

## Batavia: Crime, Punishment and Penal Transportation

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The Dutch East India Company (often called by the abbreviation of its Dutch name, the *Verenigde Oostindische Compagnie* or VOC) conquered the small Javanese village of Jayakarta on the northwest coast of Java in 1619. It did so in order to establish an exclusive port for their trading activities in the Straits of Malacca after having been thwarted by the Sultan of Banten's refusal to grant monopoly trading status to any one European trading company in his neighboring port-city. By the mid-eighteenth century the Dutch East India Company had built a bustling port-city and administrative headquarters of their own, complete with a European-designed 4 bastion castle that faced onto the maritime roadstead, which guided boats laden with people and products to the wharf. The Company relied heavily on Chinese immigrants and Asian slaves as manual laborers, small-scale traders and retailers, and even money-lenders. Dutch colonial historian Leonard Blussé has gone so far to claim that until the mid-eighteenth century Batavia was fundamentally a Chinese city with a European overlay. Known as the "Queen City of the East," approaching Batavia by ship travelers' first saw what looked like a Dutch city in the tropics – city walls and fortifications protected the warehouses, buildings and residences that lined straight canals and main roads that divided the city into a neat grid radiating from the shoreline to the hinterland farming areas and further afield to the jungle. Jan de Marre, a Company seaman and poet waxed lyrical about early eighteenth century Batavia:

O lovely Batavia, that holds me spellbound,  
There your Town Hall with its proudly arching vaults  
Rears its profile! How splendid your situation!  
Your broad Canals, replenished with fresh water, beautifully planted,  
Need bend before no city in the Netherlands...

Batavia was not all flowering tree-lined canals and stately buildings. It was rife with malaria and water-borne illnesses exacerbated by water pollution. Alligators were often found swimming in the canals, sharks teemed in the waters off the coast of the city, and the tigers that roamed outside the city walls and farmlands were all ever-present dangers to life and limb.

The VOC governed people living in this multi-cultural trading *entrepot* partly through Company courts that heard cases against Company employees, European free-burghers, Chinese residents, and the array of local people living in the city, many of whom were slaves. Punishment in Company courts, like the courts in the United Provinces of the Netherlands, was inflicted differentially according to social status, religion, gender and ethnicity. In the early modern period people were not equal before the law. The Dutch legal system, upon which the VOC constructed its own laws, also allowed for judicial torture and corporal punishment. It was an indication of the power of sovereignty granted to the Dutch East India Company by the States General of the Netherlands that

this merchant enterprise was allowed to inflict the death penalty on individuals condemned in its courts. It was a private company with power over the life and death of its prisoners.

Unlike the British, the Dutch did not have a widespread system of penal transportation sending convicts from the United Provinces to the colonies and settlements of its major merchant companies. But the Dutch East India Company had its own internal network of penal transportation. Condemned criminals were sent from Batavia to other settlements as either convicts sentenced to hard labor or banished persons condemned to make do as best as they could as exiles in a strange land. The Company's court records that still exist, albeit incompletely, in the Dutch National Archives and also in the national archives of countries like South Africa and Indonesia, allow historians to trace parts of this network of penal transportation emanating from Batavia to the Company's other colonies. Because Batavia was the capital city of the VOC empire and the seat of the major Council of Justice cases were sometimes sent there from other settlements to be adjudicated or appealed. Although the Batavia court records are not complete enough for a statistical analysis the patterns of crime and punishment reveal the texture of daily life across the social spectrum in the Company's imperial headquarters.

The system of penal transportation favored Batavia as the seat of power. While the Batavia courts exerted the right to sentence criminals to penal transportation to any one of several VOC colonies where the garrison was strong enough to control them, these colonies rarely, if ever, sentenced their criminals to banishment in Batavia. Some convict were sentenced to hard labor in prisons close by Batavia, including penal transportation to the small islands of Edam and Onrust just outside the Batavia roadstead that served as repair yards for ships. The Company's muster rolls, which kept an accurate yearly record of personnel, indicate that several hundred men worked in Batavia's shipyards at any one time. Rare illustrations of the city show men of different ethnicities laboring in chains alongside other workers. However, even though the criminal records indicate cases where men were sentenced to labor on Edam and Onrust islands it is difficult to tell whether men fleetingly captured by artists were convicts or slaves, except in case where it is clear they are Europeans because Europeans could not be enslaved. This is part of the challenge of the social history of penal transportation in the Dutch East India Company. Convicts sentenced to hard labor often worked alongside slaves or even hired laborers on public works and the nature of the convict experience differed between Company settlements. They could be sentenced to hard labor in the artisans' quarter in Batavia, on Edam or Onrust islands, or at any other form of labor the courts designated as fitting punishment.

Forced migration in the Dutch East India Company empire included penal transportation, political exile, banishment and the slave trade. Although this essay focuses on penal transportation there is considerable overlap with the other forms of forced migration mentioned above. Convicts, political prisoners and slaves could also be sent away to other settlements controlled by the Company. In combination these sites constituted a network of forced migration where people categorized as criminals, prisoners and slaves were sent against their will. Convicts were most often sent to the major Company settlements in Ceylon (Sri Lanka), to Ambon Island and the tiny Banda Islands in the Indies archipelago, and to the Cape of Good Hope and more specifically to Robben Island on the southern tip of Africa.

Not surprisingly, the Company courts dealt most often with transgressions by their own employees. Crimes ranged across the scale from the simple act of being drunk and disorderly or temporary desertion to the major violent crimes of rape and murder. The Company was particularly alert to the crimes of smuggling and illegal trading that impinged on its own profitability but it was also acutely attuned to keeping social order in its settlements. Simple transgressions, like brawling

in the streets, and first time offences could lead to corporal punishment, imprisonment with hard labor and wage loss. When Harmanus Flasse from Antwerp, a sailor on the ship *Crabbendijk*, was absent for 3 weeks and missed his ship's departure from Batavia for Japan in 1740-41, he was sentenced to penal transportation and hard labor in chains for one year and had his wages confiscated. Cases of sailors missing their ship's departure from port were treated with greater severity than a soldier going absent without leave for the same period of time. Crewmembers were crucial to the successful sailing of ships so their absence caused greater disruption for Company trade and therefore for Company profits. Multiple convictions or major offences including economic and violent crimes could lead to sentences of penal transportation ranging in duration from several months to life. Penal transportation was also a default punishment when the death sentence was passed but commuted by the court.

The Batavia courts did not necessarily favor Europeans against other Asians or slaves. Europeans were convicted for crimes against Asians and even against slaves. Under VOC law murdering a slave was still murder and could invoke the death penalty or life in prison and penal transportation. However, the courts were still cognizant of social status and people were not equal before the law. Women rarely came before the courts, the most common category of women convicted of crimes was slave women and they could be subject to penal transportation. The criminal records reveal a very small number of women involved in cases leading to penal transportation. Women convicts were undoubtedly placed in a difficult situation in Company settlements where the overwhelming majority of residents were men. Whether their choice of partners was entirely voluntary is never clear but what does appear to be the case is that they were more likely to experience social mobility in their lifetime and in their children's lifetime than men of the same ethnicity and social background.

Very rarely a high-ranking Company official was convicted of a serious crime, usually smuggling and private trading, that resulted in a sentence of penal transportation. This was the fate of Coenraad Frederick Hofman, a senior merchant at one of the Company's trading posts in Sumatra. He arrived at the Cape of Good Hope on the ship *Kiefhoek* in January 1721 to begin his sentence of 15 years. Instead of imprisoning him the VOC authorities at the Cape decided that because of his social position he should be allowed to live quietly on one of the outlying farms. However, when a copy of his sentencing papers arrived at the Cape on the next ship, the VOC authorities were obliged to bring Hofman before the court to carry out the punishment of whipping, chaining and imprisonment with hard labor on the Company works. The court decided not to inflict corporal punishment or place Hofman in chains but instead sent him to penal transportation on Robben Island without the punishment of hard labor. After a few years they quietly transferred him back to the mainland and allowed him to live in relatively free banishment. This case is exceptional because of its rarity and the fact that other Company servants of lower rank who were convicted of similar crimes were indeed forced to undergo the full range of punishments to which they were sentenced. Social status mattered even for convicts sentenced to penal transportation.

One of the most challenging issues for historians in researching penal transportation across the Dutch East India Company empire is that of enumeration. Because of the scattered nature of the sources, criminal records for Batavia, accompanying correspondence, criminal rolls, and personnel records, it is extremely difficult to accurately count the number of convicts or cases of penal transportation over time. Instead, historians must rely on traces in the archives that enable us a glimpse of the patterns that constitute this network of forced migration that evolved over the almost 2 centuries of the Company's presence in the Indian Ocean. For most of the seventeenth and eighteenth centuries, Batavia as the Company's headquarters scattered a small number of convicted

criminals to its major settlements and imposed their presence upon unwilling residents and Company officials who in turn were obliged to act as Batavia's jailers.

### **Further Reading**

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### **Primary Sources for Further Study**

Towards a New Age of Partnership in Dutch East India Company Archives and Research: [www.tanap.net](http://www.tanap.net)

\*This website contains links to major archival collections and bibliographies on the Dutch East India Company.