

**COLONIAL KNOWLEDGE AND THE NATIVE SCHOLAR:
SUPOMO, *ADAT* LAND RIGHTS AND AGRARIAN REORGANIZATION IN
SURAKARTA 1900-1920s**

A Thesis

Presented to the Faculty of the Graduate School
of Cornell University

in Partial Fulfillment of the Requirements for the Degree of
Master of Science

by

Upik Wira Marlin Djalins

January 2008

© 2008 Upik Wira Marlin Djalins

ABSTRACT

In this thesis, I analyze how a native scholar was an active agent in constituting colonial discourse on native land rights. Specifically, I examine a doctoral thesis written in the 1920s by Supomo, a young Javanese aristocrat and a colonial judicial officer studying in Leiden University. The thesis examined *adat* land rights and agrarian reorganization in Surakarta, Central Java. In the 1940s, Supomo contributed to writing Indonesia's 1945 Constitution where his conception of *adat* and the state was institutionalized. Thus, his influence continues to reverberate in contemporary Indonesia. I propose that an internally fractured and multifaceted colonial discourse, particularly enticing in its civilizing appearance, made Supomo ambivalent in his relationship to colonial knowledge and to his mentor, Cornelis van Vollenhoven. I further suggest that his ambivalence was a form of resistance, manifested in his capacity to both mimic the colonizer's technology of rule yet also challenge some of its underlying premises. In other words, Supomo was a native scholar whose ambivalence expressed a peculiar mode of resistance and engagement with colonial knowledge. I conclude by arguing that in addition to recognizing the epistemological claims of colonial knowledge, we must also recognize the capacity of a native scholar to identify and resist hegemonic arguments that often are concealed in complex colonial discourses.

BIOGRAPHICAL SKETCH

Section removed at author's request, April 2018.

Buat alm. Bapak dan Mama

ACKNOWLEDGMENTS

Section removed at author's request, April 2018.

TABLE OF CONTENTS

Biographical Sketch	iii
Dedication	iv
Acknowledgements	v
Table of Contents	vi
List of Maps	vii
Chapter 1 Introduction	1
Chapter 2 Theoretical Overview: Colonial Knowledge Production And Native Scholars	5
Chapter 3 The Metropolis: Ambivalent Discourse On Native Land Rights	12
Chapter 4 A Native Scholar in Two Worlds	25
Chapter 5 The Colony: Agrarian Reorganisation In Surakarta 1912- 1924	37
Chapter 6 Discussion and Conclusion	83
Bibliography	91

LIST OF MAPS

Map 1. Java in the 1920s	38
Map 2. Residency of Surakarta, 1920s	39

CHAPTER 1

INTRODUCTION

The project of colonial domination encompassed both coercion and consent. It was made possible not only through violent conquest, but more ingeniously through knowledge production and other cultural technologies of rule (Dirks 1992). Colonial knowledge --census, surveys, museum artifacts, reports from colonial officials, and disciplines such as law and indigenous legal system that produced doctoral dissertations-- was part and parcel of the colonial project of rule, powerful in the way it introduced European epistemic reference to the colonized and made it authoritative. Yet, colonial knowledge was also pregnant with inner tensions, slippages, and contradictions; its fractures made it vulnerable to contestations by colonial and native scholars alike. Such contestations took place in the Netherlands and its colony (the Netherlands East Indies) when *adat* law, and with it *adat* land rights, gained ground as a legitimate framework deployed to support agrarian reorganization in the colony.

In this thesis, I analyze how a native was an active agent in constituting colonial discourse on *adat* land rights. Specifically, I examine a doctoral dissertation written by Supomo, a young Javanese aristocrat who was to become one of the architects of Indonesia's 1945 Constitution, and whose legal construction of *adat* still reverberates in contemporary Indonesia. In the 1920s, Supomo was a member of the colonial judicial officer studying in Leiden University under the tutelage of Cornelis Van Vollenhoven, the "architect" of *adat* law. Supomo's dissertation interrogates the agrarian reorganization in the Surakarta Principalities in conversation with Van Vollenhoven's construct of *adat* land rights and colonial discourse on agrarian policy.

Adat is a politically loaded concept. In general, *adat* refers to the customs and practices of Indonesia's diverse ethnic groups. It encompasses ritual conventions,

marriage rules, kinship system, methods of conflict resolution, rules for resource use, rules of land acquisition and ownership, and other formally articulated norms and ideas (Moniaga 1991, Tsing 1993, Zerner 1994a). *Adat* law is a non-statutory law. It consists of customary law and, in part, Islamic law, including “decisions of the judge containing legal principles in the milieu in which he delivers judgment” (Supomo 1953, p. 218). In pre-colonial Indonesia until the demise of the Dutch East Indies Company (*Vereeniging Oost Indische Compagnie*, VOC) in 1799, *adat* law existed mainly in oral form and remained largely unaltered. Several decades after the Dutch monarchy took over the colony from the VOC, the Dutch began to collect data about *adat* law on land rights and land use in order to understand the native’s land rights system due to increased demand on land by commercial agriculture. Using their findings compiled in *Eindresume*,¹ Van Vollenhoven gave *adat* law a formal structure and standing through his influential academic publications, lectures at Leiden, and the training of legal scholars which effectively created a new sub-discipline in Dutch legal study.

In a controversial proposal, Van Vollenhoven urged the Dutch to acknowledge native land rights and adopt the native concept of *hak ulayat*, which he translated into Dutch as *beschikkingsrecht*² (right of allocation) (1919). In his opinion, instead of imposing the European land rights system, Dutch jurists should strive to understand and implement in colonial land policy the native’s *beschikkingsrecht* (1909, 1935). This differed markedly from the Dutch official position based on 1870 *domeinverklaring* (domain declaration), a legal act to seize all uncultivated lands in the colony as the property of the colonial state. Despite the mood in favor of ethical

¹ This finding was prepared by the Commission of Inquiry on land rights and land use practices in Java, Madura and the Outer Islands,

² J.F Holleman translates *beschikkingsrecht* as “right of disposal” (1981), but Peter Burns translates it as “right of allocation” (2004). I am using Burns’ translation in this thesis since I consider it to capture better the character of *adat* law’s *hak ulayat*. Another popular English translation is “the right of avail.”

colonial policy, Van Vollenhoven's proposal was met with a resistance and skepticism. Private investors considered it a hindrance to expand agricultural enterprises while the conservatives deemed it detrimental to Dutch economic and political interests in the East Indies.³

In this thesis, I ask three interrelated questions: First, what tensions emerged in the Dutch discourse on *adat* land rights and why? Second, how did these tensions generate intellectual ambivalence in a native scholar? And finally, how does this colonizer-colonized intellectual entanglement illuminate colonial knowledge production? In light of these questions, I propose that internally fractured and multifaceted colonial discourse, particularly enticing in its civilizing appearance, made Supomo ambivalent in his relationship to colonial knowledge and to his mentor, Cornelis van Vollenhoven. I further suggest that his ambivalence was a form of resistance, manifested in his capacity to both mimic the colonizer's technology of rule yet also challenge some of its underlying premises. In other words, Supomo was a native scholar whose ambivalence expressed a peculiar mode of resistance and engagement with colonial knowledge.

To support my argument, I present the debate on *adat* land rights in the Netherlands between 1870 and 1920s, focusing on several key actors and their positions in the debate. In light of this debate and its socio-historical context, I analyze Supomo's dissertation, paying close attention to his position on land-related *adat* law and to the ways in which he responds to contrasting colonial positions on native land rights, particularly to Van Vollenhoven's construct of *beschikkingsrecht*. For my

³ Van Vollenhoven's focus on the right of allocation, however, explains only half of the land-tenure patterns in Java around 1870, which consists of two main categories: hereditary private property and communal ownership of irrigated fields (Boomgaard 1989, p.1). Boomgaard suggests these two categories existed in Java, with hereditary private property being the rule in West and East Java, and communal tenure in Central Java. See Boomgaard (1989) for detailed description of native land rights in Java between 1780-1870.

conceptual framework, I borrow from South Asian debates on the role of native scholars in colonial knowledge production complemented by the concept of ambivalence in colonial discourse theory as proposed by Homi Bhabha (1994).

I begin my thesis with a review of the debate on the role of native scholars in colonial knowledge production and the ambivalence inherent in both colonial discourse and colonizer-colonized relationship. This is followed by a narrative of native land rights discourse in the Netherlands and its subsequent effect in the colony. Afterwards, I present a summary of Van Vollenhoven's concept of land-related *adat* law and its historical context before presenting my analysis and conclusion of Supomo's dissertation.

Within a native scholar's ambivalence lays a peculiar mode of resistance, expressed not in the mode of opposition against, but in the mode of engagement with colonial knowledge, which, due to its internally fractured nature, is at once resisted and advanced. My conclusion suggests that the attribute of an active native should be based not only on his epistemological contribution to colonial knowledge, but also on his capacity to identify and resist hegemonic arguments that are often concealed in complex colonial discourses. Due to his critical interpretation of the agrarian reorganization in Surakarta, Supomo, despite his own multiple ambivalences, emerges as an active and highly significant native scholar.

CHAPTER 2

THEORETICAL OVERVIEW: COLONIAL KNOWLEDGE PRODUCTION AND NATIVE SCHOLARS

Colonial knowledge refers to the forms of knowledge and modes of representation that European colonizers deployed to preserve their domination over their colonized subjects. Recent debate on the nature of colonial knowledge revolves around the role colonized subjects played in colonial knowledge production (Wagoner 2003). This debate features most prominently among South Asianists, such as Ronald Inden (1986), Bernard Cohn (1987, 1996), Nicholas Dirks (1989, 2001), C.A. Bayly (1996), W.R. Pinch (1999), Thomas Trautmann (1999), and Philip Wagoner (2003), among others.⁴

One position in the debate, supported by Cohn (1987, 1996), Dirks (1989, 2001), and Inden (1986), suggests that the colonized were at most passive actors, who provided only raw materials to colonial scholars who then analyze them using alien modes of knowing (Wagoner 2003, p. 784). In this sense, colonial knowledge production emerged as a form of epistemological violence imposed by the colonial state upon its colonized subjects (Dirks in Cohn 1996, p. xii). Wagoner argues that this position borrows its theoretical insight from Foucault and Gramsci in the conviction that European colonial conquest was not solely based on military, political and

⁴ In contrast to The British India experience, intellectual encounters between the colonizers and the colonized in the Netherlands East Indies were more limited. The transition from mercantilist British East India Company to British rule in the 18th century required massive deployment of investigative modalities to intensify colonial technologies of rule (Cohn 1996, Trautmann 1999). This meant recruitment of local scholars as key informants, thus the space for intellectual encounter. In contrast, the Dutch monarchy took over the colony from the Dutch East India Company (*Vereeniging Oost Indische Compagnie*, VOC) only in the early 19th century after the British interregnum. Governing through local aristocrats for decades, the Dutch started its colonial investigative projects in the second half of the 19th century.

economic power, but also on hegemonic power of knowledge or “cultural technologies of rule” (Dirks 2001).

A brief sketch of Cohn’s project will illustrate this position. As the key proponent of the “passive native” position, Cohn considers the colonial state as the architect of knowledge production in India. Thus, to understand the history of British India, one has to investigate the colonial arena itself. To do so, Cohn concentrates on the “investigative modalities” –alien European forms of knowledge- such as published reports, statistical returns, legal codes, and encyclopedias deployed by the British to sustain their domination by regulating the knowledge produced (Cohn 1996, p. 5). He assumes that a substantively different cognitive universe separated the Europeans from the locals prior to the rise of colonial rule, and that British colonial rule in South Asia opened up the way for European episteme to dominate the colony (Cohn 1996, p. 4).⁵

The opposing view argues that indigenous intellectuals contributed actively in colonial knowledge production. The form of their engagement with European scholars was complex, particularly because the natives used their cognitive regime and, in the process, co-produced colonial knowledge with native-European hybrid epistemic reference. This position is endorsed by Bayly (1996), Trautmann (1999), Pinch (1999), Eaton (2000), Peabody (2001), and Wagoner (2003), among others. For the “active native” proponents to understand British India means to “direct the gaze” at local processes of social, political and economic changes that shaped knowledge production. Accordingly, one cannot assume that knowledge produced in the colonial context was formed solely out of the colonizer’s interest, administrative needs or epistemic reference; this would have been “an impoverished reading of the

⁵ Pinch suggests that Cohn’s preoccupation with the global colonial arena and its investigative modalities is due to his larger agenda to interrogate and critique contemporary social science’s deployment of post-colonial investigative modalities, a deployment that has reproduced colonial epistemic violence against the non-West (1999, p. 397).

Foucauldian power/knowledge” (Trautmann 1999, p. 67). Instead one should always consider epistemic references that both the colonizers and the colonized introduced in the process. The proof of active native contribution lays in the imprint of indigenous thinking patterns in the resulting knowledge.

An element in the complex intellectual relations between the colonizer and the colonized can be found in what Homi Bhabha (1994) terms “ambivalence”, a concept first developed in psychoanalysis to characterize continual fluctuation between wanting one thing and wanting its opposite, tinged with a simultaneous attraction towards and repulsion from the object of desire (Ashcroft et al. 2001a). Bhabha introduced the term into colonial discourse theory to describe a similar attraction and repulsion in the colonizer and the colonized relationship, a critical concept because it enables us to see more nuanced processes of identification and disavowal than a binary approach would allow. To begin with, internal differentiations exist within the colonizers and the colonized society, marked for example by class and cultural background. Furthermore, these differentiations lead to nuances within each of the colonial and indigenous discourses and to continuously shifting loyalty within and across boundaries. With such complexity and heterogeneity, theorizing the colonial encounter based solely on the terms of a self/other binary presents serious limitations.

Ambivalence in colonial settings emanates in two realms. First, ambivalence is present in the ways colonial discourse relates to the colonized subject. In deploying discourse to construct the colonized, the colonizer never truly wants the former to be an exact replica of him since this would be too threatening. Instead, the colonizer’s main objective is mimicry,

...the desire for a reformed, recognizable Other, *as a subject of a difference that is almost the same, but not quite*. Which is to say, that the discourse of mimicry is constructed around *ambivalence*; in order to be effective mimicry must continually produce its slippage, its excess, its difference...Mimicry is,

thus the sign of a double articulation; a complex strategy of reform, regulation and discipline, which ‘appropriates’ the Other as it visualizes power. (Bhabha 1994, p. 86)

Mimicry is successful when the colonized becomes similar in thoughts, worldview, instincts, desire, and expectation, but not exactly the same as the colonizers. This success, however, contains its seeds of destruction,

It is from this area between mimicry and mockery, where the reforming, civilizing mission is threatened by the displacing gaze of its disciplinary double that many instances of colonial imitation come. What they all share is a discursive process by which the excess or slippage produced by the ambivalence of mimicry (almost the same, *but not quite*) does not merely ‘rupture’ the discourse, but becomes transformed into an uncertainty which fixes the colonial subject as a ‘partial’ presence” (Bhabha 1994, p. 86).

Mimicry in Bhabha’s term implies an even greater loss of control for the colonizer, due to the “inevitable processes of counter-domination produced by a mimicking the very operation of domination, with the result that the identity of colonizer and colonized becomes curiously elided” (Young 1990, p. 148).

Second, ambivalence is also present in the continual fluctuation between complicity and resistance within the colonized subject towards the colonizer. Because of the ambivalent colonial discourse, the colonized is never a thorough opposite of the colonizer. Instead of producing a colonial subject that fully mimics the colonizer, colonial discourse produces an ambivalent subject, a disciplinary double who gazes back at the colonizer and whose mimicry is never far from mockery, to the effect of creating profound disturbance in the authority of colonial discourse.⁶ At this point,

⁶ Slightly different from this understanding of mimicry, Gouda (2000) sees mimicry in the Netherlands Indies in the following sense:

On the one hand, Dutch civil servants and colonial residents looked at the Malay world through a uniquely European prism that yielded distinct forms of colonial knowledge... On the other hand, the Indonesian region’s many different ethnic groups, customs, and traditions (*adat*), styles of religious worship, agricultural methods and distinct forms of artistic creativity that collectively constituted the object of the Dutch colonial gaze influenced, in turn, what colonial observers saw or chose to identify as compelling and conspicuous features of the Malay world (par 3).⁶

Bhabha acknowledges that the discursive setting of colonialism can create a space for resistance. Mimicry becomes a specific form of intervention,

Mimicry marks those moments of civil disobedience within the discipline of civility: signs of spectacular resistance. When the words of the master become the site of hybridity ...then we may not only read between the lines but even seek to change the often coercive reality that they so lucidly contain. (Bhabha 1985, p.162).

In other words, mimicry creates a space for resistance.

Taken together, ambivalence, mimicry and the debate on the native's role in colonial knowledge production inform the questions I ask in analyzing Supomo's dissertation: What tensions emerged in the Dutch discourse on *adat* land rights and why? How did these tensions generate intellectual ambivalence in a native scholar, in this case Supomo? Was Supomo an active native? How does this colonizer-colonized intellectual entanglement illuminate new insights into colonial knowledge production? This theoretical frame notwithstanding, I depart from Wagoner's (2003) view of active native in two ways. First, I focus on a text written by a colonized scholar instead of a colonizer's text. The text is still "colonial" because Supomo produced it with guidance from Van Vollenhoven and his particular construct of *adat* law on land rights, and in conversation with debates on *adat* land rights in the Netherlands. Second, my attribution of active native relies less on a native scholar's epistemological contribution and more on his capacity to resist the internally fractured colonial discourse. This is due to my conviction that, to some extent, Van Vollenhoven had attempted to introduce the native episteme into his construction of *adat* land rights and

What is starkly absent in Gouda's argument is the colonized subjects with their agency. In their place is a collection of artifacts that are by nature incapable of adopting mimicry. Mimicry in Gouda's term does not happen at the end of the colonized, but rather is self-produced and self-inflicted by the colonizers to themselves as a consequence of contacts with the colonized. (http://muse.jhu.edu.proxy.library.cornell.edu:2048/journals/journal_of_colonialism_and_colonial_history/v001/1.2gouda.html). last accessed May 7, 2007

into the Dutch legal realm, thus laying a path for Supomo and other native scholars to follow.

Reflecting on the animated debate in South Asian scholarship on colonial knowledge production, the case in Indonesia is somewhat different. The role of Indonesia's native intellectuals in shaping *adat* law remains under-researched. During his long tenure at Leiden, Van Vollenhoven guided seven Indonesian doctoral students and many more master's students. However, there is a lack of in-depth analyses of these works and their possible constitutive correlation with colonial discourse on *adat* law, except perhaps for Supomo. Takashi Shiraishi in his book "An Age in Motion" (1990) summarizes Supomo's dissertation as background for his discussion about the emergent nationalist movement in Surakarta. Peter Burns's (2004) extensive study about Leiden's *adat* legacy to Indonesia mentions only Supomo's influence on the 1945 Constitution. Indeed, Supomo's philosophical conviction that permeates the Constitution has been well researched (Simanjuntak 1994, Bourchier 1996, Turner 2005); yet, his intellectual project on *adat* land rights and his role in the colonial knowledge production of *adat* law as part of the Leiden intellectual circle remain largely unexplored.

In summary, my conceptual analysis of Supomo's doctoral dissertation is informed by a debate among South Asianists on the role of native intellectuals in colonial knowledge production under anomalous circumstances. Partially borrowing Wagoner's active native argument (2003), I adopt the perspective that colonial and native scholars were intertwined in a complex relationship characterized by ambivalence (Bhabha 1994). This is found in the relationship between colonial discourse and the colonized, between the colonizers and the colonized, and in the return gaze of the colonized. Deployed together, these concepts offer a frame for

understanding how Supomo responded to colonial discourse on native land rights waged by the Dutch in the name of progress.

CHAPTER 3
THE METROPOLIS: AMBIVALENT DISCOURSE ON NATIVE LAND
RIGHTS

From the 1860s to the 1920s, dynamic changes in the Netherlands and the colony forced the Dutch government to alter its colonial policy. Demand for land to expand private plantations increased dramatically along with demand to abolish *cultuurstelsel*, the government-sponsored forced cultivation system, which had severely impoverished the native population. The news of *cultuurstelsel*'s impact on the native population eventually reached the Metropolis, prompting a debate between the Dutch liberals and conservatives on the colony's agrarian policy that spanned several decades. As *cultuurstelsel* became a politically obsolete option to raise revenue, ethical policy for the colony gained more support in the Netherlands, but not without resistance from some parts of society. In the midst of these changes, what tensions emerged in the Dutch discourse on *adat* land rights?

1. Agrarian Law 1870 and the Domain Doctrine

During the period of their presence in the archipelago between 1602 and 1790, the Dutch Indies Company VOC scarcely ventured into agrarian activities. The company concentrated on mercantilist enterprises; its legal system focused on regulating the coastal towns and suburbs under its direct rule (Sonius 1981, p. lii). The company's relative neutrality left the indigenous legal system largely intact. After the VOC collapsed in 1799, the Dutch monarchy took over the colony, marking a shift in Dutch-native relations from monopolistic trading into full-scale colonial relations that included agricultural expansion and territorialization (Elson 1994). Continued financial crisis and decreased revenue prompted Governor-General van den Bosch to

implement a forced cultivation system (*cultuurstelsel*) in 1830, which required the Javanese peasantries to grow a quota of commercial crops such as sugar, tea, coffee, and indigo in place of traditional domestic staples such as rice. Within three decades the system was put firmly in place, bringing prosperity to the Dutch while impoverishing the Javanese peasants (Elson 1994). When commercial crops failed, the peasants received no compensation. Deprived from their traditional staples, they succumbed to catastrophic starvation and poverty. Eventually the news of the natives' misery reached the Dutch public.

In 1860, Multatuli's controversial novel "Max Havelaar" shocked the Dutch public into the realization that the wealth they enjoyed came at the cost of extreme native suffering. At the same time, however, private agricultural enterprises mushroomed in the colony, lured by handsome profits from commercial crops. This group gradually overshadowed the government's forced cultivation system and, supported by the liberals, began to demand more opportunities to expand their plantations using the "free cultivation system." The conservatives in the Netherlands resisted such demands, arguing that forced cultivation was still necessary due to the "undeveloped nature of peasant society in Java and the lack of individual rights in land" (Elson 1994, p. 151). In their eyes, free private enterprises would bring more disaster to the peasantry in comparison to the government-sponsored cultivation system. The liberals and the conservatives debated for several more years before the former made a concession in the Agrarian Law 1870 which allowed private agricultural enterprises to expand.

In the Agrarian Law 1870, the Dutch parliament proclaimed *domeinverklaring* (domain declaration) over its colony. The domain declaration was based on a doctrine that all wastelands in Java and Madura, all lands that could not be proven to be individually or communally owned by villagers, all lands that had lain fallow for more

than three years, were the property of the colonial state, except for the land under the Principalities' jurisdiction (Schöffner 1980). The domain declaration "legalized" the colonial government act to dispose previously inaccessible land to private investors. Ambivalence was evident, however, in the two-pronged policy that enabled expansion of private enterprises while at the same time protected the "undeveloped" peasantry which lacked individual rights on land. The Agrarian Law 1870 that was decreed under a conservative government paradoxically included protective regulations for native land tenure rights: Native cultivated land was inalienable to non-natives; uncultivated land could only be leased to Europeans for a maximum of 75 years (Schöffner 1980).

An ordinance decreed in August 1875 complemented this by forbidding transfer of native land rights to non-natives (Pieters 1951). Theoretically the 1875 ordinance protected the natives from being dispossessed of their cultivable land. In practice, the colonial state's claim of wastelands hit the core of native livelihood strategy: wastelands were no longer available for the natives to expand their landholding when cultivated land became inadequate to support the growing number and size of households. It is thus evident that ambivalence marred the Metropolis' colonial land policy. In essence, the decree of Agrarian Law 1870 introduced a new era in Java's agricultural and land tenure history in the way it introduces legal state claims on all uncultivated land in the colony.

2. Colonial Debates on the Domain Doctrine

The years of moral scrutiny among the Dutch continued into the early twentieth century. In 1899 C. Th. van Deventer, a Dutch lawyer who –inspired by Max Havelaar– sojourned to the East Indies in his youth, wrote an essay in *De Gids* to remind the Dutch of their moral and financial obligations to the colony's native

population. A heightened sense of moral obligation among the Dutch public eventually resulted in the ethical policy underlined and endorsed in Queen Wilhelmina's 1901 annual speech. The policy comprised three areas: (Im)migration, irrigation, and education, to be implemented by the newly installed liberal cabinet of Abraham Kuyper (Fasseur 1992b).

Intensified trade between the colony and the mother country, fuelled by the invention of steam ships and the opening of the Suez Canal, led to a dramatic increase in the demand for land to expand existing commercial plantations. The Dutch capitalists kept seeking new investment opportunities to extract raw materials. By 1929, for example, 70 % of Dutch foreign investment were found in Java, 50% of which went to sugar (Ricklefs 1993), a commodity that also featured significantly in the economy of Surakarta. Suddenly the *domeinverklaring* of 1870 was no longer adequate to quench the thirst of land investors. Schemes were planned to subvert strict restrictions set by Agrarian Law 1870. One of such schemes tried to introduce Civil Code property rights for the East Indies, essentially imposing European style property rights on all land holdings. The Dutch capitalists argued that the natives would share the benefit of Western civilization materialized through disciplined, commercial crop plantations (Otto and Pompe 1989, p. 246).

In 1918 G.J. Nolst Trenite, a legal adviser to the agricultural department of the colony, promoted an amendment to article 62 of the Constitution of Netherlands East Indies (*Regeringsreglement*) concerning agrarian regulation in the colony. If approved, the amendment would have effectively revoked all legal protection for native land rights granted by Agrarian Law 1870.

The precarious consequence of the planned amendment inspired Van Vollenhoven to write his famous essay against domain declaration titled "Indonesian and Her Land" (*Indonesier en zijn Grond*) in May 1919. In the essay, presented as a

booklet for members of parliament, Van Vollenhoven reasserted his argument that the Motherland could not –and should not– deploy domain-theory to ensure legal certainty over land rights because the native population had been exercising what he termed as *beschikkingsrecht* (rights of allocation) on wastelands (Vollenhoven 1919). Fallowed land and wastelands were not “free land,” but land under the jurisdiction of native villages that exercised rights of allocation. Van Vollenhoven suggested three proposals to the MPs (Vollenhoven 1919: 115-6, quoted in Burns 2004, p. 40):

- That the right of allocation should be officially recognized
- That [if at all] the government should act as intermediary in releasing native lands to Europeans or alien Asians
- That the government should control Western capital undertakings on plantations lands in the Indies.

Van Vollenhoven’s argument was so compelling that the parliament dropped the amendment in November 1920.

“Indonesian and Her Land” was part of Van Vollenhoven’s ongoing, almost quixotic attempts to introduce the native concept of land tenure to the Dutch legal vocabularies and to render legitimate the native legal system in European legal studies. He was not always successful, as will be demonstrated later in this thesis. Yet his effort was substantial enough to be an anomaly from Wagoner’s native epistemic contribution argument. In the case of early 20th century Dutch East Indies, at least some of the colonizers were as enthusiastic as the colonized in injecting native epistemologies into colonial knowledge.

3. The Invention of Adatrecht

The genealogy of *adat* as a colonial object of inquiry stretches back to eighteenth century scholars, with Muntinghe (1773-1827) being the first among colonial scholars to speak consistently about *adat* (Sonius 1981). Van Vollenhoven

himself credited several people whose works had allowed *adat* to emerge as a branch of discipline under the rubric of “law” or “government” such as Muntinghe, Wilken, Marsden, Raffles and Crawfurd (Vollenhoven 1928). It was Snouck Hurgronje,⁷ however, who introduced the term *adatrecht* (*adat* law), recorded in his advice to the Director of Justice in the Netherlands East Indies (Hurgronje 1957). In the advice, he responded to a letter no. 2265 sent to him on 30 March 1893 that proposed to codify *adatrecht* in West Sumatra. Codification of *adat*, the proposal argued, would tip the balance of power to *adat* leaders in West Sumatra who were besieged by Islamic clerics hostile towards the Dutch economic and political interests in the region.⁸ Hurgronje was against the codification since he believed the strength of *adat* law lean precisely on its flexibility to adapt with the changing times. He wrote,

The peculiarity of each native *adat*- or common law that explains its virtue and deficiency rest, in my opinion, on its fluid character and in its ease in adapting to the conditions of the society, whenever these conditions change (Hurgronje 1957, p. 699).

The attempt to introduce codified *adatrecht* implied a conviction among colonial staff that the government could –and should- manipulate *adat* to minimize the influence of Islamic clerics, the source of inspiration and strength in resistance against the Dutch. Although Snouck Hurgronje resisted putting *adat* on a pedestal as a formal legal system, the idea began to seep into colonial discourse.

Snouck Hurgronje might have introduced the term *adatrecht*, but it was

⁷ Snouck Hurgronje was an Islamologist and a self-made ethnologist famous for his magnum opus “De Atjehers.” For many years he served as advisor on native affairs to the Dutch colonial government in East Indies. He was credited for the successful military campaign against the Acehnese in the late 19th century. An influential scholar, Hurgronje was associated with Leiden as a professor and researcher for more than three decades between 1885 and 1920.

⁸ In the early 19th century a conflict took place in West Sumatra between puritanical religious leaders inspired by Wahhabi success in Arabia and the local communities whom they considered lax in the observance of Islamic ritual. The Dutch interfered when *adat* leaders appealed to them, and successfully contained the civil war. The Dutch saw this conflict more in terms of Islam against *adat*, i.e. religious leaders against *adat* leaders. So, as they came to rule West Sumatra, the Dutch relied on the *adat* chiefs to counterbalance the influence of the *ulamas*, whom they considered to espouse Islamic fanaticism (Ricklefs 1993, p. 133-134).

Cornelis Van Vollenhoven who developed it into a legitimate branch of legal studies in the Netherlands and the East Indies. Van Vollenhoven became a full professor at the Faculty of Law, Leiden University, in 1901 at the age of 26 (Laman Trip-de Beaufort 1956). A long-time colleague and close friend of Snouck Hurgronje, Van Vollenhoven became familiar with the *adat* question early in his career when he served as the secretary for the Commission for *Adat* Law of the Royal Institute of Indonesian Linguistics and Ethnology at The Hague where Hurgronje was chairman for many years. As a legal scholar, Van Vollenhoven was deeply influenced by the great seventeenth century Dutch jurist Hugo de Groot who resisted Justinian code in the Netherlands, and by Von Savigny, a German legal theorist known for his doctrine of organic law (Burns 2004).⁹

Van Vollenhoven's diligent work to construct *adat* law as a legitimate discipline within European legal studies is a curious juxtaposition to Hurgronje's view on *adat*. Hurgronje's perception on *adat* vis-à-vis colonized/colonizers relations was based on three principles: first, as long as native leaders remained Muslims, there was no guarantee of a binding and sustained relationship between the Dutch East Indies and the Mother country; second, due to its conservative, particularistic and local character, *adat* could not be expected to be the unifying theme of the Dutch East Indies in competition with Islam, given the latter's universal elements; and finally, Islam could not generate a dynamic that could lead the Dutch East Indies to a higher,

⁹ Hugo de Groot resisted the imposition of Justinian Code in the Netherlands by the courts of the United Provinces. The universalism of Roman Law stood in contrast to Grotius's conviction that indigenous communities had innate rights to their own set of law, as was clearly expressed in his book *Mare Liberum*:

Java, Sumatra, the Moluccas have their own kings, public institutions, laws and rights and they have had them always. One is not entitled to deprive these infidels of their will and princely power because they do not believe. Indeed it is even heresy to assume that the infidels should not be master of their goods, for it is no less theft and robbery to deprive them of their goods than it would be if a Christian were concerned. (Quoted in Hooker 1980, p. 71)

Von Savigny –on the other hand- argues that there was no making of law, only evolution, “that could only take place within the native community –the nation. Law –the genuine law- should be thought of, at its beginning, as a bud, growing out of the stem of communal culture” (Burns 2004, p. 232).

modern civilization (Benda 1958). Thus, as an advisor on native affairs to the Dutch colonial administration, Hurgronje recommended that the colonial administration assist its subjects into becoming westernized, not ruled by either Islam or *adat* (Benda 1958, p. 344, Hurgronje 1957). Education should initiate this policy, followed by increasing the educated native's involvement in management and administration of the colony. Ironically, it was through education that *adat* came to be 'preserved' in the Dutch East Indies.

In his effort to establish *adat* land rights in colonial discourse, Van Vollenhoven faced major obstacles, one of which was waged by G.J. Nolst Trenite. Aside from his advice for an amendment of article 62 *Regeringsreglement* mentioned earlier, Nolst Trenite also prepared a document in 1912 titled "The right of the State to land in the directly-governed Outer Possessions of the Netherlands East Indies (In Dutch *Het recht van den Staat op den grond in de rechtstreeks bestuurde Buitenbezittingen van Nederlandsch-Indie*). Known also as "*Domeinnota*," this document was attached as an appendix in the colony's Agrarian Regulation for Sumatra's West Coast in 1916 (Burns 2004, p. 21). Nolst Trenite's argument challenged Van Vollenhoven's rejection of domain theory which the latter first expressed in his 1909 book *Miskenningen van het Adatrecht*. It was also Nolst Trenite who prepared a position paper in the Indies Association of Jurists that argued that the State was master of all land without exception (Burns 2004). Over time, he became Van Vollenhoven's most persistent opponent.

Van Vollenhoven and the Leiden school's stance on *adat* land rights remained a thorny issue among the more conservative Dutch. To balance the liberal leanings of the Leiden Faculty of Law, a new school of Indology was founded in University of Utrecht in 1913, financed by "petroleum money" collected by big businesses and the ultra-imperial loyalists (Burns 2004, p. 77). The school later recruited G.J. Nolst

Trenite as one of its key faculty members, and by doing so launched the famous Utrecht vs. Leiden debate on legal system in the colony. The debate between the liberal- and conservative-leaning Dutch policy makers hung on two issues: first, on a critical legal argument of domain right and second, on the general policy to promote welfare among the colonial subjects.¹⁰ The debate was to have profound consequences for *adatrecht* and *adat* land rights. Otto and Pompe describe the debate as follows:

The main legal issue was whether the Indonesian communities (*rechtsgemeenschappen*) should have a right of disposal (*beschikkingsrecht*) over land that excluded Western property rights and *staatsdomein* (the doctrine that all property rights are ultimately derived from state ownership). In more general terms, the position of *adat* law within the colonial legal system was at issue (1989, p. 247).

This episode showcases the inner cracks in colonial discourse and the tensions between key factions on the issue of native land rights.¹¹

4. Van Vollenhoven's Basic Structure of Adat Land Rights

Van Vollenhoven laid the base for his construction of *adat* law in “*Het Adatrecht van Nederlandsch-Indië Vol. I*” (1906, 1935), “*Miskenningen van het Adatrecht*” (1909, 1926) and “*Indonesier en zijn Grond*” (1919).¹² Early in his career, Van Vollenhoven relied on *Eindresumes*, a compilation of findings by the Commission of Inquiry on land rights and land use practices in Java, Madura and the Outer Islands. As *adat* law gained a respectful position, the government would assign

¹⁰ Burns (2004) provides a detailed analysis of the Utrecht-Leiden polemic in his book “The Leiden Legacy” (2004). Aside of the legal issue, the debate stems from Utrecht’s concern with Leiden’s approach vis-à-vis the native students that “bred a rebellious spirit towards Netherlands authority and a hostile spirit towards major capital undertakings in Indie” (p. 79; see also Poeze 1989).

¹¹ The debate continued well into the 1930s until Van Vollenhoven’s death, but the issue remains unresolved until now. With Van Vollenhoven’s death in 1933, Leiden University lost its influential defender of *adat* law. Van Vollenhoven’s protégé, Barendt ter Haar, a professor of *adat* law in Batavia Rechtshoogeschool, died in Auschwitz in 1939 when he went back to the Netherlands for the first time after 14 years. The World War II and Indonesia’s independence deflated interests in the Netherlands on *Adat* Law (Pompe 1993).

¹² Originally a pamphlet Van Vollenhoven prepared to stop the amendment of article on land rights in Dutch East Indies constitution in 1919.

officials to write reports that Van Vollenhoven would use in his continuing research. He would also use reports sent back to the Netherlands by missionaries. As a matter of fact, he only visited the East Indies twice.

The struggle to introduce the native episteme is recorded in Van Vollenhoven's "*Het Adatrecht*" (1906, 1981), where he urged his audience to acknowledge local episteme as an alternative to the West's in providing a reference to understand the native milieu,

He who turns from the law of the Netherlands to the law of the Dutch East Indies enters a new world. He has learned to visualize law as a body of rules codified in statutes and decrees... How different in the Indies! ...Viewed through the eyes of a codist the legal inventory of the Indies presents a jumble, an incomplete, inadequate and untidy whole; but when explored by one whose desire for knowledge and explanation of the living law on earth is inspired by the very diversity of its past and present manifestations, this same inventory becomes an inexhaustible source of instruction (Vollenhoven 1981, p. 1-2).

In this statement, Van Vollenhoven admonished the colonizer's rigid tendency to cling to his cognitive world that denied him the possibility to understand an 'alien' legal system. His response to a discussion in the Dutch *Tweedekamer* reflects his position regarding the native's alternative episteme. He said, "*Adat* law is held in contempt; but this is in great measure because it is very difficult to enter into another person's way of thinking" (Vollenhoven in Burns 2004, p. 14). He suggested that this local episteme parallels and equals that of the West:

We have only pointed out that people ignorant of *adat* law have time and again, and without using any standard of comparison, arrived at the preconceived conclusion that only European law could be fully-fledged law, and that *adat* law must of necessity be inadequate and inferior" (Vollenhoven 1981, p. 26).

With this conviction, Van Vollenhoven established his project to construct the basic structure of *Adat* law on land rights in terms that could be understood by his fellow Dutchmen.

Van Vollenhoven's construct of *adat* law on native land rights consists of four basic postulates:

1. The Netherlands could not use domain-theory to claim domain right over the East Indies or to enforce legal security. In "*Miskeningen van het Adatrecht*" Van Vollenhoven said, "For me personally the domain declaration is an unsympathetic misconception, historically indefensible, and theoretically a source of misconception (1909, p.30)." Further, domain-theory is in contradiction with Article 75 clause 3 and Article 62 clauses 5 and 6 of *Regeringsreglement*. Van Vollenhoven's rejection of state ownership encompasses the indigenous state. It is expressed in "*De Indonesiër en Zijn Grond*" (1919) where he narrated a story of a Dutch lawyer who imposed Roman law on agrarian lands in Java. He wrote,

Raffles¹³ had executed a very similar trick when he decreed the whole Java as leasehold of the government through his scandalous high land rent that was extenuated by agrarian injustices. In Raffles opinion, the Principalities [in Central Java] had carried out the same activity in the old days (p. 52).

Raffles's initiative to introduce a land rent system was based on the assumption that "the sovereign had been the sole owner of all lands" (Boomgaard 1989, p. 2).

Van Vollenhoven fiercely opposed this argument. His construct of native land rights relies heavily on the premise that the native sovereign had no original property right (Vollenhoven 1906, p. 504 and p. 685); this negation was a necessary condition to "restore" the community's right to land.

¹³ Sir Thomas Stamford Raffles was the British Lieutenant-Governor who served during the interregnum in the Dutch East Indies between 1811-1816.

2. For Van Vollenhoven, the local community had a peculiar legal entity alien to European worldview. He termed it *rechtsgemeenschap*, or jural community (Vollenhoven in Sonius 1981, p. XLII), which was marked by a distinct legal competence to exercise right of allocation over land, or *beschikkingsrecht*.¹⁴ *Beschikkingsrecht* -formed by two words *beschikking* (disposal) and *recht* (law)- is Van Vollenhoven's attempt to capture the native concept of land property known as *hak ulayat* (Vollenhoven 1909, p. 19). He encountered the challenge of establishing the native signified within a European system of difference; he acknowledged that the term was ambiguous and obscure and he fumbled in its translation. He realized that Dutch legal universe could not fully comprehend *hak ulayat* because when used in reference to property, the word *beschikking over* suggests a principle of alienation, a characteristic that Van Vollenhoven strongly denied to exist in *hak ulayat*.
3. Acknowledging the poverty of the Dutch episteme to fully comprehend *beschikkingsrecht*, Van Vollenhoven spelled out six characteristics to help define this native land rights concept:
- i. The jural community and its members may make free use of virgin land within its area. The land may be brought into cultivation; it may be used to found a village; it may be used for gleaning, etc.
 - ii. Others may do the same there only with permission of the jural community: lacking that permission, they commit an offence.
 - iii. For such use, outsiders must always pay some charge or give a gratuity in tribute: members of the community may sometimes have to make such payments.
 - iv. The jural community retains to greater or lesser degree the right to intervene in questions concerning land already under cultivation within its area

¹⁴ *Beschikking* represents layers of the signified. One signified is the concept of *ordenen* and *regelen* (administer, regulate). When used with the preposition *over*, *beschikking over* represents the signified of the concept *bezitten* or *tot zijn dienst hebben* ('disposal over' or 'power to decide about'). *Recht*, on the other hand, is relatively more straightforward: it represents the concept of law and rights.

- v. Should there be no other party from whom recovery can be made, the jural community is accountable for whatever transpires within its area.
- vi. The jural community cannot alienate this, its right of allocation, in perpetuity (Burns 2004, p. 18).¹⁵

The sixth characteristic is particularly significant because Van Vollenhoven stressed these characteristics in many of his writings (1906, 1909, 1919), and argued that Western researchers' misunderstanding of *adat* land rights stemmed from an inability to grasp the inalienability principle in *hak ulayat* (1919, 7-9).

4. *Beschikkingsrecht* or right of allocation lies in the sphere of *privaatrecht* or private law, not *publiekrecht*, or public-constitutional law. This means that *adat* community can never be considered as a sovereign entity. Otherwise, Van Vollenhoven's argument about *beschikkingsrecht* could become a legal argument for the native's right of independence from the Dutch.

Theoretically, had Van Vollenhoven's construct of *adat* land rights been the dominant influence in the legal reform in the East Indies, there should have been a fundamental change in the legal recognition of jural communities' right of allocation. This, however, was not the case. The struggle among competing factions of Dutch society on land policy in the colony set a peculiar political compromise, which is reflected in the legal documents regarding native land rights. Ambivalence towards native land rights emerges distinctively in the discourse where attraction towards the native's alternative epistemology expressed by Van Vollenhoven and the Leiden school intermixed with repulsion towards a "backward, undeveloped" system that prevented economic expansions in the colony, a position supported by Dutch capitalists and the Utrecht school. Such dynamics yielded multiple positions on native land rights, and legal reform was contested from many perspectives.

The colonizer was essentially a heterogeneous entity with multiple ideologies

¹⁵In Dutch, this is written as "en dat is niet het minst merkwaardige –zij kan dit haar recht niet blijvend vervreemden" (Vollenhoven 1909, p. 20).

and commitments, distinctly marked by Van Vollenhoven's insistence to acknowledge the native's land tenure epistemology. It was in this complex entanglement that Supomo would try to propose his own reading of agrarian reorganization in Surakarta Principality in his dissertation.

CHAPTER 4

A NATIVE SCHOLAR IN TWO WORLDS

Supomo belonged to the first native generation who were fully immersed in the era of Dutch ethical policy in the colony. European education became more accessible to local aristocracy, and initiatives to improve native welfare were implemented, for example through expansion of irrigation systems in Java. Social interactions between Europeans and the elite natives became commonplace through shared interest in Javanology, theosophy and Eastern mysticism (Sutherland 1979, Pemberton 1990). The rise of indigenous printing press heightened the increasingly cosmopolitan air in the colony (Adam 2003, Laffan 2003). Supomo's formative years coincided with dynamic historical conjunctures in the colony: in rural Solo the rise of Sarekat Islam inspired local peasant movement (Shiraishi 1990), while later in Batavia, the burgeoning patrimonial organizations pioneered by students from all over the colony sparked a nationalist movement. In Batavia, Supomo was an active member of Jong Java. During Supomo's doctoral years in Leiden, nationalistic awakening was bubbling among Indonesian students, marked by the "radicalization" of their organization Perhimpunan Indonesia, and by their explicit rejection of colonialism. Tensions between the conservative wings and the Leiden school led by the ethicist professor Van Vollenhoven awakened these young students to the fact that colonial imagination of the natives and of the colonial policy was heterogeneous. These were the years when multiple influences and awareness of ambivalence in colonial discourse seeped into the native elite's consciousness.

1. The Making of Supomo

Born in 1903 in Sukoharjo into a family with ties to Kasunanan Royal House, Supomo had the lineage to break into a successful *priyayi*¹⁶ career since both his of grandfathers were regents in Kasunanan Surakarta territory. Brought up in his paternal grandfather's household, Supomo grew up to be a "quiet, polite, careful and without ambition to achieve fame" (Soegito 1984).¹⁷ He was a person who was "constantly exposed to classical values and traditions of his Javanese elders," shaping Supomo into a person who was "humble, respectful, obedient (*patuh*), *tertib*,¹⁸ polite and held strong to custom and tradition" (Soegito 1984, p.7). The biography describes his fashion sense and physical appearance as "*necis*" (p. 16), a curious borrowing from the Dutch word *netjes* that covers the concept of neatness and tidiness, smartness in dressing up, or decent, respectable, proper in social manners. The word *necis* is also used to describe Supomo's verbal expressions which were "harmonious with his demeanor." In short, Supomo was the epitome of a Javanese gentleman, an ideal type of "Wong Solo (p.16)."¹⁹ Scant information is available on Supomo's traditional

¹⁶ Traditionally, *priyayi* was an elite group in Javanese society that had a claim to aristocratic lineage and conformed to Weberian concept of patrimonial elite group. During the colonial era, the Dutch employed the *priyayi* to run the low-level colonial administrative machinery. Nurturing their status as a special class in the colonial society, the *priyayi* gradually built a sense of identity that was based in what they consider as the best of Javanese culture (Geertz 1960, Anderson 1972, Sutherland 1979)

¹⁷ This biography is the only one available on Supomo. His early death in 1958 followed by period of turbulent transition in Indonesia in 1965 has left Supomo among the least researched and written among Indonesia's founding fathers, except perhaps for his thoughts that shape 1945 Constitution (Simanjuntak 1994, Bourchier 1996, Turner 2005, among others). Commissioned by the Ministry of Education during the height of New Order regime, this biography provide only veneer information about Supomo, and includes more pages on Supomo's speech during the constitutional discussion in 1945 than exploration about Supomo's life experience. Echoing the New Order politics on traditional values, the author venerates Supomo as an epitome of Javanese gentleman. This problem notwithstanding, the biography does offer a window –albeit small- to understand Supomo's subjectivity.

¹⁸ *Tertib* comes from Javanese word that means disciplined conduct in maintaining order, structure, or rituals. It implies an internalization of rules set up by external entity.

¹⁹ Solo is the capital of the Surakarta Principality. Wong Solo literary means "People of Solo" which distinguishes Javanese from the inner area of the kingdom who are *halus* (literary: smooth), refined, and sophisticated in contrast to Javanese from the periphery who are *kasar* (rough) in manners and expressions.

education. However, as a scion of two lower-rung aristocratic families, it is safe to speculate that he received the best of traditional Javanese education available to continue his family's service to the Surakarta Principality, proven by his accomplishments as a classical Javanese dancer.²⁰

Supomo's formative years coincided with the transitional period in the Netherlands Indies when the natives could claim prestige from sources other than birth rights. Men of humble origins could command respectable professions outside the native bureaucratic path, such as journalism and trade (Adam 2003, Rivai 2000, Miert 2003). Consequently they could educate their children in Dutch schools, furthering the family's position in the social hierarchy. This new group of people was known as "the new intelligentsia." Responsive to the new development, many *priyayi* families came to value European education; it was considered a ticket to maintain their social and economic status and to secure position in the native bureaucracy (Sutherland 1979). This was also the attitude of Supomo's family who sent him to *Europeesche Lagere School* (ELS) in Boyolali and *Meer Uitgebreid Lagere Onderwijs* (MULO) in Solo which he finished in 1920. He continued his higher education at *Bataviasche Rechtsschool*, a preparatory school in Batavia for services in colonial judicial system, where he graduated in 1923.

Throughout his student years, Supomo was closely connected with Budi Utomo,²¹ a Java-nation movement founded by Soetomo, Gunawan and Tjipto Mangoenkoesoemo –native doctors educated at STOVIA (*School tot Opleiding van*

²⁰ Supomo continued to train and perform classical Javanese dances while he was studying at Leiden with fellow Indonesian students. His performance in Paris in 1926 impressed the Netherlands' ambassador so much that he asked Supomo to perform again the next year (Soegito 1984).

²¹ The ethical politics in the Netherlands affected the dynamics in the colony through education, as education nourished nationalist consciousness among the natives even though it started out as patrimonial consciousness. One of the earlier patrimonial movements in Indonesia was Budi Utomo. Budi Utomo, however, gradually became "very *priyayi*, drawing its members from the upper and middle classes of Central and East Java, and advocating a paternalistic program that emphasized the duty of the aristocracy to lead the masses towards enlightenment" (Sutherland, p. 59).

Inlandsche Artsen, School for the Training of Native Doctors). He was also an active member of Jong Java in Batavia (Soegito 1984, Miert 2003, p. 62). His “conservative²²” leanings, influenced by Javanese ethics and his involvement in Budi Utomo, defined his position in the debate about the direction Jong Java should pursue. As secretary of Jong Java in its 1921 congress, Supomo rejected radical members’ suggestion to borrow the French revolution motto of Liberty, Equality, and Brotherhood. Instead, he and another colleague suggested using Dutch theosophist Fournier’s principle of “cool headedness and warm heart” (*kepala yang dingin dan hati yang gumbira*) to counter left-leaning pressure to denounce capitalism (termed in Malay as *kapitalisme terkoetok*) (Miert 2003, p. 61-62). After he graduated from Batavia School of Law, the colonial administration appointed him judicial staff assigned to work as an intern under the District Court Chief in Sragen regency in Surakarta, before sending him on a scholarship to study law in Leiden in 1924.

In this light, Supomo represents a curious combination of the “new intelligentsia” and the “old priyayi.” He was thoroughly exposed to European education, ideas and values, and at the same time –coming from families that had long served the Surakarta Principality- he was raised in the midst of Javanese ethics which provided him with an alternative reference. His embrace of Fournier’s ideas –a theosophy that combines Western ideas with Eastern mysticism, popular among priyayi in that period- demonstrates his interest in East-West fusion. In short, Supomo’s subjectivity and epistemic reference was a hybrid of native and colonial discourses. I will briefly explore Javanese ethics in the following paragraphs to offer a glimpse into one of the influences in Supomo’s subjectivity.

²² Conservative in this context is contrasted to the more radical approach waged by students influenced by Marxist-socialist ideology.

Javanese ethics revolves around two basic principles: Conflict aversion (harmony) and respect (*hormat*) (Magnis-Suseno 1988).²³ The first principle, conflict aversion, manifests itself in the ways one carries oneself in social relations and how one maintains one's mental state. In social relations, a Javanese man is expected to act in certain ways to avoid conflict, even if it is only to maintain a perceived state of harmony, peace and contentment. Conflict aversion as a mental state demands giving up one's personal interests for the sake of common agreement (*kesepakatan bersama*). It enforces compromises to maintain harmony, expressed in the exercise of self control over emotional outburst, and in vigilance in controlling others' responses through carefully measured actions and verbal expressions (Magnis-Suseno 1988, p. 47). Thus the essence of harmony in Javanese ethics is to regulate individuals from unmeasured and uncontrolled conduct that may lead to open conflict.

The second principle in Javanese ethics is respect or *hormat*. A Javanese who understands *hormat* never carries himself above his social station and treats others in accordance to their status and hierarchy. This principle is based on the opinion that every social relation is hierarchically patterned and that such hierarchical patterns have inherent values (Magnis-Suseno 1988). Those with higher status deserve respect, and those with lower status deserve protection extended with a sense of paternal responsibility. Prescribed manners and behavior were given for particular social situations. In contrast to conflict aversion, the principle of respect only demands an

²³ Magnis-Suseno's construction of Javanese ethics is based on literature reviews of others' research. He offers a caveat that the Javanese he constructs is more of an ideal type following Weberian heuristic methodology. As was suggested by Anderson (1972) and Geertz (1960), the elements of Javanese ethics are predominantly drawn from the priyayi worldview and experience, thus it is not independent from colonial influences that the priyayi were heavily exposed to. Sutherland (1978, p. viii), for example, argues that *hormat* as a refined and over-elaborate principle was a defense mechanism built as a response to the native aristocrat's impotence against the pressing colonial power. This construction of Javanese ethic may be outdated for contemporary situation, but I argue that it is still relevant in trying to understand the subjectivity of Javanese aristocrat in early 20th century. Geertz and Andersons research subjects in the 1950s and 1960s were contemporary of Supomo, and arguably had shared Supomo's worldview.

outer expression in social relations, not an inner mental state; it only means an acknowledgement of higher status, expressed in accordance with appropriate etiquette (Magnis-Suseno 1988, p. 68). The colonial regime benefited from the *hormat* principle, adopted and impounded it deeper into Javanese daily life by demanding the *hormat* treatments to their officials.

Together, principles of conflict aversion and *hormat* constitute the basis to achieve the quality of being “*halus*”, a quality that separates a priyayi from the commoners, the crude, the uneducated masses (*wong cilik*). Clifford Geertz likens *halus* as “pure, refined, polished, polite, exquisite, ethereal, subtle, civilized, smooth” (1960, p. 232), while Benedict Anderson draws various similitude to represent *halus*:

Smoothness of spirit means self-control, smoothness of appearance means beauty and elegance, smoothness of behavior means politeness and sensitivity. The antithetical quality of being *kasar* means lack of control, irregularity, imbalance, disharmony, ugliness, coarseness, and impurity... Being *halus*, on the other hand, requires constant effort and control to reach a reduction of the spectrum of human feeling and thought to a single smooth “white” radiance of concentrated energy (1990, p. 50).

The quality of being *halus* in Javanese etiquette is “in itself a sign of Power, since *halus*-ness is achieved only by the concentration of energy” (Anderson 1990, p. 51). A man with true Power

...does not have to raise his voice nor give overt orders. The *halusness* of his command is the external expression of his authority. The whole Javanese style of administration is therefore marked by the attempt, wherever possible, to give an impression of minimum effort, as through the *perintah halus*. The ethics of *halus*-ness are at bottom the ethics of Power (p. 54).

Supomo grew up immersed in this Javanese ethics which influenced his worldview. Appreciating Javanese ethics as a part of Supomo’s complex subjectivity is crucial to understand certain strategies he deploys to express his critical agency, strategies at times so subtle one tends to understand it as submissiveness and acquiescence to dominant colonial discourse.

Supomo's epistemic reference was a hybrid of native and colonial discourses. Thus, to perceive Supomo as a complete Other from the colonizers elides the nuanced process of both identification and disavowal. It is precisely to avoid limitation of binarism that Bhabha's concept of ambivalence becomes very relevant to analyze a native response to colonial discourse.

2. Peasants Resistance in Surakarta²⁴

During Supomo's high school and college years between 1912 and 1921, Surakarta simmered with national-awakening movements. It was the birth place of Sarekat Islam (SI), an organization founded in 1912 by batik traders and manufacturers to strengthen their competitiveness against Chinese batik traders. SI grew phenomenally, opening branches across Java and expanding its membership to rural peasants (Shiraishi 1990, Elson 1984). In Surakarta, the ubiquitous presence of SI created a sense of security among its members; peasants turned to SI officials to express distress over conflicts with Dutch plantation operators or native principalities officials. So much so that SI enabled some peasants –new card-carrying members- to refuse to do corvee labor for the principality or to express proper *hormat* to the Dutch and native officials (Shiraishi 1990, p. 67).

Surakarta *Insulinde*, a more radical movement than Sarekat Islam, also called Surakarta its birth place. Revived from inactive *Insulinde* branch in December 1918 by a circle of Dr. Tjipto Mangoenkoesoemo's friends,²⁵ Surakarta *Insulinde* quickly

²⁴ I draw this section mainly from Shiraishi's study of nationalist movement in Surakarta in his 1991 book, "Age in Motion."

²⁵ Tjipto Mangoenkoesoemo was a decorated native doctor who co-founded Budi Utomo with Dr. Soetomo in 1908. By now, he was a member of Indies' parliament *Volksraad*, and a seasoned nationalist, having been exiled between 1913 and 1914 to the Netherlands for his activities with Suwardi Suryaningrat and E.F.E Douwes Dekker. The Dutch selected him to be a member of *Volksraad* to convince skeptics that the *Volksraad* was not populated by politically impotent native figures. See Shiraishi (1990) for a detailed study of Tjipto Mangoenkoesoemo and Surakarta *Insulinde* activities in the late teens to mid-1920s.

attracted figures from other local movements, one of whom was Haji Mohammad Misbach, a muslim preacher who became *Insulinde*'s key propagandist. Misbach assisted peasants in addressing their grievances against unjust Dutch plantation operators and native officials who became more involved in peasants' daily life after the agrarian reorganization implemented in the Kasunanan since 1917. Misbach never led the peasant's strikes; the dismissed appanage holders or *bekels* organized the strikes because they resented the agrarian reorganization that demoted their social standing into common coolies (these key players will be elaborated in more detail later). It was these individuals, the circle leaders, who "led peasant strikes, negotiated with the authorities and plantation administrators, and were arrested once the authorities turned to the suppression of strikes" (Shiraishi 1990, p. 151). Nevertheless, after a strike in April 1919 Misbach was detained by the government, prompting Mangoenkoesoemo's protests.

Mangoenkoesoemo's protest was essentially an anti-Principality campaign. He waged his criticism through Javanese publication *Panggoegah* and through *Volksraad*, the East Indies parliament-like body of which he was a member, accusing the Principalities to have overburdened the people in Surakarta with obligation to support and maintain two royal houses. He proposed to dismiss the Kasunanan and the Mangkunegaran and to pay them monthly pension, or to return Madiun to Kasunanan to help with financing their expenses (Shiraishi 1990). Ridiculous as it might have sounded to the royalists, it worried them nonetheless since the reorganization of the agrarian system was on its way, and Mangoenkoesoemo's idea was controversial enough it could have roused the Dutch's interests.

Mangoenkoesomo insisted the reorganization would never achieve the objective of improving the welfare of the peasants because it was designed to keep peasants living at subsistence level. He openly attributed Javanese peasants' misery to

the royal houses because first, it was their obsolete and medieval agricultural system that sustain the peasants impoverishment, and second it was the royal houses that issued royal decree in the name of the Sunan which obliged the “little men”, the Javanese coolies, to pay taxes, perform corvee labor, and hand over his land to the plantation, effectively granting the Dutch with legal bases to suppress the peasants protest. It was “in the name of the Sunan that his subjects were ‘sold out’ to Dutch plantations and the Sunan could get easy money from them” (Shiraishi 1990, p. 177). In his campaign, Mangoenkoesomo courageously faced the vehement attacks of the *Volksraad* royalists. To silence Mangoenkoesoemo, Prince Mangkunegara Prang Wedana, the crown prince of the Mangkunegara royal house, appealed to the Dutch official to clarify the potential role reserved for the Surakarta royal houses in the future autonomous Indies, to which the government representative, W. Muurling, announced in the *Volksraad*, “Whoever tries to undermine the authority and the position of the self-governing principalities of Java, the government sets itself against” (Shiraishi 1990, p. 181).

These tensions, psychological wars and struggles within the native circle took place in Supomo’s proximity. In 1919 He was finishing his HBS in Surakarta, and between 1920 and 1923, he was studying in Batavia when Mangoenkoesomo carried out his criticism against the Javanese Principalities at the *Volksraad*. Although at this point Tjipto Mangoenkoesoemo was considered largely anti-Principalities, he was a charismatic and respected gentleman, having founded Budi Utomo, an organization many Javanese aristocrats associated themselves with. Mangoenkoesoemo’s anti Principalities position was so controversial that the young Supomo was certainly aware of its serious challenge against the royal houses’ legitimacy. This certainty is affirmed by the fact that Supomo was an important official in the Jong Java movement in Batavia.

3. In the Eye of the Storm: Rising Nationalism in Leiden

Supomo's years in Leiden between 1924 and 1927 coincided with the growing nationalist sentiments among Indonesian students. In 1925 *Indonesische Vereeniging* (Indonesian Association) changed its name into Malay "*Perhimpoean Indonesia*" (PI),²⁶ and as it cemented its identity as a political organization, PI's political beliefs became more militant and radical (Sastroamidjojo 1979). For its fifteenth anniversary issue, PI published thirteen anti-colonialism articles in its magazine, many written by Leiden law students. In 1926, Hatta, a student of Netherland's Academy for Trade in Rotterdam,²⁷ was elected chairman of PI. He delivered a scathing attack on colonialism in his inaugural speech (Noer 2002). That same year, Indonesian Communist Party led an uprising in the East Indies. In February 1927, every government scholarship recipients –Supomo among them– were warned not to maintain ties with PI, which the Dutch Government suspected to have supported the uprising (Miert 2003, p. 434). In July 1927, the *Raadsman voor Studerenden*²⁸ (Advisor for Students) convinced the Dutch government to crack down on these students, fearing infiltration of Indonesian communist leaders that would cause further radicalization.²⁹ Radicalization of Indonesian Leidenaars caused concerns among the

²⁶ It was not until the Youth Oath (Sumpah Pemuda) in 1928 that the Indonesian youth declared Indonesia as a nation with Indonesian as its official, unifying language.

²⁷ Nederlandsche Handels-Hoogeschool, now Erasmus University

²⁸ The Raadsman position was created a decade earlier in 1916 to supervise Indonesian students in the Netherlands. The person himself was not a popular figure²⁸: if not forced by financial circumstances, students avoided him and his staffs. But students who received scholarship from the colonial government would have to maintain at least a formal contact (Poeze 1989, p. 264). Supomo would have belonged to this group as he was studying on a scholarship from the government. If he had been active in Perhimpoean Indonesia, he had to maintain a low profile especially after the warning given in February, lest his scholarship and future career in the colony be jeopardized.²⁸ Nonetheless, as soon as he successfully defended his doctoral thesis in June 1927 Supomo openly attended a feast held in his honor at Waasstraat No. 1, a house rented by students that doubled as PI's base. That day, PI members raised in the roof of their rented house a red-white flag with an angry bull's head, the association's emblem (Rivai 2000, p. 75). By September of that year, the Dutch police cracked down PI's base, arrested three Leiden law students (two decided to remain abroad for fear of being arrested), and put them into trial (Poeze 1989, Sastroamidjojo 1979).

²⁹ That year, Hatta had had meetings with Semaun, an Indonesian who was a member of Communist International (Noer 2002).

Dutch conservatives who accused Leiden ethicist professors responsible for the radicalization of the students (Poeze 1989). Harshest attacked among them was Van Vollenhoven (Trip-de Beaufort 1956).

Supomo wrote his dissertation on agrarian reorganization in Surakarta in the center of this heightened debate –one that revealed cracks and contestations within the colonizer’s own discourse on native land rights. Undoubtedly, Supomo wrote the dissertation under the shadow of Van Vollenhoven’s construct of *adat* law, particularly *adat* law on land rights. Van Vollenhoven was a charismatic professor, and a staunch supporter of Ethical Policy, a policy the Dutch adopted in 1901 to improve the welfare of the colony’s inhabitants. He was a maverick, demonstrated by his unceasing effort to secure *beschikkingsrecht* for the natives despite all controversy, and by his intellectual leadership to stop “progressive expansion of Western law in the colony” (Otto and Pompe 1989, p. 245). His intellectual work transformed the popular wisdom that implementation of European law would benefit the native population (Otto and Pompe 1989). Even though his disposition to native welfare was positive, when Indonesian students in the Netherlands became more animated in their nationalist endeavor, Van Vollenhoven stopped coming to PI’s gathering and distanced himself from Indonesian nationalist arguments (Burns 2004, Laman Trip-de Beaufort 1956). This, however, failed to erase the high regard his Indonesian students held for him.³⁰

As a colonized subject, Supomo had a privileged exposure to both indigenous and colonial discourses and was immersed in intertwined socio-historical contexts of

³⁰ More than two decades later, Supomo still expressed his respect for Van Vollenhoven in a 1953 paper he presented in the US (Supomo 1953). Ali Sastroamidjojo, a Leiden student who was also a PI activist –later he served as Indonesia’s prime minister- wrote an account that reveals the respectful relations between the native student and the professor: although he was under arrest, he was allowed to take his Master’s exam, and the attitude and actions of the examiners –Van Vollenhoven among them- “were completely scholarly” (1979, p. 33).

the colony and the metropolis. In the metropolis, several factions struggled for clout for the colony's land policy. This struggle among these internally different factions set a peculiar political compromise reflecting ambivalence in the colonial discourse on *adat* land rights, uniquely characterized by an attraction towards the native's epistemology and, simultaneously, repulsion against bowing to an "undeveloped" system that prevented economic expansion in the colony. Ethic politics had allowed a certain window of freedom which created awareness among the elite natives of the contradictions and ruptures within the colonial discourse. In the following chapter I will explore how Supomo responded to ambivalent colonial discourse on agrarian reorganization and *adat* land rights, waged in the name of progress. How did Supomo maneuver his way through the slippery arguments of the colonizers? What particular strategy did he deploy? How does Supomo's struggle inform our understanding of "an active native" in colonial knowledge production? Well-versed in both native and colonial worldview and supported by a sympathetic professor, Supomo was unusually well equipped to return a critical gaze to a colonial discourse.

CHAPTER 5
THE COLONY: AGRARIAN REORGANISATION IN SURAKARTA
1912- 1924

1. Introduction

Supomo's doctoral dissertation "The Reorganization of the Agrarian System in the Region of Surakarta (1927)"³¹ analyzes agrarian reform in Surakarta, triggered by a wave of legal reforms in the Dutch East Indies between 1912 and 1924. Beside Yogyakarta, Surakarta was one of two Javanese principalities (*Vorstenlanden*)³² that the Dutch East Indies Company carved out from the collapsed Sultanate of Mataram using the Giyanti treaty in 1755.³³ Surakarta split further into two royal houses in 1757: The Kasunanan, led by the Sunan, the older royal house known for its eccentricity and antiquated fashion, and the Mangkunegaran, the junior royal house famed for its appetite for modernization and western-induced flamboyance (Pemberton 1994). Since the Mangkunegaran had partially abolished its appanage system in 1870, the mandated reorganization meant it only needed to abolish fourteen remaining appanages in its jurisdiction. Kasunanan, on the other hand, had to start its reorganization in 1917 which it completed in 1924.

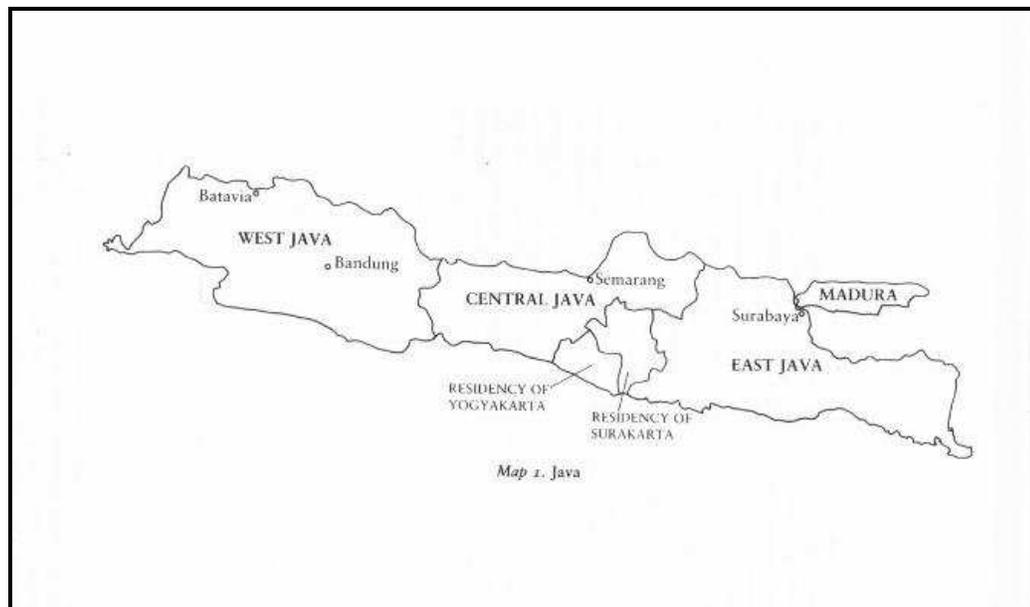
As the progeny of the Sultanate of Mataram, Surakarta was considered a legal area (*rechtskring*) distinct from Central Java and Madura (Vollenhoven 1981, p. 44). The agrarian system in Surakarta relied on the feudalistic appanage system inherited

³¹ In Dutch: *De Reorganisatie van het Agrarisch Stelsel in het Geweest Soerakarta*

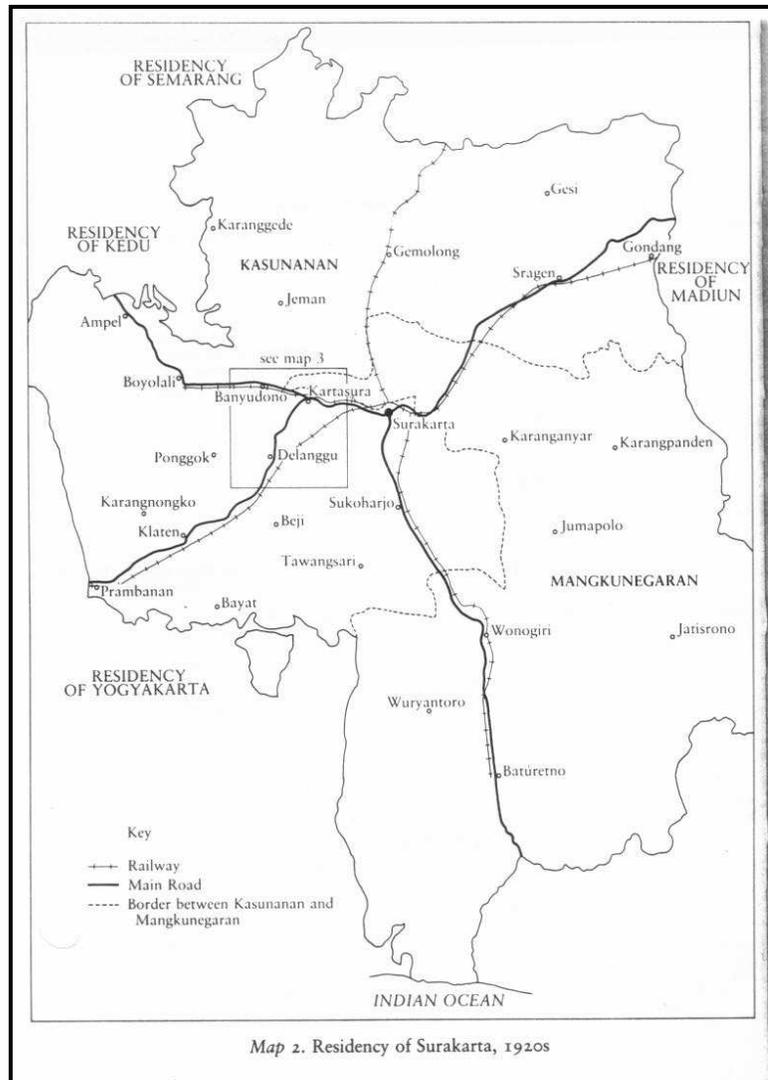
³² *Vorst* literary means sovereign; *vorsten* is a plural of form of *vorst*, and can be translated as "royal houses"; and *Vorstenlanden*, which literary means lands of the sovereign, is "principalities" in English.

³³ The Dutch East Indies Company (VOC) allowed the *Vorstenlanden* to govern itself while maintaining influence among the Javanese princes. This arrangement changed as the Dutch monarchy took over after VOC's collapse and introduced forced cultivation system in 1830. The territory in Java directly under the Dutch rule was called *Gouvernementsstreken*, literary means Government's area, or, more precisely, Dutch-governed area.

from the Sultanate of Mataram, whereby the royal houses (*Vorsten*) leased parcels of land to their princes (*putro sentono*) and royal officials (*abdi dalem*), who could tax and procure labor from the peasants living in their appanages. In return, the appanage holders paid taxes to the *Vorsten* twice a year after two Islamic religious festivals. Appanage holders hired middlemen called *bekel* to carry out the day-to-day management of the land that included organizing the peasants for corvee labor. Through the appanage holders and the *bekels*, the *Vorsten* extended its control over peasants' labor and produce, creating the patron-client relationship which characterized governance in the Principalities. The 1912-1924 reorganization severed this system in four steps: by abolishing the appanage system; by creating a new form of village and village administration that took over the traditional role of the *bekels*; by defining the peasants' right to land more clearly; and finally, by revising commercial land lease regulation in Surakarta.



Map 1. Java in the 1920s



Map 2. Residency of Surakarta, 1920s
 Maps courtesy of The Age in Motion, Shiraishi 1990³⁴

As a colonized subject, writing about the reorganization of agrarian system in Surakarta gave Supomo first-hand insight into the transformation that the reorganization instigated in the relations between the peasants-Principality. Juxtaposing the native land tenure system with the reformed legal system introduced by the reorganization, Supomo was able to interrogate the colonial debates on native

³⁴ Used by permission of the publisher, Cornell University Press.

land rights,³⁵ debates that reflect ruptures between the capitalists and the legal-ethicists, whose credo influenced the reorganization as Shiraishi describes,

In the Ethical era, the idea that the people should be free from the bond of the land, and that there should be a separation between the usufruct of the land and the command over the labor of people who live on the land, became indisputable; and in the light of this idea the agrarian situation in the *Vorstenlanden* increasingly came to be seen as a “medieval” system, a carry-over of the nineteenth century *Cultuurstelsel*” (1990, p. 18).

Despite this observation, in practice the agrarian reorganization in Surakarta was a site of fierce struggle among differentiated factions of the Dutch society: between the ethicists and the capitalists, and between the liberal and the conservatives, as demonstrated above. The ambivalent character of colonial discourse emerged in the debate on domain declarations and *adat* land rights and surfaced more intensely in the discourse on agrarian reorganization in Surakarta, precisely because at this site abstract debates began to formalize closer into concrete implementations. Capitalizing on this ambivalence, Supomo explicates the changing relations among key actors and illuminates the hypocritical colonial claim of progress in the agrarian reorganization.

Supomo narrates these conjunctures in his dissertation which is organized into six chapters in two main sections. The first three chapters describe the pre-colonial appanage system in Surakarta and the accompanying rights and obligations of the local community to the appanage holders, while the remaining three analyze the objectives and mechanisms of the land reorganization, its impact on peasants-Principalities and peasants-commercial plantation relations along with the legal consequences of the commercial land lease system in the region. With this two-pronged approach, Supomo’s dissertation emerges as an extensive study of both

³⁵ Despite its strategic thrust, it was unclear if Supomo had chosen the dissertation topic himself as Van Vollenhoven traditionally assigned research topic for his students (Pompe 1993).

indigenous and colonial law about land rights, critical in its assessment of ambivalence, tensions and ruptures in the discourse.

I analyze Supomo's dissertation in four stages: First, I present Supomo's narrative of the appanage system. Second, I elaborate the transformation processes as Supomo explains them. Third, I illuminate Supomo's analysis of the reorganization's impact, in which he exposes the colonial discourse of progress as hypocritical, explicates the entangled relations among the Dutch factions and their struggles in the metropolis and the colony, and demonstrates instances where the *Vorsten* indiscriminately emulated the Indies government policies detrimental to the peasantry. And finally, in the last stage I focus on Supomo's analysis of the reorganization's specific impacts on the commercial land lease system. He writes in unambiguous terms how the new system had unfairly burdened the peasants and how the native *Vorsten* officials and Dutch colonial bureaucrats shared a role in maintaining a regime that essentially devoured the peasants' surplus. Throughout this thesis, my intention is to show in practical terms the political and policy ambivalence Supomo harbored as a graduate student and emergent leader standing under the shadow of Van Vollenhoven and the larger colonial debate on the place of *adat* law in the Dutch legal system.

2. Narrating the Changing Appanage System

Supomo dedicates almost half of his dissertation to describing the intricacies of the native appanage system. However, the significance of this section lays less in the meticulous information Supomo presents than in four key observations interwoven into the narrative. In these events, Supomo not only replicates the ambivalent discourse emanating from the metropolis, but more importantly, exerts his intellectual position in relation to Van Vollenhoven, in the process revealing a continual

fluctuation between complicity and resistance to Van Vollenhoven's construct of *adat* land rights.

The first key event unfolds as Supomo begins his dissertation with an incisive question about the *Vorstenlanden*'s right to land in their territory, asking, "Which right did the Sultanate of Mataram have formerly on the land?" He continues:

Here is a question with strongly diverse opinions in the literature. However, there is an agreement over one thing: that the sovereign (*Vorst*) in each existing principality possesses a domain right both in reality and in the legal consciousness of its people, which has become the center of the *Vorstenlanden*'s land law (1927, p. 3).

His question is pregnant with meanings. On the surface, it toys with the *Vorstenlanden*'s legitimacy over land rights in their territory. At a deeper level, however, it mirrors the colonial *domeinverklaring* debate in the Netherlands. Supomo is careful to ensure that he conveys colonial scholars' consensus that acknowledged the contemporary existence of *Vorstenlanden*'s domain right, both in fact and in popular legal consciousness. Referring to academic consensus was a common academic practice; nonetheless the subtext of this assertion was a reminder that the Dutch *domeinverklaring* had no basis in native legal consciousness, a stark contrast to Von Savigny's principle of organic law according to which law must spring forth from the people's dynamic. To be consistent with Von Savigny's principle, Supomo had to test if the *Vorsten*'s domain right genuinely arose from the local people's own dynamic. He writes,

Was this domain right, however, only the continuation of royal legal construction, which existed as a presumption and imposed itself upon popular law (*volksrecht*)? Or did this domain law constitute an actual basis of the living indigenous law (*volksrecht*)? (1927, p. 3)

These questions were originally asked in 1919 by B.J.O. Schrieke, a noted Dutch sociologist who did numerous studies in the colony in the first half of 20th

century (Burns 2004, p. 108), but Supomo's position as a native intellectual connected to the *Vorstenlanden* makes his interrogation a peculiar one, precisely because in his asking Supomo amplifies the Utrecht school's skepticism towards aristocratic territorial claims and *adat* law: Was domain right a royal invention, or was it a genuine living law among the population? In response, Supomo presents in detail a classic debate among Dutch scholars, namely Rouffaer, Schrieke and Van Vollenhoven, on Javanese land tenure (1927, p. 3-5). Rouffaer with Van den Berg and De Roo de la Faille argued that the Javanese *Vorstenlanden* indeed possessed domain right and that this right also existed in the popular legal consciousness. Van den Berg and De Roo de la Faille supported their argument with their research on Islamic jurisprudence and old Javanese texts, and they concluded that the *Vorstenlanden* gained land through various processes except war (1927, p. 5). In contrast to Rouffaer et al., Van Vollenhoven insisted that the *Vorstenlanden* became the ruling owner of all the land through usurpation (1927, p.5), echoing an argument proposed by I.A. Nederburgh in his 1882 dissertation. Nederburgh suggested the *Vorsten* right over land in Java could be understood

only in the cases that the *Vorst* had allowed exploitation [of land], through injustice, through continued squeezing out and oppression [of the population], in short [it is attributed] to unjust usurpation of rights (Supomo 1927, p. 5).

Van Vollenhoven insisted that key concepts for *adat* law system such as "right of allocation (*beschikkingsrecht*), right of enjoyment (*genotrecht*), right of priority (*voorkeurrecht*) etc. cannot be explained through the concept of sovereign domain right" (Supomo 1927, p.5), a position supported by Schrieke who said the *Vorsten*'s right on land in Java was originally comprised only of taxation right. Van Vollenhoven et al. acknowledged that despite the *Vorsten*'s presence, private

ownership of land and of wastelands³⁶ existed in Java like the rest of the East Indies, but through what he termed as *Vorsten* despotism, the requirement for private ownership was made more rigorous after 1830 when the forced cultivation system was implemented. The debate on domain right was critical for Van Vollenhoven in that if the *Vorstenlanden* domain claim was legally accepted, the *Vorsten* automatically acquired the legal rights to alienate people from the land. Van Vollenhoven apparently fought against such alienation, proved by his campaign against amendment of article 62 *Regeeringsreglement* (East Indies Constitution) in the parliament. With expanding demand for land, acknowledgement of *Vorsten* domain claim would place cultivated land at the *Vorstenlanden*'s disposal.

Despite the detailed exploration of the conflicting positions, Supomo refrains from revealing his own opinion. He does not endorse Van Vollenhoven's "Anti Rouffaer" argument. More importantly, he does not support his professor's accusation that the *Vorstenlanden* appropriated land from the people through usurpation. On the other hand, Supomo does not support Rouffaer's argument either, even though it would have provided him with a base to support the *Vorsten*'s domain claim. At this point, Supomo is silent, but it is clear that he was keeping a careful distance from both arguments. This distancing appears to be a calculated maneuver to maintain a neutral, dispassionate position in the midst of polarizing arguments. Agreeing with Van Vollenhoven's usurpation argument would put Supomo in an awkward position against the *Vorsten*, an undesirable situation for both personal and professional reasons: at this time Supomo was betrothed to the Sunan's niece and had a promising post-Leiden career as a member of the colonial judicial officer in the *Vorstenlanden*.

³⁶ Waste lands are lands that are not in cultivation. It included unopened forests, swamps or mountain slopes. During early 20th century, wastelands were abundant in Surakarta, especially in the slopes of Mt. Merapi and Merbabu, Mt. Lawu, and some areas in Sragen, Wonogiri, and Karang Anyar.

Maintaining neutrality was a savvy thing to do, hence Supomo dismisses the debate as irrelevant. He writes,

We are not trying to choose in this matter of dispute and neither is this required. We take the above statement in page 1 in the introduction as a point of departure to observe all of the recognized facts of the *Vorstenlanden*'s agrarian authority (1927, p.7).³⁷

At the heart of the domain principle was a discursive conquest over the colonized. In the act of declaration that “legalized” their domination over the colony, the Dutch addressed not only the native population but themselves and their fellow Europeans. Acknowledgement of the native’s world view, embodied in the elevation of *adat* law as a legitimate discipline, was not followed by automatic adoption of native episteme. Supomo understands this discursive struggle and responds by putting domain theory debate in his opening statement. To create impact, he discusses *adat* land tenure regime within the Western *episteme* of domain-theory.

The second key event surfaces in Supomo’s rejection of the claim that the appanage system in Java was an institution with roots in its peasantry. He argues that it was an elitist, princely institution (*vorsteeninstituut*), in which the land in the *Vorstenlanden* was divided roughly into two main categories: The King’s lands, directly managed by the *Vorstenlanden* official,³⁸ and the appanage lands, under the jurisdiction of princes (*poetro sentono*) or royal officials (*abdi dalem*) to serve their needs. The princes could keep the appanage lands for three generations, while the royal officials only for their tenure period during which they had the right to mobilize and procure tax from the peasants living in their appanage. As a *Vorsten* institution,

³⁷ Note Supomo’s effort to ensure his audience registers “all the recognized facts of *Vorstenlanden* authority” over its territory.

³⁸ The inner land consisted of *pemadjegan dalem* or *padjeg* area which was taxable; the *boemi pangrembe*, particular lands that were assigned to particular crops, such as for rice cultivation; and the *gladag-land*, whose population were obligated to carry out civic *Vorstenlanden* services, such as for festive occasions and funerals. The *gladag-land* did not pay tax to the *Vorstenlanden*.

appanage had existed for centuries; however the relationship between appanage holders and their appanage land was foreign to the colonial episteme.

Supomo again presents a debate between Van Vollenhoven and other colonial scholars on whether appanage holders had legal ownership over their appanage. One side proposed that the *Vorstenlanden* granted territorial rights to appanage holders, with which Van Vollenhoven disagreed. Although the appanage holders had the exclusive right to tax and to procure resident labor in their appanages, Van Vollenhoven insisted they never became legal owners of the land. On the contrary, Logemann argued “it was not always correct to say that appanage holders did not have rights over land” (Supomo 1927, p.8). Supomo responds,

...then I support Van Vollenhoven’s opinion than the contrasting argument, and [I believe] it is plausible that the explanation for Logemann’s assertion must be sought in the said usurpation of rights by the *Vorst*, and in the legal usurpation (*rechtsaanmatiging*) of the appanage holder, who gradually came to consider themselves as owners of their *lungguh* (p. 9).

With this sentence, Supomo marks his position vis-à-vis Van Vollenhoven’s critical foundational concept. He finally concedes to Van Vollenhoven’s usurpation argument but adds that appanage holders were also to blame for land usurpation. In his concession, Supomo expresses rejection; the act of complicity is at once the act of disavowal. It is difficult to gauge the motive of Supomo’s tortuous route in acknowledging Van Vollenhoven’s key conceptual cornerstone due to limited available sources. However, it seems that Supomo’s native subjectivity, particularly influenced by Javanese ethics of *hormat* and harmony was at play. At his core, Supomo was still a Javanese gentleman, bound by ethics to maintain respect to the *Vorstenlanden* (even if only distant and vague) for it is his connection to these traditional institutions that had made possible his European education.

The third key event in this section of Supomo's dissertation emerges in his observation of the persistent flaws and abuse of the appanage system, the most important of which concerned the ways taxes were collected and corvee labor imposed. He narrates that among Javanese aristocrats of the period, it was considered inappropriate for an appanage holder to collect taxes: he must appoint a middle-man, a *bekel* (p.11). The *Vorst* would issue a decree which laid out the responsibilities and obligations a *bekel* must observe and the amount he had to pay the appanage holder. In practice, Supomo emphasizes, the *bekel* would shift these obligations to the peasants under his control. Shiraishi succinctly describes the rights and obligations of the *bekel* and the peasants under his *bekelship* as follows:

The *bekel* in turn received one-fifth of the *bekelship* land as his *lungguh* (appanage), for the cultivation of which he was entitled to procure labor from the people under his control. The peasant under the *bekel's* control, who was called a *kuli* (coolie) cultivated the remaining four-fifths of *bekelship* land and was obliged to pay taxes and to perform corvee labor.... The payment could be made either in kind or in cash. In either system it was the *bekel* who actually collected the tax and brought it to his appanage holder, in general twice a year on *Garebeg Mulud* (the feast day to commemorate the Prophet Muhammad's birthday) and *Garebeg Puwasa* (the first day of *jawal*, celebrating the end of fast). He was also obliged to procure peasant labor for the appanage holder at the time of *Garebeg Mulud*, *Garebeg Puwasa*, and *Garebeg Besar* (the Islamic holiday of *Hadj*), and in the service of the state to maintain public roads, bridges, and irrigation ditches (1990, p. 14).³⁹

The traditional tax collection system was vulnerable to abuse, a fact Supomo was acutely aware of and spells out to his audience. First of all, too many kinds of payment were imposed on to the *bekel*. For example, on appointment, a *bekel* paid appanage holder "bound money" that would gradually increase. If the *Vorst* appointed a new appanage holder, the *bekel* would have to pay *penganjar-anjar* (lit: renewal), a portion of which the new appanage holder would pay to the royal house in return.

³⁹ This section of Shiraishi's thesis is drawn mainly from Supomo's thesis and other colonial sources about Surakarta.

Further, if the *Vorst* retained the amount of lease in a new appointment, or if the appanage holder promised not to lease the land to Europeans, then the *bekel* would have to pay blockage money (Supomo 1927, p. 12). These payments eventually shifted back to the peasants by way of taxes they were required to pay the *bekels*.

Further, this system encouraged the *Vorsten* to continue dividing appanages to support increasing number of princes and officials. Seeking to maximize his benefit, an appanage holder would divide further his appanage into smaller sections to extort as much *bekti* money from his newly-created *bekels*. As a *bekel's* assigned land diminished and various taxes continued to increase, the production surplus kept by the peasants dwindled, inevitably impoverishing them.

Finally, crop distribution was vulnerable to abuse. The appanage system accepted two ways of crop distribution: the *maron* (lit: half) and the *madjeg* (lit. tax) system. In the *maron* system, an appanage holder had right to half of the total produce.⁴⁰ Since he shared crop risk in the *maron* system, he had an interest in maximizing the land yield. For example, he ensured that his *bekel* and the peasants did not leave paddy fields fallow. In contrast, an appanage holder in the *madjeg* system was entitled to a fixed amount of money or an equal amount in kind, but he refrained from deciding what crops to plant or in sharing the risk of crop failure. To Supomo, it was this *madjeg* system that “opens the door to the *bekels* unfairness against the people...especially when we take into account that their mutual relationship nearly exclusively rests on tradition” (Supomo 1927, p.16). No stipulated contract existed in this kind of relation. The peasants considered the *bekel* the authority to allocate agricultural land among them, and he did so with the aim of fulfilling his obligations to his appanage holder. In other words, the *bekel* fully controlled the village right of

⁴⁰ Half for irrigated paddy fields, one-third for rain-dependent paddy fields, and one third of the yield of second harvest (p. 13).

allocation (*beschikkingsrecht*). Thus, peasants' relation to land was vulnerable since everything was based on tradition and was susceptible to the whims of the *bekel*. "And thus," Supomo concludes, "in the *madjegan* system area, the peasants had no right whatsoever on land, as everything is gobbled up by the *bekel*" (Supomo 1927, p.16). This argument provides nuances to Van Vollenhoven's wide brush strokes: village *beschikkingsrecht* was not always exercised by a village committee, and there was nothing romantic about the appanage system.

In this narrative Supomo indirectly supports his professor's position on the nonexistence of domain right in Surakarta, proven by the aristocratic indifference of territorialization in contrast to their obsession with capturing the peasants' surplus and labor.⁴¹ In the *Vorstenlanden*, a century of attempts to delineate appanage boundaries had proven ineffective, frustrating the *Vorstenlanden*, and eventually causing their indifference (Ricklefs 1974, p.71). No centralized effort was taken to demarcate areas, create maps, or organize the population in a way that reflected an initiative to modernize land management in the area, resulting in the chaotic transition process that Supomo elaborates later in his dissertation.

The fourth key event in Supomo's narrative of the native appanage emerges in his response to the Dutch conservatives' skepticism against Leiden's concept of jural community (*rechtsgemeenschap*) that possesses the right of allocation (*beschikkingsrecht*). These are the conceptual cornerstones of Van Vollenhoven's

⁴¹ Vandergeest and Peluso describe territorialization as a process of "excluding or including people within a particular geographic boundaries, and about controlling what people do and their access to natural resources within those boundaries" (Vandergeest and Peluso 1995, p. 388). It entails asserting and delimiting control over certain geographic area that shapes certain relationship, such as between the inhabitants and its natural environment. They argue that in South East Asia, control of territory was not high in royal priority compared to control of people in the territory and their labor. The royal elites needed surplus of production from the people to support their lifestyle. "As a result, when a king claimed control over a particular expanse of territory, in fact what he claimed was the control of the labor of the land's residents and a portion of the product of their labor" (Peluso 1992, p. 34).

oeuvre in the way it argues that a non-European community is capable of having and developing a legal system of its own. Van Vollenhoven writes,

The diversity in human law can be ascribed first to the diversity of these countless communities which, because they are based on law (-), should be called jural communities; secondly, to the rich variety of their legal products; and finally, to the greater or lesser strength with which these jural communities succeeded in sustaining the constituent parts of the law they have created (Vollenhoven in Sonius 1981, p. XLII)

Even though at this time the Indies government had acknowledged the importance of *adat* law, demonstrated by appointing curators to collect data on *adat* law (Otto and Pompe, 1989), Supomo still addressed the topic, apparently because he was in conversation with a wider audience. It was crucial to him to prove the empirical existence of jural communities in the *Vorstenlanden*, and in the case their absence, to demonstrate that there was an important reason why.

Supomo starts with the following paragraph,

If one asks whether in the time past villages existed in the *Vorstenlanden* then the answer is affirmative when what is meant by villages is only an agglomeration of houses akin to an island in the middle of its fields, circled and overshadowed by bamboo, coconut and other trees. If, however, one actually meant to ask if the villages were also jural communities (*rechtsgemeenschappen*) similar to those in the regions directly under Dutch rule (*gouvernementstreken*), then the answer would generally be negative. [Jural communities did not exist in *Vorstenlanden*] until the reorganization of the village system [took place] there (1927, p. 18, emphasis added).

In this paragraph one gleans a subtext in colonial discourse that Supomo renders visible by responding to it: native villages under the jurisdiction of Dutch colonial administration operated as jural communities, while those in the *Vorstenlanden* did not. Supomo seems to accept this and other implied argument about the reorganization's important role in bringing the characteristics of jural communities back to *Vorstenlanden* villages. But this acquiescence transforms into passive

resistance as Supomo carefully adds, “This does not mean that the answer should always be negative for earlier time in history” (Supomo 1927, p. 18). He stresses the presence of jural community villages in the *Vorstenlanden* as demonstrated by Dutch scholar Rouffaer⁴² and the Javanese legal code Angger Ageng. These jural community villages degraded into mere local settlements since 1755. The main culprit “lays in the circumstance of the split of Mataram kingdom in 1755...” (Supomo 1927, p. 19).

Here, Supomo summons a historical fact to contextualize the degraded jural communities in the *Vorstenlanden*, essentially arguing the degradation was caused by the split of the *Nagaragoeng* – the territory of the Sultanate of Mataram– into Surakarta and Yogyakarta *Vorstenlanden*. The split caused appanage holdings to be divided so randomly that

some came to belong to Yogya, a redistribution of the appanage came across [such] that villages were divided into different appanage holders so that their jurisdiction were crumbled into so many pieces and scattered all over the place (Supomo 1927, p. 18).

Interestingly, Supomo is silent about the socio-historical events that unfolded in 1755 which created profound consequences for the late colonial period in Surakarta. To complete the picture, I furnish in the following paragraphs contemporary account of what took place after 1755.

After the death of Sultan Agung, the last king of unified Mataram kingdom, decades of bloody conflicts and rebellions plagued the central Javanese landscape. It created an opportunity for the Dutch, then represented by the East Indies Companies (VOC), to acquire North Java coastal lands in 1678 as compensation for their assistance in restoring Amangkurat II to rule over his father’s kingdom (Ricklefs 1974, p. 20). The conflict, however, continued for more than fifty years until 1755 when the Javanese princes invited a VOC representative to mediate a peace treaty. VOC’s

⁴² Rouffaer was a noted Dutch scholar who wrote extensively about the *Vorstenlanden*

solution consisted of carving the territory of Mataram into what is now Surakarta and Yogyakarta. Unfortunately entwined and opaque boundaries created “...hopeless cadastral confusion, with villages belonging to the two kingdoms dangerously intermixed” (Ricklefs 1974, p. 71). Ricklefs suggests that these triangular relations defy a contemporary perspective of colonizer-colonized relations since it was not until after the 1830s, at the start of forced cultivation, that Dutch-Javanese relations became “colonial,” a detail beyond the scope of this thesis. Suffice it to say that it was partly the colonial power’s involvement, and partly the Javanese princes own doing, that ruined the old appanage system, laid waste to the intricate land distribution, and degraded native villages from self-governing jural communities into mere local settlements.⁴³ Supomo signals that the colonial power was as much to blame for the destruction of the traditional agrarian system and the ancient *rechtsgemeenschappen* in the *Vorstenlanden*. Thus, the implied superiority in the Dutch-governed territory was only possible after the Dutch, through VOC interference, destroyed the jural communities and traditional agrarian system in the *Vorstenlanden*.

These four events illuminate Supomo’s ambivalent intellectual relations with Van Vollenhoven in particular, and with the colonial discourse in general. Noticeably striking was how Supomo refrains from explicitly supporting Van Vollenhoven’s argument of *Vorsten*’s usurpation of the people’s land, a cornerstone in Van Vollenhoven’s construct of native land rights. Instead, Supomo takes a rather tortuous route to express a subtle identification with his professor’s position: Usurpation did take place but was also carried out by the appanage holders, not only by the *Vorsten*. In his analysis of Surakarta’s *adat* land rights, Supomo provides more nuanced

⁴³ For decades after this split, the disputes between the two royal houses continued. Efforts to mediate almost always involved the Dutch, for example between 1768 and 1774 (Ricklefs 1974, p. 144-165). This explains the *Vorsten* hesitance in cleaning up their scattered, unorganized appanages for fear it would spark old enmity.

description which complements Van Vollenhoven's broad brush strokes that tend to romanticize *beschikkingsrecht*. Supomo asserts that the people's access to land was vulnerable since everything was based on tradition that was susceptible to the whims of the *bekel*. Village *beschikkingsrecht* was not always exercised by a village committee, and there was nothing romantic about the appanage system. In his challenge to colonial skepticism (most prominently represented by Utrecht University) about the presence of jural communities (*rechtsgemeenschappen*) in the Surakarta Principality, Supomo identifies with Van Vollenhoven's postulation on *adat* land rights. He pushed further, however, by explicating the cause of *rechtsgemeenschappen*'s degradation in the *Vorstenlanden*, which reveals the complex and dyadic relations between the Dutch and the Javanese princes.

In asserting his intellectual platform, Supomo continuously oscillates between identifying with and rejecting Van Vollenhoven's constructs on *adat* land rights. There was no clear, bounded break between Supomo's and Van Vollenhoven's intellectual platform; however, within these intimately-related platforms, a continual fluctuation between complicity and resistance is apparent. How does this information help us to understand the ways in which Supomo responded to the ambivalent discourse on *adat* land rights?

3. Building an Argument: Four Processes in Surakarta Agrarian Reorganization

a. Javanese Ethics at Play

To transform the indigenous agrarian system to "fit with the progress of society," the colonial government laid out four key processes: 1) abolishing the appanage system, 2) transforming traditional villages into administrative units, 3) setting unambiguous definition of peasants' rights over land, and 4) revising

commercial land lease regulation. Supomo describes each of these key processes, paying close attention to contradictions and ruptures that emerge within the discourse. In this section of his dissertation, Supomo's reactions to such contradictions, reactions that I will elaborate later in this thesis, appear overly neutral to the effect of defending the colonial agrarian policy. It is only towards the end of his dissertation that Supomo's ambivalence becomes explicable.

Early in his second chapter, Supomo responds to these four processes with tense paragraphs. He implicitly suggested that the Dutch imposed the reorganization to the *Vorstenlanden*, marking his point adroitly with distinctive use of italics, which I will demonstrate in the next paragraphs. The Dutch domination of the *Vorstenlanden* court scene was common knowledge since it was the princes who, in the mid 18th century, called for the Dutch East Indies Company to intervene in the bloody rivalries that had plagued the Javanese landscape for decades (Ricklefs 1974). It was fascinating, then, to observe the political theater in early 20th century when the Dutch denied its dominant role in the reorganization and insisted, instead, that the *Vorstenlanden* had acted as independent and equal partners in the agrarian reorganization process. In the following paragraphs, I will show how the political mood in the metropolis and the colony made an appearance of co-governance as important as bringing about "progress" to the colony, and how Supomo makes careful note of this.

Supomo accepts Surakarta's need for an agrarian reorganization. As he demonstrated earlier in his thesis, the traditional appanage system was vulnerable to abuse, hence the necessity of fundamental reform, since it "no longer fits with the context of the period" (Supomo 1927, p. 48). Yet, he qualifies his approval by promptly asking a double-edged question: "Have the *Vorsten* wanted the reorganization themselves?" (Supomo 1927, p. 48). It was Member of Parliament

Vliegen who originally asked this question to the current Minister of the Colony De Waal Malefijt, but instead of quoting Vliegen directly, Supomo appropriates the question and presents it in his own words, effectively amplifying the tensions in the paragraph. Almost instantly, Supomo tones the tension down by quoting Malefijt's own response:

...the Minister answered “not only were we guaranteed of that” (of the cooperation from the Sunan [of Surakarta] and of the Sultan [of Yogyakarta]. Of the two princes [the junior royal houses]⁴⁴, nothing was mentioned), “but also that the reform is considered to be the act of the *Vorstenlanden* themselves” and that the Dutch “did not made this step public before we met with the Susuhunan and the Sultan where both had given their approval to the presented plan” (1927, p. 48).

Supomo continues,

Is that a correct reflection of what happened, or is the Encyclopaedie van Nederlandsch Indie... correct, that the reforms regulations were practically *imposed* upon the principalities, in place of being *discussed* by them or [in other words] was led by the principalities themselves? (1927, p. 49)

The italics in “imposed” (*opgeleged*) and “discussed” (*overlegd*) are Supomo's own. Framed with the earlier question, “Have the *Vorsten* wanted the reorganization themselves?”, the italicization of these words enables Supomo not only to express his skepticism in a subtle, impassive way, but also to juxtapose two opposing colonial arguments, one in the Encyclopaedie of the Netherlands Indies and the other in the Memorandum of Explanation for the Indies budget 1912 (hereafter shortened to “the Memorandum”). To neutralize his “attacks,” Supomo quickly quotes the Memorandum which argues that the concerned native government officials “*have not brought in any principle objections*” (p. 49). These italics are also Supomo's own, but lack of context makes it difficult to conclude if he is emphasizing skepticism or expressing support towards the argument that would have absolved Malefijt. A

⁴⁴ Mangkunagaran and Paku Alaman royal houses.

speculative explanation is that these italics are meant to obscure Supomo's position about the reorganization imposition debate to maintain "objectivity." Wrapping up, Supomo acknowledges the *Vorstenlanden*'s eventual support for the agrarian reorganization implementation, which, he carefully notes, was reprinted in several colonial documents (Supomo 1927, p. 49).

This play of attack and retreat, amplifying tension and instant neutralization, is puzzling. It is as if Supomo cannot make up his mind on the kind of intervention he intends to make. Ambivalence may be one explanation for this episode. However, I suggest that this is a case of Supomo's Javanese ethics at play in the midst of a thoroughly European intellectual exercise. No Javanese gentleman would degrade himself to unmeasured and uncontrolled conduct that may lead to open conflict. Harmony has to be maintained; attacks have to be balanced with retreat (Magnis-Suseno 1988). By deploying this play of attack and retreat, Supomo maintains an appearance of respect regardless of his interior mental state and, despite his critical views of the reorganization, achieves a degree of *halusness*, the quality in Javanese etiquette which is "in itself a sign of Power, since *halusness* is achieved only by the concentration of energy" (Anderson 1990, p. 51).

Supomo keeps returning to this question-answer style in his dissertation. He uses it in ways that allows him to address sensitive, even controversial questions to the effect of second-guessing Dutch policies. As he narrates the first process of the transformation, he asks, "What was the motive behind the abolition of the appanage system?" (Supomo 1927, p. 50) Despite the promising possibility in the question, Supomo's answer is disappointingly simplistic. He cites three colonial sources with no apparent interest in challenging them. The first argues that abolition of appanage system was needed "because the working of it in each respect is pernicious

(*verderfelijk*) [to society]” (p. 50).⁴⁵ It reflects ethicist ideology that permeates the mood of the period: the idea of people bound to land was considered baneful, feudalistic, and poisonous for a society seeking progress. The second motive he cites also echoes this ethic: The Appanage system’s nature “is not consistent with orderly social condition” (p. 50).⁴⁶ This statement pushed to the surface colonial desire for order and discipline, as practiced widely by other colonial powers during that period.⁴⁷ For the third motive, Supomo cites Van Vollenhoven, who deemed abolition of the appanage system “imperative for selflessness (*onzelfzuchtigheid*) in the state” (p.50).⁴⁸ Other than presenting these motives verbatim, Supomo refrains from offering his own interpretation and from speculating other possible motives.⁴⁹ It becomes clear only later in Supomo’s dissertation that this casual indifference is a strategy to respond to the colonial discourse. I will elaborate it in section four of this chapter.

b. Four Processes in the Reorganization

The first key process to transformation was the abolition of the appanage system. Although seemingly steered by the Vorsten, the abolition of the appanage system was a thoroughly colonial project. It was the epitome of power to colonize, as it ensured “the spread of a political order that inscribes in the social world a new conception of space, new forms of personhood, and a new means of manufacturing the experience of the real” (Mitchell 1991, p. ix). However, I suggest that Supomo also saw it as an opportunity to purge certain elements from a traditional system that was largely manipulative and exploitative.

⁴⁵ Supomo cites the Bijlage B Handelingen Staten-Generaal 1911-1912 p. 38 for this motive

⁴⁶ Supomo quotes Het Koloniaal Verslag van 1917 for this motive

⁴⁷ See Mitchell 1991 for colonial order and discipline in Egypt.

⁴⁸ Supomo quotes Van Vollenhoven’s article “Het onbaatzuchtige in recht en staat,” 1919, p. 11

⁴⁹ Curiously, Supomo does not touch upon any motives from the native perspective, despite the fact that the Mangkunagaran Royal House had started their own land reform by abolishing part of their appanage system as early as 1870.

The abolition of the appanage system is closely tied to the second key process in the transformation: the formation of villages as administrative units to replace the traditional *bekel* system. Supomo emphasizes the enthusiasm among colonial policy-makers to revive the native system (*volkswezen*) in the Vorsten. This enthusiasm manifested in a statement in the 1912 Memorandum where the colonial government deemed establishing villages for rural peasantries a necessary condition for progress, a cornerstone for reform in the Vorsten, to which the *Vorsten* were powerless to resist. Succumbing to the government demand, the two royal houses issued *pranatans*, regulations of the Vorsten, which laid out the principles for village formation to guarantee the newly-formed villages were carved out in an “appropriate manner.” The principles were: 1) As far as possible, a village must have natural boundaries. 2) Lands allocated for each village should be able to support between 80 to 150 *kuli kenceng*.⁵⁰ This aimed at ensuring efficient and satisfactory supervision by newly formed village officials. 3) The salary land for village officials and pension land for former *bekels* must be located within the desa boundary where they live. 4) All *kuli kenceng* must be given equal amounts of usufruct land, regardless of the quality or the productivity of the land, and the land should be located in the village where they live. 5) The land given to *kuli kenceng* in areas that were leased to the Dutch for plantation purposes should be divided into two equal parts: one for peasant agriculture (i.e. rice) and the other for the cultivation of plantation crops (e.g. sugar cane or tobacco).

Upon completion of the reorganization and using these principles, the Kasunanan created 1,226 villages and the Mangkunegaran 738 villages. A newly-formed village was run by a team of village officials consisting of a *lurah* (village headman), a *carik* (village secretary), *modin* (village religious official), a *kamitua*

⁵⁰ *Kuli kenceng* are villagers who are entitled to usufruct rights to paddy field and housing plot, or either of the two and carry the full rights and responsibilities that come with these rights

(deputy village head), an *ulu-ulu* (official in charge of water distribution and management), and a *kebayan* (village messenger). Each received salary land commensurate with their hierarchy; 4.5 bau (Dutch: *bouw*) for the village headman, 2.25 bau for the secretary, and 1.0 bau each for the deputy village head, the religious official, the official in charge of water distribution and management, and the messenger. In place of dismissed *bekel*, these village officials now exercised the right of allocation for salary land for village officials, pension land for dismissed *bekels*, village treasury land to support village administrative expenses, and the village communal land to the *kuli kenceng*.⁵¹

Following Scott (1998), several principles guided the formation of villages and made the Javanese landscape more transparent to the colonial eye. Ensuring natural boundaries for each village facilitated easier mapping, and hence territorialization in the *Vorstenlanden*. By keeping access to land only within one's village –be it land for the peasant, the village head and official, or the dismissed *bekels*– the Dutch secured not only discipline, but also easier surveillance for their economic and political interest. Pushing for a new village formation solved the nagging problem of a chaotic appanage system that even the *Vorsten* failed to rectify (Ricklefs 1974). Most important of all, it was an ingenious solution to overcome the land shortage problem for commercial plantation caused by the Agrarian Law 1870 strict limitation. Supomo notices the dual legal system imposed in the *Vorstenlanden*. Lands leased to commercial agricultural enterprises were released from the *Vorsten*'s legal jurisdiction and were subjected to the Indies Land Lease Regulation (*Grondhuurreglement*) decreed in Staatsblad 1918 no. 20 (Supomo 1927, p. 53). In the last chapter of his

⁵¹ It was these dismissed *bekels* who played an active part in mobilizing peasants demonstrations in Surakarta, which caused the imprisonment of Haji Mochammad Misbach of *Insulinde* Surakarta.

dissertation Supomo gives a detailed legal analysis of this asymmetrical legal ruling and the grim consequences it imposed on the native populations.

The third process in the transformation is the effort to define more clearly the peasants' right over land. Supomo responds to this process by asking a double-edged question, which essentially problematizes the colonial's "benevolence": "What has moved the [Dutch] government to give the *Vorstenlanden* people better rights on land (*rechten van den grond*) than had the *Vorsten* themselves?" (Supomo 1927, p.54). He carefully lays out the government explanation of such "benevolent" interests.

According to the 1912 Memorandum of Explanation the government recognized the *Vorsten* as the absolute owner of the land. However, the government considered the peasants to have very limited rights as tenants of paddy fields and, in return for corvee labor, as users of their housing plot. Legally, then, the peasants only had a terminable contractual right of agricultural land and a very weak right of housing plots. The colonial regime wanted to strengthen these rights to provide the peasants with a "more independent place in society," (*meer zelfstandige plaats in de samenleving*, emphasis added), an ideal that echoed the creed of ethic politics. In this reorganization, the government split the bundle of rights to land into several distinct rights: The dominion, hence the land title (*eigendom*), was assigned to the *Vorsten*; the property right (*bezitrecht*) of fields to the village; and the usufruct right (*gebruiksrecht*) of the village communal land to the village residents, allocated by the newly-formed village officials (Supomo 1927, p. 55). Supomo concludes, "thus, we are seeing a similar construction [of legal system] as that in the Dutch-governed areas in Central Java: in place of *landsdomain* we will get *Vorstendomein*, and upon that a so-called 'communal property' of the village with fixed shareholders" (Supomo 1927, p. 54).

The final process in the transition involved the revision of commercial land lease regulation. Observing this process, Supomo points out how the reorganization

introduced “free leasing of land and free labor (*vrije verhuur van grond en vrijen arbeid*)” (Supomo 1927, p. 57). With the new system, plantation operators could only acquire land by free lease from the people (*bevolking*) as the case in the Government-controlled area in Java and Madura. The same system applied to labor in agricultural factories (such as sugar factories): labor was acquired through “free” labor market, instead of through forced system as in the *cultuurstelsel* period.

In this section of his dissertation, although very critical towards certain tensions and ruptures in the discourses, Supomo’s observation appears neutral in the face of Dutch agrarian policies in the *Vorstenlanden*. One observes convincing characteristics of mimicry at play, the process by which the colonized has become “a reformed, recognizable Other, *as a subject of a difference that is almost the same, but not quite*” (Bhabha 1994, p. 86). But had the colonized become more similar to the colonizer in thought, worldview, instinct, desire, and expectation? If mimicry contains its own seeds of destruction, how and in what ways does Supomo manifest this contradiction? At this stage, Supomo’s main objective was to lay out information and processes which function as building blocks for a profound intervention presented later in his dissertation. As we shall see, it is towards the end of his dissertation that Supomo’s ambivalence and the mimicry come full circle.

4. Exposing Colonial Hidden Agenda

In the latter chapters of his dissertation, Supomo is more confident in waging his critical assessment; the words he uses demonstrate more explicitly his resistance towards a specific set of colonial arguments. In analyzing the reorganization impact, Supomo begins to criticize the native *Vorsten* and its apparatus as well as the Dutch colonial regime. Against the *Vorsten*, Supomo addresses their attempt to emulate the Dutch domain declaration -an attempt without precedence in Javanese *Vorsten*

tradition. Supomo also addresses their acquiescence in adopting Dutch corvee labor regulation, something he argues they could have resisted. Against the Dutch, Supomo criticizes their ambiguous reactions about the mandates of ethnic politics. This ambiguity emerged in the categorization of the *Vorsten* residents, spatially designed to fulfill the need of plantations for land and labor. Supomo also criticizes the Dutch demands for the *Vorsten* to follow the corvee labor ordinance implemented earlier in the Dutch-governed areas. In other words, in this section of Supomo's dissertation, resistance surfaces and complicity recedes.

Supomo starts his fifth chapter by insisting that the *Vorsten* were not legally bound to follow certain colonial legal rulings,

If we wish to examine -whether and in how far the reorganization has created village community⁵²- then we need to establish first and foremost that article 71 *Regeeringsreglement* (...including the Javanese native municipal ordinance St. 1906 no. 83 that is based on this article, and St. 1907 no. 212 concerning the election of village heads...) in relation with article 27, paragraph 2 *Regeeringsreglement*, are not applicable to the *Vorstenlanden* (1927, p. 60, parentheses and emphasis added).⁵³

In this passage, Supomo reminds his audience that although nominal, the *Vorstenlanden*'s possessed a kind of autonomy nonetheless. Within this nominal autonomy, the *Vorstenlanden* had its own legal system it could deploy to support legal arguments crucial to protect its interests, i.e. by using this legal system to contextualize the debate about agrarian reorganization in its own terms. But, while the *Vorsten* had a legal opportunity to resist the *Regeeringsreglement*, they failed to

⁵² Creation of uniform village and village administrative officials was one of the four transitional processes to the new agrarian system.

⁵³ This paragraph is one of the most difficult to translate due to the heavy legal reference and Dutch language penchant for multiple sub-clauses. For the sake of comparison, I am quoting the paragraph in Dutch here: "Willen wij nagaan, of en in hoeverre de reorganisatie dorpsgemeenten in het leven heeft geroepen, dan dien te worden vooropgesteld, dat artikel 71 regeeringsreglement ... met de daarop gegronde Javasche inlandsche gemeenteordonnantie St. 1906 no. 83 en met St. 1907 no. 212 betreffende de verkiezing van desahoofden, in verband met artikel 27, lid 2 regeeringsreglement ... niet op de Vorstenlanden toepasselijk zijn.

exploit it. By identifying this fact, Supomo creates a space to argue against the Dutch demand for the *Vorsten* to model their agrarian reorganization after the experience in the Dutch-governed area. He writes,

Moreover we need to be aware of [the fact] that -according to the Memorandum of Explanation for Indies Budget 1912 about the reorganization- the conditions in the Dutch-governed area surrounding [the *Vorsten*] will serve as a model, but with the avoidance of as much as possible “common recognized faults.” Consequently, in these discussions, each time we make comparison we will naturally prioritize comparing with reorganization in Yogyakarta, and [only after that] with the village conditions in Java outside the *Vorstenlanden* (1927, p.60, emphasis added).

Supomo’s use of quotation marks in “common recognized faults” (*algemeen erkende fouten*) draws attention to the imperfections of the colonial’s supposedly superior system. The underlined words give his argument the pretext to prioritize Yogyakarta –and not the Dutch-governed area– as a benchmark to compare Surakarta’s reorganization experience precisely because they share similar characteristics as native principalities. Making this claim explicit is crucial for arguments he builds later in his dissertation.

a. Critiquing the *Vorsten*’s Mimicry

Agricultural reorganization in Surakarta created paradoxical effects: on the one hand, it weakened the authority of the *Vorstenlanden* as Dutch officials gained more substantial role in plantations administration; on the other hand, it brought the *Vorsten* directly into contact with their subjects by way of newly-formed village officials. Such paradox led them to mimic Dutch policies, most prominently in two areas: first on the domain declaration, which led the *Vorstenlanden* to abolish the villagers’ right to wastelands, and second on corvee labor, by allowing plantations to demand corvee labor from the peasants, a policy implemented at Dutch insistence.

i. Rights to wastelands

Before the reorganization, peasants in Surakarta possessed specific rights to claim wastelands. Article 44 of *Angger Sepuluh*, Surakarta's Constitution, stated that whenever someone opened wastelands or forest, or worked hills and swamplands into housing plots or farm yard, nobody could protest within three years after the first stage of reclaiming. After the three year term, to argue as illegal the land already claimed by a villager was prohibited. Based on this article, Supomo concludes that opening wastelands in Surakarta had led to particular rights to land albeit still under the umbrella of the appanage system (Supomo 1927, p.76).⁵⁴

After the reorganization, the *Vorsten* declared its own version of *domeinverklaring*, effectively erasing the remaining protection of the villagers' traditional right to wastelands. Supomo stresses that such explicit domain declaration (*uitdrukkelijke domeinverklaring*) had not existed in Surakarta's legal code (1927, p. 79). He attributes this alienation to the Principality's eagerness to mimic the Dutch 1870 domain declaration:

Outside the explicit regulation of the *pranatans*, it is explainable that the government in the *Vorstenlanden* is not willing to relinquish wastelands into communal possession. This is because the government outside the region since 1874 has been trying [in a very deliberate way] to restrict the agrarian rights of the village [only] to its aggregate of bouw fields, grazing land, and residential area (1927, p.61, emphasis added).

There is a sense of irony in the way Supomo addresses the colonial government as "the government outside the region" (*de regering buiten de gewesten*).

⁵⁴ If an appanage holder claim waste lands himself, he needs no consent from other authority. If the *bekel* did the claiming, his responsibility towards the appanage holder depends upon whether they choose the *maron*-system or the *madjegan* system. The village residents in Surakarta and Jogjakarta did not have many rights over forest products, because the principalities had contracted their forest out to the interregnum government in 1812. In Mangkunegara, however, the peasantry had the right to take out timber from the forest with a pass from the patih; they could bring their livestock to the forest, and take out grass in assigned parcels; and they could also collect fruit, *alang-alang* (*imperata*), *glagah* and rattan

By doing so, Supomo puts the *Vorsten* at the center of the discourse, addressing the government only in relation to the *Vorsten*, a subtle act of dismissal, yet, it was precisely after this “government outside our region” that the *Vorsten* had been trying to emulate itself.

Options to open and claim lands were still available to villagers. As a matter of fact, Surakarta legal codes mandated a regulation to protect this right, but the *Vorsten* kept delaying to issue the regulation, practically denying the last option to reclaim what used to be the villagers’ rightful wastelands. Supomo laments,

The right of the people to reclaim, which is mentioned and recognized in artikel 44 of the Angger Sepuluh ... is maintained by the reorganization. According to Artikel 7 of Rb. 1917 no. 33 (Kasunanan) and Rb. 1917 no. 14 (Mangkunegaran), the reclaiming right (termed as “wawenang njitak sawah” en “nandoering boemi oro-oro”) should be regulated by separate *pranatan*, yet until today the *pranatan* is still long time in coming (*zich laten wachten*) (1927, p. 79).

ii. Rights to agricultural land

The appanage holders never gained tenurial rights of the leased lands. Before the reorganization, tenurial claims by appanage holders were one-sided, strengthened only by gradual legal usurpation (*rechtsaanmatiging*). The appanage holders took over the best paddy fields and fields that the peasants opened from virgin lands by manipulating various payment structures at their disposal (Supomo 1927, p.25).

To a certain extent, a *kuli kenceng* had rights on village agricultural land, depending on whether the *bekel* used the *madjeg*-system or the *maron*-system. In the *madjeg* system a *kuli kenceng* had relative freedom to decide what crop to cultivate, and he could worked his entire allotted land, provided he fulfilled the obligatory tax and corvee labor. As long as he did not arouse displeasure of the *Vorst*, the appanage

holder or the *bekel*, for example by letting the land to lay fallow, a *kuli kenceng* had relatively secure access to land (Supomo 1927, p.26).

The reorganization in Surakarta brought massive changes in property and social relations among village residents. *Bekel*ship characterized by personal, dyadic relationships between appanage holders, *bekels* and *kulis* were transformed into what Shiraishi terms “territorial corporation” managed by village administrations as its “board of directors” with *kuli kenceng* as “shareholders” of village communal lands. Categories of residents became spatialized in the way the peasants’ status was linked to claim to their village communal land. There were now four categories of peasants: *kuli*, *pengindoeng*, *norokaryo*, and women, children, elderly and the handicapped. The *kuli* category was divided into two groups. The first was *kuli kenceng*: peasants who were entitled to usufruct rights to paddy fields and housing plots, or either of the two, and carried the full rights and responsibilities that come with usufruct rights. The second was *kuli gundul*: peasants who had lost their farmyard or housing plots. *Pengindoeng* or co-residents were people with their own separate housing that was situated in other *kuli*’s allotted land, while *norokaryo* were able-bodied men who were outside the previous two groups.

After the reorganization, land came under direct jurisdiction of the *Vorsten*.⁵⁵ The abolition of appanage system resulted in the transfer of authority on right of allocation from the *bekels* to the newly-appointed village officials (some of whom were recruited from previously-dismissed *bekels*) in effect keeping this traditional right at the village level. Supomo calls this form of rights as *dorpsbeschikkingsrecht*, or village right of allocation. Recall that one of the principles in setting new villages in

⁵⁵ Legally, however, their power was limited by law: The *Vorsten* could only set aside and allocate agricultural land by: 1) expropriating the land for public interest use which requires compensation to the *kulis* whose farms are taken over, and 2) using their authority specified in Rijksbesluit 1917 No. 34 (Kasunanan), and *Rijkbesluit* 1917 no. 15 (Mangkunagaran) (p.81).

plantation areas is that *kuli kenceng* was obliged to split his allotted land into two halves: one-half to be worked as usual, and the other to be made available to plantations and to be planted with commercial crops per plantations' instructions, earning him wages and rent. This principle was particularly contentious since the peasant had to make his land available at any period demanded by the plantations, regardless if that was in the middle of his own planting cycle. At any time, he could only work half of his allotted land. As long as the benefit the *kuli kenceng* received in wages and rent was smaller than the income he could have accrued by planting rice or other traditional crops, conflict could arise. Thus the welfare promised by agricultural reorganization remained dim.

The colonial government justified this rolling system by arguing that the lands were "communal property" (*communal bezit*), effectively negating the village's right of allocation. Supomo offers an alternative perspective. He considers these lands under the jurisdiction of the village, a right he termed *dorpsbeschikkingsrecht*, defined as a right inherent in the village corporation entity. It includes the authority to manage village land not distributed for villagers' use; the rights to manage pension land that becomes available due either to death or to an official's dismissal; and the authority to allocate housing plots, grazing land and cemetery plots. All these, Supomo argues, are the distinguishing characteristics of *dorpsbeschikkingsrecht* (p. 81-83). If previously *kulis* could abandon his farm yard, if he felt he could not tolerate the tax burden, to move to other *bekel*ship or to open wastelands with permission of related *bekels*, the options were now non-existent. The wastelands had been re-claimed by the *Vorsten*; the peasants' option to claim was practically eliminated by lack of mandated regulation; the village head lacked the flexibility to assign village communal land to a stranger. Thus, ironically, instead of liberating the peasants from the shackles of land

as the colonial discourse claimed, the reorganization made village residents even more bonded to land.

It was important for Supomo to assert the existence of *dorpsbeschikkingsrecht* for three reasons: First, the introduction of the village-corporation was essentially an effort to reform governance. What was feudal, traditional and personal could now be transformed into a rational, modern system. Attaching the *adat*-based *beschikkingsrecht* into the modern village structure was an experiment to create a hybrid system whereby an indigenous institution was amalgamated with a village-corporation system. In this way, village right of allocation was an intellectual building block for Supomo, which he kept returning to in his future contemplation of *adat* law and *adat* communities in post-independent Indonesia.⁵⁶ Second, with the official establishment of villages, the idea of jural community (*rechtsgemeenschap*) could now be attached to a concrete form of village-corporation, which exercised the right of allocation (*beschikkingsrecht*). Third, with village right of allocation (*dorpsbeschikkingsrecht*), villages could presumably decide if they wanted to lease their land to commercial plantations. However, this was not the case, especially since the *Vorsten* had declared their domain claim.

Although the reorganization introduced characteristics of municipality to otherwise traditional and feudal villages (manifested in its new village officials, its own properties, and its own *kuli* shareholders), these characteristics failed to root self-governing capacity implicitly mandated by Ethic politics and explicitly stated by Indies government, particularly because the *Vorsten* bypassed the villages' new authority by imposing corvee labor to the villagers. Supomo had the following to say:

⁵⁶ An example of his continued contemplation on the topic is demonstrated in an essay he wrote for a conference on South East Asia in Washington, D.C. in 1953 titled "The Future of *Adat* Law in the Construction of Indonesia" (Soepomo 1953).

it is not to be anticipated, that the *Vorsten* regulations bring about any sense of self-government upon the villages. Even in Yogyakarta and Dutch-governed area, there is no self-government in the village.... At the most in Solo villages, village residents can speak about the distribution of the corvee labor, yet this concern was also to be addressed under the supervision of government officials.... (1927, p. 76)

And he continues,

The newly formed villages however have not in the least self-command (*eigenmeesterschap*): the little autonomy which the *Vorsten* regulations (*pranatans*) have granted the villages were decimated through the legal and illegal interference by the *Vorstenlanden* officials (1927, p. 77, emphasis added).

Supomo uses unambiguous terms in his criticism against the *Vorsten* officials' role in curtailing village self-governance that was promised to take effect with the reorganization. He supports a colonial scholar's claim that the reorganization was a half-hearted endeavor.

Rightly so, Adam had claimed that the *Vorsten* regulations (*pranatans*) have granted the villages with so much authority, that they have self-command (*eigenmeesterschap*) given with one hand, and withdrawn with another [by the *Vorstenlanden* officials] (1927, p.81).

These paragraphs demonstrate that Supomo was beyond romanticizing *adat*-based agrarian system and traditions, a position not exactly a mirror of Van Vollenhoven's. He wages open criticism towards *Vorsten* policies that emulated the Dutch's policies in the Dutch-governed areas. Sadly, this was implemented at the expense of the peasants' welfare.

b. Exposing Colonial Hypocrisy

Contrary to the Dutch claim, agrarian reorganization had not liberated the peasants from their bond to land. Earlier in his dissertation, Supomo demonstrates how

the government demanded the *Vorstenlanden* to adopt its version of corvee regulation, to which the *Vorsten*'s acquiesced even though it contradicted the government's own discourse of progress and liberation. Before the reorganization, the villagers had to perform three kinds of corvee labor: services for village maintenance such as village roads, dams, and bridges; corvee labor for the *Vorst*; and corvee labor for the appanage holdes, which included domestic services for the *bekel*. After the land-reform the corvee labor expanded to include work for commercial plantation operators (*landbouwondernemers*) authorized by the *Vorst*. This service required the villagers to maintain irrigation system on which sugar plantations were heavily depended. Supomo continues,

Artikel 46 *Indische Staatsregeling* prescribed [for Dutch-governed areas] that in each region the nature and duration of the personal services, to which the people are subject to, the cases wherein, and the ways and conditions whereby they can be demanded, must be regulated by the Governor General, in agreement with the existing needs, institutions and necessities. The regulations about the individual services in each region are revised by the Governor General every five years with the objective to gradually reduce it, in accordance with general interest. In practice, people assume that under personal services in the said article, it meant only corvee labor, and that the village services, since it is a municipal institution, is regulated by article 128, lid 3 *Indische Staatsregeling* (1927, p. 110).

Supomo stresses, however, that after the reorganization "These services were not abolished, and indeed these work burdens were gradually converted into a burden in money, which came to mean "head tax" (Supomo 1927, p. 111).

Comparing practices in Surakarta with the Dutch-governed area, Supomo comments:

...we have described the situation of the corvee labor in the Kasunanan after the reorganization. Both concerning the linkage of (compulsory) service to usufruct rights and concerning the nature and duration of the service, [the regulations in the Kasunanan] have imitated the situations in the surrounding area [i.e. Dutch-governed area] (1927, p. 116).

Irony is evident in this paragraph. Even though the *Staatsregeling* No. 76 did not apply to the *Vorstenlanden*, several instances demonstrate *Vorstenlanden*'s willingness to fulfill Dutch demands, which, ironically, failed to bring the *Vorsten* closer to modernity and progress, as Supomo demonstrates in his punching lines,

Now what is remarkable is that: the corvee obligation in the Government's area rests upon the usufruct holders and is a replication of the regulation regarding royal services in the Mataram Kingdom. The latter simply united the ancient division in the village with its corvee services, according to which the core villagers, the holder of usufruct rights to agricultural land and housing plots are obligated to do village services. In a roundabout manner, one finds again in the Kasunan's regulation about corvee labor the old class regulation of ancient Javanese villages (1927, p. 117 emphases added).

With these statements, Supomo thoroughly punctures and deflates the colonizers' claim, that progress could be achieved through agrarian reorganization. Earlier in the dissertation, Supomo quoted three colonial sources to explain the motive behind the abolition of the appanage system: "because the working of it in each respect is poisonous (*verderfelijk*) [to the society];" not "consistent with orderly social condition;" and "necessary for selflessness in the state." The colonial discourse posits the necessity of the reorganization because the feudal system "no longer fits with progress and modernity." In practice, the colonial-style reform was actually pushing Surakarta back several hundred years by borrowing from the old Mataram kingdom a feudal system that relied on the "old class regulation of ancient Javanese villages." In the paragraph above, Supomo successfully exposes the hypocrisy and inner contradictions within the colonial discourse.

Similar retrogression materialized in the form of the demand for corvee labor for commercial plantations located in the *Vorstenlanden*. In theory, peasants should no longer be bonded with land as in the appanage system, but in practice the bond

became even tighter. To earn usufruct rights to agricultural land and housing plots, peasants were still obliged to provide corvee labor to the *Vorsten* and to sell their labor to the commercial plantations owned by Europeans or by the *Vorsten* itself:

The obligation of the population to perform the forced farming work for the European plantations are embodied in Rb. 1917 no. 34 (Kasoenanan) en Rb. 1917 no. 16 (Mangkunegaran), and further specified for the Kasoenanan in Rb. 1919 no. 5 and for the Mangkunegaran in Rb. 1919 no. 8. The State sheet that is last mentioned imply that [corvee services] is to be regulated through *Vorsten* patih in agreement with the [Dutch] resident and for as far and as long as necessary in consideration with the conditions of the land rent regulation St. 1918 no. 20. The village officials -at the first notification or on behalf of the Vorsten Patih- has to take care of making available the labor of those who are entitled to usufruct rights of agricultural land for the use of the [commercial] agricultural enterprises, upon whom the right [to demand] for such work is granted by the *Vorst* (Supomo 1927, p. 120, emphasis added)

Compulsory plantation work was precisely the peasants' ticket to gain usufruct rights to village land. The village officials' main occupation was to ensure that the villagers' labor were available whenever the plantations work demanded them. The inability to perform corvee labor was threatened with a fine of a hundred gulden at the most, detention for three month, or revocation of his allotted land (Supomo 1927, p. 120).

As he analyzes the consequences of agrarian reform in Surakarta, Supomo comes forward as a confident scholar comfortable in his critical observation of events; he starts gazing back at the colonizers' claims and presents several concrete examples of the risk in mirroring Dutch policies in the *Gouvernementsstreken* and in implementing them in the *Vorstenlanden*. Per legal regulation, the *Vorsten* did not have to follow the government's legal demands to the letters, yet they did so to claim domain right, implement corvee labor, and incorporate the maintenance of irrigation systems to the people's corvee structure.

5. The Peasants' Double Burden: Legal and Empirical Consequences of the Reorganization

In the final section of his dissertation, Supomo details the Land Lease Regulation (*Grondhuurreglement*) stated in *Staatsblad*⁵⁷ (St.) 1918 no. 20, now enforced for land leased to plantations in the *Vorstenlanden*. Addressing the legal consequences of the reorganization helped Supomo expose the ruptures, slippages, and contradictions between the empirical events at the colony and the progress claimed by the Dutch. Supomo interprets three aspects regulated by the Land Lease Regulation: The legal subject of land rent agreement, its legal object, and its form and formality.

More fascinating than these legal analyses, however, are the explicit criticism Supomo wages against the government and the *Vorsten*. It is in this section of his dissertation that Supomo's ambivalence becomes explicit. Against the colonial government, he reveals how the reorganization effectively favored plantation operators by 1) guaranteeing them legal incentives to secure land access which included land cultivated by the natives long protected by Agrarian Law 1870; 2) making available the peasants' labor to work the plantations; and 3) supporting the maintenance of the operator's irrigation system by guaranteeing the peasants labor and full cooperation of colonial officials. Against the *Vorsten*, Supomo protests their emulation of the Dutch policies, at times imposing unnecessary and more unjust policies than what took place in the Dutch-governed areas. Colonial legal discourse was a discursive conquest over native epistemology and ways of seeing. Even when native episteme such as *adat* law, jural communities, and rights of allocation were already introduced into the European legal reference, unequal status of the two laws

⁵⁷ *Staatsblad* is the legal document for Netherland's East Indies. The *Vorstenlanden*'s legal documents are *Rijksbesluit*, and bound only for the *Vorstenlanden* area.

made it imperative to exert struggle at the more dominant level: European colonial law. It is at this level now that Supomo is waging his struggle.

The basis for a new agricultural land tenure system for Yogyakarta and Surakarta was stated in Land Lease Regulation St. 1918 No. 20. It regulated the legal transition of existing plantations to the new reorganized system and outline new provisions for commercial land lease in the *Vorstenlanden*. Included in the St. 1918 no. 20 were the new rights and obligations of the plantation operators that had renounced the rights stated in old lease contracts. For plantations that were not reorganized, the old land lease contracts remained valid, but were non-extendable for longer than the period specified by the head of the regional government.

Supomo points out how the converted plantations were doubly guaranteed by the conversion resolution of the *Vorst*, a rule based on article 8 of the Land Lease Regulation. First, by giving up the previous lease which varied between 10, 20, and 30 years, plantation operators acquired a fifty-year period lease of land they needed to operate for as long as the their business existed. Second, during the first five years after the conversion they had the right to dispose of the peasants' labor for cultivation (*cultuurarbeid*). Supomo underlines this,

This decision has a public-law consequence in the sense that the state ensures the enjoyment -for the plantation operator- of the necessary agricultural lands and that the state still takes on the responsibility that villages make these lands available at the appropriate planting period. The right of the plantation operators towards the lands is thus not derived from a civil-law agreement, yet it is one of a particular nature [namely] a "concession" as the official explanation of the land lease regulation calls it. Such right is for practical reasons, namely to facilitate [plantations] in acquiring loans. This is made clear in St. 1918 no. 21.... (1927, p. 123).

Public-law consequence meant the plantation operators became the effective stewards of lands granted to them: they were legally responsible for it, authorized to demand the villagers to make the leased lands available at appropriate periods, and the

villagers were to follow the operators' designation as if they represented the government. This fact stood in stark contrast with Supomo's earlier narrative about the government's reason to do "more than the *Vorsten* had already done to the population." Supomo asked the following question earlier, "What has moved the [Dutch] government to give the *Vorstenlanden* people better rights on land (*rechten van den grond*) than had the *Vorsten* themselves?" (1927, p.54). He answered this with the government's claim that it wanted to strengthen these rights to provide peasants with a "more independent place in society," (*meer zelfstandige plaats in de samenleving*), an ideal that echoes the creed of Ethic politics. By guaranteeing the plantations' right to dispose of the peasants' labor for cultivation (*cultuurarbeid*), the government made such an honorable objective an empty discourse. Strengthening the right of the local communities was only an intermediate process to the main objective: to ease exploitation of land.

The Indies government granted three incentives to encourage plantation expansion in the *Vorstenlanden*: i) legal incentives to secure access to land, ii) right of disposal of villagers' labor for plantation work, and iii) support in maintaining irrigation systems.

i. Legal incentives for plantation security

Supomo clearly states that the colonial government's fifty-year lease guarantee demonstrated it was bowing down to the demands of plantation operators, waged since 1864 to acquire explicit legal certainty of the land they worked on (1927, p. 123). He asks, "Isn't 50 years too long?" and then narrates how Carpentier Alting, the Director of *Binnenlands Bestuur* (East Indies Internal Affairs) at the time, acknowledged to the Indies *Volksraad* to be indeed long but was still significantly shorter than the seventy-

year period demanded by plantation operators. The Indies government decided to settle for fifty years, reasoning that commercial plantations would deliver great benefits to the people. Hence, the agricultural industry's continued existence was in the interest of the people (Supomo 1927, p. 124).⁵⁸ Although fifty years was indeed long,

[Carpentier Alting] said people are requested to observe that the land is not owned by the people, but by the *Vorst*, who in fact leases out the land to the plantation operators (1927, p. 124).

This was a bitter realization for Supomo, who by now understood the *Vorsten* domain declaration was aimed to legalize leasing of lands to Western private enterprises. By declaring domain right, acknowledged by the Indies government, the *Vorsten* were now the legal owner of all lands within its boundaries.⁵⁹

In return for the lease, plantations would pay annual compensation to the lessor, the amount of which was determined by the kind of land they leased. For lands they leased from villagers in alternate planting periods, the lands the *Vorsten* had allocated to the *kuli kencengs* through village heads, plantation operators would pay in the amount determined by the head of the regional government in consultation with the prince or his minister, at the suggestion given to him by the established Lease Commission. This commission consisted of equal numbers of European and Indonesian officials and non officials (such as agricultural enterprises or managers of agricultural enterprises) (p. 125). The minimum price was to be revised every ten years for necessary adjustments. In fact, it was extremely inadequate noting the speed of inflation during the first World War years.

⁵⁸ This position was clearly in contrast with the earlier conservative position against private plantations, arguing it would bring more damage to native communities without clear individual property regime.

⁵⁹ Beyond land lease, the Indies government protected commercial plantation investments in the *Vorstenlanden* by creating a regulation to perpetually secure their buildings and establishments. This is stated in The *Gouvernementsbesluit* of 10 April 1918 no. 26 *bijblad* no. 9005,

ii. The right of disposal over peasants' labor

As mentioned several times in Supomo's dissertation, agrarian reorganization in the *Vorstenlanden* created a "free" labor system, a system to replace the *cultuurstelsel* cultivation system. By "free" it meant that the peasants' labor was compensated with a minimum wage set by the government and the Sunan or his minister. It was to be no lower than the average wage of similar work in the areas surrounding the plantations. Supomo finds hypocrisy in this policy,

The plantation operators are guaranteed labor of the people for five years. The government found it necessary to guarantee these, in order to give the existing plantations –at least initially- the certainty that the manual labor, without which they cannot accomplish their task, will not be lacking. The plantation operators requested that labor is guaranteed for ten years. But the government only gave five years because they deemed coerced labor for a longer than the decided period ...cannot be justified in relation to the speedy progress of the development of the Indonesian society (1927, p. 128).

He continues in clear, unambiguous terms to express his opinion on the matter:

In my opinion any coerced labor for the benefit of the private sector—regardless of how short the duration- is condemnable (*afkeurenswaardig*), and a five year plantation labor obligation for the benefit of private plantation does not belong in a civilized society (*hoort niet in een beschaafde samenleving thuis*) (1927, p. 128, emphasis added).

Let us briefly look back at seemingly neutral statements Supomo makes earlier in response to the Dutch policies in the colony. Supomo cites three reasons the government used to justify agrarian reorganization in Surakarta, all of which claimed a commitment for progress for the natives. He specifically cites the *Bijlage B Handelingen Staten-Generaal 1911-1912* p. 38, which suggested that the abolition of the appanage system was needed "because the working of it in each respect is poisonous (*verderfelijk*) [to the society]" (p. 50). In *Het Koloniaal Verslag* of 1917, the nature of the traditional appanage system was considered "not consistent with

orderly social condition” (p. 50). Quoting these colonial discourses verbatim allows Supomo to wait until he comes to his last chapter to puncture these arguments. Using evidence from the colonizers’ own discourse, he demonstrates how agrarian reform, more precisely the abolition of appanage system, ended up as a means to accommodate capitalists’ demands. Indeed “purchasing” usufruct rights with obligatory five year plantation work for the benefit of private plantations “does not belong in a civilized society” (Supomo 1927, p. 128). With irony, Supomo continues,

It is the village officials who have to provide workers to the reorganized plantation, for as long as and as far as decided by the government officials. Further, we have seen there also that only in the authorized plantation cultivation [obligation for the peasants] are compulsory (*cultuurdienstplichtig zijn*); that non-compliance of compulsory cultivation work is threatened with a liberty penalty (*vrijheidsstraf*) or fine and that in case of relapse, the bouw field of the culprit can be withdrawn by the village officials (1927, p. 129).

Instead of liberty from the bond of land, it was at the European plantations that cultivation work was compulsory for peasants. The peasants were deprived of the options to withdraw from such a “free labor market” system; non-compliance was punishable with the so-called *vrijheidsstraf* –liberty penalty. Recall Supomo reiterating the Dutch claim that in the government’s territory,

... since 1 January 1920 the forced cultivation system that started compulsory cultivation labor (*cultuurdiensten*) were practically abolished with the disappearance of the Government coffee plantation, only remaining plantation using the *cultuurstelsel* system (Supomo 1927, p. 97).

Forced cultivation had disappeared in name only; agrarian reorganization was precisely the tool to enable its extension by commercial private plantations.

iii. Corvee labor to maintain irrigation system

Article 12 of the Land Lease Regulation granted plantation operators the right to allocate water for irrigation, manufacturing and other purposes to the same extent

and under the same condition as the pre-reorganization period. Unfortunately, this law does not address irrigation system that was privately built by the agricultural entrepreneurs. Supomo observes,

The maintenance of these water works and water distribution are completely in the hands of the plantation operators. The water board established between 1907 and 1910 in Surabaya was no public institutions. Their authority was purely advisory in nature. Now, that the reorganization established villages and with it stronger rights to land, the government found that the people should not remain dependent on the plantation operators with regard to water for their fields (1927, p. 130).

To solve the problem, he suggests transforming private management of irrigation systems into public institutions. Irrigation systems that benefited only the plantation operators should stay private to prevent shifting the maintenance burden to the public or, more precisely, the peasants. The management of irrigation systems that benefited the public must remain with the government with the cost levied to the public. Once the irrigation systems became public institution, the *Vorsten* could lawfully charge fees and impose tax and penalty regulations (Supomo 1927, p. 130-131). The public-private issue that surfaces here still rings true for the contemporary period, and so is the challenge faced: “The composition of water system council is however such that they plantation operators can never be overpowered” (Supomo 1927, p. 133). Supomo gives an example of Dengkeng irrigation system which had 34 plantation representatives against 29 government and 2 non-government members. It was difficult for the people’s representative to speak up because the critical member that others would refer to as the final referee was appointed by the Dutch resident.

iv. The *Vorsten*’s initiatives

In the last chapter of the dissertation, Supomo points out a characteristic of the *Vorsten*’s fawning emulation of the Dutch policies. According to article 5b and 5c of

the Land Lease Regulation (*Grondhuurreglement*), land lease contracts could only take place between a European agricultural industry (*landbouwnijverheid*) as lessee and a village –the entity that exercises right of allocation - or the *Vorsten* as lessor.

Who was allowed to become agriculture entrepreneur in the principalities? Article 3 of the Land Lease Regulation has an answer:

1. Nederland's subjects, for as long as they belonged to the European category⁶⁰
2. Europeans, who were residents of Netherlands Indies
3. Partnerships, established in the Netherlands or in the Indies, composed of and managed by Europeans (Supomo 1927, p. 133)

Based on this regulation, foreign oriental and native Indonesians were barred from initiating an agricultural enterprise unless they petitioned to become a European legal subject, or unless they were a *Vorsten*'s subject. This restrictive regulation was absent in the Dutch-governed area. Supomo continues,

For the *Vorstenlanden* the government recognizes that those conditions do no longer in fact fit with an arrangement which breaks with the past and which is destined to establish the agricultural industry on the ground principle of freedom. The *Vorsten* nevertheless preserve the old system on the argument that the political and economic conditions in the Principalities do not permit an alternative arrangement for the time being (1927, p. 134).

Supomo cannot hide his frustration,

Where the [Dutch] government follows the village land regulations in the Dutch-governed area, one should ask the question why she does not do it in the free *Vorsten* domain? What objection would there be to also implement the land lease (*erfpacht*) institution in the *Vorstenlanden*? (1927, p. 134)

To which he concludes,

In conclusion, one needs to observe that other than in the Dutch-governed area, the agricultural-land authorities in the villages are not authorized to lease their own fields to the European agricultural entrepreneurs (1927, p. 134).

⁶⁰ In this period, any individuals in the East Indies could petition to become European before the law.

The effort to modernize and strengthen the villages turned out to be nothing more than lip service. The *Vorsten* were unwilling to allow villages to emerge as fully modern institutions. Whatever liberating policy the *Vorsten* officials introduced, they were cancelled out by the same institution through regressive policies in other areas. But since the Land Lease Regulation was a legal product of the Indies government, Supomo's frustration was directed at both the *Vorsten* and the government.

Indeed, in the final paragraphs of his dissertation Supomo comes to realize the hollow discourse of agrarian reorganization and the inadequacy of relying on *adat* institutions to protect impoverished peasants.

Throughout Supomo's dissertation one gleans the dynamic of ambivalence, both in the ways colonial discourse relates to the colonized subject and in the continual fluctuation between complicity and resistance between the colonized subject, Supomo, and the colonizers, including Van Vollenhoven. Supomo attempts to assert his intellectual position vis-à-vis Van Vollenhoven's. There is hardly a clear boundary between the two scholar's standing with regards to *adat* land rights, yet one observes an effort on Supomo's part to maintain a certain form of intellectual independence, particularly in Supomo's evasion to explicitly acknowledge the very foundation for Van Vollenhoven's *beschikkingsrecht* theory: the usurpation of land by the *Vorsten*.

Further, signs of mimicry also appear in the section where Supomo narrates the four processes in Surakarta agrarian reorganization: 1) abolition of the appanage system, 2) formation of villages as administrative units, 3) unambiguous definition of peasants' rights over land, and 4) revision of commercial land lease regulation. His observations of the four processes in the agrarian reorganization are uncannily neutral,

verging to appear sympathetic to the colonial endeavor. At this point, the colonized had become similar in thoughts, worldview and desire with the colonizers.

In the second part of his dissertation, Supomo gazes back at the colonizers; he is very critical of the ways in which the *Vorsten* emulated the government's *domeinverklaring*. At the same time, he is skeptical of the colonial claim of peasant's liberation from medieval practices through agrarian reorganization, when in reality the model for corvee labor practices replicated the archaic system of the Sultanate of Mataram period. All this gazing climaxed in a paragraph where Supomo, using precise words tinged with repulsion, stated a rejection of the colonial discourse of progress,

coerced labor for the benefit of the private sector—regardless of how short the duration- is *condemnable* (*afkeurenswaardig*), and a five year plantation labor obligation for the benefit of private plantation does not belong in a civilized society (*hoort niet in een beschaafde samenleving thuis*) (1927, p. 128, emphasis added).

In Supomo's dissertation, one observes a native scholar who, albeit with ambivalence, was able to critically assess the tensions and ruptures within the colonial discourse on *adat* land right. The complex and contested relations in the colonial knowledge produced by such discourse made it impossible to maintain a clear opposition, especially so since a range of indigenous epistemic reference was involved. Thus, deciding if a native scholar such as Supomo was an active native requires more than simply tracing his epistemic contribution. It is equally imperative to assess his efficacy in resisting the hegemonic nature of hybrid discourse deployed by both colonial and indigenous institutions.

CHAPTER 6

DISCUSSION AND CONCLUSION

Ethical responsibility towards natives in the colony inspired Dutch society in the early 1900s, yet they were conflicted about how precisely to undertake such a responsibility. This conflict was reflected in the Dutch discourse on *adat* land rights and agrarian reorganization. Three intersecting strands constituted the discourse; each was rife with tension and involved several key players such as oppositional political parties, scholars with diametrical intellectual traditions, ethical reformers and ultra royalists, newly-created native intelligentsia and the Javanese aristocracy. The first strand revolved around Agrarian Law 1870, with the Dutch conservative and liberal members of parliament as its main contenders. The second strand focused on the location of *adat* law in the larger context of the Dutch legal system. And finally, the last strand was on the agrarian reorganization, openly debated in the Dutch parliament in the Metropolis as well as in the *Volksraad* in Batavia where it was superbly led by Tjipto Mangoenkoesoemo against the Javanese Principalities.

These three discursive strands crisscrossed one another, creating a complex and competing network of claims. They are revealing in the way they demonstrated the fractures in colonial discourse. Especially telling was Van Vollenhoven's almost quixotic effort to introduce the indigenous episteme of *hak ulayat*, translated as *beschikkingsrecht*. His argument gained status as overly emphatic to the natives, thus touched raw nerves among the conservatives and ultra-royalists who used Utrecht University scholars for their proxy intellectual wars. Both sides claimed to strive for progress and for the welfare of the natives. I argue that such internally fractured and multifaceted colonial discourse, noticeably enticing in its civilizing appearance, influenced Supomo's ambivalence to colonial knowledge.

From the very public polemic between Leiden and Utrecht on *adat* law, Supomo understood the critical potential if *adat* law ever achieved a firm footing in the Dutch legal system. Official adoption of *beschikkingsrecht* into the Dutch legal system would provide a legal base to grant land distribution authority to a governing body closest to the peasants, in this case the new village officials. On the other hand, as Supomo addressed clearly in his dissertation, the respect *adat* law gained among colonial law and decision makers enabled the *Vorstenlanden* to declare without much resistance from the government their version of *domeinverklaring*, a legal act which stripped the peasants from their traditional access to wastelands.

The Dutch intellectuals were also divided on the issue of *Vorstenlanden* territorial rights. The debate between Van Vollenhoven and Rouffaer exposed Supomo to competing positions on this topic. To support the attractive *beschikkingsrecht* argument, Supomo had to accept Van Vollenhoven's conceptual cornerstone that the *Vorsten* had gained their territorial domination through usurpation. In other words, if *beschikkingsrecht* was to be considered the traditional norm, then the appanage system must have come into being only through illegal infringement by the *Vorsten*. Supomo took a surprisingly tortuous route to express his support of this argument, a subtle evasion originates partly in Supomo's personal connection to the Sunan and partly in a strong bond to Javanese ethic of respect and harmony. This evasion notwithstanding, Supomo was capable of criticizing the *Vorstenlanden* officials, as he demonstrated in his agreement with Adam's allegation that the *Vorsten* had given villages authority with one regulation and withdrew it with another (Supomo 1927, p.77).

Although he maintained a certain respect towards the *Vorstenlanden*, Supomo considered the *Vorstenlanden*'s appanage system vulnerable to abuse by the very people who were supposed to be its stewards. This led him to believe in the need and urgency to overhaul the feudalistic system to adapt with changing values in a

progressive society, the very argument of the Dutch agrarian reorganization, hence its attractiveness to him. In this reorganization, the formation of villages as administrative units replaced the personal appanage village appointment, a new set of village assets and their distribution was introduced to encourage corporate village activity, and clearly defined functions of village apparatus were drawn and new posts were created. On paper, this transformation was aimed at improving villagers' livelihoods; in reality, as Supomo underlined in his dissertation, it was implemented to mobilize capital through the expansion of private plantations, an expansion that was only possible using corvee labor of the very people the transformation promised to "liberate." This was inconsistent with the ostensible civilizing mission of the colonial masters. Indeed, Supomo observed "it does not belong in a civilized society" (Supomo 1927, p 128).

What was remarkable in Supomo's case is his flexibility and skill in drawing something positive from this asymmetrical intellectual engagement. He tried to reconcile his intellectual ambivalence by creating a hybrid concept *dorpsbeschikkingsrecht*, or village right of allocation. The *dorp* in this concept was not the village in the traditional Javanese appanage sense, but the newly formed village as administrative unit introduced by the Dutch. It was a village recreated to fit a modern and rational form of governance, marked by clearly defined functions of each village apparatus and by the revamped village asset structure, an amalgam of Javanese and Dutch concept. The part of *beschikkingsrecht* in the concept represented the promise of inclusion in the Dutch legal system, the promise of continuing the past into the future. Supomo's *dorpsbeschikkingsrecht* was an attempt to engage with colonial discourse on agrarian reorganization and to benefit from it without being absorbed by it.

Supomo was not the first native intellectual to engage himself with colonial agrarian reorganization; the other was Tjipto Mangoenkoesomo. The two shared the

frustration about peasant exploitation and disillusionment towards the *Vorstenlanden* and their institutions. However, their strategy of resistance was remarkably different. Mangoenkoesomo was confrontational and used modern means in his struggle, particularly by expressing his ideas in debates in the *Volksraad* and in print publication. It was a complete rebellion against the traditional understanding of the Javanese ethic of respect and harmony. The *Vorstenlanden* aristocrats were so puzzled and overwhelmed by Mangoenkoesomo's style that they had to turn to the Dutch government representative to speak in their defense.

If Mangoenkoesomo was open and confrontational, Supomo exercised a more subtle strategy. He relied on intellectual outlets such as his doctoral dissertation and other academic papers that he would later write. Even in this "safe" circle, Supomo expressed his resistance in well-measured attacks, perhaps influenced by his personal connection to the Kasunanan Royal House.⁶¹ His ambivalence emerged from the fact that he was a lower-rung Javanese aristocrat who, by virtue of his new intelligentsia status, was now connected to higher, if not the highest, circle of the Javanese aristocratic family. He was, after all, a curious hybrid of "new intelligentsia" and "old priyayi", an awkward position that demanded a delicate balancing act, a position that led to competing loyalties to the peasants, oppressed for centuries by unjust appanage system, and to the Principality, an aristocratic institution to whom he would later belong.

Each aspect of the multifaceted colonial discourse offered a certain attractive argument for a native scholar in search of an opening to advance his own people. Indeed, the colonial discourse on *adat* land right and agrarian reorganization was not a binary discourse. Despite their polarized arguments, each opposing side contained

⁶¹ A point of comparison is worth mentioning here: Tjipto Mangoenkoesomo was married to a Dutch woman, while Supomo was later married to the niece of the Sunan of Surakarta.

certain merit worth exploring. Thus, it was to be expected that it stirred intellectual ambivalence in a native person whose subjectivity was a hybrid product of dual discourses and whose commitment was torn between a path to progress emulated after the colonizers and a path to an “authentic” indigenous experience. The multiple identities of a native subject created inner tensions in his person. However, this multiple ambivalence constituted the capacity to resist and to cast a return gaze to the colonial’s technology of rule.

The case of Supomo and agrarian reorganization in Surakarta in the 1920s illustrates the entangled intellectual relations between the colonizer and the colonized that illuminates new insights into colonial knowledge production.

First, ambivalence is not only a state of being torn between attraction towards and repulsion from the object of desire, but more importantly ambivalence makes possible the exercise of agency by the colonized, as Ashcroft (2001b) observes,

Ambivalence is not merely the sign of the failure of colonial discourse to make the colonial subject conform, it is the sign of the agency of the colonized –the two-way gaze, the dual orientation, the ability to appropriate colonial technology without being absorbed by it- which disrupts the monologic impetus of the colonizing process (p. 23).

Ashcroft’s observation of post-colonial societies includes a unique form of ‘resistance’ that rings true to Supomo’s colonial experience,

But the most fascinating feature of post-colonial societies is a ‘resistance’ that manifests itself as a refusal to be absorbed, a resistance which engages that which is resisted in a different way, taking the array of influences exerted by the dominating power, and altering them into tools for expressing a deeply held sense of identity and cultural being. This has been the most widespread, most influential and most quotidian form of ‘resistance’ in post-colonial societies (Ashcroft 2001b, p. 20).

In this light, I suggest that the active native character needs more criteria than only an epistemic contribution to colonial knowledge. It should also be based on the native intellectual's ability to identify fractured colonial discourse, engage with it, and advance certain knowledge deemed beneficial for the natives while actively curbing others.

Second, for a colonized subject to cast a two-way gaze requires references other than that contained within colonial discourse. In the case of Supomo, his alternative universe was provided by Javanese ethics. Multiple universal references allow a native scholar to wage multiple forms of resistance, some of which would be undetectable from a European frame of reference. It becomes important, then, for a scholar to investigate forms of native subjectivity to understand unique expressions of resistance. Supomo was after all a Javanese lower aristocrat raised during a specific historical conjuncture, i.e. the rise of imagined communities and the advent in of Ethic Politics. He was a specimen of success in Ethic Politics, an epitome of a new intelligentsia and of a *priyayi*, which explains the offense-defense maneuvers, the indeterminacy, ambivalence, and seemingly neutral statements contrasting with open attacks, all of which reflect the “displacing gaze of the disciplinary double.” The colonized was never wholly a binary of the colonizers, hence his complicity and resistance fluctuates continuously, never clearly expressed in a binary of fully complicit or fully resistant.

Internally fractured and multifaceted colonial discourse, particularly enticing in its civilizing appearance, influenced Supomo's ambivalence to colonial knowledge. Yet his ambivalence constituted resistance, manifested in his capacity to both mimic the colonizer's technology of rule yet also challenge some of its underlying premise. Supomo used this technology deliberately to extend certain kinds of knowledge while suppressing others. Within a native scholar's multiple ambivalence lays a peculiar

mode of resistance, expressed not in the mode of opposition against, but in the mode of engagement with colonial knowledge, which, due to its internally fractured nature, is at once resisted and advanced. This is what makes Supomo an active native.

BIBLIOGRAPHY

- Abu-Lughod, L. (1990). "The romance of resistance: tracing transformations of power through Bedouin women." American Ethnologist 17(1): 41-55.
- Adam, A. (2003). Sejarah Awal Pers dan Kebangkitan Kesadaran Keindonesiaan. Jakarta, Hasta Mitra.
- Anderson, B. R. O. G. (1990). Language and power: exploring political cultures in Indonesia. Ithaca, N.Y., Cornell University Press.
- Anderson, B. R. O. G. (1991). Imagined Community. London New York, Verso.
- Ashcroft, B. (2000). Post-colonial Studies: The Key Concepts. London: New York, Routledge.
- Ashcroft, B. (2001). Post-colonial Transformation. London; New York, Routledge.
- Bayly, C. A. (1996). Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870. Cambridge, Cambridge University Press.
- Benda, H. (1958). "Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia." The Journal of Modern History 30(4): 338-347.
- Benda, H. (1966). "The Pattern of Administrative Reforms in the Closing Years of Dutch Rule in Indonesia." Journal of Asian Studies 25(4): 589-605.
- Bhabha, H. (1985). "Signs Taken for Wonders: Questions of Ambivalence and Authority under a Tree outside Delhi, May 1817." Critical Inquiry 12(1): 144-165.
- Bhabha, H. (1994). The location of culture. London, New York, Routledge.
- Boomgaard, P. (1989). Between sovereign domain and servile tenure: the development of rights to land in Java, 1780-1870. Amsterdam, Free University Press.
- Bourchier, D. (1996). Lineages of Organicist Political Thought in Indonesia, Monash University. PhD.
- Burns, P. (2004). The Leiden Legacy: Concepts of Law in Indonesia. Leiden, KITLV Press.

- Cohn, B. (1987). The Census, Social Structure and Objectification in Sout Asia. An Anthropologist among the Historian and Other Essays. Delhi, Oxford University Press.
- Cohn, B. (1996). Colonilism and Its Forms of Knowledge. Princeton, Princeton University Press.
- Dirks, N. (1989). "The Invention of Caste: Civil Society in Colonial India." Social Analysis 25(42-52).
- Dirks, N. (1992). Introduction. Colonialism and Culture. N. Dirks. Ann Arbor, The University of Michigan Press.
- Dirks, N. (2001). Castes of Mind: Colonialism and the Making of Modern India. Princeton, Princeton University Press.
- Dreyfus, H. and P. Rabinow (1982). Michel Foucault, beyond structuralism and hermeneutics. Chicago, Ill, University of Chicago Press.
- Eaton, R. (2000). "(Re)imag(in)ing Other²ness: A Postmortem for the Postmodern in India." Journal of World History 11(1): 57-78.
- Elson, R. E. (1984). Javanese Peasants and the Colonial Sugar Industry. Singapore, Oxford University Press.
- Elson, R. E. (1994). Village Java Under the Cultivation System. Sydney, Allen and Unwin.
- Fanon, F. (1966). The Wretched of the Earth. Harmondsworth, Penguin.
- Fanon, F. (1967). Black Skin White Mask. London, Pluto Press.
- Fasseur, C. (1992a). Colonial Dilemma: Van Vollenhoven and the Struggle Between Adat Law and Western Law in Indonesia. European Expansion and Law. W. J. Mommsen and J. A. D. Moor. Oxford/New York, BERG.
- Fasseur, C. (1992b). The Politics of Colonial Exploitation: Java, the Dutch, and the Cultivation System. Ithaca, NY, Southeast Asia Program, Cornell University.
- Fasseur, C. (1995). De weg naar het paradijs: een andere Indische geshidenissen. Amsterdam, Uitgeverij Bert Bakker.
- Foucault, M. (1980). Power/knowledge: selected interviews and other writings, 1972-1977. New York, Pantheon Books.

- Geertz, C. (1960). The Religion of Java. Glencoe, Ill, Free Press.
- Holleman, J. F. and C. v. Vollenhoven (1981). Van Vollenhoven on Indonesian Adat law: selections from Het adatrecht van Nederlandsch-Indië. The Hague, Martijnus Nijhoff.
- Hooker, M. B. (1978). Adat law in modern Indonesia. Kuala Lumpur, New York, Oxford University Press.
- Hurgronje, C. S. (1906). The Achehnese. Leyden London, late E.J. Brill.
- Hurgronje, C. S. (1957). Ambtelijke Adviezen van C. Snouck Hurgronje, 1889-1936. 's-Gravenhage, Martijnus Nijhoff.
- Inden, R. (1986). "Orientalist Constructions of India." Modern Asian Studies 20(3): 401-46.
- Laffan, M. F. (2003). Islamic Nationhood and Colonial Indonesia: The umma below the winds. London, University of London.
- Laman Trip-de Beaufort, H. (1954). Cornelis van Vollenhoven 1874-1933. Haarlem, H.D. Tjeenk Willink.
- Li, T. (2000). "Articulating Indigenous Identity in Indonesia: Resource Politics and the Tribal Slot." Comparative Study for Society and History 42: 149-179.
- Li, T. (2001). "Masyarakat Adat, Difference, and the Limits of Recognition in Indonesia's Forest Zone." Modern Asian Studies 35(3).
- Magnis-Suseno, F. (1988). Etika Jawa: sebuah analisa falsafi tentang kebijaksanaan hidup Jawa. Jakarta, Gramedia.
- Miert, H. v. (2003). Dengan Semangat Berkobar: Nasionalisme dan Gerakan Pemuda Indonesia, 1918-1930. Jakarta, Hasta Mitra-Pustaka Utan Kayu.
- Mitchell, T. (1991). Colonising Egypt. Cambridge, New York, Cambridge University Press.
- Moniaga, S. (1991). Towards Community-Based Forestry and Recognition of Adat Property Rights in The Outer Islands of Indonesia: A Legal and Policy Analysis.
- Noer, D. (2002). Mohammad Hatta: Hati Nurani Bangsa Conscience of a Nation. Jakarta, Penerbit Djambatan - Perwakilan KITLV.

- Otto, J.-M. and S. Pompe (1989). The Legal Oriental Connection. Leiden Oriental Connections 1850-1950. W. Otterspeer. Leiden, E.J. Brill: 230-249.
- Peabody, N. (2001). "Cents, Sense, Census: Human Inventories in Late Precolonial and Early Colonial India." Comparative Study for Society and History 43(4): 819-50.
- Pemberton, J. (1994). On the Subject of Java. Ithaca and London, Cornell University Press.
- Peluso, N. (1992). Rich Forests, Poor People. Berkeley, University of California Press.
- Pieters, J. M. (1951). Land Policy in the Netherland's East Indies Before the Second World War. Land Tenure Symposium Amsterdam 1950. Leiden, Universitaire Pers Leiden.
- Pinch, W. R. (1999). "Same Difference in India and Europe." History and Theory 38(3): 389-407.
- Poeze, H. A. (1989). Indonesians At Leiden University. Leiden Oriental Connections 1850-1940. W. Otterspeer. Leiden, E.J. Brill: 251-275.
- Pompe, S. (1993). "A Short Review of Doctoral Theses on the Netherlands-Indies Accepted at the Faculty of Law of Leiden University in the Period 1850 -- 1940." Indonesia 56: 67-98.
- Ricklefs, M. C. (1974). Jogjakarta Under Sultan Mangkubumi 1749-1792. London, Oxford University Press.
- Ricklefs, M. C. (1993). A History of Modern Indonesia since c. 1300. Stanford, California, Stanford University Press.
- Rivai, A. (2000). Student Indonesia di Eropa. Jakarta, Kepustakaan Populer Gramedia.
- Sastroamidjojo, A. (1979). Milestones of My Journey: The Memoirs of Ali Sastroamidjojo, Indonesian Patriot and Political Leader. St. Lucia, Queensland, University of Queensland Press.
- Schöffner, I. (1980). Dutch 'expansion' and Indonesian reactions: Some dilemmas of modern colonial rule (1900-1942). Geld en Geweten: Een bundel opstellen over onderhalve eeuw Nederlands bestuur in Indonesische archipel. C. Fasseur. Den Haag, Martijnus Nijhoff.
- Shiraishi, T. (1990). An Age in Motion. Ithaca and London, Cornell University Press.

- Simanjuntak, M. (1994). Pandangan Negara Integralistik: Sumber, Unsur, dan Riwayatnya dalam Persiapan UUD 1945. Jakarta, Pustaka Utama Grafiti.
- Soegito, A. T. (1984). Prof. Mr.Dr. R. Supomo. Jakarta, Departemen Pendidikan dan Kebudayaan Direktorat Sejarah dan Nilai Tradisional Proyek Inventarisasi dan Dokumentasi Sejarah Nasional.
- Sonius, H. W. J. (1981). Introduction. Van Vollenhoven on Indonesian Adat law: selections from Het adatrecht van Nederlandsch-Indië (Volume I, 1918, Volume II, 1931). J. F. Holleman. The Hague, M. Nijhoff.
- Supomo (1927). De reorganisatie van het agrarisch stelsel in het Geweest Soerakarta. 's-Gravenhage, L. Gerretsen.
- Supomo (1953). The Future of Adat Law in the Reconstruction of Indonesia. Southeast Asian in the Coming World. P. W. Thayer. Baltimore, Johns Hopkins Press.
- Suripto (1929). Ontwikkelingsgang der vorstenlandsche wetboeken. Leiden, E. Ijdo.
- Sutherland, H. (1979). The making of a bureaucratic elite: the colonial transformation of the Javanese Priyayi. Singapore, Heinemann Educational Books.
- Trautmann, T. (1999). "Hullabaloo about Telugu." South Asia Research 19(1): 53-70.
- Tsing, A. (1993). In the Realm of the Diamond Queen. Princeton, Princeton University Press.
- Turner, B. (2005). Nasution: Total People's Resistance and Organicist Thinking in Indonesia. Faculty of Life and Social Sciences. Melbourne, Swinburne University of Technology. PhD.
- Vanderveest, P. and N. Peluso (1995). "Territorialization and state power in Thailand." Theory and Society 24(3).
- Vollenhoven, C. v. (1906). Het Adatrecht van Nederlandsch-Indië. Leiden, E.J. Brill.
- Vollenhoven, C. v. (1909). Miskeningen van het Adatrecht. Leiden, E.J. Brill.
- Vollenhoven, C. v. (1919). De Indonesiër en zijn grond. Leiden, E.J. Brill.
- Vollenhoven, C. v. (1926). Miskeningen van het adatrecht. Leiden, E.J. Brill.
- Vollenhoven, C. v. (1928). De ontdekking van het adatrecht. Leiden, E.J. Brill.

- Vollenhoven, C. v. (1933). Het adatrecht van Nederlandsch-Indië. Leiden, E.J. Brill.
- Vollenhoven, C. v. and J. F. Holleman (1981). Van Vollenhoven on Indonesian Adat law: selections from Het adatrecht van Nederlandsch-Indië (Volume I, 1918, Volume II, 1931). The Hague, Martinus Nijhoff.
- Wagoner, P. B. (2003). "Precolonial Intellectuals and the Production of Colonial Knowledge." Comparative Study for Society and History 45(4).
- Young, R. (1990). White Mythologies. London; New York, Routledge.
- Zakaria, Y. (1999). "Kembalikan Kedaulatan Ulayat Masyarakat Adat." Wacana Jurnal Ilmu Sosial Transformatif No. II: 124-150.
- Zerner, C. (1994a). "Through a Green Lens: The Construction of Customary Environmental Law and Community in Indonesia's Maluku Island." Law and Society Review 28(5): 1079-1123.