

# MOTHER RIGHT AND SUCCESSION TO THE THRONE IN MALABAR AND CEYLON

HEINZ BECHERT\*

## I

While from time immemorial a relatively uniform father-right family system exists in the highly civilised regions of North India, in the civilised regions of South India one finds a large number of communities which to this day follow a different family and inheritance law.<sup>1</sup> Of greatest importance in this connection are the customs of a number of castes in Kerala, on the Malabar coast. Here one finds in the Hindu regions a mother-right legal system known as *marumakkattāyam*. It has been preserved in its purest form, and is most widespread, in the Nāyar (Nair) caste.<sup>2</sup>

In this caste the husband was originally considered as a "casual visitor" of his wife and in no way responsible for the maintenance of his children. This marriage—*sambandham*—can as a general rule be dissolved by any one of the two marriage partners, although in course of time various restrictions have developed in this connection.<sup>3</sup> The Brahmins do not consider this type of union as marriage at all, in the orthodox Hindu sense. In fact in many instances the husband never moves into the household of his wife, but continues to live in the household of his mother, and only visits the house of his wife from time to time. In the family, which is accordingly organized in a purely matrilineal form, the oldest woman rules, and that through her eldest daughter, who sees to it that her orders are carried out. In recent times however the post of family chief has been taken over to a large extent by the oldest member of the matrilineal family.<sup>4</sup> Inheritance is of course entirely according to mother-right,

---

\*The original article which appeared in *Paideuma: mitteilungen zur kulturkunde*, Band VII, Heft 4/6 July 1960, pp. 179-192 was revised by the author and translated from the German by K. Kanapathipillai, B.A. (Ceylon), Department of History, University of Ceylon. This translation has been edited for publication by the Editor, in consultation with the author.

1. Since 1956 the Indian laws of inheritance have been unified by the Hindu Succession Act. But certain special regulations are foreseen in the Act for those sections of the population which hitherto followed the mother-right system.
2. cf. Anantha Krishna Iyer (1909-12) II, 22ff; Thurston & Rangachari (1909) V, 301 ff.
3. Anantha Krishna Iyer (1909-12) II, 42 ff.
4. *ibid.*, II, 47-51.

i.e. the property remains in the family of the mother, and the father who is not admitted into the family of the wife, does not bequeath anything to his children. Instead he bequeaths his property to his mother's family, i.e. in general to the descendants of his sisters.

Another special characteristic of the Nayar caste is the fact that their women very often contract marriages in the above form with members of the Nambūtri- (Nambūri-) brahmin caste, the group of brahmins who had made Kerala their home from relatively early times, originating naturally from the Aryan immigrants of North India. It is also to be observed that the Kṣatriyas of Kerala (the noble caste in a restricted sense) also follow the same legal system as the Nāyars and also contract unions with Kerala brahmins, whose descendants belong to the maternal family, i.e. the kṣatriya-families.<sup>5</sup>

Also a few of the high caste of the region follow *marumakkattāyam*, fully or partly. In the area of the former state of Cochin Ambalvāsi (Nambidi, Adikal, Pishārati), even a particular sub-group of the Nambūtiri Brahmins (the Thazhakkat Ammoman), a whole series of lower castes (Valuṭṭēdan, Mukkuvan partly, Īlavan partly, Kūdan, Pulayan partly, Parayan), a Mohammedan sect (the Jōnakan Māppila), as well as a few primitive tribes (Ullādan, Nāttu Mālayan), belong to this group.<sup>6</sup> Although a number of other tribes and castes, particularly those who immigrated later, did follow father-right (*makkattāyam*), the above mentioned wide distribution of the *marumakkattāyam* right, proves its antiquity. In other parts of Kerala the situation is wholly similar to that in Cochin.

The mother right family organization of the *marumakkattāyam* is completely opposed to the social system of Hindu civilization which, coming from the North, has in the course of many centuries spread more and more intensively all over India. It speaks for the strength of the local civilization of the people of Kerala that, in spite of the strong Hinduisation of their religion and the great importance that Sanskrit and Hindu literature achieved there, the old social system was modified only to a very insignificant extent.<sup>7</sup>

The Law of Throne Succession in the ruling houses at Kerala was also in accordance with *marumakkattāyam*. In the Royal House of Cochin the eldest male member of the family succeeded the ruler according to mother right, i.e.

5. *ibid.*, II, 151ff; Karve (1953) 258ff; cf. also Padmanabha Menon (1924-9) III, 143; Thurston & Rangachari (1909-12) IV, 79ff.

6. Anantha Krishna Iyer (1909-12) II, 124, 125, 143, 195, 115; I, 273, 301, 136, 111, 76; II, 465; I, 63, 32. A section of the Īlavan caste follow a hybrid between mother- and father-right; cf. Ananda Krishna Iyer (1909-12) I, 320ff; cf. further Thurston & Rangachari (1909) I, 31; II, 410; IV, 94f., 490ff.; V, 107ff., 151, 177; VI, 201; VII, 391; cf. also IV, 453 (Mannān).

7. Regarding the area of distribution of mother-right in Kerala, cf. also Ehrenfels (1941) 43ff.

in general the younger brothers of the ruler succeeded one another, and thereafter the sons of the sisters, etc.<sup>8</sup> The ruling families which came to Kerala from outside, very often adopted the law of throne succession customary in the land.<sup>9</sup>

But it is by no means true that the mother-right family of Kerala is a completely isolated phenomenon in India. Apart from the existence of wholly or partly mother-right societies in the Northern and North-eastern border areas of Indian civilization, one finds solitary remnants of such social organizations in many parts of actually Hinduised regions, especially all along the West coast of India up to Gujerat.<sup>10</sup> Even in the family of the Buddha, a North Indian Ksatriya family, one can observe the influence of the mother-right family organization and the custom of "cross-cousin marriage", which in India is almost always connected with mother-right, or at least with the remnants of a mother-right social structure.<sup>11</sup> It is however uncertain whether there exists a historical connection between the various mother-right systems and the original mother-right people and tribes of the different parts of India. In spite of many striking similarities we must, to begin with, consider each individual group as such, and this permits us to restrict ourselves, for our present purpose, to the south-west Indian group.

The boundary between the mother-right region of Kerala and the father-right region east of it corresponds today with the language boundary between Malayalam and Tamil but this, as a language boundary, is not old. Even in early mediaeval times the differentiation between these languages had hardly set in and even today the differences between them is relatively small. But this should not surprise us very much because in an area of so many migrations of peoples one should not always count on the identity of language and cultural boundaries. Further a number of clues point to the fact that we have to recognise a certain influence of sections of mother-right peoples on the actually Tamilised regions further east (East Tamilian). This is most marked in the southernmost part of the Indian peninsula—in the regions of Tinnevely, Madurai, Rannad and Tanjore; but even among a few castes in the Telugu-speaking regions lying further north such clues are found.<sup>12</sup> In this connection it may be mentioned that Chattopadhyaya, in an analysis of the conditions of throne succession of the Śātakarni Dynasty founded circa 240 B.C.

8. Karve (1953) 264; Padmanabha Menon (1924-9) II, 30, 86ff.

9. Padmanabha Menon (1924-9) II, 30, 86ff.

10. Ehrenfels (1941) 75ff., 135ff. cf. also e.g., Plinius: *Natural History*, 6, 76 — gens Pandae, sola Indorum regnata feminis . . . This could in all probability refer to Southern Pandya. One can also point to the mythological and cult connection which most mother-right and polyandrous castes and tribes of India show with the Pāndavas of the *Mahabharata*.

11. Geiger (1960) 168; Przyluski (1927) 177; Mitra (1924) 125; cf. also Hocart (1923); Breloer (1940) 268ff.

12. See the material cited by Ehrenfels (1941) concerning different Tamil castes.

showed that it was plausible that this was regulated by mother-right. This however is for superficial observers partly obscured by the fact that according to the system of cross-cousin marriage the fathers of the reigning kings also always belonged to the same family, and because the compilers of the Purana traditions available to us start out from the father-right system known to them.<sup>13</sup> The Śātakarni Dynasty originated without doubt from Andhra, a Dravidian region.<sup>14</sup>

After these brief remarks about southwest Indian mother-right one must also consider another peculiarity of this civilization—namely polyandry. This is found, usually as a common marriage of several brothers with one woman, up to very recent times in Kerala among the following castes: Ilavan, Kammālan, Kaṇṇiyan, Pāṇan, Mannān, Vilkuruppu.<sup>15</sup> It was very common among the Nayars earlier, although it has become obsolete now.<sup>16</sup> Here too one could say the same as was said of mother-right; this custom is found also in other regions of India, especially in the Northern and North-eastern border regions. Remnants of it are also proved by the evidence of ancient literature—we need only recall the Draupadi story in the *Mahabharata*—and also in the most varied parts of the Hinduistic cultural regions.<sup>17</sup>

How far polyandry and matriarchy are necessarily interconnected need not be discussed here. Their connection in the Southwest Indian cultural regions is unmistakable. Just as matriarchy has survived longer than the custom of polyandry among the Nayar, we may surmise that the peoples and tribes of Southwest India which certainly know polyandry but in connection with a patriarchal family organization, either adopted from the ruling Nayar caste only polyandry, and not matriarchy, or originally possessed both, but have thereafter given up only matriarchy under Hindu influence. Such castes in Malabar are the Kammālan (to whom the Asāri belong), Pāṇān, and Tiyan.<sup>18</sup>

A peculiar form of compromise between both family-right systems which the shepherd tribe of Todas in the Nilgiris has developed may also be mentioned. The origin of the tribe is controversial. It is made up of two sub-groups known as Teivaliol and Tartharol. "Legal" marriages are always contracted only within each of these groups. In both groups a family arising from such a marriage is organised according to father-right. Besides, there are socially

13. Chattopadhyaya (1927) 503ff; also Chattopadhyaya (1939) 317ff.

14. Nilakanta Sastri (1958) 88ff.

15. Anantha Krishna Iyer (1909-12) I, 301, 346, 173, 161, 182; Thurston & Rangachari (1909) III, 132f., 139, 195f. VI, 31; VII, 348; also occasionally among the Parayan, *ibid.*, VI, 135.

16. Anantha Krishna Iyer (1909-12) II, 38ff., Kapadia (1958) 76ff; Thurston & Rangachari (1909) V, 307ff.

17. cf. Kapadia (1958) 52ff.; Ehrenfels (1941) 91ff., 109ff; Jolly (1896):

18. Kapadia (1958) 87ff.; Karve (1953) 270; Thurston & Rangachari (1909) III, 139f.; VI, 31; VII, 98; but VII, 36 (Tiyan follow the *marumakkattayam* only in North Malabar).

recognised marriage-like contracts between members of different groups. In this case however the children always belong to the family of the mother. If the man belongs to the socially privileged Tartharol group, he may not bring his Teivaliol wife to his village because of a taboo according to which Teivaliol women may not step into Tartharol villages, but he can either move into her house or visit her only occasionally. In the reverse case however a Teivaliol man can bring his Tartharol wife into his house. From this, one can perhaps rightly conclude that in the Toda tribe two groups have united, one which was organised according to mother-right being the group of original inhabitants, and another which was organised according to father-right, being the conquering group. The Todas also know the form of polyandry in which all brothers of a man are simultaneously recognised as husbands of his wife.<sup>19</sup>

## II

The northern part and the eastern coastal strip of the Island of Ceylon is inhabited today mainly by Tamils. They were governed by a number of legal systems of which the most important is the Thesawalamai Code which is valid even today. It is the customary law of the region of Jaffna and was codified on the orders of the Dutch Governor Simons in 1707. However one can with certainty trace the validity of its principles to the times of the earliest European accounts of Ceylon.<sup>20</sup> Among the legal systems existing among the Tamils of Ceylon the Mukkuva Law is the most important, apart from the Thesawalamai. While the Mukkuva Law represents a mother-right legal system, the Thesawalamai proves to be a hybrid of both legal systems.<sup>21</sup>

To understand this we must briefly sketch the history of the population of North Ceylon. It is true, that at present very little study has been made in it, but one can at least recognize its main features with some certainty. The oldest recognizable layer of this population is a people, named in the sources as Nāgas, who were also widespread in the southernmost part of India.<sup>22</sup> Without doubt, they were not a primitive tribe, but a cultured people among whom Buddhism found acceptance rather early.<sup>23</sup> The Nagas seem to have preserved their identity as a people longer in North Ceylon than in other parts of the Island, where the Sinhalese language and heritage made headway soon. But even in Nāgadīpa (Nāga Island)—i.e. the old name of the Jaffna Peninsula

19. Karve (1953) 52ff.; Kapadia (1958) 87ff.; Ehrenfels (1941) 47f.; Thurston & Rangachari (1909) VII, 146.

20. Tambiah (1954) 23ff; Tambiah (1950) 27ff.

21. On *Thesawalamai* (*Tesavalamai*) see Tambiah (1950) & (1954) 22ff.; The Dutch text was published by S. van Ronkel (1919) 240-280; cf. van Kan (1943) 441ff; Jurriense (1954) 393ff.

22. Rasanayagam (1926), 1ff. How far there exists a connection with the Nagas of Ancient Central India, should remain open.

23. cf. Geiger (1960) 155; *Mahāvamsa*, I, 44ff.; Manimekalai, 8·43ff.

in the very north of Ceylon—the Nagas became Sinhalese in the course of time, and we know that right up to the sixteenth century there were important Sinhalese-speaking sections of the population in North Ceylon who were Buddhists.<sup>24</sup>

A new colonizing wave set forth from the Malabar coast and must have settled down before the 11th century. This group of people are in the main the Mukkuvas. They are even to this day found widespread on the Northwestern and Eastern coast of Ceylon. However the Tamil kings of Jaffna are said to have banished them from the coastal regions of Jaffna, because they polluted the holy shores of Kankasanturai by laying out their fishing nets. Their origin from the west coast of India is undoubted—there one finds the caste of the Mukkuva in Malabar and the related caste of the Mookvana in Western Gujerat. Among the Dravidian peoples of Ceylon, it was this caste which followed the mother-right system named by them as “Mukkuva Law”. This conforms to a great extent with *marumakkattāyam*. Descent and inheritance claims are wholly regulated in the female line. The property of the “joint family” is administered by the oldest male member of the family—the formal chief of the family was the eldest woman. The differences between *marumakkattāyam* and Mukkuva Law are insignificant. H.W. Tambiah even claims that the Mukkuva Law has in some respects preserved an older form of the Malabar law, namely the form it had before it was changed under the influence of Nambutri-brahmins in Kerala itself.<sup>25</sup>

The second migratory wave—perhaps in the 13th and 14th centuries—brought mainly families of the Tamilian Vellala- (Vellāla-) caste, the high caste peasants (the so-called “high caste sudras”) from the east Tamilian region, to North Ceylon.<sup>26</sup> From now on these immigrants who introduced the father-right type of family organization, had social precedence. But in some conspicuous details—in particular through the rule that the so-called dowry (really the maternal inheritance) is always inherited by the female descendants—their system was changed so that the rules of Thesawalamai which thus resulted, represent a mixture of the mother-right legal principles of the earlier Malabar immigrants and also perhaps those of the pre-Tamilian inhabitants of the land, with the father-right principles of the later East Tamilian immigrants.<sup>27</sup>

24. Under the rule of the Tamil kings the rest of the Sinhalese peasant population whose Sinhalese name is Go(yi)vamsa, were made into a subordinate caste of the Vellalas. But they continued to retain their Sinhalese name in their caste name Koviyaar. Similarly the caste of Elephant mahouts in Jaffna, the Tanakara, even today preserve their Sinhalese name. cf. Tambiah (1954) 59.

25. Tambiah (1954) 75ff., 89f., 132ff.; Thurston & Rangachari (1909) V, 107ff.

26. Rasanayagam (1926) 335f., Tambiah (1954) 9f.

27. Tambiah (1950) 12ff. See further Raghavan (1956) 114ff.

We now turn to the Sinhalese who lived in the Central, Western and Southern parts of Ceylon. This area is divided (in modern times) into two juridical regions, one the strongly Europeanised coastal region, and the other the conservative Kingdom of Kandy which was independent up to 1815. In the latter considerable remnants of the mother-right family organisation have been preserved up to the present day. Among the Sinhalese of the Highlands (the Kandyan Sinhalese) there exists side by side two marital and inheritance systems which one can describe as the matriarchal and patriarchal systems, whereby it is open to the contracting parties to choose the form they prefer.

If among the Sinhalese of the Highlands a matriarchal marriage (known as *binna*) was contracted, then the man moved into the house of the parents of his wife. He, as well as his wife, had the right to dissolve this marriage at any time; the children belong to the family of the mother and can even take the mother's family name. A daughter who has contracted a *binna* marriage had the right of inheritance to the parent's property (or to the property of her mother in case the latter has herself contracted a *binna* marriage). Common among the Sinhalese was also the so-called "cross-cousin marriage" which we also find widespread in other mother-right regions of India like Kerala, according to which the head of a family administering the family properties, saved it from getting dispersed by giving his daughter in marriage to the son of his sister.<sup>28</sup>

Polyandry which is associated with matriarchy was also widespread in Ceylon, i.e. very often many brothers had a common wife (very seldom also many common wives<sup>29</sup>).

Besides there also existed the patriarchal system. A marriage contracted under this system (the so-called *dīga* marriage) was by its nature more permanent. The wife moved into the household of her husband. Children of such a marriage belonged to the family of the husband. Inheritance was regulated according to the father-right system.<sup>30</sup>

These co-existing systems were originally prevalent among all Sinhalese. The custom of polyandry which in later times was proved to exist only in the interior, can also be proved to have existed for example in Galle on the South Western Coast even in the 17th century.<sup>31</sup> The general tendency to be observed in recent times is—as in similar areas in India—a growing supremacy of father-right. Since we have to regard the mother-right structure of the Sinhalese as something indigenous, one could be tempted to ascribe the spreading of father-right system to the strong East TAMILIAN cultural influence of the

28. Hayley (1923) 155, 167ff., 193ff., 370ff; Tambiah (1954) 141f.

29. Pieris (1956) 204ff. Hayley; (1923) 170ff.

30. Hayley (1923) 193ff; Tambiah (1954) 143f.

31. Baldeus (1762) 417. cf. also Pieris (1956) 204f.

mediaeval period. Indeed this influence could have facilitated the spread of father-right, but its origin in Ceylon must undoubtedly be traced to the Aryan immigrants, who also brought with them the Sinhalese language and were said to have come to Ceylon from North India in the 5th century B.C., led by a conqueror named Vijaya.<sup>32</sup>

The conquerors however did not find Ceylon an uninhabited land. Other than forest tribes, whose last descendants the Vaddas live to this day, there lived in this Island as already mentioned Nagas who very soon mixed to a great extent with the immigrants and adopted their language. Most probably the Nagas were one of the oldest inhabitants of Kerala, and related to a group of people in Southernmost India. We may mention here in passing the widespread tradition among a few castes in Kerala that they originally descended from Ceylon.<sup>33</sup>

Apart from the Aryan immigrants and the older inhabitants, one can observe another group of immigrants who got mixed with the Sinhalese nation as a whole mainly from South India, in particular the wives and relatives of castes of handicraftsmen brought to Ceylon by Vijaya from Madhura (Madurai) in the Pandyan Kingdom, which is a TAMILIAN region according to old tradition.<sup>34</sup> But also several other castes, as for example the Fisher caste of Karāvās (Karayān) are definitely of South Indian origin<sup>35</sup>. The process of transition of the Tamil-speaking group of this caste to Sinhalese nationhood, particularly on the West Coast of Ceylon, north of Chilaw, is taking place even today.<sup>36</sup>

So it is not surprising that the caste structure of the Sinhalese is very similar to that of South India; so one finds for example the very characteristic grouping of the five castes of handicraftsmen.<sup>37</sup> Particularly striking is also the characteristically superior position of the Goyigama or Vellāla, which corresponds to the position of the Nayar-caste in Malabar and the Vellāla, above all in the southern Tamil speaking regions. It is the last mentioned peasant or farmer

32. Geiger (1960) 13; Codrington (1939) 6ff.

33. In particular among the Ilavan and Tiyan; cf. Baines (1912) 71; Thurston & Rangachari (1909) II, 392f.; VII, 37ff.

34. *Mahavamsa*, 7. 48ff.; see Geiger (1960) 14, 43. In this connection a tradition among the Malabari Kammalan that they had emigrated to Ceylon in early times, and then returned from there to Malabar; deserves notice (Thurston & Rangachari, III, 136f).

35. cf. Raghavan (1961).

36. About Sinhalese castes cf. Geiger (1960) 26; Ryan (1953), as well as Pieris (1956) 169ff.; about the Karayan in South India, cf. Thurston & Rangachari (1909) VI, 177.

37. Geiger (1960) 26, 83; Thurston & Rangachari (1909) III, 106ff, 125ff; Baines (1912). 58f. For the development of this caste in the Kingdom of Kandy see Codrington (1909) 221ff.; Pieris (1956) 181ff. In the account of Knox (1681) 107ff, the group of "artificers" has been definitely upgraded. The craftsman who traditionally belonged to this group are the goldsmith, coppersmith, blacksmith, carpenter and bricklayer (mason); in the course of history the group changed. The designation Ācāri for the smith corresponds naturally and exactly to the Malabar sub-group Asari of the Kammalan; compare footnote 18 above.

caste, in which the old indigenous peasant population and the immigrant Aryans have amalgamated into a unit in Ceylon. This peasant group, though theoretically, according to the Aryan four-fold division of caste, is Śūdra, has become the highest caste among the Sinhalese.<sup>38</sup> This caste system has nothing to do with the Brahmanical caste system of the Aryans of North India. It had protected itself so well from being influenced by the Hindu social system developed by the Aryans, in that the Sinhalese remained Buddhists, and Buddhism, as against Hinduism, views all details of the social order as purely worldly and from the standpoint of religion mainly irrelevant.

The co-existence of both right-systems among the Sinhalese can therefore be connected with the fact that Sinhalese culture was the product of the process of living together of varied groups of people, which is also shown by a glance at their caste structure, and is also true of the Sinhalese folk religion. Aryan immigrants brought the patriarchal family system, while the older inhabitants, whom we described as the Nagas, were the bearers of the mother-right system.<sup>39</sup>

### III

For the throne succession of Sinhalese kings in mediaeval Ceylon, Wilhelm Geiger has deduced from historical facts the following rule :

In Ceylon the succession (to the throne) was in the paternal line with the particular rule that first the whole generation must have died out, before the next generation came to the throne. When a king who had brothers died, not his sons, but the younger brother succeeded him one by one according to age. Only when the last of them had died, the eldest son of the eldest brother of the preceding generation ascended the throne.<sup>40</sup>

This view found general acceptance until M. B. Ariyapala<sup>41</sup> undertook to show that the practice was completely different. He says : "There is a mass of evidence to support the (other) view, that the succession was from father to son . . .", although he admits that during a definite period—from Mahinda III to Mahinda IV it was the case that the younger brother took the throne.<sup>42</sup> But later he says that the inheritance from father to son was the universal rule in the history of Ceylon.<sup>43</sup>

38. Geiger (1960) 26; Hayley (1923) 148. The designation Vellala — today replaced mostly by the word *goyigama* or *goyivamsa* — became common among the Sinhalese perhaps due to the Tamil cultural influence of the late mediaeval period.

39. When we speak of Nāga people in Ceylon as the oldest inhabitants we mean thereby only that they were older than the Sinhalese immigrants. It is possible, and even likely, that they have themselves emigrated from India to Ceylon not long before the Sinhalese.

40. Geiger (1960) 106; Geiger: translation of *Culavamsa*, I, XXXff.

41. Ariyapala (1954) 195ff.

42. *ibid.*, 214.

43. *ibid.*, 215f.

In his essay Ariyapala interprets the whole line of Sinhalese kings according to the principle postulated by him. Thereby he assumes in many cases that the King was childless. But this is perhaps too rash an assumption to make for example in the case of four brothers (Uttiya, Mahāsiva, Sūratissa, Asela) who reigned consecutively<sup>44</sup>. One does not understand how, from the fact that no sons are mentioned, one could come to the conclusion that there were none, considering the fact that the chronicles give very scanty information. Ariyapala also cites the account of the usurpation of Dāthāpabhuti in favour of his view. Dāthāpabhuti usurped the rule, which should have been his elder brother's but had to commit suicide later. Ariyapala says : "If the succession was from brother to brother, Dāthāpabhuti would have had his chance to rule after Moggallāna. Why then did he usurp the throne? Probably because he would not have become king when Moggallāna had his own sons to succeed him".<sup>45</sup>

But the conclusion is not justified; the events prove if anything rather the opposite. Brothers are mostly close to each other in age; thus each younger brother even if he was in the line of succession had to wait very long, that is till his immediately elder brother died. He could even reckon with a certain probability that he himself could die while another elder brother was alive, so that he would never be able to exercise his right of throne succession. It is exactly this circumstance that led to rather frequent fratricides in Sinhalese Royal houses ; whereas on the other hand if only the son of a King could inherit the throne it was not possible for a younger brother to seize the throne by murdering the elder brother.<sup>46</sup>

#### IV

A principle of throne succession must be briefly mentioned here which could break the general rules, namely the possibility that a ruler could be elected by his people or their representatives. Such an election could take place on the wishes of an abdicating king or if peculiar conditions warranted it. This principle of throne succession was known to exist in Ceylon till the beginning of the 19th century,<sup>47</sup> so that legal historians have long recognised it.<sup>48</sup> The *Mahavamsa* in addition contains references to it, e.g. King Parakramabāhu II arranging for the election of Vijayabāhu IV.<sup>49</sup> We wish to draw attention here to the fact that the King put up for election not only his own sons, but also his sister's sons; perhaps his younger brother was not living any more.

44. *ibid.*, 196.

45. *ibid.*, 200.

46. For Ariyapala's view see also Ariyapala (1956) 53f.

47. Davy (1821) 159.

48. Hayley (1923) 41f.

49. *Mahavamsa*, 87.39.

One comes across the election of Kings in South India too. In the *Keralot-patti*, a work on the history of Kerala which is on the whole, it is true, of doubtful source value, but containing some genuine traditions, one finds the account that the Brahmins first got the sanction of a people's assembly before they invited a ruler from outside.<sup>50</sup> The idea that installation of a king had to be legitimated by the people, seems to have been known to the authors who made up this history, even though in this case no historical facts support this assumption. But we do know of a well proved historical example of the election of a king, namely the election of King Nandivarman II Pallavamalla by the people circa 730 B.C.<sup>51</sup>

For a judgment on throne succession in Ceylon, it is very important that there are some indications that the Sinhalese Royal House, at least for some periods, was under the influence of legal conditions based on mother-right, although basically exhibiting a patriarchal family organization. We have already touched in passing on the fact that Parakramabāhu II proposed for election to the throne his sister's sons and his own sons on an equal footing. The marriage of a king's daughter with the son of the ruler's sister is common.<sup>52</sup> This accords exactly with the mother-right "cross-cousin marriage" system of the Highland Sinhalese.<sup>53</sup> Geiger points out that the ruler's sister's son had a privileged position.<sup>54</sup> In some cases he even succeeded to the throne.<sup>55</sup> Already the legendary account of the fourth Sinhalese King Pandukābhaya points in this direction. The King Panduvāsudeva had ten sons and one daughter; his eldest son Abhaya became his successor. His daughter Ummādacitta, had from Dighagāmanī, the son of a mother's brother, i.e. the person whom she had to marry according to the system of cross-cousin marriage, a son Pandukābhaya, who killed his ten uncles and succeeded to the throne.<sup>56</sup> In fact only according to the mother-right system was Pandukābhaya entitled to the throne after his uncles, and not according to the father-right system. Symbolic interpretation of legends is generally hazardous; but in this case one is practically forced to do so. The Princess was locked up on account of a prophesy. In spite of all precautionary measures she was able to contract an alliance with her cousin, and her son succeeded in securing for himself the right of succession according to the mother-right law. Could one imagine a more appropriate symbolization of this development? The weak minority which represented the father-right system did not succeed—even by locking up the Princess—in preventing the successful upholding of at least a few of the customs of the

50. Padmanabha Menon (1924) I (Notes) 38.

51. Minakshi (1938) 38; Majumdar (1954) III. 262.

52. Geiger (1960) 31.

53. Hayley (1923) 155.

54. Geiger (1960) 43, 142.

55. *ibid.*, 106.

56. *ibid.*, 21; *Mahāvamsa*, Chaps. 9-10.

legal system of the indigenous mother-right population, the success of which was symbolised by Pandukābhaya.

Furthermore, Paranavitana has put together a number of instances where the descent of the Sinhalese Royal Family has been judged according to the maternal line.<sup>57</sup> Only, in passing, one should mention that in Ceylon on a few occasions even women enjoyed Royal dignity without any restrictions. We would also like to mention that the assumption of the throne by Srivijayarājasimha, a brother of the Queen, in 1739.<sup>58</sup> We would like to place more importance on the testimony of polyandry in the Royal houses. It is mentioned in the Sinhalese chronicle *Rājāvaliya* that both the brother of the King Dharmaparākramabāhu (1509-1528), Vijayabahu and Rājasimha lived with a common wife.<sup>59</sup> From a reference in another part of the same work where mention is made of an illegal relationship of this type, one may not draw the conclusion that polyandry was forbidden on principle in the royal houses.<sup>60</sup> Certainly it could not have been as widespread among them as among the peasant folk.

Finally even the terminology of relationship in the Ceylonese chronicles points—naturally they concern only the tradition of the ruling families—to a mother-right and polyandrous family system. The brothers of the father were called “fathers” and the sons of two brothers are referred to as “brothers” and not as cousins. The elder of the father’s brothers is “big father”, and the younger “small father”.<sup>61</sup> This terminology is common among the Sinhalese even today. One and the same term is used—at most modified by additional adjectives—namely *appā*, for the father, the brother of the father, and the brother of the mother of the wife. The term *ammā*, refers to the mother, the sister of the mother, the wife of the brother of the father, and the sister of the father of the wife; and the term *māma* for the father of the wife, the brother of the mother, and so forth. For the brothers only the term *ayiyā* for the elder, and *mali* for the younger is in use. The common term *sahōdarayā* is borrowed from Sanskrit, and is only in literary usage. But the words *ayiya* and *mali* is used also for the sons of the brother of the father, the sons of the sisters of the mother, and the husband of the sister of the wife. The same applies to the words for sister, etc.

It is unmistakable that this whole terminological system is only to be understood in relation to the old social system of the Sinhalese, which was characterised by mother-right and cross-cousin marriage. That this system—we may be permitted this digression here — was derived from the culture of the old layer of inhabitants from which it developed through different language

57. Paranavitana (1933) 235ff.

58. Codrington (1939) 139; *Mahāvamsa*, 98·1.

59. *Rajavaliya*, 50; Pieris (1956) 205.

60. *Rajavaliya*, 18f; Pieris (1956), 204 note 45.

61. Geiger (1960) 31.

regroupings of the Dravidian and Sinhalese peoples, is proved by the almost complete conformity in the system of kinship terminology with the Dravidian languages, even though the language material is different. The Sinhalese words already mentioned—*appā*, *ammā*, *māma*, *ayiyā*, *malli*, thus correspond with the Tamil words *appan* (*appā*), *amman* (*amma*; respectively *citti* for the younger sister of the mother and the father's younger brother's wife), *māman*, *annan*, *tampi*, in exactly the same usage. One may therefore draw the conclusion that the Sinhalese terminology of relationship has been proved in all clearness as belonging to the South Indian. But the South Indian system of kinship terminology is completely different from the North India.<sup>62</sup>

This observation also confirms that we have no right to conclude the absence of the mother-right system in ancient Ceylon on the basis of the silence of the ancient Sinhalese literary sources. In any case we cannot expect to find evidence for it in the sources of ancient time, because the chronicles tell us not about the life of the common people, but only about that of the kings and monks and even then, only from the standpoint of the destiny of the State and the Buddhist religious orders, and the narrative literature of the Sinhalese in ancient time is so strongly influenced by Indian models (so far as they are not simple imitations of Indian works) that even there we cannot expect such information.<sup>63</sup>

But we have on the other hand already referred to the indubitable evidence of the influence on the ruling family, basically organized according to father-right, by mother-right. In view of the above considerations we believe now that it would no longer be rash to see in the principle of seniority of Sinhalese throne succession, a form of compromise between both "right" systems. Instead of the son of the eldest sister succeeding a row of brothers—which is the case in a matrilineal family—here the son of the eldest brother succeeds. Thus a principle of succession native to the matriarchal system is transplanted in a modified form on to the patriarchal noble families of the Sinhalese. The later prevalence of the normal Hindu right of throne succession of the eldest son, particularly in mediaeval times is a gradual development, which was naturally encouraged by the kings for personal reasons, and which is also connected with the Hinduisation of the South Indian and Ceylonese region, which also the Sinhalese in their many aspects of life were exposed to even though they retained the Buddhist religion. Finally the growing influence of

62. The Sinhalese kinship terminology is given by Hayley (1923) 156ff.; Pieris (1956) 212ff.; the Dravidian and North Indian, one finds in Karve (1953).

63. Changes which point to the law of primogeniture, such as Ariyapala (1954) 196 cites, are based on such Indian literary influences.

foreign elements in the Sinhalese Royal House through marriage with Indian dynasties, also contributed to this development.<sup>64</sup>

In concluding, we wish to cite some non-Ceylonese parallels of this type of throne succession law. It is true that the throne succession of old Tamilian dynasties of the Sangam period is disputed,<sup>65</sup> and of the older Pallavas for example completely unknown,<sup>66</sup> but there can be no doubt that in a great number of cases in ancient South India the brother of the ruling prince, and not the son, succeeded to the throne.<sup>67</sup> Not all these cases are to be explained by the kings being childless or by the minority of their crown princes. For the early Cola-line of Vijayālaya, Nilakanta Sastri and Venkataramaya have also surmised that throne succession was regulated by the principle of seniority and not by that of primogeniture, or that at least both principles stood in conflict.<sup>68</sup> Apart from Kerala the general tendency was certainly for the throne right of the eldest son to gain supremacy.<sup>69</sup>

It is also not uninteresting to note, how a forest tribe of Cochin, the Kādar, have modified their father-right under the influence of the ruling Nāyarcaste : among the Kadars it was the son who inherited the property but in the case of their chiefs it was the eldest nephew.<sup>70</sup> Sections of the Ilavan caste of Kerala have also developed a combination of both systems.<sup>71</sup>

Without any suspicion of historical dependence, there exists on the Fiji Islands in the Pacific Ocean, as Hocart has ascertained, a similar law of throne succession as in ancient Ceylon.<sup>72</sup> We mention this parallel only because it shows a common line of development with Ceylon, which we already mentioned briefly, namely that in spite of the existing right of the younger brother and then the elder nephew, often de facto, the throne succession of the eldest son was successful without thereby basically calling into question the right of seniority. The parallel of the Fiji Islands shows better than many words

64. Therewith the demand of Ariyapala (1954) 215 & (1956) 54, to give a definite point of time as to when the principle of primogeniture replaced the principle of seniority in Ceylon, has been met. Strong ruling personalities could break the customary law (there were hardly laws in the modern sense then) but in fact a new practice which was in vogue for some time could naturally evolve into customary law.

65. On this dispute cf. Ramachandra Dikshitar (1933-4).

66. cf. Minakshi (1938) 38.

67. cf. e.g., Dommara-Nandyala Plates of Punyakumara, *Ep. Ind.*, XXVII, No. 44, 274, 276 and a number of similar examples.

68. *Ep. Ind.*, XVII, No. 5, 224. Compare also the examples of female succession in the House of Ramnad; Sewell (1884) 232.

69. In Travancore itself circa 1730 Sri Padmanabhan Tampi, the eldest son of the dead ruler, tried to claim the throne for himself against the law, naturally without a successor (Raja, 1953) 198.

70. Anantha Krishna Iyer (1909-12) I, 10.

71. *ibid.*, I, 301ff.

72. Hocart (1933) 61ff.

that the use of the statistical principle, as Ariyapala has attempted to do, is unwarranted in this question.

We therefore come to the conclusion that the law of throne succession in ancient Ceylon discovered by Geiger can be explained, and is also confirmed by the cultural-historical conditions of the country. That this rule was often broken in favour of the eldest son, is to be explained on the one hand by the tendency to Hinduisation, and by human nature generally and on the other hand by the conditions of power in each particular period, but these factors do not in any way change the basic principles of the customary law on which throne succession was based.

## REFERENCES

- ANANTHA KRISHNA IYER, L.K. (1909-12) *The Cochín tribes and castes* (Madras).
- ARIYAPALA, M.B. (1954) Succession to the throne in ancient Ceylon (*University of Ceylon Review*, XII/4).
- ARIYAPALA, M.B. (1956) *Society in mediaeval Ceylon* (Colombo).
- BAINES, Sir A. (1912) Ethnography (*Grundriss der Indo-Arschen Philologie*, 11, 5).
- BALDEUS, Philip (1672) *Beschreibung der küsten Malabar und Coromandel als auch der insel Ceylon* (Amsterdam).
- BRELOER, B. (1940) Die Sākya (Zeitschrift der Deutschen Morgenländischen Gesellschaft, 94).
- CHATTOPADHYAYA, K.P. (1927) Social organization of the Sātākarnis and Sungas (*Journal & Procs. of the Asiatic Soc. of Bengal*, New Ser., XXIII).
- CHATTOPADHYAYA, K.P. (1939) Sātākarni succession and marriage rules (*J. Asiatic Society of Bengal*, Letters, V.).
- CODRINGTON, H.W. (1909) The Kandyan navandanno (*J. Royal Asiatic Soc., Ceylon Branch*, 62).
- CODRINGTON, H.W. (1939) *A short history of Ceylon* (London, rev. ed.).
- CŪLAVAMSA, being the more recent part of the MAHAVAMSA ed. Wilhelm Geiger (London, 2 vol. 1929-30).
- DAVY, John (1821) *An account of the interior of Ceylon and its inhabitants* (London).
- EHRENFELS, Baron Omar Rolf (1941) *Mother right in India* (Oxford Univ. Press).
- EPIGRAPHIA INDICA (abbr. Ep. Ind.).
- GEIGER, Wilhelm (1960) *Culture of Ceylon in Mediaeval times* (Wiesbaden).
- HAYLEY, F.A. (1923) *A treatise on the laws and customs of the Sinhalese* (Colombo).
- HOCART, A.M. (1923) Buddha and Devadatta (*Indian Antiquary*).
- HOCART, A.M. (1933) India and the Pacific (*Ceylon J. Science*, G, I.).
- JOLLY, J. (1896) Recht und sitte (*Grundriss der Indo-Arischen Philologie Und Altertumskunde*, 11/8).
- JURRIANSE, M.W. (1954) The compilation of the customary law of Jaffna (Thesawalamai in 1707) (*Bijdragen tot de Taal-Landen volkenkunde van N-Indie*).
- KAPADIA, K.M. (1958) *Marriage and family in India* (Oxford Univ. Press) 2nd ed.
- KARVE, Iravati (1953) *Kinship organization in India* (Poona).
- KNOX, Robert (1881) *An historical relation of the island of Ceylon* (London).
- MAHAVAMSA, ed. Wilhelm Geiger (London: Oxford Univ. Press, 1934).
- MAJUMDAR, R.C. (1954) *The history and culture of the Indian people. III: The Classical Age* (Bombay).