

THE UNIVERSITY OF CHICAGO

ABOLISHING AGRARIAN SLAVERY IN SOUTHERN COLONIAL INDIA

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE HUMANITIES
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

DEPARTMENT OF SOUTH ASIAN LANGUAGES AND CIVILIZATIONS

BY

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CHICAGO, ILLINOIS

JUNE 2020

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Acknowledgements

It took a global village to raise this dissertation. So, I am grateful:

To the staff of the AIIS Malayalam program, Bindu Teacher and Arun Sir, for making the process of learning Malayalam pure pleasure.

To Ajith Kumar A.S., Shibi Peter, P.J. Cherian, Sanal Mohan, and R. Ashok Chandran for guidance and encouragement.

To the staff at the British Library, the Tamil Nadu State Archives, and the Kerala State Archives.

To the faculty of the department of South Asian Languages and Civilizations, especially Whitney Cox and Annamalai Elayaperumal, and visiting faculty, especially Leslie Orr, Rupa Viswanath, Indira Arumugam, the late Chris Bayly, and the late Bernard Bate, for support, feedback and encouragement.

To my colleagues, especially Gautham Reddy, Margherita Trento, Sarath Pillai, and Deepthi Murali, for support and helpful suggestions.

To the Committee on Southern Asian Studies and the Nicholson Center for British Studies for funding language study, research trips, and dissertation write-up.

To Irving Birkner and Jeanne Fitzsimmons who smoothed the way through for this funding.

To the Social Science Research Council for pre-dissertation funding and research support.

To administrative staff, particularly Tracy Davis, for their support.

To my committee members, Wendy Doniger, Kathleen Morrison, and Dipesh Chakrabarty, for guidance, feedback and support.

To my family for their unstinting support from the move to Chicago through to the write-up of the dissertation.

Preface

Slavery has become synonymous with its racialized trans-Atlantic form in Western thought. This is not surprising given the role that slavery and enforced labor has played in shaping modernity itself. Forcible transportation, confinement, separation of families, and enforced labor wrung from those of African origin and descent became the paradigmatic form of enslavement in abolitionist mobilizing as well. Abolitionism in Britain, which took many forms including boycott of slave-made produce, pamphlets, letters and Parliamentary lobbying, was primarily concerned with putting an end to racialized enslavement in the Americas. However, the mass-movement to abolish the form that began in Britain was to leave its imprint upon British Indian law as well. Indian forms of labor were held up against the trans-Atlantic system of slavery to determine if any of them would merit the description of ‘slavery’ in the colonial archive. This dissertation documents these discussions with regard to the agrarian slavery of southern colonial India. Abolition, here, takes the form of a colonial imposition with little to no enforcement. Through discussions mediated by colonial and native elites, some forms of caste-based extraction of labor were named ‘slavery’ and eventually abolished. Beginning with regional literature and ritual with their minimal attention to slavery, before turning to the extensive documentation of slavery in the colonial archive, I offer here a story of the afterlife of abolition in Britain mediating regional typologies of labor into a global taxonomy of ‘slave’ and ‘free.’

In the regional typologies of labor found in literature and ritual, I have found that the critique of slavery is first made through the critique of caste. In the view of regional subalterns, then, undoing caste disabilities is central to the abolitionist project. While British Indian law first renders abolition into law, the law is only given spirit by later anti-caste movements. Those stories remain to be told.

Introduction

Because the untouchables of today are not seen wearing the chains of slavery on them, it is not to be supposed that they never did. To do so would be to tear off whole pages of history.

- B.R. Ambedkar, First Law Minister of Independent India¹

Scholars have discussed slavery and its delayed abolition within South Asia and the Indian Ocean region.² Since it was under East India Company rule, the South Asian region was exempt from the 1833 abolition of slavery in the British Empire and had a differentiated trajectory for abolition. The dichotomy of slave and free was produced through the moment of abolition, a dichotomy that remained largely meaningless in a region with a ‘hierarchy of unfree groups’ and

¹ B.R. Ambedkar, “Which is Worse? Slavery or Untouchability?”, Ambedkar.org, Accessed March 27 2013.

² Nancy Gardner Cassels, “Social Legislation under the Company Raj: The Abolition of Slavery Act V 1843,” *South Asia: Journal of South Asian Studies* 11, no. 1 (June 1, 1988): 59–87, doi:10.1080/00856408808723108; Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (New Delhi: Oxford University Press, 1999); Gwyn Campbell, ed., *The Structure of Slavery in Indian Ocean Africa and Asia* (London; Portland: Frank Cass, 2004); Gwyn Campbell, ed., *Abolition and Its Aftermath in the Indian Ocean Africa and Asia* (London ; New York: Routledge, 2005); Richard B. Allen, “Carrying Away the Unfortunate: The Exportation of Slaves from India during the Late Eighteenth Century,” in *Le Monde Creole: Peuplement, Societies et Condition Humaine XVII-XX Siècles*, ed. Jacques Weber (Paris: Les Indes Savants, 2005), 285–98; Richard B. Allen, “Suppressing a Nefarious Traffic: Britain and the Abolition of Slave Trading in India and the Western Indian Ocean, 1770-1830,” *The William and Mary Quarterly*, Third Series, 66, no. 4 (October 1, 2009): 873–94; Nancy Gardner Cassels, *Social Legislation of the East India Company: Public Justice versus Public Instruction* (New Delhi: SAGE Publications, 2010); Andrea Major, *Slavery, Abolitionism and Empire in India, 1772-1843* (Liverpool: Liverpool University Press, 2012); Shawna R. Herzog, “Convenient Compromises: A History of Slavery and Abolition in the British East Indies, 1795–1841” (Ph.D., Washington State University, 2013); Richard B. Allen, *European Slave Trading in the Indian Ocean, 1500–1850* (Ohio University Press, 2015).

subject to colonial rule.³ “[T]he images of Indian slavery” informing the 1833 parliamentary debate that preceded the 1843 act that withdrew legal support for slavery in South Asia, Major argues, “were not empirical realities, but rather the product of various overlapping and sometimes conflicting evangelical, colonial, and abolitionist discourses,” serving to “reinforce colonial domination.”⁴ The discussions leading up to the eventual abolition of slavery in 1860, I will argue, rendered visible the forms of labor organization that were classified as ‘slavery’ in the colonial archive. This dissertation will demonstrate how the abolition of slavery drew back the veil cast over agrarian slavery in literature, customary law and the colonial archive in southern colonial India. To do this, I bring the methods of literary analysis to history, using close reading to attend to the vocabulary and grammar of the abolition of slavery in the region.

According to literary and bureaucratic source material, members of the Pariah caste (whose caste name has been absorbed by the English language as synonymous for the socially excluded), along with the Malayalam-speaking Pulaya caste and the Pallar caste in the Tamil districts, formed the population of agrarian slaves who could be bought, sold, rented out and mortgaged, predominantly for paddy cultivation. Though the slaves could be sold and mortgaged as individuals, the land and the slaves that worked it were more commonly treated as one unit during sale or rent. An estimated 13 per cent of the population of Malabar (a British-ruled region north of Travancore) was believed to be held in such bondage in 1801.⁵ Slave families could be broken up through sale, and the prices of slaves varied according to gender and age, with adult

³ Patterson argues that slavery and ideas of freedom emerge together. Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass. & London: Harvard University Press, 1982), ix; The existence of a hierarchy of unfree groups in the region is noted by Gwyn Campbell, *The Structure of Slavery in Indian Ocean Africa and Asia*, xxii.

⁴ Major, *Slavery, Abolitionism and Empire in India*, 13-14.

⁵ Dharma Kumar, *Land and Caste in South India: Agricultural Labour in the Madras Presidency during the Nineteenth Century* (Cambridge: Cambridge University Press, 1965), 54.

men commanding higher prices than women who were priced above children.⁶ As in other systems of unfree labor across Asia and Africa, physical violence was not always necessary to sustain the system of agrarian slavery, since the status of slavery was fixed by birth.⁷ Yet brutal punishments including flogging, putting in stocks and cutting off limbs or noses were also inflicted.⁸ Agrestic slavery offers, therefore, a limit case, inhabiting the gray area between chattel slavery and serfdom. Definitions gleaned from the colonial archive have to be treated with caution, since the categorization of forms of labor as ‘slavery’ was complicated. Gwyn Campbell suggests that unfree labor in the Indian Ocean World is better understood as “a hierarchy of dependency in which 'slaves' constituted one of a number of unfree groups from which menial labour was drawn” rather than as a pole in the free/slave dichotomy.⁹ However, there is a consensus that caste relations enabled the production of subordinated labor and that outdoor work was assigned to the castes lowest on the hierarchy.

This dissertation focuses on agrarian slavery, in the native-ruled Travancore and British-ruled Madras Presidency’s rice-growing districts.¹⁰ The chapters discuss the manner in which agrarian slavery was veiled in different archives – first in literature, then in customary law, and

⁶ Francis Buchanan, *A Journey from Madras through the Countries of Mysore, Canara and Malabar Performed under the Orders of The Most Noble The Marquis Wellesley, Governor General of India, For the Express Purpose of Investigating the State of Agriculture, Arts, and Commerce; the Religion, Manners and Customs; the History Natural and Civil, and Antiquities In the Dominions of The Rajah of Mysore and the Countries Acquired by The Honourable East India Company, in the Late and Former Wars, from Tippoo Sultaun* (London: W. Bulmer & Co., 1807).

⁷ James L. Watson, *Asian and African Systems of Slavery* (Berkeley: University of California Press, 1980).

⁸ Dady Rustomji Banaji, *Slavery in British India* (Bombay: D. B. Taraporevala & Sons, 1933), <http://pi.lib.uchicago.edu/1001/cat/bib/2023925>.

⁹ Gwyn Campbell, ed., *The Structure of Slavery in Indian Ocean Africa and Asia* (London; Portland: Frank Cass, 2004) p xxii.

¹⁰ Rice-growing regions beyond the scope of this study include Canara, Rajahmundry, Ganjam and Nellore.

finally in the colonial archive - across British and native-ruled regions of Madras Presidency and Travancore, before being rendered visible by the discussions around the abolition of slavery. Drawing on colonial and literary records, I show how the practice of agrarian slavery came to be named illegal across these different yet related bureaucracies. By doing this, this research proposes to unfold how the global category of slavery was translated into Tamil and Malayalam-speaking regions. Agrarian slavery was primarily found in rice cultivation in these regions and the enslaved were largely called *aṭimai* or *aḍima* across Tamil and Malayalam sources. The first chapter tracks the discussion of the *aṭimai* across Tamil and Malayalam literature, asking what the distinctive markers of enslavement are in regional language sources and if these terms can legitimately be translated as ‘slave’ in English. The second chapter examines the transplantation of the abolitionist laws into Madras Presidency through comparisons between forms of slavery in the East and West Indies. The third chapter turns to the corpus of customary law, and asks how this body of law, that some also considered historical fact, was imprinted across British and regional archives. The fourth chapter asks how slavery was abolished in the state of Travancore, looking at colonial correspondence between the state and its colonial administrators found in this hybrid archive documenting correspondence across bureaucracies. The conclusion summarizes these translations of slavery from indigenous and colonial archives into a global taxonomy of slavery and freedom and sketches future directions for research, particularly in anti-caste protest and the cultivation of rice.

The role of the colonial intervention in defining unfree labor in colonial India has begun to receive scholarly attention.¹¹ The focus on bureaucratic categories, though, can obscure then-

¹¹ Sanal Mohan, *Modernity of Slavery: Struggles against Caste Inequality in Colonial Kerala* (New Delhi: Oxford University Press, 2015); Rupa Viswanath, *The Pariah Problem: Caste,*

existing concepts of labor. Brahmin landowners along the south-western coast of colonial India, for instance, reported that the god Parasuram created the land and gifted it, along with its indigenous people, to their ancestors, to explain the widespread bondage of lower-caste agrarian labor in the region. Noted in several legal and revenue reports of the time, this myth offers a means of conducting a literary archaeology of the colonial archive, showing how regional artefacts shaped its contours. Literary artefacts can be read as offering glimpses of historical attitudes towards slavery. The literary archive on the form called agrarian slavery, found across British-administered districts of the Madras Presidency and the princely state of Travancore, grapples with a spectrum of caste-based forms of agrarian unfreedom, all of which are ultimately classified in the colonial archive within an emergent global taxonomy of slavery and freedom.

In the first chapter, I draw upon the texts of the literary and mythic accounts of slavery indexed in fragment in these archives to show the alternate taxonomies of labor and land that jostle against, or are overwhelmed by, colonial taxonomies in the first chapter. This chapter examines indigenous narratives in the Tamil and Malayalam languages, in order to better understand the translations attempted in the colonial archive and to shed light on the constraints and possibilities of emancipatory frameworks of abolition in the South Asian context. The first chapter, then, considers literature and contemporary ritual as alternate sites for the memory of slavery, as archives of social practice not subsumed by the colonial.

Revenue assessment exercises, largely intended to classify the land in order to develop more permanent taxation scales in collaboration with elite-caste informants, also developed typologies of labor and crop that contributed towards naming some forms of caste-based labor

Religion, and the Social in Modern India (New York: Columbia University Press, 2014); Major, *Slavery, Abolitionism and Empire in India*.

extraction as slavery. Francis Buchanan's account is an exemplar of this genre that elaborates administrative control through taxonomies of land, vegetation and people. He demonstrates that the imperatives of market formation drove the legislative process, with slavery deemed inefficient and morally reprehensible, thereby requiring more efficient means of labor extraction to be produced. More tellingly, he compares the forms of slavery he encounters in southern British India with the Atlantic form, deeming the former much milder than the latter. This demonstrates that the definition of slavery itself was an imperial object and that it was still malleable in the years before abolition in South Asia. The second chapter demonstrates how the comparison between forms of slavery across the East and West Indies rendered this possible.

Sanal Mohan has shown the role of missionaries in elaborating notions of human equality, while Rupa Viswanath argues that their role froze untouchability as a religious rather than a social disability. In either case, I argue, the categories employed in British attempts to administer equal justice to an unequal society shed new light upon caste relations in early colonial southern India. These categories made visible the exploitative nature of relations that were otherwise part of the natural order of things in upper-caste myth. In the third chapter, I consider how legal categories used by the British in discussions of slavery revealed the shared respect for customary law among native and colonial elites.

Abolition had provided the basis for a public debate in Britain. The implementation of such legislation across imperial Britain, and especially in British India, however, did not emerge through governmental formations or public debate but as a colonial imposition. The final chapter turns to consider the contradictions produced when the British Resident in a native-ruled kingdom demanded abolition. Through a close reading of the exchange of letters on the theme, this chapter again shows how the debates around abolition rendered slavery far more visible than

it had been before. The correspondence between the British Resident, missionaries and the king of Travancore forms an archive that lies athwart the colonial and native bureaucracies. The mimicry of abolition that emerges from this correspondence is therefore the product of a hybrid archive, marked by two distinct bureaucracies.

While scholarship on colonial India has suggested that caste became increasingly textualized with the intent to buttress imperial governance, I propose to turn to indigenous understandings of caste-based slavery to consider how they may be read against, or with, the imperial archive. By examining texts and practices from indigenously ruled kingdoms in comparison to territory administered by the East India Company, this dissertation seeks to ascertain the grammar of caste-based slavery from literature and custom, rather than solely through the categories of the Company's bureaucracy. To do this, I consider the mythology and customary law documented in the colonial and indigenous print reports as another manner of organizing time and social worlds, as an alternative taxonomy of social relations that is always overflowing the bounds of the colonial taxonomy within which it is contained. The colonial archive, in other words, shares the discursive field of governance with existing forms of social control in South Asia and is marked by the rules that govern those discourses. The process of crafting legal categories to administer, or to refuse to administer, the practices of slavery, then, forced the slave-holding castes to speak of slavery, to de-naturalize it, to enumerate existing labor practices and to justify their existence. The most commonly recorded voices in these documents are law commissioners, collectors and their native intermediaries - maulvis and brahmins. The caste slavery of "time immemorial" meets the racialized West Indian form of slavery through British law formed with elite Indian collaboration. The slavery of 'time immemorial' is drawn into history through these moves. While anti-slavery legislation was

passed by the mid-nineteenth century, a more-substantial anti-slavery sentiment among the people is only recorded from the latter half of the century, most notably in the critique of caste. In the colonial archive, for the first time, the agrarian slave is being looked at directly – an object still but an object worthy of study and under a historically unprecedented level of attention and scrutiny. Yet, even this process could produce, among the voluminous documentation of slavery, only two interviews with the enslaved by an anti-abolitionist revenue collector. The Company generated a huge correspondence that attempted to document, differentiate between and regulate forms of agrarian labor. In interactions with Hindu and Muslim judges about Anglo-Indian law, within debates rising from Abolitionist impulses from within and outside the company, agrarian slavery as an object of inquiry was 'translated' both across languages and social systems. First in language, the Tamil *aṭimai* was now called “slave” in English, thereby made legible within a global understanding of slavery. The practice of slavery was described in detail for the first time, as an instance of a singular practice rather than as something that had blended into the physical and social geography. These archives show that the abolitionism of the imperialist and the resistance of the native elite and bureaucracy were frayed projects for dominance, wracked by internal dissension and difference. These two projects for dominance are shown to be at work in the archive, and it is their face-off that the history of agrarian slavery illuminates.

The concept of ‘transplantation shock’ from botany is particularly useful in considering the life of abolitionist legislation within the southern Indian region. When rice seedlings are first moved from their nursery beds to the field, some of them suffer a shock that significantly reduces the formation of leaves essential for survival, thereby reducing yield. The fledgling notion of human equality is likewise transplanted into the field of caste in the first attempts to define slavery and to abolish it in nineteenth-century southern colonial India. I, therefore, briefly

sketch in the conclusion the potential for future research in the connections between rice and slavery. Abolition produced an archive documenting practices and people that had largely been beneath the attention of dominant groups in colonized regions, of people who had formed the husk of rice cultivation. In the case of caste-based agrarian slavery, the enslaved had been numbers or names on inscriptions marking sale or transfer or occasionally literary categories or tropes, from whose shadow the existence of slavery can be deduced. The debates around the question of whether slavery should be abolished gave them name and representation across a variety of documentation.

Chapter 1: Defining Slavery in Tamil and Malayalam

Introduction

Slaves in south Indian literature are barely-human beings who do not even possess their own body. Animated by the landlord's needs rather than their own, the enslaved in much of Malayalam and Tamil literature cannot aspire to move of their own free will and cannot be looked at or represented adequately. Slaves are only found in rules forbidding their representation, and (even in texts that dream of post-abolitionism equality) solely in relation to the landlord. The Bechdel test - which shows that men and conversation about men are the default subject positions within cinema, that women can only exist in relation to men and not by themselves - can then be reworked for south Indian literature.¹ If a Teytira test, showing that the landlord was the default subject position, and that slaves could only exist in relation to them, was to be devised – and the description of a slave were grounds for letting a text pass - few southern Indian texts would make the cut.² While the missing subject position of the woman shows how patriarchal power hides in plain sight in cinematic narrative, the missing and muted slave in literature speaks of the landlord's power. The erasure of the slave has been further papered over by the historical amnesia around slavery or the near-absence of scholarship on unfree labor in ancient through modern Tamil and Malayalam texts, with the colonial archive providing the only seeming instance of someone looking at the enslaved. Both the Tamil root for the word for slave, *aṭimai*, and the Malayalam root of the word for slave, *aḍima*, mean the base or foot in both

¹ As Elizabeth Rani Segran shows, in Cankam poetry, the anonymous yearning woman is only given meaning by her desire for a man, or by being desired by one. Her conversations with other women were, likewise, only worthy of representation if about men. Elizabeth Rani Segran, "Worlds of Desire: Gender and Sexuality in Classical Tamil Poetry" (Ph.D., University of California, Berkeley, 2011).

² See the next chapter for more on Teytira, one of two named slaves from the southern Indian region in the colonial archive.

senses – the end of the limb and the measurement of length. These words are rarely found in the literary and colonial archives, though a significant portion of labor was entrusted to the enslaved. Teytira and Kunnon are apparently the only named slaves in the colonial southern Indian archive. The record of their interrogation offers a rare glimpse of the life worlds of the enslaved who are otherwise never represented in the vast colonial archive with its several hundred pages discussing the laws around slavery and bureaucratic material saved in duplicates across India and Britain.³ This glimpse is likely mediated through processes of translation that cannot be determined with available evidence. Teytira, Kunnon and those involved in selling them were likely interrogated in Malayalam, their replies translated into English and transcribed by unknown writers and translators whose identities are unclear. Across the many thousands of pages documenting colonial southern Indian administrative tasks then, only a few pages contain the mediated voices of the enslaved. The otherwise near-total absence of the enslaved in the colonial archive is mirrored in the literature of the region, with the one exception of Marathan in the nineteenth century novel *Sarasvativijayam*- the only named slave in Malayalam and Tamil literature.

Missing voices in the colonial archive, therefore, can mirror absences in literature as well. Power structures what is written and erased in literature, just like the documentations and erasures of the colonial archive. For both colonial bureaucrats and regional authors, the landlord remained the principal agent of history – his desires shaped both colonial policy and the localized narratives of mythology and fiction until the rise of civil rights struggles. The shared absence of the enslaved across the colonial and literary archives is not accidental but deliberate. This silence seems mandated by the ancient Tamil *Tolkāppiyam* or is the result of a deliberate

³ “Slavery in Madras Presidency” (n.d.), IOR/F/4/919/258 -50, British Library.

refusal of attention in the early modern Malayalam *Kēraḷōlppatti*, yet this rule of silence seems to have been quietly obeyed by those writing in the following centuries as well. Barring the trope of slavery as a metaphor for the relationship between a devotee and a god in Tamil religious poetry, descriptions of slavery as a relation between labourer and landowner are few and far between. After presenting the spectrum of life forms within which laboring castes are mapped in the *Tolkāppiyam*, I will show how this text mandated a silence around slavery, and, like the subsequently discussed *Kēraḷōlppatti*, served to dehistoricize and erase the enslaved. The refusal to represent rendered the enslaved mute, reducing them to a pure trope. The prohibition against representing slavery within poetry - the sole means of literary representation then available - was to deny the enslaved entry into the community of mastery, of those with free will, of those who can choose their actions. Meanwhile, the landlord's right to do nothing and to be given land for no reason other than high birth is enshrined in the *Kēraḷōlppatti*. The difference between free and unfree remained the fundamental difference marking who is permitted to love, perform valorous deeds and own land, according to these two texts. Movement through time and across space, or agency, is associated with purity and elite status. The god who created the land therefore structures time itself, while the laborers who work the land do not have time of their own in the *Kēraḷōlppatti*.

If all their time belongs to the landlord, the slave cannot be the subject of history, is fossilized in time, a remnant of the past that cannot be exorcized, continually haunting the present through contemporaneous rituals such as the *Poṭṭan Teyyam*.⁴ The lack of history is itself

⁴ Here I echo Herrick's formulation about the possibility of healing from caste-based trauma. Margaret Herrick, "New Ways of Thinking Recovery from Trauma in Arundhati Roy's the God of Small Things and Two Other South Indian Narratives of Caste-Based Atrocity," *Interventions* 19, no. 4 (May 19, 2017): 583–98, doi:10.1080/1369801X.2017.1293555. "Roy suggests the possibility that those traumatized by caste-based violence might return repetitively to a traumatic

cast as a slur at a lower-caste protagonist of the ritual of *Poṭṭan Teyyam*, one of the forms through which this rendition of the slave was contested and reworked. Ritual, then, offers a means to work through the trauma of this history. Ritually working through caste-based trauma can clear space for social critique while simultaneously containing the radical potential of such critique. In Freeman’s reading, the ritual form can help ‘subsume internal conflict’ by repeatedly performing the differences between individuals representing enslaved and landlord groups without offering the resources to erase these differences.⁵ In my reading, this ritual also serves to re-present in a loop the almost-erased past of humiliation and discrimination. In an instance of memory that marks the distance from the time of slavery, a folk song was recorded from a man formerly enslaved on a British plantation in a region that is now in contemporary Kerala in the early twentieth century. Asking the eagle flying high above for help locating their parents, a child torn from their parents sings of heartless masters who have taken the parents away in different directions. Though mutating within time - like traumatic memory itself - the *teyyam* and the folk song recorded from Yiramyavu lack clear reference points in time.

The moment of abolition is the first distinctively marked historical moment in texts that mention slavery and is found in one of the earliest Malayalam novels. The unending time of slavery had fit snugly within the circular time of poetry, ritual and customary law.⁶ Then the

past, not in helpless, terrified flashback, but in a group performance that is a social enactment of a different future, a communal world-making that resists the dominant Play of caste-based hierarchy.”

⁵ John Richardson Freeman, “Purity and Violence: Sacred Power in the Teyyam Worship of Malabar” (Ph.D., University of Pennsylvania, 1991), 729, <http://search.proquest.com.proxy.uchicago.edu/pqdtglobal/docview/303940075/abstract/E88C3FE223FB47C4PQ/1>.

⁶ Dirks translates the Tamil equivalent of “adima” as ‘hereditary servant’ (273) who “owes an immense and indefinite amount of work to their patrons”(275). They are, in his view, ‘exploited but indispensable to the honor’ (276) of dominant caste patrons. Nicholas B. Dirks, *The Hollow*

linear time of the novel – the forward rush of prose - broke with the looping, circular time of literary and ritual representations of slavery, placing the historical period of abolition at the end of the infinite arc of enslavement. In *Sarasvativijayam*, a Malayalam abolitionist novel dated to 1892, the action moves forward at a brisk pace - though interspersed with literary fragments that strain back to the circular, unending time of differential justice – in its efforts to break with the old hierarchical conceptions of justice, to dream a new future. Stripped of enchantment, slavery is no longer the abjectly unseeable subject that is denied place in poetry, nor a divinely ordained condition coterminous with the origin of the land but an eminently rational problem, that can be undone with education, recourse to the law and a flattening of hierarchy through marital relations. In ritual and the novel, the primary critique of slavery is through the critique of caste – Kunhambu and the ritual performers do not ask why they were enslaved but why they were treated as less than human, why their families were broken apart. As the folksong recorded from Yiramyavu indicates, that which was being upheld to protect social cohesion (in the elite worldview) was separating children from their parents. The ones who work or the enslaved, meanwhile, labor under the marker of their inferiority, which is the inability to leave the land or the landlord they are tied to.

The social projects of these texts vary widely, ranging from providing the grammar of language and literature in the *Tolkāppiyam* through to the explicitly reformist *Sarasvativijayam*. The invention of prose seemingly allows the narrative to break and surge forward to a dreamtime of equality. If all trauma must be healed within language, then prose offers a therapeutic means toward abolition – the landlord may not be able to work his way out of the trap of ownership by

Crown: Ethnohistory of an Indian Kingdom (Ann Arbor: University of Michigan Press, 1993), 273, 275, 276.

himself but may still experience a change of heart following dispossession and his former refusal to acknowledge another's humanity by seeing the newly-elevated position of his former slave. The early texts that are discussed first have no such reformist projects and likely were viewed as texts of record, laying down the literary law or the historical record for future reference. This aspiration to record the rules of literature or the facts of history separates the first two texts from the archive of folk practice including the *teyyam* and the song recorded from Yiramyavu. The latter section demonstrates the resistance to the category of slavery by humanizing the enslaved while the first two texts largely deal with categories – including that of slavery – in the elite worldview.

The categories of the elite may be contested in these texts but cannot be fully defeated, since such categories are shored up by bureaucratic and archival sources. Stories about the origin of the land and the manner in which time is structured are marked by indigenous elite sources even within disenchanting bureaucratic reports. Elite caste knowledge thereby structures the colonial archive, further silencing the ahistorical slave. While elite texts posit enslavement as beginning with the land itself, lower-caste rituals and texts posit a moment in time when enslavement or untouchability was instituted. The relationship between caste and slavery is highlighted through these texts. Untouchable caste status, in the practice of agrarian slavery, rendered whips and chains superfluous, though brutal punishments for slaves, including whipping, amputation of body parts and restraining in stocks, were widely reported in colonial India.⁷ By constraining who the enslaved may speak to, eat with, or what they may own, caste status and practice produced a thick mesh of socialized bondage, resisting which would require a re-conception of the self and the caste's location within the hierarchy. Besides assigning the

⁷ Dady Rustomji Banaji, *Slavery in British India* (Bombay: D. B. Taraporevala & Sons, 1933)

enslaved different, disrespectful forms of address, caste wove their low status into the fabric of everyday life through differentiated access to food, the clothes they were permitted to wear, and where they could live. Caste status provided a moral and ritual cast to slavery, producing and reinforcing a social control which rendered physical punishment unnecessary, even though the threat of violence was available and occasionally carried out. The constituent elements of this form of bondage become visible only in translation. Rendered a natural feature of the land in sacred geographies, the constituent elements of this form of unfreedom as a dominated status maintained by caste and tied to the land become visible in the moment of translation. History is reclaimed for the lower-caste protagonist in the texts and rituals of resistance. Offered here in the translucence provided by translation,⁸ these texts, nevertheless, offer an overview of the forms of resistance available. Concurring, then, with Freeman that there is no unitary ideology of hierarchy, that there is a hybrid of elite and lower caste versions of hierarchy,⁹ and concurring with Deliege that lower-caste groups contested their subordination through mythology¹⁰ – I present here some competing versions of what enslavement means in southern Indian literature.

Religious devotion

The Tamil word for slave, *aṭimai*, is used by religious devotees to describe themselves as being completely at the mercy of, or incapacitated by devotion for, the deity. Texts such as the 12th century *Periyapurāṇam*, a Shaivite hagiographical text, play on this meaning while indicating

⁸ Here I echo Chakrabarty's formulation on how translation produces a "translucence in relation between non-Western knowledge and European thought." Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton & Oxford: Princeton University Press, 2000), 17–18.

⁹ Freeman, "Purity and Violence," 656.

¹⁰ Robert Deliége, *The Untouchables of India*, trans. Nora Scott (Oxford: Berg, 1999), 63.

that it was impossible for a Brahmin to be enslaved.¹¹ Discussing this text in some detail, Cox names the calling of Cuntarar to a life of devotion as "the primal scene of Tamil Saiva bhakti."¹² In his telling, Siva appears in the disguise of an elderly Brahmin at Cuntarar's wedding insisting that Cuntarar is his slave, based on a palm leaf document signed by his grandfather. Since none would believe that a Brahmin could be made a slave, Siva takes them to court, where there is similar disbelief. The proof of the palm leaf sale deed is irrevocable though- it is only when following his new master into the temple that Cuntarar realizes the truth.¹³ In Zvelebil's translation, Cuntarar sings "I was sold and bought by you, I am no loan, I am your slave of my own free will"¹⁴ referring presumably to the seemingly paradoxical practice of selling oneself into servitude. While intended to show the calling of a devotee to be his lord's slave through devotion, this depiction nevertheless indicates that bonded slavery could be hereditary, that it rarely extended to elite castes, could preclude the right to marry, and could be enforced with a sale deed signed by an ancestor. The word *aṭimai* then can signify abject surrender to a higher power, a surrender that can be enforced with sale deeds.

There is historical evidence of similar *ālōlai* or slave sale deeds executed by the one selling themselves, or their close relatives, into slavery. These deeds are dated to the 16th to 17th centuries, with recent research in customary law uncovering evidence of palm leaf sale deeds from the nineteenth century in colonial Madras Presidency.¹⁵ In contrast to Atlantic history,

¹¹ Sundararaj. Manickam, *Slavery in the Tamil Country: A Historical Overview*, rev. and enl. ed. (Madras: Christian Literature Society, 1993), 36.

¹² Whitney Cox, "From Avanam to Puranam," in *Dimensions of South Asian Religion*, Working Papers in the Study of Religion (London: SOAS, 2007), 12.

¹³ Cox, 13–16.

¹⁴ Kamil Zvelebil, *The Smile of Murugan: On Tamil Literature of South India* (Leiden: Brill, 1973), 203.

¹⁵ Manickam, *Slavery in the Tamil Country*, 68–69.

where the arrival of the contract is named as a definitive break with bondage, here the contract serves to cement relations of slavery. Despite the claim that the devotee is ‘[the god’s] slave of [his] own free will’, it is debatable whether this can be termed an expression of agency, since the choice to sell oneself into slavery is likely made under duress.

Tolkāppiyam

Aside from devotion to god, Tamil literature mentions slavery in largely derogatory terms. Zvelebil credits the ancient Tamil grammar, the Tolkāppiyam with offering ‘a vision of an entire civilization’.¹⁶ Assigned various dates for its composition ranging from the first through sixth centuries with some debate on whether it had a single author, the text in translation is sometimes simply called ‘the old text’. According to the text, emotions, life forms and stages of love, alongside alphabets and grammatical forms, can be classified and reproduced in an orderly fashion through a poetic matrix. The Tolkāppiyam, then, is about the structure of language itself. While current readings of the text describe it as laying down the rules of poetry, this may likely have been the only form of literary representation then available. The text, then, may be treated as providing a grammar for literature itself. The question of the authorship of the *Tolkāppiyam* is subject to some disagreement with some arguing that the author was a Brahmin, some that the author was a Jain.¹⁷ The latter position is based on the text’s classification of life in the *Marabiyal* section on conventions for biological terms.

Humans do not form a separate class throughout this section, where, for instance, the ungendered terms for young animals include the human child.¹⁸ The text further provides a

¹⁶ Zvelebil, *The Smile of Murugan*, 147.

¹⁷ Zvelebil, 137–38.

¹⁸ K Vellaivaranan, *Tolkāppiyam: Marabiyal Uraivaḷam* (Madurai: Madurai Kamaraj University, 1994), 31.

spectrum of life forms, classifying them based on how they sense the world. The rice plant belongs to those forms that know the world through one sense, that of touch or the body.¹⁹ The next class of life forms knows the world with two senses, including taste, then with three (adding smell), and four (adding sight). The '[humans] who cannot tell good from bad' and four-legged creatures, the text says, know the world through five senses, and are therefore classed together.²⁰ This groups falls below 'people with mind' and divine beings, both of whom have the six senses which include the mind or the ability to deduce.²¹ By plotting plants and humans and heavenly beings across a spectrum of sensual knowledge, the author culminates with creatures of six senses including the mind.²² In showing how living things ought to be ordered, the text renders the human commensurate with animals. It elevates elite humanity to the level of the divine and depresses the laboring section – as the part of humanity with no mind - to be on a par with the animals. Since those with mind formed the category with six senses, those 'without mind' or learning can be treated as commensurate with animals, according to the text. Learning or the right to cultivate the mind being reserved for the elite, those classified as having no mind can reasonably be supposed to be of low social standing.

The *Tolkāppiyam* also derives or provides the rules for *tiṇai*, the five spatialized stages of love that are the subject of ancient Tamil love poetry – a body of work whose rules exclude the category of the slave. *Tiṇai* is a poetic matrix tying stages of love to specific landscapes, imbuing seascapes with the longing of separated lovers, the mountainous forests with the joy of sexual

¹⁹ Vellaivaranan, 38.

²⁰ Vellaivaranan, 50–51.

²¹ Vellaivaranan, 52–53.

²² Yet if we should in our contemporary wisdom read the mind as only crystallized culture or an internal map of reality - the body remains the means of grasping what the mind maps. The body is the common medium through which plants and divine beings know the world - a point that is made in lower-caste protest poetry that I discuss later.

union, and agricultural fields with romantic quarrels. A poetic convention that offers a wealth of seemingly ethnographic description of hunters, fishermen, and pastoralists, *tiṇai* deeply integrates human life into its natural environment. The human is therefore completely earthly in *tiṇai*, without a hint of sharing any sensual characteristics with divinities. According to the commentator Nakkirar, the convention cannot be broken down into constituent elements but must be read together as *nilam* or landscape and *oḷukkam* or behavioural norm.²³ In this poetry, which is anonymized according to convention, the poet may not name the protagonists, which reduces them to pure tropes.²⁴

The slave, though, cannot be slipped in under cover of anonymity. The author explicitly notes that the slave or servant cannot be a hero of poetry. This rule is framed in a circuitous way – the author says that slaves may be heroes of poetry other than that of love.²⁵ Since heroic poetry - the only other kind of poetry then available – rarely mentions labor, the slave is, in effect, excluded from being the hero of poetry altogether. The *Tolkāppiyam* can only permit acts of elite valor and love to enter into poetry, ergo into representation. The text institutionalizes the hierarchy of ‘seeability’ that, as later texts indicate, was built into social life in colonial southern India. Meaning, in other words, was premised on caste, on a hierarchy (not just difference). The division between free and unfree then becomes the most fundamental divide of heroic poetry.²⁶

²³ Zvelebil, *The Smile of Murugan*, 101.

²⁴ K Kailasapathy, *Tamil Heroic Poetry* (Oxford: Clarendon Press, 1968), 5.

²⁵ While older commentators concur that those who serve cannot be heroes of poetry, some modern commentators insist that no such restrictions exist. See International Institute of Tamil Studies, *Tolkāppiyam Poruḷatikāram uraiyaḷam, Akattiṇaiyiyal*, ed. A Sivaliṅkāṅār (Cennai: Ulakat Tamilāraycci Niṟuvaṇam, 1991), 198–200, 203–5.

²⁶ Heroes are the free and noble and the non-heroes are unfree and ignoble. Mention of laborers in the poetry of war is extremely rare. Kailasapathy, *Tamil Heroic Poetry*, 259, 261.

Heroic poetry, according to the *Tolkāppiyam*, should mirror the poetry of love which offered the model for classification – and, therefore, like the poetry of love, it should exclude the slave from its ambit. For the purposes of this reading, we can extend this claim to say that those excluded from the poetry of love were perforce excluded from the poetry of heroism despite the text’s own ambiguity in laying down the rules for this. The absence of mind in the five-fold classification of life described earlier already precludes the ability to produce historical or self-consciousness. According to the *Tolkāppiyam*, then, valor is associated with elite status and is fundamentally opposed to labor. Both valor and the norms of behaviour and literature become elite domains in the text. Producing and explicating conventions is the right of the elite, according to the text.²⁷ Violating any of these conventions is a grave error, since it can cause ‘all the world’s words to lose meaning’.²⁸ The structure of meaning itself, therefore, can collapse by rendering a slave a hero. The absence of the slave in heroic poetry, then, is not a passive, unwilling lack. The literary silence around slavery is mandated, not accidental.

Kēraḷōlppatti

While the *Tolkāppiyam* deems the enslaved as unworthy of representation, in the *Kēraḷōlppatti*, the god Parasuram creates bondage to enable cultivation. The story of Parasuram, an avatar of Vishnu, creating the land was first published in its entirety in the nineteenth century. The Malayalam text, the *Kēraḷōlppatti* (“on the origins of Kerala”) was reprinted by Herman Gundert(1814-1893), a German missionary associated with the Basel Mission in Mangalore in the nineteenth century. While Gundert’s is the most important published version, – and is cited in what follows - there are another three or four more published versions and many more

²⁷ Vellaivaranan, *Tolkāppiyam: Marabiyal Uraivaḷam*, 134.

²⁸ Vellaivaranan, 133–34 All translations mine.

unpublished ones that are likely to be found in manuscript collections and personal libraries. Some of these versions are said to be completely opposed to one another, with great variations between them. The version Gundert printed is dated to the 17th to 18th centuries and was first published in 1843.²⁹ The early history of Parasurama, his birth and the matricide he commits, are ignored in several other colonial era versions of the tale – most of which begin with his murder of kings. In the nineteenth century, William Taylor offered a summary of the pan-Indian version of the myth. In it, Parasuram is banished for murder after he kills the Kshatriyas. On asking the god of the sea for land, he was told he could have the extent of land over which he cast his battle axe. From Gokarnam, he threw his axe to Kanyakumari. The land that he then owned was divided into the seven divisions of Kirata, Virata, Maratha, Konkana, Hayga, Tuluva, and Kerala. Since the region's inhabitants were fishermen, he made some of them Brahmins 'to secure the land'. These Brahmins owned the land and let it out to lower castes.³⁰ Other versions of this story are found in regional and Sanskrit texts.³¹ By Gundert's account, he had consulted several handwritten versions of this story to arrive at the version that he finally printed in Malayalam. It begins with the creation of a land by a Hindu god and then proceeds to provide a purported history of the region that includes the departure of a king for Mecca after converting to Islam, concluding in a period that is assumed to be the 15th century. It shares many aspects of its narrative with the larger pan-Indian story – here too Kerala was created by a god seeking to

²⁹ Herman Gundert, *Kēraḷōlppatti* (Thiruvananthapuram: The State Institute of Languages, Kerala, 2014), vii, x–xi.

³⁰ William Taylor, *Oriental Historical Manuscripts, in the Tamil language: translated, with annotations. By W. Taylor.*, vol. 2 (Pursewaukum, Madras: Printed and Published by Charles Josiah Taylor, 1835), 56–57.

³¹ Wendy Doniger, *The Hindus: An Alternative History* (New York: The Penguin Press, 2009), 56.

atone for the killing of kings.³² The Brahmins to whom he gifted the land, however, were not indigenous but were brought in from outside. Being unable to govern themselves, they chose to have kings again and retained the power to choose kings for a significant portion of the narrative. It is in the Malayalam version that we encounter a mythic account of the origin of slavery in Kerala. Shortly after the land was created and distributed to the Brahmins, slaves and tenants were settled there by the landholding Brahmins, the text claims. Slaves and tenants are listed as one category, thereby indexing land ownership as a marker of freedom. According to the text, Brahmins could own the land while tenants could only take it on mortgage. Tenants were therefore lower on the social hierarchy than the landowning Brahmins.³³

Much like the peasant who is not allowed to be the subject of history in Guha's account of colonial peasant insurgency, the slave in this myth has been deprived of a history, or a past prior to the arrival of Brahmin landlords.³⁴ The Brahmin landlords' history, though, cuts across boundaries with Parasuram's axe-head, suggesting that, in the worldview of this myth, mobility is the privilege of elite castes. This sacral mobility in the body of the Brahmin contrasts starkly with the immobility in the polluted body of the slave who is constrained to work the land.³⁵ According to the Parasuram story, then, caste pre-dates the land, since the category of the

³² The shape of the land along the Kerala coast with mountains that slope down to the seaside does indeed resemble a hand-chiseled axe head – allowing one to see how this came to be a plausible origin story and suggesting a birds-eye view of the land. This myth seems to survey the landscape from above, providing a godly overview rather than a sensual engagement with the landscape. It indicates a familiarity with the shape rather than the feel of the landscape, a cartographer's sensibility.

³³ Gundert, *Kēraḷōlppatti*, 8. Translations mine.

³⁴ Breman notes a similar legend about Rama gifting the land and its tribal people to Brahmin landlords in Gujarat. Breman, *Patronage and Exploitation: Changing Agrarian Relations in South Gujarat, India*, 39.

³⁵ Recall Breman's finding in modern Gujarat that upward mobility inevitably required spatial mobility. Jan Breman, *Footloose Labour: Working in India's Informal Economy* (Cambridge & Melbourne: Cambridge University Press, 1996), 32.

Brahmin already exists and is imported ready-made, as are the Shudras, into a newly created land. It posits caste as absolute difference premised on exclusive rights to land and labor. These two groups are further separated by place of origin, by their importance to the gods, as colonizers versus the imported. Land belonged hereditarily to Brahmins and all others could only be slaves or tenants. Since caste rules forbade the Brahmin from touching the plough, slaves had to be created to prevent them losing caste. According to the Parasuram myth then, slavery was invented to protect caste.

There is a second mention of slaves later in the text. In this story, the two slaves are spirits who had to serve and protect a king called Bhūtapāndya. He loses these spirits in a game of chess to a Brahmin who had been sent to deprive the king of his demonic protection. The Brahmin got rid of the spirits by ordering them to go and count the waves of the ocean. While the slave has been deprived of heart and mind in earlier poetic conventions, here it would seem that even a body is not necessary for one to be a slave. The absence of willed mobility alongside compulsory labor, again, emerges as the principal marker of slavery.

Since all the time of the slave belonged to the landlord, the markers of time are also formed by the landlord's benefactor. Beside creating land and bestowing it upon the Brahmins, Parasuram also marks the movement of time in Malayalam country. The Malayalam calendar is reckoned as beginning with the era of Parasuram, and all royal documents in Malayalam, such as were issued by the states of Travancore and Cochin, follow that dating system. This system divided time into cycles of 1000 years, with each year consisting of 365 days and with 1800 as the 976th year of the cycle. Parasuram structured time, much as Christ continued to structure the years that the British brought with them. His assignment of duties marks the story of how sub-caste divisions and caste generally emerged. The origin of time and social divisions are all

attributed to him. These social divisions and customs continued to be cited as customary law in Malayalam country in the colonial archive.³⁶

The categories and myths of the elite, therefore, marked the colonial archive. The categories of this Brahminical text formed bureaucratic understandings of caste. According to the *Kēraḷōlppatti*, Parasuram distributed the land to the Brahmins - this story continued to be cited in British reports to explain land ownership in the nineteenth century. Such claims welded a mythic past to contemporaneous practice. In his 1822 report on the revenue administration of Malabar, Graeme begins with the story of Parasuram.³⁷ An 1819 letter from the revenue collector of Malabar to the Board of Revenue notes that slaves "whose origins must be traced in the traditionary legends of Malabar" are involved in agrarian labor.³⁸

Despite continuities in the definitions of slavery across Tamil and Malayalam texts, it must be noted that there is a seeming disjuncture between their sacred geographies when it comes to the roles of god, king and Brahmin, though it is uncertain if this changes state structures substantially. The god and the king seem paramount in the Tamil example. The king, in Tamil narratives collected by Taylor, could establish cities, jostle and play with gods.³⁹ In the Malayalam example, the god and the Brahmin seem paramount in their abilities to create things

³⁶ Customs bestowed by Parasuram are said to be followed by Brahmins in an 1883 law book. Cuddalore Ramachandra Aiyar, *A Manual of Malabar Law, as Administered by the Courts*. (Madras: Vest and Company, Adelphi Press, 1883), ii.

³⁷ H. S. Graeme, *Graeme's Report on the Revenue Administration of Malabar, 1822*, ed. J Rejikumar (Thiruvananthapuram: Kerala State Archives Dept, Govt of Kerala, 2010).

³⁸ "Proceedings of the Board of Revenue, Vol 829" (1819), 6761, BoR/Vol 829, Tamil Nadu Archives.

³⁹ Ukrama Pandian, a Madurai king, for instance, tussles with Indra. William Taylor, *Oriental Historical Manuscripts, in the Tamil language: translated, with annotations. By W. Taylor.*, vol. 1 (Madras: Printed by C.J. Taylor, 1835), 64.

and set them in order, choosing and replacing kings as they deem fit.⁴⁰ Incompatible philosophies of the state can still seemingly provide compatible descriptions of slavery - in both Tamil and Malayalam, the slave is an empty category, impossible to represent in the Tamil example and devoid of history in the Malayalam example. Slaves in the texts discussed thus far are mute objects in the elite gaze. As the nineteenth century bureaucrats' accounts of caste myths showed, caste also structured the colonial archive by privileging the elite caste informant. While the story of Parasuram is mentioned across several colonial texts, lower-caste origin myths do not find a place within the colonial archive. This inability to represent lower-caste myth reflects the indigenous elite's unwillingness to represent slavery. This erasure in the colonial archive also indicates that the archive itself is marked by caste.

Lower-caste myths and texts

To recover the worldviews of people deemed to be without mind, it is necessary to turn to other sources besides the textualized myth. Therefore, for lower-caste viewpoints, I turn to more recent folklore and anthropological accounts of rituals and a nineteenth-century abolitionist novel. These responses offer a critique of caste that is often rooted in the natural world, elements of nature offering a means to counter cultural discrimination. They turn to physical objects and embodiment as a means to overcome the historical trauma of enslavement. While the elite texts discussed above are expansive, ranging across broad categories and wide swathes of land, subaltern rituals and stories are often limited to a mountain range, the village, or to a path that two may not cross at the same time. Yet their aspirations are not constrained by these limited spaces. In the texts that follow, the enslaved dream of freedom and challenge their landlords with

⁴⁰ Thereby demonstrating the regional bias in Dirks' claims about the power of the Brahmin in relation to the king. Dirks, *The Hollow Crown*.

counter-myths to those of enslavement. If elite texts rendered them mute and without heart and mind, here they speak as rational beings who question their subordination, angry and sorrowful about their given status.

Poṭṭan Teyyam

The Pulayar were classified among the so-called ‘slave castes,’ as one of the castes most subject to agrarian slavery across the Malayalam-speaking region, and deemed roughly equivalent in status to the Pariah caste in Tamil country. The Pulaya origin myths locate their pasts in the mountains of Vayanādu, as a time when they did not live on lands owned by others, but ate wild rice.⁴¹ So the origin myth of this ‘slave caste’ looks back to a time when they were free – associating mountains, wild rice and lands owned by none as the markers of that freedom. While the Brahmin myth names the Brahmin landlords as an immigrant elite, the myth of the Pulayar names their origins as an indigenous, forest-dwelling people. In this myth, agriculture is recognized as the reason for their enslavement. This ‘history’ is questioned through the *Poṭṭan Teyyam*, a ritual that brings together members of the powerful Nair caste to play the elite-caste antagonist with the lower Malayan caste playing the protagonist, Poṭṭan, believed to be of the ‘slave caste’ or the Pulaya.⁴² The *teyyam* ritual finds mention in the *Kēraḷōlppatti*, where Parasuram ordered the creation of *teyyam* as a celebration for indigenous communities.⁴³ *Poṭṭan* means ‘idiot’ or ‘incapable of speech’. The ritual, therefore, features an untouchable protagonist

⁴¹ John Richardson Freeman, “Purity and Violence: Sacred Power in the Teyyam Worship of Malabar” (Ph.D., University of Pennsylvania, 1991), 658.

⁴² Freeman, 682-683. Freeman disagrees with the use of the word “slave” to refer to this caste group, since, in his view, they retained some rights as agrarian labor.

⁴³ Baiju Markose, *Ritual and Rhythm of Life: A Study of Theyyam in North Malabar* (Delhi: ISPCK, 2015), 27.

calling himself an idiot in order to point out the foolishness of caste.⁴⁴ The ritual marks its protagonist as an agrarian laborer by naming the irrigation ditch as his domain.⁴⁵ In the ritual dramatization, Poṭṭan is crossing a path that only one may traverse at a time. In the course of the ritual, his caste is termed 'ignorant of a rational order of nature, of past, present and future'⁴⁶ His elite-caste interlocutor, coming from the opposite direction, orders him off the path because he lacks knowledge, is low-caste, disrespectful, and “unaware of past, present and future,” and has 'the stink of fish and flesh always on his body'.⁴⁷ The lack of historical consciousness, or the lack of history, is itself cast as a slur equivalent to being of low-caste. In the more Brahminical version of this ritual, this debate is conducted between Siva in the guise of a Chandala and Sankaracharya; the Chandala vanishes when Siva steps out of his disguise.⁴⁸ In the subaltern version, a lower-caste Pulaya man with a baby at his waist and a pot of toddy on his head - encounters Chovvar, a Brahmin of the village, who orders him off the path. The questions follow in K.M. Tharakan's translation of this ritual's text:

And the rice they eat, and the rice we eat
 Isn't it of the same stuff?
 Why then quarrel over caste distinctions?
 Suppose Chovar and we break a coconut
 Can't we find inside the same kernel?
 ... When you are wounded blood comes out
 When we are wounded too blood comes out
 Why then do they quarrel over caste distinctions?...
 We planted a plantain tree
 In the heap of refuse.
 With the fruit thereof
 You make offerings to God.
 Yes, we planted a Tulasi

⁴⁴ Ibid., 49-50

⁴⁵ Freeman, 684.

⁴⁶ Freeman, 676.

⁴⁷ Freeman, 675.

⁴⁸ Markose, *Ritual and Rhythm of Life*, 52.

In the heap of refuse.
With the leaves and flowers thereof
You make offerings to God.
If so what distinctions are there
Between us...⁴⁹

The ritual, therefore, posits equality as counter to the enforced hierarchy by turning to natural elements – coconut, rice, blood. This version of the conversation also indicates that elite caste religion consumes the products of the labor of the ritually impure lower-castes. The ritual folds a critique of caste into religious practice, showing the ‘untouchable’ to be capable of rational debate despite the scorn that elite castes subject him to, noting that he produces the natural objects necessary for religious ritual. In this critique of caste, the lower-caste protagonist demonstrates awareness of elite-caste philosophies, asks how they are compatible with discrimination, and unapologetically claims the space that he occupies, refusing to observe the norms of ‘distance pollution’ that the slave castes had been expected to observe. These critiques make new forms of thinking legible through familiar categories: – a new emancipatory justice is proposed through the shared consumption of coconut and rice, through gesturing to their shared human experience. The notion of equality is still new at the time of this ritual and has to be explained in familiar idiom.

Burying soil slaves

Besides positing agriculture as the source of enslavement, rituals among the Pulaya caste also commemorate places where ‘soil slaves’ were, according to belief, buried alive to add their strength or *sakti* to embankments for irrigation canals. Yasushi Uchiyamada notes this striking difference in the behavior of the ancestral spirits of different castes. “Ancestors of Untouchables

⁴⁹ Markose, 105.

remain in their ancestral land at the margin of the village... Ancestors of high castes, in contrast, leave for the 'abode of ancestors', after expiating their sins by transferring them to Untouchables."⁵⁰ Even in death, it would seem, the slave remains tied to the land. The ancestral spirit, like the enslaved body, is still constrained to be a vessel of impurity. According to belief, 'soil slaves' who were considered attached to the land rather than to the landlord could be ritually buried alive under the irrigation embankments. Such burials were depicted by landlords as the actions of slaves loyal to the land. Among lower-caste groups, the buried slave was depicted as an unsuspecting victim plied with toddy or country liquor and pushed to their death. As a result, the ancestor became a *prētam* or an angry ghost seeking revenge, not a *pitr* or an ancestral spirit. The milk trees growing alongside the irrigation canals were believed to be an embodiment of the angry ghost.⁵¹ The immobility of both the living and their dead here becomes a marker of slavery. The dissonance between elite and lower-caste versions of the practice itself demonstrate a resistance to elite explanations of ritual. The memory of slavery is marked by a memory of the master's treachery. As the story of Bhūtapāndya discussed earlier indicated, even the body is not a necessity for a person to be a slave. Even in death, it would seem, the ghosts of the enslaved are tied to the land in a manner not too dissimilar from when they were alive.

Tamil myth

Other narratives from the region draw the practices of caste into historical time by providing an origin myth for the practices of untouchability. An oral narrative of the Tamil Pariah community

⁵⁰ Yasushi Uchiyamada, "Passions in the Landscape: Ancestor Spirits and Land Reforms in Kerala, India," *South Asia Research* 20, no. 1 (March 1, 2000): 63, <https://doi.org/10.1177/026272800002000104>.

⁵¹ Uchiyamada, 64–65.

in a village in Tirunelveli district ‘remembers’ untouchability as instituted after a member of the community offended the local goddess.⁵² The practice is rooted in memory in a local context, remembered as instituted by a familiar and still-worshipped deity, in a narrative that does not tie the caste’s history to that of a larger historical or geographical space. In contrast to Brahminical myths that posit the origin of caste as coterminous with the origin of humanity, lower-caste myths posit a time of social equality that was despoiled by a misunderstanding or trickery.⁵³ The human work of producing and reproducing caste hierarchies is often elided in narratives of caste as an immutable hierarchy with divine origins. Lower-caste origin myths, by contrast, posit a moment within remembered historical time as the origin of slavery or untouchability.

Saraswati Vijayam

Slavery and the associated practices of untouchability are also brought within historical time by the laws abolishing slavery. While the question of what constitutes slavery is derived from abolitionism, the only southern Indian text that explicitly cites abolition in British territories is the nineteenth-century Malayalam novel, *Sarasvati Vijayam*. The remembered and continued practice of slavery is the beginning of a narrative that suggests that education and conversion to other religions were emancipatory anti-caste political actions. The author of the novel, Potheri Kunhambu (pōtēri kuññambu, 1857-1919), was from the Ezhava (īlava) caste, a Shudra caste considered slightly above untouchable castes on the hierarchy. He was a lawyer who also ran a school for children from formerly enslaved Pulaya caste. His *Sarasvativijayam*, or the Triumph of Education, was first published in 1892.

⁵² J. Balasubramaniam, *Putainta Pātai* [The Buried Path] (Tirunelveli: Ten Karisal Patippakam, 2009)

⁵³ Deliège, *The Untouchables of India*, 63,85.

In an instance of cross-lingual conversation, he notes in the preface to his novel that he had read of the abject condition of members of the Tamil Pariah caste in an English newspaper from Madras. Hoping to change the hearts of some Malayalis by describing the worse state of the Pulaya caste, he wrote this Malayalam novel. Kunhambu fills his early chapters with interactions between the elite Brahmins, the intermediate Nairs and the slave Pulaya family - the way in which the Brahmin woman is dressed, her upper-body covered, unlike the slave women in her retinue; the gold that flashes on the Brahmin landlords fingers as opposed to the bare bodies of his attendants; the tiny hut the Pulaya slave family lives in and the spacious home that their Brahmin master inhabits - the inequalities of the system are constantly on display in his description. While the narrative is written in the standard literary Malayalam of the time, the dialog between characters switches to the spoken form with all its caste markers: the Brahmin landlord is always addressed as '*tamburān*' (master), while the slave is never addressed with respectful pronouns. Kunhambu describes the landholding of the fictional Brahmin landlord as extending 'throughout that district' and writes that he 'had not heard of the British legislation banning slavery,' since clearly his land was worked by slaves. These lines help the reader place the narrative in time - it must be after 1843, since legislative support for slavery is withdrawn in that year. The novel begins with a description of the landlord's family on their way back home, a scene that exemplifies the inequalities that marked the system of caste. Kubēran Nambūdiri 'wore a good *pāvu* wrapped around his body' with a 'washed *tōrtu*, the folds undisturbed,...on his shoulder,' seemingly wearing gold rings on all his fingers. His daughter likewise 'had draped a fine white *puḍava* around her' which reached her knee and another to cover her breasts. She also wore a silver bangle on each arm and a simple gold ornament on her ears, besides the *tāli*(a marker of her married status) around her neck. By contrast, her slave women 'wore a single

puḍava which they could barely bring till their knees’ and had no *puḍava* for the upper body since it ‘wasn’t customary for them to cover their breasts’.⁵⁴

The moment in the novel when a lower-caste slave is caught in the act of singing a song that might be construed as containing the dangerous dream of equality marks the beginning of the action. The slave Marathan is brutally kicked and left for dead by one of Kuberan’s minions. The long arm of the law comes for the landlord; he flees, traveling through Hindu pilgrimage towns, and his daughter is outcasted, while Marathan continues his studies, becomes a judge and eventually marries the landlord’s granddaughter. The law against slavery, in the novel, is a distant reality that the landlord is untroubled by. But it had created a new reality – one in which the slave was a human and a subject of the law, which meant that the slave could no longer be killed with impunity. His conversion to Christianity and his education with missionaries are celebrated as the pathway to upward mobility for the formerly-enslaved castes within the caste hierarchy. The author Kunhambu himself never converted but celebrated the act as a necessary political choice in this novel and other writings. In his telling, destroying the slave/master relationship becomes vital to the making of freedom: by refusing to perform coerced labor, running away to study with the missionaries, becoming the judge to whom his master’s case is bought, and marrying the master’s granddaughter, Marathan completely overturns the hierarchical relationship.

This novel is remarkable for its commitment to telling a good story, alongside its stated intent to ‘change hearts.’ Tamil novels of the time were prone to meandering description and

⁵⁴ [Malayalam] Potheri Kunhambu, *Sarasvati Vijayam* [The Triumph of Education], (DC Books: Kottayam, 2004). First published in 1892. Translation from Malayalam mine. *Pāvu*, *tōrtu*, *muṇḍu* and *puḍava* are all strips of cloth that are wound around the body or draped on shoulders in different ways. The *tāli* is a thread or a necklace made of precious metal that is worn only by married women.

picaresque fantastic tales that strung together a set of incidents, rather than presenting a continuous narrative. Their authors often paid little attention to dialect and the rhythms of the spoken form of the language. Kunhambu, in contrast, tells a continuous, structured story, each chapter beginning with a quote from Sanskrit or Manipravalam sources (written in Malayalam script), a quote that might refer to incidents in mythology or to ethical life. The novel repeatedly cites Hindu religious texts in order to demonstrate the Brahmin landlord's rage because the differential justice that he had long expected was being flattened by another juridical regime. The novel, therefore, uses Hindu scriptural citations in support of an anti-caste project. Although an important protagonist becomes a convert to Christianity, these stories and poems form part of the cultural universe the characters inhabit. Though accessing some of these texts is forbidden to our convert, the author draws on them to question the basis of this forbidden nature. The text clearly marks the differences in speech to be employed in addressing those at different locations on the caste hierarchy. The ascending register of respect is described with attention to the body language and terms of address employed by his protagonists. Despite the seemingly realist presentation of the problem of slavery, *Sarasvativijayam* is almost dream-like in its hopes for its protagonist. The intractability of caste relations is underlined by the way the slave achieves a status that was likely impossible for someone of his caste in that time. The first few pages of the novel – circling the landlord who had not yet heard of abolition or was unwilling to implement it – are much closer to what was possible for the time. Both landlord and slave undertake immense journeys in this telling – the landlord on a long pilgrimage that enables a change of heart and the slave running away to the missionaries enabling a change of status. This movement, thereby, becomes crucial to breaking the status of enslavement as immured in the land.

Yiramyavu

Enslavement is rendered a moment of loss, terror and enforced solitude, as it is framed in the folk song ostensibly sung by a child, narrating a social death caused by stasis rather than forced movement. Betrayed by humanity, the child turns to the natural world and inanimate objects for solace and answers. If in *Sarasvativijayam*, the character has to suffer a death that later turns out to be a case of mistaken identity, in order to escape slavery, here the ostensible singer suffers a social death while stationary, further immuring her within the structure of caste slavery. This song about slavery was recorded from Yiramyavu, who was born in 1896 in the region that is now contemporary Kerala and sold as a 12-year-old child to a plantation owned by a British landlord. It is significant that slavery is in practice at a time when it was ostensibly illegal (with legal support for the practice withdrawn in 1843 and slavery rendered illegal in 1861). It is of further note that Yiramyavu recalled working for a British landlord, indicating that colonial settlers practiced enslavement when it suited them. Yiramyavu, like Marathan in Kunhambu's novel, gets into trouble over singing, only in his case it was because he refused to sing. He remembers being transferred to another plantation because he refused to sing songs in praise of his British master. He recalled one of the songs sung on the plantation for his interviewer:

Tell me, red eagle flying through the sky
Have you seen my mother?
Have you seen my father?
A master bought my mother
And took her away to the south
Another master bought my father
And took him away to the west
... When my younger sister weeps
The grinding stone became her mother
And when my elder brother weeps
The pestle became his father
To sing them to sleep
Tell me, strong eagle
Have you seen my father?

Have you seen my mother?⁵⁵
That this song was being sung on a plantation early in the twentieth century offers proof of the long life of slavery and proof that its practices continued to endure within lower-caste memory. It testifies to the overlap between regional markers of ‘enslavability’ with emergent forms of labor extraction such as plantation work. In other words, new forms of agrarian work such as plantation work drew upon structures of labor that were once associated with rice fields, in this case, agrarian slavery. That his owner was British is the only exceptional fact in Yiramyavu’s history. Slave owners through the nineteenth century had largely tended to be upper-caste landlords, Brahmin or of dominant landowning castes like the Nair. The song indicates that the breakup of slave families through sale, extensively documented in the colonial archive, was indexed in lower caste social memory. The song notes that the grinding stone and the pestle stood in for the parents, after they had been sold. These artifacts of domesticity further underscore the loss that the children were enduring, and the broken home that they now lived in.

Conclusion

While the song recorded from Yiramyavu offers the most emotionally gripping narrative of slavery, the other rituals and the novel discussed above are united in appealing to emotion and reason in their questioning of caste and slavery. I had proposed to produce a literary genealogy of markers of slavery, to build up an aggregate of the characteristics of slavery from an archive that lies outside of, and occasionally intersects with, the colonial. I have shown that in contrast to the enslaved, whether mute and static in elite texts or defiant in subaltern ritual, the free are elite heroes of poetry, who own land, occupy public space, can move freely and leave this world upon

⁵⁵ A.V. Anilkumar, *Yiramyāvu Aṭimayūṭe Jīvitam* [Yiramyavu: The life of a slave], (Kozhikode: Mathrubhumi Books, 2009) p 76. Translation from Malayalam mine. See Appendix for the original text. Anilkumar recorded Yiramyavu’s and his family’s testimonies and published them later in the twentieth century.

death. Such regional schema are yet to be compared with colonial versions, to understand shifts in classificatory structures in the nineteenth century.

Arguing for the use of literary texts to understand social life, Veena Das pointed to a shift in anthropology – an increased emphasis on systems of classification developed by the people under study rather than those arrived at by observation.⁵⁶ However, this is not a shift that has fully come to fruition. Even critiques of the governmentality associated with the colonial archive have remained trapped within its classificatory systems,⁵⁷ and are not always attentive to what came before. The free/unfree distinction that served to mark caste difference and produce hierarchy in native taxonomies, was used to understand the costs of farming in colonial schema. Slavery is not fundamentally an economic category in southern Indian regional taxonomies, but it is so in colonial registers. The taxonomy of slavery produced in the colonial archive included two forms – domestic and agrarian making the difference between ‘inner’ and ‘outer’ worlds the primary difference between kinds of unfreedom. This made perceived contribution to land revenue the primary difference between kinds of labor. This is not a distinction that can be found in the literary archive. The exercise of mapping attributes of slavery and freedom from these texts is in itself an abolitionist project – since the dichotomy of slave and free was imposed over a caste-based ‘continuum of subservience’ in the runup to abolition. Yet, an irrevocably modern project may shed light on historical attitudes.

Abolition demonstrated that the colonial archive shared a definition of agrarian slavery with the literary archive, that native and colonial elites were in agreement over the

⁵⁶ Veena Das, *Structure and Cognition: Aspects of Hindu Caste and Ritual*, 2nd ed. (Delhi: Oxford University Press, 1982), 4.

⁵⁷ Dirks uses the colonial category of inam to document shifts in land revenue structures in princely India, though he is critical of colonial categories.

‘unspeakability’ of slavery, besides their shared reluctance to abolish it. If the absence of agentive mobility is to be the defining feature of unfreedom, then the agrarian slavery that ‘untouchable’ castes are subject to can indeed be called “slave” as the colonial archive chooses to do. However, the vocabulary of land tenures, recorded by Graeme, further indicates that the word for slave represented a relationship of subordination rather than exclusively an identity. Land rented out by an upper-caste landlord to a lower-caste vassal is called *aḍima parambu*.⁵⁸ This further suggests that caste difference is encoded in this word that is used for “slave.” While the literary archive shows that the slave was assigned the space between human and non-human in elite texts, categories like *aḍima jenm* point to slavery or subordination as a relation rather than an identity. This suggests a reason for the difficulty in abolishing the practice. It resonates with the colonial archive that insists that a certain form of agrarian bondage had existed ‘from time immemorial’ – a phrase that indicates that respect for customary law was behind the reluctance to abolish the practice.

In the Atlantic example, the slave was denied history by forcible removal from natal societies. Here, the slave remained embedded within a social setting that denied her history, becoming visible only in the moment of the abolition of slavery. Through this denial of agency, the slave in these Tamil and Malayalam texts is reduced to a curiously static laboring husk – an assigned status that is challenged in lower-caste rituals and texts. In the encounter of these two agentive historical narratives, that of a civilizing Europe moving forward through historical time and of an imperial Brahminical mythos (where Brahmins can move across space that they are entitled to by divine right) the passive slave remains a mute, ahistorical object. Immobility, or the

⁵⁸ H. S. Graeme, *Graeme’s Report on the Revenue Administration of Malabar, 1822*, 467.

lack of freedom to leave, and caste status are named as formative elements only in the attempt to locate these forms within a global taxonomy of slavery and freedom, a taxonomy produced by Abolitionist mobilizations.⁵⁹ The move to abolish slavery (which produced comparisons between South Asian and Caribbean forms of slavery), therefore, produced a taxonomy that rendered agrarian slavery visible.

⁵⁹ The question of slavery is modern only in the Atlantic context. Kopytoff finds that cultural anthropologists do not study slavery much because of the view that slavery is 'an ancient remnant,' something that society 'evolves' its way out of. (Igor Kopytoff, "Slavery," *Annual Review of Anthropology* 11 (January 1, 1982): 209) Most anthropologists in his survey of the literature recognized that slavery has many variations and gradations in that it could include property ownership among slaves, it had many uses besides labor, and that slaves could be 'wives, artisans, warriors, clerks.'(210)

Chapter 2: Transplanting Abolition: Defining Slavery across the East and West Indies

South Indian agrarian slavery can only be grasped through the moment of abolition. It was in the early nineteenth century, through abolitionism and revenue assessment exercises, that unfree labor in South Asia received attention as a separate social relation. As discussed in the previous chapter, earlier texts all located such relations as integral to a hierarchy or as a naturalized feature of the landscape. In the revenue assessment reports produced by British bureaucrats in southern India, however, slavery is singled out as a phenomenon in its own right, as one to be understood separately in order to better assess taxes or to improve productivity. Looking back from the moment of abolition, then, the previous chapter sought to reconstruct a history that is already compromised and marked by abolitionist documentation. The earlier chapter described local concepts of labor, drawing on the corpus of pre-colonial literature that is widely cited in the colonial archive. Abolition in this colonial archive is not only an activist movement toward abolishing slavery but also a sensibility, a conviction that wage labor is the superior, more efficient form - a conviction that informs much of the debates around the theme. If the previous chapter sought to understand existing concepts of slavery and labor, this one focuses on the way that slavery is described within the colonial archive. Here, I show the manner in which the South Indian *adima* was named as slave – based on the caste status, the absence of wages and the chattel status of the enslaved – before considering the intertwined lives of abolition in the Atlantic world and the rest of the British Empire. I argue that slavery was defined both by regional attributes such as caste and by imperial comparisons of forms of enslavement across the East and West Indies. This comparison, most elaborately instantiated in the writing of Francis Buchanan, was central to the naming and abolition of slavery in the South Asian region.

Showing how such comparisons animated abolitionist mobilizations as well, I conclude by outlining the limited freedom enabled by law for the population of South Indian agrarian slaves.

By 1801, the borders of Madras Presidency, the southern Indian colonial administrative unit that encircled the native-ruled states of Pudukottai, Cochin and Travancore, had attained the form they would keep for much of the nineteenth century. The Presidency took shape through conflict and debates over revenue collection in this time, debates that grew increasingly thick with classificatory detail after the Zamindari settlement of 1799 was found to be unprofitable. In other words, debates over revenue were crucial to an increased and deepened knowledge of the region. The widespread adoption of *ryotwari* as a system of taxation in the region, where peasants paid taxes directly, rather than through the middlemen of the *zamindari* form of taxation, further produced more intimate knowledge of the region's cultivation practices.¹

Documenting labor practices for tax assessment exercises in southern colonial India, British East India Company(EIC) bureaucrats produced descriptions of agrarian slavery to account for the costs of cultivation. Knowing slavery and knowing the land were, in this manner, central to the EIC remaking itself as a state. Such documentation took multiple forms: that of the travelogue assessing the land for its ability to produce money, as in the case of Francis Buchanan;² a treatise on land rights in the case of Ellis;³ and correspondence with the Board of Control to protect the rights of the landlord in the instance of J. Vaughan.

¹ An estimated 35 percent of the Presidency remained under zamindari in 1829-39. Well over a million acres remained under zamindari in the districts of Madura, Salem and Arcot in 1900. Kumar, *Land and Caste in South India*, 11.

² Buchanan, *A Journey from Madras through the Countries of Mysore, Canara and Malabar*.

³ Charles Philip Brown, ed., *Three Treatises on Mīrāsī Right: by ... F. W. Ellis ... Lieutenant Colonel Blackburne ... Sir T. Munro ... With the remarks made by the ... Court of Directors, 1822 and 1824. Edited by C. P. Brown.* (Madras: D.P.L.C. Connor, at the Christian Knowledge Society's Press, Church Street, Vepery, 1852).

Such writers largely concurred that agrarian slaves were predominantly used to cultivate rice and were drawn from the Pariah⁴ and Pulaya castes in Tamil and Malayalam-speaking regions. These slaves, it was reported, were deemed ‘enslavable’ because of their caste status, were considered tied to the land, and were most commonly bought and sold along with the land, though they could be sold and mortgaged individually as well. In other words, the land and the slaves that worked it were customarily treated as one unit during sale or rent. The enslaved were estimated to form 13 per cent of the population in the Malabar region, or from between less than 5 to as high as 20 per cent in some of the Tamil districts, in censuses and Collectors’ reports from the nineteenth century.⁵ Charles Hyde, for instance, who had been Collector in the South Arcot, Chingleput and Vizagapatam districts, testified to the committee on March 12, 1830, that the Tamil district of South Arcot, with a population of 450,000, had about 20,000 agricultural slaves when he was working in the region.⁶ Besides being liable to sale, the enslaved were also marked as different by housing segregation, minimal clothing and housing, and a lower allowance of paddy as compared to waged laborers. A.D. Campbell, revenue collector of Tanjore district from 1827 to 1828, noted that slaves’ duties were “confined to the rice or irrigated lands,” with work extending from “about sunrise to sunset, with the intermission of a couple of hours for their meal during the middle of the day.”⁷ According to Company records and the limited scholarship on the theme, agricultural slavery, or this mode of extracting agricultural labor from the ‘untouchable’ Pulaya, Pariah and Pallar castes, was found in Tamil and

⁴ The name of this particular caste, the Pariah, has now been absorbed into the English language as synonymous with outcaste.

⁵ Kumar, *Land and Caste in South India*.

⁶ *Ibid.*, 112.

⁷ A.D. Campbell, in Appendix I. *Report of Select Committee of the House of Commons*, 16th August 1832, 455.

Malayalam-speaking regions of southern India across the eighteenth and early nineteenth centuries.⁸ In a gendered division of labor still visible in contemporary practices of cultivation, men sowed the seed and tilled the land and women transplanted seedlings and threshed the rice crop. The value of the enslaved was, likewise, differentiated by gender, with women and child slaves valued lower than men. The caste status and poverty of the enslaved, added to the fact that most of them were transferred hereditarily, was considered necessary grounds for enslavement in local practice and, from the late eighteenth century till the middle of the nineteenth, in British judicial practice as well.

Slavery as caste practice

Though archival records from the colonial judiciary, revenue department and general correspondence on slavery are plentiful, scholarship on slavery in nineteenth century India is sparse. The ‘occlusion of slavery,’ Indrani Chatterjee writes, “has perhaps nowhere been so complete as in the writing of South Asian history, where slavery has been displaced from narratives of power and state-building onto the interstices of social and economic history like that of *jajmani*.”⁹ The system of *jajmani*, which consisted of the performance of an interlocking set of obligations in exchange for grain, can be differentiated from agrarian slavery. Existing scholarship is near unanimous in declaring caste status a necessary - but not sufficient – condition for enslavement in relations of agrarian slavery in southern colonial India. Colonial scholarship on caste enjoyed a broad consensus that caste was a hierarchy of endogamous social

⁸ Benedicte Hjejle, “Slavery and Agricultural Bondage in South India in the Nineteenth Century,” *Scandinavian Economic History Review* 15, no. 1–2 (January 1, 1967): 71–126.

⁹ Indrani Chatterjee, *Gender, Slavery and Law in Colonial India*, (Oxford University Press: New Delhi, 1999), 1. The volume Chatterjee edited with Richard Eaton, *Slavery and South Asian History* (Indiana University Press: Bloomington, 2006), describes forms of slavery across time and space in south Asia, with several essays on war captives.

groups, with some arguing that these groups are associated with certain professions.¹⁰ Some argued that the religious belief that higher castes were purer and liable to be polluted by contact with lower castes underlay the practices of untouchability, unseeability and unhearability that specific Dalit or ‘untouchable’ castes were subject to.¹¹ While recent scholarship has questioned

¹⁰ John Collinson Nesfield, then the Inspector of Schools, Oudh, wrote the *Brief View of the caste system of North-Western Provinces and Oudh* in 1885 to ‘describe in general terms the occupation, both past and present, for which each tribe and caste is distinguished’. The 1882 census, he said, had been intended to enumerate ‘the castes and occupations’. Castes are listed under such titles as ‘artizan castes’ (*sic*), ‘trading castes’ and ‘priestly castes’. While the understanding of caste as occupation does shift the emphasis to practice instead of privileging texts, the range of work that members of specific castes engage in was much wider than the understandings of caste that scholars such as Nesfield held would permit.

Later, Ibbetson’s work laid the foundation for the structural-functionalist anthropological understanding of caste. As a British administrator and author in colonial India, his work included *Outlines of Panjab Ethnography* (1883), *The Religion of the Panjab* (1883), and *Panjab Castes* (1916). The understandings of caste as occupation and function may seem to invoke the same categories, but reflected different worldviews. The understanding of caste as occupation tended to assume that caste is a heredity-based division of labor while the understanding of caste as function assumed that castes had specific roles to play to enable a society’s existence and that these roles were all indispensable.

Contemporary scholarship is beginning to tease apart such understandings of caste. Ramnarayan Rawat challenges the conflation of caste with occupation in *Reconsidering Untouchability: Chamars and Dalit History in North India* (Bloomington: Indiana University Press, 2011), writing that “in the face of contradictory archival evidence, the salience of occupational stereotypes, not only for Chamars but also for other caste groups similarly regarded as ‘untouchable’, is puzzling and needs to be explained” (p 5) and arguing that it was “the colonial and nationalist discursive practices that transformed the caste Hindu textual understanding of Chamars as leather workers into a social and administrative category in the nineteenth and twentieth centuries” (p 11). Caste in Rawat’s telling of history is not immutable identity but is social practice, constantly contested, reworked and challenged.

¹¹ Scholars have grappled with the hierarchical and relational nature of caste and attempted to give it coherence by focusing on purity and pollution and the ranking of occupation. Dumont argued in *Homo Hierarchicus* (1970) that caste is underpinned by the idea of hierarchy and that a caste’s location in this hierarchy was determined by the purity of the caste in relation to the Brahmin. How this purity may be determined has remained a thorny issue for anthropologists. Various authors have suggested that Sanskrit texts or the nature of occupations castes were involved in as ways of assigning polluting status to specific castes.

whether the colonial archive served to systematize caste more than previously,¹² the principles of hierarchy and endogamy have widely been accepted as defining the system. Drawing on colonial and pre-colonial sources, K.K. Kusuman,¹³ Adoor K.K. Ramachandran Nair¹⁴ and S. Manickam¹⁵ have described the practice of slavery in southern India across different periods including the nineteenth century. Of the records they have compiled, all those describing enslaved individuals from at least the sixteenth century onward name such individuals as belonging to ‘untouchable’ castes. While such caste status did not automatically label individuals as enslaved, they find it to be a necessary marker of subordination. Caste status, therefore, helped reaffirm the servile status of the slave. Lionel Caplan writes, “Although no ritual logic demanded it, virtually all agrestic slaves in South India, the Bengal Presidency and regions like Kumaon were drawn from the impure castes...Indeed, the distinction between agrestic slaves and untouchables was occasionally lost even to the most astute outsiders.”¹⁶ Rustom Banaji draws primarily upon the colonial archive to describe slavery in the Bombay, Calcutta and Madras Presidencies. He finds that, “[t]here is little doubt that caste tyranny was largely responsible for the spread of slavery. ... Hindu Law was one of the most prolific sources of slavery; for it legalised the principle of slavery of descent by birth.” He proceeds to list the fifteen kinds of slaves recognized in Hindu law.¹⁷ Banaji concludes, therefore, that the codification of Hindu

¹² Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, N.J: Princeton University Press, 2001).

¹³ K.K. Kusuman, *Slavery in Travancore*, (Kerala Historical Society: Trivandrum, 1973).

¹⁴ Adoor K.K. Ramachandran Nair, *Slavery in Kerala* (Delhi: Mittal Publications, 1986).

¹⁵ S. Manickam, *Slavery in the Tamil Country: A Historical Overview*, (The Christian Literature Society: Madras, 1982).

¹⁶ Lionel Caplan, “Power and Status in South Asian Slavery” in *Asian and African Systems of Slavery*, ed. by James L. Watson, (University of California Press: Berkeley and Los Angeles, 1980) p 186.

¹⁷ Dady Rustomji Banaji, *Slavery in British India* (Bombay: D. B. Taraporevala & Sons, 1933), 41.

Law helped sustain systems of enslavement that had hitherto only been customary. The scant scholarship on slavery in south Asia then is insistent on the link between slavery and low caste status in nineteenth century India and reiterates that most slaves of the time were from the ‘untouchable’ castes.

Slavery as the absence of waged labor

Since caste by itself was insufficient to mark one as enslaved, observers describing agrarian slavery pointed to the other markers that painted individuals as slaves. The enslaved nature of the caste groups that included those called Cherumar, Polear and Parriar in the British bureaucratic record¹⁸ and correspondence was usually demonstrated by the wages they received for their labor, rather than their caste identity. In the view of observers, a reduced portion of grain was its most obvious marker – given that both the ‘free’ and ‘slave’ laborer was paid in grain. H.S. Graeme was deputed by the East India Company to investigate revenue administration in the Malabar region,¹⁹ producing a report which eventually led to the reorganization of the revenue collection in the region. He noted that wages for enslaved laborers in 1822 varied by gender and district and ranged from 1.5 to 1.75 seers²⁰ of paddy for men and from 1 to 1.25 seers for women. The young and the infirm may have received half the allowance of the adult and able-bodied, according to Graeme's Report on Malabar, dated January 14, 1822.²¹ In comparison, “the

¹⁸ ‘Polear’ and ‘Parriar’ are spelt as Pulayar or Pulaya and Parayar or Pariah in contemporary usage. The word ‘Cherumar’ was also used to refer to the Pulayar..

¹⁹ *The Asiatic Journal and Monthly Register for British India and its Dependencies containing Vol. VI, June to December 1818* (Printed for Black, Kingsbury, Parbury & Allen, Booksellers to the Honourable East India Company: London, 1818), 537.

²⁰ The seer is defined as 0.93310 kilogram in the First Schedule of the Standards of Weights and Measures Act (No. 89 of 1956, amended in 1960 and 1964), India.

²¹ Banaji, *Slavery in British India*. He cites the Parliamentary Papers, 1828, (Judicial), para 55, p. 922.

freeman was much better off than the slave. His allowances exceeded that of the slave by one-third. Moreover his hours of work were considerably less, for he laboured from morning till evening with no other food to sustain him in the burning heat of the sun but his morning cunjee and evening meal.”²² In Graeme’s observations, then, the enslaved were marked as different by their lower allowance of paddy and longer hours of work.

Slavery as chattel status

Besides the lower recompense they received, as the property of their masters, slaves could be subjected to compulsory labor and horrific physical punishment. T.H. Baber, who had worked several years in the Company's employ in revenue collection and in the judiciary,²³ told the Committee drawing up a report on the EIC that the price of a slave ranged from five to twenty rupees in Malabar. Slaves were the “absolute property as much as the cattle upon a man's estate.”

They are bought and sold in the same way. A slave generally sells from five rupees to about twenty or about ten shillings to forty shillings. When leased out the usual patom or rent is four fanams which is about two shillings a year. I could give a list of the several castes comprising the whole of the slave population. There are upwards of 100,000 of them in Malabar alone and they are in that abject degraded state that it is matter of astonishment that no legislative provisions have been enacted to improve their condition...²⁴

²² Ibid., 94.

²³ Baber said he had worked in the employ of the Company “[o]n the western coast principally in the Malabar province. From 1798 to 1808...in the revenue department...from 1808 to 1816 in the capacity of Zillah Judge, first of the Zillah Court of Tellicherry and afterwards of Mangalore; from 1816 to 1824 as third Judge of the Provincial Court of Circuit and Appeal in the western division; from 1824 to 1827 as Principal Collector and Political Agent of the southern Mahratta country and from 1827 to 1828 January 30 as Chief Judge of the Provincial Court of Circuit and Appeal in the western division.” Source: *Minutes of Evidence taken before the select Committee of the House of Lords appointed to inquire into the present state of the affairs of the East India Company : And into the trade between Great Britain, the East Indies and China* (Great Britain: House of Lords, 1830), 387.

²⁴ *Report from the select Committee of the House of Lords appointed to inquire into the present state of the affairs of the East India Company : And into the trade between Great Britain, the East Indies and China; with the minutes of evidence taken before the committee* (Great Britain:

For Baber, the fact that the enslaved were brought and sold 'like cattle' is the most disturbing aspect of the system, leading him to suggest legislative measures to counter it. Francis Buchanan, a doctor in the Company's employ is discussed at some length later in this chapter. His account of the manner in which slaves' labor could be bought and sold in the Malabar region likewise includes outright sale, mortgage and rent.²⁵ Buchanan notes that money and rice can change hands to affirm the ongoing or temporary ownership of a slave's labor, rendering the owner liable for the welfare of the slave.

This does not appear to have hindered the infliction of physical chastisement. Several slaves were reported to bear the marks of flogging. They rarely took refuge in the law, since their subsistence depended entirely on their masters.²⁶ The regions whose social practices are described - Wynad and Calicut - lay in the northwestern parts of the Madras Presidency and were administered by the British. The Malayalam-speaking region of Cochin and the Malayalam and Tamil-speaking region of Travancore were governed by rulers who paid a significant portion of their revenue to the British. Surveys of assistant judges and collectors, besides interviews with Hindu and Muslim residents and experts in their respective traditions of regional law, were collected in the report that included the following description of the slaves' duties by A.D. Campbell, who served as revenue collector of Tanjore district on the other side of the peninsula from 1827 to 1828. He notes that their work is inspected by an accountant and that their work proceeds all week with exemptions only on major festivals:

House of Lords, 1830), 210. The Committee drew up this report on the finances of the East India Company to present to Parliament. It was seeking to understand revenue collection (most of which was land revenue) and to identify the potential ways to reduce administrative expenses.

²⁵ Buchanan, *A Journey from Madras through the Countries of Mysore, Canara and Malabar*, 370–71.

²⁶ Banaji, *Slavery in British India*, 88.

The agrestic slaves work in bodies together, the village accountant registering the work executed by them, which he inspects; but they are not personally superintended by any one, nor placed under any driver; they generally work from about sunrise to sunset, with the intermission of a couple of hours for their meal during the middle of the day. They are not exempted from work on any particular day of the week but obtain holidays on all the great native festivals; such as those fixed for consecrating implements, the new year, and other great days. No particular task-work is assigned to them daily, it is sufficient that the slaves of each master execute the work necessary for the cultivation and irrigation of his lands.²⁷

Campbell, then, finds a form of slavery in his district that does not include flogging, and some flexibility in the laborer's method of choice in working the land, but is nevertheless arduous work.

Abolition in Britain

Within the southern Indian region, then, slavery was associated with caste and chattel status and liability to sale. Within Western conception of slavery in the nineteenth century, though, slavery had become a racial category, newly entwined with liberal formulations for individual freedoms. For those involved in mobilizing public opinion in England against the practice of slavery in the Americas, freeing the enslaved populations of African origin and abolishing the trans-Atlantic slave trade remained the focus of the anti-slavery movement. The call for abolishing the slave trade became a rallying cry in England towards the end of the eighteenth century. Strategies adopted by the abolitionists included the boycott of food produced by slave labor,²⁸ lobbying in

²⁷ A.D. Campbell, in Appendix I. Report of Select Committee of the House of Commons, 16th August 1832, 455.

²⁸ Of particular interest is the role of women in boycott activity. See Julie Lynn Holcomb, *"There is death in the pot": Women, Consumption, and Free Produce in the Transatlantic World, 1791-1848*. Diss. University of Texas at Arlington, 2010. "Rather than political economy, abstainers urged Britons and Americans alike to create a moral economy, which privileged humanity and justice over financial profit." she writes (p 10).

Parliament, and disseminating information about the terrible living and working conditions that slaves endured.

Besides eventually paving the way for abolition in British India, the debates around slavery in England were also entangled with prescriptions for the well-being of emergent industries and the form of labor these industries required. Demands for efficiency and productivity began to be expressed through the demand for free labor. For much of the eighteenth century, slavery had been upheld as good business practice by royals, bankers and the Church in England. Anti-slavery proponents who held Utilitarian or Libertarian beliefs often framed arguments against slavery around a concern for the welfare and profits of the capitalist producer rather than humanitarian concern for the well-being of the enslaved. As wage labor became the dominant form of labor in the England, free labor, as opposed to enslaved or coerced, was believed to be essential for capitalist production. Abolitionist views, then, were articulated through many belief-systems, including Christianity, humanitarian concern and Libertarian beliefs in the individual's right to liberty and property.²⁹ Libertarian abolitionists did not share Marx's belief that "[t]he veiled slavery of wage labour needed the unqualified slavery of the New World as its pedestal," that these forms of labor were dependent on each other.³⁰ Instances of colonial brutality, such as the mass murder and sale into slavery of the Javanese by the Dutch and the famine created in India by the East India Company's monopolistic practices, gave the lie to their claim of conducting peaceful commerce in the colonies, he wrote. As colonial plunder

²⁹ For an overview of these debates, see Thomas Bender, ed. *The Anti-Slavery Debate: Capitalism and Abolitionism as a problem in historical interpretation* (University of California Press: Berkeley, 1992).

³⁰ Karl Marx, *Capital: A Critique of Political Economy, Volume One*, trans. Ben Fowkes (Penguin Books in association with New Left Review: London, 1990). Chapters 30-31. The first volume of *Capital* was first published in 1867.

became capital, the system served as a forcing-house for the credit system, creating national debt and the international credit system, Marx argued, while showing that the rise to dominance of the form of wage labor was the outcome of global economic transformations.³¹ While abolition is celebrated in some historiography as an altruistic, humanitarian movement, other scholars also hold structural changes responsible for the new legislation and its enforcement. Eric Williams argued that economic motives, specifically the overproduction of commodities, animated the move to abolish the trade in slaves in 1807.³² Christopher Brown finds that abolitionist mobilizing and the debates over slavery in the American colonies built ‘moral capital’ in England and that abolition itself was used to underscore the British right to remain a colonizing power.³³

Abolition in the colonies

The boundaries between indigenous and colonial systems of slavery were porous in the early modern period, and indigenous systems of slavery interacted with European slaving through colonial rule in the eighteenth century. Slaves find mention in the Dutch compilation of laws for Tamils, referred to as Malabars, in Ceylon, dated to 1707. Based on consultations with Mudaliar landowners, the compilation sought to codify customary law into textual authority. It includes slaves in the list of property that may be given or owned as dowry. It indicates that the children

³¹ Ibid., 916-925.

³² Eric Williams, *Capitalism and Slavery*, (University of North Carolina Press: Chapel Hill, 1994). First published in 1944. Williams was a black Trinidadian who wrote a doctoral dissertation at Oxford and taught at the historically black Howard University in the United States before becoming Prime Minister of Trinidad and Tobago

³³ Christopher Leslie Brown, *Moral Capital : Foundations of British Abolitionism*, (Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press: Chapel Hill, 2006).

of slave women were considered slaves, documents the terms on which slaves may be mortgaged with the land, and indicates that Christian members of the landed castes also owned slaves - who could be emancipated with three announcements to this effect on successive Sundays at the church they attended.³⁴ Slaves were also sold across, and imported into, South Asia in this time. Richard Allen finds that European slavers knew the southern Indian region and that British attention was drawn to Malabar, Tanjore and Tinnevely since they were slave trading centers.³⁵ Though the East African slave trade was minuscule in comparison to the trans-Atlantic trade, an estimated million slaves were imported from Arab and African countries³⁶ and were sold in Bombay, Calcutta and to princely states such as Travancore and Kochi through the nineteenth century.³⁷ Native and colonial elites, then, interacted in the codification of enslavement through legal codes and through the trade in slaves before and during the nineteenth century.

The trans-regional apparatus of Empire then took the ideas of abolition across colonies, protectorates and native-ruled states that were beholden to the British Empire in terms of trade, diplomacy and internal affairs. As we have seen earlier, it was most commonly in relation to revenue that the East India Company's reports recorded slavery. While individual district revenue collectors such as J. Vaughan did express concern about the physical punishments that slavery

³⁴ Claas Isaakszoon, and Henry Francis Mutukisna, *The Tésawalamai; Or the Laws and Customs of the Malabars of Jaffna: Promulgated by the Dutch Government of Ceylon in the Year 1707, and Referred to in the Government Regulation No. 18 of December 9, 1806 ...* (Ceylon: G.J.A. Skeen, Government printer, 1891), 12, 17–18.

³⁵ Richard Allen, 'European Slave Trading, Abolitionism, and "New Systems of Slavery" in the Indian Ocean,' *PORTAL Journal of Multidisciplinary International Studies* 9, no. 1 (2012) 5-6.

³⁶ William Gervase Clarence-Smith, "The Economics of the Indian Ocean and Red Sea Slave Trades in the 19th Century: An Overview," in *The Economics of the Indian Ocean Slave Trade in the Nineteenth Century*, ed. William Gervase Clarence-Smith (London; Totowa, NJ: Frank Cass & Co. Ltd., 1989) 1. He later notes that Gujarati capital funded a significant portion of the trade in African slaves from Somalia to Madagascar.

³⁷ Banaji, *Slavery in British India*, 3, 7.

permitted, the practice of slavery was usually recorded in attempts to reform or understand existing systems of revenue administration. Meanwhile, the East India Company administration delayed the introduction of abolitionist legislation principally because of the concern about what abolition would do to revenue collection. Several Company administrators were also abolitionists who argued for abolishing slavery in the colony, but vacillated at the thought of how it would affect their revenue and, in the case of Charles Grant, participated actively in abolitionist mobilizing in England.³⁸ The East India Company, citing humanitarian reasons, issued a proclamation against the export of slaves from Madras Presidency in 1790.³⁹ Imperial Britain abolished trading in slaves in 1807.

From Ceylon, a British crown colony that lay adjacent to the Madras Presidency, Chief Justice Alexander Johnston reported that he converted jurymen to the cause of abolition, after creating the judicial apparatus for trial by native juries. He convinced jurymen that they would not be able to judge cases relating to slaves impartially, when they themselves were slave-owners. In his telling, his reasoning with slave-owning jury members to abandon the practice was so effective that *all* slave-owners in Ceylon volunteered to set free the children of slaves they owned.⁴⁰ While Johnston's letter suggests that anti-slavery legislation was imminent at least in parts of South Asia, it took a few more decades for the law to be passed.

³⁸ Andrea Major, *Slavery, Abolitionism and Empire in India, 1772-1843* (Liverpool University Press: Liverpool, 2012), 3. Charles Grant and Thomas Babington Macaulay sponsored the clause in the renewal of the East India Company's Charter (the royal grant permitting the joint stock company to trade with and rule India) withdrawing judicial support to slavery in colonial India.

³⁹ *Ibid.*, 53. The trade in slaves was abolished from various Presidencies in different years late in the eighteenth century.

⁴⁰ Sir Alexander Johnston, "Introduction of Trial by Jury, and Abolition of Slavery" in *The Oriental Herald and Journal of General Literature*, Vol. 16, ed. James Silk Buckingham (London, 1828). This letter sent by Alexander Johnston to Wynn, President of the Board of Control, is also said to have been published in the *Calcutta Chronicle* run by Ram Mohan Roy.

Colonial law overflowed administrative limits by influencing laws in native-ruled regions within British India. In the princely state of Travancore, the queen, Rani Lakshmi Bai, issued a proclamation in 1812 C.E. which declared that agricultural slavery, in which the labor of lower caste individuals was bought and sold with the land, was 'a natural custom.' However, she abolished buying and selling people separate from the land along with the newer practice of making a profit out of slave-dealing.⁴¹ There is no archival evidence of landlords being subject to punishment and it remains questionable if the proclamation significantly changed the practice of agrarian slavery in the region. However, it allows a glimpse of social practice and attitudes towards changing customs, showing that the state of Travancore found slave trading to be an abhorrent innovation that had to be viewed separately from agrarian slavery. (I will discuss this history at length in Chapter 4.) Like the authors of the colonial legislation against trading in slaves, the queen of Travancore, too, stopped short of declaring slave ownership to be a crime. The movement of colonial law into Travancore, it must be noted, does not occur under neutral conditions. Guha reads translations of indigenous texts into colonial registers as signs of violence, where 'translation follows conquest as an instrument of violence rather than exchange in conditions of political neutrality.'⁴² The manner in which an equivalence was produced between South Indian and Caribbean forms of enslavement is itself, in this reading, an act of violence.

Slavery as equivalent across the East and West Indies

⁴¹ Nair, *Slavery in Kerala*, 147.

⁴² Ranajit. Guha, *History at the Limit of World-History*, Italian Academy Lectures (New York: Columbia University Press, 2002), 51.

Abolition, therefore, forced an equivalence between Caribbean and other forms of enslavement. This forced equivalence of global and local categories of slavery is most visible in the writing of those familiar with various forms of enslavement. Through their writing, the social forms and commodities of caste-based agrarian production were rendered legible to global audiences and markets. The Company's early nineteenth-century reports on revenue and law were among the first sites where caste-based labor practices were translated into a global idiom of slavery and freedom - a translation intended to enable revenue assessment exercises. The writing of Francis Buchanan, a doctor in the East India Company's employ who travelled through southern India at the turn of the nineteenth century, is an exemplar of this genre. Buchanan prepared a report of agriculture and industry, in the course of which he also described systems of enslavement in the Malabar and Canara regions. This survey was an accounting of the land, adding up potential revenue streams from agriculture and natural resources, and incidentally holding up against each other Caribbean and South Asian forms of enslavement. Buchanan conducted his survey of territories that were formerly under Tipu Sultan in southern India, including the districts of Canara and Malabar, between April 1800 and July 1801. Vicziany reads his travelog as primarily intended to vindicate the Company's conquest of Mysore, and concludes that his interest in pursuing botany rather than being a doctor made him seek out opportunities to prove his worth as a botanist.⁴³ Finally published in 1807 in three volumes, this report that runs over 1500 pages includes detailed descriptions of natural resources and labor practices. These sections were to remain hugely influential. Since he was cited widely by revenue collectors in the region,⁴⁴ his

⁴³ Marika Vicziany, "Imperialism, Botany and Statistics in Early Nineteenth-Century India: The Surveys of Francis Buchanan (1762-1829)," *Modern Asian Studies* 20, no. 4 (1986): 627, 635.

⁴⁴ He is cited repeatedly, alongside revenue collectors' reports, for instance, in Auckland, J. Nicols, W.W. Bird, Wm. Casement, H.T. Prinsep and A. Amos, "Slavery (East Indies) Report

survey became significant for discussions of slavery in South Asia. Buchanan's documentation of slavery reflects his attitudes towards the institution a few years before the trade was to be banned in the British Empire. Remaining attentive to the comparisons he makes would therefore serve to illuminate how regional artefacts formed the colonial archive and how empire translated regional social practices into a mutually intelligible idiom at a global level.

Buchanan is also frequently cited in current scholarship for his contribution to botany, in addition to his detailed descriptions of social life in Bengal and Mysore.⁴⁵ Vicziany notes the unreliability of his census information - which is based on guesstimates - in the Bengal survey, finding his information on social life, especially artisan life, 'irritatingly incomplete.'⁴⁶ Sivaramkrishnan agrees with Vicziany's call to cross-check data provided by Buchanan but still finds his information on wages useful enough to arrive at the conclusion that laborers received a fairly generous grain wage, allowing them ample calorific content in the early nineteenth century.⁴⁷ Parthasarathi arrives at a similar conclusion for weavers, citing Buchanan, as well.⁴⁸ Ravi Ahuja cites Buchanan on bonded labor⁴⁹ while noting that the 'process of separating land and labor was still underway' at the time of his survey.⁵⁰ Buchanan noted this form of servitude,

from the Indian Law Commissioners" (Fort William: Legislative Dept, No. 3 of 1841, February 8, 1841).

⁴⁵ Vicziany, "Imperialism, Botany and Statistics in Early Nineteenth-Century India," 625-60; Ray Desmond, *The European Discovery of the Indian Flora* (Oxford: Oxford University Press/Royal Botanic Gardens, 1992).

⁴⁶ Ibid., 651, 659.

⁴⁷ Sashi Sivramkrishna, "Ascertaining Living Standards in Erstwhile Mysore, Southern India, from Francis Buchanan's Journey of 1800-01: An Empirical Contribution to the Great Divergence Debate," *Journal of the Economic and Social History of the Orient* 52, no. 4/5 (2009): 695-733.

⁴⁸ Prasanna Parthasarathi, "Rethinking Wages and Competitiveness in the Eighteenth Century: Britain and South India," *Past & Present*, no. 158 (1998): 86.

⁴⁹ Ravi Ahuja, "Labour Relations in an Early Colonial Context: Madras, c. 1750-1800," *Modern Asian Studies* 36, no. 4 (2002): 809.

⁵⁰ Ibid., 799.

linking labor and the land, elsewhere in the subcontinent, most notably in Bengal. Dhar concludes that labor was more expensive in the West Indies based on a calculation of wages of Bengali hired labor, concurring with Buchanan's assessment of Caribbean slavery as expensive.⁵¹ Buchanan's descriptions of social relations, too, are used to provide social history, more often for Bengal than the Madras Presidency, as in Ludden's study of Sylhet⁵² or in Michael's account of revenue surveys in the North West Frontier Province and Bengal.⁵³ Describing how India was constructed as a tropical country (despite the Tropic of Cancer slicing across the subcontinent), David Arnold cites Buchanan's speculation on the cause of malaria as an instance of how indigenous claims were often dismissed.⁵⁴ Scholars have, therefore, drawn widely from Buchanan's empirical data regarding social and natural forms. However, his attitudes towards the people and land he surveyed are less commonly studied, with some notable exceptions like Arnold.

To return to his survey of Malabar, Buchanan notes that slaves were drawn from the untouchable castes, were given inadequate quantities of rice, and could be sold or hired out by customary law in the Malabar and Canara regions. He writes of the slaves of Malabar:

The master is considered bound to give the slave a certain allowance of provisions: a man or woman, while capable of labour, receives two Edangallies of rice in the husk weekly, or two-sevenths of the allowance that I consider as reasonable for personal of all ages included. Children, and old persons past labour, get one half only of this pittance; and no allowance whatever is made for infants. This would be totally inadequate to support them; but the slaves on each estate get one-twenty-first part of the gross produce of the

⁵¹ Hiranmay Dhar, "Agricultural Servitude in Bengal Presidency around 1800," *Economic and Political Weekly* 8, no. 30 (1973): 1349–57.

⁵² David Ludden, "Investing in Nature around Sylhet: An Excursion into Geographical History," *Economic and Political Weekly* 38, no. 48 (2003): 5082.

⁵³ Bernardo A. Michael, "Making Territory Visible: The Revenue Surveys of Colonial South Asia," *Imago Mundi* 59, no. 1 (2007): 83.

⁵⁴ David Arnold, *The Tropics and the Traveling Gaze: India, Landscape, and Science, 1800-1856* (Seattle and London: University of Washington Press, 2006), 49.

rice, in order to encourage them to care and industry. A male slave annually gets seven cubits of cloth, and a woman fourteen cubits. They erect for themselves small temporary huts, that are little better than large baskets. These are placed in the rice fields while the crop is on the ground, and near the stacks while it is thrashing. ...[T]he slaves are very severely treated; and their diminutive stature and squalid appearance show evidently a want of adequate nourishment. There can be no comparison between their condition and that of the slaves in the West India islands, except that in Malabar there are a sufficient number of females, who are allowed to marry any person of the same cast with themselves, and whose labour is always exacted by their husband's master.

Slaves in the West Indies appeared healthier to Buchanan than the slaves of Malabar.⁵⁵

He acknowledges that the gender imbalance is not so pronounced in the Malabar example, however, showing a keen awareness of the demographic makeup of these different populations. Despite his favorable assessment of the condition of West Indian slaves, Buchanan had earlier noted with concern that for the sugar planters “the enormous price of labour must always be a heavy drawback on them, while they continue the present system of keeping up the population by slaves imported from *Africa*.”⁵⁶ Here he contradicts arguments for the economic necessity of slavery by suggesting that the purchase of people was a larger expense than offering them wages and maintaining a population that could reproduce itself. Slavery remains, for him, an economic question, despite, and perhaps through, his humanitarian concern for the condition of the enslaved. The enslaved remain objects in this assessment, objects that may be compared and weighed against each other in terms of their utility and cost. While the first assessment of West Indian slaves as healthier may have been an instance of a Scotsman congratulating himself on bearing allegiance to a country that treated its slaves better than slaves in other regions, it also shows the forms of cultural translations attempted within a globe-spanning empire – translations

⁵⁵ Buchanan, *A Journey from Madras through the Countries of Mysore, Canara and Malabar*, 370–71.

⁵⁶ *Ibid.*, 342.

that are marked by colonial claims to superiority but are also forging a global vocabulary for cultural forms.

These translations are further marked by liberal formulations of the day regarding the inefficiency of slave labor. Buchanan's account offers an instance of currencies and social practices 'translated' into or rendered intelligible by comparison with British currency and practices of slavery in the West Indies. His account underscores how an imperial formation established for the purpose of trade, forcibly made languages, goods, and social practices mutually intelligible, such that they might be easily translated or substituted one for another. In the fourth chapter, I propose to read the implementation of abolition in early colonial southern India as one such process of translation, using the case study of the native-ruled state of Travancore. Here, I have read the archive *with* the grain to ascertain how categories of slavery are formed and to read colonial typologies as an interface between global and local practice.

A partial freedom

Despite the Company's unwillingness to legislate against it, the practice of slavery in India attracted the attention of abolitionists after the first objective of abolishing the trans-Atlantic slave trade had been accomplished. In 1839, "British reformers established the British India Society to promote land and labor reform in India. Reforming labor practices in India, supporters believed, would provide an ethical alternative to slave-grown cotton and sugar from the United States."⁵⁷ An abolitionist group wrote to the East India Company to seek clarifications about the practice of slavery in India, pointing out that slavery was not sanctioned elsewhere in the British Empire.

⁵⁷ Holcomb, "There is death in the pot", 30.

[S]lavery not being sanctioned by any system of law which is recognized and administered by the British Government except the Mahomedan and Hindoo laws, they are desirous of being informed whether the courts would admit and enforce any claim to property possession or service of a slave except on behalf of a Mussulman or Hindoo claimant and against any other than a Mussulman or Hindoo defendant and if so on what specific law or principle the courts would ground their proceedings.⁵⁸

Abolitionist reports and mobilization thereby served as another site for comparison of South Asian and Caribbean enslavement, besides the Company's reports. There is a large corpus of letters, pamphlets and parliamentary discussions on Abolition in India. Abolitionists within the company's employ and those in England lobbied long and hard for legislation to be passed against slavery in India. Merchants trading in sugar from the East Indies sought to paint their wares as the produce of free labor unlike the slave-produced sugar from the West Indies.⁵⁹ Such debates and comparisons formed the basis on which the East India Company - hesitantly, wary of the impact such legislation could have on land revenue - began to draft laws against enslavement.

The system of law in place in British India changed gradually from that of the East India Company - which consisted of "Anglo-Hindu" and "Anglo-Mohammedan" law created in consultation with Brahmins and Maulvis who were often judges as well - to that of British India in the nineteenth century. Through the Company's documentation of legal discussions with Maulvis and Brahmin judges, native elites collaborated with the British bureaucracy to accomplish this translation of slavery across East and West Indies, drawing a line across a spectrum of caste obligations to differentiate between the enslaved and free laborer. The mythology and customary law documented in these reports may be considered another manner of

⁵⁸ Return to an Order ... Dated 22 April 1841: Copy of the Dispatch from the Governor-General of India in Council to the Court of Directors of the East India Company, Dated the 8th Day of February 1841 (House of Commons, 1841), 442.

⁵⁹ "'The Produce of the East by Free Men': Indian Sugar and Indian Slavery in British Abolitionist Debates, 1793-1833," in *Slavery, Abolitionism and Empire in India, 1772-1843*, by Andrea Major (Liverpool: Liverpool University Press, 2012).

organizing time and social worlds, as an alternative taxonomy of social relations that is always overflowing the bounds of the bureaucratic taxonomy within which it is contained. Appointed to adjudicate over native civil and criminal cases according to the laws of their religion, Hindu and Muslim judges in the Company's employ may have given legal and institutional force to practices that were earlier customary. Slaves found in paddy cultivation across the southern Indian region seem to have most commonly been those who were rendered enslaved by caste status, often inherited. A sample text on Hindu law, though, does not name untouchable castes as liable to be enslaved; it only describes the slaves as "liable to impure work."⁶⁰

The abolition of slavery in Britain, among other historical factors, eventually led to the piecemeal abolition of forced labor in the region between 1843 and 1860. Though the EIC banned the trade in slaves from and within its dominions before the British abolition of the trans-Atlantic slave trade in 1807, it was less eager to legislate against indigenous forms of slavery. Within significant portions of the Empire, then, slaves had ceased to be things that could be purchased and owned a few decades before their labor was declared free – since selling their bodies was prohibited much before it was made illegal to employ their coerced labor. Since slavery was allowed by both Hindu and Muslim laws, the EIC preferred not to interfere with the domestic and agricultural labor arrangements of the Indian elite.⁶¹

⁶⁰ Slavery (East Indies) Return to an Order of the Honourable The House of Commons, dated 15 February 1841;- for, A Continuation, to the present Time, of the PAPERS respecting SLAVERY in the *East Indies*, which were printed by the Order of this House on 31st day of July 1838 (No. 697) East India House, 5 April 1841

⁶¹ Major, *Slavery, Abolitionism and Empire in India*, 8. Other studies of the heated discussions that took place between Abolitionists and the East India Company include Nancy Gardner Cassels, "Social Legislation under the Company Raj: The Abolition of Slavery Act V 1843," *South Asia* 11 (1988), 59-87.

The EIC, through the nineteenth century, drew its primary revenue from land taxes.⁶² Its structures of administration often resembled those of the princely states from which it had taken over this collection of revenue. Arguments against abolishing slavery included the ‘milder’ nature of East Indian slavery and the difficulties abolition could cause for revenue collection in Madras presidency, especially in regions worked by slave labor.⁶³ The law that was finally passed in 1843 was not a proclamation of emancipation. It only echoed the clause in the royal grant renewing the Company's rights in India: “No rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company” (Sec II Act V 1843). This statement was followed immediately by a declaration that people could not be fined or caused to give up property simply because the property had been created or earned through slave labor. The various British protectorates abolished slavery at different times throughout the nineteenth century. The proclamations of the king of Cochin in February 1854 and March 1855 and the proclamations of the king of Travancore on 14 October, 1853, and on June 24, 1855, were the other abolition enactments in southern India.⁶⁴ Though several EIC representatives had been consistently unwilling to pass legislation against caste practices, Abolitionist pressure had played some role in encouraging them to legislate against agricultural slavery, a practice that was often enforced on the basis of caste.⁶⁵

⁶² *Statistical Atlas of India* (Superintendent of Government Printing, India: Calcutta, 1895).

⁶³ *Ibid.*, 11.

⁶⁴ Joseph Mathew, *Ideology, Protest and Social Mobility: Case Study of Mahars & Pulayars*, (Inter-India Publications: 1986, New Delhi).

⁶⁵ For instance, the East India Company considered the castes to which individuals belonged when deciding whether they could be enslaved. It was permissible to enslave *dacoits* and *pulaya* caste members in the late eighteenth century. Source: Major, *Slavery, Abolitionism and Empire in India*, pp 43, 46

The disabilities imposed by caste status, however, were not undone by legislation against slavery. I.H. Hacker, in his summary of the London Missionary Society's activity in Travancore, complained about the Company's resident in the state: "General Cullen, after long residence in Travancore, regarded it as a retreat to be preserved from the intrusive changes of the Western world. The agitation against slavery received no help from him, and he could hardly be interested because certain people wanted to wear more clothes than the climate demanded or their neighbours thought lawful. But the controversy was carried abroad. English newspapers in Madras took the matter up."⁶⁶ Cullen served from 1840 to 1860, a period in which print had just begun to flourish as a mass-medium and as useful for anti-caste political action. The people agitating to be allowed to wear 'more clothes than their neighbours thought lawful' were agitating against caste laws that decreed otherwise. Caste practice of the region or *dēśācāram*, which the Rani Lakshmi Bai called 'natural custom' in her proclamation against the trade in slaves, was not always codified as written law but was no less binding for that reason. Disputes around caste practice could be struck down by courts on the basis of custom. Indeed, royal proclamations were necessary to formally grant permission and judicial support to lower-caste communities to transgress custom.⁶⁷

Abolition represented one such dramatic transgression. Both abolitionist and pro-slavery stances mark the voluminous correspondence and reports on land revenue, which included discussions of labor practices, in nineteenth-century South Asia. Abolitionist mobilizations and

⁶⁶ I.H. Hacker, *A Hundred Years in Travancore 1806-1906: A History and Description of the work done by the London Missionary Society in Travancore, South India During the Past Century*, (H.R. Allenson: London, 1908), 46-47.

⁶⁷ For instance, Record No. 135, State Archives, Thiruvananthapuram, is a royal proclamation for the 'Removal of prohibition re: wearing of gold ornaments by Sudras, Ezhavas etc.' Dated 19-9-993 on the Malayalam calendar.

revenue assessment inquiries intersected with elite-caste worldviews to translate South Indian labor practices into a globally intelligible idiom, an intersection that initially produced elaborate justifications for and legislation governing caste-based forms of enslavement. I have argued that revenue assessment exercises, largely intended to classify the land to develop more permanent taxation scales in collaboration with elite-caste informants, developed typologies of labor and crop that contributed towards naming some forms of caste-based labor extraction as slavery. The Anglo-Hindu and Anglo-Mohammedan law codes that were in force in British India over the first half of the nineteenth century were framed in collaboration with elites just as judicial support to slavery was being withdrawn. Formerly integrated into the sacred geography of the region and veiled by silence, the institution of agricultural slavery, I have shown, became visible through the confrontation between competing legal systems, that of the East India Company promoting abolitionist legislation and those of the customary laws of caste practice, contravening which often required royal proclamations in the state of Travancore. Such laws and proclamations may have provided a vocabulary of critique to the early mobilizations against caste discrimination, even as elite caste power was reinscribed under new modes of production and trade. Graded local classifications of labor encountered absolute concepts of “slave” and “free” through these historic processes. The administration of land revenue, during which abolitionist views were often expressed, became the principal means through which the East India Company began to take the shape of an administrative, rather than a trading body, through the late-eighteenth and early-nineteenth centuries. The naming of slavery, the means by which revenue assessments were arrived at and the debates over the kinds of taxes to be levied are therefore crucial to the history of governance and state-formation in the region.

Further, the definition of slavery is found to be an imperial construct, fundamentally marked by empire in the comparisons between East and West Indies. Abolitionism was, therefore, created as much in the colonies as in the metropole - it had to be crafted through debate and discussion, rather than imported wholesale. Slavery was, therefore, malleable as a juridical object in southern colonial India well after the abolition of slavery across the British empire. As a result, the practice of slavery in the West Indies becomes, rather than a corpus of other laws, a point of reference. This rendered slavery a problem of the colony and abolitionism a metropolitan response – except that here it emerges not from popular movements but from imperial rule and its internal contradictions. Colonial slaving in the West Indies was the subject of critique in popular movements against slavery in England through the late eighteenth and early nineteenth centuries. This form, therefore, became paradigmatic or defining of slavery itself. In the public imagination and in the transfer of abolitionism to South Asia, slavery was indelibly associated with the brutal industrialized form that it took in the Atlantic world. The more personalized modes of domination then current in British India seemed to pale by comparison and were often described as ‘mild’ forms of slavery that did not merit the attention of abolitionists in reports from revenue collectors in the region. Such comparisons could have also been motivated by fears of the loss of revenue that wide-ranging laws against slavery in British India might produce. Questions forged in the crucible of imperial critique were therefore blunted by their use for colonial domination. This comparison between West Indian and South Asian forms of slavery was, thus, crucial to several arguments for and against abolishing slavery. Besides underlining the global nature of the abolitionist project in this time, this comparison also shows the influence of empire on the definition of slavery itself.

Chapter 3: Legal Memory and Legal Blindness in the Time of Slavery: Madras Presidency, 1818-1835

A shared respect for customary law among colonial and native elites delayed the abolition of slavery, even as it drew back the veil cast over the agrarian slave in southern colonial India. Customary law treats long-established custom as law while positive law is based on a code of law which is most often textualized. While my earlier chapters demonstrated the manner in which regional elite mythology marked the colonial archive and showed how that archive is further marked by comparisons between slavery in the East and West Indies, this one turns to the mutual respect for customary law that allowed for such overlap. The dominant argument about law in colonial India holds that legal memory in colonial South Asia could increasingly only be validated through texts.¹ Lata Mani's argument that printed scripture was inscribed as the basis of law through the debates around social reform is foundational to subsequent claims about the 'positivization' of social institutions such as caste. However, this argument does not account for similarities in understandings of customary law among both colonial and native elites in nineteenth-century southern India. In a manner little accounted for in scholarship on colonial India, shared understandings of customary law can be traced to British customary law's emphasis on the protection of private property. Since this similarity helped maintain revenue streams for the colonial elite in British India, it produced new definitions of slavery as an economic category in legal debates within the region while, in practice, retaining slavery's character as essential to the master's honor. The first chapter demonstrated that slavery was not primarily an economic category in the regional literary imagination, serving instead to underline and protect the

¹ The foundational text for this claim is Lata Mani, "Contentious Traditions: The Debate on Sati in Colonial India," *Cultural Critique*, no. 7 (1987): 119–56, <https://doi.org/10.2307/1354153>.

master's honor and caste. Even in the translation of slavery into a vector of profit in colonial documentation, a shared respect for customary law among colonial and regional elites ensured that abolition would be delayed for a few decades more after the Board of Revenue had decided to seek information on the practice from the districts under its jurisdiction. This respect for customary law is not respect for the free will of the people but is structured by power, overwriting the desires of the enslaved with the landlord's will. The colonial state's early respect for customary law - privileging the landlord's will over the enslaved - has not received much scholarly attention. But it is of particular interest for the history of agrarian slavery since British customary law was primarily concerned with land tenure.

During the debates on abolishing slavery, agrarian slavery began to be discussed as a phenomenon separate from land tenure. In 1818, the Board of Revenue offered an overview of the forms of agrarian labor in southern colonial India.² After noting that agrarian laborers were of the "lowest, poorest" classes, "resident in the outskirts of the village," did not own land and were dependent on their masters for food and clothing, the Board notes that most of them have "from time immemorial been in a state of acknowledged bondage."³ Seeking the opinion of revenue collectors on whether to enact legislation against the practice, the Board wrote to its representatives in the districts in 1819.⁴ The movement of slaves across the seas had been rendered illegal, long before sale and movement across land, in Madras Presidency. In 1789, the capture and export of slaves had been prohibited. In 1811, importation into India had been forbidden. Families of laborers, nevertheless, could be attached to a landholding family for

² "Tinnevely District Collectorate Records, Vol 3575(II)" (1818), 390, Tinnevely Records/Vol 3575 (II), Tamil Nadu Archives.

³ "Tinnevely District Collectorate Records, Vol 3575(II)," 392.

⁴ "Tinnevely District Collectorate Records, Vol 3575(II)," 394.

generations and such families had the right to enforce their duties.⁵ It can be inferred from subsequent discussions that these legislative enactments were easier to enforce since they generally did not violate customary practice. Slaves for some decades, then, remained invisible as long as they were immured in the land, visible to the law only when moving beyond its boundaries. By using the phrase, ‘time immemorial’ to describe the age of the practice of agrarian slavery in 1819, the Board had already expressed an implicit opinion on the undesirability of abolishing slavery. The phrase indicates that (contrary to the existing consensus on British Indian law) custom as a source of law had wide reaching currency and was not consistently challenged by positive law in the region.

When the Board of Revenue described the enslaved as having been in ‘a state of acknowledged bondage since time immemorial,’ they recognized the practice as having the legal force of custom. As Pocock has pointed out, while the idea of customary law suggests that the law changes and adapts in time, it was "immemorial in the precise legal sense of dating from time beyond memory" in British law.⁶ The legal concept of ‘time immemorial’ in British law upheld customary rights for land tenure. ‘Time immemorial’ was the judicial timeframe for custom that was old enough to be supported by law with 1189 CE marking the beginning of legal memory in English law.⁷ Given that the Board of Revenue had sought the opinion of the district collectors solely with the intention of crafting laws regarding agrarian slavery, it is plausible to

⁵ Raju, *Economic Conditions in Madras Presidency 1800-1850*, 274.

⁶ J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (London; New York: Cambridge University Press, 1957), 36.

⁷ M.P. Jain, “Custom as a Source of Law in India,” in *Folk Law: Essays in the Theory and Practice of Lex Non Scripta*, ed. Alison Dundes Renteln and Alan Dundes, vol. 1, Garland Reference Library of the Humanities ; v.1715 (New York; London: Garland Publishing, 1994), 62.

read the mention of the age of the custom as ‘immemorial’ and the repeated citing of the ‘laws and customs’ of the country as made within a legal framework. The legal concept then becomes a lens that refracts or casts the practice deeper into historical time in the absence of other evidence beside the literary and mythical. Thus far, Major’s argument that the consistent references to ‘time immemorial’ – reading the phrase as holding the popular meaning of ‘always’ rather than the legal meaning of ‘within legal memory’ - within the descriptions of agrarian slavery are intended to mark Indian slavery as exceptional is indeed valid.⁸ What is lost in reading this as an instantiation of Orientalism, however, is the recognition of this refraction as formed by British legal frames – specifically, the fact that customary law was widely recognized and rendered authoritative across British and Indian bureaucracies.

The simple difference between customary and positive law – that positive law is codified and customary law is not – elides the sources of authority of positive law. The history of agrarian slavery sheds light on the genealogical relationship between these two forms, showing that, often, positive law was textualized on the basis of custom. In this process, Hindu scriptures were not treated as books of law but as crystallized custom. While the first chapter has shown the ways in which the low caste slave was rendered without history and this lack was even cast as a slur upon them, this chapter unfolds the paradox of their lives being governed by a customary law rendered authoritative because it is believed to be a historical fact. In the early nineteenth century debates around the legality of agrarian slavery, then, there are no gestures towards universal law because custom was central to determining the law. The scholarly emphasis on the rise of textualization and positive law obscures the manner in which custom continued to be a

⁸ Major, *Slavery, Abolitionism and Empire in India*, 206–7.

basis of law in the process of codification and could erase the history of the abolition of slavery altogether.

The first changes to the invisibility of the agrarian slave can be found in correspondence in 1818-1819 between the Board of Revenue and the collectors of districts. In this discussion, members of the Board and the collectors date the custom of agrarian slavery to ‘time immemorial’ and use associated language such as ‘long established custom,’ ‘lower casts treated as natural slaves,’ ‘slavery is unchanged and undiminished,’ repeatedly emphasizing the antiquity of the practice. The Tanjore revenue collector, J. Hepburn, reported that slavery in the district differed from other kinds of slavery in the world, since here, as in Madura, it was based on “a voluntary contract” drawn between those of the Pallar or Pariah caste and those ‘more powerful than themselves’. Brahmin landowners executed these deeds in the names of “Soodra dependents” to protect their caste. These deeds were binding upon their descendants as well. The enslaved did not live on the masters’ estates but in segregated housing for their caste. While masters could sell slaves, it was not customary to sell them to faraway lands without the consent of the enslaved. While the enslaved could seek other employment if the master was unable to support them, they could also be reclaimed at any time. They were not sold in order to fulfill revenue arrears in Tanjore district.⁹ From Tinnevely, J. Cotton reported that slaves could be mortgaged and sold both with and without the land. They were provided with a small subsistence of paddy and might, if the master wished, receive assistance with wedding, funeral, and birth expenses. They did not seem to possess a desire for independence. Male slaves were estimated in value from 3 to 15 cully chuckrums, and female slaves from 3 to 5. While some of them had been sold to pay off revenue arrears in Tinnevely district, he had generally treated them as

⁹ “Slavery in Madras Presidency,” 69–72.

“unavailable property.” In his view, it would be “unjust and impolitic to declare them independent, without an understanding of their situation” and it would be “dangerous to conduct too minute inquiries,” as it would “show a disposition to disturb long established custom.”¹⁰ C. Hyde of South Arcot also reported that the enslaved were primarily of the Pallar and Pariah castes with an estimated 17,000 enslaved in his district. The servitude appeared to be due to contracts enforced with their ancestors. Though some appeared to have “emancipated themselves,” those of lower caste groups “are always looked upon as natural slaves, the property of any person who contributed to defray their marriage expenses, which is the ordinary way at present of constituting hereditary slaves.” While masters formerly had the power to inflict physical punishment and imprison their slaves, this was ‘no longer exercised under British rule.’ The value of a male slave and his family ranged from 10 to 50 Pagodas. He reiterated that slavery was seemingly consensual and not as ‘odious’ as the Atlantic form and suggested a rule prohibiting the enslavement of unborn children.¹¹ From Trichinopoly, Lushington reported that, as the landowners were Brahmins in the district, “it scarcely excites surprize(*sic*) that agricultural slavery should exist here unchanged and undiminished.” The estimated number of Pallar – the caste that was most likely to be enslaved in the region - was 10,000 and were mostly found in villages where paddy was cultivated. They were usually sold with the land, though there were also many cases where they were purchased independently – with prices varying from 5 to 10 pagodas based on age and prior work. They were also occasionally mortgaged. Women from this caste were never sold whereas this appeared to be the practice in Malabar (this district, in his view, had more severe practices of slavery). Masters were expected to provide for marriage and

¹⁰ “Slavery in Madras Presidency,” 78–84.

¹¹ “Slavery in Madras Presidency,” 88–97.

funeral expenses. Like other revenue collectors, he demurs from recommending legal intervention. Lushington felt that abolishing the “Puller(*sic*) system” would have “the most serious...consequences.” He argues that the Pallar are an ‘athletic and tall’ people, unlike the visibly stunted slaves of the Malabar region. “[S]o long as the land continues possessed by Bramin Merasidars, who by the immutable laws of cast are prevented personally exercising the offices of agriculture, I see no possible means of collecting the Revenue, nor of cultivating the land without the establishment of Pullers,” he writes. He finds that the landowners are ‘an idle, useless race...born to consume the fruits of the earth.’¹²

Alongside the frequent references to the ‘mildness’ of agrarian slavery in Tamil country in comparison to the Atlantic forms, then, the Malabar district, too, featured as an extreme to which Tamil forms of enslavement did not descend. In contrast to the Tamil districts, Malabar was a largely Malayalam-speaking region and is among the districts where the legend of Parasuram was cited to explain land-ownership. A note of defensiveness may then be plausibly read into Vaughan’s claims that the condition of slaves in Malabar had undoubtedly improved under Company government. Slaves have been so from birth, as “they are descendants of Slaves whose origins must be traced in the traditionary legends of Malabar.” While he did not know any instance of the enslaved seeking protection from the courts of law, he did know that people had been “brought to justice, and to a severe account for the murder, or wounding of a slave”.¹³ Vaughan - alone of all the collectors - felt impelled to argue that British law, patchy and rarely enforced though it may be, had made a significant impact on the practice of slavery. However, like the others, he does not feel the practice merits intervention, since it would not do to infringe

¹² “Slavery in Madras Presidency,” 132–48.

¹³ “Slavery in Madras Presidency,” 172–81.

upon the landlords' rights. Vaughan made the most explicit call to protect customary law when he then cautioned against "infringing on rights enjoyed from time immemorial" while attempting to legislate against slavery.¹⁴ In response, A.D. Campbell, secretary to the Board of Revenue, wrote back what while final orders would be made later, Vaughan was to ensure that the slaves were no longer sold to pay off arrears of revenue.¹⁵

Vaughan then attempted to disavow responsibility for a sale of slaves to pay revenue arrears. The first attempt at the sale that had been prevented and those involved had been redirected to him. He conducted interviews with the landlord, the enslaved and their intermediaries. When the enslaved were found to have to been sold after these interviews, he suggested that the successful conclusion of the sale happened without his knowledge. His language, though, strongly suggests that he willingly allowed the sale to proceed. Ironically, then, the actions of a revenue collector attempting to protect the rights of the landlord and the East India Company left behind the sole glimpse into the life of the enslaved through interviews recorded in the colonial archive, dated November 1819. The enslaved Teytira is recorded as being 50 years old and as unwilling to be sold. In response to the question, "Would it be a matter of grievance if you were sold at Tellicherry?", he is recorded as saying, "As my wife is dead, and I have two children who have no one else except me to take care of them, it would be a matter of regret to me if I were to be sold at so distant a place as Tellicherry."¹⁶ He adds that his children were with his master, Oony Kutty. During the interrogation of the enslaved Kunnon, who is recorded as being 20 years of age, he likewise is recorded as saying, "It would be a matter of

¹⁴ "Slavery in Madras Presidency," 185.

¹⁵ "Slavery in Madras Presidency," 192.

¹⁶ "Slavery in Madras Presidency," 255–57.

regret to me to separate from my father, mother and sisters.”¹⁷ The interrogation of their landlord revealed that they were being sold in Tellicherry in order for the landlord to make a slightly higher profit off the sale. Oony Kutty Nair, the landlord, is recorded as saying that he had an offer of 20 rupees near his residence, but wanting 2-3 rupees or 4 fanams more after all expenses, he sent them to Tellicherry.¹⁸ He had a remainder of 140 fanams on revenue due.¹⁹ These interviews are filed with the collector’s responses to the Board of Revenue, and the processes of translation that likely marked the interview process cannot be determined. Nevertheless, they offer an example of how an anti-abolitionist revenue collector would handle the sale of people under his jurisdiction, preferring to step away from the act of selling slaves rather than to prevent it.

Summarizing the responses of the collectors for the record, the Board notes in a letter dated December 13, 1819, that “...although there is a class of people here denominated "Slaves" their condition, treatment, and circumstances differ very widely from that of the unfortunate beings similarly designated in the West Indies or in Africa.”²⁰ The previous chapter has expanded upon the implications of such comparisons with Atlantic slavery. This comparison was repeatedly used in discussions delaying the abolition of slavery, since Indian forms of slavery were consistently called ‘milder’ than the Atlantic form.

The Board reads agrarian slavery as an exclusively Hindu custom and reads slavery in southern India as encompassed by the ‘laws of Manu’.²¹ Because abolishing slavery could run contrary to Hindu law, then, the Board vacillated on abolition suggesting that “...all these

¹⁷ “Slavery in Madras Presidency,” 259.

¹⁸ “Slavery in Madras Presidency,” 243–44.

¹⁹ “Slavery in Madras Presidency,” 248–49.

²⁰ “Slavery in Madras Presidency,” 334.

²¹ “Slavery in Madras Presidency,” 340.

measures should be weighed before adopted, legislative enactments made with great caution". They also suggest that this subject be referred to the Supreme Government to ascertain the state of slavery in Bengal and if any restrictions are imposed there.²²

There was, then, no uniform system of law by which to classify the enslaved and the free. The practice varied by region, by religion (which also has regional variations), by British law across presidencies, with custom remaining the primary source of authority to determine what was permissible and what not. The juridical subject bound by one law did not yet exist. The most serious objections against the abolition of slavery that the revenue collectors could muster was that it would violate the sanctity of private property and landlord's rights to dispose of property as they wished. In Malabar, Teytira and Kunnon, the enslaved whom Vaughan interviewed and allowed to be sold, became the ground on which another debate was being conducted, on whether landlord's rights are sovereign. Their expression of their personal desires to remain with the landlord, since they had family under his control, can be completely ignored despite being recorded in the archive. Similarly, law did not reorganize practice just by going into print. It was occasionally gestured to or used to settle a dispute but it hovered above practice like a god that could bestow unnatural bounty if requested but could be rather genially unconcerned with human life in other respects. Time is flattened through the legal reading of custom as 'simultaneously ancient and up-to-date'.²³ The scholarship on colonial law is largely in agreement that positive law was on the ascendant in British India, that the law was remembered in print rather than in practice. In contrast to the circular, repeating time of poetry and the linear time of prose

²² "Slavery in Madras Presidency," 362.

²³ Pocock later notes that this tendency could help "project the present into the past". Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century*, 15.

encountered in the first chapter, this consensus holds British Indian legal infrastructure to be breaking with folk memory (or customary law) and establishing its own – often alien - versions of justice. This consensus is consonant with modern conceptions of law as a rational instrument that is constantly being adapted to changing social mores. However, the discussions of slavery in the colonial archive demonstrate that from arguments in early modern England to the language used by bureaucrats to describe southern Indian social practices, the legal force of custom was widely acknowledged and was used to override the opinions of slaves in favor of their landlords. The desires of the enslaved to avoid enforced mobility was of little concern to those for whom revenue remained a paramount concern. Teytira's and Kunnon's personal desires to remain with the landlord, since they had family under his control, could be completely overwritten despite being recorded in the archive. Though the idea of abolition haunted the discussion of southern Indian slavery for decades, it was embodied in law much later in British India than in other parts of the British empire because the question of the mobility of the enslaved could not be satisfactorily settled, and because the shared respect for customary law among native and colonial elites could override the desires of the enslaved.

Chapter 4: Mimicking Abolition: Debating Slavery in the Kingdom of Travancore

The abolition of slavery in British India has received some limited attention, with scholars showing that the delayed imposition of laws against slavery also served to underscore colonial domination. The history of abolition in princely India, in contrast, is little-known. After sketching the history of slavery in the princely state of Travancore, this chapter presents a close reading of the correspondence between the royal court, missionaries, and the British Resident on the issue of the abolition of agrarian slavery in the state.

The role of internal popular pressure in implementing abolition in Britain has been well-documented.¹ In Travancore, though, abolition was imposed from above, colliding with, and eventually undercut by, a body of customary law. Both the missionaries and the British Resident in the kingdom, despite occasionally being at odds with one another, were united in citing British law as an incentive to craft anti-slavery laws in early-nineteenth-century Travancore – citations that were countered by the king’s knowledge of British Indian law. While the abolitionist debates demonstrate the multiple registers in which the people under colonial rule are studied as a means toward exercising control, the debates in Travancore demonstrate that the Company’s actions were likewise under close scrutiny from at least one native sovereign. The piecemeal measures advanced by Travancore royalty toward the cause of abolishing slavery provide a glimpse of the customary law that was in force in the region, a body of law that benefitted native elites and was not truly threatened by the state’s attempts to rework it. Sketching the discussions between royalty, the missionaries and the British Resident that led to abolition, I will show how

¹ See, for instance, Seymour Drescher, “Whose Abolition? Popular Pressure and the Ending of the British Slave Trade,” *Past & Present* 143, no. 1 (May 1, 1994): 136–66, <https://doi.org/10.1093/past/143.1.136>.

Travancore mimicked abolition in British India in order to undertake partial and, largely, unenforced social reform. By mimicking regulations against slavery in British India, I argue, Travancore exposes the limitations of British abolitionism in South Asia. The king undercut British claims to moral authority on the basis of abolition by closely following the Company's actions rather than its stated ideals. Though such actions might seem to be hollowing out crown rule, they also, paradoxically, render it more substantial by drawing previously unseen subjects into the polity governed by the king.

The delegalization of slavery in British India through Act V of 1843 has received some scholarly attention. This Act, Cassels finds, resulted from an “embarrassingly righteous evangelical drive to abolish slavery,” and was implemented by ignoring the protests of revenue collectors and others who did not deem Indian slavery severe enough to warrant legislation.² The delegalization of slavery in the region was merely ‘abolition by denial’, in Chatterjee’s view, since the colonial state effectively ignored the problem by stating that its courts would not adjudicate disputes relating to slavery.³ Thus, the abolition of slavery in British India has received some attention as an ineffective, delayed, and self-righteous imperial action. However, less is known about the manner in which British pressure shaped the contours of abolition in the native-ruled regions of South Asia called princely states. This history could demonstrate the ways in which abolitionist actions were used to question the hierarchies of both caste and colonialism. As the history of abolition in Travancore demonstrates, the discussions around the abolition of slavery in colonial India overflowed into the princely states. Abolition, thereby,

² Cassels, “Social Legislation under the Company Raj,” 59.

³ Indrani Chatterjee, “Abolition by Denial: The South Asian Example,” in *Abolition and Its Aftermath in the Indian Ocean Africa and Asia*, ed. Gwyn Campbell (London; New York: Routledge, 2005).

rendered agrarian slavery visible in territory that was not entirely under British control.

The kingdom of Travancore, in particular, is an ideal arena in which to observe the paradox of a government held hostage to British interests and forced to proclaim the freedom of the enslaved.⁴ Travancore formed the southern tip of the Indian peninsula, bounded by the Indian Ocean and the Arabian Sea, and straddled regions where Malayalam and Tamil are dominant languages. According to an 1836 census, it had a population of 12,80,668.⁵ The correspondence on abolishing slavery, conducted between the Dewan (or prime minister) of this small kingdom, the king, missionaries working in the region and the British Resident in the court, demonstrate how the kingdom deployed a symmetry of action as a response to the asymmetry of relations between a small kingdom and the empire that circumscribed its power. Despite its circumscribed power, the kingdom used the mimicry of British actions against slavery to limit British claims to moral authority.⁶ This symmetry of action only becomes visible through, first, a close reading of the correspondence and, second, locating it within the larger history of abolition in British India. This correspondence also illuminates the manner in which the invisible and marginal lower-caste slave was centred and brought within the royal gaze, thereby rendering the power of the native sovereign more substantial. Scholars have noted that *darshan* or “the auspiciousness of seeing

⁴ Provinces directly administered by the British surrounded a patchwork of princely states (or native-ruled kingdoms) under British protection and control in nineteenth-century South Asia. The southern province, called the Madras Presidency, consisted of territories directly administered by the British surrounding the princely states of Travancore, Cochin and Pudukottai which were under British control.

⁵ Heber Drury, ed., *Selections from the Records of Travancore: Memoir of Travancore by W.H. Horsley* (Trevandrum: Travancore Sircar Press, 1860), 11, <https://catalog.hathitrust.org/Record/008011115>.

⁶ In Bhabha’s reading, mimicry offers a means of returning the colonial gaze while “producing a partial vision of the colonizer’s presence.”

and being seen by a superior being” was central to the power of Hindu kings and gods.⁷ Thus, while abolition may, at first glance, appear to be simply a British imposition upon a subordinate sovereign, it also widened the polity under his jurisdiction. Torn asunder by the redrawing of political boundaries in the century and a half that have followed, the correspondence revealing these processes now lies scattered across the British Library in London and the Kerala State Archives and Tamil Nadu State Archives in India. This multi-sited archive of communication, conducted in English, sheds light upon the moral arguments for and against slavery advanced by colonial and native elites, both revealing and undercutting the bases of their power.

Princely states in British India were controlled through a combination of a British Resident in their courts and treaties and concessions that rendered a kingdom effectively under British control even if it had native rulers and bureaucracy.⁸ Classifying such princely states as antique, successor, and warrior or conquest states, Ramusack places Travancore in the last category, as one “offering military protection to local populations against other competitors.”⁹ While the East India Company may have exercised increasing power over their defense arrangements and external affairs through the early nineteenth century, such native rulers continued to control internal affairs, including education, taxation and justice.¹⁰ Travancore thus enjoyed a partial sovereignty, under a system of rule it shared with an estimated third of the subcontinent and up to a fifth of its population.¹¹ Travancore was not unique among the princely

⁷ Barbara Ramusack, *The Indian Princes and Their States* (Cambridge: Cambridge University Press, 2003), 5.

⁸ Michael H. Fisher, “Indirect Rule in the British Empire: The Foundations of the Residency System in India (1764-1858),” *Modern Asian Studies* 18, no. 3 (1984): 393–428.

⁹ Ramusack, *The Indian Princes and Their States*, 4.

¹⁰ Ramusack, 2; Manu Bhagavan, *Sovereign Spheres: Princes, Education and Empire in Colonial India* (New Delhi: Oxford University Press, 2003).

¹¹ Fisher, “Indirect Rule in the British Empire,” 398.

states for having the practice of slavery coexist with British interventions to outlaw the practice of slavery. The Punjab of Ranjit Singh, for instance, had forms of bondage which it shared with the Central Asian region.¹² Dirks indicates the presence of low-caste agrarian labor that is completely beholden to the landlord in the state of Pudukottai. He translates the Tamil word for the enslaved *aṭimai* as ‘hereditary servant’ who “owes an immense and indefinite amount of work to their patrons.”¹³ For the Rajput example, Major shows that British intervention in prohibiting slave-holding was “a point of intersection between ideological imperatives (in this case anti-slavery ideals) and political concerns about the nature and limits of acceptable British intervention in the internal affairs of the ‘independent’ states.”¹⁴ Existing scholarship therefore shows the presence of indigenous forms of unfree labor in these native-ruled states, while underscoring the uncertain relationship the British had with these nominally ‘independent’ entities.

The archive of correspondence between British and native elites in Travancore reflects this uncertainty but also shows how these power relations can be productive of collaborative knowledge and actions. By documenting slavery in unprecedented detail in the discussions regarding abolishing the practice, this archive can be read as a collaborative - if asymmetrical - production of knowledge and law. Knowledge about other regions of southern India has been shown to be hybrid, as produced through the collaboration of colonial and caste elites – a

¹² B. D. Hopkins, “Race, Sex and Slavery: ‘Forced Labour’ in Central Asia and Afghanistan in the Early 19th Century,” *Modern Asian Studies* 42, no. 4 (July 1, 2008): 630.

¹³ Dirks, *The Hollow Crown*, 273, 275.

¹⁴ Andrea Major, “Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States,” *Indian Economic & Social History Review* 46, no. 3 (July 1, 2009): 315–42, doi:10.1177/001946460904600303.

collaboration structured by the asymmetries of colonial rule.¹⁵ While there is archival evidence that similar discussions with elites were conducted in British territories prior to crafting British Indian regulations against slavery, here the law-making agent remained a native king. The global project of abolishing slavery is translated into a regional question: the limited area covered by the regional project becomes visible only when it is traced against, and found to be an exact copy of, the contours of abolitionist law in British India. Reading it is, thus, an instance of Mignolo's 'border thinking,' which attends to "the borders between transforming received global designs into local projects."¹⁶ By showing how customary law was deployed to limit British calls for abolition and demonstrating that the final seeming capitulation and resultant proclamation did not affect slave ownership beyond the government, the archive on abolition in Travancore is also an instantiation of Homi Bhabha's definition of hybridity. In Bhabha's view, hybridity "reverses the effects of the colonialist disavowal, so that other 'denied' knowledges enter upon the dominant discourse and estrange the basis of its authority - its rules of recognition."¹⁷ In this reading, hybridity destabilizes colonial rule by turning disavowed forms of knowledge upon the roots of structures that seek to suppress them. This simultaneous "effect of colonial power" and threat to it is produced by force.¹⁸ By returning the colonial gaze through mimicry of its actions - that is by deploying the same abolitionist laws of British India to protect Travancorean slave

¹⁵ Eugene F. Irschick, *Dialogue and History: Constructing South India, 1795-1895* (Berkeley: University of California Press, 1994); Bhavani Raman, *Document Raj: Writing and Scribes in Early Colonial South India*, *South Asia across the Disciplines* (Chicago: The University of Chicago Press, 2012).

¹⁶ Walter D. Mignolo, *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking* (Princeton, N.J.: Princeton University Press, 2000), 327.

¹⁷ Homi Bhabha, *The Location of Culture* (London; New York: Routledge, 1994), 114. He later gives the illustrative example of a group of Indians who believed that the Bibles given to them at Haridwar were the gift of God but were not convinced that the text came through flesh-eating (and, therefore, ritually impure) Europeans.

¹⁸ Homi Bhabha, *The Location of Culture* (London; New York: Routledge, 1994), 112.

ownership, thereby exposing the hollowness of claims to British moral authority on the basis of abolition – the actions of this kingdom demonstrate this claim.

This hybridity has not been accounted for in the existing scholarship, though scholars have provided a sense of the long history of slavery and its intimate connections with caste relations in the region. Some available scholarship on slavery in Travancore offers little more than a dossier of primary sources on the theme but, nevertheless, is useful to map slavery across time.¹⁹ A document from south Travancore dated 1431 C.E. gave men and women of the Vellala and Pariah castes as dowry besides cows, paddy fields, copper and bronze vessels.²⁰ A sale deed from the late sixteenth century handed over a woman named Matai and her son, Konnan, giving the master the right to sell or kill them as he so desired.²¹ While it is difficult to estimate the extent of indigenous forms of slavery from such sources, they do indicate that lower-caste agrarian laborers could be transferred through gifting and sale and that the master's power over his slaves was absolute.

These indigenous systems of slavery interacted with European slaving through the eighteenth century. Richard Allen finds that, “The movement of slaves from Malabar to the French comptoir at Mahé and the Dutch factory at Cochin, for instance, became a subject of considerable concern to British authorities immediately following their acquisition of the province in 1792...Perhaps as many as 24,000 Indian slaves were exported to the Mascarenes from 1670 to 1810...” Despite the end of such movement following the British seizure of French possessions in the region, he finds that places like Malabar, Tanjore, and Tinnevely continued to

¹⁹ K. K. Kusuman, *Slavery in Travancore* (Trivandrum: Kerala Historical Society, 1973); Nair, *Slavery in Kerala*.

²⁰ Nair, *Slavery in Kerala*, 19.

²¹ *Ibid.*, 20

be “slave trading centres that attracted the attention of British officials.”²² French, Dutch and English slavers were known to buy children sold by impoverished parents, seize slaves under false pretenses and use other methods to ship slaves from the region to various locations including Mauritius. Meanwhile, slaves were imported from Arab and African countries to Bombay, Calcutta and princely states such as Cochin until and during the nineteenth century.²³

Besides forms of slavery where status was determined by birth, two methods of increasing the number of the enslaved are noted by observers of the time – one by trade and another by punishment. Observers noted the sale of children between 1792 and 1793.²⁴ They further note that Brahmin women accused of connections with lower-caste men can be enslaved, and that expulsion from caste was the next most severe punishment after death and slavery.²⁵ Slavery therefore figured both as a condition that the enslaved could be born into or as one they could be subject to as punishment for transgressing caste. Through indigenous forms of enslavement, slavery served both to produce and to maintain caste difference.

The pressure to abolish the slave trade exerted upon Travancore by the British can also be dated to this time. The same British observers noted above write indignantly that ‘kidnapped or decoyed’ slaves formed part of the “trade which Malabar carries on with India, China, and the foreign nations of Europe.”²⁶ This indignation is striking, given that the slave trade was still legal

²² Richard B. Allen, “European Slave Trading, Abolitionism, and ‘New Systems Of Slavery’ in the Indian Ocean,” *PORTAL Journal of Multidisciplinary International Studies* 9, no. 1 (June 6, 2012), 5-6, doi:10.5130/portal.v9i1.2624.

²³ Dady Rustomji Banaji, *Slavery in British India* (Bombay: D. B. Taraporevala & Sons, 1933), 3,7.

²⁴ *Reports of a Joint Commission from Bengal and Bombay, Appointed to Inspect into the State and Condition of the Province of Malabar in the Years 1792 and 1793*. (Bombay: Courier Press, 1795), 165.

²⁵ *Ibid.*, Vol 2, 14.

²⁶ *Ibid.*, 35.

in Britain in this time. This could indicate that the growing abolitionist movement in England had supporters within the Company who sought to expand the ambit of anti-slavery ideals outside the Atlantic world. It could also, possibly, be driven by the growing British drive toward monopolizing trade in the region. The authors note that they had sought to stymie the Dutch slave trade in the region from the previous February. They report that they had “exerted our utmost endeavour by recommendations to the Raja of Travancore(*sic*) ...to check and if possible altogether to prevent the continuance of a traffic pregnant with so many evils, and so utterly repugnant (more especially under the modes in which it is carried on in this country) to every principle of humanity.”²⁷ They had already worked to halt slave trading in British-controlled Malabar, which lies further up the western coast from Travancore. The authors express their satisfaction at putting “an effectual stop to this baneful traffic, at least from any of the sea ports or coasts (extending about one hundred and sixty miles) in the British limits.”²⁸ This ban on the trade affected only Malabar, where, according to the 22nd article, any native of Malabar embarked as a slave would be released and the purchaser or person taking them on board would be charged 250 rupees as a fine, withholding clearance to the ship until it is paid.²⁹ The report is signed by Messrs. Duncan and Page at Cochin, and afterwards by Major Dow, and Mr. Boddam, at Anjengo and Cochin, and dated 14th October, 1793.³⁰ From an archive on the opposite coast, there is evidence that this fine was exacted from at least one ship on May 10, 1803, for taking three Malabar natives on board “in a clandestine manner.”³¹ This mirrors similar prohibitions in other parts of British India. The southern province of Madras Presidency, which almost

²⁷ Ibid., 36.

²⁸ Ibid., 51.

²⁹ Ibid.

³⁰ Ibid., 166.

³¹ “Proceedings of the Board of Revenue, Vol 346” (1803), BoR/Vol 346, Tamil Nadu Archives.

completely encircled the kingdom of Travancore, for instance, passed legislation in 1790 prohibiting the sale of slaves within its territories.³²

Travancore was to follow the lead of the Presidency in banning the trade in slaves, thereby drawing previously invisible populations into view. Slave trading had attracted British censure from the late eighteenth century onward in the region - primarily due to its Dutch connections. However, agrarian slavery was not legislated against with the same vigor in the Presidency and, consequently, in Travancore. Agrarian slavery could include the buying and selling of individuals from the lowest caste groups but more commonly involved the sale and purchase of land with attached slaves. Barring fleeting mentions in pre-colonial literature and sale deeds, this practice had historically been veiled by silence. Since lower-caste slaves were frequently subject to restrictions on coming within sight of elite-caste individuals, this silence may merely reflect the 'unsee-ability' of the slave within the gradation of discrimination that included, and could extend from, untouchability. Yet the institution of agricultural slavery became increasingly visible through the confrontation between competing legal systems, that of the East India Company promoting abolitionist legislation and those of the customary laws of caste practice, contravening which often required royal proclamations in the state of Travancore. Protecting 'social formations that existed prior to the state including customs and prerogatives of communities' has been noted as one of the duties of Hindu rulers.³³ Contravening the prerogative of landowners as later proclamations were to do, therefore, marked deep transformations in the nature of native royal power.

The proclamation against slave trading that the queen, Rani Lakshmi Bai, issued in 1812,

³² Allen, "Suppressing a Nefarious Traffic," 880.

³³ Ramusack, *The Indian Princes and Their States*, 5.

however, did not extend to agrarian bondage. It declared that agricultural slavery, in which the labor of lower caste individuals was bought and sold with the land, was 'a natural custom' that could continue to be practiced, though it abolished both buying and selling people separately from the land and the newer practice of making a profit out of slave-dealing. It said that the “unbecoming and disgraceful custom” of “natives and foreigners, who for the sake of profit, buy at a cheap rate the boys and girls of several low caste people of this country, sell them for a higher price, take them to distant places and pay tolls at sea ports and thus make a regular bargain of them” needed to be checked. The proclamation thereby declared that land and slave could be traded as one unit though the slave may not be sold separately. It indicates that even the newer system of slave dealing for profit largely impacted the children of the “low caste people of this country” – providing more evidence that indigenous markers of ‘enslavability’, in this case low-caste status, were transferred into European slaving in the region. None may henceforth “for purposes of cultivation buy or sell Kuravars, Pariahs, Pulayas, Malayas, Vetars and others in [mortgage or rent] as is done in many places or get title deeds from the prominent land-holders of the place concerning them, or engage such people for cultivation” and “no people of any other caste shall beyond this natural custom, buy or sell children of their own caste or pay toll to the [government].” This proclamation provides a glimpse of the communities historically subject to enslavement by naming them: these groups are largely classified as either the lowest castes in the hierarchy or as indigenous (or tribal) societies within contemporary governmental taxonomies. Those who violated this proclamation could be subject to punishments that included having property confiscated and being banished from the state of Travancore.³⁴

³⁴ Nair, *Slavery in Kerala*, 147.

There is no archival evidence of landlords being subject to this punishment and the proclamation is unlikely to have significantly changed the practice of agrarian slavery in the region. However, the proclamation allows a glimpse of attitudes towards changing customs, showing that the state of Travancore found slave trading to be an abhorrent innovation that had to be viewed separately from agrarian slavery. The proclamation suggests that trading in slaves was a relatively new practice and therefore subject to new laws; this implied claim is suspect, based on evidence of the eighteenth-century slave trade from the region. Rather it suggests that this trade was ‘new’ only in comparison to the much older practice of agrarian slavery, which treated land and slave as one unit and remained legal because it had the force of custom to support it. The customary practice of the region or *dēsācāram*, which the Rani Lakshmi Bai called 'natural custom' in her proclamation against the trade in slaves, was not always codified as written law but was no less binding for that reason. Disputes around caste practice could be struck down by courts on the basis of custom. Indeed, lower-caste communities seeking to break with custom required royal proclamations to grant formal permission and provide judicial support.³⁵ These proclamations now allow the historian to trace the impact and continuing strength of customary practice in the negative - the moment of their contravention making visible what had come before. By describing the practices which required royal decrees against them, these proclamations show us the contours of social practice at the time. Like the colonial

³⁵ Several such proclamations find place in S Raimon, ed., *Tiraññeṭutta Rājakīyaṭilambarānaḷ* (*Selected Proclamations of the Sovereign*) (Thiruvananthapuram: Kerala State Archives Department, Govt. of Kerala, 2005); One proclamation permitting lower-caste converts to Christianity to cover their upper bodies in contravention of caste norms that required they leave them bare is discussed in “Wearing of Upper Cloths and Jackets by Christian Women, 1829” (1829), Cover Files/4/15905/1826, Directorate of State Archives, Nalanda, Kerala.

legislation against trading in slaves in force at the time, the queen of Travancore, too, stopped short of declaring slave ownership to be a crime.

The intervention of Colonel Munro, the British representative in the court of the queen, is held to be the reason for the proclamation.³⁶ Through such representatives, colonial law overflowed administrative borders, influencing laws in native-ruled regions within British India. The movement of colonial law into Travancore occurred not under neutral conditions but under the force of indirect British rule. Beholden to the Company for trade and hosting one of its representatives as a Resident in its court, Travancore was among those princely states affected by the treaties that grew increasingly restrictive and, therefore, conducive to British hegemony after 1800.³⁷ As Major has argued for the British Indian example, anti-slavery ideals could also serve to underscore colonial rule.

The ‘natural custom,’ as the queen called agrarian slavery, continued to be practiced through this time, with some slaves belonging to the government itself. One of the earliest descriptions of agrarian slavery in the region was recorded by East India Company observers, Lieutenants Ward and Connor, who were to later become the definitive source on slavery in Travancore. In their first report, based on a survey between 1816 and 1820, they note the degraded condition of the “Sherramukkul” or the slave castes. They note that, due to their low caste status, agrarian slaves were treated with aversion by the general population, and that

³⁶ All abolitionist proclamations in the region have been attributed to British pressure. Nair, *Slavery in Kerala*, 51; K. Saradmoni, “How Agrestic Slavery Was Abolished in Kerala,” *Indian Economic & Social History Review* 11, no. 2–3 (January 1, 1974): 291–308, <https://doi.org/10.1177/001946467401100205>.

³⁷ Robert Travers, “A British Empire by Treaty in Eighteenth-Century India,” in *Empire by Treaty: Negotiating European Expansion, 1600-1900*, ed. Saliha Belmessous (Oxford, UK; New York, NY: Oxford University Press, 2015), 133.

manumission was nearly unheard of.³⁸ They note that Travancore slaves were treated worse than slaves in Malabar, a region that shared the language of Malayalam with Travancore but was under British rule. They find that Travancore slaves were left to their own resources in sickness, poverty, and age. Personal chastisement was not often inflicted, but slaves were not treated compassionately. Further, slaves never possessed property. Finally, “[a] very considerable number of predial slaves belong to the government to whom they escheat as other property on the failure of heirs. They are partly employed on the [government] lands, partly rented out to the ryots...”³⁹ These observations were cited again in the 1841 report that led up to the delegalization of slavery in British India in 1843.⁴⁰

The East India Company appears to have taken multiple steps in favor of anti-slavery ideals in the time that these reports were being written and circulated. Not only did it force the movement of anti-slavery law into princely states but it also emancipated slaves belonging to Portuguese inhabitants in the region in 1837. There were 32 slaves - 8 males, and 24 females – in the region, belonging to people “of Portuguese extraction.” They had all been given Christian names and were emancipated for prices varying from “150 gully fanams (7 1/8 to rupee) to

³⁸ Ward and Connor, *Memoir of the Survey of Travancore and Cochin States*, vol. 1 (Thiruvananthapuram: Govt. of Kerala, 1994), 148–49.

³⁹ *Ibid.*, 140.

⁴⁰ Law Commission of India, *Slavery: East Indies : Return to an Order of the ... House of Commons, Dated 22 Apr. 1841, for Copy of the Despatch from the Governor-General of India in Council to the Court of Directors of the East India Company, Dated 8th Day of Feb. 1841 ... with the Report from the Indian Law Commissioners, Dated the 15th of Jan. 1841, and Its Appendix* (London: House of Commons, 1841), 516.

25.”⁴¹ This action may have been the impetus for missionaries in the region to petition the king against the use of agrarian slaves on government property.

It was the government-owned slaves that first drew the attention of missionaries working in the kingdom – missionaries who did not hesitate to use the influence of the British Resident for the anti-slavery cause. While scholarship on colonial India often treats missionaries as of a piece with the colonial intervention (which, in this instance, they do appear to be), relations between the Company and missionaries proselytizing within its territories could also be fraught with tension. The relationship between the missionaries and the British Resident in Travancore, for instance, was frigid, bordering on the openly hostile. The missionaries claimed that the Resident was not a sufficiently ardent supporter of the anti-slavery cause, though the archive appears to suggest otherwise. The London Missionary Society(LMS) and the Church Missionary Society had a prominent role in pushing for abolition in the region.⁴² I.H. Hacker, in his summary of the LMS’ activity in Travancore, complained of the Company’s Resident in the state that “General Cullen, after long residence in Travancore, regarded it as a retreat to be preserved from the intrusive changes of the Western world. The agitation against slavery received no help from him.”⁴³ A missionary who signed the petition against slavery in 1847, John Cox, published a long pamphlet in 1857, attributing Travancore’s vices, including slavery and the state use of

⁴¹ *Return to an Order ... Dated 22 April 1841: Copy of the Dispatch from the Governor-General of India in Council to the Court of Directors of the East India Company, Dated the 8th Day of February 1841, ...*, 1841, 140.

⁴² Dick Kooiman, “Conversion from Slavery to Plantation Labour: Christian Mission in South India (19th Century),” *Social Scientist* 19, no. 8/9 (August 1, 1991): 57–71, <https://doi.org/10.2307/3517699>; Mohan, *Modernity of Slavery*; Sanal Mohan, “Creation of Social Space through Prayers among Dalits in Kerala, India,” *Journal of Religious and Political Practice* 2, no. 1 (January 2, 2016): 40–57, <https://doi.org/10.1080/20566093.2016.1085735>.

⁴³ I.H. Hacker, *A Hundred Years in Travancore, 1806-1906: A History and Description of the Work Done by the London Missionary Society in Travancore, South India During the Past Century* (London: H.R. Allenson, Limited Racquet Court, Fleet Street, E.C., 1908), 46–47.

torture, to the laxity of Cullen and the Dewan or the Prime Minister.⁴⁴ Cullen served as British Resident in Travancore from 1840 to 1860, a long appointment in comparison to other bureaucrats in the region who rarely counted their service in one location in decades. Despite Hacker's and Cox' complaints, though, the fervor of the missionaries in the anti-slavery cause appears equally matched by Cullen's insistence on the passage of abolitionist law in available archival sources.

In 1847, four years after the delegalization of slavery in British India, missionaries of many organizations came together to submit a memo asking for action against slavery in Travancore.⁴⁵ After laying out the difficult living condition of the enslaved, the petition argues that “the history of slavery shows that it is the most costly labour,” a claim that echoes the language of Adam Smith's economic argument against slavery. In 1776, Smith had described slave labor as more expensive than wage labor, one of the earliest Liberal anti-slavery formulations and one that went on to animate abolitionist claims in the decades that followed.⁴⁶ In the petition, the missionaries further claim that slavery was detrimental to slave and master alike. This runs contrary to the spirit of abolitionist tracts against trans-Atlantic slaving, which focused on the suffering of the slave. The argument advanced by the missionaries transforms the

⁴⁴ John Cox, *Travancore. Its present ruin shown, and the remedy sought, in a correspondence with the Government of Madras in the years 1855-1857*. (Nagercoil: For The Author at the London Mission Press, 1857).

⁴⁵ “File S.4 Slavery in Travancore and Cochin - Emancipation of” 1813-1872, IOR/R/2/899/369/1.

⁴⁶ Srividhya Swaminathan has demonstrated that his work was used to advocate for both abolitionist and pro-slavery causes in Srividhya Swaminathan, “Adam Smith's Moral Economy and the Debate to Abolish the Slave Trade,” *Rhetoric Society Quarterly* 37, no. 4 (October 2007): 481–507, doi:10.1080/02773940601148305. The many streams of anti-slavery thought, including those espousing moral and economic ideals, have been analyzed in the landmark David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, N.Y.: Cornell University Press, 1966).

practice of slavery into a shared evil, abolishing which would benefit humanity, since its “extinction greatly conduces to the wealth, intelligence and social comfort of man, wherever it has been achieved.” This claim does, however, resonate with British anti-slavery arguments which, following Smith’s argument on economic efficiency, often framed arguments against slavery around a concern for the welfare and profits of the capitalist producer rather than humanitarian concern for the well-being of the enslaved. The petition also used the familiar tropes of indignation and moral outrage.⁴⁷ It sought the emancipation of “the slave population, invaluable for its services in the cultivation of the country and the chief producers of its food.”⁴⁸ It cited the census of 1836, calculating that there was a total of “164,864 slaves, not to mention 16,226 Maley Vaylar and other hill tribes, many of them in a state of vassalage.”⁴⁹ The signatories find that these slaves endured difficult laboring and living conditions and were liable to be sold apart from their families. They argue that they have very little food and clothing, or protection from the elements, and that they are not taken care of when their work is not necessary, or when they are sick or old.⁵⁰ At the heart of the memo is the outrage “that they can be and are bought & sold as cattle and that in the heartless traffic the husband and wife, the parent and child can be rudely separated and sold in different directions.” Besides the breaking up of families, they find that the slaves are often treated cruelly and unable to access justice.

⁴⁷ For an introduction to the use of righteous indignation in abolitionist mobilizations, see Michael E. Woods, “A Theory of Moral Outrage: Indignation and Eighteenth-Century British Abolitionism,” *Slavery & Abolition* 36, no. 4 (October 2, 2015): 662–83, <https://doi.org/10.1080/0144039X.2014.963393>.

⁴⁸ “File S.4 Slavery in Travancore and Cochin - Emancipation of” 1813-1872, IOR/R/2/899/369/1, 1-2.

⁴⁹ According to the petition, the population of Travancore was 1,280,668. The number of slaves is calculated from the numbers of the ‘slave castes’ listed as below: Parrayar - 38,625 & Poolayar - 90,598 (both entered as “soil slaves”), Coravar - 31,891, Pallar - 3,750

⁵⁰ *Ibid.*, 2-3.

Citing the British abolition of slavery “throughout its territories - and recently extended this merciful arrangement to India,” they ask that the king pass a similar law to “make your name precious in Travancore for generations to come as the Deliverer of the oppressed.”⁵¹ The use of unmistakably Christian terminology in the service of abolitionist principles is visible here. The king would, in later proclamations, narrowly obey the injunction to pass abolitionist laws similar to those of British India. If the degradation of all slaves was not so complete, the petitioners write, they would have requested that a beginning be made with the emancipation of only the government-owned slaves. (As it turned out, the government slaves were the only ones to be emancipated in the proclamation that was issued later by the king.) The list of signatories to this petition included B. Bailey, C. Mead, H. Baker, C. Mault, J.C. Thompson, Jas. Russell, John Cox, John Abbs., John Hawksworth, Eben. Lewis, J.O. Whitehouse, Henry Baker Junr., and John Clapman.⁵² It must be noted here that the missionaries pleading with the king to extend his justice to low-caste slaves had not yet reached a consensus on evangelizing among the lower-caste groups such as the slave castes, with some still prioritizing the conversion of elite castes. By one account, the Church Missionary Society would only begin to reach out to the enslaved after 1850 – when Ragland, a visiting missionary was reportedly “filled with compassion for the slaves, especially after seeing one of them unequally yoked with an ox pulling a plough.”⁵³

Besides making moral and economic arguments, the missionaries also sought to quantify the extent and profits of slavery in this petition. After citing census figures estimating the

⁵¹ Ibid., 3-4.

⁵² Ibid.

⁵³ Amy Wilson Carmichael, *Ragland, Pioneer* (London; Madras printed: Marshall Bros, 1922), vi; The missionary intervention, though, in Mohan’s view, was crucial to elaborating ideals of human equality that were to animate lower-caste protest movements later in the century. Mohan, *Modernity of Slavery*.

numbers of the various castes that could be enslaved within the body of the letter itself, the petition included a table estimating the government revenue achieved through slave labor in the district of Cottayam. By marshalling available empirical evidence to make their case, the missionaries have left the few archival traces of the extent of slave holding in the region. While the quantifying proclivities of the colonial state have been widely remarked upon, the table below demonstrates that the mobilization for abolition also drew upon this new form of knowledge. Such quantifying, it has been argued, contributed toward the objectification of the populations under scrutiny.⁵⁴ Here it also draws into the royal gaze communities that did not have the right to see their king, and it contributes to the process by which those who did not have access to the law were rendered juridical subjects. The table focuses on the *Circar* or government slaves – a focus that was reproduced in the king’s response to the pressure for abolishing slavery.

Table 1. Statement showing the number of Circar slaves and their Revenue per annum as well as the number of private slaves in the District of Cottayam

Names of the Proverties	Number of Circar Slaves	Amount of Revenue on the Circar Slaves per annum including male & female	Number of private slaves	Total
Cottayam	72	190 5/8	836	908
Nawttakkom	178	318 5/8	509	687
Veezayeahpooram	197	444 1/8	1314	1511
Akalahconam	28	57 3/4	1011	1039
Vawmbawdey	235	727	432	667
Keedungooner	19	60	343	362
Grand Total	729	1,798 5/8	4445	5174

Sd/- Cottayam, 30th April 1849

Veeraswamy Naidoo

Deputy Peishcar⁵⁵

⁵⁴ Bernard S. Cohn, “The Census, Social Structure and Objectification in South Asia,” in *An Anthropologist among the Historians and Other Essays* (Delhi; New York: Oxford University Press, 1987).

⁵⁵ “File S.4 Slavery in Travancore and Cochin - Emancipation of” 1813-1872, IOR/R/2/899/369/1, 7.

According to this statement, a total of 729 out of 5174 slaves in the region belonged to the government, earning the government 1,798 5/8 fanams in revenue. In a letter addressed to General Cullen, British Resident in Travancore, dated March 19, 1847, the same anti-slavery petition sent to the king was forwarded and his favor requested for taking the cause forward.

In the response to this memorial from the missionaries and Cullen's questions on the theme, H. Kristna Row, the Dewan or the Prime Minister of the kingdom, argued that emancipation would be objected to by farmers and would adversely affect the 'slave castes' themselves. In a letter dated 23 September 1848, and addressed to Cullen, he argues that "[t]he Slaves being the lowest Caste among the people here, [they] will not be permitted even when freed to approach the houses of any other Caste, which shuts them out from other employment..."⁵⁶ The initial request for laws against slavery here meets a denial seemingly undergirded by the same concerns as abolitionism. Faced with the argument that abolition would benefit both master and slave, the prime minister responds that masters would object and the former slaves would be shut out from other employment due to the tenacity of the norms of caste pollution. Cullen, however, presses the point until he receives a positive answer.

Through the Dewan's response to Cullen's queries, we learn that all slaves in Travancore were employed in cultivation and could be transferred to other masters. Government slaves were acquired through 'estates without heirs, acquisition of foreign territory, confiscation of estate and resumption of [temple] lands'.⁵⁷ While the current number of slaves was not known, when General Fraser was Resident, the total was found to be 6,111, according to a statement from

⁵⁶ Ibid., 10.

⁵⁷ Ibid., 14.

districts in the Malabar year 1013(or 1838 CE). (This was likely the total from one district given that Cottayam alone had more than 5000 slaves, according to the table). Tax was levied in paddy and money on these slaves and the total collected under this head in one year was found to be fanams 16,247 ½. The children of slaves also belonged to their owners with some regional variations to this norm. In Wayanad, for instance, the first born of the male slave belonged to the owner of father, the next to the owner of the mother. In Nanjanaud, all children belonged to the owner of the mother.⁵⁸

The missionary petition and the prime minister's responses to Cullen's questions then become important source documents for understanding slavery in the region. Integrated into the landscape as 'a natural custom,' agrarian slavery became the object of sustained attention through anti-slavery efforts. These efforts were carried out on the uneven terrain of colonial relations, where the British Resident wielded enormous regulatory and censorial power. The debates around slavery demonstrate the great power wielded by the British in the administration of Travancore, showing him asking for and receiving changes in the law. He also dictated changes in caste-based taxation – asking, in one instance, that the punitive tax levied on houses owned by those of the Pariah caste be discontinued to bring the kingdom closer in line with taxation practice in the neighboring Company-administered districts.⁵⁹ The Resident also seems to have been busy monitoring correspondence, following the accounts for revenue collection, and closely supervising irrigation, in addition to issuing orders for law enforcement.⁶⁰ In the case

⁵⁸ Ibid., 15.

⁵⁹ "Tax on Parayah Houses in the Shencottah District, 1847" (1847), Cover Files/22/16405/1847, Directorate of State Archives, Nalanda, Kerala.

⁶⁰ "Removal of Restrictions on the Free Trade of Articles, 1842" (1842), Cover Files/17/16367/1842, Directorate of State Archives, Nalanda, Kerala; "Irrigation – Lt. Horsley's Report on Irrigation in Nanjunad, 1836" (1836), Cover Files/10/14836/1836, Directorate of State

discussed below, he suggested suitable punishment for the crime of slaves having ‘polluted’ a temple. Since slaves were drawn from the ‘most polluting’ or ‘untouchable’ castes, they were not permitted to enter temples, and if this taboo was broken, their entry would necessitate purification ceremonies being carried out to ‘cleanse’ the temple of their ‘pollution.’ When one such case was brought to Cullen’s attention, in a memorandum dated December 21, 1849, he expressed surprise that this was a matter for the law courts. He suggested that slaves who do not have the means to pay the amount required for the ceremony could have some other punishment or their owners could be asked to pay the amount. There is no further documentation of this case, so the eventual course of action that was followed is unknown.⁶¹ This correspondence, though, does show that special cases were referred to the British Resident and his opinion sought on matters that might have once been covered by customary law.

There is continued extensive correspondence between the British Resident and the Dewans of the neighboring princely state of Cochin and Travancore on matters relating to slavery. Cullen cited the delegalization of slavery in British India as an incentive to anti-slavery laws in Travancore. The king in response pointed out that slave ownership had not yet been declared illegal. There is a memo from Cullen asking about the punishment for the sale of a free woman.⁶² Another memorandum dated November 5, 1844, reminds the Dewan of the law now in force in the EIC’s territories.

Archives, Nalanda, Kerala; “Irrigation: Utility of Water in the Kodayar River, 1827” (1827), Cover Files/5/16090/1827, Directorate of State Archives, Nalanda, Kerala; “Administrative Report: Details of Revenue Collection and Balance of Land Revenue, 998 M.E., 1823” (1823), Cover Files/3/15380/1823, Directorate of State Archives, Nalanda, Kerala.

⁶¹ “Pollution of Pagoda by Slaves and the Punishment Inflicted Thereon, 1849” (1849), Cover Files/23/15855/1848-50.

⁶² “Slavery in Travancore, 1843-1855” 1843-1855, 2, Cover Files/18/15429/1843-1855, Directorate of State Archives, Nalanda, Kerala.

In acknowledging receipt of the Dewan's Memorandum...the Resident begs to refer the Dewan to the Act of the Government of India No. V of 1843 published in the Fort St. George Gazette of 25th April 1843, from which the Dewan will perceive, that it is declared that no rights on account of alleged property in the person or services of Slaves(sic) shall be enforced within the territories of the East India Company. The Company's ryot must therefore forego his claim nor can the Travancore ryot, if the slaves come from the Company's Country claim any control over them as slaves...

- Resident's Office, Trevandrum, 5 Nov 1844, W. Cullen, Resident⁶³

The word 'slave' is underlined twice throughout this handwritten document, as if to express outrage that such a class of beings continued to exist. Act V of 1843, as Cullen notes, had delegatized slavery. Rather than declare slave holding or trading to be a crime, this act withdrew legal support for disputes relating to slavery. Cullen correctly reads this Act as refusing to enforce rights in the person of a slave. However, he proceeds to argue that this meant that the farmer on Company territory will no longer be able to claim slaves and that former slaves from Company territory cannot be claimed by Travancore farmers – a claim that is stretching the truth at best, since slave ownership had not been declared an offence. The king of Travancore proceeded to approve measures proposed in 1848 granting freedom to all children born of Government slaves. However, he demonstrated awareness that the British had not yet declared slavery illegal. After approving the 1848 measures, he expressed hope that this would “afford satisfaction to the Government for I believe Slavery has not yet been actually declared illegal even in the Company's territory altho' a serious blow has been struck at it by the Act No. V. of 1843.”⁶⁴

⁶³ Ibid., 3.

⁶⁴ “File S.4 Slavery in Travancore and Cochin - Emancipation of” 1813-1872, IOR/R/2/899/369/2, 69.

H. Kristna Row, then at Cullen's suggestion, transmitted a draft of a proclamation on 6 Sept 1853.⁶⁵ In a letter dated 10 Sept 1853, Cullen approved of the proclamation, which "will afford infinite gratification to the British Government while it cannot fail to add to His Highness' reputation for beneficence and liberal policy."⁶⁶ This correspondence was followed by a discussion with the Dewans of the neighboring state of Cochin and Travancore on having separate proclamations, one with amendments proposed by Cochin Dewan, one without. Shungra Warriar, the Cochin Dewan, on 12 Sept 1853, opined that the second clause of the proclamation regarding caste observances should be omitted. "The conferring of freedom on Slaves cannot in any way affect their relative position towards persons of higher castes... The Illoovens and several other castes are already free and yet observe all caste rules." He further suggests amending the fifth clause to read that any act that would be a penal offence against a free man would be so against a slave.⁶⁷ Since the draft proclamation is missing from the archive, this discussion allows one to infer that Cullen had suggested a form of emancipation that undid some caste disabilities as well. Yet the Dewan appears to have succeeded in omitting the clause that undid the caste disabilities faced by those from the 'enslavable' castes. The proclamations of the king of Cochin in February 1854 and March 1855 and the proclamations of the king of Travancore on 14 October, 1853, and on June 24, 1855, were the abolition enactments that followed these discussions.⁶⁸ According to the proclamation that was finally issued in Travancore in 1855, the following measures were undertaken to "better the condition of the slave population" and to confer on them "these advantages, which are enjoyed by the same class of

⁶⁵ "Slavery in Travancore, 1843-1855," 2., 8.

⁶⁶ *Ibid.*, 9.

⁶⁷ *Ibid.*, 8.

⁶⁸ Joseph Mathew, *Ideology, Protest and Social Mobility: Case Study of Mahars & Pulayars* (Inter-India Publications: 1986, New Delhi).

subjects in the extensive territories of the Honourable East India Company”: all government slaves were declared free, slavery would not be enforced legally, no-one could be dispossessed of property based on their status as slave and any crime against a slave would be treated the same as a crime against a free man.⁶⁹ By closely aligning itself to the East India Company’s Act V of 1843, the state of Travancore, too, stopped short of declaring slavery illegal and only refused to administer or acknowledge it in any way – by withdrawing judicial support for, and disentangling the government’s revenue from, the practice. In other words, the government would no longer directly derive revenue from slavery, though it likely would continue to do so indirectly through the collection of land revenue for lands worked by agricultural slaves. The proclamation self-consciously notes that it would only grant ‘advantages enjoyed by the same class of subjects’ in British India. In this manner, the administrators of Travancore carefully matched the partial reforms of the Company and the limited request of the missionaries without committing to the emancipation of privately-owned slaves.

The 1855 proclamation implicitly declares earlier law ineffective, while expanding the state’s legal interventions in social life. There is evidence that slave transactions including the buying and selling of individual slaves continued.⁷⁰ There are complaints of continued practice of slavery dated to 1890.⁷¹ The lack of enforcement of these proclamations, or the lack of archival evidence for this, suggests that customary law triumphed at the very moment it seemed threatened. It suggests that threats to the weight of custom could not aspire to translate into action. In the new proclamations that emerge from this negotiation, the body of customary law is

⁶⁹ Kusuman, *Slavery in Travancore*, 112–13.

⁷⁰ Nair, *Slavery in Kerala*, 32.

⁷¹ Kusuman, *Slavery in Travancore*, 167.

being reworked. That which had the force of law because it was customary practice was now rendered illegal through royal proclamation. The reach of the state is widened and strengthened through such measures. Even if they were not enforced, such measures marked the state's entry into the making – and not just sustaining – of law and order.

Other sources demonstrate the continued existence of slavery after these proclamations. A missionary tract dated to 1857 allows the reader to infer such a continued existence through its evangelical fervor for a time 'when even the slaves become Christian.'⁷² The tract in the Tamil language tells the story of Sarah Elizabeth Cox, the eldest daughter of a signatory to the petition against slavery, John Cox. Sarah Cox is described as compassionate towards the slaves in the region.⁷³ Her death in 1855 was the occasion for the printing of the tract, which was signed by Lady Cox and published by the South Travancore Tamil Tract and Book Society.⁷⁴ Besides the work of the missionaries, the writings of the Dewans of the state also offer glimpses of continuing practices of slavery. In 1844, one year after British India had withdrawn legal support for the practice of slavery, the Dewan Kristno Row of Travancore wrote that a slave can be treated as property in the repayment or contracting of debt. While discussing cases that could be taken to court and disputed, he finds that "Bond-men or slaves are disposed like any other property, and in all the *deeds*, documents, and other vouchers passed for these transfers, there appears to be nothing extraordinary or anything new, which is not shewn in the deeds given for the landed property" (in the margin, he lists the names of the deeds that could include slaves:

⁷² Lady Cox, *Vāla Pōtaki or The Memoir of S.E. Cox, Trevandrum* (Nagercoil: London Mission Press, 1857), 10. Translation mine.

⁷³ *Ibid.*

⁷⁴ *Ibid.*, 25, 32.

“Alpaut Ola, Aloomly Ola, Alatty Pare, Alcaralma, Alocla”).⁷⁵ T. Madhava Rao, Dewan of Travancore from 1858 C.E. and 1872 C.E., conducted a survey during his period in office and found that landlords had the “rights to inflict any kind of punishment including murder on their slaves” and that no complaints about any slave-owner's actions had been received by the government from a slave.⁷⁶

It is doubtful if anti-slavery proclamations could have been enforced with any severity, given the state's limited law-enforcement machinery. There is no archival evidence of slave traders having been exiled as punishment. The state of Travancore had a small police force that was formed circa 1810. Its reserve army force, called the Nayar Brigade, had been disbanded by the Treaty of 1805. This force had earlier served to keep the peace, with cases of capital crime being decided by the king himself, according to the Dewan Vencata Row in 1828.⁷⁷ The police force consisting of 839 persons seems to have been largely involved in preventing property crimes of theft and smuggling and is unlikely to have arrested slave holders. Expenditure for the judiciary seems to have been confined to restoring buildings in 1844; the British Resident complains in that year that only 6000 rupees had been spent on improving irrigation work while nearly a Lakh or 1,00,000 rupees had been spent on buildings including the palace, temples and buildings housing state offices.⁷⁸ The Indian Penal Code finally declared slave ownership a crime in 1860, and the adoption of this Act as Travancore law dramatically underscored the imperial

⁷⁵ Heber Drury, ed., *Selections from the Records of Travancore: No. III A Description of the Administrative System of Travancore in the Year 1844 by V. Kristno Row, Late Dewan of Travancore* (Trevandrum: Travancore Sircar Press, 1860), 35.

<https://catalog.hathitrust.org/Record/008011115>.

⁷⁶ Nair, *Slavery in Kerala*, 21.

⁷⁷ “State of the Police Force from 973-1003 M.E., 1828” (1828), Cover Files/1/15420/1793, Directorate of State Archives, Nalanda, Kerala.

⁷⁸ “Communication of the British Govt., Annual Acct. of the Travancore Govt., 1844” (1844), Cover Files/19/C16127/1844, Directorate of State Archives, Nalanda, Kerala.

hand in law-making in the kingdom.⁷⁹ In 1862, caste differences in access to the Travancore judiciary were still being ironed out though the Indian Penal Code had been accepted as law. Efforts were undertaken to construct court buildings that all castes might enter and ‘forms of address adapted to the rank of the Court addressed rather than, as hitherto, the rank of the person addressing it’ were adopted.⁸⁰ The law, of course, does not automatically improve the lives of the enslaved. In 1906, Nagam Aiya’s manual to Travancore state still describes members of the Pariah and Pulaya castes as ‘serfs’ though, in his view, “they cannot now be treated as chattel.”⁸¹ This indicates that markets for free labor do not spontaneously emerge upon abolitionist legislation and that the juridical subject remains only partially formed by law. Other forces would be necessary for the divorce of land and labor to be completed.

In a manner reminiscent of the Western African case, the impetus for abolition in princely states came from outside.⁸² Two paradoxes undergird this process. First, unfree labor was declared illegal through a government held hostage to British interests. Second, this seeming ‘hollowing’ of the crown by forcing it to succumb to external pressure drew new juridical subjects within its gaze and jurisdiction.⁸³ Extending the royal gaze towards groups that were not allowed to set their eyes upon royalty expanded the rule of law. The loss of the Travancore king’s revenue derived from government slaves was compensated for by the expansion of the

⁷⁹ Even within British India, commentators noted this clause to be impracticable and difficult to enforce. See, for instance, John D. Mayne, *Commentaries on the Indian Penal Code (Act XLV of 1860)*, 3rd ed. (Madras: J. Higginbotham, 1862), 217.

⁸⁰ “Annual Report on the Administration of the Madras Presidency during the Year 1861-1862,” 1862, 12, 37259, Tamil Nadu Archives Library, 122-123.

⁸¹ Nagam Aiya, *Travancore State Manual*, vol. II (Trivandrum: Travancore Sircar Press, 1906) 403, 406-7.

⁸² Sandra E. Greene, “Minority Voices: Abolitionism in West Africa,” *Slavery & Abolition* 36, no. 4 (October 2, 2015): 642–61, <https://doi.org/10.1080/0144039X.2015.1008213>.

⁸³ The argument that colonial intervention “hollowed” the power of native kings has been advanced in Dirks, *The Hollow Crown*.

polity he governed. The Travancore example therefore shows that abolition can be imposed as an act of colonial violence with attendant failures, simultaneously revealing fissures within colonial and native elites' projects of domination. It does so by showing the hollowness of claims advanced both by colonial elites about their moral superiority and by native elites regarding the benevolence of agrarian slavery. Abolition, an anti-imperialist instrument in its conception, first directed against colonial slave holding in the West Indies, became a colonial imposition in princely India. This imposition forced the native king to *see* the subaltern slave whose very presence was considered polluting. Abolition here shuttles between periphery and center, mobilizing colonial forms of knowledge to shake slavery out of the margins, seemingly allowing native kings to obey colonial orders while exposing the hypocrisy of the colonizer's claim to moral authority.

Conclusion

Documenting labor practices for tax assessment exercises in southern colonial India, British East India Company bureaucrats produced descriptions of agrarian slavery. They noted that agrarian slaves were predominantly used to cultivate rice, were deemed ‘enslavable’ because of their caste status, and were most commonly bought and sold along with the land, though they could be sold and mortgaged individually as well. The abolition of slavery in Britain, among other historical factors, eventually led to the piecemeal abolition of forced labor in the region between 1843 and 1860. Though interference was not advised by the Court of Directors, the report drawn up in 1840 was a preliminary to Act V of 1843 which debarred courts from taking cognizance of suits involving the sale and transfer of slaves and Sections 370 and 371 of the Indian Penal Code (1860), which made the sale and purchase of slaves a criminal offence.¹ The history of abolition, then, partially fills the silence about lower-caste history and experience in colonial India. The slave, rendered invisible by literature and customary practice, becomes an object of study through the discussions of abolishing slavery. The imperial debate around the abolition of slavery rendered it newly visible across native-ruled and colonized regions. Future research could proceed to read this history as a totality linked to property ownership, emerging global markets, caste relations and changing norms for labor.

I have shown that the vocabulary and rules governing the slave in archives of literature and ritual produced definitions of slavery that echoed the colonial archive. The absence of agentive mobility was shown to be the defining feature of the slave in ancient through early modern texts. While lower caste texts and rituals contested the rules governing caste-based slavery, they do not offer other means of resistance. Customary law or practices dated ‘since

¹ Raju, *Economic Conditions in Madras Presidency 1800-1850*, 274–75.

time immemorial' served to overwrite the slave's desires with the landlord's and was therefore another means of rendering the slave invisible. I have shown how this shared respect for customary law among native and colonial elites marked the archive and delayed abolition. Further, the comparisons between slavery in the East and West Indies ensured that enslavement remained a malleable juridical object. Finally, I showed how the state of Travancore mimicked abolition in British India to announce a partial and unenforced abolition of slavery.

Future directions of research

The East India Company, in classifying land for revenue assessment exercises and in codifying systems of law in collaboration with the native elite, offered lower caste groups new access to legal recourse while simultaneously offering elites fresh means to reinforce their caste privileges. This had the contradictory effect of reinscribing Brahmanical law within new judicial systems while also encouraging new forms of anti-caste protest. The modality and history of such protest offers one avenue for further research.

The history of anti-caste protest, therefore, becomes crucial to the history of Abolition in British India. Because slavery was enforced or justified by the low-caste status of the enslaved, the law against slavery alone was insufficient deterrent against the practice of enslaving or extracting compulsory labor. Anti-caste protests from low-caste communities - who may not always be the enslaved but may have compulsory caste taxes or labor extracted from them - were sometimes successful in reworking the system of caste law in princely states. Travancore's modifications of customary law provides an index of changing caste practices and demonstrates the intimate ties between economic and social relations in the region. Proclamations removing prohibitions against all castes trading in all commodities, and abolishing caste-specific taxes and

duties such as the import duty on paddy, all highlight how the state's revenue and trade were at once structuring and structured by caste relations.²

The Madras Presidency took shape through conflict and debates over revenue collection in this time, debates that grew increasingly thick with classificatory detail after the Zamindari settlement of 1799 was found to be unprofitable. The widespread adoption of *ryotwari* as a system of taxation in the region, where peasants paid taxes directly, rather than through the middlemen of the *zamindari* form of taxation, produced more intimate knowledge of the region's cultivation practices.³ Administering the trade and production of paddy, thereby, became among the earliest forms of governance that the EIC took upon itself.

Rice is central to this narrative. The history of rice highlights the confluence of cultural and economic history, besides demonstrating how caste structured the economy of the region through agrarian slavery, in Travancore and in the Madras Presidency's rice-growing districts of Tanjore, Malabar, and Tinnevely.

While Beckert locates cotton as the global commodity par excellence for its role in the history of capitalism,⁴ the story of rice in the nineteenth century weaves together caste and imperial trade routes. Rice has been cultivated in the region for close to two millennia now and there are an estimated 32 different words for rice in Tamil. Varying by the stages of its production and consumption, these names designate rice as raw, cooked, in the sheaf or for ritual use. The proliferation of vocabulary and meanings around various words for rice mark its

² [Malayalam] S Raimon, ed., *Tiraññeṭutta Rājakīyaviḷambarāṇṇa! Selected Proclamations of the Sovereign* (Thiruvananthapuram: Kerala State Archives Department, Govt. of Kerala, 2005).

³ An estimated 35 percent of the Presidency remained under zamindari in 1829-39. Well over a million acres remained under zamindari in the districts of Madura, Salem and Arcot in 1900. Dharma Kumar, *Land and Caste in South India*, 11.

⁴ Sven Beckert, *Empire of Cotton: A Global History* (New York: Alfred A. Knopf, 2014).

centrality to ritual, cuisine and social life in southern India. The Malayalam and Tamil word, *cōru*, synonymously designates rice and food.⁵ Coḷa inscriptions assigning a portion of paddy to temples and documenting the distribution of paddy from the royal treasury show that rice has long been integral to the political economy of the region.⁶ Kathleen Morrison and Mark Hauser argue that rice ‘reflected and generated fraught inter-colonial dependencies in the Indian Ocean and Atlantic worlds’ - dependencies that produced insecurity for people around the Bay of Bengal and the Caribbean basin.⁷

Francesca Bray points out that rice may well be ‘a failed global commodity’, since only 5-7 per cent of the commodity is traded internationally currently, when the rice trade is the most globalized it has ever been.⁸ Travancore, in particular, exported very little rice since it needed its produce to support its population. However, it issued several proclamations at this time, adjusting duties on the trade in pepper and rice, signaling that the state was an active participant in, and was affected by, trade in these commodities.⁹ By comparison, an estimated three-fourths of the rice exported globally in the 1860s was produced in British India, with Bengal Presidency and British Burma producing the bulk of the export rice.¹⁰ Though pre-colonial trade networks

⁵ Tuk-tuk Kumar, *History of Rice in India*, 130, 145.

⁶ Kumar, 49–52. Kathleen Morrison notes the centrality of agriculture and the role it plays in imperial expansion in the case of the early modern Vijayanagara empire in “Coercion, Resistance, and Hierarchy: Local Processes and Imperial Strategies in the Vijayanagara Empire,” in *Empire: Perspectives from Archaeology and History*, ed. Susan E. Alcock et al. (Cambridge: Cambridge University Press, 2001).

⁷ Kathleen D. Morrison and Mark W. Hauser, “Risky Business: Rice and Inter-Colonial Dependencies in the Indian and Atlantic Oceans,” *Atlantic Studies* 12, no. 3 (July 3, 2015): 371–92.

⁸ Francesca Bray et al., eds., *Rice: Global Networks and New Histories* (New York: Cambridge University Press, 2015), xviii.

⁹ [Malayalam] S Raimon, *Selected Proclamations of the Sovereign*.

¹⁰ H.J.S. Cotton, “The Rice Trade of the World,” *Calcutta Review*, no. 116 (1874): 272.

included significant export of rice from the southern coast,¹¹ the enforcement of European monopolies turned this trade inward. About a fifth of the land in the Madras Presidency was under cultivation, and shifts in trade could drastically affect land revenue receipts. An increased import in Arakan rice, which was largely shipped in as ballast on ships for an export cargo of salt, for instance, led to a fall of prices in rice that then impacted land revenue. When imports from Arakan increased from 828 garces to 4,768 garces, land revenue receipts fell by a crore of rupees in 1839-40 from a few decades earlier.¹² Even if the region did not participate in the export trade, then, the price of commodities and the collection of land revenue was dependent upon the global rice market.

Given that land revenue was the Company's principal source of revenue in the region, the productivity of the land was of concern to the emergent state. Tanjore's prosperity, in particular, was attributed entirely to the establishment of a successful network of irrigation channels in 1785. Production extended rapidly thereafter, and the district that had, until 1807, consumed almost all its produce, took over the Madras market, displacing the Bengal exports that had fed Madras until that time. Across southern districts, the first quarter of the nineteenth century saw an expansion in cultivation, which the Board of Revenue attributed to the increase in population due to continued peace. The collapse of textile exports was accompanied by an increase in the exports of cotton, indigo, grain, coconuts and pepper.¹³ The establishment of the Public Works Department to improve irrigation in 1852 further indicates the centrality of rice to colonial revenue in Madras Presidency. As Mosse notes, the history of irrigation is frequently rendered as

¹¹ Sanjay Subrahmanyam, *The Political Economy of Southern India, 1500-1650* (Cambridge: Cambridge University Press, 1990).

¹² *Ibid*, 241.

¹³ Raju, *Economic Conditions in Madras Presidency 1800-1850*, 210.

the development of scientific means of maximizing water control or management, thereby “obscuring wider social and political processes.”¹⁴ Remaining attentive to the history of irrigation in the context of the expansion of rice cultivation could integrate it within these ‘wider social processes’ and the manner in which state formations developed in response to revenue needs.

Raju suggests that the decline in textile exports contributed to a centralization of finances in Madras, rather than in district headquarters. I propose to investigate how the paddy trade may have contributed to these shifts, especially as the period marked the shift away from payment of revenue in grain to that of money.¹⁵ Following the collapse of textile exports to British and African markets, the abolition of inland transit duties encouraged the internal grain trade. Duties were abolished in Bengal by Act 14 of 1836, in Bombay by Act 1 of 1838, and in Madras by Act 6, of 1844,¹⁶ one year after the regulations that withdrew judicial support to slavery. Indian traders now found it more profitable to trade with each other, since the coastal trade was being sealed off. The abolition of customs, thereby, marked the outline of an emergent nation, already partially framed in Brahmin myth, this time through the boundaries of exchange.

¹⁴ David Mosse and M. Sivan, *The Rule of Water: Statecraft, Ecology, and Collective Action in South India* (New Delhi; Oxford; New York: Oxford University Press, 2003), 20.

¹⁵ Raju, *Economic Conditions in Madras Presidency 1800-1850*, 233.

¹⁶ Bhimrao Ramji Ambedkar, “Administration and Finance of the East India Company” (University of Columbia, 1915)

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