

GENDER AND RIGHT TO INHERITANCE OF PROPERTY AMONG THE SYRIAN CHRISTIANS OF KERALA

Susan Mathew

Abstract

Among the Syrian Christians in Kerala parental property has been inherited by the male and women have been given streedhanam at the time of marriage instead of share in parental property. This system was in accordance with the acts enacted by the erstwhile princely rulers before the independence. The Syrian Christians under purview of these acts continued to follow the system after the independence. In 1986 the Supreme Court of India declared the pre-independence acts invalid and decreed that the Indian Succession Act 1925, which provided for gender equality in right to intestate property, had been applicable to the Syrian Christians from 1 April 1951. A cross section of 300 Syrian Christian married women from Kerala was contacted by the author in order to understand their views on gender equality in right to intestate property conferred by the Supreme Court. The respondents have had mixed views on the issue. Most women favoured the ideological stand of gender equality in property inheritance. But socio-cultural factors, such as acceptance of the traditional practice of streedhanam in lieu of share in parental property and prioritisation of family relationships to gender equality have constrained them from asserting their right to equal share in parental property.

Introduction

Inheritance is one means of acquiring property, theoretically available to both men and women. However, patriarchal ideologies, which are deep-rooted in the Indian society, have constructed a gender dichotomy that has marginalised women from acquiring landed property through inheritance. Traditionally a daughter in a family has been given *streedhanam* or dowry at the time of marriage as her only wealth from her family of origin. Though it contributed to a certain extent of economic security to a woman, the value of *streedhanam* could not be compared with that of the inheritance share of a son in the parental property. Moreover, over the years, there has been a transition of *streedhanam* to a kind of transaction with the social objective of acquiring ‘quick money’ to satisfy material greed of the groom’s family.

The primary objective of the practice of *streedhanam* has been to ensure that property, especially land, passes on to the male heir (under the system of patriliney). This practice has been shaped to a considerable degree by the patriarchal norms such as patrilocality, wherein a woman shifts her residence to the husband’s house. The practice has been socially acceptable and reinforced by the notion that a girl is ‘a bird of passage’, ‘another’s property’ and so on (Mukund 1999). Besides, legal provisions for inheritance across religious personal laws have been privileging men. The clear cut distinction maintained between the two genders in terms of inheritance of property has promoted gender discriminatory devolution of land in all the groups of society in India barring a few matrilineal communities, that have followed the matrilineal system, like the Khasis and Garos of the North-East, the Muslims of Lakshadweep and north Kerala (called Mappilas), and some Hindu castes like Nairs and Thiyas in Kerala (Ehrenfels 1971).

This paper has been developed from a backdrop encompassing social, cultural and legal systems in matters relating to gender and right to inheritance of property among the Syrian Christians in Kerala, a state in the south-western part of India. The issue is discussed in two sections. The first presents the practice and legal provision of inheritance of property among

the Syrian Christians in Kerala until 1986, when the Supreme Court in its landmark judgement made the provisions of inheritance rights in the Indian Succession Act 1925 applicable to the Syrian Christian communities in Kerala. In effect it meant institutionalisation of gender equality in the right to inheritance of parental property. The second section of the paper documents the reaction of a cross section of the Syrian Christian women in Kerala on the equal right to property inheritance conferred under the Supreme Court judgement of 1986.

INHERITANCE AMONG SYRIAN CHRISTIANS IN KERALA

This section of the paper deals with four points. First, the paper presents a brief historical note on the Syrian Christians in Kerala. Second, it describes the customary practices of property inheritance among the Syrian Christians. Third, it discusses the early legal provisions of inheritance applicable to the Syrian Christian communities in Kerala – the Travancore Christian Succession Act 1916, the Cochin Christian Succession Act 1921 and the Indian Succession Act 1925. Fourth, it considers the Supreme Court intervention in the matter in 1986.

Syrian Christians in Kerala

Traditionally it is believed that Christianity had taken its roots in Kerala with the evangelisation undertaken by St. Thomas, one of the disciples of Jesus Christ. He is believed to have had landed in Kerala in AD 52. According to this tradition, through the ministry of St. Thomas, many local inhabitants including those from the upper caste known as Namboodiri Brahmins embraced Christian faith (Pothen 1963). These early converted believers were called St. Thomas Christians. Later in the fourth century, there was an immigration of a large group of Christians from Syria into Kerala. The immigrant Syrian Christians and the local St. Thomas Christians entered into matrimonial alliances and also organised themselves into a Church community. According to Easo (2008), the Christians in Kerala came to be called Malankara Syrian Christians, as a consequence of this alliance. As Pothen (1963) says, the Syrian Christians were called so, not because they

claimed Syrian heredity but because they followed the Syrian liturgy in the religious services, which is true even today. Over a period of time the early Syrian Christian Church in Kerala got split into several denominations. The main groups among the Syrian Christians in Kerala today are the Syrian Orthodox, Syrian Jacobite, Syro-Malabar (Catholic), Syro-Malankara (Catholic) and Marthomite.

According to Zachariah (2001), until the arrival of the European missionaries in Kerala in the 16th century and subsequent conversions to Christianity, all Christians in Kerala came under the label of 'Syrian Christians'. The Syrian Christians were prominent among traders, farmers and land owners. They were one of the most educated communities and maintained a high standard of living (Alexander 1971). Many other Christian denominations also have sprung up in Kerala over the years. However, being the oldest and dominant Christians in Kerala the Syrian Christians have created and preserved their social identity and customary practices. Long association with the cultural practices of Hindus resulted in the adoption and continuance of some of the Hindu cultural elements in the Syrian Christian community. Tying of *minnu* around the neck of the bride as part of the marriage religious ritual is the equivalent of tying *thali* or *mangalsutra* practised in the Hindu community. The practice of streedhanam among the Syrian Christians is also seen as a Hindu cultural hangover, even though there has been significant deviation in the form and value of streedhanam over the years.

Customary Practices of Inheritance

Syrian Christians are partilineal and family property is inherited by the male. Traditionally women have been given streedhanam (dowry) instead of share in the family property. It was customary earlier among the Syrian Christians to donate one-tenth of the streedhanam to Church, called *patharam* as the share of the Church and the amount was to be recorded in the marriage register of the Church. This is an evidence of the practice of streedhanam in connection with marriage and its approval by the Church. According to Thulaseedharan (2004), one of the proclamations of Synod of Diamper¹

reportedly insisted on making this record in the marriage register so that it would stand as a proof of whether a woman was married off with or without streedhanam. In later years, when the practice of dowry was made a legal offence, the custom of *patharam* was discontinued and instead, the Church started accepting any amount as donation from the marriage parties.

Prior to independence, the present state of Kerala consisted of the two princely states of Thiruvithamkur (known as Travancore in English) and Kochi (Cochin), and the Malabar region belonging to the Madras Presidency under the British. The right to inheritance was conferred on Christians by the customs prevailing in these three regions of the state. The customs or long-established usages varied among different denominations of the Christian community and also from region to region. The south Thiruvithamkur Christians (mostly Syrian), who were converts and descendants of the converts from various castes, followed the *Mitakshara* norm.² Some other sections of Christians reportedly followed the Hindu *marumakkathayam* custom.³ Still others, the less propertied non-Syrian Christians (Latin Catholics, south Thiruvithamkur Protestants and Anglo Indians), accepted the concept of gender equality in property share. The concept of equality dates back to the proclamations made at the Synod of Diamper which stood for equal shares in the ancestral property to both men and women (Thulaseedharan 2004).

Christians in Kerala by and large have followed the patrilineal mode of inheritance which has been the tradition as well as the cultural norm in India. In Kerala, particularly the Syrian Christian women's rights to inheritance or succession have been curtailed by the patrilineal system, and the pre-independence laws basically just approved the practice. Thus gender inequality in the matter of inheritance of family property among the Syrian Christians remained as part of the personal law of the community even after the independence.

The concept of equal share in property was not common among the Syrian Christians, and property was divided quite often as per the needs of the family members. One brother could receive more than the others as

he might be financially poorer compared to the others (Visvanathan 1989). It was the practice that the youngest son inherited the *tharawad* (ancestral home) and the parents resided with this son, but there was no strictly fixed rule. Women did not come into picture as they did not have any role in property settlements through inheritance and were entitled only to *streedhanam*. When, in the absence of a son, daughters were the sole inheritors, the prevailing practice was called *dethukeruka*.⁴ According to this practice, the elder daughters would be married off with the usual *streedhanam*, while the youngest daughter continued to remain at the *tharawad* along with her parents. A groom, who would be willing to stay with his in-laws, would be sought for her. This is a kind of matrilineal and matriarchal practice that was followed by the Syrian Christians in the exceptional case of a family without a son, in order to ensure the continuance of the family and retention of the family property. It is matrilineal in the sense that the family of the female is continued and the male through marriage becomes a member of the wife's family. It is matriarchal in the sense that the property passes to the female. The practice implied that the son-in-law lived with the affine instead of the agnate, which was not a very comfortable position for the patriarchal Syrian Christian men.

However, as there was no definite law regarding the inheritance rights of native Christians, there was considerable uncertainty regarding the practice of inheritance prevalent among the Christians in the erstwhile three regions of the present state of Kerala (Thulaseedharan 2004). Visvanathan (1989) has pointed out that due to the absence of a definite law, settlement of property disputes continued to remain vague and ill-defined, and many a time led to feud among family members. Absence of a definite succession law at times became the source of litigation among the landed Syrian Christians (Thulaseedharan 2004).

Practice of *streedhanam* over the years led to the social issue of creating financial, mental and physical agony among the low and middle income Christian families with girl children. As globalisation escalated consumerism, *streedhanam* has been seen as an easy and quick means to satisfy the greed for material goods. Lindberg (cited in Kodoth 2004)

documented a steep escalation in the practice of dowry among all communities including the Christians in Kerala after 1980s and dowry was transacted as a compensatory wealth for the daughters' share in inheritance. According to Gulati (1993), the sudden inflow of money from the Middle East influenced the material greed and consumerism in Kerala. This trend motivated the middle and lower classes belonging to all the communities in Kerala to perceive dowry as a means to meet this greed. Mathew (1990) has reported a craze in Kerala for a groom with a high ranked job, or the status of a NRI (non-resident Indian), which has been pursued with a premium on the amount of dowry. This in turn pushed up the dowry amount and has been causing untold miseries to families with girl children. All India Democratic Women's Association (AIDWA) reported that many parents in Kerala complained of having had to give dowry as financial support to their sons-in-law. Some looked upon dowry as financial assistance for setting up business for their sons like starting a doctor's clinic, or as 'donations' to obtain jobs for the grooms, to go to the Middle East or abroad in search of a job, or for house construction (AIDWA 2003).

Under the trends of consumerism and dowry premium on higher rated grooms, the customary practice of streedhanam among the Syrian Christians in Kerala was transformed into the dowry of modern times as wealth controlled by men. As a result, Syrian Christian women in Kerala have been at double disadvantage, i.e., they neither own the amount given as streedhanam for them nor can inherit a share in the parental property. Thus the system of inheritance, including streedhanam given in lieu of the share in property, has been patriarchal and gender discriminatory.

Early Legal Provisions

Disputes over inheritance of property and subsequent conflicts in the family led to the realisation of the need for some legal provision in the matter of property inheritance among the Christians in the three former regions of Kerala. As a result three legislative acts were enacted in the pre-independence period applicable to the Christians in the three regions of the present Kerala - the Travancore Christian Succession Act 1916, the Cochin

Christian Succession Act 1921 and the Indian Succession Act 1925 (in the Malabar region).

Travancore and Cochin Christian Succession Acts

In 1890 a recommendation for legislation in matters relating to succession was placed before the then ruling maharaja of Thiruvithamkur by a noteworthy Christian group in this region called the Christian *Maha Jana Sabha* (Houtart and Lemercinier 1978). The recommendation pleaded for patrilineal mode of succession of property highlighting the fact that the ancestral property would get fragmented generation after generation if the property was passed on to women, who mostly got married and settled down in other families and at times in faraway places.

In the light of the recommendation, a commission was set up in 1911, which led to the formation of the first legislation providing the rules of intestate succession among the native Christians which came into existence in 1916, called the Travancore Christian Succession Act. A similar act was later introduced in Kochi in 1921, namely the Cochin Christian Succession Act. These two acts seemed to have been based on the notion of the earlier Hindu law of inheritance where the share of the daughter in the family property was in the form of only *streedhanam* (Lemercinier 1984). According to the Travancore Christian Succession Act 1916, a daughter's share or *streedhanam* was restricted to Rs.5000 or a quarter of the brothers' share, whichever was less. The only difference in the Cochin Christian Succession Act 1921 was that, unlike the Travancore Christian Succession Act 1916, it did not specify the amount of *streedhanam* (Government of India 1974). The Syrian Christians, who mostly belonged to Thiruvithamkur and Kochi, came under the purview of these two acts.

Under the above acts, Christian women, whether married or not, were excluded from the right to inheritance. Succession to share in the property was given to daughters or females only if there were no male heirs or lineal descendants of male heirs. As far as the right of inheritance of a widow was concerned, if the intestate died leaving the widow and the lineal

descendants, the widow would get a share equal to that of the son/s (Jacob 1986). However, the right of the widow on her share was limited to life interest or only maintenance and she had no right to sell the property. Thus it is clear that both the Travancore and the Cochin Christian Succession Acts were gender discriminatory. They deprived the Christian women of the right to inherit a share in the parental property; streedhanam which was transacted in connection with marriage could hardly be equated with the share in the property inherited by men.

Indian Succession Act 1925

In the erstwhile Malabar region of Kerala, the native Christians had been governed by the Indian Succession Act of 1865, introduced by the British for the Christians in India which was later amended as the Indian Succession Act 1925 (Thulaseedharan 2004). According to the Indian Succession Act 1925, when a man died without leaving a will (i.e., intestate), then his property would be distributed in the following manner. The share of the lineal descendants, comprising the widow, children, grandchildren and great grandchildren would be one-third to the widow and the remaining two-thirds to be divided equally among the children. If there was a single child, then he or she would take the whole two-thirds. If there were no children living, then the grandchildren would divide the two-thirds equally among them. The same rule applied to great grandchildren also. If a man died without wife and children, his property devolved on his father. In the absence of the father, his mother, brothers, and sisters would receive an equal share (Diwan 1998). Thus the Indian Succession Act 1925 included women as heirs of intestate property. Yet, it privileged men in many respects and women's right to inheritance came only as secondary to that of men. The provisions of this act pertained to the intestate property only and not the testamentary property for which the devolution of property would be as per the will of the testator.

The Indian Succession Act 1925, enacted by the British for the native Christians in India, did not apply to the Christians belonging to erstwhile princely states of Thiruvithamkur and Kochi, because the British did not

have law-making authority over the two states which were under the governance of the native maharajas. As a result, Christians residing in the two states – largely Syrian Christians - were continued to be ruled by the state laws. After India became independent in 1947, the princely states of Thiruvithamkur and Kochi became part of the Indian Union as the unified state of Thiruvithamkur-Kochi. Later on, under the reorganisation of states in India on linguistic basis, the present state of Kerala was formed on 1 November 1956 with the addition of the Malabar region to the existing Thiruvithamkur-Kochi state. However, the Syrian Christians in the state continued to be ruled by the inheritance laws enacted by the erstwhile princely rulers.

Supreme Court Intervention

The discriminatory provisions of the Travancore Christian Succession Act 1916 were challenged by Mary Roy from a Syrian Christian family belonging to the erstwhile Thiruvithamkur princely state as violation of the provision of equality of the citizens, laid down in article 14 of the Constitution of India. She was provoked to move the court when she suffered harassment and humiliation at the hands of her brothers under the protection of the Travancore Christian Succession Act 1916. Mary Roy was determined to give it a legal fight to restore her constitutional right to equality. Her petition, *Mary Roy vs. the State of Kerala 1984*, contended that no religious group, sect or denomination should be allowed to claim protection of its own personal law against the constitutional guarantee of gender equality and that any discriminatory law should be declared invalid. The petition further stated that the Indian Succession Act 1925 should be extended to the whole state of Kerala (Jacob 1986).

After a lengthy legal battle, the Supreme Court of India in 1986 took the view that, since Thiruvithamkur became part of the Indian Union under the Constitution of India, the Travancore Christian Succession Act 1916 stood repealed from 1 April 1951. Hence, it reasoned that the provisions of the Indian Succession Act 1925 in the matter of intestate succession were applicable to all the Christians in the Thiruvithamkur area of the state

of Kerala with retrospective effect from 1 April 1951. Following the Supreme Court judgement, the High Court of Kerala ruled that the Cochin Christian Succession Act 1921 also stood repealed from 1 April 1951 (Champappilly 1994). The Supreme Court judgement in the case of *Mary Roy vs. the State of Kerala 1986* brought about a turning point in the inheritance rights of the Christian women of Kerala. Henceforth a widow would receive one-third of the total assets as her share in her husband's intestate property, and the remaining two-thirds would be equally divided among all the children of the deceased irrespective of gender difference.

The Supreme Court judgement on equal inheritance rights evoked mixed reactions. Christians in Kerala, by and large, welcomed the judgement with certain reservations. The Church, legislature and the press expressed anxiety over the apex court's judgement, that the courts all over the state would be swamped with litigations claiming women's inheritance rights with retrospective effect. They feared that this could eventually trigger off property disputes among the affluent Christian families and then the community would be in peril. Moreover, since the judgement carried a retrospective effect from 1 April 1951, transaction in the form of streedhanam could not disentitle women from demanding a share in the parental property. This meant that those women who were married on or after 1 April 1951 and received streedhanam could still claim their due share in the intestate parental property. Transactions involving sale of property, land mortgage and bank security were put under scanner due to the impending legal impediments. However, against all the fear and anxiety, nothing dramatic happened, barring a few prominent members of the Syrian Christian community who tried to cash on the judgement in order to make some financial gain. Some of the litigations, initiated by the women, prima facie were filed in collusion with their brothers so as to evade repayment of huge loans taken from banks by mortgaging landed property (Thulaseedharan 2004). The Christian community in Kerala seemed to be unperturbed by the change in the legal provisions regarding the inheritance of the intestate property. Customary practices seemed to have had greater sway in the matter.⁵

REACTION OF SYRIAN CHRISTIAN WOMEN

The judgement of the Supreme Court on inheritance of ancestral property among the Christians in Kerala was significant from the gender perspective, although it did not create any chaos with litigation in the matter of property rights. In this context it would be quite pertinent to find out how the women themselves viewed the legal reinstatement of gender equality in inheritance. This section presents the reaction of Syrian Christian women to the equal right to parental property made available by the Supreme Court judgement. Following points are covered in the discussion: (i) views on the right to intestate property, (ii) function of streedhanam in the right to property, and (iii) views of women belonging to different age groups, educational and income levels.

A cross section of 300 Syrian Christian married women, drawn from the Kollam district (part of the erstwhile Thiruvithamkur) of Kerala, were contacted by the author in the year 2006 in order to study their views on the equal right to intestate property. Married women were selected for the study because it was felt that their experience with the economic transactions like streedhanam as an integral part of marriage would be important to know the stand of the Syrian Christian women on gender equality in the inheritance of parental property. An overwhelming majority (90.7 %) of respondents were living with their husbands and the remaining were widowed or separated at the time of study. The respondents belonged largely to the middle-aged or older groups; their mean age was 44.1 years. Majority (70.3%) of the women were housewives and the remaining had employment outside home. Distribution of the respondents by the level of formal education obtained by them was as follows: 12.3 per cent primary school, 38.3 per cent secondary school, 23.3 per cent higher secondary school (HSS) and 26 per cent higher (college) education. Based on the annual household income the respondents were divided into five groups. Following was their distribution in these groups: 19.7 per cent, up to Rs.25000; 18.7 per cent, Rs.25001-50000; 29 per cent, Rs.50001-100000; 24 per cent, Rs.100001-200000; and 8.7 per cent, above Rs.200000.

Views on Right to Intestate Property

As mentioned earlier, the Supreme Court judgement of 1986 conferring gender equality in the share of intestate property did not cause the anticipated disturbance in the Christian community of Kerala. It did not have any impact on the practice of streedhanam followed by the Syrian Christians, apparently in lieu of the share of a woman in her father's property. The responses of the women contacted in the study were in conformity with this general observation. One would have expected women to be happy about the equality of status in the matter of intestate property declared by the Supreme Court and favour the equal inheritance rights under law. However, a substantial proportion (40%) of the women in the sample of study was not in favour of the equality in inheritance rights conferred by the Supreme Court. They seemed to be happy with the existing practice wherein streedhanam has been accepted in lieu of the share in the parental property.

Those who were in favour of equal rights in intestate property, as can be expected, took the ideological stand on the principle of gender equality. They opined that both sons and daughters are children to their parents, and gender should not become the determining factor in the distribution of parental property; instead, equality should be maintained. In contrast, the opinion of those who were not in favour of women's equal right in intestate property was largely based on their own experience within their family of origin. Many of them felt that parents normally would want to give their daughters whatever they could as streedhanam at the time of marriage according to their financial capacity, at times more than their due share in the landed property. They also expressed the satisfaction that their parents treated them on par with their brothers. Some of the respondents, whose parents were financially weak, were of the view that, though their parents could not provide them good education because of economic constraints, they had tried their best to give whatever they could at the time of their marriage. In their opinion, it was not fair to put a claim for an equal share in the property after the death of the parents. Another similar opinion expressed was that whatever a woman wanted from the parental house should be settled when the parents are alive. Still another personalised view was that,

if the brothers were not financially in a sound position, then one should not ask for a share in the parental property.

Function of Streedhanam in Right to Property

Almost all the respondents in the study were given streedhanam at the time of their marriage. When enquiry was made about the kind of wealth they received in connection with the marriage, nearly three-fourths (73.7%) of them replied that they received streedhanam in the form of moveable wealth like cash or gold at the time of marriage, while just 11.3 per cent of the respondents got a share in the parental property as streedhanam. This means that transaction under streedhanam, though prohibited under formal anti-dowry law, has been very much prevalent in the Syrian Christian community. An overwhelming proportion (89.3%) of the respondents of the present study was of the view that, despite the legislative measures to the contrary, the practice of streedhanam has only increased over the years among the Syrian Christians.

Some of the respondents in the study reported that their parents had sold part of the landed property to raise the cash for streedhanam since the groom's family preferred wealth in the form of movable property. In the case of a few respondents, wealth which their brothers received as streedhanam was in turn transacted towards their marriage. Where immoveable property was involved in the transaction of streedhanam, there were also cases of adjustment worked out between the families of the bride and groom, wherein a portion of the property was legally documented in the name of the bride at the time of the marriage. This was done with the understanding that when her brother would get married, the amount of streedhanam received by him would be given to his married sister and the property placed in her name would be transferred back to the brother. This practice of using the amount of streedhanam received by a boy to marry of his sister is not uncommon in the middle class Syrian Christian families. There were also instances, as reported by a few respondents of the study, wherein the father-in-law took the amount of streedhanam and in return transferred a portion of his property to name of the daughter-in-law.

When asked to make an assessment of the wealth they received as *streedhanam* (in moveable and/or immovable form) in connection with marriage, 165 of the 300 respondents of the study could make the assessment. Half (82) of them replied that they received less in comparison with the value of the equal share in the parental property, while 32 of the respondents felt that the amount of wealth they received at the time of marriage was of the same as that of the equal share in the parental property. A few of these 32 respondents reported that later on they could get even more from their parents. The instance of giving equal wealth in the form of *streedhanam* has been taking place more in the case of parents with daughters only, wherein there is little scope for gender differentiation. The remaining 51 respondents on the issue of comparability between the amount of *streedhanam* and equal share in parental property said that they received more wealth in comparison with the value of the equal share in the parental property. In the case of many of these women, their parents had negligible landed property and belonged to the lower middle class, and also had relatively more children. In some such families one or more brothers of the girl went abroad, often to the Middle East, and raised the money in order to settle the sister/s in marriage. So the amount of *streedhanam* in such cases was comparatively more than the share in the parental property. Some of the respondents in the study commented that, if later on they went to claim a share in the parental property as their inheritance right, it would be only greed and not right. These women also opined that the claim for a share in parental property could lead to rift and hatred among the siblings. Elaborating on this point, some women echoed the importance of family ties or bonds more than one's right to inheritance. One of them typically expressed it in the following words: "Wealth may come and go, but what lasts is the relationship within family; a harmonious and loving relationship should not be lost in the name of right to wealth." Basing their responses on Christian beliefs and values, they felt that one should follow the path of love, care and compromise rather than take the path of conflict and hatred.

Despite the continued practice of *streedhanam* and the legal provision for the right to equal share in parental property, actual practices in the matter have been varied and the women concerned responded differently. Some of

the respondents considered the amount of streedhanam as their share in parental property. A few of them got a share (although not equal) in addition to streedhanam when their parents partitioned their property. There were also instances of the respondents giving up their rights at the behest of their brothers without even getting some compensation. Very few of the respondents received some wealth in moveable form from their brothers in return for willingly giving up their right to the share in the intestate property. In some cases the parental property was partitioned by the parents themselves so that the situation of the intestate property and subsequent litigation among the children did not arise. In the families of only girls, practice of equal share was followed in a manner where normally the parental house and the property surrounding the house were given to the daughter who lived with the parents. There were also respondents in the study who had received their equal share along with their other sisters. A few of the respondents said that their parents had divided the property equally among the sons and daughters. Two of the respondents in the study were the only child in the family and the entire family property would be inherited by them after their parents' lifetime. One respondent reported that her husband was totally against streedhanam and that even if she got a share in the parental property as streedhanam, she would have to forgo it. A few of the respondents mentioned that their husbands were against the idea of claiming a share in their parental property.

Even though many of the respondents in the study were not keen to pursue equal inheritance rights on personal and family grounds, some of them pointed out certain cases where women should pursue their right to inheritance, namely, when a woman was deprived of getting any part of parents' wealth at the time of marriage, or a woman was given nominal amount of wealth compared to the vast parental assets, or a woman was unjustly cheated by her brothers in the matter of property. A similar opinion was voiced, that a woman who was married with modest streedhanam and was facing financial difficulty could legitimately ask for wealth (but not to the extent of equal share), provided the assets of the family of origin improved after her marriage. It was also pointed out in the study that women who were deserted by husbands, separated or divorced and were in financial crisis should get their share in the parental property. Another constraining

factor in the matter of equal property right, pointed out in the study, was that of the number of siblings. It would be much easier for a family of two children (of either or same gender) to divide the parental property equally than a family of many children. A common feeling expressed by many of the respondents in the study was that a share (even if not equal) in the parental property was something that every woman longed for, because it would give her a sense of economic security and belongingness to one's own native house; but it should not happen through coercion or demand.

In real situation women faced constraints in pursuing equal share in parental property, if they desired to do so. A couple of respondents in the study decided to claim their due share in the parental property, but later abandoned the plan due to the financial crisis experienced by their family of origin. In another case the respondent had lost her father and was brought up by step-father and therefore did not want to take up the issue. Conversely, there were cases wherein women, who had been married with streedhanam, were financially helped by their parents and brothers at times of financial need, such as when their husbands were out of job, or for education or marriage of their children. The above responses partly explain why as many as 40 per cent of the respondents were not in favour of the equality of inheritance rights conferred by the Supreme Court judgement, and why those who are ideologically oriented to gender equality in share of parental property are not inclined to pursue it.

Views of Different Groups of Women

An attempt was made in the study to find how some groups of women viewed the Supreme Court judgement and the right to parental property. This paper has chosen to present the results of the analysis of the data on the views of women differentiated by age, educational level and household income.

Age and View on Inheritance Right

The data of the present study were analysed to see how different age groups of women viewed the equal inheritance right. The data in this

regard are presented in table 1. The chi-square test value of 3.87 ($p > .05$) shows that age did not make any significant difference in the views of the women on the equal right to inheritance. This is probably because the women in the sample were largely in the middle age group. However, if mere percentages are considered, a relatively higher percentage of women in the younger groups of the sample were in favour of the equal right to inheritance made available by the Supreme Court judgement. So it may be concluded that the younger age group tended to have a more favourable attitude towards equal inheritance rights, although the test results have not confirmed it.

Table 1
Distribution of Respondents by Age and by View on
Equal Inheritance Right

Age in Years	View		
	Favour	Do not Favour	Total
<= 30	29 (61.7)	18 (38.3)	47 (100)
31-40	58 (67.4)	28 (32.6)	86 (100)
41-50	48 (58.5)	34 (41.5)	82 (100)
51 +	45 (52.9)	40 (47.1)	85 (100)
Total	180 (60.0)	120 (40.0)	300 (100)
Ch-sq = 3.87 df = 3 p = .275			

Figures in parenthesis are percentages.

Education and View on Inheritance Right

Education is considered to be a significant factor in moulding one's attitude. Those who are higher educated are likely to abandon traditional values and attitudes, and accept new ones. The data on the views of the Syrian Christian women in the sample of the study were analysed to see how the respondents of different levels of education reacted to equal right in inheritance of parental property conferred by the Supreme Court judgement.

Table 2 presents the results of the analysis. The chi-square test value of 31.44 ($p < .001$) has shown very significant difference between the women of different educational achievement in their attitude to equal right to inheritance of parental property. The trend visible from the data in the table is that the higher educated women were less favourable to equality in the right to parental property. While 70 per cent of those with primary education were in favour of equal inheritance rights, only one third of the higher (college) educated women had the same view.

Table 2
Distribution of Respondents by Education and by View on Equal Inheritance Right

Education	View		
	Favour	Do not Favour	Total
Primary	26 (70.3)	11 (29.7)	37 (100)
Secondary	81 (70.4)	34 (29.6)	115 (100)
HSS	47 (67.1)	23 (32.9)	70 (100)
College	26 (33.3)	52 (66.7)	78 (100)
Total	180 (60.0)	120 (40.0)	300 (100)
Chi-sq = 31.44 df = 3 p = .001			

Figures in parenthesis are percentages.

One could speculate on the explanation for the finding of higher educated women being less favourable to equal right to share in parental property. One possible explanation may be located in the difference between idealism and realism. Those who had relatively higher education must have been in a better position to be more realistic or even pragmatic in their views on inheritance right. As most of the respondents were recipients of streedhanam in connection with their marriage, they must have felt that their brothers would resent the idea of sharing the parental property equally with them, which in their case would be over and above the amount of

streedhanam. It would be all the more unwelcome, if the respondents would have to take recourse to litigation, which in turn would entail financial and emotional setbacks and prolonged legal proceedings in court. Moreover, in the process they might lose out on the good will of brothers. The relatively higher educated respondents might have been in a better position to consider all these possible consequences rather than just support the equal inheritance rights purely on the basis of the ideology of gender equality.

Some of the college educated respondents in the study seemed quite realistic when they told the author that they stood for gender equality in every sphere of life, but at the same time one should not be unrealistic to view everything with the same ideological lens. They were frank that ideology sometimes could ruin relationships if it were not rooted to ground reality. Some others were cynical with remarks like: “gender equality mostly remained only on paper but hard to come by.” They seemed to be aware of the patriarchal forces operating even in the legal system which are likely to weigh against women seeking gender equality in right to inheritance. These guarded pragmatic views conform to the comments of Mary Roy that educated Christian women of Kerala did not come forward to challenge the patriarchal forces in order to obtain equal inheritance rights and preferred to remain in the passive mode. Probably most of the women would have appreciated and accepted a share in the property as long as it was voluntarily given by their siblings and not forced through court of law. Some of them even expressed the opinion that if parents wrote their will including daughters as heirs, it could avoid the legal tussle among siblings after their demise.

Income and View on Inheritance Right

The study sought to understand the reaction of the Syrian Christian women of different levels of household income to the issue of equal rights in parental property conferred by the Supreme Court judgement. Data in this regard are presented in table 3. Chi-square test value of 24.11 ($p < .001$) indicated very significant difference in the views of the respondents belonging

to the different income categories. Women of higher income groups were less favourable to the equal right to inheritance granted by the Supreme Court judgement. As many as 71.2 per cent of the women in the lowest income group (up to Rs.25000) were in favour of equal right to inheritance, while only 23.1 per cent of the women in the top income group of over Rs.200000 had favourable attitude towards right to equal share in inheritance.

Table 3
Distribution of Respondents by Annual Household Income and by View on Equal Inheritance Right

Income	View		
	Favour	Do not Favour	Total
Up to 25000	42 (71.2)	17 (28.8)	59 (100)
25001-50000	39 (69.6)	17 (30.4)	56 (100)
50001-100000	57 (65.5)	30 (34.5)	87 (100)
100001-200000	36 (50.0)	36 (50.0)	72 (100)
200001 +	6 (23.1)	20 (76.9)	26 (100)
Total	180 (60.0)	120 (40.0)	300 (100)
Chi-sq= 24.11 df = 4 p =.001			

Figures in parenthesis are percentages.

Some of the upper income group respondents were not inclined to equal right to parental property, probably because they felt economically comfortable and hence were not interested in the parental property of their family of origin. In a couple of cases the respondents mentioned that their fathers had offered to give a share in the property at the time of partition in addition to the amount of streedhanam received by them, but they declined it since they felt that they did not require it. Some of the respondents told that they even relinquished their right to the share in the intestate property of their parents because they had sufficient wealth. What seems to emerge

from the data is that many of the women accepted the traditional practice of streedhanam as equivalent to the share in the parental property. In addition, their comfortable economic situation after the marriage seemed to have had some positive influence in taking this stand.

CONCLUSION

The study on the inheritance right of Syrian Christian women to parental property has brought out some interesting findings. The respondents in the study have had mixed views on equal right to parental property conferred by the Supreme Court judgement of 1986. Several factors must have been responsible for the different views among the women. Most women accepted the ideological stand of gender equality and were inclined to accept it in the matter of inheritance too. But there were socio-cultural factors that constrained them from asserting or working for the realisation of their right to inheritance. The force of the very objective of the traditional practice of streedhanam, the economic situation of the two families (giving and receiving the bride) after the marriage and above all the cultural factor of family relationships have played their roles variously in different cases in enabling or restraining women in the pursuit of gender equality in the right to parental property.

One of the notions of the traditional practice of streedhanam among the Syrian Christians has been that it be treated as the share of a daughter in her parental property. As long as a woman got her due share in the form of streedhanam and the families giving and receiving the bride accepted the practice, it probably worked. But in course of time the practice of streedhanam in general got deteriorated to an affair of financial transaction (often bargain) between the families, so that some of the families were forced to give money beyond their financial ability or used money beyond their economic capability to get a better groom for their daughter. Thus the practice of streedhanam turned out to be gender discriminatory. In spite of this current situation, many a woman seems to accept and not question the traditional practice largely as a mechanism to maintain family relationships

and to avoid conflict with their close relatives. In the context of the conflict between the ideology of gender equality and the value of family relationship, most women seem to have prioritised their values in favour of family relationship. This could be true even in cases of injustice under gender discriminatory actions. From another perspective, the Syrian Christian women seem to be more pragmatic, if not realistic, than ideological in their approach to the practice of streedhanam and equality of right to parental property.

Practice of streedhanam is deep rooted among the Syrian Christians in Kerala. It will be eliminated only with the effective institutionalisation of a system wherein women are accepted as co-sharers in the parental property. Strictly the law entitles women to equal share only in the intestate property, that is, property left without partition or will on the part of the parents. Full gender equality in parental property would mean equal share for sons and daughters in partition as well as in the will made by the parents. This becomes difficult as long as streedhanam remains culturally as the equivalent of the share in the parental property. Change in the cultural position of streedhanam would in turn mean the removal of the structure of patriarchal system. It would need cultural change supported by the ideology of gender equality. The different cases in the practice of giving the share in the parental property, as reported from the study, show that changes, although very few, are taking place in the practice of streedhanam and share of women in parental property.

NOTES

- 1 Synod of Diamper, known as *Udayamperoor Sunahadoss*, was convened on 20 June 1599 at Udayamperoor in Kerala under the leadership of Alexo de Menezes, Archbishop of Goa. It formally united the native Syrian Christian Church of Kerala with the Roman Catholic Church. A significant result of this action of the synod was the later split in Church in Kerala following the refusal of a section of the native Church to be under the Pope in Rome (Wikipedia 2011).

- 2 This was a major school of the legal doctrine in Hinduism. The other school was *Dayabhaga* which was followed in eastern India. As per *Mitakshara*, the son by birth was entitled to a share in the ancestral property and even during the life time of his father the son had every right to demand his share in the ancestral property (Mukund 1999; Thulaseedharan 2004).
- 3 *Marumakkathayam* followed matrilineal descent in property inheritance; a man's property was inherited by his mother's progeny (The patrilineal system of inheritance to son was known as *makkathayam*).
- 4 In the practice of *dethukeruka* (literally meaning 'enter by adoption') son-in-law joined the family of his wife and functioned as a son.
- 5 The Supreme Court judgement just decreed that women have equal right in the intestate property. Mary Roy, who was instrumental in obtaining the Supreme Court judgement, had to proceed with further prolonged litigation in order to get her share in the parental property. It took nearly one and a half decades for her to get a court order in her favour to be implemented.

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