

## **Empire and the Making of Personal Status**

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*Of Widows and Daughters: Kapitan Cultural Brokerage and the Creolized Legal-Ritual Order of Chinese Patrilineal Succession in 19th Century Colonial Java*

This paper examines the cultural brokerage of Dutch-appointed Chinese merchant headmen in private legal disputes within the creole Chinese settler society in colonial Java during the nineteenth century. Better known for their entrepreneurial capacity as revenue-farmers, these Chinese comprador collaborators of the Dutch colonial state also served as experts on "Chinese religious laws and institutions" in municipal Chinese Councils (Chineesche Raad). Dutch colonial legal consultations with the Kapitans peaked between the 1840s and 1860s. Thereafter, their cultural-legal expertise was gradually replaced (and dismissed) by the appointment of Sinology-trained Dutch colonial interpreters from 1863 forward. Based on my reading of 116 inheritance dispute and probate cases that survive in the Batavia Chinese Council minutes and the Probate Chamber archives, I argue that the Kapitans provided a form of situational legal counsel akin to the ritual role played by village elders or the local gentry in rural Southeastern China.

No doubt this form of legal counsel sought to perpetuate a patrilineal translation of ritual-property succession in an overseas colonial context. But I argue that the Kapitans' legal sensibilities were in fact well-tuned to the creolized Peranakan Chinese life-world, in which widows and daughters had greater autonomy than their Southern Fujianese counterparts. Read in the context of the colonial probate process, the cultural brokerage of the Chinese Kapitans was largely adequate to protecting the property rights of empire's diasporic and gendered subjects at the same time as the Kapitans upheld a creolized form of Chinese patrilineal ritual order within the settler society. However, as the colonial impulse to codify private law accelerated after 1857, the Kapitans were dismissed by Sinologists as ignorant of classical Chinese knowledge, and their situational legal counsel necessarily appeared to colonial jurists as contradictory and inadequate.