

6 Piracy in India's Western Littoral

Reality and Representation

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Abstract

The chapter sets out to counter Eurocentric bias in depictions of maritime power and violence along India's western littoral during the period of British expansion in the late eighteenth and early nineteenth centuries. The author adapts analyses of legal pluralism in maritime spaces to explore the role of piracy in Indian conceptions of power and jurisdiction at sea. Piracy was a matter of contention among Indian and British governing authorities that drew both of them into efforts to understand the phenomenon as part of local histories and traditions. Despite the efforts of some to understand piracy in this context, the British ultimately portrayed maritime predation as an ethnographic marker of a "savagery" over which their sovereignty could be asserted.

Keywords: East India Company, South Asia, legal pluralism, Eurocentrism, sovereignty

The present chapter is an attempt to respond to recent attempts at questioning the Eurocentric bias in depictions of maritime power and violence in a period of European expansion. It takes its cue from new and significant work done on the idea of legal pluralism in maritime spaces, on non-European conceptions of power and jurisdiction at sea, and on the value of using piracy as a lens for understanding the articulation of sovereignty.¹ As the title indicates, the chapter focuses on both the materiality of maritime

¹ Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010); C.R. Pennell, *Bandits at Sea: A Piracy Reader* (New York: New York University Press, 2001).

violence and predation as well as of its representation in Asian and European sources to arrive at a more nuanced understanding of the phenomenon in the context of India's western littoral, conventionally understood as the "pirate coast" par excellence. It was a dubious and inglorious reputation for sure and not necessarily the sole construction of the British colonial state, although the latter's intervention as the policeman of the seas to protect free trade lent additional semantic and political overtones to the bundle of activities that came to be designated as piracy.

In keeping with the underlying rationale of the present volume, namely, to look at non-European understandings of maritime violence, this chapter will draw attention to three important sub-themes that constituted the phenomenon of predation and raiding, as it was pursued actively by littoral society, as it was described by the early colonial state and, subsequently, by imperialist and nationalist historiography. It is important to stress at the outset that the chapter does not propose to speak of non-European perspectives on maritime violence in an abstract way or as hermetically sealed off from European understanding of the same. Histories of piracy and privateering (Indian, European) in the context of European claims to sovereignty expressed in terms of a monopoly on the legitimate use of violence to safeguard private property, were entangled in complex ways with local realities and contingencies to produce confusing and contradictory narratives. The challenges of reading the archive constitutes, therefore, the second broad concern of the paper. Thirdly, it will try and identify the specificity of the context, i.e. the western Indian littoral, to contextualize the workings and ramifications of maritime violence from the latter decades of the eighteenth century by linking it with networks of labour mobility, political articulations of regional littoral states, and the resultant escalation of violence in littoral society.

A recent book on trafficking and capitalism across the Arabian Sea in the nineteenth century, by Johan Mathew² makes the important point that histories of unregulated and inhuman activities such as slavery, and trafficking in arms and gold were deeply entangled with capitalism and the assertion of the free market, bolstered by the British empire. Implicit in this assertion is the way certain activities and operations flowed from the logic of certain modes and arrangements of power and its enforcement, and were subsequently framed as outside the domain of legitimate market activity. In a sense, this assumption resonates with some of the more recent

2 Johan Mathew, *Margins of the Market. Trafficking and Capitalism across the Arabian Sea* (Oakland, CA: University of California Press, 2016).

work to emerge on piracy in the Indian Ocean³ where the argument has been that the colonial state endorsed some forms of violence as legitimate and others as not. Such a perspective on piracy as a phenomenon that was both discursively constructed as well as a real practice in response to myriad forms of political pressure, including colonial violence has had earlier incarnations in older nationalist Indian historiography that critiqued European assumptions about the Indian pirate. In any case, the Indian pirate did not command the same imagination or claim the narrative of adventure or freedom or privateering, and occupied a rather narrow and constricted space, literally hugging the littoral avoiding the high seas. As Hägerdal notes with respect to Bugis-Makassar in this volume, piracy along the western Indian coast was littoral piracy that targeted coastal trade rather than shipping on the high seas. This meant that the limits of territorial expansion were more apparent in the littoral and coincided with the early colonial state attempting to simultaneously reformat the power structure in the seas by marking off the coastlines more sharply than ever.

Piracy in the Indian Ocean: A Historiographical Tour

As other contributors to this volume have noted, the history of piracy has been characterized by concurrent concepts and understandings of the phenomenon. Yet, there is also an historiographic concurrence. Early studies on piracy in the Indian Ocean tended to extol the strength and resourcefulness of the European imperial navies in subjugating the lawless pirates of the Indian Ocean, both European and Asian. Even here the Indian pirate was not held on a par with the European, who, in most cases, was seen as a privateer working for the interest of a specific European power while the Indian pirate was, at best, a petty criminal. For example, John Biddulph, in his classic account of the pirates of Malabar, referred to European pirates as:

courageous rascals and splendid seamen who with their large crews, handled their ships better than any merchantmen could do, but stopped short of such fulsome praise for his Indian counterparts. The latter's operations were seen as the inevitable consequence of the Indian State's

3 Simon Layton, "Discourses of Piracy in an Age of Revolution," *Itinerario* 35, no. 2, August 2011, 81–97. See also, "The 'Moghul's Admiral': Angrian 'Piracy' and the Rise of British Bombay," *Journal of Early Modern History* 17, no. 1 (2013): 1–19.

indifference to matters maritime. Biddulph referred to them as small-time rogues and not as daring adventurous men.⁴

There was one exception to this characterization, though: Kanhoji Angria, the Maratha chieftain of Kolaba, who assumed almost mythic perceptions in European representations as the archetypal Indian pirate, whose ruthless attacks on the English trading company and its protected merchants smacked of villainy and cruelty. In putting together such a representation, both of the sporadic and episodic violence of small time marauders along the Indian littoral and of the violence of the combat in containing Angrian piracy, European writers were arrogating to themselves exclusive claims to sovereign jurisdiction on the Indian Ocean, which they could not share with any other, while simultaneously denying possibilities of political agency to Indian littoral groups that included rulers, their merchants and privateers, and pirates who chafed at restrictions.

The validity of such representations, the politics behind such a construction lies at the heart of my project. Equally, it seeks to investigate the shifts in the working of littoral politics that engaged maritime mercenaries in their political calculus. In undertaking such a study of reality and representation of piracy and predation, the study works under the assumption that the advent of the Europeans in the Indian Ocean following the blazing guns of Gama and his merry men introduced very substantive changes in the way the ocean was understood as a site of commercial activity and political power. Following the work done by scholars such as M.N. Pearson, Genevieve Bouchon, and Jean Aubin among others, I argue that, notwithstanding earlier practices of deploying violence as a political resource by several states in the Indian Ocean, the articulation of the cartaz-cafila-armada system by the Portuguese was more comprehensively coercive and inductive and had profound consequences. It forced Indian traders who had always worked in a *mare librum* to accept passes, pay for them, and call at designated ports of call to pay customs, thereby adding to their operating costs. The system was not especially popular and in regions such as Malabar that witnessed large-scale violence, anti-Portuguese coalitions were formed by local rulers and dispossessed coastal groups, seen by the Portuguese as pirates! Subsequent work (Elliott, Layton, Subramanian) has demonstrated how piracy was a label that Europeans used to describe any resistance to their politics of ordering the seas and their exclusive claims to policing this

4 John Biddulph, *The Pirates of Malabar and an English Woman in India Two Hundred Years Ago* (London, 1907).

domain albeit in the service of free and fair trade, that the phenomenon of predation was, in many cases, part of the privateering policies adopted by local states, especially the Marathas, and that it was a complex set of practices and nested rights embedded within a political and moral economy.

West-coast Politics: A Mosaic of Nested Rights and Entitlements

Between the sixteenth and the eighteenth centuries, there were important changes in littoral society, especially along the west coast where coastal states put forward their conceptions of authority over littoral stretches and territorial waters. In part, this was a response to Portuguese action, in part an experiment with new forms of control. From the late seventeenth century, we find a self-conscious engagement with naval power by the Maratha ruler Shivaji (1627/30–1680), who built a string of impressive forts along the littoral to neutralize the power of the Portuguese (based in Goa) and expand coastal Maratha power. This did not automatically translate into a radically new conception of power and sovereignty on the seas but was, nonetheless, an experiment to mobilize sections of coastal society and compress them into a small naval force of sorts. This was certainly the beginning of a maritime programme that included rights to custom duties, to shipwrecks, and to a preliminary definition of territorial waters. We find a rudimentary articulation of this in the early eighteenth-century edict on Maratha state policy, the *Ajnapatra* (1715)⁵ credited to Ramachandra Amatya and put into effect under the successors of Shivaji. It may be useful to consider some of the practical suggestions put forward in the tract and then extrapolate from that the larger legal and moral conceptions that undergirded Maratha naval action in retaliation against the European demands at sea.

Referring to the navy as an independent limb of the state that had to be built and secured, the *Ajnapatra* issued clear directives about the optimum size and constitution of the naval force that had to operate as a protector of trade, fishing interests, and merchant shipping, as well as a strong contender for authority at sea. What the minister seems to have advocated for was readiness for preventive action at sea against the enemy, so that valuable resources from land were not siphoned off to maintain the navy. The navy was meant to keep off dangers from the sea; by this time, the Marathas were

5 "The *Ajnapatra* or Royal Edict," *Journal of Indian History*, VIII (1929–1930): 231. The date of completion of the edict is mentioned as 1715.

aware of the dangers that lurked from Europeans whose naval prowess had intimidated even the Mughal Empire. To quote,

[...] naval forces should check the enemy by always moving in the sea
[...] no complaint of the officer of the sea-fort should be allowed to reach the king. By keeping oneself always informed off the movements of the sea-foes the territory of the enemy should be looted.⁶

The edict went on to insist the necessity of protection of merchants and fishermen (*kolis*), the latter being the backbone of the naval force and spoke on modes of naval action at sea during war and conflict, and of resisting the claims of European merchants who did not behave like merchants. Thus, what seems apparent from a close reading of the document is that Europeans had to be effectively countered at sea and, for this, defending territorial waters was crucial. The most efficient way of ensuring this was to farm out responsibility to armed mercenaries and sea captains who rode the seas.⁷ Superficially, the sea captains or coastal chiefs resembled European privateers lending their expertise at sea to mount limited naval campaigns but the resemblance ended there. Many of them actively cultivated interests around aquatic resources – rights to wrecks and fishing, for instance, became part of coastal politics. From the latter decades of the seventeenth century, the emergence of sea captains who fought for the Maratha state and for smaller local chiefs was striking, as their operations and skirmishes at sea replicated the wars on land. The emergence of small coastal powers – the Malvans, Kudals, or Desais of Sawantvadi – testified to the growing parcellization of littoral authority with a growing assertiveness over territorial waters. None of these chiefs saw themselves as pirates – they were fighting men whose exploits were in the service of states. The greatest of such privateers who assumed a bigger role was Kanhoji Angria (1669–1729) but he was dismissed by the English Company as a lawless pirate.

It is not my intention here to make a case for Kanhoji the privateer/coastal ruler of Kolaba and debunk the pirate label that was ascribed to him by the English. That is well known,⁸ instead I wish to consider whether, by

6 *Ibid.*, 231.

7 *Ibid.*

8 There is an impressive historiography on Kanhoji Angria. See for instance S.N. Sen, *Early Career of Kanhoji Angria and Other Papers* (New Delhi: Orient Paperbacks, Reprint, 1981). Also see Derek Elliott, "Pirates, Politics and Companies: Global Politics on the Konkan littoral, c. 1690–1750," *Economic History Working Papers* (London: London School of Economics and Political Science, 2010).

this time, there was in place a conception of piracy in relation to sovereign authority over the seas and the markets that absorbed clandestine goods, on the part of regional rulers. Kanhoji himself, I would argue, represented a shift, for he laid explicit claims to sovereignty over the seas and insisted that only his passes were legal tender over specific stretches, and that the English had no right to defy his sphere of influence. Unpacking his actions and his pronouncements as they come to us in the East India Company's documentation, it is clear that he embodied the political conceptions of the Maratha State and its understanding of sea power and that he set out initially as a privateer fighting on behalf of the Maratha ruling house before he set himself up as a coastal potentate, acknowledging the sovereign authority of his overlord but having marked his sphere of influence. Standing up for his sovereign's rights against the claims of other coastal rulers like the Sidis of Janjora and the dispersed Portuguese power off Goa and Bassein, the Desais of Sawantvadi, he claimed to be lord of the seas with definite rights. His death and the subsequent destruction of his small state by the Bombay Marine, the naval force of the English East India Company, put an end to the experiment, but one important and noticeable consequence was the dispersal of piratical activity along the coast, especially its northern stretches, the area of our present study.

The region described by the colonial archive as the Northward, consisted of coastal Gujarat, Kathiawar, Cutch, and Sind, a region that was held to ransom by the operations of the Cooley pirates of Okhamandal, a small area at the westernmost extremity of Kathiawad. Emerging as an epicentre of piracy and piratical activity, the small confederacy of Okhamandal encompassed a complex range of operations located within a specific moral economy of rights and obligations that were not easily or accurately captured by the colonial ethnographic exercise. The phenomenon of piracy in the Northward had important links and intersections with local conventions and politics in a period of political instability and turbulence. The politics of Northern piracy was thus part of the regionalization and localization of power in north-western India in the regions of Kathiawar and Cutch, where a complex mosaic of political arrangements emerged as a result of coastal migrations, Rajput agrarian colonization, Mughal and Maratha interventions, and the slow but insidious expansion of the English East India Company, which insisted on the sacrosanctity of their trading permit. The emergence of smaller states in the region – foremost among them being Junagadh under the Babi rulers, Bhavnagar under the Gohels, and Nawanagar – testified to new political equations that rested on commercial ambitions, on aggressive policies of controlling trade and markets, on countering the violence of

coastal groups and communities who were known to both prey on coastal shipping under English protection, and to working for warring principalities. Some of the new states, such as Bhavnagar and Baroda under the Gaekwads, entertained close relations with the English East India Company, while others, including Junagadh, relied on the services of small-scale privateers to further their maritime ambitions. Two things were thus apparent, one, a slow coagulation of coastal interests that found opportunities to extend their raiding operations and two, the changing political calculation of states like Bhavnagar and Junagadh in relation to the sponsoring of maritime violence and to the extension of claims over contiguous littoral spaces.

For the greater part of the eighteenth century, the states in Kathiawar pursued territorial expansion, subjugation of coastal stretches and claimants, and continually looked towards diverse sources of revenue. Virtually all the states entertained maritime claims that assumed the form of tacit support and sponsorship of limited raids, or of extending direct authority over coastal strongholds. The raja of Porbandar was thus a warring merchant who fitted out private vessels and followed his substantial trade interests very seriously and with the application of force whenever necessary. The point here, then, is to emphasize how, in the latter decades of the eighteenth century, there was an open contest between the English Company and regional states over the right to attack ships belonging to rivals during war time, to resist the unilateral claims of any power to impose its trade permits and to abide by local understanding of practices and conventions that included limited use of maritime violence to square debts and to supply and corner markets.⁹

The concrete spatialization of these processes was evident in the emergence of Okhamandal as the pirate confederacy par excellence, a status that it maintained until the first decades of the nineteenth century, when the epicentre moved further north to Cutch. In part, the rise of Okhamandal was the result of long-term migration of Rajputs of lesser rank and of their local arrangements with coastal peoples, and it provided a loose form of statehood for dispossessed coastal groups as well as for local inhabitants whose operations as petty raiders, as mercenaries serving the interests of local merchants and small-time bosses, enjoyed a form of sanction. Identified as a pirate state by travellers and defined as such by the English Company in the eighteenth century, the Okha region was largely peopled by coastal peoples, the kolis and sangarians, who serviced the three principal Rajput chieftains of Dwarka-Bate, Aramra, and Positra. By the mid-eighteenth

9 Lakshmi Subramanian, *The Sovereign and the Pirate: Ordering Maritime Subjects in India's Western Littoral* (Delhi: Oxford University Press, 2016).

century, the region assumed the contours of a small confederacy of chiefs who invoked their legitimacy from the celebrated temple at Dwarka, sharing with its trustees a proportion of the proceeds that came from sponsored raiding expeditions. The intersection of religion, raids, and authority was incomprehensible to the English East India Company from the vantage point of either sovereignty or of free trade. By the closing decades of the eighteenth century, the English Company had penetrated into the political structure of western India, sharing administrative command with the decaying Mughal political edifice in Surat from 1759 and asserting the primacy of English jurisprudence to those who sought the intervention of the Mayor's court in resolving commercial disputes. Law and military power were the two principal instruments through which the Company put forward the idea of reason and equity in the conducting of fair trade, which was guaranteed by the active operations of their naval force, the Bombay marine, against pirates and by the judgement of the Mayor's Court, which decided on a fair and admissible resolution of disputes. Both instruments held the advantage of establishing the supremacy of the Company as the arbiter of fair trade and shipping in the seas.¹⁰

The ensuing confrontation between the English East India Company and the chiefs of Okhamandal followed the predictable pathways of tenuous diplomatic negotiations, half-hearted military operations, and sustained political pressure. The exercise had the useful consequence of generating substantial information on the dynamics of Company policy, local claims, and colonial interests. The context in which these transactions operated lent a specific twist to official representation of Northern piracy. This was not a simple or straightforward exercise; local contingencies of resource crunch and military inadequacy, the orientation of individual administrators, and the calculations of an expanding colonial state caught in the midst of Anglo-French rivalries in the larger context of the Indian Ocean made for a complex and predictably incoherent representation of piracy.

Reading the Archive

Thus, any analysis of the complex skeins that made up both the activity of piracy as well as of its discourse, must factor in the political context of the

10 For the earlier period, as the Company tried to articulate a political strategy of force in the high seas, see I. Bruce Watson, "Fortifications and the 'Idea' of Force in Early English East India Company Relations with India," *Past & Present* 88 (1980): 70–87.

late eighteenth century. This was a period of instability and conflict that led to new forms of coastal political arrangements, including protection money and staking claims to ships. It was a period when the colonial power in western India was trying to grapple with the immediate task of cleaning up sea lanes to protect the interest of their trade and of their *protégé* merchants but without entirely understanding the features of local society. There were many voices in the emerging discourse on piracy; some individual Resident administrators attempted to understand the phenomenon afresh and not simply reduce them to the category of lawless pirates, while others found nothing to recommend them or failed to even reflect on the consequences of the operations of the English company and their extractive mechanisms on local society.

I have argued elsewhere how the construction of the Northern pirate and predation flowed out of the self-assumed responsibilities undertaken by European trading companies in the sixteenth and seventeenth centuries to police the high seas and provide convoy and protection services against especially violence at sea.¹¹ This meant that merchants accepting European protection endorsed those elements mandated by Europeans as characterizing pirates and piracy. The English East India Company worked through local collaborators to extend their principles of free and fair trade, a euphemism for their monopoly control over the seas. Predictably, the Company authorities dismissed the actions of coastal chiefs as arbitrary and antithetical to trade. In reiterating the supreme authority of their pass, and that only they had the authority to issue passes, they masked the aggression that underscored their politics, which had the real consequence of dispossessing local communities, many of whom turned to petty raiding and predation. At the end of the eighteenth century, the processes of dislocation appear to have accelerated thanks to endemic political conflict between small coastal potentates, and between the latter and the English Company, the pressure of bureaucratic regulation on small-time traders, the political calculations of local bosses, and the complex web of social relations between merchants, temples, chiefs, and pirates, all of which created conditions for myriad forms of littoral violence. Categorizing and castigating them as piracy masked, if not distorted, the more complex formation of nested rights, of local arbitrage practices, and of manoeuvres that the Company's policies were instrumental in augmenting. Piracy along this littoral worked at many registers and within a complex political and moral economy that

11 Subramanian, *The Sovereign and the Pirate*.

included local bosses, merchants, and even temple trustees in Dwarka, where a particular form of piracy and piratical politics prevailed. Thus, even if we can see the Okha case of piracy working within the interstices of sovereign authority and markets that the English power wished to define, we can also adopt another lens for understanding the phenomenon. This is to ground piracy as an integral part of littoral political arrangements that embodied the tension between caste Rajputs and seafaring coastal groups, and how this was held in balance by a set of quasi-political and financial arrangements in which local merchants, markets, and the temple at Dwarka played an important mediating role. This requires a careful reading of the archive along the grain and its multiple registers, and listening closely to the murmurs of merchants, the complaints of captured pirates and the outrage of their bosses, and the latter's conceptions of what they thought of as custom and practice.¹²

We come across instances where merchants used pirates to cut a deal, to work against local competitors, and even to redeem debts. Pirated goods circulated in grey markets and it is clear that circuits of low-level circulation were supported by petty piratical activity. Okhamandal also emerges as an area that could absorb swathes of dispossessed coastal peoples and communities who were welcomed by the confederacy of chiefs whose income was dependent on supporting predation. Evidently, seen in this way, piracy had a very different set of functions than being simply dismissed as savage and barbaric and infinitely antithetical to order and free trade. As it happened, the complexities of the phenomenon surfaced when the region became a site of intense ethnographic investigation by the English Company, whose officers, especially the Resident of Baroda, Alexander Walker (1764–1831), undertook with great attention. Walker was appointed as Resident of Baroda in 1802, initially entrusted with the specific responsibility of stabilizing revenue arrangements in the region and subsequently of containing piracy. An unusually sensitive official, with a keen interest in local societies and peoples he encountered, Walker came with considerable experience thanks to his stint as commissioner in Malabar. Walker preferred to work with local collaborators to get a better sense of the ground situation, with the result that his correspondence was able to capture the myriad shifts and registers in the emerging discourse on piracy and predation.

12 These are evident in the petitions that merchants and pirates submitted to the English company during their depositions.

Walker's analysis, especially in its understanding of the fragility of the power base of coastal chieftains stood in sharp contrast to the earlier marine surveys by Company officials of Okhamandal.¹³ The latter tended to see the region as a site of residual violence, to see predation as endemic and pathological with hoary antecedents. While presenting a detailed history of the Waghed Rajput kings of Beyt and the genealogy of the connections that existed between the three major units of Okhamandal, whose chiefs were part of a larger brotherhood, and of the special relations the region enjoyed with the chiefs of Cutch, the reports also spoke of the predation that the Okhamandal pirates engaged in, especially against the Arabs and the Sindians to the north of Kathiawar. The reports pointed to the growing violence against the Company and Company-protected shipping bypassing entirely the extreme pressure that coastal society had been subject to. Walker, on the other hand, approached the issue differently. Trying to be more realistic in his expectations, he insisted that not all groups, individuals, and chiefs could be labelled as pirates and that unless the Company was prepared to give up their claims for restitution and break the spiral of extraction and violence, there was no chance of a long-term political solution to the problem. He made a distinction between states and communities, not in terms of culpability under law and justice but in terms of their organization and accessibility to formal and bureaucratic structures. The fact that pirates were mobile, dispersed with contingent connections to markets and local bosses meant that it would be impossible to bind them under a contract. Under the circumstances, the sensible option would be to fall back on their conventional customary obligations of restraint and to integrate these into the treaty obligations that were being considered. It is useful to look at these shifts within colonial discourse, at differences between the Resident and his superiors, for it enables us to speculate about an alternative model for understanding predation in the western Indian littoral, removing it from the over-deterministic narratives of liberal free trade and the monopoly of state violence.

It will be useful here to analyse sections of Walker's correspondence with the higher authorities in Bombay in order to underline the subtle distinctions that marked official representations of piracy and to attend to the complexities of the local situation that made a simple translation of coastal politics intelligible. For the Resident, it was clear that the pirate states operated under very low margins and that it was impossible to expect them to conform to any agreements that the Company initiated. At the

13 Subramanian, *The Sovereign and the Pirate*.

same time, Walker was critical of the half-hearted efforts by the Company whose military excursions were compromised by financial constraints. This meant that he was able to come up with a more layered understanding of the nature of littoral politics. What comes through repeatedly in the correspondence is his effort to expand the idea of local custom that the chiefs were invoking, to include new treaty arrangements, and, thereby, to persist in convincing chiefs to give up their habits of predation. It was not as though the Resident was unaware of the curious and complex entanglements of local trade, pilgrimage, and piracy, or that the chiefs entertained very different notions of equity. As he put it in one of his letters to Bombay (dated 2 December 1807):

It is doubtful whether any arrangements would be respected by a people who had no other idea of equity than that derived by force. In relinquishing piracy and any modification they conceived that they were relinquishing a right handed down to them from their ancestors which was the *gift of Krishna* (italics mine) and secured to them by their religion and lawful source of livelihood. They exercise piracy as a right and as a legal means of subsistence and this habit which was favourable to their immediate interests and which was supported by their prejudices would probably not yield to regulations.¹⁴

But he did not stop there; instead, he insisted on trying out for the first time a novel contractual arrangement that would enable the chiefs to experiment with a new mode of contractual reciprocity that would integrate local customs and conventions as well. He was emphatic in taking to task the desultory efforts of the English Company in resisting the acts of predation.

On 29 December 1807, in his address, he pointed out how:

[...] the petty, inconclusive expeditions against their forts have never procured more than a temporary impression while they have been a source of expence without real advantage. Pirates thus have been encouraged rather than deterred and the losses of the merchants have accumulated to an amount which it will be vain to expect them to pay.¹⁵

¹⁴ Letter from Walker dated 2 December 1807, Walker of Bowland Papers, National Library of Scotland (NLS) Accession No.13675.

¹⁵ Letter from Walker dated 29 December 1807 from his camp at Kundermarana, Walker of Bowland Papers, NLS, Accession no. M13674.

Subsequently, the Resident continued to insist on the counter-productive pressure exerted by the Company on the small chiefs to make good the losses suffered in the past. As he put it:

Among a people and country, where robbery and plunder have so long been familiar, honesty and industry cannot immediately assume their legitimate authority... without this superintendence, the pirates that are now labelled but not suppressed would soon be excited by opportunity, want and poverty.¹⁶

Can we, in fact, see in Walker's own statements an expression of customary rights and obligations that connected various kinds of subjects in a common web of relationships, albeit extractive and exploitative, cemented within an overriding moral economy wherein piracy was a lawful means of subsistence, an inheritance, a gift by the veritable godhead Krishna? By this, he probably meant that the intersecting interests of the chiefs and the temple at Dwarka lent legitimacy to the operations that characterized the region and economy of Okhamandal. What stands out in the Resident's communication is his understanding of predation as an inevitable consequence of the pressures that the local economy experiences and a studied appreciation of the violence of Company politics, which had dismantled existing structures of rights and obligations, compelling marginal and mobile communities to opt for a policy of raiding.

Identifying discursive shifts thus is an important pointer to the subsequent piracy narratives in the Indian Ocean. The phenomenon of escalating piracy was definitely connected to the overall militarization of coastal society that came in the wake of European claims over the seas from the sixteenth century and of Mughal-Maratha conflicts in the seventeenth century, which had definite coastal chapters, and, subsequently, of the policies of the English Company that saw itself as the supreme policeman of the seas to ensure the virtues of free and fair trade. From about the 1720s, or thereafter, the English East India Company would appear to have reinvented itself as the ombudsman of the ocean, undertaking the important task of guarding the seas, ensuring protection to all merchants against arbitrary violence at sea and condemning all piracy as immoral. The English Company in India reflected the changing disposition of the English nation that no longer relied

16 Letter from Colonel Walker to Francis Warden, Secretary to the Bombay Government's political department, dated 23 January 1808, Walker of Bowland Papers, NLS, Accession No. MS13675, 69–70.

on the exploits of Drake and Raleigh.¹⁷ The substantial expansion of the Company's political influence as a local power situated in the littoral helped add weight to the older policy of arranging for convoy and protection against maritime depredations and transformed the narrative stance towards piracy and violence. Thus, the staging and framing of maritime violence in the Indian seas was not politically neutral or innocent; indeed, representation emerged as an integral part of politics. Under the circumstances, the English could hardly afford to ascribe any kind of political agency to piracy, even if the actors themselves put forward a different point of view.

We are fortunate in that we have petitions and depositions by raiding chiefs and individual pirates and, while these must be read critically, they do provide valuable details about the way the latter organized their voyages, and why and how they flouted authority to mark their actions, occasionally as individual assertions or as small-time players for their immediate bosses. These depositions are of immense value in reconstructing episodic piracy and also as seeing it embedded within complex structures in littoral society. In 1813, two pirate brothers, Nackwa Kassow and Jecha Nackwa, were intercepted and interrogated and made to depose. Both of them worked as part-time mercenaries for the ruler of Cutch and sometimes as independent raiders going to sea with prior knowledge of shipping schedules. The brothers insisted that rulers in Cutch used them to stake their competing claims and they worked together within a circuit of local markets dominated by merchants. Pirates had social networks of relatives and religious elders on whom they depended for support (shelter for a wife, for instance) and they often resisted immediate structures of authority and took to attacks and raids as a form of active defiance. Unlike the case of European piracy and privateering, piracy off the north-western littoral was essentially local, even though it operated in what was a mobile geography. It was anchored within an established littoral area, drawing sustenance from villages and hamlets, and was geared to local markets, operating within a loose geography that was configured and reconfigured by informal and contingent alliances with local groups and individuals. They acted on their own volition and were not unduly invested in fidelity to any particular ruler or principality. Yet, they appear to have had community ties and we even hear of instances where community elders occasionally interceded on their behalf.¹⁸

17 Anna Neil, "Buccaneer Ethnography: Nature, Culture and Nation in the Journals of William Dampier," *Eighteenth Century Studies* 33, no. 2 (2000): 165–180.

18 These petitions are analysed in great detail in my book, Subramanian, *The Sovereign and the Pirate*.

One may then legitimately make a case for not just a more complex understanding of piracy in the Indian context but to see its manifestation as a curious and complex interplay between larger regional pressures and local politics. There was a law-and-order dimension in the sense that a section of coastal society was defying the emerging dispensation along the littoral, it was also an assertion of local interests that fitted into a scheme of markets and protection money. In the case of Okhamandal, there was a nexus between temple trustees, local chiefs, and merchants. In the case of Cutch, piracy was an arm of the state as it deployed pirate groups to harass their competitors. And yet, these complex elements were not always evident, especially as imperial discourse tended to flatten the narrative. It is here that the historian has to remain sensitive to the reading of the archive and recognize how representation itself is a deeply political project.

The complexity of piracy, the skeins that make up the story of predation and predators were ironed out in both colonial and anti-colonial discourse. This reveals the imprint of concurrent yet linked understandings; separate concepts but with malleable and permeable discursive boundaries, shifting in relation to emergent forms of knowledge and colonial priorities. As early as the sixteenth and seventeenth centuries, piracy as a category of representation was thrust on all those Indian/Asian players who bypassed or flouted the cartaz-cafila-armada system and who occasionally even adopted an aggressive policy of retaliation. There is no doubt that in the aftermath of violence brought in by the Portuguese, coastal society in parts of Malabar were militarized, and that a number of coastal bosses adopted the pass system to articulate a new politics affecting the littoral waters if not the high seas. It is also important to bear in mind that the escalating political conflict between the Mughals and the Marathas and the Marathas and the Europeans enabled small-time pirates to double up as privateers and maritime mercenaries. Privateering, however, was never identified as such by the Europeans, who saw all Indian action as predatory and incapable of fitting into the well-known lexicon of maritime politics. So, for every Kit or Avery who were extolled as brave pirates and comprehended as privateers fighting for the British crown, there was, on the Indian side, only lawless pirates like the dreaded Angria or nest of vipers (Malwans) who were, by default, outside the pale of law and civilized principles of commerce. This representation was part of the larger arsenal that the English Company deployed to take over sovereign control of the sea lanes and the commerce that was carried on them. Nor did this representation change very much at the end of the eighteenth century, notwithstanding the interventions of Colonel Alexander Walker whose ethnography of the Northern pirate

was, admittedly, more nuanced than earlier characterizations. As Resident of Baroda, charged with the responsibility of pacifying local society, his approach was political but, unlike his other colleagues in the Bombay Council, Walker was keen to contextualize predation and to draw important distinctions between small states that used predation as a political resource and groups that were accustomed to raiding as a means of livelihood. He was also emphatic in identifying the burden of Company regulations, of the political uncertainty and conflict that had ravaged the region forcing chiefs and communities to turn to piracy. He was insistent on abandoning indemnification claims that simply added more pressure and spiked up the possibility of escalating piracy; instead, he wished to bring pirate chiefs to a formal agreement that would bind them to maintain their part of the bargain, albeit with some concessions.

Walker's report on the Northern pirates did not receive many takers in the Bombay Council. Most of its members were reluctant to draw a distinction between pirate states and communities and did not endorse the Resident's suggestions about relinquishing indemnification. Nor did they value his ideas about holding pirate states to their commitments, which the Resident saw as a kind of political apprenticeship for the states to start envisaging public responsibility more seriously. In the end, as military options became the only viable course of action, the official discourse took the form of treating them as lawless subjects and criminals, albeit within a complex political structure that was based on alliances between the Rajput groups, Vaghelas and Jadejas, and coastal communities like the Wadellas.

The after-life of this ethnography is something I would like to touch upon by way of conclusion. I wish to reflect on how this complicated history of piracy, which was an integral part of the changing coastal polity, was represented in subsequent narratives and, in fact, erased from later histories of Gujarat, whose maritime dimension disappeared in the more mainstream histories that were put together.¹⁹ The maritime dimensions of Gujarat were played down in the new histories that were produced and that emphasized the centrality of the Rajputs and of the merchant nexus with state power, leaving no space for the vibrant and robust maritime communities that made up the region. It was only as pirates and outlaws that specific communities were recalled. Occasionally, piracy narratives in Gujarat and Kathiawar were framed within the themes of religion and valour. It is likely that the

19 Lakshmi Subramanian, "Gujarat in the History of the Indian Ocean. Navigating Maritime Pasts," in Edward Alpers and Chhaya Goswami (eds.) *Trans-Regional Trade and Traders Situating Gujarat in the Indian Ocean from Early times to 1900*. (Delhi: Oxford University Press, 2019).

presence of the Dwarka shrine in Okhamandal and the influence it enjoyed, the participation of the temple in the proceeds of piracy made an impression on early observers, even on Colonel Walker, who mentioned how pirates enjoyed a tacit, quasi-religious legitimacy. This is not to suggest that the Resident saw the connection of piracy with the temple at Dwarka as central; probably, all that he intended to communicate was that raids and coastal politics were implicated in a complex local economy of religion, markets, and politics. However, the description stuck and it subsequently became part of an orientalizing strategy that tended to tag religion onto local customary practice. For the moment, it invoked a particular context in which activities such as predation were anchored within a local economy of protection, convention, and customary obligations. It is important not to exaggerate the religious overtones of the discourse; European observers spoke of the Dwarka temple and its trustees as silent endorsers of piratical campaigns whereas, in fact, what they were alluding to was the complicated caste and pollution issues that marked off the Okha chieftains from the rest of their Rajput brethren. In any case, Walker's nuanced ethnography did little to convince his superiors about the Northern pirates, who were dismissed as savage, pathologically prone to predation and criminal activity.

The subsequent narratives of piracy played up some of these elements. In tracking the history of piracy's representation in Gujarat, two moments seem especially important. The first is that of Colonel Tod, who represented an important voice of colonial ethnography that came long after pacification, and the other of nationalist folklore specialists like Jhaverchand Meghani.²⁰ For James Tod, pursuing the idealized feudal ruler, it was convenient to press local stories of heroism and valour into a grand narrative of romantic Rajput feudal honour, while for Meghani it was important to imbue the story of the outlaws with a degree of agency. Both drew and worked from a repertoire of tales and memory that carried vestiges of maritime activity, including piracy that was an integral part of local economies and political arrangements. In both cases, the phenomenon of piracy, although deployed as an important political resource, was detached from the idea of sovereignty notwithstanding some of the convergences between Indian and European political arrangements at sea. In both cases, the idea of piracy was always nested within a local and community structure of customs and obligations and thus emptied out of all political traction.

20 James Tod, *Travels in Western India* (London, 1839). Also see: J. Khuman, *Rendering of Sorathi Baharvatiya by Jhaverchand Meghani from Gujarati into English with Critical Introduction* (Unpublished thesis, Saurashtra University, 2011).

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