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# The Ambivalence of Freedom: Slaves in Jaffna, Sri Lanka, in the Eighteenth and Nineteenth Centuries

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*This article discusses slavery and the lives of enslaved people in Jaffna, northern Sri Lanka, under Dutch and British rule. It argues that by sanctioning and tapping into a perceived local practice of slavery and legally constituting slaves, Dutch colonial rulers further strengthened the power of the dominant caste Vellalar over their subordinates. This was done through processes of registration, legal codification, and litigation. For some enslaved people, however, bureaucratization provided grounds for negotiation and resistance, as well as the potential to take control over their individual lives. British rule that took over areas controlled by the Dutch East India Company or Vereenigde Oostindische Compagnie—first in the guise of the East India Company (1796–1802), then under the Crown (1802–1948)—introduced a number of measures, acts, and incentives to dismantle slavery as it was practiced on the island. This article draws from Dutch and early British period petitions, court records, commission reports, and slave registers to interrogate the discourse of freedom that permeated the British abolition of slavery from 1806 to 1844 and suggests that in Jaffna after abolition there remained bondage in freedom.*

**Keywords:** abolition, caste, codification, Coviya, emancipation, Jaffna, Nalavar, Pallar, slavery, Sri Lanka

THIS ARTICLE FOCUSES ON slavery and abolition in Sri Lanka in the eighteenth and nineteenth centuries and traces the implication of legal change under colonialism on the lives of the enslaved. In the history of abolition, Sri Lanka takes a somewhat unexpected place. The slave trade was made illegal by the British Parliament in 1807, and by the 1820s and 1830s an increasingly globalized anti-slavery movement was fiercely debating the legitimacy of “property in men” and the idea of a payment of compensation to slave owners in exchange for the freedom of their slaves. The Slavery Abolition Act of August 28, 1833, provided for the award of twenty million pounds sterling to the owners of “slave property” in the British colonies but exempted Sri Lanka, St. Helena, and the territories under East India Company rule, such as India.

Historians of abolition have failed to notice that in Sri Lanka, measures for a gradual emancipation and compensation for over 15,000 people who were counted as slaves in the Maritime Provinces (Denham 1911, 11) had already been put in place between 1806 and 1821. The larger percentage of the people concerned were agrestic slaves of

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the Nalavar and Pallar castes, who worked the fields of families of the dominant Vellalar caste in the northern and eastern parts of the island. A smaller percentage of the enslaved consisted of people whose ancestors had been brought over to the island from South and Southeast Asia during the Dutch period. Socially these two groups were very distinct. The histories of the Nalavar, Pallar, and Vellalar castes are closely linked to the political economy of the area, in particular the growth of tobacco plantations under the aegis of the Dutch and later the British.<sup>1</sup> The slaves imported by the Dutch in the seventeenth and eighteenth centuries, on the other hand, were forced to work in the elite and middle-class households of the island's port cities.

Despite these distinctions, we will show how the legal position and fate of these two social groups had already become entangled in the course of the eighteenth century through the imposition of a Dutch socio-legal regime. After 1796, despite the change of colonial regime, many of the laws regarding property and inheritance that had framed slavery on the island under the Dutch continued to be in force. Through a focus on the practice of colonial law and registration of slaves in the eighteenth and nineteenth centuries, we will examine to what extent the colonial framing of slavery and freedom had real-life implications for people in Jaffna.

Historians of colonial Sri Lanka seldom address the theme of slavery and abolition, although slavery has been touched upon by historians of the Anuradhapura period from the fourth century BCE to the eleventh century CE and the Polonnaruwa period from the eleventh to the fourteenth century CE (Gunawardana 1979). With regard to the Kandyan kingdom (1593–1815), it has been pointed out that personal enslavement was mainly the result of debt (K. M. de Silva 1965). In the field of labor history, the emphasis has been on indentured labor on the plantations and, to a lesser extent, on the abolition of the caste-based service system called *rajakariya* (literally meaning service to the king) that came about in 1832 following the recommendations of the Colebrooke-Cameron Commission, a royal commission of inquiry (Mendis 1957). Apart from an early focus on *rajakariya*, more recent research highlights histories of recruitment of African slaves as soldiers for the East India Company from the sixteenth to the early nineteenth century.<sup>2</sup> This, however, is an incidental and eccentric case, certainly when compared to the more common appearance and use of slavery on the island.

It is all the more surprising that so little attention has been given to the history of the enslaved in Sri Lanka when one considers that the enslaved are omnipresent in the Dutch and British colonial archives if only one looks for them. Scholars working on Indian Ocean slavery have begun to incorporate Sri Lanka in their analysis but tend to focus on Colombo and frame it as a market and transshipment station for European slavery. They do not raise questions about slavery as a broader societal phenomenon in Sri Lanka (e.g., Allen 2015; Mbeki and van Rossum 2017). Yet it is the entanglement of local forms of bondage with European Indian Ocean slavery and abolition that makes the Sri Lankan case so fascinating and relevant to the broader study of slavery in South Asia.

<sup>1</sup>We see caste as social constructions that change over time, influenced by political and economic changes, including colonialism. For recent literature on caste in general, see Guha (2013) and O'Hanlon (2017). For caste history in Sri Lanka, see Dewasiri (2007) and Ryan (1953).

<sup>2</sup>On African slaves, see de Silva Jayasuriya (2010). On *rajakariya*, see M. U. de Silva (1992–93), C. S. M. Wickramasinghe (2010), and Wickremaratne (1996).

In a recent seminal article on abolition in South Asia, Indrani Chatterjee (2017) emphasizes the reverse effects of abolition on Indian society. Chatterjee shows that an understanding of the local legal position of the enslaved is essential to understand the effects of abolition. Through an analysis of early Hindu, Buddhist, and Mughal legal codices, she argues that abolition resulted in the dismantling of rights and obligations between the enslaved and their legal proprietors that, in her view, was characteristic of precolonial slavery in South Asia. Her example of the abolition of temple slavery is the most forceful in this respect. She shows that in precolonial India temple slaves were protected from labor demands from expanding states in South Asia, military service in particular. She ingeniously unravels how abolition and colonial claims of military service went hand in hand. Abolition, she shows, made groups of South Asians more vulnerable to British abuse, despite British humanitarian rhetoric.

Like Chatterjee, we argue that the process of abolition in Sri Lanka cannot be understood without taking into account the legal position of those categorized as slaves prior to British colonialism. We therefore include an analysis of eighteenth-century Dutch-Tamil legal codes or *Thesawalamai* (literally meaning the customs of the land), but emphasize at the same time that for the enslaved what mattered most was the practical enforcement of the law in relation to slavery, but also in relation to property in general. This, as we will show, was less straightforward than legal codes may suggest.

Our understanding of slavery as a phenomenon in Sri Lankan society draws from a number of approaches and critically examines the presumed specificity and uniqueness of “South Asian slavery” (Chatterjee and Eaton 2006). Early scholarship on agrarian bondage in South India has revealed the variety in the forms of agrestic slavery and how widespread it was in the early nineteenth century (Hjejle 1967; Kumar 1965). The argument brought forward by some scholars that colonial officials described Indian slavery in South India as distinct and “gentle slavery” because it was woven in kinship gets sometimes close to legitimizing chattel in colonial India by granting it exceptional status (Viswanath 2014), a description that is questioned by recent work on slavery in South and Southeast Asia based on Vereenigde Oostindische Compagnie (VOC) archives (van Rossum 2015). Although it starts from the same premise as Viswanath’s, Mohan’s (2015) work on Kerala in the nineteenth century shows that missionaries played a role in creating a new idiom of resistance for social groups defined as slave castes. For insight into the intertwined history of freedom and unfreedom and the need to address them as entangled in the common history of capital, one needs to go back to Gyan Prakash’s masterful demonstration of the reconstitution of a range of dependent ties by British rule in nineteenth-century Bihar in the inverse image of free labor. After the abolition of slavery in 1844, the *Kamias* were transformed into bonded laborers. They became free but enslaved by debt (Prakash 1993).

In this article, we look at the enslaved as actors in the legal processes of enslavement and emancipation rather than as mere subjects of legislation. By foregrounding women and men who resisted or cleverly navigated rules and regulations, we reach a better understanding of the ambivalence of freedom, and unfreedom, that shaped their lives in this period of changing formal legislation.

In the conceptualization of slavery in South Asia, Sri Lanka is generally overlooked. This, we would argue, is a missed opportunity for historians of South Asia. Sri Lanka’s history of layered Portuguese, Dutch, and British colonialism complicates the trajectories

of slavery and abolition in colonial South Asia in which the British empire serves as the main frame of reference. Our central aim in this article is to highlight regional diversity and historical contingency in the practice of slavery and the lives of enslaved people in Sri Lanka's northern province, a topic that has been partly addressed in explorations of the notion of "Asian freedoms" (Kelly and Reid 1998). It is through this regional and historical sensitivity that the article contributes to the broader literature on slavery in South Asia, rather than through a discussion of the structure of enslavement and bondage in the South Asian region at large.

This history of slavery and abolition in Jaffna stands out in two ways. First, we see that the entanglement between local and colonial enslavers in the construction of caste-based slavery resulted in the import of European legal conceptions of both slavery and freedom. Yet in contrast to Bengal and other regions, this process started not under French and British rule, but much earlier under Dutch and Portuguese rule, when freedom and humanitarianism were no part of colonial politics. This, we will argue, matters for the way people in Jaffna experienced and acted upon changing colonial legislation. Second, the fact that Sri Lanka became a crown colony, rather than an office of the British East India Company, in 1802 resulted—uniquely for South Asia and in marked contrast with India—in the inclusion of caste-based slavery in Jaffna and other forms of slavery across the rest of the island in empire-wide gradual abolition and emancipation procedures.<sup>3</sup> The abolition procedures brought about by the British in 1818 and 1821 in Sri Lanka bear resemblances to the amelioration policies introduced in other crown colonies such as Jamaica, Cape Colony, and Mauritius (Harms, Freamon, and Blight 2013; Luster 1988).

This article is concerned with the manner in which the conceptions and transformations of slavery and freedom played out on the ground, in the legal courts and offices of Jaffna, but also in public, out on the streets. Due to a near-absence of Tamil-language sources for the period under study, this analysis is based largely on Dutch and British colonial manuscripts. In particular, we use the *Thesawalamai*, an influential Dutch legal codex of Tamil law from 1707; legal cases from the Jaffna courts from the 1740s and 1750s and the early nineteenth century; "Regulation No. 9 and 10 of 5 August 1818 for the voluntary emancipation of children of slaves and the annulment of joint ownership in slaves"; "Regulation 8 of 17 April 1821 for the gradual emancipation of all female slave children of the Covia, Nallua and Palla Castes by the purchase of their masters' interest in such female slave child at the period of birth"; slave registers of the Covia, Nallua, and Palla slaves of Jaffna (1818–32); and petitions sent to the Commissioners of Eastern Enquiry in the late 1820s. While the statements made in court appear through the mediated voices of the arbitrators and translators and the content of the petitions may contain lies and inaccuracies, much can be learned from their form and their silences about the antagonistic parties as well as about the bureaucratic logic of the colonial state (N. Wickramasinghe 2006). Close reading of this unique material has enabled us to see how people navigated the institutions that were created to contain slavery and freedom.

<sup>3</sup>For India, see Chatterjee (2005, 2017); Major (2012); and Suzuki (2016).

The article is in four parts. The first section provides a brief introduction to the history of the Jaffna peninsula. It characterizes Jaffna as a dynamic Tamil commercial zone benefiting from its maritime location and discusses the destructive effects of early colonialism, from the late sixteenth century onwards. It introduces the history of caste and caste hierarchy in the region and discusses the intensification of labor extraction under the Dutch that went hand in hand with codification of what the Dutch considered Tamil law. The second part further investigates this process of codification and looks at how people of the Chandos, Coviya, Nalavar, and Pallar castes became framed as slave castes. It shows that this in turn was closely linked to the administrative empowerment of the Velallar caste. This section is based on a textual analysis of the Thesawalamai in combination with samples of legal cases involving men and women of the Nalavar caste as litigators and as subjects of litigation. It argues that people in Jaffna had become accustomed to dealing with colonial practices of registration of property and people, and at times managed to use this in court to their advantage. Thirdly we argue that both the legal heritage and the practical familiarity with bureaucratic tools were relevant to the way people in Jaffna experienced emancipation. This section will zoom in on the British practice of slave registration that began in earnest in 1818 during the phase of gradual abolition of slavery. It uses petitions to analyze how these registration procedures provided space for negotiation and resistance in different ways. The final part of the article discusses the ambivalence of freedom through a case study of a group of Nalavar families who claimed the right and freedom to wear jewelry in public.

### JAFFNA, A PLACE IN TIME

The Jaffna peninsula in the north of the island of Sri Lanka is mostly surrounded by the sea and connected to the rest of the landmass by a small strip of land. A string of islands pepper the waters of the Palk Strait reaching out towards India. This location permits the peninsula to rule the waterway through the Palk Strait between the eastern and western coasts of India. Its history is one of a coastal region that looked seaward for its commerce and attracted merchants, priests, travelers, corsairs, fishermen, conquerors, and slaves from diverse places. The vital force of the sea that Braudel described when referring to the Mediterranean, as drawing “into its orbit all regions that look seawards,” gave the region its particular coherence (Sharma 2010, xv). Borrowing from the words of J. C. Heesterman (1980, 89), it was not the fact of it being a frontier zone that separated and enclosed the Jaffna peninsula but rather its “permeability” that allowed it to develop in this particular manner, sometimes flourishing due to thriving maritime and commercial activity driven by the annual monsoon winds and at other times falling into decline, as during the mid-sixteenth-century decades under destructive Portuguese rule.

Unlike Colombo and Galle, Sri Lanka’s two other “maritime provinces,” peopled essentially by Sinhalese, Jaffna was recognizably the land of Tamil or, as they were called by the Dutch, Malabar people, in the same way as the people of the south coasts in the Indian subcontinent. In fact, since the late fourteenth century, the Jaffna peninsula had little political contact with the Sinhalese kingdoms in the south of the island, except for a short interval during the first half of the fifteenth century. After

1467, it owed no suzerainty to the Kotte king in the southwest of the island. Across the sea was India and the “Coromandel coast,” the root of the word itself being a corruption of “Cholomandalam,” a region that was a part of the Chola Empire. It encompassed more specifically the eastern coastline that stretched from Point Calimere in the south to Ganjam in the north and was dotted with significant ports such as Bimlipattinam, Masulipattinam, Armagon, Pulicat, and Fort St. George or Madraspattinam, where Europeans had established fortified trading posts (Seshan 2012, 7–11).

James Cordiner’s 1807 *Description of Ceylon* describes the garrison town of Jaffna and its surroundings as “fruitful” and benefiting from “a regular trade with the opposite coast of India.” The country around Jaffnapatam, he writes, “is flat, the scenery rich and the rides delightful. Fields of waving green, enriched with luxuriant groves, and enlivened by purity of air... [T]he soil is fertile and the constant verdure allays the heat” (Cordiner 1807, 326–27). The society and countryside of Jaffna so idyllically described by Cordiner nevertheless carried deep scars after two centuries of colonialism. While the Portuguese had spearheaded various punitive actions from Goa against the king of Jaffna in response to his intolerance and repression of Christians in Mannar (notably Parava fishermen), it was a decisive moment when in 1591 the king of Jaffna was dethroned and a Portuguese nominee installed in his place (Abeyasinghe 1966, 13–14; C. R. de Silva and Pathmanathan 1995, 106). Portuguese rule in Jaffna lasted forty years—from 1618 when Jaffna was annexed to 1658—and was mainly characterized by violence perpetrated by the army and high taxation of local people. The peninsula’s numerous temples and the Nallur library were razed to the ground while the population was compelled to convert to Roman Catholicism. Many reverted to Hinduism once the Portuguese were routed by the Dutch, but for the members of the fisher caste conversion had a more lasting effect. Dutch and later British sources indicate that “slaves” spoke the Portuguese language in Jaffna (C. R. de Silva and Pathmanathan 1995, 95).

Dutch rule followed, from 1658 to 1795. A firm and controlled administration was put in place that aimed less at social transformation than at extraction of resources. Arasaratnam (1981) sees the eighteenth century as a period of economic stability and perhaps even growth for some. It seems that in the eighteenth century, the cultivation of tobacco, the trade in which was controlled by the Raja of Thanjavur, expanded, yet little is known about the organization of the production of the crop. More generally, Dutch sources for the late eighteenth century suggest that debt and destitution was a very serious problem throughout the countryside, presumably resulting from colonial extraction of labor and resources, among other factors (Schrikker 2015).

The Vellalar appear to have benefited most from the Dutch presence. Their ascent during the Jaffna Kingdom from the thirteenth century onwards is charted in a chronicle called *Kailayamalai* (Mount Kailash) that describes their appointment as officials in the kingdom (Arasaratnam 1981, 378). In the later colonial period, their rise and welding as a distinct landowning community was closely related to shifts in their economic power founded on the profitability of a share in the trade and cultivation of rice, tobacco, and palmyra. However, a number of other landowning castes counterbalanced the power of the Vellalars, the most notable being the Madapalli whom the Dutch appointed as collectors of revenue and *mudaliyars* (headmen). In 1760, out of a total of 516 *mudaliyars* in the four provinces of Jaffna, 317 were Vellalars and 127 Madapalli. Gradually the Vellalar caste was able to absorb in its fold a host of other castes, including the Madapallis



(Arasaratnam 1981, 378–86). The *Yalpana Vaipava Malai* (The history of the kingdom of Jaffna), undertaken by Mayivakanan at the request of the Dutch governor in 1736, remains a valuable source on the period in spite of its lack of dates and its mythical elements. While it focuses mainly on Jaffna kings, the tale of kings is punctuated with references to the migration of different castes within Jaffna, in particular the Nalavars, which suggests a high degree of mobility (Brito [1879] 2007, 35).

Under Dutch rule the status of subjugated castes, especially the praedial castes Nalavars and Pallars, was defined as “slavery” in the Justinian sense as the complete opposite of freedom. In this “act of bold ethnographic-legal interpretation,” the Dutch applied their own rigid notions to the way the Nalavars were treated by their Vellalar high-caste masters (Schrikker and Ekama 2017). The seventeenth-century Dutch minister Baldaeus describes the Vellalars as agriculturalists in “verdant fields where grazed their cattle” and for whom worked “nasty” and “filthy” folk of inferior standing, among them the “Naloulas” (Nalavars), described as “slaves of the Bellales” (Vellalars) (Baldaeus [1732] 1996, 817). With the Dutch presence came an intensification of labor imported from India in the first instance and from Southeast Asia in the eighteenth century. There was also a business interest in forced labor, as the Company owned enslaved peoples, trafficked them, and taxed the import of these people by other traders. At the same time, the VOC appropriated service labor in Jaffna just as in other parts of the country. In Jaffna, however, in contrast to other areas, slavery and caste-based service labor became closely intertwined.

Many of the early ethnographies on social stratification in Jaffna dating from the 1960s and 1970s show the resilience of a system based on purity and pollution where the Vellalars, the dominant landowners of Jaffna, employed a number of castes to service their various needs (Banks 1960; Pfaffenberger 1982). There were, however, important differences between the degree of attachment between caste groups in predominantly agricultural villages on the one hand and in artisan and fishing villages on the other where people had nonbound intercaste relationships (David 1972). All people of the Jaffna peninsula, not only Vellalars, lived their everyday lives “through the lens of what they perceived to be clean and unclean” (Kuganathan 2014, 86). Being a Vellalar acquired much prestige over time as the increase of the Vellalar caste designation from 37 percent of the population of Jaffna in the early nineteenth century to over 50 percent today illustrates (Bastin 2002, 398). Over time, other people belonging to other castes were incorporated into the operative caste system of the Vellalars in a similar fashion to the process that has been explored with relation to the Goyigama caste, the dominant caste in the Sinhalese areas. There, Brahmin migrants were assimilated into the Goyigama caste and some of them placed in its aristocratic segment while others converted to become Sinhala-speaking priests (Obeyesekere 2015).

Ethnographies of the Jaffna peninsula indicate that castes that served the Vellalar were divided into the *kutimai* (service) castes, similar to the “right side castes” of South India who could not be bought or sold but had to perform various ritual and secular occupations, and the *atimai* (bonded) castes. *Kutimai* castes worked as goldsmiths, carpenters, blacksmiths, temple carvers, coppersmiths, potters, masons, washermen, and barbers (Banks 1960, 74; Kuganathan 2014; Pfaffenberger 1982, 38–39; Raghavan 1971, 166–67). They were associated with the households of the Vellalar, unlike most of the *atimai* castes, who were praedial rather than domestic. In the



seventeenth century, the Dutch defined them as slaves in the Roman legal sense, as attached to specific masters, thus consolidating the power of the Vellalars and insulating them from efforts to abolish bondage. The most important *atimai* castes during the Dutch period were the Coviars, Nalavars, and Pallars, all three untouchables in caste status. Coviars were used as domestics in the household of their owners but Nalavars and Pallars had to live apart from their Vellalar masters, who provided them with meals and clothes but could call on them at any time for labor. Eventually these castes came to be identified by the Dutch East India Company as slave castes.

In the early nineteenth century, Jaffna society appears to be the theater of generalized caste unrest, reinforced by the arrival of a new colonial power in the land, the British, and the often contradictory measures taken to address the hierarchical social system among the Tamils of Jaffna. This affected the way in which enslavement was experienced and resisted. In 1819, an individual named Cander Wayreven, described as of the Coviars caste, was apprehended by Cadirgamar Mylen Bellale (Vellalar) and the police *vidane* (headman in charge of prevention and detection of crime) of Nallur for using a palanquin.<sup>4</sup> The documents then report the statement of Wayreven, who alleged that he was sent by Massiana Mudliyar with a palanquin—presumably carried by palanquin bearers—to Malluviel village for the purpose of bringing a sister-in-law of Massiana back but “finding himself unwell he was induced to get into the palanquin” (NA 1819). Cadirgama refutes the claim of Wayreven, stating that “this covia had no appearance of being unwell that he started from his master’s house in the palanquin and had gone some distance in it before he stopped him” (NA 1819).

This episode reflects a small revolt shaking the very foundation of Jaffna society. During Dutch rule, it was forbidden to travel in a palanquin without permission from the government. Wayreven’s act was therefore a rebellion of a sort that spelt a complete rejection of the status quo. There were similar caste disputes over honors and ceremonial symbols such as umbrellas, palanquins, horses, spears, and drums in early colonial port cities in southeast India (Brimnes 1999; Mukund 1995). The palanquin case was not a single or uncommon event, as other incidents of contestation by caste groups described and categorized as slaves appear in the archive during the early decades of the nineteenth century. Until the early nineteenth century, what was perceived as custom “from times immemorial” had been sanctioned by their Dutch predecessors and encouraged by the ruling Vellalar elites. In cases such as that of the palanquin, British jurists in their newly conquered crown colony of Ceylon were faced with a dilemma: should they continue to apply to the inhabitants of Jaffna the code long ago instituted by Dutch Governor Simons (1703–7)?

## CASTE, SLAVERY, AND THE LAW IN THE EIGHTEENTH CENTURY<sup>5</sup>

To understand the history of the Coviars slave riding in a palanquin, one must assess the prescriptions contained in Dutch ordinances and collected into the Jaffna

<sup>4</sup>A palanquin was a covered litter or conveyance, usually for one person, used in India and other Eastern countries, consisting of a large box with wooden shutters like Venetian blinds, carried by four or six (rarely two) men by means of poles projecting before and behind.

<sup>5</sup>This discussion of slavery in the Thesawalamai draws from Schrikker’s earlier work, in particular Schrikker and Ekama (2017).

Compendium in 1704 under Governor Simons.<sup>6</sup> Persecution, taxation, and litigation formed three important pillars of Dutch colonial rule, which was geared towards social control and revenue extraction. Yet for this to work, the Dutch required knowledge of local customs. It was in this context that, in addition to the collection of ordinances, the Thesawalamai (Jaffna customary law) was compiled by a Dutch administrator, *dissave* (district head) Claas Isaaksz, in 1707. He did so in response to continuous requests by the rural court for detailed knowledge of local customs. His report was then translated into Tamil and sanctioned by the twelve major *mudaliyars* in the region. It acquired the status of a foundational text for the Tamil population in the British period and beyond and became the subject of much controversy during the ethnic conflict in the twentieth century (Nadaraja 1972). In Sri Lanka, as elsewhere, Europeans fixed and appropriated indigenous customary laws through close cooperation with local elites. In India, however, Orientalists saw ancient texts, the Sastras, and the Koran as the sources of authentic knowledge about custom and tradition. In Jaffna, there was no written text. So the code was the outcome of the thirty-seven-year experience of Isaaksz in courts in Jaffna and the insights given to him by the, presumably, Vellalar *mudaliyars*. The cultural capital of the latter naturally ensured that the text produced did not contradict in any sense their own dominant status.

Slaves and the slave trade appear in the code, in the sections on inheritance, pawning, and transfer of property. Slaves constituted transferable property and could be bought and sold, inherited, and manumitted according to the will of the owner. In one and the same section, usufruct of cows, sheep, and slave women are dealt with, confirming a chattel-like character of slavery here. The legal position of slaves in Jaffna society was more ambiguous though, as demonstrated by the separate section devoted to the legal rights and obligations of slaves. This section covers about 10 percent of the total text, indicating the importance of the issue to Jaffna society (Schrikker and Ekama 2017). Here the Thesawalamai identified four slave castes—Coviyar, Chandos,<sup>7</sup> Pallar, and Nalavar—under the category of slaves of Jaffnapatam, with each of these caste groups holding different historic foundations, rights, and obligations. The Dutch claimed entitlement to ownership over Nalavar and Pallar people in a manner that went beyond the simple appropriation of service labor. The first paragraph of the slavery section explicitly tells us how this worked: the Company would by custom be entitled to one out of five or six children—boys and girls—born of the marriage between a Nalavar or Pallar slave owned by the Company and a slave woman from the countryside. These “Company Nalavar and Pallar” presumably would have lived in circumstances similar to other enslaved persons who the VOC kept in their *materiaalhuis* or slave lodges in the urban centers on the island. For those Nalavar and Pallar slaves living in

<sup>6</sup>See Hovy (1991), vol. 1, ordinance 205 (April 25/August 14, 1704), “Compendium van plakkaten en ordonanties voor Jaffna.” For the question of the use of andol by unauthorized persons, see stipulation no. 51.

<sup>7</sup>The name “Chandos” is not used in Tamil. According to Arasaratnam (1981, 380–81), it is probably a Dutch and Portuguese corruption of the word “Shanar,” a caste that he suggests developed into the Nalavar caste during the Jaffna Kingdom. As the Thesawalamai is of a later date and clearly makes a distinction between the Chandos and the Nalavar, we decided to use the colonial term “Chandos” here to avoid confusion.

the countryside, the situation differed: they lived separate from their masters and made their living from agriculture. In these circumstances, masters did not impose a continuous demand on their labor, even if they were in control. The Thesawalamai stipulates explicitly that young boys could be taken out of the household temporarily to perform long-term duties for the masters, such as keeping herds (Schrikker and Ekama 2017).

At the end of the section that discusses the rights and obligations of the slaves, it becomes clear once more that the Dutch preferred to equalize the legal status of the Nalavar and Pallar to the enslaved they imported from overseas. Here the relationship of manumitted slaves and their former masters is discussed, and whereas the *mudaliyars* claimed the right to punish manumitted slaves if they publicly insulted their former master, the VOC stipulated that such cases were to fall under the provisions (slave code) of the Batavian Statutes. Schrikker and Ekama (2017) have argued that this illustrates how Dutch conceptions of authority and norms regarding punishments were imposed upon local customary traditions. Furthermore, they conclude, in line with Arasaratnam (1981), that the Thesawalamai reveals “a complex panorama of local and supra-local concepts, laws and practices and their negotiation between the VOC and the Jaffna elites” (Schrikker and Ekama 2017, 191).

This entanglement of slavery and customary law in Jaffna further illustrates the tension between Dutch norms, as expressed in legal ordinances and codes, and local practices. Legal fora and written legislation that the Dutch created in Jaffna and elsewhere in the Indian Ocean fulfilled the anxious need that the Dutch felt to create security and order (Schrikker and Lyna 2019). The fact that Dutchmen in Jaffna considered aspects of the Batavian Slave Code applicable to indigenous *atimai* castes underscores once more how the Dutch defined these Jaffna *atimai* castes as slaves in absolute legal terms. The Thesawalamai itself should be understood as a product of Vellalar-Dutch synergy and competition. It indicates a process whereby the lower strata of Jaffna society became more rigidly controlled. In 1766, Anthony Mooyaart, Commandeur of Jaffnapatam, described the power dynamics in the following manner: “Those who have the power and are held in estimation by the authorities are like birds of prey who strip their victims to the bone of everything they have and leave them hardly their toes” (Mooyaart 1910, 6).

Early Dutch colonialism thus played a crucial role in the empowerment of the Vellalar and in the sanctioning of caste-based slavery. The legal codification that facilitated this process of enslavement in bureaucratic terms was closely related to practices of taxation and litigation, as it involved keeping registers and allowing or denying property rights. Through civil disputes over property brought before the rural court (*landraad*) of Jaffna in the mid-eighteenth century, we get glimpses of just how this worked out in practice.

In 1751, Madie, a woman of the Nalavar caste who lived in Nallur, wanted to sell a piece of land in the neighboring parish of “Wanaarpourna” (Vannarparnai) in Jaffna, the northern province of Sri Lanka. She had inherited the piece of land from her aunt Nagie. The buyer was Jean Baptiste de Clerq van Waterloo, a corporal in service of the VOC. Of the forty rixdaalders that he was to pay for the piece of land, he had advanced her seventeen upon the oral agreement. Yet when the transaction was to be made final in the presence of the schoolmaster of the parish, the said schoolmaster refused to accept

Madie's signature and therefore the transaction was canceled. His reason for this cancellation was that Madie was a slave woman and therefore not liable to sign the transaction *ola*. An infuriated Jean Baptiste then took Madie to court, the *landraad*, where it was decided that Madie's master Candaspas *mudaliyar* was to sign on her behalf and the transaction to be completed (SLNA 1751–53, 1753–54).<sup>8</sup>

Court cases like *Van Waterloo vs. Madie* are as revealing as they are confusing. Madie was a landowner who, in the process of a business transaction, became cast by a local official as a slave and thereby discredited as legal person. In the three volumes of legal cases from 1746 and 1754 that we have for this particular court, we find more people from the Nalavar caste involved in land transactions. Why did the schoolmaster refuse to have her sign the *ola* in this particular case, and why did her presumed master, Candaspas *mudaliyar*, agree to sign on her behalf? Unfortunately the surviving records will not enable us to answer these specific questions. Instead the case illustrates the continuous ambivalence of freedom and bondage under the Dutch socio-legal regime, which directly impacted the life of women and men like Madie. After all, in practice Nalavars were transacting in land even if formally they were not acknowledged in the law as agents.

This legal practice, it turns out, was diverse. Litigation was popular, and disputes revolved mainly around inheritance claims and business transactions. Coviya and Nalavar slaves show up in court records as objects of litigation and as litigators themselves (SLNA 1753–54). The art of litigation was well understood, as the inheritance case of *Chiedemberen Pedra Nalavar vs. Sandigoe Kanden Nalavar* clearly shows. In this case, which was dealt with in court in August 1754, both parties claimed the inheritance of the estate of a certain Louis and the argument centered around the question of whether or not he had married for a second time after his wife had passed away. Discrediting the other parties' witnesses was the most important strategy used in this case, and the question the case raises is whether the written record is more reliable than oral statements. The marriage registers kept by the schoolmaster therefore played a crucial part in the case. In contrast to Madie's case, the presumed slave-status of both parties involved did not play a role at all; in and through litigation they participated openly in public life. So in practice the slave-status of the members of this so-called slave-caste was highly situational (SLNA 1753–54). Further research into these court records is needed to see whether other "slave castes" had similar access to court and public life.

Members of all castes made use of the registration practices of the Dutch when it suited their interest. In another inheritance case between two Vellalar men who claimed ownership over certain slaves, again the parish registers play a crucial role. In order to prove ownership over certain Coviya and Nalavar families, two *mudaliyars* were commissioned to research the church registers and head *thombos* (a type of census that registered adult persons and their services due to the Company) of the parishes of "Caredivoe" (Karainagar) and "Changane" (Chankanai). Their "report *ola*" is translated from Tamil (Mallabaarsch). The commissioners went back fifty years to trace two families' ownership over these groups of slaves. Registration formed an

<sup>8</sup>Parish schoolmasters were of local origin and were supposed to teach local children to recite the catechism and keep civil status registers (marriage, birth, death) for the parish and for the Company (land and personal registers). An *ola* is a palm leaf that was commonly used to keep records; a *mudaliyar* was a local chief. The *landraad* was the district court in Jaffna.

important aspect of the interaction between society and the state, and all persons involved were aware of that (Schrikker 2015). It was an expression of the Dutch administrative anxiety and led to the empowerment of the Vellalar elite who, as schoolmasters and *mudaliyars*, controlled the registers. Yet many of those who were registered knew well how to use it. This public culture of registration continued to play a role in the British period and sometimes in surprising ways.

#### ABOLITION ACTS AND COMPENSATION IN PRACTICE IN JAFFNA: NEGOTIATING REGISTRATION

The relevance of this long-term societal experience with registration becomes apparent when the process of registration of slaves during abolition is looked at closely. The context was an enabling one where even the least literate people were aware that the institution of slavery as it existed during Dutch rule was being dismantled by a series of acts passed a year before the planquin incident.

In 1798, Brigadier General de Meuron, who exerted military power over Sri Lanka after the Dutch capitulation, recommended the gradual abolition of slavery. Frederick North, the first governor of Sri Lanka, issued a proclamation in 1801 according to which all VOC-owned slaves were set free and the import and export of slaves too was forbidden. Private property—and that included slaves owned by private persons—was however guaranteed in all the capitulations (Wickremaratne 1996, 168). When the island became a crown colony in 1802, more regulations were passed towards registration of enslaved peoples. Regulation 13 of 1806, dated August 14, made it mandatory for slave owners to register their slaves “classed under the denomination of Covias, Nalluas and Pallas” within a particular period of four months or risk a penalty of forfeiting the title to those who remained unregistered. After the period expired, another regulation, Regulation 3 of 1808, suspended the penalty of forfeiture and extended the term for another six months (Parliamentary Papers 1838d; Rose 1940, 517). This was known as Maitland’s registry, an innovation in the newly acquired crown colonies of the Empire.

In 1818, two new regulations (9 and 10) were passed, one effecting a complete registry of slaves in all areas of the maritime provinces and abolishing the joint tenure of slaves—this being particularly applicable to Coviya, Nalavar, and Pallar castes in Jaffna—and the other “establishing a course of proceedings for the more easy accomplishment of the latter object.” This entailed appointing commissioners in Jaffna, namely the collector, provincial judge, sitting magistrate, and assistant collector of Jaffna to oversee the registration process. The costs would be covered by the stamp duty on the certificates of registration (Parliamentary Papers 1838b).<sup>9</sup> According to Regulation 9 of 1818, the Prince Regent accepted the voluntary emancipation of all children born of those female slaves on and after August 12, 1816, whose proprietors had signed a declaration. This compromise, which entailed freeing the children but releasing them from service only once they reached the age of fourteen years, was hatched by Chief Justice Sir

<sup>9</sup>Every detail was thought about, including the amount and cost of stationery that would be needed for the various forms and certificates that would be issued, “about 40 reams of royal and 30 reams of foolscap paper.”

Alexander Johnston, who offered the proprietors the right to sit on juries as an incentive for this voluntary emancipation of the newly born children of their slaves. "A sudden and total abolition of slavery," according to the Dutch gentlemen members of the jury, would indeed subject "both the proprietors and the slaves themselves to material and serious injuries" (Parliamentary Papers 1838e).

The impact of this regulation was immediate, as slave proprietors were expected to register their female slaves and their children at the provincial court within three months of the regulations. Furthermore, the death or birth of a slave or a child of a slave had to be registered by the proprietor within eight days of the event. Acquisition of a slave similarly had to be registered. A number of forms were created for this purpose, and severe fines were also stipulated for failure to register slaves. Under certain conditions, slaves who wished to be emancipated could appear before the provincial court of the district. The British kept a close watch on slaves in the same way they did over other forms of property in colonies as well as in Britain. Article 24 stipulated that the court should:

by order in writing assemble five respectable persons, of whom two shall be chosen by the proprietor and two by the slave, and the last appointed by such court, and those five persons, or the major part of them, shall by a writing under their hands, recorded in court, fix a fair price to be paid by the slave to the proprietor, on payment of which ... the said slave shall be free. (Parliamentary Papers 1838f)

The list of subscribers to the Address to His Royal Highness Regent for Emancipating Children Born of Slaves after 12th August 1816 is quite revealing in a number of ways. In the northern province, which covers the districts of Manar and Jaffna, the signatories are very scarce. In Mannar, eleven Dutch inhabitants and Burghers, seventeen Chitties, and one Moorman and in Jaffna only nineteen Dutch and Burghers signed the letter. Clearly Jaffna Vellalar proprietors were reluctant to abandon the privilege of keeping humans under bondage and saw no advantage in complying with British directives (Parliamentary Papers 1838f; see also Mendis 1957, 361–68).<sup>10</sup>

The colonial administration set about establishing an office and nominating bureaucrats in charge of overseeing the application of the new procedures. According to Regulation 9 of 1818, a registry would be opened by the provincial court in each district in the Maritime Provinces where proprietors of slaves were required to register the names, ages, and sexes of the children of female slaves in order to determine if the children were born before or after August 12, 1816 (Parliamentary Papers 1838c). Going much further than the simple act of forfeiture present in the regulation of 1806, the 1818 regulation provided in great detail the list of fines for omitting to register, omission or willful misstatement, or omitting to give notice of the birth of a child. A schoolmaster or headman neglecting to certify or withholding a certificate of registry from a proprietor would have to pay a fine of ten rixdaalders (article 23) (Parliamentary Papers 1838a,

<sup>10</sup>The Jaffna slave-owner signatories were: P. Tap, M. Margenout, J. G. Koch, A. de Niese, D. Bast, J. A. Maartenz, P. L. Kroon, J. B. Vanderweff, W. de Rooy, J. Mathheysz, J. Verwyk, Widow Vanderspar, J. A. Stutzer, Widow Van Hek, Widow Saalfelt, Widow Schraader, Widow Toussaint, G. Frankena, and F. B. Rodrigo.



570–73). As such, the exercise of government was never simply an act of repression or of granting freedom, but fundamentally an act of intervention and production; there was an intrinsic effort to restructure, recreate, and act upon the social reality by making it intelligible and thus malleable. Corporal punishment remained as traces of the old world, for crimes such as fraudulent erasure or false entries in the registers (Parliamentary Papers 1838a, 574).

The registers for the northern districts of the island were divided into two types: registers for domestic slaves and registers for Nalavar, Pallar, and Coviya slaves. An analysis of the slave registers provides some fascinating information on the number of slaves in various households. As far as domestic slaves were concerned, the owners were exclusively Burghers and Europeans, as revealed by the names of the proprietors. The slave holdings in 1818 varied from one or two, as in the case of Widow Toussaint or Gerrit Frankena, to twenty-two in the holding of Widow Saalfelt (NA 1818–32). Other registers compiled in the 1820s dealt with Coviya, Nalavar, and Pallar slaves from Jaffna, Manar, Tenmoratchie, Patchelapalla, The Islands, Trincomalee, Waddemoratchie, Walligammo, and the Wanny (NA 1818–32).

Another regulation was passed in 1821 for the emancipation of all female slave children, by purchase at their birth. With this regulation, the concept of compensation was introduced in Sri Lanka more than a decade before the Slavery Abolition Act of 1833 that provided compensation for proprietors was passed in the British Parliament. The 1821 regulation is important in many respects. It was designed as an orderly bureaucratic process with published rules and regulations and governmental procedures and further strengthened the instruments of governmentality put into place in 1818 with the slave registers, a decade before the Colebrooke-Cameron reforms.

Slave owners who failed to comply with the regulation often ended up in jail. Weler Tanduwen, for example, a Vellalar of Carrewilly, wrote to the Commissioners of Enquiry in 1830 begging for his release from jail, claiming old age and that, having been absent from his village during the period of compulsory registration, he was unaware that his Coviya slave, Maria, had three children who needed to be registered. Upon his return to the village in 1825, “one Massana *mudaliyar* made a complaint before the sitting magistrate” and the court fined him sixty rixdaalders. Since he did not pay, he was sent to the jail of Point Pedro, where presumably he remained until he wrote his petition (NA 1830a).

Other slave owners used the visit of the commissioners as an occasion to protest against the unfairness of the 1821 regulation (NA 1830b). This regulation covered only slave owners in the northern maritime provinces, but on occasion a proprietor in the western province would try to obtain compensation for loss of slaves by order of the supreme court. Renaldus Hendricks de Ortha, a resident of Colombo, complained that he had bought three slaves thirty years before from a Dutch lieutenant, Mr. Fenenkamp, but the slaves made a complaint in court after the promulgation of the 1821 regulation and the court ruled against the proprietor, dismissing his documents. He hence petitioned to get justice for his loss of property, his slaves having “left the house” (NA 1830d). But in Colombo there was no regime of compensation put in place. Other slave owners in Jaffna sent in petitions in 1830 asking for restitution of money paid as a fine for not registering slaves in 1820 due to ill health or young age and orphan



status. One slave owner claimed a person who had only a share in the slave had received the entire value for registering (NA 1830e).

Slave owners or other tricksters were also quick to make use of the situation to extract money from the state under the pretext of registering slaves. The sitting magistrate at Point Pedro wrote: "I have the honor to inform you that I have discovered that frauds have in instances been committed by persons obtaining payment for female children under the Regulation 8 of 1821 whose mother's name was not inserted in any slave registry and consequently are free." He called for measures to prevent future frauds, in particular for the cutcherry (headquarters of the district administration) to issue a certificate to the proprietors certifying that the mother was actually registered (SLNA 1830).

Denouncing slave owners who had failed to register the birth of children of their slaves within the stipulated eight days was also a way of earning money for zealous officers and sometimes a means of settling old scores. In the case of Savesiar Chinnatamby against Cadergamar Chieftain Vellalar of Inoville, taken prisoner for a breach of the 23rd clause of Regulation 9 of 1818, the motivation of an informant such as Chinnatamby to appear for a Nalavar of Inoville, Siduwu Nagy, was clearly not humanitarian. Clause 23 of the 1818 Regulation 9 stipulated that the fine of ten rixdaalders that the proprietor would have to be pay would be divided between the informant—that is, the person prosecuting—and "our Lord the King" (Parliamentary Papers 1838a, 573). In her petition, she claimed that neither her ancestors nor herself were ever slaves to anybody and that Cadergamar, her employer, was wrongfully trying to sell her off. On December 17, 1829, the sitting magistrate George Speldewinde eventually ruled in favor of allowing Siduwu Nagy to purchase her freedom but stated that she needed to work for her owner until that time. A certificate of slave registration was produced in court dated 1823. The rest of the decisions regarding the freedom of the child born in 1829 were sent for further advice and remain unknown (SLNA 1829).

Regulation 8 of 1821, "For the Gradual Emancipation of All Female Slave Children of the Covia, Nallua and Palla castes by the Purchase of Their Master's Interest in Such Female Slave Child at the Period of Her Birth," improved on the regulation of 1818 by introducing the principle of monetary compensation to the owner of the mother of such child who willingly registered his slave. The amount received from the collector by the proprietor depended on the "present value of grown-up female slaves and the chances of life"; thus if the mother was of Nalavar or Pallar caste, he would receive the sum of two rixdaalders and if the mother was of the Coviya caste the sum of three rixdaalders. British law acknowledged that bodies had monetary worth according to their labor value. The fact that Coviya alone were used as domestic slaves might explain their higher value as compared with the Nalavar and Pallar slaves, who were only employed as workers in the fields, tending cattle or collecting produce from trees. A certificate of freedom would be issued and given to the mother and a duplicate sent to the officer holding the registry of slaves in the district. The unique and curious deviation from the norm of compensation in place in British colonies resided in the payment of two rixdaalders to the mother for every child who was registered as free (Parliamentary Papers 1838a, 591–92).

British records that chart the "success" of abolition procedures invariably convey quantitative rather than qualitative results of the various regulations of 1806, 1818, and 1821. Lieutenant Colebrooke thus summed up their effects purely in terms of the number of persons who were emancipated. In 1829, the number of female children

who were made free under the 1821 regulation was 2,211; the number of children who had been registered as free by the signatories of the address to the Prince Regent in 1816 was 96. Under the regulation of 1818, 504 slaves had purchased their freedom by labor on public works. There were still 15,350 slaves in the district of Jaffna according to the population returns of 1824 and 1,000 domestic slaves mainly but not only belonging to Dutch inhabitants or their descendants (Parliamentary Papers 1838a, 597–98).

By virtue of Ordinance 20 of 1844, slavery was abolished in Sri Lanka. The effect of emancipation in practice remains unspecified. In the early 1820s, two decades before the opening of coffee plantations in the Kandyan highlands, newly freed labor in Jaffna would continue working for Vellalar owners of tobacco plantations, in a manner not dissimilar to the Kamias described by Gyan Prakash (1993). After the abolition act of 1844, castes that had been enslaved did not experience a visible change in status. Pallars and Nalavars continued to work as tree climbers and agricultural laborers. For Coviars there was change insofar as they became domestic servants and joined in the Pallars' occupation of cultivating their masters' fields (Rasanayagam [1926] 1984, 385). When coffee farmers needed regular labor from the mid-1840s onwards, migrant labor was brought from South India, where there was a constant pool of landless peasants in search of work (Wenzlhuemer 2005).

## SYMBOLS AND POWER: THE AMBIVALENCE OF FREEDOM

It was often through battles around material culture—a palanquin, jewelry—that existing power structures were challenged by people at the bottom of the hierarchy. By acting in a certain way—traveling in a palanquin or wearing gold jewelry in public at the feast at Nallur temple—they claimed for themselves honors that had until then been denied to them. While the palanquin case was a *fait accompli* where the harm done to Wayreven could not be undone, in the decade that followed, members of underprivileged groups, cognizant of the reluctance of the local authorities to go against Vellalar privilege, overrode this hurdle and sought to get direct redress from the governor in Colombo.

A petition written in 1830 to the Colebrooke-Cameron Commission of Enquiry relates the long process and eventual defeat of a group of Nalavars trying to obtain the right for their women to wear earrings. The signatories of the petition, whose names were written by a petition writer since the petitioners were most probably illiterate and had little room for self-representation, were: Poroijy Paulo, Wiryasi Morgan, Poroijy Sawery, Poroijy Santiago, Welen Nagen, Siviame Welen, Canden Sinnesen, and Perrian Canden. Their names suggest that their ancestors were converts to Catholicism during the Portuguese rule of the peninsula but had clearly reverted back to Hinduism or practiced both in congruence since they attended the feast at Nallur temple (NA 1830c). The petition begins with an acknowledgment of the caste hierarchies prevailing in Jaffna. Vellalars are recognized as a “higher cast [*sic*] of people” and their people the Nalavar as “inferior cast [*sic*]” in a discursive strategy of praise and deference that resembles what Cody, using Arjun Appadurai's formulation, has, in the Tamil Indian context, identified as “coercive subordination” (Appadurai cited in Cody 2009, 363). But unlike the case described by Cody, where deference is performed in order to compel the receiver to

bestow kindness and compassion, the petition of rights-bearing colonial subjects bypasses the Vellalar masters to reach out to the bureaucratic realm of the colonial state.

The issue revolves around “the females of the petitioners” wearing gold earrings and the anger this provoked among Vellalars who, together with headmen, convinced the collector to order the women to remove them. According to the petitioners, the collector was unaware that the governor had allowed them the privilege to wear earrings and to “remit the fine imposed against them.” This last point referred to the joy tax imposed by Governor North on personal jewelry (“joys and jewels”) promulgated on April 4, 1800. This tax initially led people to rise against it, one of the three areas where disturbances took place in the early nineteenth century being Mannar (Wickramasinghe 2009). It seems, however, that the right to be taxed was for Nalavars a right worth claiming rather than fighting, since it incorporated them into the circle of reasonable subjects. It also gave credence to the claim that the governor had granted them permission to wear jewelry. So paradoxically being taxed even without representation in an oppressive colonial situation was a ritual of affirmation, a way for underprivileged groups to assert their individual freedom as subjects of the state through a direct relation with its representative outside the parameters of custom. A petition before Governor Simons in 1704 describes that when paying taxes to the Jaffna kings, the Nalavars had earned a similar form of self-respect (Arasaratnam 1981, 380). While their acceptance of the social contract by paying the tax brought legitimacy to the colonial state, it also had the more socially threatening effect of leveling differences between locals, all subjected to the same regime of extraction.

The petitioners use “hatred,” a strong term, to qualify the sentiment expressed against them by both Vellalars and Chitties. They also allege that because they refused to pay twenty-five rixdaalders to the police *vidane* who was attempting to raise money to cover a fine that the magistrate had compelled him to pay, he too “became much displeased” with them. They asserted that they had paid, as they did every year, the expenses for attending the “heathen temple of Kandaswamy” and on the night of the seventh of the previous month, the first and second petitioners, their sisters (perhaps their wives?), and their children went to watch the feast, standing at a distance on the public road. The use of the term “heathen” by the petition writer—translating his own biases vis-à-vis non-Christian religions into the text—shows that petitions were not written in a context-free, abstract language that characterizes the field of bureaucratic administration in an ideal, rational, Western model (Herzfeld 1992).

Nallur is a town in the Jaffna district about 3 kilometers from the city of Jaffna. It was the historical capital of the old Jaffna Kingdom. The temple where the events that led to violence against Nalavar people happened, whose presiding god was Lord Murugan, was not the ancient temple long destroyed but a temple constructed in 1734 by Don Ragnatha Maapana Mudaliyar, *schroff* in the Dutch *kachcherri* and whose descendants continued to serve as administrators of the temple. The owner of Wayreven, the slave in a palanquin, belonged to this family of temple officials. This is where Poroiyy Paulo and others were beaten and assaulted by the brother-in-law of the superintendent of the temple, assisted by a crowd of people who tore off the jewels worn by the female members of the party. The police *vidane* discharged one of the persons who stole the jewels while promising to secure their return to the petitioners. During the attack, the petitioners were stoned. But witnesses who belonged to the same caste as the police

*vidane* and the superintendent accused them of assault, not only the first two petitioners but also six others who were not even present. The petitioners were then convicted before the Supreme Court, but their own witnesses who could have proved their alibi were not examined. Finally the petition appealed to the humane consideration of the commissioners, thus attempting to establish a community of affect through accepted codes of communication (NA 1830c). The petitioners did not plead as subordinates; the entire petition was written to frame injustice performed against respectable colonial subjects.

Whether the petitioners obtained justice or not is unfortunately not known, but this episode shows the determination of the Nalavar people to brave the possible wrath of the police *vidane* by refusing his extractive demands and displaying their jewels in public, thus performing their right. Until the 1950s, depressed castes in Jaffna, known collectively as Pan-chamars, were not allowed to wear jewelry (Silva, Sivapragasam, and Thanges 2009, 57).

## CONCLUSION

This article focuses on slavery in Jaffna, northern Sri Lanka, in the eighteenth and nineteenth centuries in order to understand the lived experience of slavery in the region during a period of increasing colonial governmentalization of society. In this context of “creeping colonialism,” everyday interaction between society and state was expressed through processes of registration, legal codification, litigation, petitioning, and rebellion. The fragmented bureaucratic legacy of these interactions reveals the complicity of certain colonial officials with the local dominant groups over slaves and others vested in “age-old” customs. Madie’s land transaction was thwarted by the Vellalar school-master, who used the administrative system against her. Cander Wayreven publicly challenged the repressive customs that had been upheld by the Dutch and Vellalar elite for so long, only to find out that the British officials were reluctant to take a stand that might lead to disorder. A similar phenomenon occurred in India under East India Company rule, where slavery was perceived as an indigenous, religiously sanctioned institution that was so closely entwined with Indian sociability and domesticity that it was considered beyond the reach of British reformers. The difference between the Jaffna and Indian cases is that the early Dutch framing of the Nalavars, Coviars, and Pallars as slaves in the legal sense allowed for their later registration and inclusion in a compensation regime.

The imbrication of caste and slavery in Jaffna bears some resemblance to “caste slavery” in Kerala, where most Dalits—mainly Pulayas, Parayas, and Kuravas—were agrestic slaves engaged in agricultural production for upper-caste landlords and temples. More than in Jaffna though, Dalits in places like Travancore saw in conversion to Christianity in the mid-nineteenth century a way of reclaiming a place in the modern polity and reformulating their self-image. The role of missionaries in introducing the concept of equality among enslaved peoples appears to be less significant in Jaffna, where enslaved individuals dealt directly and in an unmediated fashion with state institutions (Mohan 2015). In fact, in Jaffna the Dutch church ministers were complicit in registering slaves as property, thereby sanctioning the existing hierarchies and inequalities.

Yet, this article also shows that small spaces for personal maneuvering and resistance were opening in unusual ways. For Siduwy Nagy, the obligation for masters to register

slaves and newborn children created an opportunity to petition for her freedom. Poroiyy Paulo, Wiryasi Morgan, Poroiyy Sawery, Poroiyy Santiago, Welen Nagen, Siviame Welen, Camden Sinnesen, and Perrian Camden petitioned for their wives' right to wear jewels, a right they claimed on the basis that they had paid taxes on them. In individual cases, bureaucratization provided grounds for negotiation and resistance as well as the potential to take control over their individual lives. Publicly, however, practices of registration confirmed the presence of slavery and hierarchy in society. It was upon such premises that the schoolmaster in Madie's case and the assaulters of the Nalavar women wearing jewelry to the temple acted and where freedom was publicly denied. Finally, from the different stories it is clear that ruling groups like Dutch officials and Vellalar elites had a clear stake in keeping a large part of the population enslaved. Close scrutiny of the registration practices and petitions shows that there was money to be made in the bureaucracy of freedom and enslavement. Taxation, registration fees, and compensation money turned out to be important stakes shaping many of the eighteenth- and nineteenth-century cases discussed here.

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