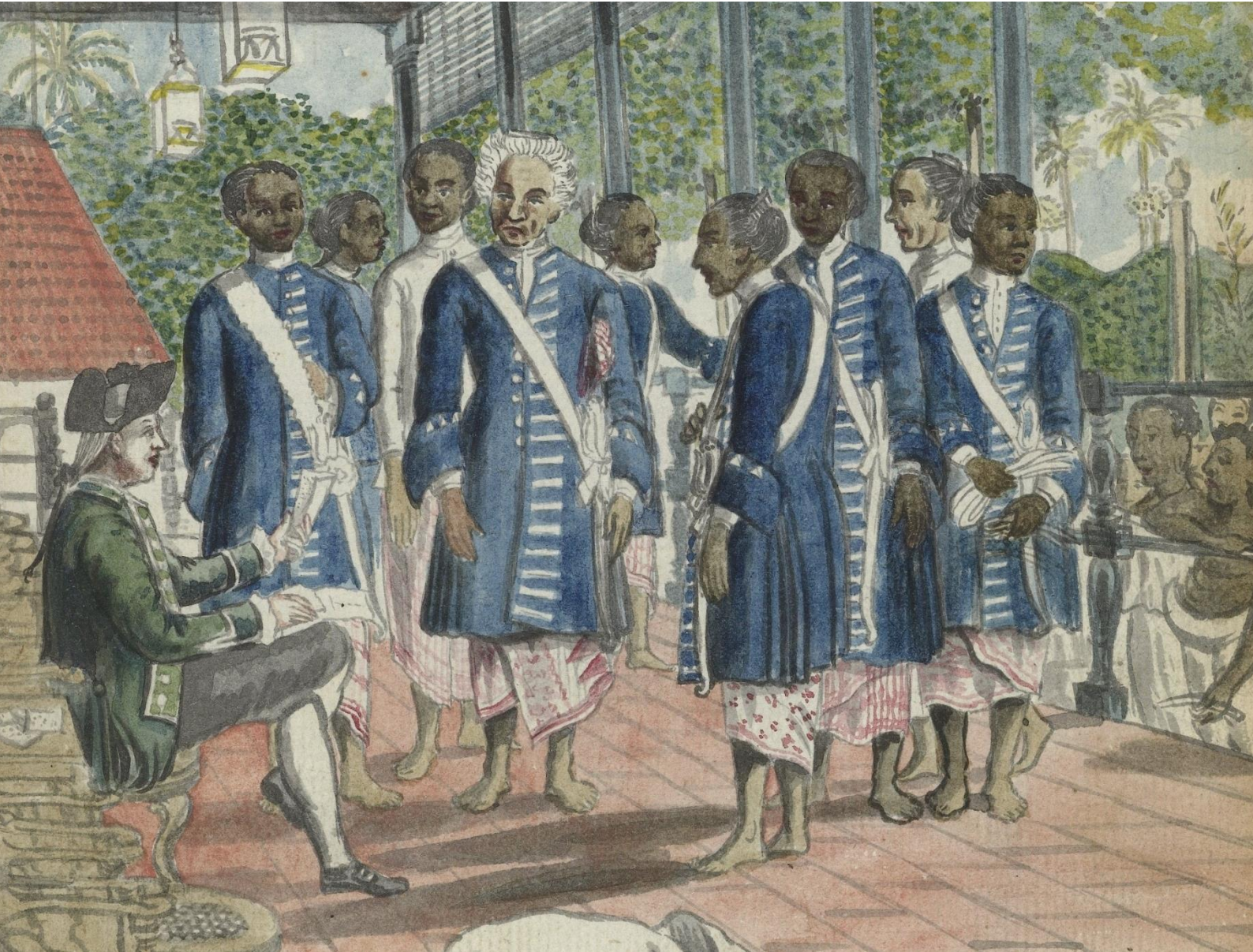


IN SEARCH FOR THEIR RIGHT

Cross-cultural relations through VOC legal sources in fort

Cochin, 1750-1760



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Introduction

*'Then the prescribed Levi Barles was let in the conference room. He handed over three interrogations with the request to add them to the documents of the trial between him and his fellow Jewish merchant Sabadarija Misarija. After some deliberation, this was approved and the Moor Aijie Ibrahim, commonly known as Halbola, the Moors Agha Hossein and Mahamet Taijen have to fully answer the interrogations. Then the Jewish merchant Sabadaija Misaraija appeared in the conference room and also handed over a request and six interrogations, and requested that these be questioned by two commissioners from this meeting and to summon the Jewish merchants Sason Servattij and Abraham Siberie and also the Jew Elasar to fully answer the reported interrogations. Together with the three other interrogations, those are the Jews Naphthalij Abraham and Marcus Polak together with the Armenian Hodje Asar.'*¹

The citation above describes a court case that took place in a Dutch East India Company (VOC) courtroom in fort Cochin on November 13, 1759. It shows two Jews who stood against each other in court. Both could provide multiple people with different backgrounds who had to testify in the VOC courtroom. This case give an insight in different cross-cultural relations of two Jewish merchants operating in Cochin. It is interesting that two people knew this much people with diverse cultural backgrounds, and that this is already shown through one citation. Also, they went to a courtroom that was under control of a European company. A company that could speak judgement over people far away from its homeland in Europe, in a region over which the VOC did not have direct control.

The VOC was chartered by the States General of the Republic of the Seven United Provinces in 1602. The VOC was granted the monopoly to trade in regions between the Cape of Good Hope and the Strait of Magellan. It also received from the States General sovereign power in Asia. This means

¹ Loosely translated by the author: 'Vervolgens wierd binnen de vergaderzaal gelaten voorschreven Levi Barles dewelks overlevende een request annex drie stux interrogatorien waar bij denselven aan dese vergadering versoeck doet dat voornoemde interrogatorien aan de daar bij vermelde personen mogten voorgehouden om 't gedeposeerde vervolgens bij de stucken van't proces tussen hem en den mede Joods koopman Sabadarija Misaraija te kunnen werden gevoegt so is na de resumptie van't een en ander goedgevonden en verstaan gemelde interrogatorien door den moor Aijie Ibrahim of in de wandeling Halbola genaamd, den mooren Agha Hossem en Mahamet Taijen behoorlijk te laten beantwoorden. Nog verscheen mede in de vergaderzaal den Joods koopman Sabadaija Misaraija mede overleverende een request annex ses stux interrogatorien waarbij den selven versoeckt dat den deurwaarden g'authoriseert werd voor twee commissarissen uit dese vergadering te citeeren de Joods kooplieden Sason Servattij, en Abraham Siberie, item den Jood Elasar, om door deselve te doen beantwoorden drie stux van voormelde interrogatorien mitsgaders de overige drie interrogatorien voor gehouden aan de Joden Naphthalij Abraham en Marcus Polak mitsgaders de Armeen Hodje Asar.', National Archives, The Hague, Nederlandse bezittingen in India: Digitale Duplicaten van Archieven aanwezig in de Tamil Nadu Archives te Chennai, access number 1.11.06.11, inventory number 560, scan 164-165.

that the Company was allowed to negotiate and conclude treaties, conquer forts and settlements, issue and enforce laws, and to implement other 'state-like' activities, for example, collecting taxes.² One of the intentions of the States General was to end competition among different merchants and companies in the Republic wanting to conduct trade with Asia.

To lessen competition was the first reason why the VOC received the monopoly from the States General to trade in Asia. In this the VOC was therefore a strictly commercial company with the sole reason to exchange commodities, make profit, and distribute the profit among its shareholders. The creation of the VOC was to strengthen the economy and the competitive position of the traders in the Republic. But the second reason for the chartering of the VOC was entirely a political one. The VOC was intended to be a company that could make a strong fist against the Portuguese who were highly active in Asia and the spice trade to Europe.³ Between 1602 and 1687 the VOC expanded its territory and influence in Asia. Because the Republic wanted to bypass the Iberian-Asian trade, and because the Republic was at war with Portugal most of the time during this period (until 1662), the VOC's conquest was mostly directed at the Portuguese settlements, although some were against Asian principalities, like in the case of Batavia.⁴ At the end of this period of conquest and expansion, the VOC had outposts almost everywhere in Asia. Ranging from local trading posts, to factories, to forts and settlements, and eventually to colonies like Ceylon. These conquests left the VOC in a rather awkward position. As seen in the citation, the VOC had legal responsibilities, but also needed to make profit. This led to tension between profit and governmental responsibilities, as these two aspects could sometimes be in conflict. To know how to view the VOC is essential to understand how the VOC operated in Asia. As the VOC was both a trading company and an extension of a state in Europe.

Historiography

The traditional way to examine the VOC, is to regard the VOC as a company that was mainly concerned with trading and profit. Om Prakash focuses on the commercial part of the VOC, how its trade functioned, how it was organised, and how much volume the trade encompassed.⁵ Also, Femme Gaastra is mostly concerned with traders, trade, and goods of the VOC.⁶ However, he also stresses the VOC's political component, for example how it was organised bureaucratically, and its

² F. Gaastra, *Geschiedenis van de VOC* (Zutphen 2012), 21.

³ J. Adams, *One's Company, Three's a Crowd: Metropolitan State-building and East Indies Merchant Companies in the Early Modern Netherlands, France and England, 1600-1800* (Wisconsin 1990), 62.

⁴ Gaastra, *VOC*, 39-40.

⁵ O. Prakash, *European commercial enterprise in pre-colonial India*. The New Cambridge History of India vol. II no. 5 (Cambridge 1998).

⁶ F. Gaastra, *Geschiedenis van de VOC* (Zutphen 2012).

social and cultural aspects. He explains the position of women, the power of the protestant church, and the education of the Dutch about understanding the different Asian cultures where the VOC was active.⁷ Mostly he is interested in the motivation behind the Company itself, its employees, how the trade was organised, what was traded, and the fall of the VOC. A far more thorough work is the *Dutch-Asiatic Shipping* series, consisting of three volumes. These volumes, written by J. Bruijn, Gaastra and I. Schöffner, give a complete overview of the voyages from and to the Republic during the seventeenth and eighteenth century. Bruijn et al. provided an explanation on how the VOC functioned politically within Asia.⁸ Nonetheless, they do not argue about the implications of having sovereign power as a commercial company.

A second branch of scholarship regards the VOC mainly as a sovereign power. Carla van Wamelen is an example of a scholar on how to see the VOC as a sovereign.⁹ She studied how the VOC managed different marriages, family affairs, and other family related problems in the East Indies during the period of the VOC. She surveyed the laws the VOC followed in Asia, but also how they were issued, conducted, and maintained. Van Wamelen focused mostly on the internal affairs of the VOC.

Jan Somers views the VOC mainly as a company that engaged local princes to get the best trade deals they could get.¹⁰ Somers focuses more on how the VOC behaved with other principalities it came into contact with, how the VOC positioned itself between these principalities, and how the Company became part of the political landscape in for example Java, but also the Malabar Coast, where the VOC in both places was a principality among others (more traditional and local) principalities. Somers mostly focused on Java, where the VOC had its main presence, as its headquarters Batavia was positioned on the island. He also completely analysed the charter of the VOC in Asia. Specifically he analysed the VOC's legal side and how to see the VOC's legal aspects. He shows that theoretically the VOC never really received the sovereignty of the States General in Asia, but only could act on behalf of the States General the moment they signed or negotiated treaties with other polities. However, after showing this he argues that *de facto* the VOC did receive the sovereignty of the States General, or at least acted like it did. Somers argues that the VOC, from an Asian perspective, should be seen more like a vassal, with the Republic as its suzerain.¹¹

⁷ Gaastra, *VOC*, 108-111.

⁸ J. Bruijn, F. Gaastra and I. Schöffner, *Dutch-Asiatic Shipping in the 17th and 18th centuries* (Den Haag 1987).

⁹ C. van Wamelen, *Family life onder de VOC: Een handelscompagnie in huwelijks- en gezinszaken* (Hilversum 2014).

¹⁰ J. Somers, *De VOC als volkenrechtelijke actor* (Rotterdam 2001).

¹¹ *Ibidem*, 67-69.

William Pettigrew describes a similar phenomenon.¹² He argues that the Company was subordinated to the state, and that the VOC could have governmental aspects but was not a sovereign entity. A corporation like the VOC had to raise money through investors, and with this capital the corporation had means to negotiate their privileges with the state. This had consequences as the Company had to renegotiate its position throughout time, causing the VOC to be more bound to its political overlord, the States General, in comparison to the other overseas proprietary territories and companies, like the West India companies in the Atlantic.¹³ Pettigrew sees the VOC as corporation which had 'mixed governmental and commercial agendas and set the two into a creative tension.'¹⁴ This fits in the description of the VOC, as it held sovereign responsibilities over people and territories, but still was a company with profit as its first priority.

Kerry Ward argues against the 'vassalage position' of the VOC.¹⁵ In contrast to Somers and Pettigrew, she does not call the VOC a vassal, but she clearly argues that the VOC was submissive to the Republic, as the laws implemented by the VOC were from Holland. But Ward is clear that the VOC-empire was not homogenous, and that most of the laws that were implemented were negotiated with the local princes. Maintaining proprietary colonies was not the primary goal of the VOC, but the VOC still had territories in its possession. The nature and the position of these territories were negotiated every time with the local political powers. As Ward states: 'the extension of Company sovereignty was therefore negotiated as a diplomatic, legal, and territorial relationship.'¹⁶ Pettigrew shares this view as he argues that the VOC constantly had to negotiate its position with the Republic and with its local neighbours in Asia. Because of these two aspects, the VOC was a fluent sovereign entity, whose power and influence differed in the different parts of Asia.

Next to this debate, Julia Adams argues that the VOC was used by different political factions within the Republic as a weapon against Portugal. She views the Company more as company focussing on profit instead of expansion. Adams shows that alongside disagreement in the States General, and within the States of Holland, there was disagreement within the Gentlemen XVII whether there should be peace with Spain/Portugal, or if the war should continue, and with it the expansion of the VOC at the expense of Portugal.¹⁷ Even when there was disagreement, the VOC, as a sovereign extension of the state, was, according to Adams, a politico-economic success, as the VOC succeeded in changing the international balance of power, which helped to push Spain to the

¹² W. Pettigrew, 'Corporate Constitutionalism and the Dialogue between the Global and Local in Seventeenth-Century English History', *Itinerario* 39: 3 (2016) 487-525.

¹³ *Ibidem*, 490.

¹⁴ *Ibidem*.

¹⁵ K. Ward, *Networks of Empire: Forced migration in the Dutch East India Company* (Cambridge 2008).

¹⁶ *Ibidem*, 16.

¹⁷ Adams, *One's Company*, 61-64.

negotiating table.¹⁸ As political officials were members of the Gentleman XVII, or a member of one of the chambers, there were close ties between the Company and the state. The overseas success of the VOC was felt back home in the reshaping of coalitions of different factions in the Republic. The factions in favour of colonialism were elevated because of the success of the VOC. As a consequence they had more influence in the politics of the Republic.¹⁹

To regard the VOC, and other contemporary European companies, as a company and as a part of the state is quite a recent development and described by Philip Stern. Stern does not share Somers, Ward, and Pettigrew's argument regarding the position of the VOC as vassal of the Republic.²⁰ He calls the VOC, and the other European trading companies, a Company-State. He sees a Company-State as a political body 'on its own terms, neither tethered to supposedly broader national histories nor as an imitation, extension, or reflection of the national state, which was itself still in formation through this [Early Modern] period.'²¹ Stern describes a Company-State as a corporation in a form of a company who acted like, and had responsibilities like the states in the Early Modern period. A company gained these responsibilities and power, from charters that were continually renegotiated between the company, the state in Europe, and the other states in Asia.

Arthur Weststeijn agrees with Stern's vision on how to see the Early Modern trading companies.²² Weststeijn tries to find out to what extent there really is a Company-State, as he looks at how the seventeenth-century Dutch elite saw their own overseas expansion, and how they thought about handling the overseas territories. According to Weststeijn some seventeenth century Dutch saw those territories as full-fledged colonies that had to be populated by Dutch, so they could survive overtime and battle the competition with the other companies. Others were against colonising the overseas territories with Dutch people. The latter were more concerned with the Company-part of the VOC, than the State-part, as they saw the liberation of trade (which came alongside with colonising) as a threat to the Company. Weststeijn demonstrates that in the seventeenth century parts of the Dutch elite were aware of the two different aspects of the VOC, but that some preferred one aspect above the other.

¹⁸ Adams, *One's Company*, 63.

¹⁹ *Ibidem*, 68.

²⁰ P. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford 2011).

²¹ *Ibidem*, 6.

²² A. Weststeijn, 'The VOC as a Company-State: Debating Seventeenth-Century Dutch Colonial Expansion', *Itinerario* 38: 1 (2014) pp. 13-34.

VOC in Asia

The VOC consisted out of six chambers: Enkhuizen, Hoorn, Amsterdam, Middelburg, Delft and Rotterdam. Atop the six chambers were the *Heren XVII* (Gentlemen XVII), they functioned as the directors of the VOC, and every chamber had one representative as a member of the Gentlemen XVII, except Amsterdam and Middelburg, who had eight and four representatives respectively. With the exception of Amsterdam, the seventeenth member changed constantly between the different chambers.²³ All the major decisions were discussed and made by the Gentlemen XVII. In theory Amsterdam could never overrule the decisions of the other chambers, as it did not have the majority in the Gentlemen XVII. Activities like building and supplying ships were divided based on how much capital the different chambers brought in. The precise amount of capital each chamber provided, was registered concisely in the charter of 1602. The reason behind this was that Middelburg was afraid that Amsterdam would overshadow the other smaller chambers in the activities and decisions of the VOC. Amsterdam brought in the half of the capital, Middelburg a quarter, and the other chambers exactly one sixteenth. Eventually the fears of Middelburg proved correct as Amsterdam did bring in more than half of the capital the VOC collected, and therefore Amsterdam could more easily force decisions in the Gentlemen XVII.²⁴ Over time the Gentlemen XVII came to be dominated by the wealthiest merchants of Amsterdam, who were also the biggest stockholders.²⁵

The highest VOC's officials in Asia were the Governor-General and the Council of the Indies. At first, the Governor-General was not a quasi-monarchical ruler, like its Portuguese and Spanish counterparts, over the Dutch possessions in Asia.²⁶ Instead he had to work together with the Council of the Indies, as major decisions were made by voting in a meeting of the High Government (Governor-General and Council of Indies). The Council consisted first out of five members, but during the years when Jan Pietersz. Coen was in office (1619-1623/1627-1629), the number rose to nine. Also under the supervision of Coen, and with the approval of the Gentlemen XVII, the Governor-General received more influence, as his vote was cast first and counted double if the High Government could not make a decision as the votes tied. If the Governor-General died, they could elect his successor – unless the Gentlemen XVII ordered otherwise – they exercised jurisdiction, and they had the right to implement new laws in Batavia, which were also applicable within the other Dutch possessions in Asia.²⁷

In 1620 Coen decided that a Council of Aldermen was necessary in Batavia. The Aldermen had an administrative, legislative, and judicial function, not only people from the Company were part

²³ Gaastra, *VOC*, 21.

²⁴ *Ibidem*.

²⁵ D. Lach and E. van Kley, *A Century of Advance*. Asia in the Making of Europe vol. III (Chicago 1993), 45.

²⁶ Van Wamelen, *Family life*, 57-58.

²⁷ *Ibidem*, 61-64.

of the Council of Aldermen, but also burghers of Batavia, and some Chinese. Batavia was too important to be ruled completely by Aldermen, as they never received as much power as Aldermen back in the Republic. The most important decisions were always made by the Governor-General, but the Aldermen still got some administrative power as they could license bakers, innkeepers, and tapsters. But all laws which passed the Aldermen had to be approved by the High Government. The judicial function of the Aldermen was that they were a legal court as they were responsible for civil and criminal cases, in which burghers and strangers appeared. The Aldermen were the first court burghers and strangers could apply to. But the Aldermen were not the highest court available.²⁸

The highest judicial court within Asia was the Council of Justice. Originally the highest judicial power lay with the Governor-General and his Council of Indies, but already in 1620 they delegated their power to the Council of Justice. The Council was the court of appeal of all other lower courts and arbitrators in- and outside Batavia. The Council had the right to examine cases, which were refused by the Aldermen. It was also the court for the company employees, their families, and their slaves. Only when the plaintiff was an employee and the defendant was not, only then the employee and his family had to face the Council of the Aldermen. Some highly placed ex-employees retained the right to put their cases before the Council of Justice, as other ex-employees could not, because they were burgher after their departure from the Company. The Council of Justice had nine members, with a president who was also a member of the Council of Indies. Because of this, the Council of Justice was not entirely independent from the High Government. The High Government could not intervene in the cases discussed by the Council of Justice, but they demanded that all the cases were reported to the High Government. The only way the High Government could intervene, was the right to pardon people in some cases. When cases were discussed in Council of Indies and they had to vote, the president of the Council of Justice could not vote.²⁹

But which law was implemented in Batavia and across the other Dutch possessions in Asia? The VOC system was as such that all outposts of the VOC, spread throughout Asia, followed the example of Batavia, as was written down in Batavia's Statutes Book. Most of the laws that were implemented derived from the consuetudes from Holland and complemented by laws issued in Batavia. If the consuetude from Holland was insufficient, Roman law was followed instead.³⁰

Outside Batavia, most of the outposts had their own Council of Justice. These local Councils of Justice consisted of local board members and were presided by the locally highest placed company employee. The local administration combined an administrative and a judicial function. The combination of these two functions and the lack of surveillance lead to legal errors, as people were

²⁸ Van Wamelen, *Family life*, 86-89.

²⁹ *Ibidem*, 90-98.

³⁰ *Ibidem*, 80.

not always sentenced fairly, not even in Early Modern standards. To solve this matter, local governors, directors, commanders, and chiefs were excluded from the local Council of Justice, and were replaced by a vice-president.³¹ One of these Councils was at fort Cochin, on the Malabar Coast. The Council of Justice in Malabar consisted out of six members and one president. The president was also the local commander and head of the military. But, as mentioned before, he was not allowed to interfere with judicial matters and for that he did not attend the proceedings. However verdicts were issued in his name. As Van Wamelen shows in Batavia, only VOC employees went to the Court of Justice, burghers and strangers (people who were not regarded as employee, burgher, local, or slave. More on this in the next chapter) went to the Aldermen, autochthonous people living inside Batavia could also use the Council of the Aldermen, and locals living outside Batavia had to go to their own leaders to settle their conflicts. In some places outside of Batavia, the VOC established a *landraad* (a council which consisted of locals), which was presided by a highly placed VOC official, and several leaders of the local people. If locals went to this VOC court, the cases were treated not within Dutch law, but according to the laws of the locals, as far as it was known by the VOC officials. But the locals mostly dealt with their problems on their own in and around Batavia, as they sometimes had to wait for weeks before their case was handled or witnesses could only be heard in chains. This made a lot of people hesitant to attend the VOC court. Instead most locals were more inclined to use their own courts.³²

Methodology

One of the places where the VOC was active and held sovereign control was the Malabar Coast at the Southwestern tip of the Indian subcontinent. On the Malabar Coast, the VOC had multiple forts and other outpost. The leading fort in the area was fort Cochin. In Cochin lived a multitude of different peoples: Christians, Armenians, Jews, Muslims, Hindus, and Europeans of different religious denominations. As a European Company-State working with Asian traders and rulers, the VOC had to work together with, and rule over peoples, with different religious backgrounds. One of the tasks as a Company-State was to maintain law and order inside the ruled possessions. Anjana Singh demonstrates that the Malabar Coast is interesting as a subject matter because it did not follow VOC protocol as issued by Batavia.³³ One of the protocols was that only VOC employees could use VOC

³¹ Van Wamelen, *Family life*, 97-98.

³² *Ibidem*, 116-118.

³³ A. Singh, *Fort Cochin in Kerala 1750-1830: The Social Condition of a Dutch Community in an Indian Milieu* (Leiden/Boston 2010).

courts. According to Singh, different groups used the VOC legal system mostly for commercial matters.³⁴ Even when they were not allowed to do so.

This leads to the following research question: how did cross-cultural relations take place through the VOC court system and how did this court system function in multicultural Cochin during the 1750s? This research question has several aspects that need more clarification, namely cross-cultural relations, legal system, culture, and the specific timeframe. I define cross-cultural relations as relations and interactions between people that transcended the individuals' society and culture.³⁵ Concerning the legal aspect, according to Singh, the VOC court is used by people with different backgrounds, not only the Europeans living in Cochin. I want to use legal sources to provide an insight into interactions of a cross-cultural nature in the region. This will in turn illustrate how the VOC as a Company-State functioned within a multicultural region. In this context, I take religion as a cultural marker to identify different groups in Cochin. Ethnicity also played a role within this legal system, but that does not apply, and is not immediately important at the Malabar Coast. This is because at the Malabar Coast, religion is perhaps the most important marker to identify someone's background. This is due to the fact that the VOC categorized people in different legal statuses mostly based on their religion. Therefore I chose to identify people's culture on the basis of their religion, defined within the sources of the VOC. The reason why I chose this specific timeframe, the decade of the 1750s, is to facilitate the handling of the sources in terms of sampling. The overflow of sources would make this investigation impossible if my considerations would include cases beyond (or before) the 1750s. At the same time, sources are abundant for this decade and thus representative to answer the broader question raised in this work.

In order to answer the research question, I look at the *Justitierollen* (justice scrolls) of Cochin that are digitally available at the National Archives in The Hague. The *Justitierollen* recorded the meetings of the Cochin Council of Justice. They show who were present, if there were witnesses, who the plaintiff and defendant were, what kind of background these people had, why they were present at the court, and other specific details. This information provides the beginning, course and outcome of the different cases that were taking place in Cochin. Simultaneously, this general information state clearly the religion of the individuals visiting the court, where they were from, what kind of difficulties arose during court meetings, and the conflict each case was trying to solve.

There are however downsides to these sources. The *Justitierollen* are digitalised and digitally available from the National Archives in The Hague, but they are not complete. The scans also show that the sources are not in great shape. Some scans are simply unreadable. Therefore, the image I try

³⁴ Singh, *Cochin*, 142.

³⁵ I base this definition on the definition by Jerry Bentley, 'Cross-Cultural Interaction and Periodization in World History', *The American Historical* 101: 3 (1996) pp. 749-770.

to sketch in this thesis is automatically incomplete. On the other hand, most scans are readable and available, and provide precious insights into the cross-cultural relations in Cochin. Another problem is that the sources are written down by the secretary of the court. This was a VOC employee with an entirely different cultural, religious, and language background than the local people who went to court. Therefore essential information could have got lost during translation, interpretation, the process of writing down, or copying of the records. Also, I only use VOC sources and not sources that are left by the other non-VOC residents living in Cochin in which disputes are written down. Like sources from other existing courts, for example that of the Raja of Cochin. The reason for this is that those sources are out of my reach and I cannot understand the local language. The answer I will give is therefore biased as it is only given through the eyes of VOC officials and translators.

As mentioned, the information of the court cases for the eighteenth century is massive. The scans of the 1750s combined reach around one thousand scans. The first step was organizing an overview of all the cases in the 1750s, both for criminal and civil cases. I have noted the plaintiffs, defendants, their backgrounds (religion, place of residence, juridical status, and marital status), the contents of the dispute, and the existence of witnesses and their origin. Within this systematization I have made a distinction between Europeans and non-Europeans. I am mostly interested in cross-cultural relations based on the actor's religious background. Therefore my focus is mostly on cases between Europeans and non-Europeans, and between non-Europeans. Cases between Europeans are not interesting to look at in this thesis. Of course between Europeans there are cultural differences, but these differences are not as prominent than those between European VOC employees and the local residents of Cochin. In order to systemize who were Europeans and who were not, I provide an overview of the amount of locals that attended the court in Cochin. To sum up: I have made two distinctions: Are the people in court European or not? And for the non-Europeans, what was their religious background? This systematization provides a social and cultural overview of the court cases in Cochin during the 1750s. In the first chapter I will discuss this systematization through four tables in which the information is divided in civil and criminal cases, European and non-Europeans, in legal status, and a table with the total amount of cases. Sometimes it is not immediately clear what the exact legal status of a plaintiff or defendant was. In these cases, I have looked at their names, professions, and whether they were married and to whom. Through this information it is possible to reconstruct individual legal status, at least according to the rules imposed by the VOC. Next to the general overview, I focus on specific cases that I examine in depth. As I mainly focus on non-Europeans who initiated cases, I will only examine civil cases more in depth. Criminal cases are always initiated by the VOC and therefore not important to examine more thoroughly. To give a broad overview of the Council of Justice in the 1750, the criminal cases are included in the general

overview in the first chapter. It is from the correlation between overview and case study that I intend to answer the research question.

This thesis is divided into three chapters. The first chapter is about the Malabar Coast in specific, the legal statuses the VOC used, the legal pluralism this system provided, ending this chapter with the general overview of plaintiffs and defenders in the Council of Justice of Cochin. The next two chapters focus on cases which I will examine more in depth. The second chapter discusses the type of cases that were brought to the court and the problems that arose during, and after, court meetings in which cross-cultural relations were involved. The focus will be mostly on the disputes between local non-European residents of Cochin and their cases with other non-Europeans and Europeans. The third chapter takes the view point of the Jews that were involved in the court cases. For that reason, the chapter provides a background regarding the how and the when of the Jewish arrival at the Malabar Coast, how they behaved at the multicultural Malabar Coast, and what the examined cases can tell about their network in the Indian Ocean. The reason why I exclude Jews from the second chapter and discuss them in the third is that the Jewish network and trade diaspora is a big and intensive topic that deserves its own chapter. The kind of cases the Jews brought to court are not different from the other cases that are discussed in the second chapter, however I will use the third chapter to show the complexity of the trade networks that reached the Malabar Coast and how that is reflected in the Cochin Council of Justice.

1 The jurisdiction of the VOC

This chapter starts with a description of how the VOC functioned in the area of interest of this thesis, namely Asia, and more specifically at the Malabar Coast. To fully understand how the VOC legal system functioned it is important to know what the political situation was during the period of investigation. Also, the reasons why the VOC was active in the region, tells us how and why the VOC behaved with the local principalities and residents. Here the focus will be on the judicial and legal attributes of the VOC and on its jurisdictions over land, peoples and institutions as a company with *de facto* sovereignty over the region. To understand the context in which the VOC operated, it is also necessary to discuss legal problems and how people behaved in the VOC legal system. I close this chapter with an overview of the primary sources of who used the VOC court in Cochin and what kind of cases were brought to the court.

1.1 The Malabar Coast

The Malabar Coast is situated on the southwestern part of India. Parallel to the coast runs the Western Ghats mountain range. The more to the south, the higher the mountains become. The space between the coast and the Western Ghats is in the north relatively narrow, which becomes wider in the south of the Malabar Coast. In comparison to the eastern part of the Western Ghats, the Malabar climate is wet whereas inland, behind the Western Ghats, is more like a savannah. This makes the Malabar Coast a very fertile region, and because of that also densely populated. Because of the wider space in the south, most inhabitants lived in the south at the multiple port towns.³⁶ Because of the Western Ghats, the Malabar Coast was protected from the expansion of the different South Indian empires, allowing it to become a distinctive region.³⁷ On the other hand, the Indian Ocean to the west functioned as an open space, linking the region through trade with the rest of the world. Especially pepper, which was in abundance, made the region popular with traders from Egypt and Europe. Pepper, wood, and other trade products were grown inland against the slopes of the hills, rather than on the coast.³⁸ These products were harvested and then transported via the rivers to the numerous coastal towns, where they were sold.³⁹ Even if some rivers completely dried out during the dry season, there were enough rivers that were navigable all year round, and which were used as

³⁶ P. Emmer and J. Gommans, *Rijk aan de rand van de wereld* (Amsterdam 2012), 332-333.

³⁷ B. Mailaparambil, *Lords of the Sea: The Ali Rajas of Cannanore and the Political Economy of Malabar (1663-1723)* (Leiden/Boston 2012), 12.

³⁸ *Ibidem*.

³⁹ Singh, *Cochin*, 18.

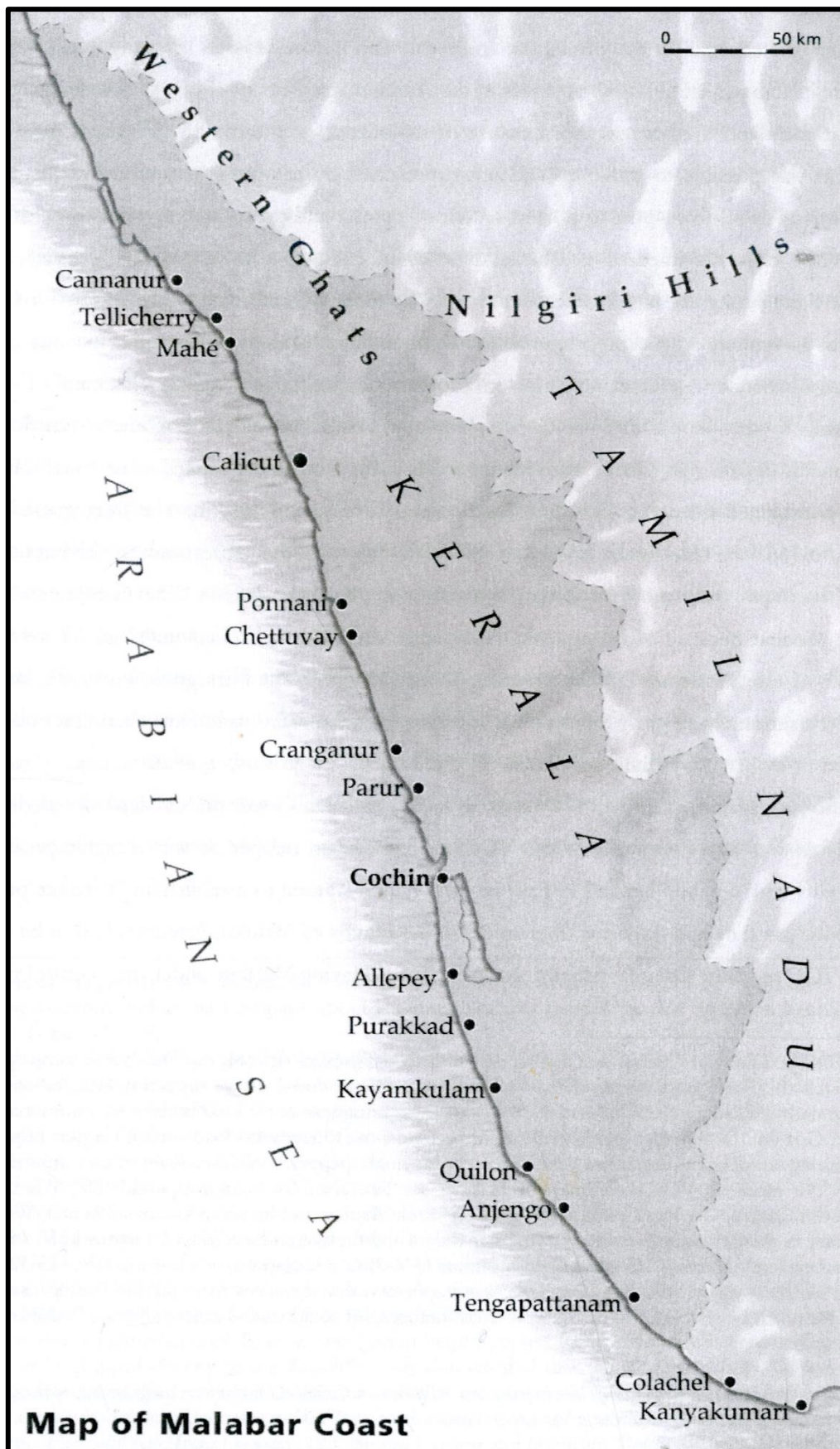


Figure 1 Map of the Malabar Coast. Source: A. Singh, Fort Cochin in Kerala 1750-1830. The Social Condition of a Dutch Community in an Indian Milieu (Leiden 2007).

gateways of the Malabar Coast, connecting the coast with the hinterland.⁴⁰

Besides the mountains, the Malabar Coast was not conquered by the Mughal Empire or other states from the north because of its wet climate. This climate was not suitable for horses and therefore better protected against cavalry based armies of empires like the Mughals or Vijayanagara. The result was that the Malabar Coast was splintered into 50 different principalities that constantly competed for power and resources. Coalitions and fights resulted into four major dynastic players: Chirakkal, Calicut, Cochin, Venadu, and only later Travancore.⁴¹ In 1498 the Portuguese arrived in Calicut to establish a pepper trade with the Raja of Calicut, the *Zamorin*. Most of the Arabian traders frequently visited Calicut to get the valuable spice. When the Portuguese returned a few years later, they changed allegiance with the rival of the *Zamorin*, the Raja of Cochin. Cochin became the capital of the *Estado da India*, but was later eclipsed by Goa.⁴² Under the Portuguese, Cochin became a crucial link in the trade between Malacca and Lisbon, but also within the region, where it could rival with the *Zamorin*.⁴³

The VOC first arrived on the Malabar Coast in 1604 where they negotiated a treaty with the *Zamorin*. For a long time though the VOC did not pay much attention to the Malabar Coast.⁴⁴ In the first half of the seventeenth century the Company focussed on conquests in Indonesia to secure the spice trade. When the spice islands were secure, the VOC shifted its attention on other parts of Asia. VOC official Rijklof van Goens conquered the Portuguese forts in Ceylon between 1638 and 1658, and brought the island under VOC control. Van Goens saw the Portuguese presence at the Malabar Coast as a threat after the conquest of Ceylon.⁴⁵ With the help of the *Zamorin*, he attacked the Portuguese possessions at the Malabar Coast. The Portuguese were expelled from the coast within five years and the VOC became the major political player in the region. A newly installed Raja of Cochin became the closest ally of the Dutch, as the fort next to the city also became the headquarters of the VOC Malabar government. The Raja of Cochin became a mere figurehead of the VOC, as he was crowned by Van Goens himself. The crown had a VOC symbol on it. Symbolic for the Raja as a true vassal to the VOC. On the other hand, the relationship with the *Zamorin* quickly turned sour, as he perceived the VOC as the replacement of one European nation by another.⁴⁶ War broke out between the VOC and the *Zamorin* between 1715 and 1717. Although officially the VOC won the war, the Company could not break the influence of the *Zamorin*.⁴⁷ The years following the conquest of Cochin, the VOC

⁴⁰ Mailaparambil, *Lords of the Sea*, 13-14.

⁴¹ Emmer and Gommans, *Rijk*, 333-334.

⁴² H. Kulke and D. Rothermund, *A History of India* (New York 2010), 156-157.

⁴³ Mailaparambil, *Lords of the Sea*, 55.

⁴⁴ K. Panikkar, *Malabar and the Dutch* (Bombay 1931), 2.

⁴⁵ Emmer and Gommans, *Rijk*, 336.

⁴⁶ Panikkar, *Malabar*, 4-12 and 17.

⁴⁷ *Ibidem*, 37-44.

extended its influence. Although Cochin was already a protectorate of the VOC, the Company could not enforce a monopoly on the pepper trade, as it did in Indonesia. To get a better grip on the pepper trade, the VOC wanted more control over the region. With the arrival of Van Rheeде as the new commander of Cochin in 1673, the VOC expanded its influence. In a few years, he had placed VOC employees in key positions at the Raja's court and forced the Raja to sign treaties in which he handed power over to the Company.⁴⁸

The VOC ruled Cochin via the Raja, but elsewhere at the Malabar Coast they were just traders in search for pepper. This changed in the eighteenth century. In the VOC's view, the Company was the rightful overlords of the Malabar Coast after their victory over the *Zamorin*.⁴⁹ To strengthen VOC's grip on the Malabar Coast, the VOC played the different princes against each other and intervened in the several local political quarrels.⁵⁰ This brought the VOC into multiple conflicts. One of those conflicts was with the Raja of Travancore, which resulted in the VOC's defeat in 1741. The result of this defeat was that the VOC had to promise not to intervene any further in political matters on the Malabar Coast. The Company should remain simply traders.⁵¹ The Raja of Travancore became a real competitor in the trade of pepper and the same goes for the English and French, who also were increasing their influence in India. Because of the war with Travancore, and wars with the *Zamorin*, the VOC lost several possessions at the Malabar Coast.⁵² Between 1780-1784 war broke out between the English and the Dutch. This war was disastrous. Trade dwindled as the English controlled the sea between England and the Republic, but also because the EIC took over VOC outposts in India. The Malabar Coast was kept safe as at the same time the English also had to fight a war with Mysore in the north.⁵³ After the Batavian Revolution in 1795, and changing allegiance to the French, the English made their last move on the Dutch possessions in India. In October 1795, fort Cochin surrendered to English, and with this surrender became an end to the Dutch presence at the Malabar Coast.⁵⁴

1.2 Legal statuses in the VOC

Within the VOC's jurisdiction there were five legal statuses. According to these statuses one could have certain rights or privileges. In Batavia – and therefore in the rest of the VOC's possessions – every legal status had its own court, which one had to apply for to solve their grievances. The first

⁴⁸ Panikkar, *Malabar*, 17-23.

⁴⁹ Ibidem, 45.

⁵⁰ Ibidem, 46-56.

⁵¹ Ibidem 69-70.

⁵² Singh, *Cochin*, 61-63

⁵³ Ibidem, 63-64.

⁵⁴ Ibidem, 172-182.

legal status was that of the *VOC employees*. This were of course people who were in active service of the VOC. They had as a privilege that they could go straight to the Council of Justice and did not have to go to the Council of Aldermen. The advantage of this was that the members of the Council of Justice were VOC personnel, the Council of Aldermen also existed out of burghers and had sometimes also local and other autochthonous people as members. Being judged by your own people held of course many benefits, over being judged by a group of different people with different backgrounds. It is not entirely known how European VOC employees were judged differently than Asian VOC employees in court. Matthias van Rossum did an extensive research about the multiculturalism of sailors on board of VOC ships. Albeit slight differences in food and payment of salaries upfront, the employees were not treated that much differently. The greatest difference was between the higher ranking and the lower ranking employees, rather than between employees with different cultures.⁵⁵ It is therefore safe to assume that this equality was also present in the verdicts of the Councils of Justice.

The second status was that of the *free burghers*. Burghers were Europeans who had worked for the VOC. When someone had served his years for the VOC he could re-enlist, go back to the Republic/Europe, or he could become a burgher.⁵⁶ To become burgher, one had to pay to receive papers that allowed him that status, and then had to give an oath in front of the Council of Aldermen. Most of the burghers were old employees and as it was illegal to conduct trade outside of the Company, the burghers had little means to earn money. Some were innkeepers or found another job, but with few opportunities, most burghers returned to the Republic or re-enlisted into the service of the Company. Also, strangers could receive the status of burgher, for them it was harder to get this status and it did not happen often.⁵⁷

The third status was the legal status of *strangers*. This status is a more diverse status than the previous two. First group of people who were regarded within this status were Europeans who were not from the Republic. This was not a large group of people. Most Europeans who were not from the Republic were employees of the VOC, and were therefore regarded in the same manner as all the other VOC employees. Still there were a few non-Dutch Europeans who attended Batavia or other VOC possessions. They were watched closely as they were not trusted by the Company. Judicially, people regarded as strangers consisted mostly out of groups of people who were not native to the region where the court was. For example, in Batavia the Chinese were regarded as strangers.⁵⁸ At the Malabar Coast Protestant Christians, Jews, Moors (Muslims) and heathens

⁵⁵ M. van Rossum, *Werkers van de wereld. Globalisering, arbeid en interculturele ontmoetingen tussen Aziatische en Europese zeelieden in dienst van de VOC, 1600-1800* (Hilversum 2014), 224-231.

⁵⁶ Van Wamelen, *Family life*, 107.

⁵⁷ *Ibidem*, 108-109.

⁵⁸ *Ibidem*, 109-111.

(Hindus) were regarded as strangers. To be more specific Jews were regarded as 'strangers' being a 'foreign' presence in Cochin, but a large group of Jews already lived for centuries in the region. The same goes for non-local Hindus who were also regarded as foreigners, in opposition to local Hindus who were regarded as local. But the same can be told about the Muslim traders who also lived for centuries on the Malabar Coast, but were regarded as foreign by the VOC administration.⁵⁹

The fourth legal status was called the *locals*. This status consisted out of people who were regarded by the VOC as 'local people'. For example in Batavia the Javanese were regarded as local, but not an ethnic Chinese family who lived in Java for generations.⁶⁰ The locals in Cochin consisted of heathens, 'old' Christians, and 'new' Christians. Old Christians were Syrian Christians, and the new Christians were Roman Catholics, the descendants of the Portuguese who still lived in Cochin after the VOC conquest, also called *mestizos*.⁶¹

The last and fifth status was that of *slaves*. Slaves did not have many rights or privileges, but as a Company slave they were allowed to go to the Council of Justice instead of the Council of Aldermen.

1.3 Legal pluralism

The boundaries of who belonged to one of the five legal groups within the VOC were not as clear as it might be suggested. People who we would label as local, the VOC labelled them as strangers. Jews living for centuries on the Malabar Coast were regarded as strangers, not as a local, but except for their faith, they were as local as a Hindu Malabari. This does not immediately mean that these Jews were treated worse than people who were regarded as local. On the contrary, being a stranger meant that the person had different rights and privileges, which could be better than being part of a different status. As already mentioned, employees could go straight to the VOC court, whereas (most) burghers, strangers, and locals first had to deal with a court of their own, either the Aldermen or a *Landraad*. In theory, the rights and privileges of the different statuses were clear. In practice, that was not the case. The fact that highly placed ex-employees had the privilege to take their cases to the VOC court, instead of bringing them to the Aldermen, is an example of this, yet another loose interpretation of the use of the VOC jurisdictional system.

Lauren Benton discusses the problems of the existence of multiple systems of law, the movement of people between jurisdictional groups, and the movement of jurisdictional groups between spaces. She calls this *legal pluralism*.⁶² The fact that there are multiple judicial statuses is an

⁵⁹ Singh, *Cochin*, 103.

⁶⁰ Van Wamelen, *Family life*, 110-115.

⁶¹ Singh, *Cochin*, 103.

⁶² L. Benton, *Law and Colonial Cultures: Legal Regimes in World History 1400-1900* (Cambridge 2002).

example of this. Even within the same courtroom the VOC actively judged people different on the basis of the actor's legal status. And because some people had diverse and complex backgrounds, they could use their complex backgrounds to the best of their advantages within the five legal statuses, to get the best chances of winning the case. That is, that because of their complex background they could be judged in status that was the most profitable within a certain cases. Applying another background each time worked in the people advantage. Another example of this would be that alongside the VOC there were other principalities who had control over the Malabar Coast. These principalities also had their own legal court which people could attend to for their grievances. People could 'choose' which court they could go to, most likely they went to the court where they thought they had the best chances of seeing their grievances addressed. Within this multiple court system and the permanent individual judicial shopping, the different courts were constantly pulling and pushing each other to extend or decrease their jurisdiction.⁶³ Who had jurisdiction over certain people or land?

Contrary to what Benton argues, previous historians, like Roberto Unger, see plural legal order as 'stacked legal systems'. This is, legal orders are stacked one upon the other starting with customary law as 'patterns of interactions to which moral obligations attach' and eventually 'law becomes more formal as layers of greater complexity adhere to this foundation. At the pinnacle of the legal order sits state law, a system with distinctive features, including the presence of specialized legal personnel.'⁶⁴ Benton does not see the Early Modern colonial legal systems in this way for two reasons. First, the fact that legal actors ignored the lines crafted to separate different legal spheres and groups.⁶⁵ There were legal groups who attended the Council of Justice in Cochin, which they were not supposed to attend according to the rules of the VOC. Beside the Council of Justice there were other courts which one could go to. These local courts were open to people who also went to the Cochin Council of Justice. This is an example of judicial shopping as people choose to go to a court which was most likely to agree with their demands, but also an example in which actors ignored the carefully crafted boundaries to which court someone had to go to. Locals should not go to the Council of Justice, but to their own local court or to the Council of Alderman. But the VOC claimed that they were in power on the Malabar Coast and were keen in pronouncing judgement, or acting beyond their jurisdiction. As a consequence they accepted these people in their courtroom. One example of two jurisdictions colliding is when the Raja of Cochin expelled two thousand Christian families. The Christians were looking for refuge near the VOC fort, and were using the

⁶³ Legal shopping is not something that is only present in Asia, but as well in Europe. This is coined in an article by C. Antunes and J. Roitman: 'A war of words: Sephardi merchants, (inter)national incidents, and litigation in the Dutch Republic, 1580-1640', *Jewish Culture and History* 16: 1 (2015) pp. 24-44.

⁶⁴ Benton, *Law and Colonial Cultures*, 8.

⁶⁵ *Ibidem*.

Council to mediate in their legal problems. Also the VOC tried to protect the Jews who were living nearby the fort, and within the city. As well as the Armenians who were also under the protection of the VOC. The Raja complained many times about this, as wrongdoers were fleeing from the jurisdiction of the Raja of Cochin to the jurisdiction of the VOC. The VOC had direct influence outside the fort, because even non-Christian merchants living in the surroundings of the fort, could be summoned to the court, to be brought to trial.⁶⁶ In theory the VOC only had jurisdiction over its own people and people living inside the fort, however in practice they extended their jurisdiction far outside the VOC's boundaries, to the annoyance of the Raja. Secondly, Benton says it is wrong to see the Early Modern colonies as comprehensive political powers, instead of fragmented entities who were just a part in the local political structures.⁶⁷ This means that the VOC's jurisdictional claims were not equal throughout its possessions in Asia and that their legal jurisdiction was not an entity on its own, but a part of a wider group of legal jurisdictions where agents were moving in between and where political powers were constantly in negotiation over who had jurisdiction over certain people or territory. This last one brings out the friction the VOC had with its surrounding principalities. The example of the Christians fleeing to the jurisdiction of the VOC, annoyed the Raja. But in the opinion of the VOC they did nothing wrong. As the VOC did not claim jurisdiction over territory, but they claimed to have jurisdiction over people.⁶⁸ This gave the VOC entirely different claims, as the Company wanted to protect certain people and not to rule over certain territory. This corresponds with the fact that the VOC 'ruled' over the Malabar Coast through Rajas and not by direct rule. The VOC protecting the Christians was entirely in their right, as they saw that Christians were part of the jurisdiction of the VOC.

One of the important side studies of legal pluralism is what Benton calls *jurisdictional politics*. This means 'conflicts over the preservation, creation, nature, and extent of different legal forums and authorities.'⁶⁹ Why is this important? The jurisdictional boundaries the VOC placed were among cultural, mostly religious, lines. Muslims and Jews were regarded as strangers, Hindus were locals, and also the division between Protestant Christians as strangers and Catholic Christians as locals are also examples of this drawing of boundaries. Also, the VOC protected Christians but apparently not Hindus against the Raja shows that the VOC was mostly interested in religion as base of their legal status. Within the legal statuses there was also a division which made several subgroups within the status.⁷⁰ The lines that were drawn marked the privileges a cultural group of people had and how they were seen and dealt with by the authorities. The drawing of the lines of legal status implied that

⁶⁶ Singh, *Cochin*, 139.

⁶⁷ Benton, *Law and Colonial Cultures*, 9.

⁶⁸ *Ibidem*, 170.

⁶⁹ *Ibidem*, 10.

⁷⁰ Van Wamelen, *Family life*, 112-114.

the VOC regarded common identities and values within the same legal status. This was not lost on social actors who tried to draw the lines in a way they saw fit to their own self-image of group distinctions. Along drawing the right lines to who belonged to which group, these social actors also tried to elevate their social group to a higher legal status within the VOC legal system. They aligned themselves with the coloniser, and sometimes even invented 'traditional authorities' to strengthen, create, or protect their (special) status.⁷¹ The legal status did not only provide with privileges but also with opportunities and accessibility to economic resources. Benton argues that contemporaries saw their legal status not only as a way to categorize your own social position within the colonial culture, but they viewed their legal status as a form of property, 'that could rise or fall in value and that could be inherited or usurped.'⁷²

In the light of Benton's work, the labelling used by the VOC illustrates how the Company viewed the inhabitants of the Malabar Coast. First, the social groups that, relatively speaking, had the most merchants, also had a legal status which was placed higher on the social ladder. The Moors, Armenians, and especially the Jews, were trade diasporas with a large trade network, and who fulfilled many times the role of intermediates.⁷³ These social groups were needed by the VOC, and was one of the reasons they received a better legal status. The VOC preferred these specific groups of people and put them in a better position within their legal system. This kept them close to the VOC and gave the VOC a certain control over them. This also means that legal statuses were not fixed. Groups could rise and fall in the eyes of the VOC and when political powers changed the VOC could not always defend their interest, or claimed jurisdiction.

At the same time, non-Christians used the VOC judicial system for their own benefit. Singh shows that mostly Muslim and Hindu merchants used the judicial system in cases of commercial nature, and on the other spectrum Christians and Jews used the system mostly for personal and commercial conflicts. Why this was the case should become clear in the next chapters. The Jewish and Hindu merchants did not live inside fort Cochin, as only employees, burghers, slaves, and some privileged could. Formally they were under the jurisdiction of the Raja.⁷⁴ But as Benton shows, these people did not bother with the judicial borders and went judicial shopping to enjoy the best possible outcome for their grievances. Because of the merchant background it is not surprising that Hindus, Jews and Muslims went to the VOC court, as they had a relatively highly placed judicial status in the VOC courtroom.

⁷¹ Benton, *Law and Colonial Cultures*, 10.

⁷² *Ibidem*, 23.

⁷³ Singh, *Cochin*, 121-123.

⁷⁴ *Ibidem*, 102-108.

1.4 Records from the Council of Justice

Between 1750 and 1760, there were 84 unique cases presented in front of the court.⁷⁵ As shown in the pie chart of figure 2 (see next page), there were 39 civil cases and 45 criminal cases. In figure 3 and 4, I separate the criminal and civil cases, and divided the plaintiffs and defendants in Europeans and non-Europeans. Putting them against each other, I define four different kind of cases. Namely, European versus European (E/E), European versus non-European (E/NE), non-European versus European (NE/E), and non-European versus non-European (NE/NE). The plaintiff is always mentioned first before the defendant. As only the VOC could initiate a criminal case, there are only Europeans who started criminal cases and no non-Europeans. Therefore there are only two kind of cases mentioned in figure 3. Of the criminal cases there were 19 E/E and 26 E/NE. This could be explained as there were far more non-Europeans in Cochin then there were Europeans. Another factor is that besides Europeans also non-Europeans were also employed by the VOC.⁷⁶ Figure 4 gives a more diverse view on the four kind of cases. There were 30 cases in which the Europeans were the plaintiffs (E/E and E/EN). In contrast to 9 cases in which non-Europeans were the plaintiff (NE/E and NE/NE). Europeans overwhelmingly used the VOC court more than non-Europeans did. This is in contrast with the claims Singh makes. Singh argues that the court was being used by a large amount of non-VOC traders.⁷⁷ At least in this decade this is was not the case. The NE/NE cases were mostly Jews against Jews. Among the cases of NE/E were two who dared to accuse VOC employees. The other cases were against burghers. In light of cross-cultural relations, figure 4 is quite interesting. In only 18 civil cases are solely Europeans involved and as a consequence there are no cross-cultural relations in play. The cases in which non-Europeans are involved have in total 21 civil cases and exceed those cases with only Europeans. Even if Europeans were the ones who overwhelmingly initiated cases in Cochin, non-Europeans were a big part of the judicial system and did not left this institution untouched. This shows that overall Cochin was a place where people with different kinds of backgrounds had contact with each other, to the extent that they needed to go to the court to solve their grievances with each other.

This relates with figure 5 in which I divide the plaintiffs and defendants of the civil cases in their legal status. In total there are five legal statuses, but there are no slave plaintiffs or defendants and therefore they are not shown in figure 5. Some were hard to place, especially six women that appear as plaintiffs and who attended the Council of Justice for two reasons. They were either there to request a divorce or to claim the division of property after the divorce, or upon one's husband's

⁷⁵ National Archives, The Hague, Nederlandse bezittingen in India: Digitale Duplicaten van Archieven aanwezig in de Tamil Nadu Archives te Chennai, access number 1.11.06.11, inventory number 495, 498, 502, 538, 560, 586, 592, 603, 612 and 625.

⁷⁶ Van Rossum, *Werkers van de wereld*, 16.

⁷⁷ Singh, *Cochin*, 140-142.

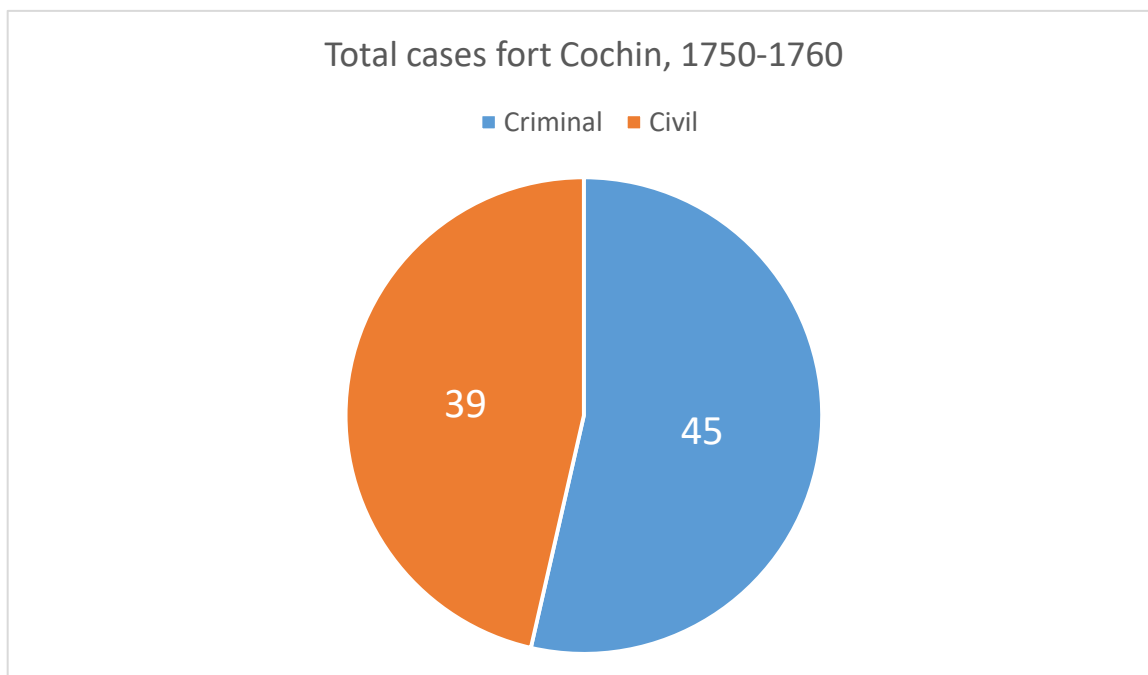


Figure 2 National Archives, The Hague, *Nederlandse bezittingen in India: Digitale Duplicaten van Archieven aanwezig in de Tamil Nadu Archives te Chennai*, access number 1.11.06.11, inventory number 495, 498, 502, 538, 560, 586, 592, 603, 612 and 625.

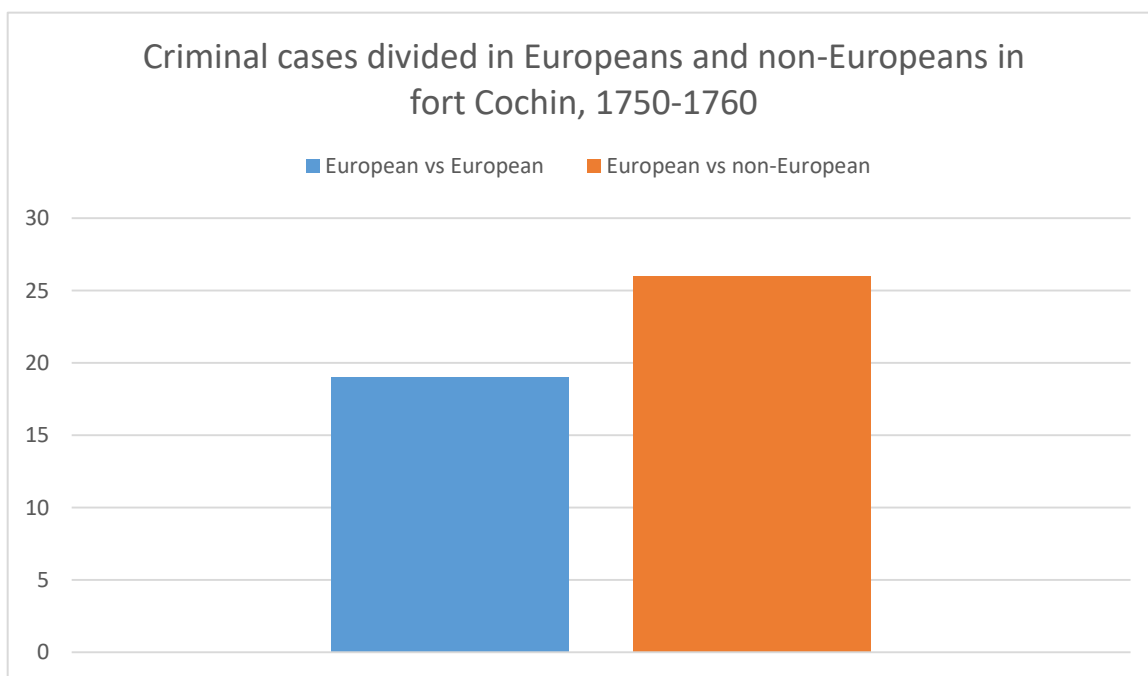


Figure 3 National Archives, The Hague, *Nederlandse bezittingen in India: Digitale Duplicaten van Archieven aanwezig in de Tamil Nadu Archives te Chennai*, access number 1.11.06.11, inventory number 495, 498, 502, 538, 586, 592, 603, 612 and 625.

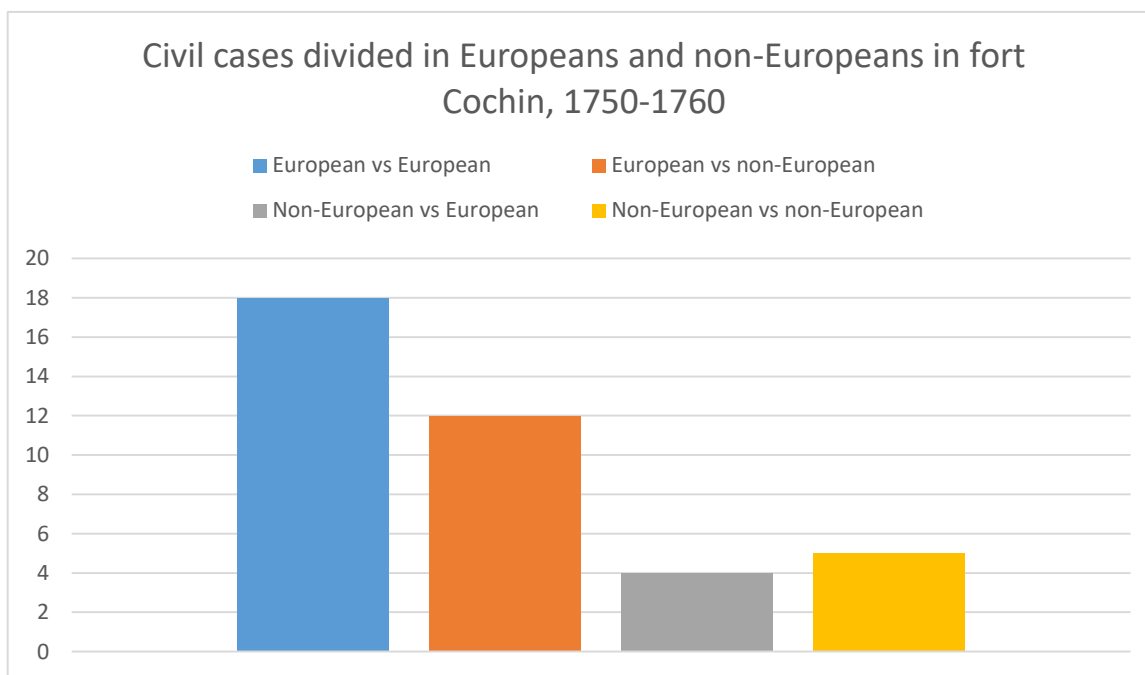


Figure 4 National Archives, The Hague, *Nederlandse bezittingen in India: Digitale Duplicaten van Archieven aanwezig in de Tamil Nadu Archives te Chennai*, access number 1.11.06.11, inventory number 560.

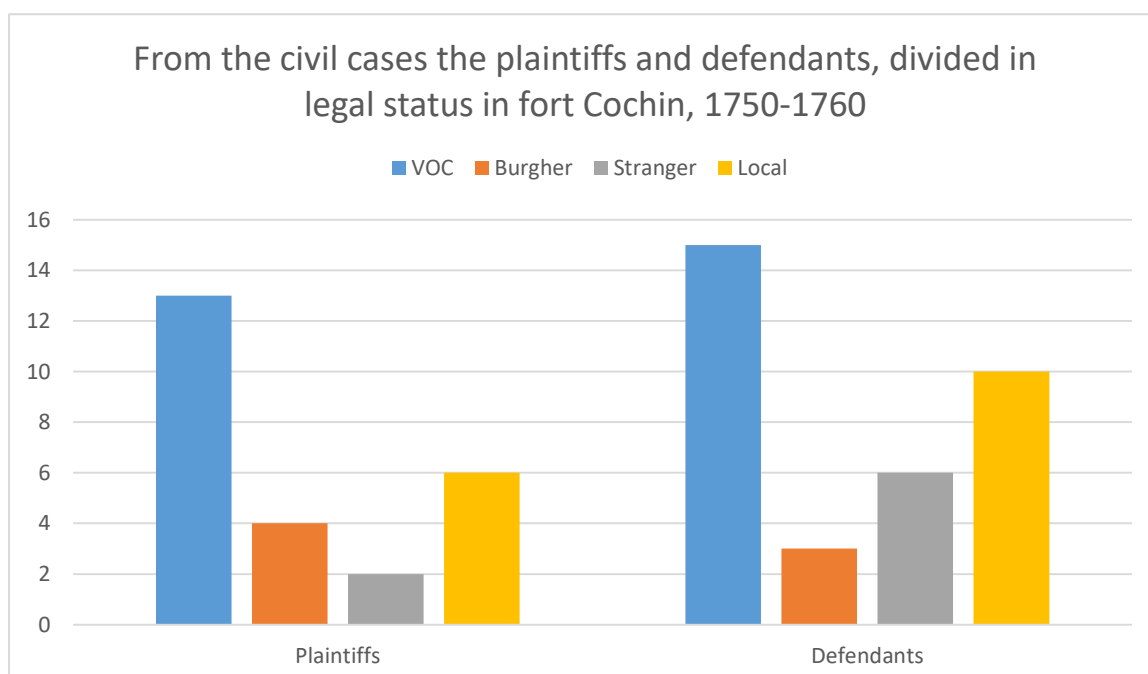


Figure 5 National Archives, The Hague, *Nederlandse bezittingen in India: Digitale Duplicaten van Archieven aanwezig in de Tamil Nadu Archives te Chennai*, access number 1.11.06.11, inventory number 560.

death (including to arrange for debtors to pay their debts to the widow). These women are slightly hard to place in the different jurisdictional groups, as the sources are not entirely clear to which group they belonged. As the Court of Justice was the court which VOC families could turn to, it is safe to assume that the wives also married into their husbands legal status. This narrows four women down as belonging, by family attachment, to the group of 'VOC employees'. The two other women are not immediately clear to which group they belonged, as one did not attend the court to arrange a divorce. These women were Rachel Augustina van der Sloot and Neeltje Cupido. Van der Sloot was at the court to settle the debts of her husband. It is safe to presume that her husband was a trader active in Cochin. Because of her name and the fact that her late husband was a trader, it is possible to define her as a 'VOC employee'. Cupido was not married, and only put in a request to the court. She did not return to the court later to further her case. With no further information it is not possible to place her somewhere within the five jurisdictional groups. As she was not married, it is unlikely that she belonged to the VOC employee group. But she can still be placed in both the 'burgher' and the 'local' jurisdictional groups, since she could be an illegitimate child of a VOC employee or a burgher. Because of her unclear background, she is not included within figure 5. I believe that she is not born in Europe. If that was the case than most likely she would be married, divorced or was a widow. Because of this I regard her as a non-European demanding something from the VOC court. Therefore in figure 4 she is regarded in the NE/E group.

Two things in figure 5 stand out. First, the number of plaintiffs are less in comparison to the number of defendants. In total there are 25 plaintiffs against 34 defendants. This means that a certain group of same people accused multiple of different people within Cochin. These people knew their way to court and how they could use the court for their own benefit. Not surprisingly these were mostly VOC employees as they knew the best how the VOC legal system worked. Also, in contrast to the plaintiffs, non-VOC employees were more often defendant in comparison to VOC defendants. Second, there were two different plaintiffs that were strangers. These two plaintiffs were both Jews. The six locals who were plaintiff, also consisted out of three women who wanted money from the defendant. These cases brought by locals were against VOC employees, burghers, and other locals. Especially the latter is quite interesting as the VOC wanted that locals arranged their legal affairs outside the VOC courtroom, and within their own community. It is also interesting to note that on the defendant's side almost all the strangers were Jews, except for one who was an Armenian. Because of this in the NE/NE cases, the Jews were the largest group that made use of the Council of Justice. That means that they, of all the different cultural groups, had the most active cross-cultural relations in Cochin. Only two Jews were plaintiffs, most of the Jews who went to court were mostly accused by non-Jews. Chapter three goes deeper into these cross-cultural relations of the Jews.

The VOC plaintiffs were in the majority, but not in large amounts, over the other jurisdictional groups who attended the court as plaintiff. Also, it should be noted that a significant part of the VOC employees were women who wanted to arrange a divorce against their own VOC husbands. This gives an indication that the VOC court was not a major platform used by different kind of local traders to get their right. Roughly a third of the plaintiffs were people who were born and raised in Cochin, and what we nowadays define as local people, but who regarded by the VOC as stranger or local. This gives an indication that the Council of Justice was mostly attended by the local merchants and the VOC's trusted allies, the Jews. The next chapters shall give a better inside in who these people exactly were and how their cross-cultural relations took place. It is also important to note that the decade of research is done in a period when the VOC lost a big part of its influence in the region, as the Company was at war with Travancore and had to sign a treaty where it lost its power officially. This could be a reason why Hindu and Muslim traders did not frequently visited the VOC court anymore. That being said, there were still local traders besides the Jews who attended the court, however not in the amounts Singh suggests. A possible reason for this disparity is that I only look at the sources within the 1750s, whereas Singh used the sources from the entire eighteenth century and may base her argument on averages rather than specific contextual decades.

Within the context of the Malabar Coast the VOC excessively extended their jurisdiction to different people. The Company could do this because it was not concerned about jurisdiction over territory but over specific groups of people. As shown in the case with the Christians, this means that the VOC could extend their jurisdiction far further than normally an entity could. This also means that the VOC could protect people which was normally impossible as the VOC should also had control over certain territory. Certain groups of people who would be useful for the VOC would flock into the protection of the Company. The Malabar Coast was excellent for this kind of jurisdiction as the region held large groups of different people with different cultural backgrounds. This is not immediately seen in the legal sources of the VOC. Most cases were initiated by VOC employees or other Europeans who used the system for their own advantage. Still, there were people from different cultural backgrounds who did use the VOC court as seen above. The following chapter should provide a better insight on what kind of cases were brought to court and between who these cases were fought out.

2 Legal conflicts

In this chapter I look at five different civil cases. I chose these cases as they are complete, have the most information, and these cases are mostly about local people. Therefore they are the most representative to discuss in this chapter and to analyse more in depth. They give a good illustration of the typical conflicts that arose in Cochin during the time period. Central to these cases are that they involve non-Europeans. Two cases will be about non-Europeans as defendants and a European as plaintiff, in two cases the non-Europeans are the plaintiffs and a European the defendant, and the last case is about a case where both defendant and plaintiff are non-European. This chapter will discuss the nature of the cases and the problems that arose during and outside court meetings in a multicultural region.

This chapter will be thematically discussed alongside the five cases. First there will be an introduction of the five cases. What kind of charges were brought to court? Who were the persons that were involved? Next theme are the charges itself. What does the charges say about how the VOC court was used? And what does the charges say about Cochin society? At the end of this chapter the difficulties that arose from multicultural city of Cochin during court proceedings will be discussed.

2.1 The charges and the verdicts

The first case is a conflict between VOC employee and Council of Justice member Gijsbert Jan Feith, and a local merchant Naga Porboe and dates from 1755. Porboe was accused of damaging a small sailing vessel in the possession of another VOC employee Jacob Harsing, who hired Feith to work on the case. Porboe was ordered to pay more than 6000 rupees for repairing or replacing the ship. Porboe requested an appeal to the Council of Justice in Batavia, which was approved by the court in Cochin.⁷⁸

The second case is between the VOC prosecutor Mattheus Hendrik Beijts and a local Baboelij Pandiet also dated 1755. It is not entirely clear what the accusations against Pandiet are. The verdict states that Pandiet should beg for forgiveness and that he held nothing more in higher regard than honour and virtue. Pandiet was also ordered to donate 25 *rijksdaalders* to the Lazarus house and pay the costs incurred in court. The verdict also states that not all of the demands of Beijts were met. As it is not clear what Pandiet actually did, the only thing that remains clear is that he offended Beijts in some way or another.⁷⁹

⁷⁸ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, scan 51, 55-56.

⁷⁹ Ibidem, 73.

The third case is between the local Nagendra and Wilhelmina van Ooy, widow of a VOC employee, during the years 1756 and 1757. Nagendra accused Wilhelmina that her late husband had a debt of 317 rupees. She did not agree with this accusation as she states that her late husband only had a debt left of 18 rupees. The court's verdict was that Wilhelmina had to pay the 317 rupees. The course of the trial is hard to follow as the sources clearly miss some pages.⁸⁰

The fourth case is between the local Baije and two other locals the siblings Thome and Ursula Correa from 1757 till 1758. Baije is heir and widow whose husband still had to receive money from the father of Thome and Ursula, as recorded in a verdict of 1738. The case goes on for a while in which Thome and Ursula both were arrested and put in jail. The case ended with the death of Thome and the decision of the court to confiscate his assets. With the confiscation the debt and the costs of the court could be payed, and what was left went to his heirs.⁸¹

The fifth case is a lot harder to place. The plaintiff is the local widow Simoa de Weega against two defendants named Warnaar Florijn and Elias Koedijk. Florijn was the leader of the burghers in Cochin, and consequentially also had the legal status of a burgher. Koedijk is a little harder to place. He works as a smith in Cochin but he was from Java. He voluntary or involuntary migrated from Java to Cochin, where he remained permanently or temporarily. The sources do not tell why he migrated from Java to Cochin. Probably because of the need of a smith by the VOC in Cochin. His position could also be temporary in nature, until the VOC had a new smith. Or Koedijk travelled with his family to Cochin as they were needed by the VOC in Cochin. That is because Koedijk and Florijn were summoned to the court because of an open debt of the late Frans Koedijk. He was the brother of Elias and the brother-in-law of Florijn. Frans Koedijk passed away and was indebted to Sebastiaan das Nevas, who was regarded as the 'first' husband of Simoa.⁸² Either way Elias Koedijk was in Cochin because of his connection with the burgher Florijn, but the reason why remains unclear. Looking at Koedijk's last name he presumably has some Dutch-European ancestors and therefore he was probably a *mardijker*. As he was not in Java his legal status is most likely that of a stranger.

Before passing the verdict Sebastiaan was summoned to court as a witness and addressed as a Catholic priest.⁸³ In the period between his testimony as a witness and the verdict Sebastiaan died. This is shown in the verdict, as he is regarded dead at the moment the Council of Justice pronounced judgement.⁸⁴ Before his death, Sebastiaan and Simoa apparently were divorced and she married again later with a local called Anthonij Coelho, as she is regarded as his widow. Even after their divorce Simoa could still claim a loan that belonged to Sebastiaan. This suggests that she still had the

⁸⁰ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, scan 117.

⁸¹ Ibidem, 120 and 140.

⁸² Ibidem, 123.

⁸³ Ibidem, 119.

⁸⁴ Ibidem, 123.

right of inheritance even after the divorce, or that she was the heir of (a part of) Sebastiaan's possessions. Both Florijn and Elias were the full heirs of the inheritance of Frans Koedijk. So they also inherited his debt. The court ruled in favour of Simoa. Florijn and Elias had to pay 100 *rijksdaalders* plus interest, the profit of sold gold jewellery, and they had to pay for the expenses of the process.⁸⁵ The case took a strange turn when Florijn and Elias asked for an appeal to the Council of Justice in Batavia, but more on this later in the chapter.

2.2 Debt in court

Three of the five cases are about debt. Specifically, debts in the form of loans and opened bills of exchange, and were all protested by non-Europeans. The two other cases, requested by VOC employees, were about the payment of damages to a boat and about some sort of insult at the address of the VOC employee. This is interesting as it suggests that the local people saw the VOC court as a good functioning institution to settle a case that was about debt and loans. To put it differently: people had high trust in the VOC court. This also suggests that there was an active credit market and that there was trust within the community that people would pay off their debts. Where did that trust come from? The prospect that there were future transactions between people in Cochin, between the VOC, locals, or other traders passing by, generated trust.⁸⁶ Also, swift and fair judgement by a court facilitated by a government contributed to this trust. An active credit market in which bills of exchange and bills obligatory were issued is a part of this trust between the people of Cochin. Also, dishonesty would only harm trade on the long run. To trust each other would benefit the trade as both merchants could have the best agreement as they knew that the opposite party would not frame the other. In the first instance a court is not needed to regulate the merchant communities throughout the world. As in the case of a corporation like the VOC, but also in the case of diasporas like the Jews or Armenians, dishonest merchants would quickly be 'caught' and excluded from trade as the news about these dishonest merchants would spread throughout the trade network and company outposts.⁸⁷ These social checks and balances were not enough to cover up all the disputes merchants had with each other. There was always the need for a government who made laws and facilitated courts which people could attend to. The government could act as an independent third-party.⁸⁸ The VOC was attractive in this way as the laws they applied in their possessions were the laws from Holland. As the Republic heavily relied on trade, the laws from

⁸⁵ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 123.

⁸⁶ O. Gelderblom, 'The Governance of Early Modern Trade: The Case of Hans Thijs, 1556-1611', *Enterprise & Society* 4: 4 (2003) pp. 606-639, 607.

⁸⁷ O. Gelderblom, *Cities of Commerce. The Institutional Foundations of International Trade in the Low Countries, 1250-1650* (Princeton 2013), 7-8.

⁸⁸ *Ibidem*, 102-103.

Holland were full of notions about trade and payment of debt. Also, in Amsterdam there was enough knowledge on how to facilitated special courts and institutions about trade, debt, and other similar cases as such institutions and laws already existed in the city.⁸⁹ This knowledge of institutions and law could easily be exported to the VOC possession which had to deal with similar cases as those in the trade city of Amsterdam. Also, the knowledge that the VOC held trade and finance in high regard within their court and laws, should be a pull factor for residents living in the proximity of Cochin. Another factor in trusting the VOC court is the fact that in all the five cases the plaintiff wins the case. Except for one case, *Beijts versus Pandiet*, all the demanded punishment is met by the court. If it was commonly known that the VOC court in Cochin was inclined to agree with the plaintiff wishes regarding monetary matters, it should not be surprising that the local non-Europeans went to the court in Cochin. On the other hand, the VOC was still a Company-State. It did not only provide institutions like a court, but it was also a corporation in search for profit. Accusing VOC officials in a VOC court would not be appealing by the local residents. But as every corporation and common merchants the VOC was keen to keep up a good reputation. Constantly ruling in favour of employees when they were not in their right would work against the VOC on the long term. How the VOC dealt with this exactly is not immediately clear from the sources, and is also not the aim of this research. However, it is worth mentioning as an example of the difficulties the VOC had as a Company-State. Still the existence of formal institutions did not always mean that people immediately went to court for their grievance but they tried to arrange agreements among themselves or simply counted their loss.⁹⁰ As courts were, and still are, institutions with endless litigation which take a large amount of time.

There were different means to borrow money in the Early Modern period. Bills of exchange and bills obligatory were the two most used instruments to acquire credit. A bill of exchange is a short term loan of about three months, whereas a bill obligatory were a long term loan for around three to twelve months.⁹¹ These bills worked as follows: 'if one merchant owed another a sum that could not be paid in cash until the conclusion of a transaction some months hence, the creditor could draw a bill on the debtor and either use the bill as a means of payment in its own right.'⁹² This citation talks about merchants with large sums of money, in the case of the sources I use and in Cochin the loans were more personal and smaller. Still the people did use institutions as a bill of exchange or obligatory to make the loan more official. To keep trust among merchants and investors high, and to avoid bothersome trials in courts, it was not unusual to prolong bills obligatory so the

⁸⁹ Gelderblom, *Cities of Commerce*, 126.

⁹⁰ Gelderblom, 'Hans Thijs', 634.

⁹¹ *Ibidem*, 627.

⁹² N. Ferguson, *The Ascent of Money: A Financial History of the World* (New York 2008), 43.

other party had more time to finance his debt and other payments.⁹³ This is also seen in numerous sources of Cochin as most debts were issued ten to twenty years prior to the court proceeding.

Within the selection of the three cases about debt in all these three cases the plaintiff was a widow or another heir of the creditor. Within the total four NE/E between 1750-1760 it is not entirely clear about what the two other cases that are being examined are about. The two NE/E that are examined more in this chapter both involve debt and a widow. Why is this? Why did (non-European) widows claim their money through court? In the case of Nagendra versus Van Ooy, the defendant was the widow instead of the plaintiff. It is not clear if her husband recently passed away when the request was presented to the court. If that is so, than it is possible the plaintiff had waited before he put Van Ooy to trial. As the late husband was a highly placed VOC employee.⁹⁴ Van Ooy should also had the judicial status of VOC employee, as she was his wife. But there is a possibility that she would have had worse changes in her defence, than her husband should have, as he was colleagues with the members of the Council of Justice. The question remains why mostly widows were the ones who went to court to force people to pay their debt. An explanation is that the widows only had few means to earn money. Collecting debt via a trial is a way to receive money. Especially when the one who had lost the trial had to pay for the expenses of the court. Widows therefore had trouble with collecting unpaid debts. A court with an immense knowhow about financial markets and unpaid debt is a helpful institution for the widows to get their money back. As the VOC claimed to have jurisdiction over Cochin, they were even open to these non-European widows who had right to collect debt. The fact that these widows stand out among the other (debt) cases is because merchants had more means to pressure the opposite party to pay their debt, also they had more to lose if their credibility became questionable if they wanted new credit. They, as told, were more likely to solve their problems outside court. Not all widows had access to these means. On the other hand, as the VOC claimed jurisdiction over Cochin that also means that the VOC had to deal with their poor. Most women took care of their own in Cochin through charity from the wealthier widows and women of Cochin. The church also tried to help the poor with charity.⁹⁵

Another aspect that stands out are the people who were involved in these cases about debt. Except for the VOC employees, all the people who were involved were local Hindu merchants. The next chapter should give an inside in the Jewish community, but it is noteworthy to mention that there are no Muslim traders, or other cultural groups, mentioned in these cases. In the case of NE/E simply because there are not any. In the case of the NE/NE because most of those cases are between Jews or initiated by a Jew. As the VOC was in an almost constant war with the *Zamorin*, it is possible

⁹³ Gelderblom, *Cities of Commerce*, 105.

⁹⁴ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr, 104.

⁹⁵ Singh, *Cochin*, 114-115 and 145.

that the VOC did trust Hindus more to provide a loan. However, this should not be the only explanation as there clearly was an active credit market, so Muslims should also be a part of this development. Because of the almost constant war with the *Zamorin* and the tendency of merchants to come to a solution on their own it is reasonable to assume that Muslims simply did not attend to the VOC court for their grievances. For them the VOC court was not an easily assessable institution. As the VOC had some better ties with Hindus it should not be a surprise that there were more commercial contacts with Hindus instead of Muslims. That should explain why there were less Muslim appearance in court, or at least non in these five cases.

2.3 The problems of communication

Most of the people who are discussed were clearly not Dutch and they did not speak Dutch. It is possible that some judges mastered different languages but the court did use interpreters, as they are mentioned two times: once at the beginning of the case between Feith and Porboe, in which some confusion happened between the court and the defendant.⁹⁶ Another moment when the interpreter had to testify in a case of appeal. In which the interpreter was one of the witnesses in the struggle between Simoa, and Florijn and Elias.⁹⁷ Which languages that were spoken in the court is not entirely clear. In some cases Portuguese was used as a lingua franca on the Malabar Coast.⁹⁸ It is possible to presume that Portuguese was also used in the courtroom when locals were involved. There was a moment when defendant Florijn talked to the plaintiff Simoa in Dutch and then in Portuguese to congratulate her on her victory. She answered his congratulations back in Portuguese and in an agitated way. Mentioning as if she did not speak Dutch but only Portuguese and that he could say those words to his own wife.⁹⁹ This shows a few things. First, she did not quite understand what Florijn wanted, as she was insulted by his congratulations. Even when he spoke in Portuguese, her Dutch (and Portuguese) was not fluent enough to understand what Florijn wanted or vice versa, Florijn's Portuguese was not fluent enough. Second, Florijn did not know that Simoa spoke at least some Dutch. As he said it in both Dutch and Portuguese. This suggests that the entire trial was spoken in Portuguese, at least in the moments when she spoke. It is hard to presume that everyone who attended the court could speak Portuguese or Dutch, or some other local language. This could lead to some misunderstandings, as in the case of Florijn and Simoa, but also to a growing reliance on interpreters during proceedings.

⁹⁶ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, scan 29.

⁹⁷ Ibidem, 136.

⁹⁸ Singh, *Cochin*, 143.

⁹⁹ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 136.

Another example of communication problems is shown in the case between Beijts and Pandiet. As far as the sources tell, there is not a problem in communication between Pandiet and the court. The problem arose with the summoning of a witness to court, who was from the local area. This witness asked to the court if he could get a translation about the case in the local (Malabari) language so he could better understand to what he had to testify.¹⁰⁰ This led to a delay in the case. The court did not provide a translation to the witness, and therefore thought that he did not want to testify.¹⁰¹ After providing a translation to the witness, the witness returned and gave his testimony to the court written down on paper, which had to be translated back and later had to testify in person under oath. Both the oath and testimony were done on a local Malabari way.¹⁰² Which had to translate back again to the court. Between summoning the witness and speaking out a verdict was a period of two and a half month, which was a serious delay. Normally there were fourteen days between different meetings. The calling of this witness was the last step in the case before the court could pass a verdict. How the court and the witnesses communicate with each other during court is not entirely clear. It is likely that it was in Portuguese, but that the witness did not master the language well enough to testify and to completely understand what the case was about.

Another example of misunderstanding was in the case between Feith and Porboe. Porboe clearly had no experience with the Dutch court. He sent his nephew, Coesera Porboe, as his representative to the court. First to ask why he was summoned to the court, the second time he has sent his nephew to ask if Coesera could not attend the court as his representative. Both times the court was very clear that if Porboe wanted Coesera as his representative he should let his wish know to the secretary of the court, and that his nephew would sign a document wherein he states that he would act on behalf of his uncle Naga Porboe.¹⁰³ Eventually Naga did show up at court and gave his reply to the plaintiff's accusation. He then had fourteen days to reply back at the accusation but after a month he did not deliver and had not yet attended the court, which resulted in a fine to pay for the expenses of the court.¹⁰⁴ Eventually, with delay, Coesera could act with the right documents on behalf of his uncle.¹⁰⁵ Which resulted in the above mentioned verdict.

Communication was a serious issue. Interpreters were used but the mentioned examples show that there were still problems in communicating with the different people in court. It was possible to translate Dutch (or Portuguese) documents in the local language. But a translation like this took some time and apparently was not immediately available. Clearly not all people who

¹⁰⁰ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 58.

¹⁰¹ Ibidem, 56-60.

¹⁰² Ibidem, 64 and 67.

¹⁰³ Ibidem, 29 and 39.

¹⁰⁴ Ibidem, 36.

¹⁰⁵ Ibidem, 37.

attended the VOC court were fluent enough in Portuguese to have conversation on the high level that was apparently needed in the courtroom. If the court was aware of these problems or not is not entirely clear. There was some patience as they keep repeating themselves what should happen, or how it should be done. As in the case of Feith versus Porboe where the court is patient enough to repeat that the uncle should attend the court himself, without immediate repercussions.¹⁰⁶ The case of Feith versus Porboe could be an example in which the defendant did not have any experience with the VOC court and because of that made mistakes in sending his nephew as his representative without the right papers. On the other hand it could also be an example in which the defendant wanted to stall the trial as long as possible. The eventual bill he had to pay for the damage he caused was high. If he knew that he was wrong, then it is likely that he did not want to cooperate. It is hard to tell, as there are only extracts of this case available.

Another example is the witness in the case Beijts versus Pandiet. When realizing that not giving his testimony was a misunderstanding, the court did not blame the witness.¹⁰⁷ Still, how this had repercussions in the verdict is hard to tell. The sources only give the course of the trials with some side notes. If there already were problems with communication during a court meeting it is likely that there were also problems with interpretations of translations of written or oral testimonies. Also, it is not entirely clear what kind of quality the translations were. Likely the court used local people to translate the papers and testimonies to Dutch/Portuguese or vice versa to the local Malabari language. If these were people with which the VOC worked on a regular basis then it is likely that the translation were of better quality. These middlemen who worked as interpreters had to speak Dutch or Portuguese well. It is impossible to tell who these people were with only these sources. They could be the local Hindu traders but they could also be the Jewish traders, with which the VOC held close ties. Nonetheless these people were crucial in the government of the VOC in Cochin.

In this chapter, debt was the major guiding force behind approaching the VOC court by the local people of Cochin. This shows people had different cross-cultural relations with each other as there was a highly active credit market in Cochin in which VOC employees, locals, and others were active on this market. The inhabitants of Cochin did not live entirely in separate spheres and in isolation of each other. The need for credit transcended their cultural differences and the existence of the VOC court that facilitated protection, required for all the different cultures when things went wrong, provided a basis to step out of the different spheres and interact in cross-cultural relations. These two aspects insured that there were cross-cultural relations, at least regarding finance. Also, it shows

¹⁰⁶ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 29 and 31.

¹⁰⁷ *Ibidem*, 60.

that the VOC was highly trusted if it was about legal matters concerning money. Their institutions for these kind of cases were easily accessible by the local people. But these cross-cultural relations also shows that problems could arise, such as communication with each other. The VOC did handle these matters as good as possible, however this had as a consequence that proceedings were delayed and sometimes miscommunication happened between the plaintiff and the defendant. Which also would suggest that maybe miscommunication itself was the basis of some cases that were put in front the Council of Justice in Cochin.

The next chapter will not be about debt or problems during proceedings, but will focus on networks and cross-cultural relations that will be shown by looking at the *Justitierollen* of Cochin.

3 The Jewish community

This last chapter focuses on the Jewish community that lived in Cochin. The chapter is divided into two parts. The first part is about how the Jews arrived at the Malabar Coast, an exotic and a faraway place from their ancestral homeland. The reason to discuss this is that the origin of the Jews who lived at the Malabar Coast has much to do with how they conducted trade, why they were important, and it explains the reasons on how they interacted with each other. Also, it shows why certain Jews went to the VOC court. The second part is about the sources and how this relate to the first part. I will look more closely at three cases in which Jews were involved. Two cases are about Jews versus Jews, and one case is about a burgher versus a Jew. The reasons why I chose these particular cases are that they are completely within my research question on how non-Europeans used the Council of Justice for their grievances. The other case between the burgher and the Jew will give an insight in the network of one Jew and a burgher. Therefore this case is ideal to look at the cross-cultural relations in Cochin during the period of investigation. One of the cases is about debt. I will not go into this as I already did that in the previous chapter. This chapter is about different people who interacted with each other through the Council of Justice and not about the nature of the proceeding, which is already discussed in the previous chapters.

3.1 The arrival of the Jews

Jews are widespread around the world and until the formation of the state of Israel did not have a home country. They were the perfect people to form a *trade diaspora* in the premodern world. According to Philip Curtin a trade diaspora emerged as there is a need for cross-cultural brokers who helped to encourage trade between two merchants from different societies. These cross-cultural brokers lived in alien towns and assimilated to their host society but still kept their own distinctive culture and therefore could mediate between merchants with different cultural backgrounds.¹⁰⁸ We will see, as described below, that this led to Jewish communities around the globe which Jewish traders could use as a network for trade and information. But the Jews living in these communities were cross-cultural brokers between Europeans and the host society, as Jews were recognizable by European traders and vice versa. The Jews simply knew how Europeans and their host society conducted trade, which they used to their advantage. During the forming of the Islamic Caliphate between the seventh and eighth century the Jews already had a presence in the regions between

¹⁰⁸ P. Curtin, *Cross-cultural trade in World History* (Cambridge 1984), 2.

North Africa and as far as the Malabar Coast.¹⁰⁹ It is not entirely clear when and how the first Jews arrived at the Malabar Coast. Probably by sea after the destruction of the Second Temple (70 A.D.).¹¹⁰ But what is certain is that they arrived in different waves overtime. There are three waves/moments for Jewish migration to the Malabar Coast. The first wave is after the destruction of the Second Temple, the other two are discussed next.

Despite the fact that the Jewish communities were widespread, from Europe to as far as India, there were no huge differences in their belief on how to practice the Jewish religion. The Islamic Caliphate (most of the Jews now lived within the same empire) and the high mobility of the Jews strengthened the hegemony among themselves as ideas, people, and theology could easily spread across the community.¹¹¹ During and after the Islamic conquests the Jews were disposed from their lands, and had to move to the cities. As 'children of the book' the Jews gained the legal status of *dhimmi*, 'protected people'. This means that they stood lower on the social ladder than Muslims, but they still had some rights within the society in comparison to other religions who were not Muslim, Christian or Jew. Because they were driven off their land by the Muslims and were forced to migrate to cities, their lower status, knowledge of Hebrew and Greek, and the strong ties among the Jewish community enabled the Jews to rise in the fields of non-producing professions of trade, banking and medicine. When the Islamic Empire blossomed the trade with India grew which became a backbone of the international economy. The Jews became prominent in the finance of multiple trade missions to India, not only did they finance the missions of Jewish traders, but they also started to finance trade missions of Muslim traders.¹¹² Eventually Baghdad and the Abbasid Empire declined in the eleventh century, and with them the Jews lost their prominent status as bankers and financiers. As the Indian trade routes moved from Baghdad to Cairo, so did the Jews. But not only Cairo was a popular Jewish migration destination, Spain also received more and more Jewish immigrants from Baghdad. The Jewish traders and financiers became a large portion of the merchant active in the Indian trade between Cairo and India. Just as before in the case of Baghdad, the Jewish presence peaked between the tenth and twelfth century, which was followed by a sharp decline in the thirteenth century. In 1219 Chinggis Khan invaded the Muslim lands of the Middle East. Three years they plundered the lands south of the Caspian Sea to return to Mongolia in 1222. This was repeated between 1253 and 1260 when the grandson of Chinggis Khan, Hulagu, also invaded the Middle East. Hulagu went further into the lands of the Muslims and headed southwest. He was only halted by the

¹⁰⁹ A. Wink, 'The Jewish diaspora in India: eighth to thirteenth centuries', *The Indian Economic and Social History Review* 24: 4 (1987) pp 349-366, 351.

¹¹⁰ *Ibidem*, 357.

¹¹¹ *Ibidem*, 352.

¹¹² *Ibidem*, 353.

armies of Egypt in Palestine in 1260.¹¹³ The Mongol campaigns in the thirteenth century were disruptive for the entire world. From China to the Middle East dynasties fell, cities were razed, and entire populations were on the move fleeing for the razing Mongol hordes. As the lands of Central Asia were united within one Mongol empire, the trade routes shifted from sea to the caravan trade over land.¹¹⁴ Egypt was spared against the Mongol campaigns, but at the same time a group of Muslim Egyptian merchants called *Karimi* took over the trade from the Jews. This was because the *Karimis* were favoured by the Egyptian government. This came to an end when the Egyptian government declared the spice trade a royal monopoly in 1428.¹¹⁵ The disrupt of trade by the Mongols, shifting trade routes, and the loss of trade to the *Karimi* had all as a consequence that the Jews counted their losses and migrated from the Islamic lands to Europe or India.¹¹⁶

As said the Jewish presence at the Malabar Coast predated the Islamic expansion. These Jewish communities lived in relatively isolation from the rest of the Jewish communities spread across the Middle East and the Mediterranean. Because of the Islamic expansion people, ideas, economic systems, and institutions spread across the Middle East. Urban centres grew and the demand of luxury goods with it. With the help of people already living in the Ancient Near East – Jews were a part of this group – the Caliphate became an economic success.¹¹⁷ Until the eleventh century trade from the Middle East to China was a direct trade, only stopping at intermediate ports for market opportunities.¹¹⁸ Contact between the Jews on the Malabar Coast and the Jewish communities in the west did exist during this time. Colonies on the Malabar Coast were established by Arab and Jewish traders, as they had to wait until the winds changed so they could proceed their voyage to China.¹¹⁹ Contact was sporadic and was mostly because some market opportunities arose. With the decline of Baghdad in the eleventh century the nature of trade and contact between the Jews changes. The long distant trade between the Middle East and China became out of fashion as the costs were too high and the distant too great. Instead the trade from the Middle East, now centred from Cairo, was between the Middle East and the Malabar Coast. China on the other hand traded their goods with Malacca in the Southeast Asia. The subcontinent of India was in between these two ends of trading spheres and a transit trade emerged between Malacca and the Malabar Coast.¹²⁰ Between the eleventh and twelfth century contact between the Malabari Jews and Jews

¹¹³ V. Egger, *A History of the Muslim World to 1405: The Making of a Civilization* (New Jersey 2004), 194-197.

¹¹⁴ Curtin, *Cross-Cultural Trade*, 120-121.

¹¹⁵ *Ibidem*, 115.

¹¹⁶ Wink, 'Jewish diaspora in India', 356.

¹¹⁷ K.N. Chaudhuri, *Trade and Civilisation in the Indian Ocean: An Economic History from the Rise of Islam to 1750* (Cambridge 1985), 35-36.

¹¹⁸ *Ibidem*, 37-39.

¹¹⁹ J. Abu-Lughod, *Before European Hegemony: The World System A.D. 1250-1350* (New York 1989), 266-267.

¹²⁰ Chaudhuri, *Trade and Civilisation*, 39.

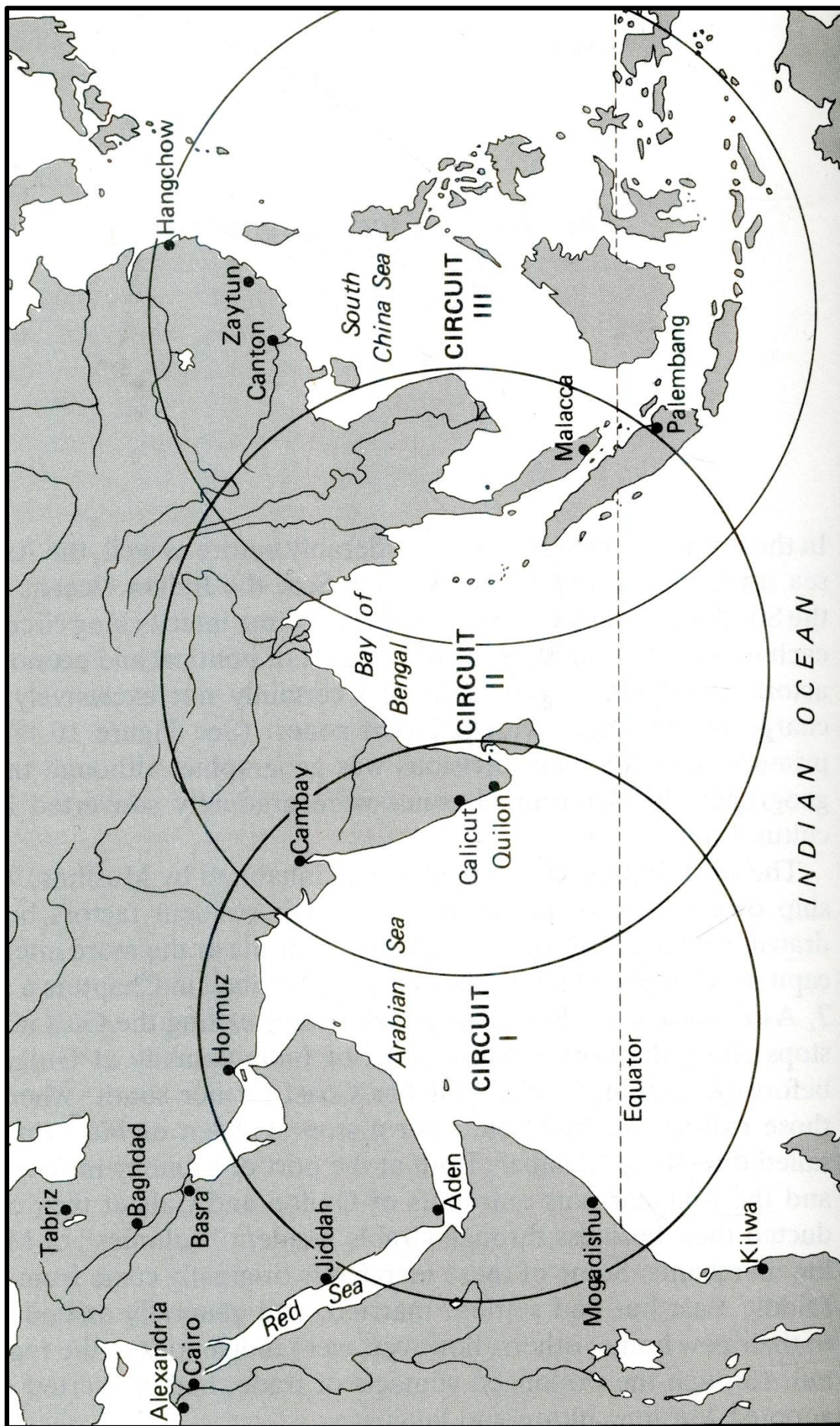


Figure 6 Trade after the 11th century. Source: J. Abu-Lughod, Before European Hegemony: The World System A.D. 1250-1350 (New York 1989).

from the west was highly intensive as there was constant movement of Jews between the Malabar Coast and Cairo, and from Cairo to Spain.¹²¹ After the Egyptian Caliphate cut off the Jews from the Indian trade, the Malabari Jews were also cut off from the Jewish communities in the west.¹²² Because they were cut off from the other Jewish communities the Malabari Jews did not have access anymore to Jewish theology, priests, and other information and changes about the Jewish faith. When the Iberian Jewish, the Sephardic Jews, arrived this lack of information had dire consequences on the behaviour of the Jewish community at the Malabar Coast.

The Sephardic Jews originate from Spain. Already during the Roman Empire there were Jews living on the Iberian Peninsula but, as mentioned above, overtime more Jews arrived in Spain. When Spain became more and more Christian, life for the Jews became harder and harder. Under the Visigoths they experienced harsh conditions as they were prosecuted and forced into conversion. Jewish life became better after Muslim armies invaded the Iberian peninsula, as the Jews, just as in Baghdad, were protected as *dhimmis*. As Muslim Spain flourished, so did the Jewish communities and as a result they established a significant Spanish-Jewish culture. The Jews mastered Arabic, Hebrew, Spanish and Latin, and they became a special class of mediators between Muslims, Jews, and other Mediterranean cultures as they translated texts and spread ideas across different cultures.¹²³ After the Reconquista, the position of the Jews in Spain became less sure. At first nothing changed much. Some Jews already fled before the Christians reconquered Spain and others filled in vacant government positions. In the thirteenth century the Church took on the job to Christianize Europe more thoroughly. The Jews living in Spain were in the eyes of the Church an anomaly and at the same time the gentry saw the cooperation of the Jews with the crown with increasing suspicion.¹²⁴ Together with a weakened state of government – the new king was still a child – this discontent accumulate to the point that mobs attacked, killed, and forcible converted Jews in Seville, 1391. These violence spread across the entire country and had an impact that lasted for a century. The old Jews who converted to Catholicism, *conversos* they were called, were viewed with high suspicion by the ‘old’ Catholics. They thought that these *conversos* were not sincere in their conversion, as many did keep living next to their Jewish kin. Spain celebrated their victory over the Muslims after the completion of the Reconquista in 1492. To finish the Christian reconquering of Spain, and to get rid of all the Jewish influence to the new Christians, the crown expelled all the Jews out of Spain in 1492. Many fled to the Ottoman Empire, as they welcomed these traders with many trade connections with open arms. The Ottoman Empire blossomed in this period. Under the

¹²¹ Chaudhuri, *Trade and Civilisation*, 59.

¹²² Wink, ‘Jewish Diaspora in India’, 356-357.

¹²³ M. Goldish, *Jewish Question: Responsa on Sephardic Life in the Early Modern Period* (Princeton 2008), XVII-XIX.

¹²⁴ *Ibidem*, XIX-XX.

leadership of Sultan Selim I (r. 1512-1520) Syria, Palestina, and Egypt were conquered from the Mamluk Empire in 1517.¹²⁵ With access to Egypt the Jews could be part of the Indian trade again. Eventually some Jews ended at the Malabar Coast and started their new life in India, a place with an already existing older Jewish community.¹²⁶

In 1511 the first Sephardic Jews arrived in Cochin. They were called *Paradesi* (foreign), or White Jews. These European Jews arrived together with some other new immigrants from the Ottoman Empire and Persia. They distinguish themselves against the other Jews who lived at the Malabar Coast already for a longer period, the 'Black' and 'Brown' Jews. The Black Jews were the Jews who lived at the Malabar Coast since the destruction of the Second Temple. The Brown Jews were manumitted slaves.¹²⁷ These Jews were free men for generations but did not have a bill of manumission to proof this. There were other Jewish rituals to overcome this, but the *Paradesi* who arrived together with priests did not allowed this to happen so they could exploit their better social status at the Malabar Coast.¹²⁸ To assimilate in the Indian culture the Jews had carved out their own position within the Indian caste system. As a consequence they abandoned their equalitarian behaviour, to replace it with a Hindu hierarchy. As a result they created subcastes within their own Jewish caste, with the White Jews at the top. Jews who did not belong to the White Jews subcaste were denied some religious rituals and could not marry with members of the White Jews.¹²⁹ To assert their position on the top of the Jewish caste the White Jews claimed that they were descendants from ancient Israel and that they were 'pure blood' Jews, they called themselves: *meyuchasim*. They were small in number, but they asserted that they had a better status and more power over those who were of 'tainted blood'.¹³⁰ But why did these Jews discriminate each other? The first reason is that they had to assimilate in the Indian Hindu culture, which is to place themselves as high as possible in the existing hierarchy. The other reason is that when the Sephardic Jews arrived at the Malabar Coast they met these Malabari Jews, who were completely different in language, dress, and diet. The reason of this was that the Malabari Jews already lived for centuries at the Malabar Coast, but were closed off from the other Jewish communities after Egypt expelled the Jews from the Indian trade. Therefore the Sephardic Jews had better knowledge about the Jewish traditions, and they knew how the European conducted their trade and could understand their languages. The Sephardic

¹²⁵ I. Lapidus, *Islamic Societies to the Nineteenth Century. A Global History* (New York 2012), 434.

¹²⁶ Goldish, *Jewish Question*, XXI-XXIV.

¹²⁷ N. Katz and E. Goldberg, 'The Sephardi Diaspora in Cochin, India', *Jewish Political Studies Review* 5: 3 (1993) pp. 97-140, 97.

¹²⁸ *Ibidem*, 106.

¹²⁹ *Ibidem*, 97-99.

¹³⁰ *Ibidem*, 101.

Jews used these advantages to carve out a better position within the Indian society.¹³¹ The Jewish caste already existed, they only placed themselves on the top within the caste hierarchy.

As a result the White Jews could get better trade agreements with the surrounding rajas and with the companies that arrived on the shores of the Malabar Coast. During the Portuguese and Dutch presence at the Malabar Coast the White Jews took over more and more of the trade deals and amassed fortunes under the rule of the VOC. Not only because they negotiated themselves with special privileges from the VOC, but also because they served the VOC as agents in Cochin. At the end of VOC rule at the Malabar Coast, the White Jews were regarded as some of the wealthiest and most distinguished merchants. Whereas the Black Jews were simple peasants and servants.¹³²

First the Portuguese but also later the VOC exploited the differences the Jews had made at the Malabar Coast. The Portuguese went further in the distinctions by giving it more pronounced racial features. The fair skinned Jews from Portugal were called *brancos*, pure white, Jews. Jews not born in Europe were not *brancos* and therefore not on the top of the pyramid. In this situation the Portuguese were mostly concerned where someone was born. The VOC was more concerned what the complexion of the skin was. A *brancos* Jew could be born in Cochin in the eyes of the VOC. The Malabari Jews who were darker of complexion in a more brownish way were the Black Jews. Jews from Yemen, who arrived roughly at the same time as the Sephardic Jews, had a more black complexion. They were far lower on the social ladder because their skin was too dark, even if according to the Jewish caste system they were regarded as White Jew. But in the eyes of the VOC, and *brancos* Jews, they were not 'pure blood' Jews descendants from Ancient Israel.¹³³ The VOC did not mingle within the Jewish affairs, but applied this Jewish caste system for their own by using the Jews at the top of the caste as their agents. Through this the *Paradesi* Jews amassed major fortunes with lucrative trade deals.¹³⁴

3.2 The relations of the Jewish community

The first case I want to look at is between the Jewish merchant Isaak Surijon and another Jew Simon Abadij in 1757.¹³⁵ Unlike the other cases in this and the previous chapter this case was solved quickly. Within three months' time the two parties solved their disputes with each other. It is not clear what the case was about, only that the plaintiff, Surijon, asked for a collateral as the defendant, Abadij, did not have a residence nearby. As Abadij did not live nearby he could easily escape the jurisdiction of the VOC and leave Surijon with empty hands. The collateral was not an amount of money but a

¹³¹ Katz and Goldberg, 'Sephardi Diaspora', 107.

¹³² Ibidem, 120-121.

¹³³ Ibidem, 116-117.

¹³⁴ Ibidem, 120.

¹³⁵ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 107.

person who would stand in as a security if Abadij fled. This appointed person would take the blame and the case on himself. The collateral was another Jewish merchant named David Rabbij.¹³⁶ The fact that a collateral is needed is quite remarkable. Just as described above historians agree that the community of the trade diaspora is a somewhat closely knit society. There are informal ways to handle the untrusted Jewish merchants. The fact that two Jewish merchants had to deal with their grievances in court and the fact that one wanted a collateral in case the other would flee suggests that trust was not entirely universal among the Jews. There still was a need to control each other in formal ways. This also suggest that within the greater Jewish trade diaspora there are great differences and that the diaspora is not as homogeneous as most historians suggests. The fact that the Sephardic Jews differ greatly with the Malabari Jews and that Sephardic Jews discriminate them is an example of differences within a diaspora. However, as the Sephardic Jews were mostly traders, it is likely that the above mentioned two Jews are from the same culture of Jews, especially as their names are not Islamicate or Indian. So within the group of Sephardic Jews there are also different networks, clans or groups. Between these different networks was not enough trust to solve disputes without interference of a court and without a collateral. The collateral should be of the same network as there would be enough trust between the same network Jews or other means to control each other. They could be family or trade associates. On the other hand Surijon and Abadij did settle their dispute outside the courtroom despite the fact that there was not enough trust between each other. There could be two reasons for this. First, the Jewish communities had an overall reputation to keep up on the outside. They should be considered to be a community of traders who paid their debts and who can be trusted to do business with. If too much of these legal affairs between Jews appeared then the overall trust in Jews as a reliable trading partner would damage on the long term. Preferable would be to settle their disputes outside the court room and as quietly as possible. Even if the case is already presented at the court. An attorney could help in the matter of mediation. Second, both the defendant and the plaintiff could have second thoughts in handling the affair to the court, and therefore wanted to settle the manner outside the courtroom. The dispute most likely did start outside the courtroom and both parties failed to come to an agreement. As the case was put in front of the court peer pressure and second thoughts could have led to an agreement outside the courtroom.

Other reasons I want to mention this case is that it is important for the other case I am going to discuss. The first reason is that Surijon made use of a *pennist* (a clerk or someone else who had as a profession to keep notes and other kinds of information recording on paper) named Anthonij

¹³⁶ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 110.

Berger as his attorney.¹³⁷ The second reason is that Surijon and Abadij solved their dispute without the interference of the Council of Justice. Before the court could issue a verdict they stopped the trial and declared that they had come to terms with each other, and that they did not need the services of the court anymore.¹³⁸

The second case is between the burgher Casper Stades, as plaintiff, and the Jew Joseph Modliaar, as the defendant. The case was about two bills obligatory from 1746 which were not payed, with a worth of more than four hundred *rijksdaalders*. The case took slightly more than a year, from January 1757 till March 1758. This case has similarities with the case between Surijon and Abadij.

First similarity is that the *pennist* Berger is an attorney in this cases as well. Contrary to the previous case, now he works for the defendant instead of the plaintiff, as Berger was possible the preferred attorney of the Jewish community. But both Modliaar as Surijon are Jews. Berger's involvement in two cases that happen at the same time (both started in January 1757) is remarkable. Persons who attended the court in the role of attorney, or someone else who represented the plaintiff or defendant, were mostly family or clear associates. As a *pennist* the association Berger had with the two Jews is not entirely clear. The secretary who recorded the cases was very strict in his description who someone was. If Berger was a Jew, it is likely that the secretary would mention it. The Jewish community was not big,¹³⁹ and therefore it is logical that the few Jews who attended the court in Cochin had the same connections and would help each other. As there was someone who helped them as an attorney would also suggest that there was a market to deliver service in judicial manners, at least under the Jewish community. As Berger apparently represented more than one person he should have known how the VOC's judicial system worked and had knowledge of Dutch law. This suggest that Berger had lived in the Republic and even could have worked for the VOC. If that is so than that would say something about the position the Jews had under VOC rule, as they could hire someone to fight out their cases who was part of the VOC rule. This means that they could have afforded an attorney and that the Jews had some trust in someone else who could have been part of the VOC. Berger could have earned the Jewish trust in earlier other matters or have already worked for Jews in the Republic and was therefore a part of their network. It is hard to believe that Berger was part of the VOC as it would not be entirely clear what the motivation of the VOC would have been. Except that the VOC preferred the Jews over other people and that they wanted Jews to win the majority of the cases. But this would be a very devious route to take, as they already had control over the court itself and that these cases were mostly between Jews themselves. Another

¹³⁷ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 110.

¹³⁸ *Ibidem*, 113.

¹³⁹ Before the migration to Israel the community counted 2500 Jews in the 20th century: Katz and Goldberg, 'Sephardi Diaspora', 100.

possibility is that Berger was presented by the VOC as an attorney to all who went to court or who were accused. The reason why Berger is only shown now in the sources is that people had their own representative to handle their cases, or that they simply could not afford an attorney. The Jewish community was wealthy and as they held close ties with the VOC it is reasonable that they accepted a VOC attorney and that they could afford him. On the other hand everyone had the right to represent someone else in a judicial matter, as seen in the last chapter. As the Jews could afford an attorney it is possible that Berger was part of the Jewish network and therefore mostly used by the Jews in Cochin.

The second similarity is that during the proceedings the parties tried to settle the matters outside the courtroom. In the case between Surijon and Abadij it worked, but in the case between Modliaar and Casper it did not. In the case of Modliaar versus Casper the negotiations outside the courtroom were initiated by Berger as attorney of the defendant.¹⁴⁰ It is not clear if Berger initiated the same initiative to negotiate a deal outside the court in the case between Surijon versus Abadij. In this particular case Berger was the representative of the plaintiff not the defendant. It would not be logical that Berger took the initiative to come with an agreement outside the court as his client started the case. Still it is worth mentioning that there were two cases where both parties tried to settle their disputes outside the courtroom. This is not seen with the other cases during the time period. This can mean two things. It can be an example that there was not hundred percent trust from the Jewish community in the Council of Justice, as they prefer to settle their conflicts outside the VOC courtroom. As the sources I use are only sources that are from the VOC this could be proof that non-VOC residents did want to settle their conflicts as much as possible without the interference of the VOC. The above mentioned example is the only example I found. There is too little evidence to fully support this. On the other hand this example could also show that the Jewish community was a closed knit community who knew each other well and which had a custom to settle their matters with each other without a third party involved. A third party like a court could damage their credibility as a trade community. It is exemplary that the Jewish defendant Modliaar also wanted to try this 'custom' with the burgher Stades. However Stades did not give in. Maybe because the offer Modliaar made was not good enough in comparison to what Stades asked for in return. However it is also possible that Stades had more trust in the Council of Justice as his status was better than that of Modliaar – Stades was a burgher in comparison with Modliaar who was regarded as a stranger. Stades' change of winning the case was simply bigger than that of Modliaar.

¹⁴⁰ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 117.

The last case is between the Jew Levij Barles as the plaintiff and the Jew Sabadaija Miseraija as the defendant.¹⁴¹ As the case was not settled yet at the end of the year 1759 and because the sources are not available for the year 1760, it is not clear what the case was about. As most of the cases were about money it is likely that this case was also about debt that was owed by the defendant. What is known is that the charges were severe enough that the defendant had to be locked up. He had to pay 2000 rupees to secure himself of his freedom. But similar to the two other cases the most interesting part of this case is not what it was about, but who were involved in it. The two parties both delivered multiple witnesses. These witnesses were not only Jews from their own community but were a group of multiple cultures. Still, most of the witnesses were Jews but among the others were three Muslims and two Armenians.¹⁴² These were not only residents of Cochin of somewhere else at the Malabar Coast, but were also active in trade and did travel for their businesses. They had to be quickly interrogated by the VOC officials according to both Miseraija and Barles, as the witnesses were about to leave Cochin by sea.¹⁴³ These witnesses tell us something about the connections both men had. Barles delivered three Muslim witnesses, whereas Miseraija delivered multiple Jewish and two Armenian witnesses. As the sources introduced them they were mostly merchants. It is not a surprise that they interacted with more people than only their kin. Still, there is a distinction that can be made between Barles and Miseraija. This is that Barles only had Muslims as witnesses and Miseraija Jews and Armenians as well. This suggests that Barles was active in trade with Muslims and Miseraija stayed more close within his own community of Jews and only had contact with some Armenians, who were just as the Jews a trade diaspora. As I only look at legal sources it is hard to tell to what extent these connections went on. Two Jewish witnesses left Cochin to travel north, most likely to conduct trade. The Muslim witness who left by sea most likely had the same goal. It is just as possible that he filled his ships with pepper or other goods from the Malabar Coast and wanted to sell it on the other end of the Indian Ocean.

As thoroughly discussed above, from the start of the Islamic expansion Muslims were highly active in the Indian Ocean. Just as Jews were spread across the Indian Ocean in a diaspora, Muslims themselves started their own trade diaspora. As mentioned they, together with the Jews, created colonies at the Indian coast for the trade ships waiting for the right monsoon wind that could bring them to China before the eleventh century. After the long distant trade to China changed to the trade between the Middle East and the west coast of India these Muslim communities functioned as brokers for their Arab kin at the other end of the Indian Ocean. Just as with the Jews the commerce among themselves was strengthened by the fact of a growing Muslim community, with a common Islamic

¹⁴¹ NL-HaNA, Nederlandse bezittingen India: Digitale duplicaten Chennai, 1.11.06.11, inv.nr 560, 159.

¹⁴² *Ibidem*, 164 and 167.

¹⁴³ *Ibidem*, 166 and 170.

identity.¹⁴⁴ The Muslim network was huge. It stretched from the west of the Indian Ocean to Indonesia, even Persians had networks in mainland Southeast Asia. Being a Muslim meant that one could tap into a vast network. Even with the arrival of Europeans the network was active and widely used.¹⁴⁵ Just as in the sources mentioned above Jews and Muslims did have active relations with each other, and did regularly trade with each other. Letting the Jews tap into their Muslim wide network.¹⁴⁶ Whereas Muslims had a 'home country' the Jews, and to a certain extent the Armenians had not. The Armenians were driven out of their homeland by Shah 'Abbas I (r. 1587-1629) in 1604, and were forced to live in the proximity of Safavid capital of Isfahan in a new town called New Julfa. The Armenians as homeless people, neutral Christians between Sunni versus Shi'a conflicts, experienced traders with connections between the Mughal Empire to Venice, and their mastery of different languages made them excellent agents in the eyes of Shah 'Abbas. From New Julfa the Armenians built a vast trade network with New Julfa as their 'nodal centre'.¹⁴⁷ Even before their expulsion from their homeland the Armenians had settled almost everywhere: in Hormuz, Surat, Calcutta, and they even had high positions at the court of Akbar (r. 1556-1605). Because of the expulsion and privileged position within the Safavid Empire this diaspora was strengthened, especially when Hormuz came under control of the Safavids.¹⁴⁸ The Armenians could adapt so quickly within the Safavid and Mughal empires because of their Persian culture. They lived for centuries beneath the umbrella of the multiple Persian and Islamic Empires that ruled over modern day Iran. This gave them a Persian culture which they could use in the Persian empires of the Safavids and Mughals.¹⁴⁹ With their Christian background and their mastery of different languages they were ideal partners for the Europeans as well. Just as the Jews living in Cochin, the Armenians were the excellent brokers living between two different cultures.

The three mentioned diasporas were widespread, had an extensive network, and had enough knowledge about language, trade, and money. Still it is unclear why they would work together in their trade when they had all that was needed to conduct trade within their own network. Especially the Armenians were closed off concerning trade and only worked together with other cultures sporadically.¹⁵⁰ The sources only provided a slight insight on how the Jews did their business in Cochin. Maybe the sources provided the exceptions to this rule, but maybe the Cochin

¹⁴⁴ P. Risso, *Merchants and Faith: Muslim Commerce and Culture in the Indian Ocean* (Colorado 1995), 6-7.

¹⁴⁵ Curtin *Cross-Cultural Trade*, 111-115.

¹⁴⁶ S. Prange, 'Like Banners on the Sea: Muslim Trade Networks and Islamization in Malabar and Maritime Southeast Asia', in: R. Feener and T. Sevea (eds), *Islamic Connections: Muslim Societies in South and Southeast Asia* (Singapore 2009), 31.

¹⁴⁷ S. Aslanian, *From the Indian Ocean to the Mediterranean: The Global Trade Networks of Armenian Merchants from New Julfa* (California 2011), 1-2.

¹⁴⁸ *Ibidem*, 46-49.

¹⁴⁹ *Ibidem*, 125.

¹⁵⁰ *Ibidem*, 177-178.

Jews needed to extent their network as their population was not that big in Cochin and the rest of the Malabar Coast. As a trade diaspora on the whole in the Indian Ocean they traded within their community, but as the Cochin Jews amassed great wealth the network was not big enough for them and the VOC. Their new wealth provided a need to look outside their own network. Especially as the Cochin Jews knew how to work with Christians and Muslims alike and therefore had multiple cross-cultural relations.

Barles network was only with Muslims, or Moors, his network of trade was most likely therefore orientated on Africa and the Red Sea. Misaraija with his Jewish and Armenian connection was likely more active in trade with Safavids and the Red Sea. This is because Muslims from Persia are referred in the sources as 'Persians'. 'Moors' or 'Muslim' in the sources should refer to the other Muslim traders not from Persia. And as the Armenians had their home base in the Safavid Empire, their trade was mostly focussed from and to the Persian homelands. Where exactly these Muslim and Jewish traders went to is not entirely known. They could have gone to the entire east coast of Africa or the Arabian Peninsula as there were enough ports where trade was conducted. Still, through this insight in the witnesses of Barles and Misaraija it is possible to see that the Jews themselves in Cochin did specialise in different regions of the West Indian Ocean. This could also be another example of the existence of different networks within the Jewish trade diaspora as different families conducted trade in different regions of the Indian Ocean.

What the source shows is that the Jews did not only work as brokers between the VOC and the local community, but were also still active in the inter-Indian Ocean trade just like the Jews centuries before them. Their ancestors in Spain mastered different languages and skills, and were therefore welcomed by people to stay (one of the reasons the Ottoman Empire welcomed them with open arms after their expulsion from Spain). It is likely that the Jews living in Spain still had the knowledge in languages such as Spanish, Portuguese, Arabic, Hebrew, and maybe Latin. They could still deploy these skills to lay connections and maintain trade with different Muslims and Armenians, or with the other Jews who travelled between Cochin and other parts of the Indian Ocean, just as the two Jewish witnesses who travelled to the north. The VOC made use of the White Jews in Cochin, they had connections in many places due their diaspora, but also they had vast knowledge of language. The White Jews were held in high regard at the Malabar Coast due their claimed 'heritage'. This was no different than what the other Jews did before the arrival of the Sephardic Jews. Throughout the Middle Ages there were connections between the Jews living at the Malabar Coast and the Jews in the west. With the crisis in the thirteenth century these connections were cut off, and later restored when Europeans and Sephardic Jews arrived in the Indian Ocean. Due the Jews living longer at the Malabar Coast as the VOC had a presence it is very likely that the Jews played the part as cultural

brokers between the VOC and the Cochin residents. The sources do however not give a clear view on this. Rather than that the Jews were active on their own and that they did not just work as brokers between the VOC and Malabari. The sources give more of a view that the Jews profited from trade that already took place at the Malabar Coast, and that they used the VOC and the current circumstance to improve the trade they already had. This are speculations as the these sources can only give a picture that the Jews had vast and various connections spreading over different groups of people.

Conclusion

I started this thesis with the problem of a company that spoke justice over people with different cultural backgrounds in a region that was far away of home. The sources showed an insight on how Cochin was culturally diverse and how the region was connected with the rest of the world. With the previous chapters I aimed to answer: how did cross-cultural relations take place through the VOC court system and how did this court system function in the multi-religious Cochin during the 1750s?

First, in the 1750s the cases with non-European plaintiffs were far in the minority in comparison to the cases with European plaintiffs. As the criminal cases were always initiated by a VOC prosecutor, and therefore a European, it is not weird that Europeans were in the majority. However, only looking at civil cases, the non-Europeans plaintiffs still comprised of a fourth of the cases. Even if the criminal and civil cases are combined, and if we only look at cases in which non-Europeans were involved, as defendant or plaintiff, then there is an image that non-Europeans were highly active in the VOC court system, but the majority of these cases were invoked by Europeans. This says several things about the VOC court system and the VOC itself in Cochin. First, the fact that the VOC could bring the locals to the court implies that VOC had the leverage to force these people to attend the court. Even in the case of criminal cases the VOC could lock up these people during and after the trial. But second, non-Europeans rarely started a case in the VOC court. Considering the eight cases I further analysed, except for one defendant, all the people lived in Cochin or in its proximity. Bringing these two facts together most cases were started by VOC aligned people and the other cases were initiated by local living people, suggest that the gravity of the VOC court lay in Cochin and its surroundings. People living outside Cochin went most likely to courts, or other institutions, which were closer by. The fact that the VOC claimed jurisdiction over certain groups of people did not happen in reality as people stayed in their own town. The VOC Council of Justice in Cochin was the best and most open institution in Cochin, but it did not make people move to Cochin for the grievance. As this was not the intention of the VOC. If that had happened than the VOC judicial system could not have handled that. In my opinion the VOC did open their court to the local people of Cochin to protect certain groups of people like the Christians, the Jews, and Armenians. These were people with the VOC had affinity with and which the VOC claimed to have jurisdiction over. This will also clarify why there were no Muslim or few Hindu plaintiffs within this decade as they could not attend the Cochin Court of Justice. This goes against the claims of Singh, who argues that the Council of Justice was actively used by a multiple of different Muslim and Hindu merchants. Within the researched decade I did not found much evidence to support this claim. Indeed the

Council of Justice was used by some Hindu merchants but not on a large scale or on a regularly basis. The Cochin Council of Justice was therefore mostly an institution for VOC's own people.

Second, almost all the cases I looked more in depth at were about debt. Of course these cases are all civil cases and there are a lot of other subjects when looking into the criminal cases. But the criminal cases were all initiated by the VOC and therefore were not important to look at more in depth. As shown in chapter two, this suggests that there was a highly active credit market in Cochin, but also that VOC court was an easy accessible institution to sue people for their unpaid debt. It almost looks like the VOC court was primarily used for this kind of cases by the local people of Cochin. This is a logical occurrence. Cochin was a trading outpost of the VOC in Asia and had to deal with traders in the region and especially in Cochin. Credit was a part of trade, and trade was a big part of Cochin daily life. Also, the VOC court was designed, through imported laws from Holland, to speak justice in a fair and professional way. Cases not dealing debt were still put in front the VOC court but those were criminal cases, or were encouraged to be dealt with by other courts, or by the people on their own. Some non-debt cases were indeed judged by the VOC but these were mostly cases by VOC employees and not local people.

Third, looking at the eight cases the cross-cultural relations are diverse. The cases of the second chapter shows cross-cultural relations that are local. These cases are between VOC employees and local traders, between local businessman or widows. Waarnaar Florijn and Elias Koedijk came from Batavia, and of course the VOC employees Gijsbert Feith and Mattheus Beijts were from the Republic. They interacted with the local town people and therefore owed money, had damaged property or were offended by them. The fact that people like Feith, Beijts, Florijn and Koedijk were present in Cochin shows that Cochin was a place where different people with different backgrounds met and initiated cross-cultural relations with the local people. But these cases also show that these cross-cultural relations with the local people stayed local. All four were in Cochin because of the VOC. They interacted with the locals in a way that suggest that there was an active town life and that people from fort Cochin interacted with the people living outside in its surroundings. Especially Florijn as an innkeeper in Cochin shows that people directly from the Republic (or indirectly through Batavia) made and maintained relations that transcended different cultures. To what extent the local people could tap into the global network of people like Florijn, Beijts and Feith is an entirely different question. Cochin was a lively place where cross-cultural relations took place, but the local people stayed relatively local and did not tap into a more broader network. At least not the people that made use of the VOC court in Cochin. How different is that in the case of the Jews. The Sephardic Jews were people with extensive networks that went far from only Cochin. Just as Benton had argued they aligned themselves with the VOC and created an invented traditional authority so they were the superior partner to trade and deal with. As the Jews

were a trade diaspora it is not surprising that indeed their cross-cultural relations were extended past the boundaries of Cochin. That there were only a few cases of Jews in Cochin during the 1750s had two reasons. First, they tried to come to agreements outside and without the interference of a court, as that would harm their reputation and was a bothersome way to get things done. Second, is that as their cross-cultural relations went far outside Cochin and the Malabar Coast the Cochin Council of Justice did not always have the right jurisdiction over all the cases. As long as people stayed at the Malabar Coast the Cochin Council of Justice could summon them or demanded a collateral. Therefore the Council of Justice was too small to hold these extensive kind of cross-cultural relations and their judicial problems.

Next is that the cross-cultural relations in Cochin did not always went smoothly. Communication between court, plaintiff and defendant was sometimes a problem. Use of interpreters had as a consequence that proceedings were seriously delayed and that they were increasingly important for the workings of the VOC in Cochin. If they were already needed in the Council of Justice then their usage was likely also somewhere else within the VOC governance in Cochin. The fact that when there were difficulties of communications within the courtroom then there should also be difficulties between the people of Cochin themselves. Even when these cross-cultural relations were very active in Cochin, and even the fact there were plenty of them, the reality still remains that these cross-cultural relations had their boundaries. Not all people could communicate and interact with each other, and when there were interactions some would have been platonic. Portuguese as a lingua franca was present, but the case of Florijn and Koedijk versus Simoa de Weega shows that Portuguese was not always the solution of these communication difficulties.

Lastly, how does this all relate to the Company-State of Stern? At the Malabar Coast the VOC managed its double role as company and government quite well. Because the VOC did not have immediate control over the region the Company did not have to micro manage the region as it had to do with Batavia and its surroundings. The VOC clearly had a preference over certain groups of people like Jews, Armenians and Christians. The VOC purposefully focused on cultural groups who were a benefit to trade and assimilated the best within the VOC outposts. These groups were welcomed with open arms. The few locals who could attended the court were a part of the claims the VOC had and could make over the surroundings of Cochin. Even if the VOC sometimes had troubles with the Raja of Cochin, they could still make people come to their Council of Justice. In my opinion the Company-State VOC was successful in its existence at the Malabar Coast where it found a good balance of state and company.

Still there is need to better research this. I only did research on one decade of the eighteenth century. A century in which the VOC had trouble to maintain its position at the Malabar Coast due

war with Travancore. The VOC could only manage to keep control over Cochin and the Malabar Coast for three more decades, because the English were occupied elsewhere. It was only luck that the VOC managed to remain this long at the Malabar Coast, and only matter of time before their presence ended. The decade I did research on signalled the end of the VOC presence at the Malabar Coast. Research on the entire VOC presence at the Malabar Coast should therefore give a better insight on how the VOC managed as a Company-State at the Malabar Coast, on how cross-cultural relation interacted with each other within Cochin and the Malabar Coast, and how VOC court system functioned in such a diverse cultural region of India. A region where both ends of the Indian Ocean came together, and cultures and people blended in a diverse community. Also, I only looked at sources from a VOC perspective. To fully get a good image of how the cross-cultural relations functioned at the Malabar Coast and Cochin a more diverse set of sources is needed. If it is possible not only VOC sources should be used, but also sources from the local principalities as for example those from the Raja of Cochin or sources from the local merchants themselves. Together with the sources from the VOC, these sources combined would give a better view on how these people held cross-cultural relations and how they used the different available courts to search for their right.

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