

# Property Rights, Land and Territory in the European Overseas Empires

Direitos de Propriedade, Terra e Território nos Impérios  
Ultramarinos Europeus

Edited by José Vicente Serrão  
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Cover image: “The home of a ‘Labrador’ in Brazil”, by Frans Post, c. 1650-1655 (Louvre Museum).

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## The Portuguese land policies in Ceylon: on the possibilities and limits of a process of territorial occupation

José Vicente Serrão<sup>1</sup>

*Abstract:* The Portuguese rule in Ceylon was rather brief (1597-1658), it never encompassed the whole territory, and it was always highly conditioned by a backdrop of permanent warfare and political vulnerability. Nevertheless, Ceylon proved to be the most comprehensive and complex experience of territorialisation in the Portuguese eastern empire. A mix of economic, financial and political goals would bring land and property issues to the forefront of the Portuguese colonial policies in Ceylon. On the one hand, both the most valued economic resources and the main sources of state revenue derived from the agricultural sector; on the other, land was the main asset to be manipulated, both to attract Portuguese settlers and soldiers, and to win the support of native authorities and populations. However, when comparing what was projected for Ceylon in terms of property rights, land occupation and agricultural development with what in fact turned out to be, there are some important differences. That deviation, although partly explained by the political and military context in which the Portuguese rule took place, was mainly due to the way policies regarding the land were actually appropriated by the social actors, both native and Portuguese. Not only was there a process of mutual accommodation between the innovations set up by the colonial rulers and the native traditions, but also that process was shaped by the unpredictable social and political dynamics of the colonisation project itself.

*Resumo:* O governo do Ceilão pelos portugueses foi bastante curto (1597-1658), nunca abrangeu a totalidade do território, e esteve sempre muito condicionado por uma situação de guerra e de vulnerabilidade política. Apesar disso, o Ceilão representou a experiência de territorialização mais abrangente e mais complexa de todo o império português do Oriente. Um misto de objectivos económicos, financeiros e políticos trouxe as questões da terra e da propriedade para o primeiro plano das preocupações e das políticas portuguesas no Ceilão. Por um lado, porque tanto os maiores recursos económicos da ilha como as principais fontes de tributação tinham a sua origem no sector rural. Por outro, porque a terra era o principal recurso a ser manipulado, quer para atrair ou remunerar colonos e soldados portugueses, quer para garantir a colaboração das autoridades e das populações nativas. Mas, entre aquilo que foi projectado para o Ceilão em matéria de direitos de propriedade, ocupação do território e desenvolvimento agrícola, e aquilo que efectivamente veio a concretizar-se, há algumas diferenças importantes. Essa divergência é em parte explicada pela evolução do contexto político e militar, mas ficou a dever-se sobretudo ao modo como as políticas fundiárias foram apropriadas na prática pelos actores sociais, tanto nativos como portugueses. Houve assim um processo de acomodação entre as inovações introduzidas pelas autoridades coloniais e as tradições locais, processo que se foi configurando de forma imprevisível pelas próprias dinâmicas sociais e políticas do projecto de colonização.

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From the end of the 16<sup>th</sup> century to the mid-17<sup>th</sup> century, the Portuguese managed, like never before, to exercise a real control over significant parts of Ceylon; they even planned a permanent political government over the whole island, in what was to become known as “the conquest of Ceylon”, to use the title of the work by Jesuit Fernão de Queiroz (1692). This led the imperial authorities in Goa, Lisbon and Madrid to formulate several ambitious plans for the territorialisation of Portuguese rule in Ceylon, which included, on the one hand, a thorough survey of rents and land resources, and, on the other hand, the redistribution of those resources among the Portuguese and their allies, without excluding large-scale transfers of properties. It was indeed a project of colonisation and appropriation of the territory, whose goals were simultaneously political, financial and economic. The idea was to expand the Portuguese crown’s sovereignty and rule over Ceylon, to secure its financial ground from local resources, and to ensure a more direct control on the production and extraction of those products (mainly cinnamon) that were of interest for international trading.

The significance of this case arises from it being relatively exceptional within the Portuguese empire in the East, generally not prone to territorial rooting on a large scale, and predominantly focused on controlling sea areas and commercial networks (Subrahmanyam 2012; Bethencourt and Curto 2007). Besides, this was the first time in Asia that a well-organised and consolidated system of property rights underwent a systematic intervention by a European colonial power, whose concepts on property and labour took root on a quite different cultural and legal framework<sup>2</sup>. Thus, the “Portuguese Ceylon” can make an interesting case study on the acculturation processes between European and non-European legal frameworks fostered by early modern imperial dynamics. It also allows us to analyse the three main stages of every land and agricultural policy – its conception, its implementation, and its social appropriation.

This brief essay, which only explores some preliminary notes from an ongoing research<sup>3</sup>, is divided into four sections. The first one provides a brief glance on the historical setting; the second one addresses the native system of land tenure and property rights; the third one points out the main features of the land policy designed by the Portuguese for Ceylon, followed, in the fourth section, by a short description of its results. Finally, the conclusion provides a brief recap.

## 1. A few notes on the historical setting

Ceylon (present-day Sri Lanka) is an island located in the Indian Ocean, southeast of the Indian subcontinent, with an area of approximately 65,000 square kilometres. The figures on its population for the period being discussed here are disputable, but a recent estimate (De Zwart 2012) indicates a total of 1.3 million inhabitants in the late 17<sup>th</sup> century<sup>4</sup>. Ethnically, most of that population was Sinhalese, followed by the Tamil (12-18 percent), who lived mainly in the northern part of the island, and small communities of Muslim traders. As to religious faith, those three ethnical groups followed the Theravada Buddhism, Hinduism and Islam respectively. The Portuguese made their first contacts with Ceylon in 1506, shortly after the arrival of Vasco da Gama to India in

<sup>2</sup> There is a vast literature on property rights in Asia, before and after the arrival of European powers. For a good starting point, see Boomgaard 2009 and Washbrook 2004.

<sup>3</sup> Its final results will be featured on a more comprehensive version (in Portuguese) in the book J. V. Serrão (ed), *A terra num império ultramarino*. Lisbon: ICS, forthcoming.

<sup>4</sup> Comparatively, at that time, the Portuguese population was around 2.2 millions (Palma and Reis 2014).

1498. A few years later, in 1518, they built a fortress in Colombo, which would provide a shelter for a small community of merchants, missionaries, adventurers, and mercenaries. The nature of this Portuguese presence was for a long time essentially unofficial, although it included a small military garrison and enjoyed the protection of peace and trade agreements (and some of suzerainty-vassalage) signed between the Portuguese authorities and some local sovereigns. Over the 16<sup>th</sup> century, they entered the trade of cinnamon and other products from the island, tried to disseminate the Catholic faith and became increasingly involved in domestic politics, particularly during the second half of that century<sup>5</sup>.

The Ceylonese political scene, however, was quite complex, with several polities fighting each other. Three kingdoms were prominent – Jaffna in the north, Kandy in the cragged interior and Kotte in the southeast. The Portuguese influence was mostly exercised on the latter – the most important one, which cherished some aspirations to embody a quasi-imperial entity on the whole island. In 1557, the Portuguese even secured the conversion to Christianity of its king, Dharmapala, then followed by a considerable portion of the Kottean nobility. When he died, in 1597, he bequeathed his crown through a deed of gift to the king of Portugal<sup>6</sup>, who thus became entitled *de jure* to govern the Sinhalese monarchy (Saldanha 1991). This relatively uncommon gesture transmitted formal political responsibilities in Ceylon to the Portuguese, fostering a project of political integration of the whole territory in the Portuguese empire. Such ambition was never fully accomplished. In fact, if after several attempts at an indirect incorporation the Jaffna kingdom ended up being militarily conquered in 1619, Kandy would never be subdued. Besides the native opposition, the Portuguese rule soon started to be disputed also by another foreign power, the Dutch East India Company (VOC), which would eventually defeat and replace the Portuguese in 1658. Yet, one may say that, from the 1590s to the 1650s, the Portuguese remained in Ceylon as the principal ruling power. In this experiment of colonial direct rule and territorial occupation, the land issue, for several reasons, was to play a decisive role.

However, as far as the Portuguese colonial rule in Ceylon is concerned, it is important to understand what was really at stake and how did land and property rights become such a crucial issue. Firstly, it is worth mentioning that the Portuguese inherited there a full-fledged system of governance and administration, despite the then-existing political unrest, and they also encountered a complex social organisation, which they were unable, and unwilling, to radically transform. The distance and the sheer demographic size of the kingdom of Portugal, even when counting in the population of Portuguese descent from the *Estado da India*, could never provide the necessary staff to replace the native administration, not even its ruling elite. They would always have to rely on them to exercise their colonial rule, as they actually did. Secondly, Portugal never ceased to be seen as a *foreign* power, whose authority was challenged and faced with resistance, either passive or active, and it was forced to confront multiple uprisings; not to mention the permanent and sometimes extremely violent warfare that marked the whole period. It all put the Portuguese under tremendous pressure, while also requiring multiple strategies for negotiating their power and alliances.

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<sup>5</sup> On the nature and circumstances of the Portuguese presence in Ceylon during the 16<sup>th</sup> century, see Flores 1998, Biederman 2009, and Pieris 1913.

<sup>6</sup> Who, at the time, was actually Philip II of Spain, following the incorporation of the Portuguese crown into the Spanish monarchy of the Habsburgs in 1580.

Thirdly, the colonial rule of Ceylon brought the need to manage a variety of often-divergent interests, both on the Portuguese and on the Ceylonese side. On the first one, there was the monarchy's government (ruling mostly from Lisbon but also from Madrid), the viceregal authorities from the *Estado da India*, and the civil and military authorities serving in the island, which often acted in their own best interests. Besides these powers, there was also the community of *casados*<sup>7</sup>, mostly interested in practicing private trade, as well as missionaries from several and competing affiliations, namely Franciscans, Jesuits, Augustinians, and Dominicans. As to the "colonised" side, the diversity of vested interests was even greater, thanks to the native society's large stratification into castes and its political and confessional division. Describing it just by naming the members of the various royal families; the courtly aristocracy; the royal officials, from the *disavvas* (provincial governors) to the *vidanas* (district and caste chiefs); the native militias (*lascarins*, *arachis* and *modeliars*); the *goyigama* and the *pangukaraya* (just two of the several categories within the peasantry) – it is certainly a reductionist view, but it gives an idea<sup>8</sup>.

Lastly, one must note that, despite a few visionary politicians and "arbitrists", the Portuguese never really intended to carry out an extensive colonisation of Ceylon through a massive establishment of settlers of Portuguese extraction (Flores 2001). Nor did they wish to develop a plantation economy there like it was being or would be done in their Atlantic colonies, or like it would later be done in Ceylon itself by the Dutch and especially by the British (Schrikker 2007; Bandarage 2005). The Portuguese only sought more favourable conditions to exploit those of the island's economic resources that could be taken to the international markets, namely pearls, elephants, areca nuts and especially cinnamon, which was considered the best in all Asia. This, however, meant that they would now need to have a direct control over the production and not simply the trade, as they had been doing over the 16<sup>th</sup> century. Having acquired sovereignty, they also wished to take advantage of royal, tax and customs revenues that were previously due to the Sinhalese monarchy, with which they hoped to cover at least the costs of occupation, including the military ones, so that the project of colonisation of Ceylon would finance itself. And obviously they intended to secure and expand their political rule over the island.

This mix of economic, financial and political goals, as well as the whole context of the Portuguese colonial rule in Ceylon, gave a tremendous importance to land, both directly and indirectly. Directly since the island's biggest economic resources, as well as most of its sources of taxation, came from the rural sector<sup>9</sup>. Indirectly since land and its income were now seen as the main resources to be manipulated, either to lure and reward Portuguese settlers and soldiers, or to secure the support and the cooperation of native authorities and populations.

## 2. The native system of land tenure and property rights

Land and land-related issues were as relevant for the Portuguese colonial project as they were hard to deal with. Firstly, because the Portuguese found a very complex system in Ceylon regarding property rights, social distribution of land, labour organisation and

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<sup>7</sup> Portuguese married settlers, very often retired soldiers. The life story of one of them was studied by Silva 1970.

<sup>8</sup> See more in Ryan 1953, Wickramasinghe 2006, and Dewasiri 2008.

<sup>9</sup> In 1643 they amounted to 80 percent of the total revenue (see Godinho 1982: 105-112).



taxation methods. This short essay is far from being the right place to describe it in detail, but some of its main features are worth mentioning<sup>10</sup>. The whole system, for our present purposes, was closely linked to two fundamental principles or notions with regard to the inner workings of the Ceylonese society: *bhupati* and *rajakariya*. Both were related to the idea that the king was the primary source of authority and the patron of social cohesion. Consequently, all individuals were subject to the *rajakariya* (literally, the service to the king). The notion of “service”, however, changed greatly according to caste and social ranking, and it could have meanings as disparate – just to mention a few – as tilling the land, peeling cinnamon, drumming, feeding or hunting elephants, serving at war, doing the laundry, working the lands of village lords, administering provinces or fulfilling political duties at the court. Thus, the job of any given person was deemed a social duty, a service to the community and, ultimately, to its pillar, the king. So, in a sense, all functions and services, including those among vassals, were seen as *rajakariya*.

On the other hand, in a society where the levels of monetisation were very low and land was the main source of income, the remuneration of services was done by handing over a portion of land or the income thereof, which of course varied according to the social relevance attributed to the duty fulfilled. Which begs the second concept mentioned above: the king as *bhupati* (literally, “the lord of the lands”). The interpretation of this concept is not easy or linear, and it has given rise to some controversy (Siriweera 1971, Dewasiri 2008: 131-136). We do not know exactly if it meant that the king was the actual owner of all lands, thus excluding the existence of other owners (and of private property) or if it corresponded to a general principle, more rhetorical than practical – *bhupati* as overlordship – a sort of primary source of authority or eminent domain of the king over all lands. In any case, individuals had the right to hold or enjoy a land asset only by means of a royal grant or authorisation. So, strictly speaking, there were no land *owners* in Ceylon, only land *holders*, and always by way of service tenure. The general principle was that lands were bound not to particular persons, but to certain services, being regarded as a source of maintenance or a reward in exchange for that service. Therefore, it all entailed a relationship with land and a conception of property that were completely different from the European and Portuguese standards, at least in their formal and legal aspects. Consequently, the private ownership of land, as a concept of exclusive rights in land, did not exist in Ceylon. What existed were limited rights over certain lands and a network of obligations based on land (Silva 1992-3: 3).

Following these general principles, there were however some important variations, namely with regard to the tenurial rights and the type of granted assets. As to the rights of tenure, closely linked to its duration, the main distinction was between *paraveni* lands and *badawedili* ones. The *paraveni* lands were tied to a caste’s permanent duties (e.g. tilling, keeping the books of the village, working as a blacksmith or hunting elephants) and were grounded in hereditary rights, lasting within families for a long time; in practice, they corresponded to a hereditary tenure and their status was very much like full ownership. Differently, *badawedili* lands, also called *divel* (which means “maintenance”), were, as the name suggests, land and village grants for the maintenance of individuals who fulfilled more temporary duties, often of political, administrative and

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<sup>10</sup> The description that follows is an attempted summary of information, sometimes blurred and contradictory, from several sources, mainly: Abeyasinghe 1966; Anonymous 1831; Codrington 1938; Dewasiri 2008; Paranavitana 2001; Perera 1959; Pieris 1913; Silva 1972; Silva 1992-3; Siriweera 1971; Tennent 1860; and the primary sources Queiroz 1692 and Ribeiro 1685.

military nature. Thus, they were more precarious, but they were also usually more qualified.

With respect to the type of holdings granted by the king or held by families, they could be either simple parcels of land (*pangu*) or entire villages. Villages (*gam*) were indeed the organisational basis of territory, both for administrative and economic purposes. In the territory under the king of Kotte, the first governed by the Portuguese, they added up to 22,000, varying in size and wealth. One must note that the village donnee, who usually acted as an absentee landlord, did not receive all of its lands, only its largest and richest estate, called *muttetu*, somewhat reminiscent of what demesne was in medieval Europe. This *muttetu* was tilled for free, under the *rajakariya* system, by the villagers, including the *pangu*-holders. All that work, as well as most of the village's activities, was organised by the village headmen, the *gamarolas*. These also coordinated the collection of several taxes and rights due to the king or the village donnee. Through the grant of a village, the *gamladda* became entitled to a combined rule over land, labour force and revenues, sometimes alongside some duties of territorial administration. Yet, his rights were limited and he did not possess full lordship over the village. Remember for instance that the holder of a *pangu* (*pangukaraya*) was not a serf, nor a servant, nor a direct tenant of the village holder – both had the king as their ultimate landlord. Within the complex landed organisation of a village, there was therefore a significant overlapping of obligations and property rights and several types of lands.

Moreover, villages were not all alike with regard to status and title of possession. They can be grouped in three main categories. The first one was that of *gabadagam* villages, which, due to their higher income or strategic value, were not granted to anyone, rather kept under the direct administration of the royal treasury; their number is estimated at around 3,700, or 17 percent of the total. The second category was that of villages that the Ceylonese kings had granted over time to temples and religious institutions for their maintenance, which were completely exempt from services and rents to the crown; they were called *viharagam* and *devalagam*, if they were bestowed on Buddhist monasteries or Hindu temples respectively. The third category, by far the largest one, was that of *nindagam* villages, those that the king had granted to individuals for maintenance on a service tenure basis, according to the model described in the previous paragraph. Their donnees formed what could be called the Sinhalese nobility, both provincial and courtly.

While taking over the administration of the kingdom of Kotte, and later Jaffna's, whose particularities were not much different from those just described<sup>11</sup>, the Portuguese had to deal with this system of land tenure and property rights. This system was indeed very complex, not only because of the different legal, ideological and social conceptions it relied on, but also because of the nomenclature. Nevertheless, the almost century-long "training period of Ceylon" (Biederman 2006) by the Portuguese is not to be neglected; nor the fact that, in spite of all its complexity, the native system had, after all, a number of common features with the ones the Portuguese already knew from their homeland or other overseas territories (namely Goa and the Northern Province)<sup>12</sup>. Among such similarities we should mention, for instance: the village as the fundamental unit of property, agriculture and territorial organisation; a bond between land/village tenure and services to the crown; an "imperfect" ownership; the overlapping of property rights; the existence of many absentee landlords; the fact that many lands were kept directly under

<sup>11</sup> On Jaffna see particularly Abeyasinghe 1986; Cosme 1994; Pieris 1944.

<sup>12</sup> On the latter, see the previous chapter by Susana Münch Miranda.

the crown; and, above all, the fact that the king held the ultimate lordship (a kind of eminent domain) over all lands and, consequently, the prerogative of distributing them among his vassals. This was a crucial feature, for it would allow the new sovereign (the Portuguese crown) to have a say in the whole system without disregarding the traditional sources of legitimacy.

### 3. The Portuguese land policy

The first step on what could be called the Portuguese land policy in Ceylon was to obtain a fine picture of the current situation. Once the Convention of Malvana was over in 1597, formalising the transfer of sovereignty to the Portuguese crown, the first captain-general (governor) of Ceylon ordered the *Lekammiti*, a book of general and detailed records on all properties, rents and pensions due to the Sinhalese monarchy, to be brought in. Shortly after, in 1599, Jorge Florim de Almeida finished a first revenue register of the kingdom, which also featured a descriptive guide to Sinhalese traditions and lifestyles (published by Silva 1975)<sup>13</sup>. It was the first attempt at what would be the *tombos* of Ceylon, ordered in 1608 and finished in 1614, 1618 and 1622. Jaffna would also have its own *tombo* in 1645. *Tombos* were books of detailed records, compiling an extensive survey of all villages and individual lands, their holders, ownership titles, agricultural use, taxes and duties, as well as much other information<sup>14</sup>. This compilation was expected to provide the new ruling power with the knowledge on the estate and incomes at its disposal, which fiscal rights it could collect and to whom, how it could make the most of the island's economic resources. Additionally, the fact that they compelled the whole population, as well as native authorities, to declare before the new rulers which deeds justified their land tenure and their right to charge rents had, in itself, an immense symbolic political reach. It showed who was now in power and who was the island's sovereign.

If the first step of the Portuguese policy on land and its income was to gather information and be acquainted with the system in place, the second one was to take it over and run it according to the Portuguese interests. This involved, on the one hand, changing the legal framework that regulated the relationship between the crown, the grantees and their assets; on the other hand, promoting a more or less extensive redistribution of land ownership. Clearly set by authorities in Lisbon (and Madrid) during the winter of 1607-1608, the guidelines for that policy were stated in a royal charter sent to the viceroy, dated from 12 December 1607, and particularly in the comprehensive standing orders delivered to the superintendent of revenue Antão Vaz Freire in 27 February 1608<sup>15</sup>.

An important issue in those orders was that the lands, villages and labour force more closely related to the cinnamon production or elephant hunting, as well as some others of strategic value, should remain under the direct administration of the crown. Part of the villages attached to the maintenance of temples could be transferred to the Portuguese religious institutions wishing to settle on the island. All the remaining ones, as well as most of the royal estate inherited from native sovereigns (*gabadagam*) and vacant villages, were to be distributed to individuals, used as a way of rewarding

<sup>13</sup> See also Ribeiro 1685: 25, and Pieris 1913: II, 29-30.

<sup>14</sup> On the Portuguese *tombos*, see Parnavitana 2007; Caprioli 1979; Perera 1938; Pieris 1944.

<sup>15</sup> The royal charter is published in Pato 1880: I, 161-164; the standing orders in Rivara 1876: VI, 804-9, and Abeyasinghe 1974: 37-41 (in English).

services, luring settlers and soldiers, and bribing the indigenous elites. An order of priorities was set for allotting villages. Thus, the largest and best ones should be handed over to the Portuguese already living on the island, *casados* or not, then to other Portuguese vassals from the *Estado*, particularly those who wished to marry the “king’s orphans”, then to high-ranking Christianised natives who were loyal to the new ruler, and finally to Portuguese soldiers who had served in the conquest. The smaller villages would be used to remunerate native soldiers (*lascarins*) and their officers (*modeliars* and *arachs*). As to farmlands, they should be left to natives, who should be left “*with the same villages and lands that they already held*” – this is a very telling sentence regarding the intention to keep the pre-existing land structure as unchanged as possible, particularly with respect to the interests of common people, a concern that is constantly repeated in chief official documents. If there were vacant farmlands, they would be reallocated to native converts or, in their absence, to the so-called St. Thomas Christians, an ethnic-religious group from Kerala (in the Malabar Coast) whose migration and settlement on the island should be stimulated.

As to the legal framework that should regulate the relations between the crown and the grantees of these landed assets, it was clear, as reiterated in some previous diplomas, that it should be that of the *aforamento*. This was a formula seemingly belonging to the legal realm of emphyteusis, very common in Portugal, and already tested in the Portuguese India, in the Northern Province, where it had evolved into a kind of hybrid system, combining emphyteusis with the donation of crown assets – let us call it an *Indo-Portuguese emphyteusis*. It meant the granting of villages in exchange for a *foro* (quit-rent) in cash, as well as the provision of services, namely military ones, like mandatory service in the event of a war with a certain number of men and weapons, which varied according to income<sup>16</sup>. Keep in mind that, while grants to the Portuguese were long-term (two or three lives), those to natives would be done for an indefinite period, at the king’s discretion. Finally, the standing orders imposed the immediate compilation of *tombos*, so as to record all village and land grants, both old and new, and they would also contain several instruction on how, to whom and by whom should several revenues of the Ceylonese economic and tax system be charged.

The existence of specific orders such as those of 1607-1608, as well as the existence of detailed books such as *tombos*, may lead us to believe that the definition and implementation of a Portuguese land policy in Ceylon was an orderly and rational effort. But this is a somewhat misleading perspective on what really happened. Firstly, because those regulatory dispositions came about fairly late, when a considerable portion of available lands had already been distributed. Secondly, because the allotment of remaining lands and villages was to be intensified in the following years, even before the *tombos* were finished (against what was determined), often based on casuistic actions and decisions, in an atmosphere full of jurisdictional conflicts between the island’s authorities, namely the governor and the superintendent. Thirdly, because many other plans and measures, not necessarily in line with the policies set in the beginning of the century, were to be promulgated before the end of the Portuguese period. In fact, land-related topics used to be part of viceregal instructions to governors and revenue superintendents, each time they were appointed to Ceylon. Resolutions on those matters were also frequent in the meetings of Goa’s Revenue and State Councils, and were not

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<sup>16</sup> The board established in Colombo to supervise the whole allotting process would later determine the specific terms of these obligations, as well as the value of the *foros*, which would amount to 12 percent of the villages’ income, a third of which paid in pepper and two thirds in cash – document published in Fitzler 1927: 24-25.

rare in royal orders coming from Lisbon and Madrid. All of this, besides proving the relevance of such matters, would give some inconsistency to the policies put forward.

#### 4. Implementation and outcomes

As for the results of these policies, they varied and their interpretation depends on the perspective adopted. In terms of land ownership, changes were moderate. As to the Portuguese, with perhaps a few exceptions, they did not take over lands and villages previously held by Sinhalese people. Their introduction to land ownership in Ceylon came almost exclusively from the allotment of royal villages (*gabadagam*) and temple villages (*devalagam* and *viharagam*), and probably the main beneficiaries were those in charge of distributing lands and their protégés: the governors, the military commanders and other soldiers, the crown's local representatives, the religious orders and a few *casado* settlers. However, the sum total of Portuguese who took possession of Ceylonese lands must not have been more than a few hundreds<sup>17</sup>. The plans to attract a mass of settlers from Portuguese descent or origins to Ceylon proved a utopia. Thus, a massive transfer of land to Portuguese hands never took place, although they would get many of the best villages in certain areas, besides enjoying some tax privileges and other benefits.

Those thousands of villages that used to be held on a service tenure basis (*nindagam*) were kept in Sinhalese hands, even if not necessarily the same. After undergoing a formal process of qualification and entitlement, it gave rise to many changes of holders. This process was entrusted to provincial and local authorities (under the Portuguese government but mostly Sinhalese), which were then able to favour themselves and their clienteles. In this regard, the indigenous elites, mainly those in administrative and military positions, ended up being the prime beneficiaries of the Portuguese land policy. They received lands from the royal estate (*gabadagam*), they increased or confirmed those *nindagam* they already had, and through their participation in decisions on allocation, they could use the power of discretion and sponsorship, thus reinforcing their social and political status in the island. Obviously, all this depended heavily on their ability to negotiate with the Portuguese authorities as well as on the way they managed their political allegiances or religious confession. Unsurprisingly, some of them, as well as the common people, were excluded of the benefits, not without expressing their discontent in several ways, as was the case of the long memorial submitted to the Portuguese authorities in 1636 (Queiroz 1692, book VI). Among the discontents were usually the native soldiers and their families. The assignment of lands to them – a very sensitive issue – seems to have never been satisfactorily solved.

Meanwhile, one should bear in mind that all these grantees of village (re)allotments, either new or old, Portuguese or Sinhalese, were not usually farmers. As land and village holders, they only received rents and benefitted from the native labour force, and they were not the ones tilling the land. As for these, the Ceylonese peasantry as we may call them, by and large they kept their lands and their landholding status. Changes were minimal, except in cases where war events and political allegiances with conflicting parties led to the displacement of populations – there are several reports of entire villages and wide territories undergoing processes of depopulation. Some initiatives to replace them, namely with the St. Thomas Christians, landless agricultural labourers

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<sup>17</sup> Accurate calculations have not yet been made, but it is estimated that in the 1640s there would be some 350-400 Portuguese *foreiros* in Kotte and about 90 in Jaffna (Abeyasinghe 1986: 42).

from Goa (*curumbins*) and even native Africans brought in from Mozambique, proved hard to be materialised (Meyer 2006; Silva 1972: 83).

Therefore, in spite of all the changes, the key foundations of the local system of property rights remained largely unchanged under the Portuguese colonial rule. Not even the eventual reconfiguration of what one might call the island's landed aristocracy, nor their renaming as *foreiros*, were a clear rejection of the traditional pattern, in which landholding (village holding, to be more precise) meant basically a rent-seeking position and a method of remunerating services, past or present. The same applies to the new institutional framework imposed by the Portuguese, especially the replacement of the former model of land and village grants with the *aforamentos*. Being a development of the original homeland model, this *Indo-Portuguese emphyteusis* was in fact a close adaptation to indigenous institutions, namely by respecting the hierarchical and "dual dominium" relationships, in which the ownership of land and villages was already shared between landholders and the king. So, the adjustment (either deliberate or not) of a European institution to the colonial environment is perhaps more remarkable than the other way round.

Probably, the greatest changing impact came from some of the unintentional side effects of that system. One of these was the fact that the Portuguese *foreiros*, due to the temporary nature of their presence on the island, developed, mainly from the 1620s onwards, a market for buying and selling *foros*, lands and villages, which was almost inexistent in Ceylon until then. The other one was the imposition of quit-rents in cash on most villages, which besides subverting to a certain degree the principle of *rajakariya* must have helped to speed up the monetisation of the Ceylonese economy. Another contribution came from the fact that the government began at some point to buy large quantities of areca nuts from producers, to complement those obtained via the tax system. This was, actually, part of a well-succeeded economic policy (not strictly a land policy) meant to increase and diversify the agricultural output that could be placed in the international markets: areca nut, pepper, nutmeg and cinnamon. As the most valuable crop, cinnamon was mainly produced in the few crown villages that remained deliberately excluded from generalised allotments, by making use of the native labour force of the *Chaliya* or *Salagama* caste. Its production (which had a fivefold increase between the 1590s and 1640s) and its export (a royal monopoly since 1614), performed fairly well in the long run. Finally, since this analysis cannot be further extended, just a brief note on the frustrating results of land policies in terms of tax and revenue collection<sup>18</sup>. Seen "from below", the Portuguese innovations only meant additional and heavier charges for the population, becoming a factor of enduring discontent. From the colonial rulers' perspective, the difficulties in collecting taxes and dues, their embezzlement by many officials, both Portuguese and Ceylonese, and above all the huge military expenditure, turned this territory into a constant source of deficits, falling utterly short of the expectations generated by the intervention in Ceylon.

## Conclusion

In the short 60-year period during which the Portuguese remained in Ceylon as its ruling power, they carried out the most comprehensive and complex project of territorial occupation in their eastern empire. Within this effort, land obviously played a pivotal

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<sup>18</sup> On the connections between land, tax and revenue policies in this period, see Abeyasinghe 1966: 134-183; Silva 1972: 190-229.

role – as a basis for agricultural production, as a source of tax revenues, as a way of rewarding services – making the Portuguese authorities set some lines of land and agricultural policy. Yet, the Portuguese soon realised that the foundations of their power on the island were flimsy and uncertain. On the one hand, they strongly depended on the native population's support, mainly its labour force and its administrative and military elites; on the other hand, they were contingent on the ebb and flow of the military situation, since the whole period was of permanent warfare. This and the rotation of the Portuguese leaders explain why the aforementioned land policy was reassessed and updated over time. It also explains why, in contrast with how ambitious some of its initial goals were, it ended up being a quite conservative policy, even in terms of the institutions and the legal framework adopted to regulate property rights; despite bearing Portuguese names, they were adapted in order to accommodate to native institutions and traditions. Pragmatism reigned supreme here as elsewhere, imposing the least possible changes as the main precept of government.

However, changes did occur, and not always in line with the intended goals, since they came mostly from the way the several social actors, both Portuguese and native, appropriated the government's policies rather than from those very policies. Among the main winners were a few Portuguese (local authorities included) and especially the native elites, mainly those who offered to collaborate with the foreign ruler; they took advantage of the changing governmental structures and of the erosion of traditional sources of power legitimacy and authority to strengthen their position and benefit themselves. A good example is what happened in terms of land tenure and its redistribution on a large scale, a process in which the Portuguese barely participated. In fact, all policies that deemed land as a way to attract a mass of Portuguese and Indo-Portuguese settlers to Ceylon proved well below the expectations. The same applies to the use of land as a source of tax revenues. Conversely, all policies of agricultural development oriented to provide the most requested Ceylonese commodities to the international market performed well. After all, that had been the main reason why the Portuguese originally came to Ceylon.

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