sub-caste who passed through her neighbourhood in the course of military operations.

A husband visited his wife after supper at night and left before breakfast next morning. He placed his weapons at the door of his wife's room and if others came later they were free to sleep on the verandah of the woman's house. Either party to a union might terminate it at any time without formality. A passing guest recompensed a woman with a small cash gift at each visit. But a more regular husband from within the neighbourhood had certain customary obligations. At the start of the union it was common although not essential for him to present the woman with a cloth of the kind worn as a skirt. Later he was expected to make small personal gifts to her at the three main festivals of the year. These gifts included a loin-cloth, betel-leaves and arecanuts for chewing, hair-oil and bathing-oil, and certain vegetables. Failure on the part of a husband to make such a gift was a tacit sign that he had ended the relationship. Most important, however, when a woman became pregnant it was essential for one or more men of appropriate sub-caste to acknowledge probable paternity. This they did by providing a fee of a cloth and some vegetables to the low caste midwife who attended the woman in childbirth. If no man of suitable caste would consent to make this gift, it was assumed that the woman had had relations with a man of lower caste or with a Christian or a Muslim. She must then be either expelled from her lineage and caste or killed by her matrilineal kinsmen. I am uncertain of the precise fate of the child in such a case, but there is no doubt at all that he could not be accepted as a member of his lineage and caste. I do not know whether he was killed or became a slave; almost certainly, he must have shared the fate of his mother. Even as late as 1949, over a hundred and fifty years after the establishment of British rule, a Nayar girl who became pregnant before the modern marriage ceremony was regarded as acting within the canons of traditional religious law if she could simply find a Nayar of suitable sub-caste to pay delivery expenses. But if no Nayar would consent to this she ran the danger of total ostracism, with her child, by the village community. I heard of several cases in which such a girl was driven from her home by her *karanvan* at the command of the sub-caste assembly. Her natal kinsmen then performed funeral rites for her as if she had died. In each case the girl took refuge in a town before or shortly after her child was born.

Although he made regular gifts to her at festivals, in no sense of the term did a man maintain his wife. Her food and regular clothing she obtained from her matrilineal group. The gifts of a woman's husbands were personal luxuries which pertained to her role as a sexual partner extra clothing, articles of toilet, betel, and arecanut the giving of which is associated with courtship, and the expenses of the actual delivery, not, be it noted, of the maintenance of either mother or child. The gifts continued to be made at festivals only while the relationship lasted. No man had obligations to a wife of the past.

In these circumstances the exact biological fatherhood of a child was often uncertain, although, of course, paternity was presumed to lie with the man or among the men who had paid the delivery expenses. But even when biological paternity was known with reasonable certainty, the genitor had no economic, social, legal, or ritual rights in nor obligations to his children after he had once paid the fees of their births. Their guardianship, care and discipline were entirely the concern of their matrilineal kinsfolk headed by their *karanavan*. All the children of a woman called all her current husbands by the Sanskrit word *acchan* meaning 'lord'. They did not extend kinship terms at all to the matrilineal kin of these men. Neither the wife nor her children observed pollution at the death of a visiting husband who was not also the ritual husband of the wife.

In most matrilineal systems with settled agriculture and localized matrilineal groups, durable links are provided between these groups by the interpersonal relationships of marriage, affinity and fatherhood. The husbands, affines, fathers, and patrilineal kin of members of the matrilineal group have customary obligations to and rights in them which over time serve to mitigate conflicts between the separate matrilineal groups. The Nayars had no such durable institutionalized interpersonal links. This does not mean that men did not sometimes form strong emotional attachments to particular wives and their children. My information indicates that they did. I know for example that if a man showed particular fondness for a wife, his wife's matrilineal kin were likely to suspect the husband's matrilineal kin of hiring sorcerers against them. For the husband's matrilineal kin would be likely to fear that the husband might secretly convey to his wife gifts and cash which belonged rightfully to his matrilineal kin. This suspicion was especially rife if the husband was a *karanavan* who controlled extensive property. Informal emotional attachments did therefore exist between individuals of different lineages. But what I wish to indicate is that among the Nayars, these interpersonal affinal and patrilineal links were not invested with customary legal, economic, or ceremonial functions of a kind which would periodically bring members of different lineages together in mandatory forms of co-operation. Four special kinship terms did apparently exist for use in relation to affines acquired through the *sambandham* relationship, although, as I have said, there were no patrilineal terms for kin other than the mother's husbands. *All* men and women currently engaged in *sambandham* unions with members of ego's property group, and all members of the property-groups of these individuals, were collectively referred to as *bandhukkal* (Joined ones). A current wife of ego's mother's brother was addressed and referred to as *ammayi*, and a wife of the elder brother *jyeshthati amma* (lit. 'elder-sister-mother'). Finally, the own brother and the *sambandham* husband of a woman employed the reciprocal term *al-yan* to refer to each other but used no term of address. All the current *bandhukkal* of a property-group were invited to household feasts, but as individual affines they had no ceremonial or economic obligations and were not obliged to attend. As representatives of *enangar* lineages, however, some of these same individuals might be obliged to attend feasts and to *fulfil* ceremonial obligations as *enangar*. But as particular affines they had no obligations. In place therefore, of institutionalized interpersonal patrilineal and affinal links, the Nayars had the hereditary institution of linked lineages. Whether or not, at a particular time, sexual relationships existed between individuals of linked lineages, the linked lineages must *fulfil* their obligations at household ceremonies and give neighbourly help in such emergencies as birth and death. In the patrilineal and double unilineal castes of Kerala precisely the same obligations are fulfilled by the matrilineal kin and affines of individual members of the patrilineal group. The linked lineages of the Nayars must therefore, I think, be regarded as having a relationship of 'perpetual affinity', which carried the more formal functions of affinity and persisted through the making and breaking of individual sexual ties.

In view of these facts, it is convenient to mention here that Dr Leach's statement that Nayar marriage served "to establish a socially significant relationship between the husband and his wife's brothers" is not, strictly speaking, correct. The sambandham union did not establish "a socially significant relationship" between brothers-in-law, for in spite of the reciprocal kinship term these persons had no institutionalized obligations to one another by virtue of the particular sambandham tie. Further, the tali-rite did not establish a relationship between the ritual husband and the brothers of his ritual bride. The ceremony set up no special obligations between these persons; it was merely that their lineages were, hereditarily, enangar, both before and after any particular telli-rite. What the rite did establish was a ritual relationship between the tali-tier and his ritual bride, and, as I shall try to show later, a relationship of group-marriage between the bride and all men of her sub-caste outside her liage. But a particular tali-rite in no way modified the hereditary relationships between male enangar. It is for this reason that I call the enangar relationship one of 'perpetual affinity' between lineages, which, though it carried the ceremonial *functions* of affinity, persisted irrespective of particular sambandhams and tali-rites.

The Nayars of this area were thus highly unusual. For they had a kinship system in which the elementary family of father, mother and children was not institutionalized as a legal, productive, distributive, residential, socializing or consumption unit. Until recent years, some writers have thought that at least as a unit for some degree of co-operation in economic production and distribution, the elementary family was universal. This view has been put forward most forcibly by Murdock (Murdock 1949, chapter I). Radcliffe-Brown, however, was one of the earliest anthropologists to observe that if the written accounts of the Nayars were accurate the elementary family was not institutionalized among them. My research corroborates his findings.

I turn briefly to marital institutions among the higher Nayar sub-castes of village headmen, district chiefs, and royalty. At various times during the pre-British period these lineages were accorded political office and set themselves up as of higher ritual rank than the commoner Nayars. The ritual ranking between these major aristocratic sub-divisions was fairly stable, but the mutual ranking of lineages within each sub-division was in dispute. Most village headmen acknowledged the ritual superiority of district chiefs, and most chiefs, of the royal lineage. But some village headmen disputed among themselves for ritual precedence and so did many chiefs. As a result, each of these aristocratic lineages tended to set itself up as a separate sub-caste, acknowledging ritual superiors and inferiors but acknowledging no peers. In the course of time, moreover, following the vicissitudes of political fortune, such lineages could rise or fall in the ritual hierarchy. It was in these lineages therefore that hypergamo unions became most highly institutionalized, for most of these lineages refused to exchange spouses on equal terms. Instead most of them married all their women upwards and all their men downwards. Women of village headman's lineages entered *sambandham* unions with chiefly, royal, or Nambudiri Brahman men. Men of these lineages had unions with commoner Nayar women. Chiefly women had unions with royals or Nambudiris; chiefly men, with the women of village headmen's or commoner Nayar lineages. Royal women for the most part had unions with Nambudiri Brahmans of the highest rank. A few, especially in Calicut, however, had unions with men of older and ritually higher ranking royal lineages which had through conquest become politically subordinate to their own. Among Nambudiri Brahmans, only eldest sons were permitted to marry Nambudiri women and beget children for their own families. Younger sons of Nambudiri households might have *sambandham* unions with Nayar women of any sub-caste.

In all these hypergamous unions the visiting husband owed the same periodic gifts to his wife as in the case of equal unions between persons of the same commoner sub-caste. The husband in a hypergamous union was also held responsible for payment of delivery expenses at the birth of a child to his wife. Hypergamous unions differed from 'equal' unions in that in the former, the husband, being of higher ritual rank, might not eat in the house of his wife. The husband was also prohibited from touching his wife, her children, or her other kinsfolk during the daytime while he was in a state of ritual purity. Finally, although children called their mother's higher caste husband by the term *acchan plus* the caste title, Nayers as a whole were not permitted to use affinal terms toward the Nambudiri husbands of their womenfolk, nor did Nambudiris address or refer to their Nayar wives' brothers as affines. Nayers insist however that a *sambandham* union with a Nambudiri Brahman was of the same character as a *sambandham* union with a Nayar of equal sub-caste. It seems that from the legal point of view we must also judge it to be so, since the Brahman husband, like the Nayar, was responsible for payments at the birth of a child to his Nayar wife. During my fieldwork, the three Nambudiri Brahmans whom I was able to question closely on this subject told me that from *their* point of view only marriage to a Nambudiri woman with Vedic rites could be regarded as true marriage and that *sambandham* unions with Nayar women were a kind of concubinage. There seems to me no reason why we should not regard these latter unions as concubinage from the point of view of the Brahmans and (since they fulfilled the conditions of Nayar marriage) marriage from the point of view of the Nayers. This seems to me, in fact, the only possible interpretation, since the Brahmans are patrilineal and the child of a Brahman-Nayar union is not legitimized into the Brahman caste. The contrast from the Brahman point of view appears most sharply in the case of an eldest son, who may marry one or more Nambudiri women with Vedic rites and may also have liaisons with one or more Nayar women. The Brahman wife's children are of course fully legitimized into the Brahman caste from birth. But the Nayar wife and her children traditionally had no rights of patrilineal descent or inheritance whatsoever, might not enter the kitchen of the Brahman house and might not touch its inhabitants.

Consistently with the difference in direction of *sambandham* unions, the *enangar* institution in these aristocratic Nayar lineages differed somewhat from that in the commoner sub-castes. In general, an aristocratic Nayar lineage had as *enangar* two or more lineages of a sub-caste higher than itself from which its women were wont to draw husbands in the *sambandham* relationship. The linked lineage relationship was in these cases not reciprocal. A chiefly lineage might act as *enangar* for the lineages of one or two village headmen, but had as its own *enangar* one or two chiefly or royal lineages of higher rank than itself. Nambudiri Brahman lineages acted as *enangar* for the highest ranks of chiefs and royalty. In this case too the aristocratic Nayar lineage had of course no reciprocal ritual obligations towards the Brahman families with which it was linked. The functions of these aristocratic *enangar* were, as far as I can detect, the same as in the case of commoner Nayers. In particular, men of the higher ranking *enangar* lineages tied the *tali* at the pre-puberty marriage of aristocratic girls—appropriately, for it was from these and other such higher ranking lineages that the girls would later draw visiting husbands. Plural unions were customary in these aristocratic lineages as among commoner Nayers. Obviously, however, the choice of husbands became more and more restricted as one ascended the scale of ranked sub castes, and at the top of the Nayar hierarchy it was restricted to Nambudiri Brahmans.

I turn now to my interpretation of Nayar marital institutions. To accomplish this it is necessary to class the rights and obligations obtaining between 'spouses' and between 'fathers' and their 'children'. These fall into two categories: those of the *tali*-rite and those of the

sambandham union. In relations between spouses of the tali-rite, the important rights are those of the woman. The ritual husband had, it is true, apparently at one time the right to deflower his bride. But the accounts of many writers indicate that this right was not eagerly sought, that in fact it was viewed with repugnance and performed with reluctance. The ritual husband also had the right that his ritual wife should mourn his death. But we may assume that this right had more significance for the wife than for the husband, for it was not attended by offerings to the departed spirit. These could be performed only by matrilineal kin. The ritual bride's rights were complementary to her husband's, but for her they were of supreme importance. She had, first, the right to *have* a ritual husband of her own or a superior sub-caste before she attained maturity. Her life depended on this, for if she was not ritually married before puberty she was liable to excommunication and might possibly be put to death. She held this claim against her sub-caste as a whole exclusive of her lineage, or (in the case of aristocratic lineages) against a higher sub-caste. This group must, through the institution of the linked lineages, provide her with a ritual husband of correct rank and thus bring her to maturity in honour instead of in shame. It was the duty of her lineage kinsmen to see to it that some representative from their linked lineages fulfilled this right. The ritual wife's second right was that of observing pollution at the death of her ritual husband. I interpret this as a mark of proof that she had once been married in the correct manner and that this ritual relationship had retained significance for *her* throughout her ritual husband's life.

The tali-tier had no rights in his ritual wife's children except that they should observe pollution at his death. From the child's point of view, however, his mother's ritual husband must have been a figure of great symbolic significance. For a child whose mother had no ritual husband could not acquire membership in his caste and lineage at all. The birth of a child before his mother's tali-rite was absolutely forbidden and, in the nature of the case, can scarcely ever have happened. If it did occur, mother and child must certainly have been expelled and were most probably killed. The child's observance of pollution for his mother's ritual husband-like the use of the kinship term *appan* in Cochin-was a formal recognition that, for ritual purposes, he had been 'fathered' by a man of appropriate caste.

Turning to the *sambandham* union, it seems clear that the husband had no exclusive rights in his wife. He had only, in common with other men, sexual privileges which the wife might withdraw at any time. Again it is the wife's rights which are important. The wife had the right to gifts from her husband at festivals, gifts of little economic value but of high prestige value, for they established her as a woman well-favoured by men. But most significant was the woman's right to have her delivery expenses paid by one or more husbands of appropriate caste, that is, to have it openly acknowledged that her child had as biological father a man of required ritual rank. Her matrilineal kinsmen could if necessary press for the fulfilment of this right in a public assembly of the neighbourhood: in cases of doubtful paternity any man who had been currently visiting the woman could be forced by the assembly to pay her delivery expenses. But if no man of appropriate rank could be cited as potential father, woman and child were expelled from their lineage and caste.

The *sambandham* father had no rights in his wife's children. Here again, however, the child had one right in his possible biological fathers: that one or more of them should pay the expenses associated with his birth, and thus entitle him to enter the world as a member of his lineage and caste.

It is clear therefore that although the elementary family of one father, one mother and their children was not institutionalized as a legal, residential, or economic unit, and although

individual men had no significant rights in their particular wives or children, the Nayars did institutionalize the concepts of marriage and of paternity, and gave ritual and legal recognition to both. It is here that I must contradict Dr Leach's interpretation of the situation, for it is not true that 'the notion of fatherhood is lacking' nor is it true that 'a woman's children, however they might be begotten, were simply recruits to the woman's matrilineage' (Leach 1955, P. 183). For unless his mother was ritually married by a man of appropriate caste and, unless his biological paternity was vouched for by one or more men of appropriate caste, a child could never enter his caste or lineage at all. As I pointed out in both the papers quoted by Dr Leach, the Nayars were aware of the physiological function of the male in procreation and attached significance to it, for they expected a child to look like his genitor. Like all the higher Hindu castes of India, they based their belief in the moral rightness of the caste system in part upon a racist ideology which involved the inheritance of physical, intellectual, and moral qualities by a child from both of its natural parents, and which held that the higher castes were, by virtue of their heredity, superior to the lower castes. It was ostensibly for this reason that the Nayars forbade with horror sexual contacts between a Nayar woman and a man of lower caste, and that they expelled or put to death women guilty of such contacts. This racist ideology also provided a motive for hypergamous unions, for Nayars of aristocratic lineages boasted of the superior qualities they derived from royal and Brahmanical fatherhood.

Moreover, although individual men had no significant customary rights in their wives and children, marriage and paternity were probably significant factors in political integration. For hypergamous unions bound together the higher sub-castes of the political and religious hierarchies. Multiple sexual ties, as well as the *enangar* relationship, linked office-bearing lineages to each other and to their retainers in a complicated manner. And Nayar men phrased their loyalty to higher ranking military leaders, rulers, and Brahmans in terms of a debt owed to benevolent paternal figures whose forebears had collectively fathered them and whose blood they were proud to share. The generalized concept of fatherhood thus commanded the Nayar soldier's allegiance to his wider caste unit, to the rulers of his village, chiefdom, and kingdom and to his religious authorities. It was associated with tender loyalty and with fortitude in war.

I cannot entirely blame Dr Leach for underestimating the significance of Nayar paternity on the basis of his reading of my earlier papers. For in those papers I was concerned to emphasize the lack of rights of individual men in their spouses and children. It is true that in 1952 I wrote: 'Marriage ... was the slenderest of ties, while as a social concept fatherhood scarcely existed' (Gough 1952, P. 73). I had not then realized the fundamental necessity to a Nayar of having both a ritual and a biological father of appropriate caste. Moreover I myself confused the issue by referring to the *sambandham* partners as 'husbands' and 'wives' in my first paper (Gough 1952) and as 'lovers' and 'mistresses' in my second (Gough 1955a). For it was not until some time after I read Dr Leach's paper that I decided to classify Nayar unions unequivocally as marriage and arrived at a definition of marriage which would include the Nayar case. In my own defence I must, however, note that in my paper of 1955 I mentioned that children must observe death pollution for their mother's ritual husband, and that in Cochin they used the kinship term *appan* for this ritual father. In both papers quoted by Dr Leach, finally, I noted that sexual relations were forbidden between a Nayar woman and a man of lower caste or sub-caste, and that the current *sambandham* husbands of a woman must pay her delivery expenses.

I regard Nayar unions as a form of marriage for two reasons. One is that although plural unions were customary, mating was not promiscuous. Sexual relations were forbidden

between members of the same lineage on pain of death. It was also forbidden for two men of the same property-group wittingly to have relations with one woman, or for two women of the same property-group to have relations with one man. (This rule of course automatically excluded relations between a man and his biological daughter.) Further, relations were absolutely prohibited between a Nayar woman and a man of lower sub-caste or caste. These prohibitions are directly connected with my second and more important reason for regarding these unions as marriage, namely that the concept of legally established paternity *was* of fundamental significance in establishing a child as a member of his lineage and caste.

Granted that Nayar unions constituted a form of marriage, we must I think classify them as a clear case of group-marriage. This was the interpretation to which I inclined in 1952 (Gough 1952, P. 73) and it is, I now think, the only interpretation which makes sense of the descriptive material I have presented. The tali-rite, as I see it, initiated for each individual Nayar girl a state of marriage to a collectivity of men of appropriate caste. First, the rite ceremonially endowed the girl with sexual and procreative functions. (The mock menstrual seclusion before the rite is relevant to this, as is the actual defloration.) Second, the woman's natal kinsmen surrendered the newly acquired rights in her sexuality, though not in her procreative functions, to a male representative from outside her lineage. This appears in that rules of etiquette associated with incest prohibitions came into force from this date. Third, rights in the woman's sexuality were received by her *enangan* as representative of the men of his sub-caste as a whole. This appears in that the individual *enangan*, as a special sexual partner, was dismissed at the end of the ceremonies and might approach the woman again only as one among a series of equal husbands. In the commoner sub-castes the *enangan* was of the same sub-caste as the woman, and through him as representative sexual rights in the woman were conferred on all men of her sub-caste as a collectivity. They were also in fact extended to any man of higher sub-caste who might favour her with his attentions. In aristocratic lineages the ritual husband was of a sub-caste higher than the woman's, and through him, as representative, sexual rights in the woman were conferred upon all men of higher sub-caste as a collectivity. Fourth, the tali-rite, by providing the woman with a ritual husband who (in my view) symbolized all the men of his sub-caste with whom the woman might later have relationships, also provided her children with a ritual father who symbolized the correctness of their paternity. The children acknowledged their debt to him by mourning at his death.

The later *sambandham* unions, by this interpretation, involved the claiming of sexual privileges by men all of whom were potential husbands by virtue of their membership in a subcaste. The husbands had, however, no individually exclusive rights and could be dismissed at the woman's wish. Their duties as members of their caste were to provide the woman and her lineage with children and to acknowledge their potential biological paternity through birth-payments which legitimized the woman's child.

The Definition of Marriage

I have called the Nayar unions marriage because they involved the concept of legal paternity. It is clear however that such a form of group marriage will not fit the *Notes and Queries* definition of 'a union between *a* man and *a* woman such that children born to the woman are recognized legitimate offspring of both parents' (my italics). For legitimacy in the case of the Nayar child required both a ritual father and a 'legalized genitor' of appropriate rank, and indeed a child might have more than one 'legal genitor' if two or more men had jointly paid the expenses of his birth.

As a tentative move toward a new definition which will have cross-cultural validity and will fit the Nayar and several other unusual cases, I suggest the following: "Marriage is a relationship established between a woman and one or more other persons, which provides that a child born to the woman under circumstances not prohibited by the rules of the relationship, is accorded full birth-status rights common to normal members of his society or social stratum."

A few footnotes to this definition may help to vindicate its inevitably clumsy phraseology. 'One or more persons' (in place of 'a man') will bring into the definition both group-marriage of the Nayar type and also true fraternal polyandry.⁶ It also brings within the definition such unusual types as woman-marriage-to-a-woman. 'Under circumstances not prohibited by the rules of the relationship' would bring into the definition various problematic cases. It is possible for example that there are patrilineal societies in which a husband may legally repudiate a child illicitly begotten upon his wife by another man, without divorcing the wife herself. In this case the previous establishment of the marriage would *not* ensure full birth-status rights to the child, for the rules of the marriage relationship would have been broken through the circumstances which led to his birth. 'Full birth-status rights common to all normal members. . .' is a compressed reference to all the social relationships, property-rights, etc. which a child acquires at birth by virtue of his legitimacy, whether through the father or through the mother. For patrilineal societies the phrase 'full birth-status rights' will include the rights which a child acquires in his *pater* as a person and in his *pater's* group. It will include, that is to say, the legitimization of fatherhood, or more precisely, of 'father-sonhood'. The phrase is, however, broader than any concept of specific rights in a particular father. It will therefore take care of a case like the Nayar in which all rights are acquired *through* the mother but in which a relationship must be established between the mother and one or more other persons in order for these matrilineal rights to be ratified. Such a process may be called the legitimization of motherhood, or more precisely of 'mother-sonhood'. Moreover 'full birth-status rights' is, I think, not only broader but more precise than 'recognized legitimate offspring', to the vagueness of which Dr Leach took exception. The inclusion of 'society or social stratum' makes allowances for class or caste systems in which birth-status rights vary between strata. The case of the Nayars, who are a matrilineal caste in a predominantly patrilineal society, is an obvious example of this.

It should also perhaps be pointed out that this definition does not state that full birth-status rights cannot be acquired by a child except through the marriage of its mother, but only that marriage provides for the acquisition of these rights. The definition does not therefore exclude societies like the Nuer in which a man may legitimize the child of an unmarried woman upon payment of a legitimization fee, without becoming married to the mother (Evans-Pritchard 1951, pp- 21, 26).

Prince Peter has objected to the *Notes and Queries* definition and, by implication, to any definition which would make the legitimization of children through the mother's relationship to another party the distinctive characteristic of marriage (1956, 46). His reason for objecting is that in some societies like the Toda, "marriage and legitimacy of the children can be looked upon as two different and separate concepts, and it may be necessary to go through a ceremony of legitimization of the offspring (the Toda *pursiitpimi* ceremony) in order to establish who is the legal father, because marriage rites are insufficient in themselves to do this."

However, it seems from Rivers' account that precisely what distinguishes the Toda institution which Prince Peter translates as 'marriage' (*mokh-vatt*) from that which he translates as 'concubinage' (*mokhthoditi*) (1957, 35), is that a 'husband' holds the right to legitimize some or all of his 'wife's' children by the *pursiitpimi* ceremony, whereas a lover in the *mokhthoditi* union, being of a different endogamous group from the woman, does not hold this right (Rivers 1909, P- 526). A husband acquires the right to perform the *pursatpimi* ceremony, it seems, by virtue of arranged marriage to an infant or through payment of cattle to a former husband or to a group of former husbands of the wife. The Toda marriage union at its inception does therefore provide that a child born to the woman (under circumstances not prohibited by the rules of the relationship) *must be* legitimized before his birth; the *pursutpimi* ceremony confirms his legitimacy by attaching him to a particular father and giving him rights in the father's patrilineal group. In the Toda case again therefore the concept of legal paternity is *the* distinguishing characteristic of marriage, even though the individual husband, because of polyandry, may be permitted to legitimize only some and not all of the children born to his wife. The Toda case therefore fits my definition, whether we regard the *pursutpimi* ceremony as the final one of a sequence of marriage rites, or as a legitimizing act which, under circumstances not prohibited by the rules of the relationship, one or another of the woman's husbands is legally obliged to fulfil.

I do not argue that all societies must necessarily be found to have marriage by my definition. There may yet turn out to be whole societies-or more probably whole social strata-in which children acquire no birth-status rights except through their mother, by the simple fact of birth. It is possible for example that some slave populations do not have marriage in this sense of the term. What I do wish to suggest however is that for most if not all the societies for which we now have information, including the Nayar, marriage as I have defined it is a significant relationship, distinguished by the people themselves from all other kinds of relationships. My definition should therefore enable us to isolate marriage as a cross-cultural phenomenon, and from there to proceed to the more exciting task: that of investigating the differential circumstances under which marriage becomes invested with various other kinds of rights and obligations. Some of the most important of these Dr Leach has already listed for us.

NOTES

¹ The fieldwork on which this paper is based was carried out in three villages of Kerala between September 1947 and July 1949 with the aid of a William Wyse Studentship from Trinity College, Cambridge. Writing it has formed part of a project financed by the American Social Science Research Council.

² In America Miss Alisa S. Lourie, Douglass College, Rutgers University, has recently worked on this problem, and I have been stimulated by correspondence with her and by reading an unpublished paper of hers, *Concepts in Family Sociology*. In this paper Miss Lourie formulates a definition of marriage which is narrower than mine, but when her work is published readers will see that I was helped toward my definition by her analysis. I have also profited much from discussions with my husband, David F. Aberle.

³

A. To establish the legal father of a woman's children.

- B. To establish the legal mother of a man's children.
- C. To give the husband a monopoly in the wife's sexuality.
- D. To give the wife a monopoly in the husband's sexuality.
- E. To give the husband partial or monopolistic rights to the wife's domestic and other labour services.
- F. To give the wife partial or monopolistic rights to the husband's labour services.
- G. To give the husband partial or total rights over property belonging or potentially accruing to the wife.
- H. To give the wife partial or total rights over property belonging or potentially accruing to the husband.
- L. To establish a joint fund of property a partnership for the benefit of the children of the marriage.
- J. To establish a socially significant 'relationship of affinity' between the husband and his wife's brothers. (Leach 1955: P 183)

⁴ Radcliffe Brown expressed this view most recently and fully in his Introduction to *African Systems of Kinship and Marriage* (1950, PP 73 seq.) .

⁵ I do not know whether the Nayars believed it possible for two or more men to contribute to the formation of one embryo. I think it possible that they did, for I found this belief among villagers of the Tamil country. Among these castes it formed part of a belief that several acts of intercourse are necessary to 'feed' the embryo and assist it to grow.

⁶ I agree with Dr Leach that the Iravas of Central Kerala had true fraternal polyandry. My own enquiries produced evidence supporting Aiyappan's view that the brothers shared equally both sexual rights in the woman and also legal paternity of the children, in the same manner in which they were coowners of the ancestral property. The eldest living brother at any given time was simply the legal representative of this corporation.

⁷ I agree with Dr Fischer that Prince Peter's definition of marriage is a tautology and so of no assistance (1956, 92). All that Prince Peter's second note shows (1957, 35) is that several peoples of his acquaintance have different terms for different kinds of relationships between men and women. But unless we approach these with some guiding concepts of our own in mind, we cannot decide which of them to translate as 'marriage' and which as 'concubinage'.

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