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(Chapter 7)

## The Annamanada Case: A Hundred Years of Conflict over Rights and Territories in Kerala

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Foreigners coming to the south-western coast of India have produced seemingly contrasting statements in the past regarding the existence of territories there. Two examples may serve as illustrations. Ibn Battûta, who travelled throughout this coast in the 1340s, states:

There are in Malabar twelve idolatrous sultans.... Between the States of each of them, there is a wooden gate on which is engraved the name of the one whose domain starts from this point. It is called the safety gate of "N". When after some offence a Muslim or an idolatrous has fled the State of one of these princes, and has reached the safety gate of another prince, he is in security, and the one he flees cannot seize him even though he be powerful and heading numerous armies. (Ibn Battûta 1982: III-197 - my translation from the French version).

In contrast, Van Reede, the first Dutch Governor in Cochin, writes in 1677:

The extent of each realm is expressed in terms of the number of soldiers the Chief could command - the territorial extent not being taken into consideration. Of course there are traditional boundaries for each Nad [principality] over which the individual chieftains held sway. (Van Reede, quoted by Raman Menon 1936: 12).

Thus, on the one hand sacrosanct boundaries marked by gates are mentioned, while, on the other hand, soldiers are said to be more relevant for the definition of a realm than the land effectively controlled (though limits are acknowledged). Such a basic opposition is illustrative of a more general debate about the existence or importance of conceptions of territory in India. Contrary to the many scholars who have argued that territory was altogether absent, or of secondary importance, this paper aims to show its crucial role in the social organization and dynamics, and at understanding why there could have been any doubt on the matter. The discussion will bear on the region corresponding nowadays to south and central Kerala. The point, however, is of relevance to India as a whole.

### **Preliminary discussion**

Van Reede's statement may at first sight be interpreted as corresponding more to the strategic interests of the Dutch –an evaluation of the armed forces of the respective rulers in a context

of colonial expansion- than to an actual portrayal of local conceptions. As a matter of fact, however, it borrows from a past effective usage in the region, where small regions, *nāṭu*, and sometimes ‘villages’, *dēśam* (with the nuance that settlements are dispersed), were referred to by numbers. This has been sometimes interpreted by historians as corresponding either to the number of families of the martial peasant caste of Nāyars, or to the number of notables who were members of local assemblies.<sup>1</sup> Thus, according to one historian,

The *Nadu* and *Desam* in Kerala differed from similar territorial divisions elsewhere in so far as they consisted not of so many towns and villages but of so many Nair [Nāyar] families such as the ‘*Five Hundred*’ of Kodakaranadu, the ‘*Four Hundred*’ of Annamanada, and the ‘*Three Hundred*’ of Chengazhinad (Sreedhara Menon 1962 : 146 -reproducing a study published in 1911 by C.Achyutha Menon).

Though the figures used by Van Reede were of a different order (armed men being counted by the thousands), a similar logic seems at work, which defines ‘territorial divisions’ through groups of people rather than through boundaries. Since, *contra* Sreedhara Menon, considering a chiefdom with reference to its inhabitants appears to have been a widespread practice in South Asia, some scholars have been led to contest the very validity of the term ‘territory’ when applied to former political units. For instance, according to André Wink, ‘the concept of territory becomes fallacious’ in the context of eighteenth-century Maratha rule in the Deccan (Wink 1986: 47); this is because ‘territory cannot be seen as a primary constituent of the Indian state. Instead we find a people-cum-territory or *janapada*, shot through with vested rights’ (ibid.: 161). The same argument is forwarded by political scientist Christophe Jaffrelot when he considers that territory gets only ‘a subordinate and ambiguous place’ in ancient Indian political tradition (Jaffrelot 1996: 75). Jaffrelot here relies on the work of anthropologist Louis Dumont. For Dumont, the socio-political sphere, and therefore kingship and territory, belong to a secondary, empirical level which is not recognized as such at the ‘ideological’ one (the latter being reduced to an opposition between purity and impurity characterizing caste hierarchy -Dumont 1966: 196).

All these authors, however, seem to base their arguments on an implicit comparison with a model of territory typical of the modern nation-state -itself often an ideal construct as Ronald Inden has pointed out (1990: 265). Taken to its logical extreme, this model would imply that no ‘real’ territory ever existed before the apparition of nation-states.<sup>2</sup> This restrictive understanding of territory tends to shape the discussion in Manichean terms about its existence or non-existence, as if only a ‘yes’ or ‘no’ answer was to be expected -and more often than not, the answer is negative as a direct consequence of the very definition. I prefer to follow here the dictionary definition. A territory, as understood here, is any extent of land (or water) under a jurisdiction. The question then becomes one of studying modes of land appropriation and political control.

The denial of the importance of territory in India has sometimes taken advantage of an anachronistic use of studies on Vedic texts. According to these texts, territorial rooting was either dismissed as undesirable (see Angot in this volume), or altogether ignored. For instance, Sanskritist Charles Malamoud explained that the ‘word *grāma*, ordinarily translated as “village”, designates a human concentration, a network of institutions, rather than a fixed

territory; differing from Latin *pagus* which evokes territorial rooting, the Vedic *grāma* is essentially a troop if we are to believe its etymology... The stability of the *grāma* depends more on the cohesion of its constituent group than on the space it occupies' (Malamoud 1976: 4-5). However, to conclude from this that territory in India was of secondary importance from Vedic times to comparatively recent periods would be a big leap. Malamoud is always cautious to restrict his statements to the ancient period and literature he studies; but the general feeling about the secondary character of territory in India was so prevalent among scholars at a time that, in this case, it led him to extrapolate to contemporary society, adding that 'the weakness of the Indian village's "territoriality" can also be seen in the fact that in India, ancestors have no terrestrial abode' (ibid.: n. 7). This was a reference to funerary practices mainly among Brahmans and other high-ranking castes, but not necessarily among mid or low-status groups, at least in south India. Strikingly, however, the same argument has been put forward about today's Kerala by Yasuchi Uchiyamada, a social anthropologist whose general stance may be seen as post-modernist and 'subalternist'. Contrasting Brahmans with non-Brahmans and especially Dalits, he argued that the latter had stronger bonds with land because they bury their dead and install their ancestors in shrines (Uchiyamada 2000). As this example suggests, there is thus more in this than mere so-called 'Orientalism', as the question could be too easily dismissed.

Thus, be it at the level of kingdom, village, or high-castes' landed property, territory in India has often been said to be of little relevance.<sup>3</sup> Considering this was a society practising settled agriculture for more than two thousand years, one cannot be but surprised by such assertions. Could scores of successive kings and chiefs be uninterested in political boundaries? Could villagers be uninterested in village limits? Could high-caste landlords be uninterested in the lands they controlled because their ancestors were (hopefully) in heaven? There is here a major problem in interpretation, which seems to come from confusion between practice and discourse, assigning to some discourse an overarching import. For instance, Kesavan Veluthat (1993) has pointed out a confusion often made between what he calls the 'self image of royalty' and the forms taken by power and authority. Ronald Inden (1990: 268), for his part, rightly underlined that though 'the makers of India's politics were anti-utopian', it does not follow that Indians devalued the political. 'On the contrary they have treated the political aspects of life as integral'.

My paper explores how social and political life was territorially organized in Kerala. How were territories thought of and discussed?<sup>4</sup> How did notions and practices related to them evolve as part of the general changes in society?

The use of the past tense needs a word of explanation. The Indian Union, and as part of it, the state of Kerala, is conceived in terms of a modern nation-state with its associated notions of territory, heirs to a complex heritage of Indian and Western political thought and practice (Goswami 1998; 2004). A study of present day conceptions would be interesting in its own right, but would not therefore directly address the issues previously summarized.

True, a lot of ethnographic evidence on today's society points to a deep rooted, ancient sense of territory in Kerala.<sup>5</sup> Names of persons refer most of the time to the specific place of origin of the family, thus rooting genealogies in the soil. A large number of temple cults are still closely linked to the families of notables who hold sway over a remembered, well-delimited past territory. Deities themselves have often very precise jurisdictions,<sup>6</sup> whose limits

are ceremonially marked by processions. Temple festivals are organized on a territorial basis, in which territory-based factions compete (Tarabout 1986; 1993; 1999). But while such evidence gives one a strong feeling that territory is central to current social life, and is not a new phenomenon, it has not by itself the capacity to address the debate about the importance and nature of territorial conceptions before the advent of colonial political formations. Hence my attempt to introduce a discussion about past conceptions of territory in the region, and about their evolution.

The paper will proceed in the following manner. After a presentation of some characteristics of the landed elite prior to the twentieth century, the discussion will focus on a particular dispute which opposed the two former kingdoms of Cochin and Travancore for more than a century, and which concerned the rights each of them claimed over the Annamanada temple and its lands. A remarkable number of claims, arguments, and counter-arguments were put forward in the course of the dispute, shedding light on the conceptual elaborations relevant at that time and in these circumstances.

### **A landed aristocracy**

Throughout the period to be considered, from the early eighteenth to late nineteenth centuries, the society on the south-western coast (as in other parts of India) underwent important changes in relation to which the Annamanada dispute has to be understood. A few characteristics of the landed elite, applying to this period, may be summarized.<sup>7</sup>

Land control and political power was mainly in the hands of two castes, deemed superior in terms of purity: the patrilineal Naṃpūtiri Brahmans and, ritually below them, the matrilineal Nāyar peasant-warriors (considered by Brahmans to belong to the broad category of ‘servants’, Śūdras, but locally of high status in relation to other castes). Of intermediate status between these two castes, a few princely lineages were also part of this landed aristocracy, at the core of the political power. There was a flourishing commerce in spices (especially pepper) in the hands of the appreciable Muslim and Christian minorities, but this did not lead to political dominance, except in a few instances.<sup>8</sup>

The Naṃpūtiris, Nāyars (at least the most affluent and powerful among them) and princely lineages had in common a few characteristics. They were organized in extended lineages possessing undivided rights over land. Usually Naṃpūtiris had superior rights, and Nāyars held subordinate but more or less permanent ones; cultivation was in the hands of Nāyars of less affluence or of lower-status castes. A lineage or branch-line (sometimes consisting of more than a hundred persons) would live together in the same house or manor-house. The name of this lineage was the name of the house and its surrounding compound.<sup>9</sup> It was thus the name of a plot of land, unique in the whole of Kerala, which localized and identified at the same time each lineage, testifying to the crucial importance until very recently of locality in the definition of the social units within these castes.

The preservation through time of the continuity of these localized lineages, together with their economic and political rights and the positions of honour (*sthānam*) they could detain, was of vital concern for this aristocracy. Whenever their perpetuity was at risk they resorted to adoption (including of adults), a fact already noticed and underlined in the sixteenth century by the Arab traveller, Sheikh Zeen-ud-deen (Rowlandson 1833 : 66), and well-supported by evidence throughout the later period. In order to account for all these

characteristics, I have suggested in previous papers to apply the notion of ‘House’ or ‘Manor-house’ to these lineages constituting the local ‘nobility’. This notion gained a new anthropological relevance following the work of C. Lévi-Strauss (1979, 1984), who introduced this concept to characterize social units where the preservation of economic and political interests strongly interferes with the ordinary logic of blood relationships in the definition and perpetuation of lineages.<sup>10</sup>

In most parts of Kerala, settlements are of a dispersed pattern. They are typically spread over comparatively elevated, dry land bordering the inundated lowlands where paddy is grown. Some Nam̐pūtiris may live in separate houses, without constituting a Brahman settlement; but some other Nam̐pūtiri Houses may form together a dispersed Brahman settlement, called specifically a *grāmam*, that formerly controlled comparatively large areas of agricultural land. Nāyar Houses, as a rule, are part of a dispersed Nāyar settlement or neighbourhood, usually of much smaller size than Brahman ones, and commonly called *tara* (elevated ground, platform) or *kara* (bank, ridge). Members of other castes may also live there (with the exception of castes of much lower status who used to live in separate hamlets), or may have their own settlement. A Nāyar residential unit could well overlap with a Brahman unit (or with others from other castes), but all had limits, and a name that their members are eager, to now, to defend on ceremonial occasions.

We shall return later to Brahman settlement organization. Regarding the Nāyars and other castes, a group of neighbourhoods constituted a *dēśam*, usually (though inappropriately) translated as ‘village’. A *dēśam* was under the authority of a ‘village chief’, a *dēśavaḷi*, who was the leader of the local militia and claimed economic, political and ritual privileges (this is a thing of the past, except sometimes for a few ritual privileges). The ‘village chief’ for his part owed allegiance to a regional ruler, *nāṭuvali*, subordinate in his turn to a raja. In the early eighteenth century, however, political fragmentation in the southern half of Kerala made such a pyramidal model a rather ideal one, with many *nāṭuvalis* largely asserting their autonomy. A *dēśavaḷi* was usually the largest landowner in his *dēśam*, and derived most of his income from his land, with the exception of a few fees and ceremonial gifts. By contrast, *nāṭuvalis* and rajas had, in addition to their domains, much wider sources of income: capitation fees, succession fees, adoption fees, fines, ceremonial gifts, taxes on specific trees, taxes on wild game and, most importantly, tolls on various trades (Padmanabha Menon 1929: 324ff.). Depending on the regions, however, there was in the early eighteenth century generally either no land taxation, or taxation on only a small fraction of the lands -those that were not owned by Brahmans, temples, or other princes. The major part of the income of *nāṭuvalis* or of rajas thus derived from trade tolls or demesne lands. This was the result of an accumulation process made possible by a general expansion of the spice trade (particularly in pepper) with Asia, and a corresponding development of the cash economy, of new cultivated areas, and of a new, non-Brahman, military landowning class (to which most of the *nāṭuvalis* and *dēśavaḷis* belonged).<sup>11</sup> Superior rights on land (*janmam*) were sold, sometimes with the correlated power to administer justice (Logan 1951: cxxiv). Lands became regularly mortgaged, providing for a growing dissociation between land-ownership and land-control (Ganesh 1999). Even *dēśavaḷi* rights could be mortgaged and sold (for instance Logan 1951: cxxxv, cxxxviii, cxlvi, for deeds between 1622 and 1731). These transactions were precise in evoking the limits of the land or of the *dēśam* which was sold or bought; they were also detailed and extensive in

enumerating its 'components' (including, where land was concerned, the sky above and the *pātālam* or underworld beneath). All this points to a strongly expressed notion of ownership of precisely delimited lands, often linked to politico-religious jurisdictional rights.

As far as political structure was concerned, it was made particularly complex due to the fact that there was a 'multi-dimensional' quality to the rights that could be held by a single House. A House could, for instance, assume a *nāṭuvali* title on a region in which other Houses could have *dēśavali* rights on some of its 'villages', while itself possessing at the same time *dēśavali* titles on 'villages' outside its own region; in addition, it could as well have landed 'property' (under a variety of landowning or land-controlling rights) in various places.<sup>12</sup> This was a situation of intense competition between Houses for accumulating more titles, more rights, and more power. In this contest, many big temples held by Nāṃpūtiri Houses became crucial stakes, not only (as has often been said for south India) because they were important economic redistribution centres, or because they provided a public stage where to demonstrate prestige through donations,<sup>13</sup> but also -quite simply- as a source of divine power and legitimacy couched in terms of devotion or *bhakti* (Narayanan 1994; Namboodiri 1999). The Annamanada case, to which we shall now turn, has to be understood in such a light.

### **The Annamanada Case: Outline**

Annamanada is the name of a temple situated a few kilometres from the small and busy town of Chalakudy in central Kerala.<sup>14</sup> Since 1761, and for more than a century, this temple and a few villages connected to it (representing approximately 10 square miles) were at the core of a dispute between the Raja of Cochin, in the territories of which Annamanada was situated, and the Raja of Travancore. The latter had emerged in the course of the few preceding decades as the main local power, covering the southern half of today's Kerala. The former had been weakened by successive invasions from the north by the Sāmūtiri ('Zamorin') of Calicut, and the Mysore rulers (Hyder Ali and Tipu Sultan) against whom he had had to ask his powerful neighbour, the Raja of Travancore for military help of. His territories were both reduced and discontinuous, dispersed in the central part of Kerala. By a first exchange of agreements in 1761, slightly modified in a second exchange in 1765, both Rajas recognized the respective boundaries of their territories, with the proviso that the Raja of Travancore would continue to exercise the ceremonial rights that he had obtained in a few important temples situated in Cochin's territories. Annamanada was one of them. This in itself was no exceptional feature. It was not uncommon to have two, even three, chiefs or rajas exercising ceremonial and executive rights in important temples, sometimes quite far from their territories.<sup>15</sup> But in this case, difficulties emerged and conflict between the local representatives of the two Rajas steadily worsened.

By the end of the eighteenth century, the British were the main power in south India. They annexed the northern part of today's Kerala, which then became the Malabar district, first of the Bombay Presidency, and later of the Madras Presidency. Cochin and Travancore were maintained as Princely States, under indirect rule. A Resident was installed in both courts, to shape the (officially independent) policies of the Rajas. As far as the Annamanada case is concerned, conflicts between the two Rajas continued unabated, so that successive Residents had regularly to intervene. By the end of the nineteenth century, both Rajas asked for a final arbitration on Annamanada and four other similar longstanding disputes (out of

which three concerned rights over temples).<sup>16</sup> In October 1880, J.C. Hannington, then District and Sessions Judge of Salem, was appointed by the Madras government as arbitrator. He heard both sides, and in 1882 gave a judgment in favour of Cochin as far as Annamanada was concerned. This arbitration process provides the main source of the present study. A compilation of papers related to it was published by the Travancore government in 1900 under the title *Important Papers Connected with the Dispute between Travancore and Cochin Regarding the Annamanaday Devaswom and the Desoms thereof, Including Adoor Gramom* - referred to in the following pages as IP.<sup>17</sup>

The limitations imposed by such a source should be clear. The frame is a judicial contest, in which officials and lawyers on both sides come forward with tactical arguments orienting all presentation of ‘facts’. Besides, only a few original documents pertaining to the early stages of the dispute were submitted (some of them deemed to be downright forgeries by the opposite side). Thus, the present discussion largely relies on historical reconstructions and claims that were made in the 1880s by people living already in a very different intellectual, political, and administrative context. But we can cross-check these reconstructions with the ones provided by recent historical studies,<sup>18</sup> so that a plausible picture regarding past territorial logic may emerge. I would argue that the differences between the situation in the eighteenth century and the discourses recorded in the late nineteenth century, and the very conflicting nature of arguments regarding the interpretation of earlier rights (as expressed in the 1880s), may prove illuminating about the changes that occurred between the early stages of the dispute and the arbitration procedure.

As a first step the paper will propose a reconstruction of the situation at the time of the agreements between Cochin and Travancore in 1761 and 1765. This will be followed by an evocation of the conflicts between Travancore and Cochin. The paper will then proceed to present a discussion of a few important vernacular terms, as they were considered at the time of arbitration. Through these three stages, I hope to illustrate the changes in the conception of territory in the course of a century and a half, until about 1910.

### **The origins of the dispute**

In 1881, at the beginning of the arbitration, Cochin proposed her own reconstruction of what the situation was supposed to have been prior to the treaty of 1761. This went unchallenged by Travancore in its counter-statement. It does not follow, of course, that this was an accurate picture, but merely that it seemed acceptable to both parties. We can compare and cross-check with other sources taken from epigraphy, from legal deeds, or from European descriptions of the seventeenth and eighteenth centuries.

Let us first see how the place is described in the document drawn up by Cochin,<sup>19</sup> under the subheading ‘The foundation and endowment of Annamanada Devasom and how Travancore came to acquire a footing therein’:

‘The Devasom or Pagoda is situated in the Adoor Gramam’ (IP: 4)

‘Devasom’, *dēvasvam*, is properly speaking ‘God's belongings’. This is usually not only the temple (here called ‘Pagoda’), but also the lands put in the name of the god. The statement situates the temple geographically by including it in another territorial unit, a

*grāmam* - a Nampūtiri dispersed residential unit. Adur (or Atavur) *grāmam* was one of the 32 *grāmam* said to have been at the origin of Nampūtiri implantation in Kerala.<sup>20</sup>

The Devasom [*dēvasvam*] was founded and endowed by ten Nampoories [Nampūtiris], namely [name of the ten Houses<sup>21</sup>], though the exact date of its foundation and endowment is involved in obscurity, and the Sankethom [*saṃketam*] of the Devasom comprises 12 1/2 villages, i.e. [names of 13 villages<sup>22</sup>]. Of these, [two<sup>23</sup>] lie outside while the other villages lie within the limits of the Gramom (IP: 4)

As in many other cases in Kerala, the temple is presented as a Nampūtiri foundation and endowment. In this case, the temple's original and supreme rights are said to be collectively owned by the ten Nampūtiri Houses of the Adur *grāmam*. The endowment consists of lands in 12 1/2 villages ('1/2' is an often used formula in ancient Kerala for enumerations),<sup>24</sup> with the enumeration of 13 names. The lands as such, which may not necessarily form a continuous stretch, constitute the Annamanada *dēvasvam* lands. We learn from another statement in the arbitration files that there were two other, smaller *dēvasvam* situated in the same *grāmam*. We have therefore to understand the word *saṃketam* as designating an overall territory under the Annamanada's temple jurisdiction and constituted by the 13 'villages' (*dēśams*) in which were situated the temple lands, though not all these lands may have belonged to the god (there was land of other temples, as well as Brahman domains and possibly some chieftains' personal domains). It nevertheless was considered as constituting a territorial jurisdiction with important powers attributed to the temple committee of Brahmans. Quite clearly, the description suggests (and this is historically attested in other cases) that *saṃketam* (temple 'territory' as distinguished from God's land ownership) and *grāmam* (Brahman settlement's 'territory' as distinguished from Brahman personal land ownership) did not necessarily coincide.

Through the Gramom runs the river or stream called Annamanadapoya. On the eastern side of the stream is situate [sic] the village of Ariancoodi, while on its western banks lie [name of the 10 other villages of the *grāmam*]. Thus the Adoor Gramom proper consists of only 10 1/2 desoms or villages (IP: 4).

After having thus geographically located the temple and its territory in relation to a Nampūtiri *grāmam*, the text proceeds to evoke a different set of territories intersecting with the previously mentioned ones. First it mentions rights over 'villages', *dēśams*, detained by village chiefs (*dēśavalis*) and rights over regions, *nāṭu*, held by *nāṭuvalis*. Such rights entailed a control over various sources of revenue and over the residing population (especially armed men), and were linked to various ceremonial privileges and obligations towards higher rulers. They were known under the generic appellation of *sthānam*, position. Positions were attributed by higher rulers, and could be inherited, conquered, begotten through alliances, or, at times, bought. The head of a House could hold several positions, and in rare cases a single one was shared by different Houses. In the case of Annamanada, the picture evoked by Cochin's document is the following:

To one Kodur Malayan originally belonged the Nadoovai Stanom [*nāṭuvali sthānam*] of the 9 1/2 villages lying to the west of the Annamanada river; while the Nadoovai Stanom of the single village lying to the eastern side of the river as well as the two villages situated beyond the limits of the Gramom was owned by Koratti Kymal. The Kymal at the same time possessed the Deshvai Stanom [*dēśavali sthānam*] of the villages of Annamanada and Palashari, while the Deshvai Stanom of the village of Kalloor belonged to Villiarvattom Swaroopam [a local small dynasty] (IP: 4).

Let us sum up. The temple is situated in a Brahman settlement (*grāmam*), the extent of which is smaller by two villages than the temple's overall territory (*saṃketam*). The 13 villages that are said to form this *saṃketam* are divided between two regional chiefs. One has *nāṭuvali* rights over ten villages, while the other has *nāṭuvali* rights over three villages as well as *dēśavali* rights in two villages situated in the other chief's territory (likewise, a third village in this chief's jurisdiction is headed by a third regional chief from the outside). We do not know who had *dēśavali* rights in the other villages, but we can imagine it could have been either the *nāṭuvali* himself (of the region in which the villages were situated), or the head of a local House. This multiplicity of territories, their imbrications and overlaps might give an impression of 'fuzziness' to an outside observer. But, if anything, far from having no territory, we have too many of them!

The picture is rendered still more complex by the existence of various kinds of rights (*sthānam*, position) related to the supervision of the temple's affairs, which included collection of revenue, ceremonial privileges, and authority on the lands attached to the temple.

Koratti Kymal on the foundation of the Devasom, further more, became Aka-koima [*kōyimma*] or director of affairs within the Pagoda. On the occasion of the Oolsavem or festival, accompanied by an armed suite, he used to proceed from Koratti to the Devasom, have the festival flag hoisted and the necessary ceremonies performed. On the ... last day of the festival, he was required to proceed to the ... portico of the Pagoda, receive the customary rod and stick from the Tandri [chief priest], accompany the Daven [*dēvan*, god] or idol in state [to the bank of the river] and after the Daven had gone through the usual ablutions return to the Pagoda. (IP: 4)

The term *kōyimma* was the object of a specific controversy during the dispute, and will be discussed below. Let us translate it as 'authority'. *Akakōyimma*, literally 'internal authority', is deliberately presented by Cochin as a mere 'director of affairs'. But the holder of such a *kōyimma* had also clearly a decisive, and much valued ceremonial role. In other Kerala accounts, this authority is regularly presented as a kind of delegation of power from the Naṃpūtiri supreme authorities: finding themselves unable to take proper care of the temple, they ask Nāyars or members of a princely lineage to exercise the armed authority required for the proper functioning of the cults. Whatever be the case, it is important to note here (and there is general agreement on this point) that such a role is explicitly distinguished from the prerogatives of regional rulers or village chiefs as such. Of course, it was a ruler or a chief who would hold it, but it may not necessarily be the one in whose territorial jurisdiction the temple was located. As a consequence, conflict was quite frequent.

The 'Koratti Kymal' is frequently mentioned in the document. *Kaimal* is a title frequently applied in the Cochin area to the head of a chieftain Nāyar House. For instance, the Koratti Kaimal is evoked by the Dutch in 1716 as being at the head of 3000 Nāyar soldiers (Galletti *et al.* 1911: 20). In 1743, J. V. Stein van Gollennesse, then Dutch Commander of Cochin, in a memorandum makes explicit his disagreement with the economic policy of the Koratti Kaimal -who was at the time, so it appears, the senior lady of the Koratti House: 'The territory of the female Caimal of Coretty ... is of no great importance, still it exports 120 candies of pepper; which this worthless woman causes to be carried elsewhere' (ibid.: 62). In the first decade of the twentieth century, this House was 'still in existence and in fairly good circumstances' according to Achyuta Menon (cited in Galletti *et al.* 1911: 62 n. 3).<sup>25</sup>

Let us sum up what were the rights and jurisdictions concerned with the Annamanada temple in the early eighteenth century, according to the document forwarded by Cochin at the time of the arbitration. There were four levels or kinds of territories: *grāmam*, *saṃketam*, *dēśam* and *nāṭu*. Various rights are also distinguished in the document. The Naṃpūtiri Houses exercised a collective control over the temple (and over the *grāmam* and *saṃketam*), and this right was termed *ūrāyama*. The heads of Nāyar and princely Houses exercised their authority at the level of *nāṭu* and *dēśam* (and occasionally, when called for by the Naṃpūtiris, at the level of *saṃketam*). Such Houses could, in addition, hold special rights in the temple, such as *akakōyimma*.

Political fortunes varied greatly during the first half of eighteenth century with incessant wars between rulers occasionally backed by Dutch and English forces. In the case of Annamanada, this led to a proliferation of *sthānam* (which suggests that the corresponding authority may have been somewhat ineffective in reality). The events told by Cochin being rather complex (IP: 5-6), I will summarize them very cursorily.

First, Kodur Malayan (the name suggests a chief belonging to a low-status caste), exercising *nāṭuvali* rights over most of the *grāmam*, fell out with the Naṃpūtiri Houses. Since the latter detained superior *ūrāyama* rights, they asked the help of a Nāyar chieftain in order to get rid of the Malayan. The Nāyar killed the Malayan and took his place, assuming all his properties and positions. Later, this Nāyar House became heirless. The Cochin Raja, as overlord, proclaimed the adoption of another chief, the Kodasseri Kaimal,<sup>26</sup> into the House of the Nāyar, declaring him the Nāyar's heir. This conferred on the Kodasseri Kaimal all the Nāyar's privileges (in addition to the ones he already enjoyed as Kaimal), including the rights which had been originally exercised by the Kodur Malayan. Similarly, the rights of Villiarvattam (one *dēśam* within the Adur *grāmam* as far as Annamanada was concerned) were conferred by the Raja of Cochin to another noble of his court.

Around 1715, there was an invasion of the territories of Cochin by the Sāmūtiri of Calicut, helped by rebel chiefs of Cochin and by rebel factions within chieftains' Houses (for instance Kodasseri). The Sāmūtiri appointed one of his own noblemen as authority over the temple. The latter, together with the Naṃpūtiri Houses, delegated effective control to nine local 'lords', *prabhū*. These *prabhū* were from different principalities: four of them (including the Kodasseri Kaimal) came from the principality of Kodasseri, two from Parur, and three from Alangad.

In 1755-58, there was a second war between Cochin and the Sāmūtiri. In 1761, the Raja of Cochin entered into an agreement with Travancore as a result of which the Sāmūtiri

forces were eventually repelled. The Raja of Cochin made then a new and different nomination for ‘conducting the affairs’ of the temple.

But the Nampūtiris of the *grāmam* were dissatisfied and in 1762 solicited the direct protection of the Raja of Travancore, who then sent his own nominee. Besides, the agreement of 1761 stipulated that Travancore would annex the principalities of Parur and Alangad, which had obtained rights over Annamanada through their *prabhū* (five *prabhū* out of nine came from these two principalities). While these moves created the conditions for Travancore's intervention in the temple's affairs, the Cochin Raja, who had already acquired ‘by surrender and otherwise’ all the rights formerly detained by the Koratti Kaimal, benefited by the transfer of *ūrāyama* rights by two Nampūtiri Houses shortly after 1765.

My purpose here is not to check in details the reality of the facts mentioned, though I accept their overall plausibility. Travancore did not specifically contest them during the arbitration, either, and the dispute between the two states mainly bore on the meaning to be given to such facts: what meant, for instance, to be invited to be a ‘protector’ by the Nampūtiris? But as the preceding summary of events might have shown in an impressionistic way, a few characteristics emerge from the very complexity of the story, which have more or less general relevance in the region as a whole:

- *dēśam* and *nāṭu* formed the general political structure of the society, in terms of effective control over territories and armed men. Their chiefs were seldom removed, even during times of conquest, but eventually they submitted. What was at stake was therefore not so much to alter the boundaries of principalities or *nāṭus*, but who was to be overlord and what would be the rights the latter would exercise. While transfers of *nāṭuvaḷi* or *dēśvaḷi* rights (when Houses became extinct) led to a concentration of prestigious titles in a few Houses (like the Kodasseri Kaimal), there was conversely a proliferation of new rights and of newcomers as far as the ‘supervision’ of temples was concerned. Such a proliferation of notables is well in line with the general increase in new landowners that may already be noticed in the preceding centuries, and suggests an erosion of the former chieftains' effective power, together with an increase in the ascendancy of the Rajas.

- as territories, *grāmams* and *saṃketams* appear to have been different from *nāṭus* and *dēśams*. As they were respectively the territories of Brahmans and deities, they were thought of as being ‘divine’, but could not exist without ‘protectors’ from ruling Houses. These were territories with a legal and sanctified existence, but devoid, in themselves, of the (military) power to enforce their maintenance and regulations. Correlatively, in the shifting balance of power between Rajas and chieftains, the capacity to have representatives attached to temples outside one's own territory was a major stake.

- such outside protectors could have different sources of legitimacy. For instance they could inherit a position from another House, or gain it through conquest, or be ‘elected’ by the Brahmans. Thus, the Nampūtiri Houses remained a major legitimating force throughout the period, when temple and *grāmam* offices were proliferating.

It should be stressed that, whatever the fragmentation of rights, their possible superposition and the fluidity of their circulation, what remained undisputed were the territorial limits to which they applied. True, rights were contested, but the dispute developed precisely because these rights applied to territories with defined boundaries. This point will be made clear by examining the succession of administrative and political skirmishes which took place between Cochin and Travancore from about 1800 to the arbitration in the 1880s.

Before coming to this, it should be noted that in 1765 an agreement between Cochin and Travancore simplified considerably the presentation of the situation: both Rajas agreed to sum up the rights held by Travancore as being ‘the Samudaya Stanom of the Annamanada Devasom and the Koima Stanom of the Adoor Gramom’ (IP: 4). According to the arguments presented by Cochin during the arbitration, these were mere offices for conducting and supervising the affairs of the temple and the *grāmam*. According to Travancore, the two terms meant ‘sovereignty’. We shall return to this discussion later. Whatever the meaning advocated by the two parties, this agreement reduced drastically the multiplicity of rights evoked in the preceding pages. This has to be understood in relation to the development of centralization processes throughout the eighteenth century, in Travancore since the 1730s, in Cochin after 1762: at the time of the agreement, the two emergent centralized states could overrule the rights of local chiefs.<sup>27</sup> We will hear no more of *dēśavalis* or *nāṭuvalis*, then, as the effective power of such Houses became progressively reduced to a few ceremonial privileges.<sup>28</sup> The local actors, in the later part of eighteenth century and during the nineteenth century, will be more and more government officers, nominated agents of the two states, part of a gradual process in which old obligations and customary authority were first incorporated in an administrative framework, before becoming fully dissociated from any political relevance.<sup>29</sup> Sanjay Subrahmanyam has described this process in Travancore as ‘a form of centralizing royal power in the eighteenth century that uses a “traditionalist” vocabulary precisely to subvert earlier arrangements’ (Subrahmanyam 2001: 13).

This corresponds also to a reduction in the types of territories: *nāṭus* and *dēśams* would not have any political reality any more. However, the two states and their growing bureaucracy would still have to tackle territories that did not fit into the centralization process: those of the *grāmam* and the *saṅketam*. It may be argued, in fact, that it was the very dispute under scrutiny that helped to keep these units somewhat alive, though in a constantly modified form, even though elsewhere, by the end of eighteenth century, they were losing all social and political relevance.

### **Over a century of tussle**

As Cochin stated, after the agreement of 1765 ‘the Devasom affairs continued to be managed by the Ooraimakars [holders of *ūrāyama*] and others, but constant disputes arose between the managers themselves’ (IP: 6). As we have seen, there were quite a number of these managers, some of them taking their orders from Cochin, others from Travancore. In order to see on which points, precisely, conflicts erupted, I will briefly enumerate a few instances.

Around 1773-74, there is a contestation about which lands in the *grāmam* may be submitted to the few taxes levied by Cochin.

In 1792, there is a conflict between the two states concerning agents of Travancore in the *grāmam* collecting a land tax, which had been initiated at the time of the Sāmūtiri. In addition, according to Cochin, Travancore unduly wanted to impose her pepper monopoly in the area and had sent troops in order to enforce her claims.<sup>30</sup>

In 1798-89, the collection of pepper by Cochin in some parts of the *grāmam* that did not belong to the temple or to the Naṃpūtiris, is opposed by Travancore. This starts what Cochin calls in the document ‘a series of aggressions and usurpations, which but for the fact of its [Travancore] being the more powerful of the two, would have left to open war between it and Cochin’ (IP: 7).

We may note that this takes place when the British have already established their overall supremacy in the region, and installed a British Resident in the two royal courts. As incidents multiply, a new agreement mediated by the British is made in 1805.

In 1812, Travancore, as part of a general policy initiated by the then British Resident, Col. John Munro, declares that all temples under her supervision are ‘state temples’, their revenue being affected to the Finance department.<sup>31</sup> This applies also to Annamada, despite Cochin's protests.

In 1813-14, Travancore attempts to conduct a survey of the *grāmam* garden lands for tax settlement, but Cochin opposes the move -each state having the support of its own respective British Resident. The same year, Travancore objects to the sale of salt (a State monopoly) by Cochin agents in the *grāmam*, and opens a local office for levying duties on goods against the remonstrations of Cochin.

In 1814-15, it is Cochin's turn to try to survey the lands, a move opposed by Travancore.

In 1816-17, Travancore manages to survey *grāmam* lands.

In 1823, after many other skirmishes concerning monopolies (salt, pepper, tobacco), a new agreement is concluded between the two states, following British arbitration. It is also decided that the *grāmam* is a *saṅketam*, equating thus what previously seemed to have been territories of a different nature. The Resident, Major E. Cadogan, tries to set up a committee of Naṃpūtiris in charge of elaborating a definition of what is a *saṅketam*. The very working of this committee becomes a subject of dispute.

In 1828, Cochin opens up different offices, especially for controlling duties on goods, despite protests by Travancore.

In 1830, Cochin objects to Travancore's endeavour to fully control pepper trade and accuses her of forcing people to buy her salt.

In 1834, Travancore attempts to oppose the rebuilding of Cochin's local customs-house, destroyed by fire for the second time in a few years.

In 1837, Travancore conducts a new survey, despite the renewed protests of Cochin.

And so on.

What emerges from these examples is a climate of constant rivalry, of claims and counterclaims, moves and countermoves. The causes for contention are remarkably the same throughout the period. They concern the imposition of land taxes and the corresponding survey operations, the right to impose taxes on various goods, and the monopoly over pepper, salt and tobacco (plus the licensing of alcohol production and commercialization). Even when

these monopolies were abolished during the second part of the nineteenth century as part of liberal economic policy, and were replaced by licenses, trade conflicts remained at the core of the dispute between the two states. This is important, because we are brought back to the statement of Ibn Battûta quoted in the opening of this paper: the very necessity of imposing tolls on traders meant that along routes of trade there were posts signalling boundaries. In the Annamanada case, the right to levy trade taxes was a crucial stake disputed by Cochin and Travancore. What was not contested was the existence of territorial limits allowing for such a taxation.

Earlier taxes, such as personal taxes akin to capitation fees, came to be discontinued, as were various other small taxes on numerous activities. By the time of the arbitration, in the late nineteenth century, the conflict focused mostly on land relationships, the building of customs-houses, and the overall question of 'sovereignty'. The way the question was put, however, seems to have been quite different from what could be understood to have been the case in earlier times. As arbitrator Hannington wrote in his decision,

this arbitration has merely to determine whether at *any time* [original emphasis] Travancore acquired a Sovereign right or a proprietary right over the tract.

By a proprietary right I understand to be meant such a right as is exercised by a Jennum [*janmam*] proprietor of lands in Travancore - a complete right of ownership subject to the laws of the State within which his possessions lie (IP: 81).

The *janmam* right was the superior right detained by (mostly) high-caste Houses on lands over which there were many other rights. As part of the land settlement process initiated in India from about 1800 by the British in the provinces they directly controlled, or in the kingdoms in which they imposed their influence, 'proprietary rights' in an absolute, exclusive sense had to be established by law so as to identify who would be responsible for the collection of land revenue. Depending on the regions in India, 'owners' were identified at various levels of the hierarchy of land rights. In Travancore, successive legislations were passed between 1865 and 1896 that conferred ownership rights on the tenants of government lands. In this part of Kerala in the 1850s, this corresponded to some 80 per cent of the cultivated land in the state, as a result of the annexation of the domains of chieftains and temples during the preceding decades. At the time of the arbitration, Travancore was thus a state that directly owned most of the land, and that could confer private property in the modern sense of the word (Cochin did not reach this point until well into the twentieth Century).<sup>32</sup> It is significant that the Arbitrator could consider the Annamanada dispute as a question bearing on 'sovereignty' or 'proprietaryship' in an absolute, exclusive perspective, much akin to the one developed during the debates on land tenure some fifteen years earlier.

In trying to define sovereignty, both Cochin and Travancore States agreed on enumerating a multiplicity of rights. We may take the list established by Travancore in the arbitration files, in her refutation of Cochin's claims (IP: 52):

It is further alleged in ... the Cochin statement that (1) Cochin has from the earliest times exercised civil and criminal jurisdiction, (2) She established and maintained within the Gramom [mention of three offices], (3) She has levied taxes on property within the Gramom

and is still levying them, (4) She compelled every Nair family in the Gramom to send a man when there was a conscription in her territories in [1762-63], (6) She holds the salt, tobacco, and pepper monopolies as well as the Abkari farm [right of distributing licences for making and selling alcohol], (7) permission for the celebrity [sic] of marriages and other ceremonies by the inhabitants is obtained from the Rajah of Cochin on payment of fees, (8) sanction to adopt is granted by His Highness.

A complete statement, no doubt, of rights of sovereignty. Whether such statement is well sustained by evidence is the question.

Each state claimed to have held such rights in exclusivity in the past. However, as the first part of Cochin's statement illustrates (and as is brought out by external available evidence), such rights were in fact often held by different persons. *Dēśavalis*, we may recall, were entitled to services, revenues and 'gifts' and exercised judicial and executive powers, as were *nāṭuvalis* at a higher level and with wider power. In terms of territory, each right was applicable only within certain limits, so that a multiplicity of rights held by different Houses meant a multiplicity of territories. In the arbitration files, the claim by both rajas to have held all the rights from early times is in line with the affirmation of the existence of only one kind of political territory, the territory of the state. This, of course, seems to have been the projection on past times of a nineteenth-century situation. The conflict between Cochin and Travancore bearing on taxes, surveys, customs and monopolies, is therefore a conflict bearing all along on crucial aspects of sovereignty, which are still expressed through fragmented rights inherited from the past, but which are also understood in a new centralized economical and political perspective, with a new, unified territorial frame of reference in mind.

Such a new perspective visibly affected the relationship between political power and temples. Temples and Brahmans were lords in their own right for a long period until the eighteenth century. In the Annamanada dispute, they seem to maintain a certain political identity thereafter, with territories such as *saṃketam* and *grāmam*. But this must have increasingly become a survival, an anachronism, and a thorn in the process of political centralization. In a way, the Annamnada dispute and its arguments about the 'true nature' of *grāmam* and *saṃketam*, does not so much aim at preserving these territories than at legitimating their eventual absorption in state administration. This is obvious in the arbitration files, in the discussion fostered by Travancore on the semantics of a few terms, and especially on the supposed meaning, in older days, of *saṃketam* and *kōyimma*.

### **The semantic dispute**

These two terms, among a few others of lesser importance, are discussed in a statement placed before the Arbitrator in July 1881 by the Travancore Commissioner, S. Shungrasoobyer, in the name of the Travancore government. Shungrasoobyer begins his arguments by discussing the notion of *saṃketam* in order to establish that it was formerly a distinct and autonomous political body (underlining that by their agreement of 1823, Cochin and Travancore had recognized Adur *grāmam* to be a *saṃketam*). This departed from the description provided by Cochin about the past situation, where *grāmam* and *saṃketam* were distinct territories, differing in the case of Annamanada by two villages (*dēśam*). If we accept the plausibility of

this statement, it is possible that by about 1800 *dēśams* were no more the locus of a distinct, though subordinate political power, and that the difference between the limits of the *grāmam* and those of the *saṃketam* did not have the same relevance. Moreover, there could have been changes in the settlements themselves. Whatever be the case, the fact is that when the Travancore representative enumerates the villages constituting the ‘Gramom commonly known as the Adoor Gramom Sankethom’, he mentions some seventeen villages (IP: 37). This list includes the ‘10 ½’ villages constituting the Adur *grāmam*, the two additional villages making for the *saṃketam* according to Cochin, plus four villages not mentioned as part of the ‘original’ concerned territories.

We do not know the exact reasons of these discrepancies, though they suggest an already well-engaged process of administrative centralization at the time of the 1823 agreement. Territorial simplification equating *grāmam* and *saṃketam* forms the basis of Travancore's subsequent argumentation.

What is supposed to be a *saṃketam* in this new understanding? In order to define it, Travancore exhibits a document whose genuineness is contested by Cochin, and which is said to be the advice given in the 1830s by a committee of two Naṃpūtiri experts nominated by Travancore (IP: 57-58). Whether deriving or not from their advice, the definition proposed by Travancore in 1881 is the following:

The substance of their answers is that the term Sankethom applies to a village over which no Sovereign has any right or jurisdiction; ... that the Sovereign whose territories surround a Sankethom has, as such, no authority of any kind over it, but all powers are vested in the Sankethom authorities conjointly with the Sovereign elected by them; that the civil and criminal jurisdiction over Sankethoms vest in the constituent members elected or in the Sovereign protector of their choice; that the terms Koima, Aka Koima, Samudayom are applicable to the managing members who are generally Sovereigns elected for the purpose. In short, then, a Sankethom means an independent constitution governed by its own members and presided over by a Sovereign elected by them (IP: 39).

After an enumeration of arguments tending to show that the ‘Adoor Gramom Sankethom’ is precisely such a *saṃketam* (IP: 39-40, countered by Cochin in IP: 59-60), the Travancore Commissioner thus concludes:

In fact, we find all the elements that go to constitute a body politic, which though of a primitive structure was self-working and independent owning no Sovereign except one of its own choice. I may venture to submit that the Adoor Gramom Sankethom was as independent of its neighbour, Cochin, as Cochin was of the Sankethom (IP: 40).

This stand was of course strongly opposed by Cochin, who in the counter-statement signed by Commissioner Geo H. Gunther and Counsel William S. Gantz, proposed the following definition:

Sankethom is a tract of territory, belonging to a Pagoda, the limits of which are defined. Within those limits no act calculated to pollute the Pagoda, to which the tract belongs, can be committed. Such lands as are exclusively set apart for the performance of ceremonies etc. at

the pagoda are said to be lands comprised in the Sankethom; and the Sovereign, within whose dominions the tract is situated, has as much Sovereign supremacy over it as he has over other portions of his territories (IP: 60).

It is now quite clear why Cochin was putting so much emphasis on a reconstruction of the past in terms of multiple rights, all subordinated to Cochin as paramount sovereign, while conversely Travancore's interest was to portray a *saṃketam* as a separate political entity.

The exact nature and extent of the privileges that a *saṃketam* did enjoy are not easy to determine with precision from the available sources. Some certainly had a considerable degree of autonomy - there are cases of people seeking refuge from a raja's wrath, much as in churches in Western countries. However, it does not appear to have been considered a separate 'body politics', and the offices detained in it by rulers seem to have been more considered in terms of supervision than in those of sovereignty.<sup>33</sup> Whatever be the case, it has to be noted that both parties do not discuss a minute the fact that a *saṃketam* is a territory, though Cochin suggests a subtle definition: only lands dedicated for the service of the temple are deemed to constitute the *saṃketam* (a definition which helps to maintain Cochin's initial distinction between *saṃketam* and *grāmam*).

Let us return to Travancore's contentions. Having defined a *saṃketam* as an autonomous 'body politic', the Commissioner proceeds to define the nature of the authority (*kōyimma*) that Travancore is entitled to exercise on it.

The meaning of the term Koima in this document is the most important as bearing directly and materially on the controversy in hand. It is a term peculiar to this part of the coast and signifies, as has been already stated, Sovereign. (IP: 41)

He enumerates various examples illustrating this use, while acknowledging a change of meaning in present times, where the term is 'sometimes used to designate, more by way of analogy, the superintending employe [sic] of a pagoda' (IP: 42). He goes on then to criticise the position of Cochin for translating the term as 'pagoda dignity'. Taking as example *dēsakōyimma* (and noting that at the time he is writing it did not exist anymore, which shows the extent of political transformations since early eighteenth Century), he affirms that 'in former times, it meant the Sovereign or the highest authority in the Desom or tract of country' (ibid.). This, of course, deliberately ignores that *dēsams* were subordinated to higher political units (*nāṭus* and kingdoms), but it is in line with Travancore's arguments that the *sthānam* this kingdom obtained in the past should be considered as implying its sovereignty in the modern sense.

As a consequence, the Travancore Commissioner is lead to assert (quite oddly) that all *kōyimmas* are the same. Whether 'inside *kōyimma*' (*akakōyimma*) or 'superior *kōyimma*' (*mēlkōyimma*), 'the prefix is not of so much significance as the substantive term. Whether "Mel" or "Aka" is used, it is agreed that the meaning conveyed by the term Koima is sovereign' (IP: 43). This, in fact, goes against all available evidence, as in some temples different, hierarchized *kōyimmas* are historically attested.<sup>34</sup> Nonetheless, the interpretation of Travancore is that the treaty of 1761 was stipulating the right of both states 'to exercise, as before, the Koima rights enjoyed by each within the limits of the territories of the other',

which rights are to be understood as sovereign rights since ‘the two States came to possess sovereign jurisdiction over small tracts within the limits of each other’ (ibid.).

Quite understandably, this is not Cochin's point of view. While pointing to the fact that an interpretation in terms of sovereignty would be absurd in the case of multiple *kōyimmas* for a same temple or a same tract of land, Cochin explains:

Every person exercising control over, or entrusted with duties relating to, any particular dignity connected with a temple has a Koima Sthanom in respect of that dignity. The person holding such a dignity need not necessarily have the entire management of the temple with which he is associated. His superintendence may be confined to one of the several departments of the same institution (IP: 66).

Besides, in its reply, Cochin distinguished sovereign rights from positions such as *kōyimma sthānam*, which in the present case, ‘were only the citizen or private rights of appointing persons attached to pagodas situated within other parts of Cochin’ (IP: 61). Thus, the interpretation of the treaty of 1761 proposed by Cochin is that

Travancore acquired certain Sovereign rights as well as certain private rights, Sovereign rights in and over [the two ceded principalities of] Parur and Alangad; and private rights of appointing persons to pagoda Sthanoms (office or dignities) appertaining to Parur and Alangad, but held in Cochin territory. Cochin had possessed a similar private right of making appointments to pagodas in territories belonging to Travancore. Inasmuch as the exercise by the one power of such private rights within the dominions of the other led to constant disputes between the subordinate servants of the two powers, a change in the mode of making appointments to the pagodas became necessary. Hence the treaty of [...] 1765. This treaty [...] therefore, dealt exclusively with the private right of making appointments to temple offices or dignities’ (IP: 61-2).

The language used is extremely significant. *Kōyimma* is defined in terms of both administrative logic (it becomes a kind of superintendence) and private rights as opposed to the sovereignty of the state. This is an anachronism. The hierarchy of rights evoked for earlier periods should not be restricted to a purely bureaucratic hierarchy, as it involved various rights including religious ones, nor to an opposition between private and public. In this sense, Cochin and Travancore have the very same understanding of sovereignty, as being the exclusive possession of a territory. But the cause that Cochin has to defend leads her to take the opposite stand of Travancore in the semantic dispute, and argue that a *saṃketam* is not a body politic but a name for temple lands; a *kōyimma* is not sovereignty but the private right to nominate administrative agents. In this very confrontation, we get a glimpse of both the complexity of former territorial rights, and the difficulty to give an account of them in terms of nineteenth-century notions of private property *versus* state territory.

### **The Arbitration and its aftermath**

On 9 January 1882 the case was eventually decided in favour of Cochin. The Arbitrator, J.C.Hannington, who was to later become British Resident in Cochin and Travancore, asserted that ‘the whole idea of the existence of a Sankethom corporation is as baseless a

stretch of imagination as can be conceived and has as little real existence as the kingdom of Lilibut' (IP: 82). Thus it could not have the power to elect a sovereign. Furthermore, according to the Arbitrator, the treaty of 1765 was to be understood as relating 'not to dominion or sovereignty, but to the management of pagodas' (ibid.). The judgement was thus:

I decide, therefore, that Travancore has no Sovereign right to the Adoor Gramom or the Annamanada Devasom, and I direct that she do on or before the first July 1882, withdraw from all interference within the disputed tract (IP: 82).

Travancore preferred an appeal. By an order of 30 October 1882, the Governor of Madras upheld the Arbitrator's decision, as long as the 'withdrawal from interference' was not understood as affecting 'the spiritual rights which rest in Travancore', that is, her rights to conduct ceremonies within the temple (IP: 91). This decision, inspired by a newly affirmed dichotomy between spiritual and temporal, was perhaps diplomatically well-advised, but led in fact to new complications. Soon, Travancore complained of having to bear all the temple expenses while at the same time being unable to recover any rent from the temple's tenants, as she had been declared by Cochin's civil courts 'incompetent to sue for rent or to give leases to tenants' (*Withdrawal of Management etc.*, p.2). Travancore decided then to withdraw totally from the management of the temple. The transfer to Cochin was completed by the end of 1909. By 1910, the process of territorial centralization was achieved in both kingdoms as far as such cases were concerned.

## Conclusion

This case study should not be taken as an isolated instance of territorial complexity and change. As far as the whole of Kerala is concerned, at least, there is overwhelming evidence that superior rights on land could be exercised on very dispersed lands, sometimes far apart (this was especially true of temples); that rulers' territories could be discontinuous (but their limits well known); that different rulers could have diverse complementary rights over lands and over temples sometimes situated in other rulers' territories. In other words, the story of Annamada is exceptional only in the richness of the documentation that has reached us.

Thus, not only did territories exist in Kerala before colonial supremacy but, indeed, they were of many different kinds. The fact that territories could and did often overlap, does not preclude their being clearly delimited. Boundaries (for divine jurisdiction, for trade, for land ownership, for control of agricultural production, for the exercise of military force) could be, and were contested, but they were so because boundaries existed! Territories were at the heart of social life, the object of long-standing disputes, and can in no way be considered of secondary importance. Objects of transactions, they were a legal reality and not just an expression of military control over men.<sup>35</sup> They cannot therefore be restricted to a mere 'empirical' level, to use one of Dumont's expressions. True, caste organization was interwoven with the structure of power (and therefore with territorial units), but it cannot be equated with it; the fact that caste repartition intersected with territorial units does not disqualify the reality and the ideological relevance of the latter.

This paper illustrated the changes that occurred during the eighteenth and nineteenth centuries regarding notions of territory. If we do not restrict ourselves to a definition of

territory applying only to the modern nation-state, we must study various modalities of spatial rights and jurisdictions. In this perspective, it was argued in the course of the paper that the multiplicity of territories of the early eighteenth century was linked to the fragmentary nature of power. This in turn gave rise to contests, such as the one concerning the Annamanada temple. Conversely, the progressive concentration of power during the later period, leading to the two modern nation-states of Cochin and Travancore, induced an exclusive conception of sovereignty applied to an unified political territory. The prolongation of the controversy about Annamanada until the 1900s was in some ways a consequence of the will from both states to appropriate this small tract of land and treat it as a mere administrative division.

Such observations should not be dismissed as only referring to some kind of ‘Kerala exception’ in this matter. On the contrary, they find widespread echoes throughout India. The details may vary, as no two regions will be identical, but the overall characteristics and the general evolution are of a similar pattern. Just one example will suffice. Speaking about Bihar in the eighteenth and nineteenth centuries, Jacques Pouchepadass (1991: 27) suggests that the imposition and development of colonial rule was a process of confrontation between an earlier state of society ‘where the political and the social were intricately interwoven’ (the accompanying details show a situation akin to that described for Kerala), with a colonial conception of a ‘liberal State as an institutional organ distinct of society, the source of cohesion for the collectivity of individual citizens, exercising the monopole of force and taxation, linked to society through a set of impersonal rules applying universally -that is, law’ (we recognize the very process of state centralization described in our case study). According to Pouchepadass, this meant building up a ‘public space’, instituting a separation between public and private -a colonial project not completely realized along these lines at the local level in Bihar (Pouchepadass 1991: 46). As far as Kerala is concerned (as well as other parts of South India), we should add that such an evolution, though definitely shaped in its later stage by colonial rule, had already started before and independently of it. Already by 1750 a form of separation between political power and civil society had already begun to take place in Travancore (Ganesh 1990: 30) – in the case of Annamanada we have followed its consequences as the process gained impetus in the following decades. In nearby Tamil Nadu, the Nayakas in Tanjavur were able in the sixteenth and seventeenth centuries to exploit ‘the ambiguous social space between trade and landed power’ for opening new public spaces and new sources of legitimacy (Subrahmanyam 1998: 82f.). Moreover, as Subrahmanyam reminds us, the distinction between private and public has very ancient cultural roots in south Indian literature, and we should not be ‘excessively naïve about the specifically European, and modern, trajectory of the public/private distinction’ (ibid.: 80).

Last, to recognize that territory is politically unified in the modern nation-state should not lead us to imagine that we are not living also, in the contemporary, so-called globalized world with a multiplicity of territories. Be it for commercial purposes or for a variety of administrative ones, the state's territory is subdivided into an extremely complex set of overlapping concessions, jurisdictions, sectors, circumscriptions, etc., where the opposition private *versus* public is sometimes less marked than we like to imagine. The transformation which led from a variety of political territories to the present ‘unified’ one should therefore not be understood so much as a reduction and as a simplification process, than as a change in the nature and organisation of power relationships. As Jacques Pouchepadass summarized the

development of the bourgeois state in Western countries, this was ‘a multi-secular social process marked by the objectification of power relationships (progressively dissociated from the persons involved in these relationships) and by the emancipation of the economic as distinct from the political’ (Pouchepadass 1991: 26).

This certainly was not the case in 1758 when a deed was granted to the ‘linguist’ of the British East India Company in one of the kingdoms immediately north of Cochin, for when this man acquired land, he indivisibly acquired ‘the power of administering justice, both civil and criminal, even to the cutting off the hands of a thief’.<sup>36</sup> If possible, territory was even more a determining factor in the definition of social rights than now.

## NOTES

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1. These interpretations are criticized in Narayanan 1977: 107 ff.
2. A conclusion explicitly made by A.T. Embree, when the author equates the notion of boundary with ‘a fixed line, marked on the ground, accurately represented on a map, and described in a treaty by two impinging sovereignties recognizing each other’s territory... a feature associated with the rise of the modern nation-state’ (1977: 258).
3. The present writer, in a former work (Tarabout 1991: 97ff.), is no exception.
4. According to M.R. Raghava Varier (personal communication), the *Lilātilakam*, a fourteenth-century treatise on poetics, ‘seems to recognize both a cultural-geographical and a socio-political territory; some verses seek to imagine a geographical entity while some others talk of political territories.’
5. See for instance Miller (1954).
6. ‘Their jurisdictions [of gods and goddesses] are even geographically and territorially delimited. It is in the jurisdiction of the goddess at “Thirumaandhaankunnu” that our family house is situated... If we just reach across the river that flows adjacent to the house, we are in the territory of a different god’ (Namboodiripad 1976: 5).
7. While this historical reconstruction relies solely on the work of other authors, mostly Kerala historians, its perspective (and the corresponding simplifications) is adapted to the kind of study I have been engaged in (see Tarabout 1986; 1991; 1993; 1997).
8. Susan Bayly (1984; 1989) argues in favour of a much more important military and political role of Christians in the southern half of Kerala, an inference from available and well-known documents she is alone among modern historians to draw.
9. The compound surrounding the house and giving its name to the lineage is both a garden and a place where important rituals are performed, including cremation of the dead and (at least in former times) burial of the charred remains -in contradistinction to regular funeral practices among high status castes elsewhere in India (and at variance with Uchiyamada’s affirmation that this is characteristic of only Dalits in Kerala). As M. A. Moore (1985) has pointed out in the case of the Nāyars (but it has wider relevance in Kerala), the house-compound unit is symbolically self-contained, like a small realm.
10. This contrasts with one of Dumont’s conclusions regarding the relationships between territory and kinship (Dumont 1957: 165).
11. For the expansion of pepper trade and cultivation, see Kieniewicz (1969; 1986). For the development of a cash economy and its socio-political implications, see Ganesh (1991; 1999; 2002); also Raghava Varier (2002). For the development of subordinate tenures, see Shea (1959).
12. A remarkable illustration is to be found in the papers collected and published by K.K.N.Kurup (1984). See also Miller (1954).
13. The importance of the economic and political functions of the major temples in Kerala has been underlined by many authors. For a recent study, see Veluthat (2002); on the Brahman oligarchy and its relation to the early medieval State, see Narayanan (2002).

14. There are only brief references to the temple in the literature -see Namboodiri (1999: 317), Shungoony Menon (1878: 142), Sreedhara Menon (1962: 161, 170, 607).
15. Sreedhara Menon 1962: 147; Tarabout 1991.
16. The arbitration was required for ‘the dispute regarding the Devasom of Elancoonnayal and the Desoms thereof’, ‘the dispute regarding the Annamada Devasom and the Desoms thereof including Adoor Gramam’ [this is the one that provides for the present case study], ‘the dispute regarding the villages of Pallipooram, Poorathoor, and Perincherry of the Perumanur Devasom’, the dispute regarding the Tachudaiya Kaimal [a position-holder in the Kudalmanikkam temple], and a dispute regarding the Idyaramad hills.
17. A few years later, a new dispute erupted on questions of management, leading Travancore to abandon all claims on Annamanada in 1910. A selection of papers concerning this new dispute was published in 1929 : *Elanguppuzha and Annamanada Devaswoms: Withdrawal of Management (1901-1910)*, Trivandrum: Government Press, 1929.
18. The historiography for the period immediately preceding the one under consideration is abundant. Among recent works, the reader may refer to Cherian (1999), Ganesh (1990; 1991), Kooiman (1990), Narayanan (1977; 2002), Rajan Gurukkal (1992), Veluthat (1993). See also the remarkable collections of deeds published in Kurup (1984) and Narayanan (1987).
19. ‘Written Statement of the Dewan of Cochin on the dispute between Travancore and Cochin regarding the Annamanada Devasom and the villages belonging thereto’ (IP: 4ff.).
20. Veluthat 1978; p.28 the author notes that this *grāmam* is nowadays no more in existence.
21. ‘Poorakatpully Nampoory, Aravatha Nampoory, Muiyattatha Nampoory, Kachankodatha Nampoory, Kudakvattatha nampoory, Chatheri Nampoory, Madona Nampoory, Maprampilly Nampoory, Mangalapilly Nampoory, and Thekkanadatha Nampoory’ (IP: 4).
22. The names are given thus: "Annamanada, Kallur, Allatoor, Vennoor, Vayantala, Meladoor, Keyadoor, Vyanatkara or Arasherri, Kumbidi, Palasherri, Aiancodi, Valloor and Kayikodom" (IP: 4).
23. Valloor and Kayikodom.
24. Compare Galletti (1911: 129, including the note by C. Achyutha Menon): we hear about 18 1/2 villages, 8 1/2 families, etc.
25. Both Koratti Kaimal and Kodasseri Kaimal, mentioned in the documents discussed here, are well known historical Houses of central Kerala. Besides Galletti (1911), see for instance Shungoony Menon (1878: 116ff.), Sreedhara Menon (1962: 157ff.), Poonen (1978: 81).
26. The Dutch seem to have had uneven relations with the Kodasseri Kaimal's principality. In 1743 for instance, Stein van Gollenesse writes in his memorandum: ‘It exports 125 candies of pepper and the best cardamom’, but not to the Dutch Company as the Kaimal is reported to complain ‘I have become a laughing-stock because I have sold this product to the Hon<sup>ble</sup> Company for 13 ducats while the other chiefs have received 24 ducats’. To make things worse, the Dutch Company was also in conflict with the Jesuits, allies of the Kaimal and controlling ‘the cardamom and the wax’ despite the vain efforts of the Company ‘to rout out this mischievous rabble’. The Kaimal himself, as described by Van Gollenesse at the time of the memorandum, ‘is about 50 years old, a shrewd and crafty gentleman but very much addicted to drink; his successor is a bad lot, who has filled the country with counterfeit fanams [money]’ (Galletti *et al.* 1911: 61-2).
27. Sreedhara Menon (1962: 162 ff.), Ibrahim Kunju (1976), Ganesh (1990, 1991, 1999). On the new ‘court culture’ and ‘new rituals of state’ associated with such processes -conferring a different but still crucial importance to control on temples- see Bayly (1984: 189ff.).
28. The evolution was already heralded in the mid-eighteenth century by the multiplication of ‘lords’ as is evident from the case of Annamanada, suggesting that *nāṭuvalis* had already lost effective power. Still, for some time, the corresponding titles were kept in use. For an example, see Kurup (1984: 11-16) where acts dated 1817 enumerate ‘prominent persons’, i.e. *nāṭuvalis* and *dēśavalis*, along with landlords possessing temples and other ones, ‘those who are without anything herein mentioned but who are rich and capable’ or ‘who are rich and unemployed’ (!) - in these two latter cases, mostly Nāyars.
29. Velu Pillai (1940, II: 507-11); Ganesh (1999: 172); for highlighting (and valorizing) the specific role of Col. Munro in these transformations in early nineteenth century Travancore, see Yesudas 1977.
30. Travancore first proceeded to a revenue settlement in her territories in 1751-54, followed by a second one in 1773, marking the end of ‘earlier autonomous authority of the Brahmanas and temples’ (Ganesh 1999: 169, 171). In Cochin, the first survey was made later, in 1777-81 (*ibid.*: 172). Trade monopolies were also enforced as part

of the same process of state centralization -in Travancore as early as 1743- so that 'the king came forward not only as the state's military leader and temple manager but also as its overall pepper merchant' (Kooiman 1990: 17; also Shungoony Menon 1878: 123ff.; Sobhanan 1981). This was marked by the rise of 'state brokers', notably a few affluent Christian families (Bayly 1984: 188), as well as by a multiplication of smaller traders (Jeffrey 1994: 31).

31. According to Velu Pillai (1940, I: 558), this concerned some 1567 temples, whose lands thus to be owned by the state.

32. Varghese (1970: 30ff., 64ff.).

33. M.G.S. Narayanan and K. Veluthat (1983: 269) define *samketam* as 'temple corporation', with forces for self-protection, under the supervisory authority of a prince selected for the purpose. Such a territory was supposed to be kept away from outside military activities (Ganesh 1999: 161), and might even have provided refuge (Velu Pillai 1940, II: 203). Commenting on an important collection of deeds, M.G.S. Narayanan (1987) defines *samketam* as 'a quasi-autonomous territory with feudal ecclesiastical tenure' (p.xvi) or 'a quasi-autonomous territory consisting of several villages organised around a Brahmanical temple' (p.xvii - but he specifically makes the point in the same page that 'the *Samketam* depended very much on the neighbouring chieftains for everything including ... the maintenance of law and order in their territory'.

34. Achyuta Menon (1911: 393), Sreedhara Menon (1962: 147).

35. Compare with Dharma Kumar (1998: 127), writing about the notion of landownership in pre-colonial South-India: 'Legal rights are not simply a reflection of the distribution of power'.

36. Logan 1951: cxxiv, n. 1.

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