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Courtrooms of conflict. Criminal law, local elites and legal pluralities in colonial Java

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PART IV — LIMITS TO DUAL RULE

Whereas Part 3 has clarified debates between Dutch officials and jurists, the dynamic between priyayi and Dutch officials (both administrative and judicial) still has questions left to answer. Questions that are relatively hard to research, because this was a largely closed and hidden world. The next two chapters seek to peer behind this closed world by wondering: What was kept outside of the courtroom, both by the Dutch and by the Javanese elites?

As earlier chapters have shown, the pluralistic courts were spaces where criminal justice was administered. But they were also sites where the regional elites shared only the information they wished to share, and where the resident was not always able to intervene and knew that the Javanese judges had better information networks. Chris Bayly speaks in this respect of "zones of ignorance," where colonial institutions meet but fail to obtain the information they need. The dual system itself caused the existence of a zone of ignorance between the Javanese and Dutch officials as well, which could lead to what Bayly calls "information panics," in which the colonials in a state of alarm started to collect a vast amount of information. This often reinforced stereotypical descriptions and could lead the colonial government to take extreme measures.[1]

The tensions between the Dutch and Javanese branches of the colonial administration become especially visible when looking more closely at cases in which priyayi themselves were suspected of criminal activities. These show the complexities of the relationship between colonial officials and local elites, and raise several questions. How should one prosecute a member of the Javanese elite? Were the regents to be treated as hereditary princes or as colonial officials? Was it even possible to

[1] Bayly, *Information and Empire*, 142, 164, 170.

prosecute them in colonial courts? And if so, which one, and according to which laws? Which mechanisms of self-regulation among the priyayi were still practiced during the colonial era, and how did they relate to the colonial criminal system? Finally, how should the colonial government prosecute someone on whose power it relied?

The idea of the older and younger brother, by which the Dutch resident treated the Javanese regent as a younger brother, had been confirmed in the colonial regulations of 1820. But, how did one exercise control over a "younger" brother, particularly one who was often much older, better informed about the region, and in possession of an extended family.[2] I will investigate this by closely analysing the workings of the privilegium fori, which gave the priyayi the right to be tried by European courts, but also led to many dilemmas on how the try the Javanese nobility at all. From the beginning, in the debate on the privilegium fori, two separate issues intertwined. First, the state protected the priyayi, on whose authority colonial dual rule was founded, by giving them the right to be tried by European courts. Second, the state had the colonial power to remove and ban the priyayi if necessary, by political means instead of criminal trials. Tracing the evolving debate on the privilegium fori shows that one colonial official would emphasize the importance of the former whereas another would evoke the interests of the latter. This complicates and confuses any analysis of the debate, because there was a lot of talking over one another's head.

We will nonetheless attempt to clarify the debate, since it explains much about the limits to dual rule. We will do this by analysing cases of priyayi suspected of extorting the Javanese population and cases of priyayi intrigues against the Dutch colonial government. These two issues, and the relation between Dutch colonial administrators and Javanese priyayi in general, has been the subject of two now famous nineteenth-century colonial novels. The novel *De Stille Kracht* (The Silent Power) by novelist Louis Couperus, as well as the well-known *Max Havelaar*, written by renegade Dutch colonial official Eduard Douwes Dekker, both have the relation between Dutch officials and Javanese priyayi as their central

[2] S 1820, no.22. "Reglement op de verpligtingen, titels en rangen der Regenten op het eiland Java," art.2. *"In zaken, welke het Inlandsche bestuur aangaan, zijn de Regenten de vertrouwde raadslieden van den Resident, die dezelve als zijn jongere broeders zal behandelen."*

concern.[3] They deal with certain types of conflicts that I will discuss in this part, although I aim at going beyond the colonial caricatures of the extorting priyayi—as described in the *Max Havelaar*—and the priyayi involved in webs of family intrigues and 'Eastern mysticism'—as described in *De Stille Kracht*. Also, although it is beyond doubt that Dutch officials themselves were guilty of extortion and abuse of power as well, this will not be the focus for now. I decided to only research the "priyayi cases" to obtain more understanding about the limits to dual rule; cases in which the dilemma of trusting and distrusting, intermediaries and colonial knowledge become apparent, and provides insights in the consequences of dual rule for the Javanese population.

The cases discussed in this and the next chapter not only provide some insights into specific cases involving the prosecution of priyayi—and the attempts to prevent these prosecutions; they also reveal how communication took place between the administrative officials and priyayi, and what could go wrong in this process. Historians have extensively analysed the Lebak issue, described in the *Max Havelaar*, but as Fasseur has argued, this case can only "be studied expediently and be understood in conjunction with other regents' intrigues [*Regentenperkara's*] from that time, something that has not been done sufficiently in the abundant Multatuli literature."[4] Research by Paul van 't Veer, most prominently, has revealed much about Eduard Douwes Dekker and his mission, and it provides fascinating insides in for example the role of the jaksa in Lebak and dynamics between priyayi and Dutch officials regarding extortion (on both sides). His work, however, has never been placed in a broader analysis of dual rule.[5] Altogether, this part is less about courtroom dynamics than it is about how to keep sensitive cases out of the courtroom in an effort to uphold the status of the priyayi—and the colonial state—and the impossibilities of this effort when the limits of dual rule were reached.

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[3] Multatuli [Eduard Douwes Dekker]. *Max Havelaar of de koffieveilingen der Nederlandsche Handel-Maatschappij*, 1860.; Couperus, *De Stille Kracht*, 1900.

[4] Fasseur, *Indischgasten*, 65. In a chapter titled "Een voorloper van Multatuli", Fasseur gives the example of a priyayi case in Probolinggo; a case linked to the case of the chief jaksa Nitisastro, discussed above in chapter 6. "…*alleen zinvol worden bestudeerd en begrepen in samenhang met andere Regentenperkara's uit die tijd, iets wat in de overvloedige Multatuli-literatuur nog te weinig is gedaan*." See also: Fasseur, "Violence and Dutch rule in mid-19th century Java," 10-11.

[5] Van 't Veer, *Het leven van Multatuli*.