Through the lens of slavery: Dutch Sri Lanka in the eighteenth century

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9
Through the lens of slavery: Dutch Sri Lanka in the eighteenth century[1]

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This chapter engages with the theme of cosmopolitanism in Sri Lanka through the lens of slavery in the eighteenth century. Slaves were, during this period, one of the largest, culturally pluriform groups in the island. We do not have clear figures of how many slaves lived in the Dutch forts, but through occasional censuses and other statistical records, it is possible to estimate that at least half the population in Colombo consisted of slaves, most of whom would have had roots outside the island. The majority of these people were privately owned by Dutch and Lankan individuals. A minority was direct property of the Dutch East India Company (VOC). Adding to this the number of manumitted slaves who continued to live in the same areas, it becomes clear that slavery and its legacy form important aspects of Sri Lanka's urban history.[2] Because the majority of the slaves in these towns originated from various regions in the Indian Ocean, a large share of the underclass of the island's coastal ports carried with them experiences from and ties with a world beyond Sri Lanka's shores. Rather than labelling them *a priori* as cosmopolitan, however, we propose to assess to what extent they inhabited and perhaps constituted a world of cosmopolitan cultural practices. To what extent were they in a position to treasure the ties and memories of their distant place of birth? And in what ways did local notions and practices of bondage interact with Dutch conceptions of slavery?

By singling out slaves, this chapter consciously inverts the elite approach to cosmopolitanism. The introduction to this volume raises the question of whether cosmopolitanism can be conceived of as a product or even a constitutive part of European colonialism, given the coercive nature of the latter. It brings up the example of the Portuguese Empire, but clearly the Dutch colonial enterprise is equally relevant. The Dutch period in Sri Lanka has for a long time been studied in isolation from the broader Sri Lankan historiography, but also from the emerging Indian Ocean World studies that highlight connections and interactions in the region.[3] For many years, the Dutch period was framed mainly in terms of

Dutch-Kandyan political-diplomatic history, or as the study of commercial and economic relations on the coast. The main antecedents for our focus on slave experiences are to be found in the work of Lodewijk Wagenaar and Remco Raben on cultural interaction in the towns of Galle and Colombo. Slaves, manumitted slaves and slave-owners feature extensively in Wagenaar's rich analysis of the ups and downs of Galle town society in the years 1758–60.[4] The legal approach is inspired by the work of Nadeera Rupesinghe, whose recent PhD dissertation presents an in-depth analysis of the practices of the rural court set up by the Dutch in the Galle district, pointing to the high degree to which the rural population acted as stakeholders in court. The Dutch rural civil courts, Rupesinghe shows, were a place where Dutch rule was imposed, while simultaneously being negotiated.[5] Both Wagenaar and Rupesinghe have revealed the depth of interaction between foreign and local norms in eighteenth-century Sri Lanka. These are exactly the themes upon which this chapter will further expand.

It is plausible to conceive of the Dutch Empire as a network regulating, forcing and facilitating flows of peoples, goods and ideas. Recent studies by Kerry Ward and Ronit Ricci on Javanese exiles in the Cape colony and Sri Lanka have placed the Dutch Empire more firmly than before in Indian Ocean studies. They both reveal how various Dutch outposts in the Indian Ocean region were connected through the peculiar punishment and labour regimes of the VOC, and how this resulted in the movement of Asian princes, convicts, soldiers, sailors and slaves across the sea. They also show how these exiles continued to foster spiritual and social ties with their places of origin, albeit not without interacting with their host societies. Through the presence of these people, Sri Lanka became more tightly connected to island Southeast Asia during the Dutch period than it had ever been before.[6] Because of the coercive nature of the regime facilitating these connections, however, the problem of using 'cosmopolitanism' as an analytical term in this context is particularly complex.

The first two parts of this chapter discuss the prominence of slavery in Sri Lanka and the experiences of slaves who entered Sri Lanka via Dutch importation. Through a number of compelling examples from eighteenth-century criminal cases in Colombo we will show the degree to which this diverse group of forced migrants were localized through economic and social relations that they forged with other people in the Lankan coastal areas. Furthermore, an episode recounted here raises the possibility that some slaves imagined themselves to be part of supra-local, transoceanic spiritual worlds. The third and fourth parts of this chapter then discuss the implications of imported slaves for Sri Lankan society beyond the personal connections forged in the coastal ports. In the third section we will discuss the interface between Dutch and indigenous norms and show how in practice Sri Lankan coastal society was drawn into a Dutch world of entangled institutions, rules and regulations. These represent more than a mere paper world and bear traces of actual interaction and negotiation. Fourth, we will look at the practice of law-making and focus on the codification of customary law in Jaffna in 1707. Here, as we shall see, slavery was instrumental in the way

in which Jaffna elites and Dutch administrators jointly came to describe and act upon Jaffna society.

Following the editors' thoughts on the cosmopolitan in the introduction to this volume, we have chosen to integrate three questions into our analysis: 1) To what extent can we observe a sense of belonging among the enslaved that transcends the immediate community? 2) Did the slaves contain 'a world of plurality' within them? If so, was this transferred through interaction with Lankans? 3) Did foreignness, in this case Dutch norms and practices of slavery, become localized in any way? These questions provide us with important and fruitful new inroads into the history of coastal Sri Lanka in the eighteenth century and lay bare unexpected global connections. They are particularly helpful in understanding the history of Sri Lanka's underclasses during the Dutch period. Furthermore, we will argue that the Dutch Empire can be conceived of as a legal cosmopolis, in which Lankans participated willy-nilly.

Slavery in Sri Lanka

Slavery is a little-studied subject in Sri Lankan history for the simple reason that slaves and slavery do not immediately surface in Sri Lankan memory, nor in colonial and indigenous texts. Instead the literature focuses on caste-based service labour especially from the seventeenth and eighteenth centuries onwards, and how the Dutch appropriated that system to meet their labour demand.[7]

One key historical text that deals explicitly with slavery is the description of rules and regulations regarding slavery in the Kandyan kingdom, drawn up by Simon Sawers at the request of the Commissioners of Enquiry in 1828.[8] This text suggests that debt slavery and the selling and pawning of children in times of duress was practised in the region. In their seminal introduction to slavery in South Asia, Chatterjee and Eaton point at the variety of forms of bondage and dependency that existed side-by-side in the wider region, arguing that war, debt and duress were the main reasons for enslavement in South Asia.[9] There is thus no reason to reject Sawers' interpretation of Kandyan society, even if it may have been influenced by the abolitionist context in which the author operated. At the same time, slavery also seems to have remained a marginal feature in Kandyan society in comparison with other forms of bondage dominating social relations.

The socio-legal landscape of Sri Lanka was diverse, with possible contrasts between the various regions along the coast and inland. Unfortunately we know very little about the actual practice of slavery in Kandy and of the background of the enslaved at the court. More is known about practices of bondage in Jaffna, where it seems the situation differed somewhat from that in the rest of the island. According to some colonial officials, ethnographers and later anthropologists, caste-based chattel slavery was common in this region. The landless people of the Naḷava and Paḷḷar castes were identified by such officials and scholars as chattel-slaves.[10] Other scholars preferred to describe their situation as one of

hereditary serfdom.[11] For this chapter, it is imperative that Dutch administrators in Jaffna identified particular castes as slave-castes and acted upon it. It will be argued below that in Jaffna they sanctioned and tapped into this perceived local practice of slavery rather than limiting it as they proclaimed to be doing elsewhere.

That the Dutch applied different standards regarding slavery and freedom in various parts of the island is characteristic of the way the Dutch acted in the Indian Ocean as a whole. The VOC operated in an Indian Ocean world in which various forms of slavery and trade in enslaved persons were common. In regions such as Burma, South India and eastern Indonesia, the slave trade became a lucrative side-business for the VOC and its officials. Jim Warren's study of the Sulu archipelago shows how in the course of the eighteenth century a growing Dutch and Chinese demand for slaves influenced and boosted the existing practices of slave-trading and raiding in the region.[12] A similar argument can be made for Burma in the middle of the seventeenth century, where the Dutch demand for slaves fuelled local conflicts.[13] Curiously, the Dutch influence on local patterns of slavery seems to have been strongest in areas that were peripheral to overall Dutch trade interests. In other areas, the Dutch response was more situational, such as during the famines in South India in the years around 1660, when the VOC transported more than 10,000 Indian slaves to Ceylon and Batavia.[14] Richard Allen recently estimated that the Dutch were involved in the transport of between 67,000 and 91,000 people across the Indian Ocean during the seventeenth and eighteenth centuries, with the larger share of this trade having taken place in the seventeenth century.[15]

In administrative centres of the VOC, such as Batavia or Colombo, imported slaves were one of the most important sources of labour for the Company and for private individuals. Along with convict labour, and in some cases service labour, the enslaved were used for construction work on the fortifications, roads, rural exploitation and in the households of private individuals.[16] It was not uncommon for wealthy families to own up to twenty slaves, or even more. Slave orchestras were an asset and gave status to some European families.[17] When in 1808 three ships carried Dutch families from Colombo to Batavia, Dutchmen were outnumbered by their slaves, even after having been forced to leave the majority of the slaves they owned behind. With the advent of British abolitionism it became difficult to sell slaves, and they were presumably absorbed into the urban underclasses as many manumitted individuals had been over the previous centuries.[18]

Constituting a world of plurality: the lived experience of slavery

Incidental European descriptions and drawings give glimpses of the lives of the enslaved, mainly mediated through their relationships with their masters and the duties they performed.[19] Criminal proceedings before the Council of Justice

in Colombo provide deeper insight into the lived experience of slaves as, in some cases, the enslaved themselves revealed details of their daily lives. While historians of the Cape and Batavia have made excellent use of such sources, much is still to be done for Sri Lanka.[20] Here, court cases and emancipation deeds are the starting points for teasing out the ties that connected slaves to the cosmopolitan spheres of Colombo and other ports.

Cases heard before the Dutch Council of Justice in Colombo involved slaves as victims, witnesses and perpetrators of criminal activity. Some of the court cases illuminate the violence of relations between slaves and the slave-owning class such as when the slave woman Tamar accused Pierre Laborde of rape in 1791. Other cases point to the emotional dishonour experienced by slaves such as the Javanese Itam, leading to an intense, violent outburst against his master Captain Johan Christiaan Emanuel Berski in 1774. Other cases relate specific life stories of slave-suspects and give us impressions of daily contacts and connections beyond the relationship with the master. For example, we encounter slaves like Floris, who ran away from his master three times, and each time found refuge with the Chetty Mannan Dias.[21] The 1794 case of Amber, Truna de Wangso and Andries brings cross-cultural connections and relationships that crossed the slave–free legal divide sharply into focus. Furthermore, the case gives an indication of where such ties were forged. The three men were accused of theft, having allegedly stolen a copper bowl. Amber was a slave of unknown origin, owned by the vice-*mudaliyar* of the Attepattu, Christoffel de Saram; Truna de Wangso was a Muslim convict from Demak, on Java, who arrived in Sri Lanka in 1784 and was set to work in the *materiaalhuis* (workhouse); Andries was noted down in the records as being Sinhalese but he did not appear in court because he had run away. The statements of the accused and witnesses were complicated, contradictory and confusing. Such a case reveals the wide-ranging local social connections forged by the men and women involved; it touches on the forced movement of people – slaves and convicts to Sri Lanka – through the broader Asian ties of the VOC; and it provides an indication of the sites of interaction, in this case the lively markets in the streets of Colombo.[22]

That slaves interacted and forged connections with different groups in Colombo also becomes clear from the emancipation deeds. The legal requirement for emancipation was that one or two individuals promised financial support for the manumitted slave for a period of six years. A cursory glance at the signatures provided by the guarantors reveals numerous Sinhalese and Tamil signatures, along with Xs indicating that the guarantor was illiterate. When the slave woman Cleopatra was freed in 1781, two sailors – Pieter Post and Jan Paulus – took on the responsibility of guarantors. In numerous cases free Sinhalese took on the responsibility, for example Daniel and Joan Fernando who signed as guarantors for three of the sixteen slaves emancipated by Anna Maria Giethoorn in August 1784. In three deeds signed in 1784, Philipie Pieris and Louis Gomes stood as guarantors for four slaves – Apollo, Juliaan, Christina and her child Agida. Philipie Pieris and Louis Gomes were described as *vissers*

(fishermen) indicating they were of the Karava caste. The diversity of guarantors and manumitted individuals is striking. If the assumption of a relationship – emotional or pecuniary – between slave and guarantor is correct, it leads to the conclusion that slaves' contacts and connections were ample and integral to their lives both in bondage and in freedom.[23]

Cosmopolitanism in Biedermann and Strathern's first sense – that being cosmopolitan involves containing 'a world of plurality' within – was thrust upon slaves by their forced migration to the island; once there, slaves not only inhabited but also constituted and cultivated a 'world of plurality'. Slaves who were transported to the island from across the Indian Ocean were simultaneously thrust into and constitutive of the world of religious and ethnic diversity that was Colombo.[24] The above cases demonstrate the ways in which slaves lived out that cosmopolitanism, actively entering into relationships with others across lines of ethnicity, religion and legal status. Court cases and emancipation deeds reveal the variety of those relationships, from familial ties to criminal collusion. We should not lose sight of the fact that it was precisely the creation and maintenance of these connections that embedded slaves in their locality. We are left to wonder what the effect of these connections was – finding evidence to support the idea that interaction with the heterogeneous slave population expanded the horizons of the rest of society is almost impossible. Be that as it may, it is not hard to imagine that the worlds the enslaved remembered – religious, cultural, material, linguistic – were introduced in the market, in the streets of Colombo, and in the relationships that developed between slaves and free people of diverse backgrounds, including Sinhalese.[25]

A 1781 case of murder against a Malay slave woman named Deidamie suggests that the connections sketched out above were not the only ways in which slaves experienced or effected cosmopolitanism. Deidamie was accused of murdering her youngest child, a young boy named Filareuse. The company authorities were less interested in the murder per se than in the small letter that Deidamie was found to be carrying. Tracing Deidamie's connections, and thus following the route by which she came to be in possession of the 'letter', brings into view a world beyond her master's household, Colombo, and even the island. This points to the idea that, for some slaves at least, there were opportunities to cultivate connections beyond their locality.[26] The enslaved woman was denoted in the court documents only by her slave name, Deidamie, with no toponym. The only indication of her background is that she was described as Malay, likely an indication that she herself or her parents originated from Southeast Asia, possibly traded via Batavia.[27] During the murder case it came to light that Deidamie had been in possession of a small piece of paper inscribed with *maleijdse karacters* (Arabic letters). The attribution of protective powers and the suggestion that the text was a prayer from the Qur'an indicate that it was a talisman. Deidamie revealed that she received it from a Malay slave named Ontong. He had received the talisman from a Malay soldier named Draman, who, although from Java, resided in Colombo. This again reinforces our impression of the interaction

among the town's underclass. The man from Java, Draman, had not made the talisman himself; he received it from a 'priest' in Batavia, presumably referring to a Muslim religious leader. Thus, over and above the social connections between slave and free within Colombo, we see the connections forged between three Malay individuals in the city, and through those connections a link to the Muslim community of Batavia.

While we cannot be sure of the significance Deidamie attached to the talisman in terms of how she identified herself religiously, we should be aware of the risk that carrying such a talisman might have constituted for the enslaved woman. She surely would not have concealed it in her hair as she did if she did not attach some power to being in possession of it; nor would she have hidden its origins from the court when investigated, if it were not a risk. The VOC authorities were certainly very concerned about the talisman and expended much energy on determining its origins. They also had it translated by a Malay sergeant, thus coming to the conclusion that it was a prayer. Perhaps Deidamie was merely 'talisman-shopping'; nor can we discount the possibility that it was a signifier of belonging to a spiritual world that, although facilitated by the Dutch imperial web in the Indian Ocean, extended beyond that Dutch world. This case shows just how difficult it is to draw conclusions about belonging in the absence of sources such as memoirs or personal letters in which individuals themselves express or reflect upon identity. This is surely not only true of the enslaved, but extends to all social strata. What we can say is that Deidamie's actions raise the possibility that she herself chose to cultivate a sense of belonging in this wider spiritual world, which not only connected her to slaves and non-slaves in her immediate surroundings but linked her to co-religionists in the Indonesian archipelago. Perhaps this is an example of an enslaved woman taking part in what Ronit Ricci has called the 'Arabic Cosmopolis'.[28] Deidamie may have been cosmopolitan both in the sense that she inhabited and constituted a 'world of plurality' and that she sought to be a part of a world beyond that locality, albeit one marked by a single religion.

This section on slave experiences in Colombo is a snapshot of daily aspects of the lives of Colombo slaves. From these cases, a somewhat veiled picture emerges of the Dutch period, during which Sri Lankan society connected to new regions and peoples from the Indian Ocean world even at the lowest level of society, or perhaps we should say in particular at that level. This added yet another layer to the existing political, mercantile and religious networks of which, over time, the island had become a part. Slaves from around the Indian Ocean who were transported to Colombo became embedded in Lankan society through the creation and maintenance of connections to people across ethnic, religious and legal-status lines. Deidamie's relationships point to the supra-local quality that such connections could take on. Slavery in Sri Lanka is not a neat story, but rather one of contradictions of security and of violence, pressures and dependency, a type of duress that these people shared with many others across the Indian Ocean who got entangled in the Dutch world.

Who were they to judge? Slavery in a European legal cosmopolis

Even if borders between Kandy and Dutch Sri Lanka had been formally drawn, in practice the inland and coastal areas of Sri Lanka were never completely separated from each other.[29] In fact, in some instances records from the coast allow us insights into deeper connections between the two areas and practices that are otherwise difficult to document for Kandy. In 1780, a Sinhalese woman from the Kandyan kingdom was tried in Colombo by the Dutch because she had sold her child there as a slave. What happened to the child we do not know, but the Sinhalese woman was sentenced to corporal punishment and to work for five years in chains.[30] Yet, who were the Dutch to judge? If slavery was part and parcel of Dutch activities in Sri Lanka and beyond, this judgment seems quite out of place. It signposts the emergence of a legal or normative world – a cosmopolis, in Biedermann and Strathern's second sense of the term cosmopolitan, perhaps? – where Dutch or European conceptions of slavery and freedom were imposed on existing structures and practices. Through the lens of slavery we very clearly observe what the implications of these legal entanglements were.

Living with the Dutch implied an imposition of the Dutch legal apparatus, but at the same time the institutional and procedural set-up that came along with it opened up possibilities for negotiation as we see in the case of yet another woman, named Helena. In the early 1790s Helena accused her so-called master of claiming her as his property, while she insisted on being a free woman. She disagreed with the verdict of the court, which was in favour of the Chetty master, and appealed to Batavia for redress.[31] Helena or her parents might have come from Batavia, but in any case, seeking redress in the distant regional headquarters of the VOC reflects a consciousness, or at least an imagination, of being part of a world of Dutch institutions and norms that stretched beyond Sri Lanka. The Dutch world of institutions and regulations had become a reality for inhabitants of Sri Lanka like Helena and the Kandyan woman who had tried to sell her child. Their cases were judged by the Council of Justice in Colombo, the highest court on the island. It was presided over by Dutchmen only, who in theory adjudicated cases according to Dutch regulations. In practice, most of these men spent the larger part of their careers in Asia if they weren't born there themselves, and may well have been influenced by local customs.

This section sets out to describe the Dutch institutional set-up with which Lankans actively engaged. The institutions themselves were more dependent on negotiations than their typical Dutch names may lead us to believe. Legal institutions formed clusters in the three main towns, each of which had its court for civil cases (*Civiele Stadsraad*) and a Council of Justice (*Raad van Justitie*) for criminal cases and those civil cases with large sums of money at stake. Beyond Colombo, Galle and Jaffna, *Landraden*, or rural courts, were set up to adjudicate in civil disputes in those inland parts where the Dutch claimed territorial rule. Over time the number of these courts increased to eleven. As was common in Europe

at the time, there was no division of powers and so the VOC's main administrators were also involved in the courts. In each town a public prosecutor (*fiscaal*) was appointed who also held police powers for the town and its direct surroundings.[32] The ties between the legal institutions in the island were hierarchical and in turn connected to the Council of Justice in Batavia, which functioned as a supreme court in the VOC world. Within the island, it was possible to appeal to Colombo's Council of Justice from the other towns; beyond that – as we have seen in Helena's case – one could appeal to the Council of Justice in Batavia, where the legal circuit ended.

Courtrooms like the *Landraad* or the Council of Justice may have had a very Dutch outlook on paper, but as Rupesinghe shows, they functioned as arenas of cross-cultural encounters that featured victims, perpetrators and witnesses from all segments of society, with Dutch and indigenous elites functioning as judges and with local advisors and translators at work. As early as 1619 the board of directors of the VOC in the Netherlands, the Gentlemen Seventeen, had announced that Batavia should adopt the laws and practices of the provinces of Holland, while specific local issues were to be dealt with in an ad hoc manner via ordinances (*plakkaten*) following customary and Roman law.[33] This left space for local negotiation and response, and the performance of the courts in practice was highly dependent on location and the specific issues at stake.

Legally and officially, slavery did not exist in the Dutch Republic, but was practised nonetheless in all Company settlements and factories. In 1642 the numerous ordinances that had already been issued in Batavia were gathered together and printed as the Statutes of Batavia, and henceforth adopted as the basis for government in all company settlements. The statutes included a slave code that had developed through years of practice in Batavia and was inspired by a Roman, or Justinian, conception of slavery as an absolute state.[34] In places like Ceylon, the Statutes of Batavia, including the slave code, were important as guidelines for the administration of justice. The slave code regulated, among other things, slave-ownership, the public behaviour of slaves and master–slave relations.

The legal system that the Dutch created across the Indian Ocean carried a sense of unity through the Statutes of Batavia, while in the different settlements the Statutes were amplified in response to specific local or supra-local issues throughout the period. This 'on the spot law-making' was situational and should be understood as responsive rather than pre-emptive. As a consequence, the ordinances have to be understood in the specific context in which they were proclaimed. These contexts could be local, or could relate to interests elsewhere in the VOC world. An example of such a responsive local ordinance that relates to very specific circumstances is the Colombo ordinance of 1660 that forbade all slave trade within and from the island. Some historians have anachronistically labelled this ordinance as humanitarian.[35] However, to properly understand the function of this ordinance, one needs to evaluate the immediate context in which it was issued. The war with the Portuguese had only recently come to an end and

had left the countryside in ruins. The Dutch aimed at restoring social order and settlement and this regulation was part of that project. It should not be misunderstood as a general humanitarian attitude to slavery. It was in this same period that the Dutch exported more than 10,000 slaves from South India, of whom a share ended up in Colombo and Galle presumably to work on the fortifications and restore infrastructure after the war, while the rest were transported to Batavia.[36]

The argument of local order and efficiency is repeated a year later in the 1661 instructions for the dessave in Matara. They mention the practice of people selling themselves and their families into slavery to local chiefs. It is explicitly stated that this practice, if continued, would lead to a depopulation of the land and hence a decrease in revenue. The prohibition of selling free people here is further motivated by a strangely misplaced enthusiastic expression of the respect of freedom: 'een yders vrijheid is 't kostelijke goed des aardbodems' ('everyone's freedom is the greatest good on earth'). Surely, it reveals some rhetoric of 'liberty' and humanitarianism at work, but this was fundamentally secondary to pragmatic and strategic objectives.[37]

Another example of an ordinance that can easily be misunderstood is one from 1685 that forbade the import of slaves from South India into the Ceylon ports.[38] Again, pragmatism ruled: the document itself explains that the Company dearly needed the slaves on the spot. Rules and regulations about slave trade and imports always have to be understood in the light of interrelated stakes at the various VOC strongholds in the Indian Ocean. About ten years later the issue was no longer considered pressing; in 1695 around 3,500 slaves were imported into Jaffna by local traders, as evidenced by the import duties paid.[39]

Overall, the Batavia and Colombo ordinances that dealt with slavery can be divided into those regulating 1) slave ownership (who owned slaves, and which religions the latter practised; legal proof of ownership required); 2) trade and transportation of enslaved persons; 3) punitive measures against slaves; 4) sexual, social and commercial relations of slaves (concubinage, gambling and entering contracts prohibited); and 5) public behaviour of slaves, in particular in relations to dress and religion (no hats, no shoes, no conversion or baptism allowed).[40] Court cases dealing with extremely violent masters, questionable proof of ownership or manumission, and slaves involved in illicit trade indeed appeared before the criminal and civil courts. Helena essentially disputed the legality of her slave status. Her disputed master was a local Chetty, which reminds us that the Dutch ordinances were not merely regulating the relationship between Europeans and their slaves, but also among other social groups.[41]

Slave owners included Dutch men and women, Chetties, 'Moors', Sinhalese and Tamil *mudaliyars* and lower chiefs, and other Europeans. While slaves could have a great variety of backgrounds, from Madagascar to Manila, they or their parents were most likely to come from around the Bay of Bengal, Malabar or Eastern Indonesia. Although the norms of all these groups regarding important issues of bondage and freedom, and status and social relations, would have differed, the ordinances reveal the attempts made by the Dutch to create some sort

of unity to keep control over the communities of slaves and masters within their jurisdiction. Locally created ordinances were communicated through translation into Sinhala and Tamil, and they were presumably read aloud and stuck on walls of important buildings and trees. People like Helena, who were aware of this and tried to use it to their own benefit, had the chance to become agents in the legal cosmopolis.

The extent to which the Dutch regulations were applied literally in court is difficult to establish. The Kandyan woman mentioned above did not receive the death penalty, even though that was the legally established punishment for her misdeed. In the case of Ali van Makassar, who appeared before the court around the same time, no capital punishment was given for his second offence of house-breaking because, as the governor argued, he was unfamiliar with the stipulated punishment for his crime.[42] Ordinances were responsive, and so was the actual application of these rules in court. The ordinances represent an attempt at merging various legal traditions and experiences into one normative order, which the Dutch administrators in turn inconsistently imposed on local inhabitants and which some local inhabitants tried to use to their own benefit. This adaptive practice has made the Dutch presence on the island appear so elusive. Ordinances and court cases can be studied as expressions of Dutch rule, but through the lens of slavery we see very clearly how general Dutch norms, local considerations and supra-local stakes played out in practice. It shows that the everyday interaction between society and the state was much more complex and had much deeper local implications – which in turn reflected transoceanic connections – precisely because so many different groups participated.

The slippery grounds of codification: social hierarchies, freedom and bondage in Jaffna

Along with their slaves, the Dutch brought a Justinian conception of slavery as the complete opposite of freedom. For slaves, the business of achieving freedom was regulated through notarial deeds. Considering the repetition of ordinances on this matter we can assume, however, that this was not always acted upon. Moreover, manumission could also be used by the Company as a tool for social engineering. In the late 1760s, the Dutch transported a number of 'slave' families from Jaffna to Puliyanthivu, in Batticaloa, to work in freedom as toddy tappers. These families were actually of the landless Naḷava caste, whom the Dutch labelled as a slave caste in an act of bold ethnographic-legal interpretation, applying their rigid notions to the way the Naḷava were treated by their Vellala or high-caste masters. In 1771, the VOC published a reminder that the Naḷavas of Batticaloa were to be considered free.[43] Apparently this was to no avail, as twenty years later, the Dutch administrator of Batticaloa complained that despite the granted freedom, wealthy Vellalas continued to lay claim to these families.[44] The tension we observe here may be generated by the fact that local conceptions of freedom were much

more complicated than the Dutch imagined. In fact, one may wonder whether there was an indigenous legal concept of freedom comparable to that of Roman law, or rather a complex hierarchy of social obligations.

Everywhere on the island, caste served as the basis of local labour extraction and the VOC always found ways of appropriating service labour. Only in Jaffna, however, did slavery and caste-base service labour become closely intertwined. The Company identified four castes as slave castes: the Chandios,[45] Koviyar ('Cowias'), Naḷava ('Nalluas') and Paḷḷar ('Palluas'). In fact, the VOC kept a number of people of the Naḷava and Paḷḷar castes as slaves within the workhouse in the Jaffna fort, where a total of about eighty slaves were kept, and demanded service labour or remuneration (*chikos*) from those living under their masters in the countryside.

The tension between the Dutch absolute definition of slavery, as promulgated in the general ordinances from Colombo and Batavia, and the local definition of slavery is clearly visible in the Thesawalamai, or the Jaffna customary law, drawn up by a Dutch administrator in 1707, in consultation with 12 *mudaliyars*. The curious history and legacy of the Thesawalamai has been studied before.[46] The text was produced in 1707 in response to a request by the rural court for better knowledge of local customs. The task was assigned to the Dutch *dessave* Isaac Isaaksz. He used his thirty-seven years of experience in court as a basis for a report that he had translated into Tamil and read and commented upon by the twelve major chiefs in the region. While we do not know exactly how the code was used in court, it remained an important text for the Tamil population in the British period and beyond.[47] The text has been analysed by legal scholars, and some have pointed out the influence of Roman-Dutch and Portuguese law on issues such as property.[48] When read closely, these rules and regulations also offer vivid insight into aspects of daily life in Jaffna. The Thesawalamai is an early example of Europeans fixing and appropriating indigenous customary laws through close cooperation with local elites, a theme that has been studied for Bengal through the activities of William Jones and others. In Jaffna, it was the Vellala chiefs who were involved in the production of the text, and who most likely benefited from it.[49] They certainly had a stake in labelling certain groups in society as slaves and in defining the rights of masters over these people.

We encounter slaves and slave trade throughout the code, such as in the sections on inheritance, pawning and transfer of property. References made to slaves in these instances resonate with those of the ordinances, in the sense that slaves are referred to as a homogeneous legal category. Slaves formed transferable property and could be bought and sold, inherited and manumitted at the will of the owner. Usufruct of cows, sheep and slave women are dealt with in the same section.[50] No mention is made here of the legal proof of slavery necessary in these transactions, such as that demanded elsewhere in the island according to the ordinances. Ownership of slaves, their children and their property must have given rise to much conflict, as the numerous stipulations in this respect suggest. The final paragraph in the section on transfer of property deals with the practice of selling children in times of duress. Here the general rule applied, according to

which free persons could not be sold into slavery. Yet the regulation refers to the practices nonetheless, narrating how people from Matara sometimes sold their children in Jaffna and pointing out that these parents had always had the right to buy back their children at a reasonable price as soon as their situation allowed it.[51]

Apart from these brief references made to various practices, a whole separate section of the text was devoted to the legal situation of slaves. This section covers about 10 per cent of the total text, indicating the importance of the issue to Jaffna society.[52] Here the group of slaves discussed turns out to be heterogeneous, with different historic foundations and different rights and obligations. The Chandios and the Koviyar were called 'slave castes', although it is mentioned that in practice not many slaves were found among the Chandios anymore. Apparently Koviyars, upon achieving freedom, would often have themselves registered as Chandios, inadvertently indicating a degree of inter-caste mobility. The Chandios and Koviyar were presumed to have entered slavery in the recent past, although it is not said how exactly this happened. As with the children from Matara sold by their parents, the history of having once been free but subsequently enslaved through misfortune provided them with a distinct legal status. One could say that they were better off in comparison to the Naḷavas and Paḷḷars to whom the Dutch referred as 'erfslaven', that is, hereditary slaves. The Chandios and Koviyar could rely on more privileges and protection from their masters than the Naḷavas and Paḷḷars. For example, when a child was born, the master would have to send Chandios and Koviyar mothers a larger sum of money as a gift than to a new mother of the Naḷava or Paḷḷar caste.

The Naḷavas and Paḷḷars came closest to the Dutch concept of absolute slaves. Enslaved individuals from these groups were owned by the Dutch along with the slaves who originated from elsewhere in the Indian Ocean. The entitlement to ownership over these people claimed by the Dutch went further than simply appropriating service labour. How this worked is made explicit in the first paragraph of the slavery section: the Company would by custom be entitled to one out of five or six children – boys and girls – born of the marriage between a Naḷava or Paḷḷar slave owned by the Company and a slave woman from the countryside. While presumably these Company Naḷavas and Paḷḷars lived in circumstances similar to other slaves kept by the VOC in the island, the situation differed for those in the countryside. The latter lived separate from their masters, and made their living out of agriculture. Masters did not impose a continuous demand on their labour, even though they were in control. Young boys could be taken out of the household to perform long-term duties for the masters, such as keeping herds.[53]

The Dutch had no interest in prohibiting indigenous slavery in Jaffna as they did in the southwest, because it provided them with a regular source of labour. And so the Dutch adapted their norms to the local practices, while simultaneously imposing their own. That the Dutch saw the Naḷavas and Paḷḷars as equal to slaves brought from overseas is clear from the section that discusses the right of masters to punish manumitted slaves if they publicly insulted their former master. Despite explicit petitioning by the twelve *mudaliyars* in this respect, the

Dutch decided that such cases were to fall under the provisions (slave code) of the Batavian Statutes.[54] This illustrates how Dutch conceptions of authority and norms regarding punishments were imposed upon local customary traditions. Overall, the Thesawalamai leaves us with a complex panorama of local and supra-local concepts, laws and practices and their negotiation between the VOC and the Jaffna elites.

The Dutch sanctioned indigenous practices of slavery through their legal codification and at the same time some of their own norms regarding slavery crept into their codification of these practices. So far, we know little of how the local traditions and Dutch norms played out in court.[55] What we do know is that the Dutch appropriated the labour of Naḷavas and Paḷḷars, but to what extent the Dutch were involved in the making and unmaking of slaves is unclear. Yet the scattered sources provide us with some hints. The story of the eighty or so Naḷavas living in freedom under the Company's protection in Batticaloa suggests that manumission occurred: the Company had taken the liberty to free them from what it considered to be their slave status. The Company officials presumably followed the reasoning that if these people were legally slaves, they could also be legally free. The opposite occurred as well: we know that by the late eighteenth century, the local *Commandeur* appropriated around 140 Naḷava and Paḷḷarr slaves from the chiefs in lieu of tax arrears. These people were then sold on the market as regular slaves, to the outrage of the local chiefs and probably themselves.[56]

The complex story of slavery and customary law in Jaffna further illustrates the tension between Dutch norms and local practices. The Dutch recognized the need to create security and order through legal fora and legislation. Through the lens of slavery we see how the Dutch kept local rules in practice, while intervening when they sensed that their authority was threatened. The fact that they considered aspects of the Batavian Slave Code applicable to indigenous 'slave-castes' underlines how, from a legal point of view, the Dutch framed Jaffna slaves in absolute terms, just as they did in other parts of the Indian Ocean. But in practice, the use of the Naḷavas and Paḷḷars as transferable property turned out to be problematic when the Dutch unilaterally freed these people from their hereditary bondage. It was regarding freedom, rather than over bondage, that the Dutch clashed with the Vellalar elites. The Thesawalamai as a product of Vellalar–Dutch synergy and competition signals a process whereby the lower strata of Jaffna society became more rigidly controlled. A question that remains to be answered is how people responded to the classification and what the long-term impact was: did it result in more rigid social relations and hence a society less open to external influences and contact?[57]

Conclusion

The Dutch, who brought slaves to an island where various forms of social bondage comparable to, but not always identical with, slavery existed, also brought with

them conceptions and norms about what slavery and freedom entailed. These were grounded in Roman law and in the Dutch experience in Batavia. Rules and regulations regarding slaves and slavery were then shaped over time through an engagement with Lankan practices of bondage and slavery. As we saw, the various conceptions played out in codification practices and in court and as such are exemplary of hybrid practices of socio-legal negotiation during the Dutch period.

Slavery as such was not new to Sri Lanka, and at least from the Portuguese period onwards, slaves had been actively imported into the island. According to late seventeenth-century censuses, slaves formed the larger part of the urban inhabitants in the coastal port cities. Their backgrounds varied greatly, encompassing provenance zones from Africa to Southeast Asia. Slaves were thus part of a connected world of forced migration that also included convicts and exiles. Furthermore, they inhabited towns and cities that were diverse in ethnicity, religion and language. In this way, slaves were both constituents and inhabitants of cosmopolitan spaces. However, slavery and cosmopolitanism are an uncomfortable match, not least because slaves did not choose to be part of those localities themselves. In cases such as that of Deidamie, the enslaved Malay woman who lived in Colombo, we get closer to seeing slaves actively seeking to be part of a world – in this case spiritual – that transcended the master's household, Colombo and the island. To speak of cosmopolitanism in her case seems more appropriate than in others. Understanding the worlds the enslaved imagined themselves to be part of helps us understand the underclass that shaped Sri Lanka's coastal towns in the eighteenth century.

When we turn to the legal cosmopolis that slaves inhabited we see the diversity of experience exemplified in the Kandyan woman and Helena. While the Kandyan woman seemed to have been dominated by the system, Helena understood the wider institutional world of which she was a part and managed to navigate her way through it, requesting redress in the Supreme Court in Batavia to dispute her alleged slave status. Batavia was central to the legal order in VOC Sri Lanka as the Statutes of Batavia formed the foundation of Company law. The ordinances promulgated in the island were very clearly responsive, issued in an ad hoc manner and constantly amplifying the statutes in existence. The ordinances were, we have argued, an attempt to bring together legal traditions and experiences from various regions into one normative order. As noted, to what extent those rules and regulations were enforced in courts at all levels remains unclear. For its part, the Thesawalamai highlights the tension between local and imported conceptions of slavery and freedom. Untangling the relationship between slavery in the Roman legal sense, slave-castes and service labour is an avenue of research that needs to be pursued further and should incorporate the responses to such classification by the subjects involved. What this chapter has demonstrated is that through investigating VOC law-making, codification and legal practice, the interface between Dutch norms, local considerations and supra-local stakes comes into focus.

Along with the Dutch came a plurality of peoples, practices and norms with origins outside the island. We have seen instances where this prompted people to

look outwards, such as Helena and Deidamie. At the same time, we signalled the process of localization of European concepts of slavery in Jaffna, a process that may have been detrimental to the interests of members of the Naḷavar and Paḷḷar castes. This in particular signals the downside to the workings of cosmopolitanism under coercive empires. Living with the Dutch implied living in a contradictory world: it is clear that human trafficking within the island was discouraged by law, although practised to some extent, and that the Dutch attempted to control the trade of humans to the island, but that there was a continuous import nonetheless.

The Dutch legal space across the Indian Ocean then could be seen as operating on both levels of cosmopolitanism suggested in the introduction to this volume. This chapter shows a Dutch legal cosmopolis at work, containing a world of plurality that was adaptable and locally responsive to some extent. At the same time, it allowed coastal Sri Lanka to participate in a much larger field of unity, insofar as the Dutch legal system did after all maintain its own integrity. While slavery was at one extreme end of the societal spectrum of Sri Lankan society and the Dutch Empire, it was central to the lived experience of many people on the island and central to colonial law-making. The lens of slavery has helped us to situate Sri Lanka more firmly in the eighteenth-century Indian Ocean World and move towards a more critical understanding of Dutch colonialism.

Chapter 9: Through the lens of slavery

1   This contribution draws from previous research published by Alicia F. Schrikker, 'Conflict Resolution, Social Control and Law-Making in Eighteenth-Century Dutch Sri Lanka,' in *Exploring the Dutch Empire: Agents, Networks and Institutions, 1600–2000*, eds. Catia Antunes and Jos Gommans (London: Bloomsbury, 2015), and Kate J. Ekama, 'Slavery in Dutch Colombo' (ResMA dissertation, Leiden University, 2012). Where sections carry considerable overlap with these texts, this is clearly indicated in the annotation. Both the approach and central argument in this chapter are new and stand apart from the two mentioned works.

2   For analyses of the size and composition of the enslaved population of Colombo, see Gerrit Knaap, 'Europeans, Mestizos and Slaves: The Population of Colombo at the End of the Seventeenth Century,' trans. Robert Ross, *Itinerario* 5, 2 (1981), 84–101; Remco Raben, 'Batavia and Colombo: The Ethnic and Spatial Order of Two Colonial Cities, 1600–1800,' PhD dissertation, Leiden University, 1996; Ekama, 'Slavery in Dutch Colombo,' 8–12.

3   Important exceptions are found in the work of S. Arasaratnam and Remco Raben.

4   Lodewijk Wagenaar, *Galle, VOC-vestiging in Ceylon: beschrijving van een koloniale samenleving aan de vooravond van de Singalese opstand tegen het Nederlandse gezag, 1760* (Amsterdam: Bataafsche Leeuw, 1994).

5   Nadeera Rupesinghe, 'Negotiating Custom: Colonial Lawmaking in the Galle Landraad,' PhD dissertation, Leiden University, 2016.

6   Kerry Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (New York: Cambridge University Press, 2009); Ronit Ricci, *Islam Translated: Literature, Conversion, and the Arabic Cosmopolis of South and Southeast Asia* (Chicago: University of Chicago Press, 2011). For more specific work on Sri Lanka, see Ronit Ricci, 'From Java to Jaffna: Exile and Return in Dutch Asia in the 18th Century,' in *Exile in Colonial Asia: Kings, Convicts, Commemoration*, ed. R. Ricci (Honolulu: University of Hawai'i Press, 2016), 94–116.

7   Nirmal Dewasiri, *The Adaptable Peasant: Agrarian Society in Western Sri Lanka under Dutch rule, 1740–1800* (Leiden: Brill, 2008).

8   John D'Oyly, *A Sketch of the Constitution of the Kandyan Kingdom* (Dehiwala: Tisara Prakasakayo, 1974). The texts by Sawers are found among the papers of the commissioners of enquiry, and are published as an addition to the collection of D'Oyly in this volume.

9   Indrani Chatterjee and Richard Eaton, 'Introduction,' in *Slavery in South Asian History*, ed. Indrani Chatterjee and Richard Eaton (Bloomington: Indiana Universtity Press, 2006).

10 Michael Banks, 'Caste in Jaffna,' in *Aspects of Caste in South India, Ceylon and North-West Pakistan*, ed. E. R. Leach (Cambridge: Cambridge University Press, 1960), 61–77.

11 Sinnappah Arasaratnam, *Ceylon and the Dutch, 1600–1800: External Influences and Internal Change in Early Modern Sri Lanka* (Aldershot: Variorum, 1996).

12 Jim Warren, *The Sulu Zone, 1768–1898: The Dynamics of External Trade, Slavery, and Ethnicity in the Transformation of a Southeast Asian Maritime State* (Singapore: Singapore University Press, 1981).

13 Sanjay Subrahmanyam, 'Slaves and Tyrants: Dutch Tribulations in Seventeenth-Century Mrauk-u,' *Journal of Early Modern History* 1, 3 (1997), 201–53.

14 Markus Vink, '"The World's Oldest Trade": Dutch Slavery and Slave Trade in the Indian Ocean in the Seventeenth Century,' *Journal of World History* 24, 2 (2003), 131–77; Richard B. Allen, *European Slave Trading in the Indian Ocean, 1500–1850* (Athens: Ohio University Press, 2014), 16 (Table 1).

15 Allen, *European Slave Trading*.

16 Matthias van Rossum, *Kleurrijke Tragiek. De geschiedenis van slavernij in Azië onder de VOC* (Hilversum: Verloren, 2015) and Ward, *Networks of Empire*. Furthermore, slaves owned privately were rented out to the Company for manual labour. Knaap, 'Europeans, Mestizos and Slaves', 96. See also Raben, 'Batavia and Colombo', 110. This practice was followed in Batavia: Bondan Kanumoyoso, 'Beyond the City Wall: Society and Economic Development in the Ommelanden of Batavia, 1684–1740,' PhD dissertation, Leiden University, 2011, 113. And at the Cape: Nigel Worden, *Slavery in Dutch South Africa* (Cambridge: Cambridge University Press, 1985), 81, 88.

17 VOC official Dirk Willem van der Brugghen who lived in Colombo in the 1750s owned such an orchestra. Lex de Raat, *The Life of Governor Joan Gideon Loten, 1710–1789: A Personal History of a Dutch Virtuoso* (Hilversum: Verloren, 2012), 141, 144. This it seems was no exception, references to slave orchestras in the Dutch Empire being scattered. See for example Jean Gelman Taylor, *The Social World of Batavia, European and Euroasians in Colonial Indonesia*, 2nd edn (Madison, WI: University of Wisconsin Press, 2009), 100, 110, and D. R. M. Irving, 'Trading Tunes: Thomas Forrest, Malay Songs and Musical Exchange in the Malay Archipelago, 1774–1784,' in *Intercultural Exchange in Southeast Asia: History and Society in the Early Modern World*, ed. Tara Alberts and D. R. M. Irving (London: Tauris, 2013), 221, 229, n. 22.

18 Alicia Schrikker, 'Caught between Empires: VOC Families in Sri Lanka after the British Takeover, 1806–1808,' *Annales de démographie historique* 2 (2011), 127–47.

19 This section draws for the larger part on Ekama, 'Slavery in Dutch Colombo'.

20 For the Cape, see Robert Ross, *Cape of Torments: Slavery and Resistance in South Africa* (London: Routledge & Kegan Paul, 1983); Gerald Groenewald and Nigel Worden, eds. *Slavery in Dutch South Africa; Trials of Slavery: Selected documents concerning slaves from the criminal records of the Council of Justice at the Cape of Good Hope, 1705–1794* (Cape Town: Van Riebeeck Society, 2005). For Batavia, see Eric Jones, *Wives, Slaves and Concubines: A History of the Female Underclass of Dutch Asia* (DeKalb, Il: Northern Illinois University Press, 2010).

21 Tamar vs Laborde: Sri Lanka National Archive (SLNA) 1/4613, Criminal Roll (CR) 1791; Itam: SLNA 1/4673; Floris and Mannan Dias: SLNA 1/4607, CR 1759. For a detailed analysis of these cases and in particular of the concept of dishonour see Ekama, 'Slavery in Dutch Colombo'.

22 SLNA 1/4740. See Ekama, 'Slavery in Dutch Colombo', for an extensive analysis of the case.

23 SLNA 1/4146 for the particular examples mentioned.

24 The roots of this diversity went as far back as the Portuguese period, during which time Colombo 'became quite literally a melting pot'. Zoltán Biedermann, *The Portuguese in Sri Lanka and South India: Studies in the History of Diplomacy, Empire and Trade, 1500–1650* (Wiesbaden: Harrassowitz Verlag, 2014), chapter 10, esp. 142.

25 Linguistic transfer and adaptation is a particularly interesting dimension to explore in terms of the depth of interaction and effect. Lodewijk Wagenaar has found traces of the Dutch language in Sinhala, in the vocabulary around playing cards, among other areas. Lodewijk Wagenaar, 'The Cultural Dimension of the Dutch East India Company settlements in Dutch-Period Ceylon, 1700–1800,' in *Mediating Netherlandish Art and Material Culture in Asia*, ed. Thomas Da Costa Kauffmann and Michael North (Amsterdam: Amsterdam University Press, 2014), 172. Studies of the legacy of the languages spoken by slaves in Sri Lanka could yield useful insights. In South Africa, the Afrikaans language bears traces of Malay spoken by some of the imported slaves. For a brief note on

the development of the Afrikaans language see Nigel Worden, Elizabeth van Heyningen and Vivian Bickford-Smith, *Cape Town: The Making of a City* (Kenilworth: David Philip, 2004), 127.

26 SLNA 1/4692. All details of the case recounted here are from the court dossier. See Ekama, 'Slavery in Dutch Colombo' for narrative and analysis of this case and for other examples of such Sufi talismans in Cape Town and Batavia.

27 In Greek mythology, Deidamia was Achilles' lover. On the use of mythological, biblical and other categories of names for slaves, see Wagenaar, *Galle*, 51. On naming and the use of toponyms in Colombo and Cape Town see Ekama, 'Slavery in Dutch Colombo', 13–15.

28 Ronit Ricci, 'Asian and Islamic Crossings: Malay Writing in Nineteenth-Century Sri Lanka,' *South Asian History and Culture* 5, 2 (2014), 179–94. Also see Ricci, *Islam Translated*.

29 There is some overlap between this section and the previously published article by Schrikker, 'Conflict Resolution'.

30 Resolution Governor and Council of Colombo, 6 October 1780, National Archive, The Hague, Verenigde Oostindische Compagnie (VOC), access number 1.04.02, inventory number *3573*.

31 Letter from the governor general to Batavia, 28 January 1793, National Archive, The Hague, VOC, 1.04.02, inventory number *3878*, fol. 2188–89. The name of the Chetty involved is not given in the letter.

32 Lodewijk Hovy, *Ceylonees Plakkaatboek: Plakkaten en andere wetten uitgevaardigd door het Nederlandse bestuur op Ceylon, 1638–1796*, 2 vols. (Hilversum: Verloren, 1991), xcviii–cix. See also Tambyah Nadaraja, *The Legal System of Ceylon in its Historical Setting* (Leiden: Brill, 1972).

33 Carla van Wamelen, *Family life onder de VOC. Een handelscompanie in huwelijks- en gezinszaken* (Hilversum: Verloren, 2015).

34 Van Wamelen, *Family life onder de VOC*.

35 Hovy, *Ceylonees Plakkaatboek*, Vol. 1, 62, plakkaat 59.

36 Allen, *European Slave Trading*. Vink, 'The World's Oldest Trade'.

37 Hovy, *Ceylonees Plakkaatboek*, Vol. 1, 97, plakkaat 65 (20).

38 Hovy, *Ceylonees Plakkaatboek*, Vol. 1, 227, plakkaat 163.

39 *Memoir of Hendrick Zwaardecroon, commandeur of Jaffnapatam, (afterwards governor-general of Nederlands India), 1697, for the guidance of the council of Jaffnapatam, during his absence at the coast of Malabar Memoir*, trans. Sophia Pieters (Colombo: Cottle, 1911). This number is often reproduced in the literature. Zwaardecroon gives interesting context revealing that this should not be taken as simply 'Dutch slave trade'. Zwaardencroon quotes this number when he discusses whether this trade is beneficial to the Company. The trade yields import duties, so in that sense the company benefits, but he witnessed the larger part of these slaves traded to the Vanniyar chiefs, who potentially transported them into Kandy. Furthermore, he reasons, import of more people means more mouths to feed, while rice rather than labour was dear at the time. He explicitly states that he would have preferred it if traders had brought in rice rather than humans. The relationship between rice and slave markets in the Indian Ocean would be an interesting line of enquiry, but well beyond the scope of this paper.

40 Hovy, *Ceylonees Plakkaatboek*. For a more extensive analysis of themes and issues relating to slaves in the ordinances see Ekama, 'Slavery in Dutch Colombo', 30–42.

41 Governor general to Batavia, 28 January *1793*, National archive, The Hague, VOC, 1.04.02, inventory number *3878*, fol. 2188–2189.

42 Resolution in Council, 20 May 1780, National archive, The Hague, VOC, 1.04.02, inventory number *3571*. For a more extensive discussion of the case of Ali van Makassar and other examples of this cultural relativism in the practice of justice see Schrikker, 'Conflict Resolution'.

43 Hovy, *Ceylonees Plakkaatboek*, Vol. 2, 762, plakkaat 518.

44 SLNA 1/2711; NA CO 54/125. This highly reflective and informative memorandum on the administration of Batticaloa, written up by Jacob Burnand in 1793. See also Alicia Schrikker, *Dutch and British Colonial Intervention in Sri Lanka, 1780–1815* (Leiden: Brill, 2007), 89–92.

45 The name Chandios is not used in Tamil. According to Arasaratnam it is probably a Dutch and Portuguese corruption of the word Shanar, a caste he suggests developed into the Naḷavar caste during the Jaffna kingdom. As the Theswalamai is of later date and clearly makes a distinction between the Chandios and the Naḷavar, we decided to use the colonial term Chandios here to avoid confusion. Arasaratnam, S. 'Social History of a Dominant Caste Society: The Vellalar of North Ceylon in the 18th Century,' *Indian Economic and Social History Review* 18, 3–4 (1982), 380–81.

46 Hovy, *Ceylonees Plakkaatboek*. M. Jurriaanse, 'The Compilation of the Customary Law of Jaffna,' *Bijdragen tot de Taal-, Land- en Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* (BKI) 110, 4 (1954), 293–304; see also Nadaraja, *The Legal System*. In short, by

around 1700 the *landraad* was malfunctioning: too many cases were brought forward in which the judges could not reach a verdict and this delayed the operation of the court to such an extent that the governor asked for a collection to be made of all ordinances regarding Jaffna that were published by the Company. In what came to be referred to as the Jaffna Compendium, the relationship between the Company and Jaffna subject stood central. It dealt with rights and duties, criminal offences, and some provisions were made regarding family law and property, but these did not suffice. It turned out that the majority of cases brought forward dealt with more complex civil disputes over material transactions and inheritance issues. This led the rural administrator, *dessave* Isaac Isaaksz, to embark upon the difficult task of composing an overview of the Jaffna customary laws.

47 Nadaraja, *The Legal System*.
48 Nadaraja, *The Legal System*.
49 Arasaratnam, 'Social History of a Dominant Caste Society'.
50 C. van Vollenhoven, ed., 'Ceilonsch volksrecht opgetekend in 1707. Met glossarium van P.S. van Ronkel,' *Bijdragen tot de Taal-, Land- en Volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia* (BKI) 75 (1919), 240–80.
51 Van Vollenhoven, 'Ceilonsch volksrecht'.
52 Van Vollenhoven, 'Ceilonsch volksrecht'.
53 Van Vollenhoven, 'Ceilonsch volksrecht'.
54 Jurriaanse, 'The Compilation of the Customary Law of Jaffna'; Arasaratnam, 'Social History of a Dominant Caste Society'.
55 How local people responded to the way they were classified would be a fruitful line of enquiry – civil and criminal court cases from Jaffna, Galle and Colombo kept in the Sri Lankan National Archives could be scrutinized to understand the practice of this negotiation.
56 Alicia Schrikker, '"Op de dijk gezet." Schuld, onrust en bestuurlijke onzekerheid in Jaffna in de achttiende eeuw,' in *Aan de overkant. Ontmoetingen in dienst van de VOC en WIC (1600–1800)*, ed. Lodewijk Wagenaar (Leiden: Sidestone Press, 2015), 145–65.
57 John D. Rogers, 'Post-Orientalism and the Interpretation of Premodern and Modern Political Identities: The Case of Sri Lanka,' *Journal of Asian Studies* 53, 1 (1994), 10–23; Arasaratnam, 'Social History of a Dominant Caste Society'.