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Sovereignty and Treaties as Colonial Instruments: The British Occupation of Java 1811–1815

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ABSTRACT

This article examines how sovereignty and treaties functioned as colonial instruments during the British occupation of Java (1811–1815). The British East India Company imposed the language of sovereignty not to engage with Javanese polities, but to justify conquest and colonisation to audiences in London: the Court of Directors, Parliament, and the Crown. Treaties concluded with the Susuhunan of Surakarta and the Sultan of Yogyakarta were not negotiated settlements between equals but performative acts of legality – legal pantomimes designed to transform wars of aggression into wars of self-defence and to mask unlawful conquest beneath the veneer of international law. By selectively translating and circulating documents such as the 1749 deed of Pakubuwono II, Daendels's 1808 proclamation, and the 1792 Yogyakarta contract, Lord Minto and Thomas Stamford Raffles constructed a fictive genealogy of European paramountcy in Java. In dispatches, they presented Javanese rulers as dependent vassals whose independence had long since been extinguished, even as those rulers – particularly Sultan Hamengkubuwono II – continued to assert political authority and resist British demands. The disjuncture between British claims and Javanese realities culminated in the assault on Yogyakarta in June 1812, where plunder and violence resolved the contradiction between colonial narrative and indigenous autonomy.

KEYWORDS

Sovereignty; treaties; colonialism; Raffles; Java

Introduction

The word 'sovereignty' was imposed by the British East India Company as a strategy to legitimise their occupation of Java between 1811 and 1815. This imposition of sovereignty was an internal British dialogue of colonial legitimatisation of Java. The dialogue was between Company officials in Java and the Company's directors as well as the British Government in London. In this dialogue, treaties with native states were performative actions made by Company officials to

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legitimise the colonisation of Java (1811-12) for the authorities in London rather than a meaningful negotiation with Javanese elites. Javanese concerns within these treaties were incidental to their primary purpose. This argument draws on the insights of the legal historian Antony Anghie, who observed that European colonialism was, in essence, 'not a confrontation between two sovereign states, but rather [one] between a sovereign European state and a non-European society that was deemed by jurists to be lacking in sovereignty or else, at best only partially sovereign'.[1] He argued that 'the sovereignty doctrine emerged out of the colonial encounter'.[2] In developing his argument Anghie used evidence from European colonialism after 1850 and largely from the late-nineteenth century. This article draws from Anghie's observation to examine how the British introduced the concept of sovereignty into the colonial process during their administration of Java between 1811 and 1815.

In August 1811, a British expeditionary force invaded Java, ostensibly to destroy the 'French' forces there, after France had occupied the Netherlands in Europe and thus gained authority over Dutch strongholds in the Indonesian archipelago. The orders issued to the East India Company were to decolonise Java as a means of destroying French power: 'to subdue the Dutch government; to destroy the fortifications; to distribute the ordnance, arms, and military stores amongst the native chiefs and inhabitants and then to retire from the country'.[3] In other words, Java was to be restored to its pre-colonial status. The invasion was under the overall command of Lord Minto (Gilbert Elliot-Murray-Kynynmound, 1st Earl of Minto 1751-1814), Governor-General of Bengal. The British quickly overwhelmed the Franco-Dutch forces who surrendered on 17 September 1811. After the surrender of those forces, however, Minto did not decolonise Java and instead made it an East India Company colony. He appointed a young political agent, Thomas Stamford Raffles (1781-1826), as Lieutenant Governor of Java. Raffles went on to assert British sovereignty over the whole island, extending beyond the Dutch colonial settlements. Raffles's assertion of British sovereignty was reliant on the British right of conquest of Dutch public property and on a selective interpretation of a series of Dutch and British colonial treaties with the native states. The selective reading of these treaties resulted in war with the native state of Yogyakarta in July 1812. The consequence was the British destruction of Javanese independence by military force and the assertion of colonial sovereignty over the native states.

The Company's use of treaties in engaging with Javanese elites was part of the legal performance or pantomime for a British audience, not a Javanese audience. The treaties were not deals between two parties, but rather the illusion of deals that served as pretexts, which legitimized war. The British used treaties in Java to strengthen their arguments for sovereignty and to legitimise Company actions to critical audiences within Britain, particularly the House of Commons and the Directors of the East India Company.

The argument that sovereignty and treaty making was part of a performance has parallels to postcolonial or poststructuralist analysis of Orientalist discourse on the British Empire, in which the British were engaged in a process that purported to describe a pre-existing object. A postcolonial/poststructuralist analysis would follow that, in the process of describing the events in Java, the British organised authority over the object [Java], developed institutional practices around it, and finally made a material intervention upon it. These processes combined to produce a discourse of the object which was reproduced in a text for people to read in Europe.[4] The colonial text, as Homi Bhabha noted, is a performance, but postcolonial analyses of European empires have often treated discourse as an action that observers make about another society, sometimes in ways that appear almost unconscious.[5] Such analysis has tended to focus on the contradictions or exclusions of colonial-era liberal thought or emergent international law.[6] The deliberate cognitive agency of the colonist is minimised in this process.[7] In this respect, the colonial actor is almost a victim of their own 'discourse' – a spider that is caught up in its own web – as much as the colonised is a victim of the colonisers' discourse. Therefore, postcolonial/poststructuralist analyses are very good at illuminating structural prejudices but often do not deal well with the agency of the colonial actor.

Another approach to the performative nature of ideas is the Cambridge School of History of Ideas, loosely centred on J.G.A. Pocock, in which the language of politics is a speech performance that is idiosyncratic to paradigms, and the role of the historian is to understand the transition between paradigms across time.[8] In this respect, Pocock made room for the actors to apply their agency, as he notes:

> a political community with any degree of autonomy will generate narratives of its past, modifying them as it performs new actions and suffers new experiences in the present. There is consequently a close relation between its historiography and its sovereignty: the capacity to declare what its past has been is important to the latter.[9]

The argument in this article that sovereignty and treaties were part of a performance draws from Pocock's approach that focuses on the agency of actors. This approach is distinguished from postcolonial ideas of knowledge/power discourse to the extent that the actors, the colonial officials examined, are acutely aware of their actions and how they are using words. The British Empire was a rules-based system, in which colonial officials continually behaved as bad-faith actors who transgressed these rules. Consequently, these officials used their despatches and publications deliberately to present themselves as abiding by the system of rules, thereby avoiding the consequences of their transgressions. Such malicious activity is qualitatively different from the postcolonial/poststructuralist illustration of structural prejudices within the colonial system. Consequently, their colonial despatches and publications

were a performance, in the sense that they were knowingly and deliberately constructed, orchestrated, staged and produced as texts that purported to be a real description of events but functioned as justificatory fictions. The only other alternative is that the officials were inherently naïve and blundered in their stupidity into creating an empire – a premise that is ridiculous.

In demonstrating this argument, the article draws on recent emergent understandings of the relationship between archive production and the concealment of transgressions by colonial officials. This understanding arises partly from a growing knowledge of the deliberate concealment of archival material relating to the torture of resistance fighters during the decolonising period of the 1950s.[10] Although these events occurred 150 years after the conquest of Java, they point to the reality that colonial officials deliberately contravened regulations and policy to achieve a result and then hid the fact from view.

The surviving correspondence regarding the invasion of Java is relatively sparse, but it offers the opportunity to examine the private correspondence behind the public decision-making. It includes three different parts that together enable the historian to reconstruct the public deliberations and the private machinations of Company officials. The first part is the India Office Records (IOR), housed in the British Library, which contain correspondence that the Company sent back to London from Java. The IOR records represent the view of colonial events and circumstances that officers in Java wanted the Court of Directors and the British parliament to see.

The second set of records is the Raffles-Minto papers, also in the British Library. These records entered the public sphere in three consignments: the first consisted of the papers originally donated by Sophia Raffles to the India Office in the nineteenth century. In 1969, the historian John Bastin found further records in the possession of Mr J R F Drake, a distant descendant of Lady Sophia Raffles; the materials were then sold to the British Library, via a third party.

The final set of records is the Minto family correspondence. Minto died in office in 1813, before he had a chance to destroy inconvenient records, and consequently his public records became the private Minto family records. These archives were auctioned in 1965, with the bulk being purchased by the National Library of Scotland; however 48 volumes of the Raffles component of that collection were purchased by the London surgeon, A. Dickson-Wright, who then sold them in 1969 to the British Library.[11] Consequently, scholarship has access to both public and private correspondence documenting the invasion and subjugation of Java by the British in 1811-12.

The Historical Problem of Sovereignty and Colonial Treaties

For the historian trying to reconstruct the colonial acquisition of authority from native states in the late-eighteenth-century and early-nineteenth-century Asia,

sovereignty is a problematic term. Historical and etymological usage of the word 'sovereignty' demonstrates it is a Western European word that entered the English language from French. The earliest uses of the word in English meant 'supremacy or pre-eminence' and derived from the word 'sovereign', which was ultimately derived from the Latin word *superānus* (via Old French, meaning 'super above').[12] From its early English and French usage, sovereignty has been associated with supreme authority; as a derivative of 'sovereign', it was associated with kings, rulers, and political power. In this sense, sovereignty becomes a set of socio-anthropological traits of legitimacy that collectively produce the mystical thing called sovereignty, which can be handed over from ruler to ruler or from ruler to people. This form of sovereignty is a transcendent myth applied to political societies.

Nevertheless, the term did not appear regularly in English political discourse until the eighteenth century, and even then, it was used infrequently. The British East India Company's use of the word 'sovereignty' reflects this infrequent usage. Between 1748 and 1766, the word was used only four times in the entire correspondence between Fort William, the Company headquarters in Calcutta, and India House in London – three times from Calcutta to London and once from London to Calcutta.[13] Between 1767 and 1792, the Company used the word a mere five times in all its correspondence between the Governor of Bengal (located in Fort William) and Court of Directors (located in India House).[14] Evidently, the word sovereignty was not useful for describing the status of either the Company or the native states. Nevertheless, the context of the correspondence was that the Company was discussing issues regarding the sovereignty of their position and the position of the Mughal Empire, the Nawabs within the Empire, and various other native states.

Historians sometimes use the term 'sovereignty' ahistorically to discuss the structures and rituals of kingship that existed in those Asian native states. None of these communities used the concept as understood in European political thought. Consequently, although historians can find synonyms or concepts that could be translated as sovereignty in the various Asian languages of government from the eighteenth century, including Arabic, Persian, Sanskrit, Javanese or Malay, in each instance the translation is complex, imprecise and dependent on the discernment of the translator-scholar.

Recently, historians of British India have re-examined the growth of the Company's power in Bengal through the concept of sovereignty. Scholarship on sovereignty in eighteenth-century Bengal has focused on whether the East India Company was in fact a sovereign. For example, Nicholas Dirks, in his book *The Scandal of Empire*, saw sovereignty as a question of practical power and political sleight of hand, writing, 'the company consistently ceded ultimate sovereignty in India to the Mughals, even when in Bengal. In 1765 it was granted Diwani right, allowing it to collect revenue directly. That concession was increasingly seen as a lie, a necessary fiction more than a political reality'.[15]

Nevertheless, they rarely used the word 'sovereignty' or 'sovereign' to describe those powers. Instead, they stated what the power was and what that power enabled.[16] Because Company officials did not use the word 'sovereignty', historians interpret a broader use of language by the Company as implying sovereignty.[17] In broad terms, then, the concept of sovereignty was beginning to take shape in the eighteenth century, but it was not yet necessary (or especially important) to label a power as a sovereign right in the way it became in the twentieth and twenty-first centuries.

A different approach to sovereignty has been taken by Rahul Govind, who examined the right of plunder and conquest as an expression of eighteenth-century sovereignty in international law.[18] Govind argued that the British King's sovereignty over the Company's conquests in Bengal was never in doubt: 'the East India Company's conquest in the subcontinent can only be comprehended? in terms of longstanding royal authority in relationship to the company – more precisely through royally sanctioned prize charters'.[19] The King, Govind maintained, was the creator of the right to have property, and acted as the guardian of that property. In the case of a corporate body such as the Company, 'a corporation had to be incorporated by the King'.[20] Consequently, Govind's analysis focuses on the charters and letters patent that bound the Company as servants of the British Crown. These powers, Govind maintains, are the 'origins of the international order and sovereignty', and that 'the focus on ideological self-representation of sovereignty in philosophical treaties of the period between the seventeenth and the nineteenth centuries' produces a 'vanishing act' hiding the reality of the law of prize as enabling sovereign acquisition of property and therefore territory.[21] Consequently, on this view, the task is to examine the exercise of sovereign rights, and the chain of command authorising those rights, in order to identify how sovereignty was understood during the period of colonial expansion.

Govind's approach of focusing on the King's right of conquest and on the seizing of public property meant that claims to sovereignty – whether over native states or European colonies – were an internal debate within British legal, administrative and political discussions on colonial expansion. It was an internal British debate because of the absence of external actors' voices within the archive. British officials were not interested in persuading native elites, but rather their own superiors. It also implied that colonial expansion and seizure of sovereignty through conquest, from either native states or European colonies, was a legal act regulated by oversight from the imperial government. This oversight required Company officials to present their actions as lawful to a London-based audience. The assertion of sovereignty was part of a legal pantomime within the British colonial administration, intended to justify actions to British regulators of colonial expansion.

The Pitt India Act of 1784 made it unlawful for the Company to initiate wars of aggression. The Act stated, 'it shall not be lawful for the said Governor

General and Council of Bengal to invade, or enter with any armed force, or in any hostile or offensive manner, into the territory of any native, independent Prince or State in India'.[22] Not only did the Act outlaw aggressive wars, but in 1788 the former Governor of Bengal, Warren Hastings, faced an impeachment trial for engaging in wars of aggression.[23] Enlightenment political discourse was also against colonial wars of aggression.[24]

Although aggressive war was unlawful, wars of self-defence were permissible; consequently, Company officials often contrived circumstances to legitimise their strategic intent.[25] The India Act maintained that a war in self-defence was possible if 'intelligence' indicated that 'such Prince or State is about to attack and make war upon, or is actually making preparations to attack and make war upon the territories' of the Company.[26] Thus, Company officials could launch wars of expansion if they developed a narrative that framed those wars as acts of self-defence or as the suppression of rebellion. Such regulations meant that assertions of protecting sovereignty legitimised war against native states. If a native state fell under the jurisdiction of British sovereignty, military action by the Company transformed from an act of aggressive war into the suppression of an armed insurrection.

Colonial treaties became essential to the narrative of sovereignty used to legitimise Company actions in reports sent back to London. In the case of India, Robert Travers has argued that there was a 'strong association between the idea of treaties per se and the waging of war' for the Company.[27] Travers also noted that although the India Act of 1784 forbade wars of aggression and treaties with native states, in the '"new imperial age" of revolutionary and Napoleonic Europe, future British governors in India would largely ignore parliamentary disavowals of Indian conquests and rapidly extend British claims to hegemony in South Asia'.[28] Although Travers is correct that British governors would in practice 'ignore parliamentary disavowals', as this article will show, they did so while maintaining a charade of compliance – which was rarely questioned in London.

In his analysis, Travers, following other legal historians such as Lauren Benton and Jennifer Pitts, concluded that the Company used treaties to develop their relations in India as a 'separate legal space' from Europe and that treaties acted to create an 'imperial frame for diplomatic relations' that was 'governed by reciprocal agreements between "superior" and "inferior" powers'.[29] This argument of a separate legal space is a retrospective explanation by legal historians, construed to explain the discrepancy between the norms and regulations of European international law and what happened in the empire. It has led historians to view such actions as 'legalised' by virtue of believing that the empire created a separate legal space.

An alternative explanation – which draws on the duplicitous behaviour of legalised excuses for inter-state violence in the twentieth and twenty-first centuries, in which the aggressor commonly portrays themselves as acting in self-

defence[30] – is that Company officials deliberately and systematically contravened regulations through the use of narratives designed to make their actions appear just and defensive. This alternative explanation, suggests that the public archive trail of Company correspondence was a carefully curated record intended to legitimise the actions that Company officials planned to take.

What occurred, therefore, was not a 'separate legal space' but rather a policy that created the appearance of compliance and thereby plastered a veneer of legality over a process that was fundamentally corrupt. Although this alternative explanation may appear conspiratorial, it is not new. This critique of Company practice echoes the critique of colonialism made in the mid-nineteenth century by liberals such as Joseph Hume, Richard Cobden and John Crawfurd.[31] Hume and Crawfurd wrote from experience; they were both former Company men who had observed, participated in, and profited from such behaviour. Hume and Cobden used parliament to demand information and attempt to reform corrupt practices; Crawfurd wrote about these corrupt practices in *The Examiner*.[32]

Other historians of treaties, such as Saliha Belmessous and Stefan Eklöf Amirell, have pointed out that research into colonial-era treaties needs to examine the agency of the non-European parties. Belmessous critiques previous analyses of treaties, arguing that 'they have been seen as legal fictions that were used to hide both the brutal reality of European imperialism and the use of international law to back up colonial expansion'.[33] Nevertheless, Belmessous has also maintained that these treaties enabled shared negotiation between the various parties. These are important historical points, but they are also based on the premise that Europeans were operating in good faith with the various Indigenous agents.

In the case of Southeast Asia, Stefan Eklöf Amirell has looked at treaty-making as a means of developing a non-Eurocentric view of international law focusing on native 'agency':[34]

> The goal should be to write a history of the global nineteenth century that fully takes into account the agency, values, and motivations of all the diplomatic actors – European as well as non-European – who contributed to shaping the international and inter-cultural relations that are still part of the world today.[35]

He notes that 'although violence and coercion often were central elements of the treaty-making processes, treaties also functioned as an arena where non-Europeans could challenge and resist European advances'.[36] In doing so, Amirell argues that colonial treaties, far from being unequal, need to be seen as areas where 'genuine consent' could be given by Asian elites to the colonial process, in which 'treaty relations served to augment the wealth, power and status' of the Asian elites.[37] His approach is similar to John Smail's 1961 concept of autonomous history, which draws attention to ways in which

local actors draw foreign actors into their sphere to increase their own power against the power of their local rivals.[38]

Amirell's argument centres on the structure of the treaty, focusing on the fact that there are two sides to the agreement: 'Treaty-making and the principle of *pacta sunt servanda* ('agreements must be kept', meaning that treaties were meant to be binding) are fundamental parts of this system'.[39] The problem, however, is that Amirell assumes that the primary purpose of the Europeans was an agreement with the native power, and that the politics of the agreement at the European end was a transparent reflection of international law or an attempt to create a new form of colonial space.

In the analysis below, it is argued that expressions of sovereignty and colonial treaties by the British in Java were not primarily agreements with the Javanese native states, but rather were rationales prepared for an imperial audience in London. This imperial audience had technical oversight, and therefore British administrators used assertions of sovereignty over Java and colonial treaties to legitimise their prosecution of aggressive wars of conquest – which were unlawful under the 1784 India Act.

Theories on Javanese Sovereignty on the Eve of Invasion

By 1811, the Javanese political relationship with the Dutch was around 200 years old.[40] In that time, the Javanese had accepted the Dutch as an integral polity within Java. Peter Carey has described the Dutch Governor-Generals as 'very senior sovereign partners in Java, but rulers who carried no rights over the Javanese kingdoms of central and east Java'.[41] In this respect, this sovereign partnership was expressed in the 'Javanese view' as a 'dualistic hegemon on the island, with the Dutch ruling the west and the Javanese supreme in the centre and east'.[42] Ricklefs saw the origins of that Javanese view in the geographical location of Batavia: 'there had long been a kingdom in West Java called Padjadjaran', an ancient, obscure kingdom referenced in old *badad*.[43] The kingdom was contemporaneous with ancient Madjapahit, the origin empire of the Javanese royalty. Padjadjaran was located somewhere close to Batavia, and consequently, the Javanese elite had accepted the Dutch into the Javanese political worldview as the successor kingdom of Padjadjaran, with the belief that the Dutch would reside in the west while the Javanese kingdoms controlled the central and eastern districts.[44]

This jurisdictional division was only vaguely understood by the British before arriving in Java in 1811. British government instruction was to give Javanese states independence after destroying the Franco-Dutch forces. The British Government's Secret Committee (the overriding government body coordinating British and Company policy) authorised the invasion force to remove French power and then to organise 'for the abandonment of Java' and to 'hand the island over to the Javanese'.[45]

The main collection of published knowledge of the native states of Java was compiled by the publisher, John Stockdale. Stockdale rushed his text *Sketches: civil and military, of the Island of Java and its immediate dependencies* to print in August 1811 on news of the invasion reaching London – it was therefore printed after the invasion was successful. The text was a compilation from the English translations of Dutch books *Voyages to the East-Indies; by the late John Splinter Stavorinus, Esq. Rear Admiral in the service of the States-General*, that was written in 1771 but published in English in 1798; and Charles François Tombe's *Voyages aux Indes Orientales, pendant les* années *1802, 1803, 1804, 1805 et 1806* in 1811.[46] Consequently, Stockdale's *Sketches of Java* illustrated what the British knew of Java's politics, which were not much.

Stockdale summarised the rise to power of the Dutch authority over Java but relied on *Stavorinus's* text, which dates from 40 years earlier in 1811. Stavorinus narrated the events of the Java wars of the 1740s, in which the Mataram Sultanate was divided into two states: Surakarta and Yogyakarta. In this account, the VOC were presented as the arbitrators of the division, granting the ruler of Surakarta the original title of Soesoehoenam. The rulers of Yogyakarta gained the title Mataram Sultanate and were, according to Stavorinus, 'the only princes in Java, who possessed not only nominal, but also real sovereignty'.[47] Historically, Stavorinus noted that Mataram 'comprehended, of old, the greater part of the island: that of Cheribon once formed part of it, and it was then very powerful'.[48] Stavorinus then went on to explain that the state was divided after a rebellion by.

> Manko Boeni [Mangkubumi] a prince of the blood, that he made ascension of his territories to the Company [VOC], who, in return, granted him the half back again as their vassal, and promised him their protection, engaging at the same time, never to make an emperor of Java.[49]

Stockdale presented a view of the Javanese states in which the Dutch held a position of paramountcy – similar to that of the British Company in India. This position meant the Dutch had a shared seigniorial sovereign role with the native states, closer to a feudal relationship, whereby the native states controlled their internal affairs but paid tribute to the VOC and later the Dutch colonial government. This view was very different from the Javanese view, whereby the Dutch Governor-General was important but not paramount.

The British invasion force received new intelligence in 1810, which was organised by an unknown upstart company official by the name of Thomas Stamford Raffles. Raffles was the acting secretary to the Governor in Fort St. George, Penang, a mediocre official who hated his job and hoped for new opportunities.[50] In August 1810, Raffles, asked his friend John Leyden (who was secretary to Lord Minto, Governor-General in Council at Fort William, Bengal) for an introduction to Minto. Raffles took the opportunity of an interview with the Governor-General and positioned himself for a future invasion of Java. He recorded that he 'at once drew his Lordship's attention to Java … . On

the mention of Java, his Lordship cast a look of such scrutiny, anticipation and kindness'. Minto responded to Raffles, "yes, Java is an interesting Island; I shall be happy to receive any information you can give me concerning it".[51]

On 31 January 1811, Raffles submitted his first intelligence report on the native states of Java. His report was 168 pages, but consisted of only two pages on the politics and position of the Javanese courts of the Susuhunan (described as the Emperor of Java) in Surakarta and the Sultan of Mataram in Yogyakarta. Raffles focused on the political relationship between the Susuhunan, the Sultan, and the Dutch rather than attempting to explain the legal structures of sovereignty and government. He wrote that 'It appears that the Sultan of Mataram, whose power was established about 50 years ago by the intrigues of the Dutch government, has lately arrived at a disposition to maintain his independence'.[52] His intelligence report went on, stating that Marshal Daendels (the Franco-Dutch Governor-General in Java) had been 'distracted to the importance of altering the political intentions of the Sushionang [Susuhunan] and the Sultan' and the 'alarming increases of power that the latter was obtaining daily'.[53] According to Raffles, Daendels attempted to check the rising power of the Sultan of Yogyakarta by promising the Susuhunan that he would reestablish the 'ancient power of the Susuhunan by reducing and annihilating that of the Sultan'.[54] Raffles then went on to describe Daendels' attempts to curtail the influence of the Sultan.

Raffles' sources for this briefing were the Rajahs of Bali, who associated with the Sultan rather than with the Dutch. Consequently, Raffles' account described Daendels' procession to Yogyakarta, in which the Sultan refused to meet the Governor-General:

> the Sultan adhering to his former determination decided it to be initiated that he had given order to his troops to stop the approach of the Governor General if he came in his official Capacity with the troops before him it being usual for the Governor general when he visits a native court to be preceded by 1,000 men, but that if the Marshal came first and not preceded by the usual retinue of state, he would be allowed to pass.[55]

The account concluded with Daendels' emissary committing suicide – which did not occur – and Daendels claiming he 'obtained 200,00 dollars from the Sultan' – which did occur – yet because Raffles received his information from sources supporting the Sultan, Raffles wrote 'there is no Javanese of any credit that I have met with, who is not willing to vouch in general terms to the truth of the above statement'.[56] These brief anecdotes were the total of Raffles' information on the Javanese states on the eve of the British invasion; their focus was merely on the disposition of the native states towards the Dutch – using information obtained from Balinese sources keen to please their new allies with information the British wanted to hear.[57]

On 6 February 1811, Raffles took the risk of writing to Minto with ideas on how the government of Java might be organized after the invasion.[58] His letter,

marked 'Private and Confidential', expressed Raffles' opinion that Minto was not going to follow London's orders and that he would keep Java as a colony. Raffles opened his secret correspondence: 'unacquainted as I must be with your lordship's final arrangements for subjugating Java and for the government of the country after it may fall into our hands'. Raffles then went on to propose immediate actions to secure British colonial authority and sovereignty.[59]

Raffles cautioned Minto that the native states were a problem for the future British government of Java. Raffles believed that the Dutch government was 'desirous of securing to the native inhabitants of the island' against a British invasion, and that to do so they were about to offer the native states more independence by allowing the Javanese 'their own peculiar laws in every case both civil and criminal' with the only exception for Europeans. Although he recognised that legal dualism existed in British India, writing the 'same principle that our native courts are established in India', Raffles saw the opportunity to demand exclusive legal sovereignty under British laws across the island:

> Might not some possession be made for this in the capitulation by giving the same authority to the English chief authority in such cases as is now given to the Dutch? The enemy would find it as much to his intentions as we should, without which there neither person or property would have the security in Java that the British government would desire.[60]

Prior to landing their force, Minto had given hope to the Javanese authorities that the British would be their liberators. Minto wrote an open letter to Javanese elites, saying that 'The English come as friends … for the purpose … solely with the desire of securing to the Eastern nations the enjoyment of their ancient laws and institutions and of protecting everyone from violence, oppression and injustices'.[61] Nonetheless, in late September 1811, Captain William Robinson, who became the first British officer to meet the Susuhunan in Surakarta and the Sultan of Mataram in Yogyakarta, confirmed that neither the Susuhunan or the Sultan had ever received any prior communication from the British. Consequently, neither the Susuhuan or the Sultan was aware of the promises Raffles and Minto had made.

Minto's Decision to Keep the Colony of Java

Hostilities between the British forces and the Franco-Dutch forces in Java ended with the articles of unconditional surrender by General Jansen on 29 August 1811.[62] British sovereignty over Java was a construct of Lord Minto, based partly on the law of prize (right of conquest), and partly on a fabricated right to protect Dutch colonists against the native states, thereby disobeying orders to return the colony to native authorities. By 6 December, Minto had arrived back in Calcutta and sent his despatch to the Secret Committee in London, announcing the surrender of Dutch sovereignty over Java.[63] In that

despatch he explained his decision to disobey the Secret Committee's orders to hand Java to the native authorities and also to retain the government of Java in the name of the East India Company (rather than transfer it as a Crown possession).

Prior to becoming the Governor-General, Lord Minto trained as a lawyer and had been a long-term Whig parliamentarian in the House of Commons. During the Warren Hastings debates, Minto was intellectually and politically influenced by Edmund Burke. Burke was an influential Whig politician, who led the prosecution of Hastings in the House of Commons and was a ferocious critic of the Company's expansion in India. He had supported the Fox-North Government's failed India Bill, which aimed to place the Company under the House of Commons to ensure oversight, and Minto was named as one of the potential commissioners to oversee India.[64] Consequently, Minto's political origins were in a sceptical critique of colonial expansion. The collapse of the Fox-North Government and the subsequent election saw Minto lose his seat and as a result, he did not vote on the Pitt India Act of 1784.[65] These events, however, demonstrate that Minto was well aware of the parliamentary concerns about the Company's action in Asia.

Minto presented his decision not to hand power over to native rule as a humanitarian necessity to prevent the Javanese from engaging, as quoted above, in a massacre of the European population.[66] In arguing for a humanitarian need to preserve the lives of Dutch colonists, Minto drew a distinction between sovereignty transferred to the Company as a result of the conquest of 'European powers' and the status of native states. His reasoning cast sovereignty as an exclusive European attribute of international law, separate from native independence. Minto's legal logic fused conquest, protection, and feudal hierarchy (whereby the Javanese elite became vassals of the Company) into a justification for British rule.

Under the right of conquest, the civil government and public property of the Franco-Dutch government in Java fell to the British Government because the British expeditionary forces, although supplemented and managed by Company authorities in India, were under the direction of the British Government. Consequently, whatever sovereignty the Dutch had possessed over the island should have passed to the British Crown. Minto, however, announced to the Court of Directors and the East India Company's Secret Committee (made up of British Government representatives and Company directors) that he had unilaterally made a 'declaration that Java and all its independent territories were annexed to the possession of the East India Company'.[67]

Minto acknowledged the 'constitutional and exclusive right of the Crown to sovereignty of all conquests made by its subjects', even though 'the powers of making war and peace, and of acquiring territory by conquest or cession had been 'vested by charter in the East India Company under certain limitations'. Nevertheless, he reasoned that under the present case, he was not empowered to

claim Java as a sovereign territory of the East India Company, because it was a joint British Government and East India Company organ, which meant that 'conquests accrue to the Crown'.[68]He then contended that, since the invasion had been ordered by the 'Secret Committee', it constituted 'a modification of the King's prerogative to the effect of expressing his Majesty's consent, that the territory of Java should be taken possession of and occupied in the name of the East India Company'.[69]

Minto's legal manoeuvre effectively used temporary expediency. Minto acknowledged that under normal circumstances, Java should be named a Crown colony, not a Company colony, but because of the urgency of the situation whereby a colonial government needed to be created, he had interviewed until further orders, creating a colonial government under the Company's Governor General in Fort William, Calcutta. This manoeuvre allowed Minto to keep Java under Company administration while sidestepping both the Crown's prerogative and the original orders to return the island to native control.

A literal interpretation of the original Secret Committee's order to Minto clearly aimed at decolonising[70] Java: 'to subdue the Dutch government; to destroy the fortifications; to distribute the ordnance, arms, and military stores amongst the native chiefs and inhabitants and then to retire from the country'.[71] Minto claimed that the context made it inappropriate to comply with the order and chose to transform Java into an East India Company colony – the reverse of the stated intent.

He argued that carrying out even the supposed decolonising plan required 'temporary possession of the country' and that such temporary possession 'could not be held in my own name, nor in that of this government, nor in that of the officer who, under our orders, commanded the army. It must have been in the name of the company, from whom, with the requisite sanction of His Majesty'.[72] This reasoning allowed Minto to assert that civil government was necessary and that only the Company was capable of governing Java.

Minto argued that the original order to decolonise Java violated British principles of government and international responsibility. Minto leapt to the logic that the Javanese would massacre the Dutch colonists, writing that the 'demolition of the Dutch defences, and the abandonment of that ancient European colony unarmed, to the vengeance and culpability of the native tribes'[73] would result in 'a signal for the universal and terminating massacre which would not spare a drop of European blood or indeed the life of any other settler in the country'.[74] Therefore, to follow through with the orders issued by the Secret Committee would mean:

> We must have landed, … as a destroying power, and have displayed the English flag only as a symbol of blood and savage desolation. This could not be the purpose of the wise and virtuous government, which in this country we both obey and represent.[75]

He argued that fear of a general massacre justified establishing a civil government to protect the life and property of the Dutch and Chinese colonists. He conceded that decolonisation was possible, but claimed it would mean:

> to publish the nature of the projected plan, and to hold the whole community in awful suspense for a long but indefinite period, during which the Javanese would have been waiting with their Cressess [krisses], and the victims waiting for their doom[76]

The alternative he proposed was the evacuation of the 'European and Chinese inhabitants, with the mixed race descendants from them' – a measure that:

> would have entailed upon Great Britain a burden, that must have far exceeded any charge, which on the most moderate or even desponding views of the subject, could be apprehended from maintaining the possession of the island.[77]

By framing both options as disastrous, Minto concluded that the 'execution' of his orders was an unacceptable risk being 'morally impossible', leaving retention of Java as a Company colony as the sole viable option.

Minto's humanitarian arguments for the assertion of colonial sovereignty over Java and his refusal to decolonise the island relied on a selective representation of events that – when examined against Minto's private diary – were hyperbolic at best and, at worst, amounted to fiction. The British invasion of Java was a series of campaigns lasting from 4 August 1811, when the expeditionary force landed at Cilincing, 10 miles from the colonial capital at Batavia, to the final surrender of General Jan Janssens at Buitenzorg on 17 September 1811, approximately 50 miles from Batavia. After Janssens's primary colonial army had been destroyed by the British in fighting in Batavia and Weltevreden, he raised a new army of native levies from what he termed the 'faithful vassals of the government'.

General Samuel Auchmuty (1756-1822), the British military commander, did not consider these native troops a legitimate army and described them as 'armed ruffian[s]' who would 'riot in the blood of the [Dutch civilian] Colonists'[78] He also rejected the idea that Europeans could legitimately use native levies and called the army a product of 'intriguing with the Native Powers' at the expense of the 'unfortunate Colonists [who] alone will be the sufferers'.[79] In his request for Janssens to capitulate, Auchmuty charged him initiating native barbarity:

> Sir, you continue deaf to the cries of a distressed people, if blood must be unnecessarily shed, if the natives must be let loose to plunder and massacre the European inhabitants of Java, we shall hold you .. answerable for the consequences.[80]

From Janssens' surviving correspondence, it appears that he was perplexed by Auchmuty's logic that native troops were about to embark on a massacre if the Dutch did not surrender. He wrote back to Auchmuty, 'I have the highest opinion of the personal qualities of your Excellencies not to be persuaded

that in the same manner that you combat those who carry arms, you will protect the peaceable Colonists and Natives who inhabit the territory occupied' by British troops.[81] Janssen surrendered seven days later, stating that 'all my resources were exhausted', but did not acknowledge any fear that the Javanese were murdering the colonists.[82]

The references to a massacre of Dutch colonists in Java by the Javanese were an assumption made by Minto and Auchmuty about what might happen, based loosely on fact but representing an extreme reading of the situation. The Dutch garrison in Palembang (Sumatra) had been killed under orders of the Sultan, while the British were invading Java, but that was in Sumatra, not Java, and knowledge of the Palembang massacre had probably not reached the British in Java by early September.[83] There are no cases of native forces massacring Dutch colonists in Java during September 1811; only Auchmuty's wild accusations must have perplexed Janssens.

Minto's diary of the action lists numerous casualties from the battles. In late August, he expressed his desire for the island to become a British asset, writing 'the country is great, fertile' and that 'I hope [it will] prove an acquisition of great value and importance'.[84] Minto's diary records two disturbances. The first was after the Dutch forces left Batavia, when he wrote that 'the inhabitants sent a request for troops to protect them as the Malays and Chinese were plundering'.[85] Colonel Gillespie led an advance guard into Batavia, and Minto moved in with them and noted: 'We formed in the great square of the Stadthuis; we announced our taking possession of Batavia for the King of England and gave 3 cheers'.[86]

He was dismayed that the Dutch did not appear to care about the arrival of the English, writing 'the Dutch (who we were told [would]) come to receive us with open arms seemed to be rather cold friends. The greater part of the respectable inhabitants had been compelled to quit Batavia by Janssens'. Minto continued to note the lack of interest in the British occupation by either the Dutch or the native inhabitants, writing 'No inhabitants Dutch, or Native appearing willing to assist us or even give us any information, people in Batavia asking when we are meant to embark'. The next reference to a disturbance in Minto's diary was after the fall of Buitenzorg; the inhabitants again requested troops to enter the town because 'the Malays were plunder [*sic*] and marauding'.[87]

These were the only references in his diary to civil disturbances – which were (and still are) normal occurrences in a city or town in the middle of a war zone. Janssens noted in his response to Auchmuty that these disturbances, which Auchmuty used as reasons to demand Janssens' surrender, were 'the necessary consequences of a state of war'.[88] Janssens' observations pointed to the 'plunder' being a consequence of criminal activity, a view Minto's diary partially supports. His entries referred to the Malay and Chinese partaking in the plunder, not the Javanese. Minto distinguished between Malays and

Javanese, the latter being under the authority of the princes. The Malays and the Chinese were urban populations within colonial society, not part of the traditional Javanese society. In no place in his private diary does he suggest that a massacre of the inhabitants had occurred or was going to occur at the hands of the Javanese or the native rulers.

Despite his diary showing the normality of some degree of civil disobedience by the usual criminal classes in the absence of a police force, in his despatch Minto exaggerated the events, writing: 'the absence of Military protection from Batavia for two days created the greatest terror, and that the disposition of the Janssens's army was followed by various acts of massacre and pillage before a detachment of our troops could advance to Buitenzorg'.[89]

In his minute on assuming sovereignty of Java, Minto acknowledged that he had no evidence that such an action could occur, but demanded that the Secret Committee accept his word that a massacre would occur:

> If those sentiments could require confirmation, I have now to add to former impressions, a personal and certain knowledge of the sentiment an implacable animosity born by the Javanese generally to the Dutch name.[90]

With Minto's description of Javanese animosity towards the Dutch followed by even more exaggerated statements of the 'rapacious violence' and 'barbarous and sanguinary' that would occur if the policy of decolonisation had proceeded.[91] Minto noted that if the British government rejected his proposals, the government could still hand the colony over to the native authorities.

The British government agreed with Minto's plan to make Java a colony, writing back: 'His Majesty's government were satisfied with the reasons which he had assigned for delaying at least, to carry into effect their former instruction in respect to the abandonment of the Island'. Minto's humanitarian argument justified keeping Java as a colony: 'the inhumanity of surrendering men to certain destruction for so large a portion of its population, there was scarcely an option as to the expediency of retaining possession'.[92]

Sovereign or Independent: Minto and New British View of the Native States

If Minto had followed the orders to decolonise Java, he would have handed power to Pakubuwono IV (1768-1820), the Susuhunan ('Emperor of Java') and Raja Putra Narendra Mataram or Hamengkubuwono II, the Sultan of Yogyakarta, whom the British called the Sultan of Mataram. The consistent use of Mataram to describe the state of Yogjakarta reflected the shallow understanding the British had of the 1855 Treaty of Giyanti, the result of which the state of Mataram ceased to exist and was divided into the states of Surakarta and Yogyakarta.[93] The Susuhunan, who resided in Surakarta, had become little more than a pensioner of the Dutch colonial authorities. On 31 December 1810, Daendels

attempted to remove the executive power of Hamengkubuwono II as Sultan of Yogyakarta and transfer power to the Crown Prince or Regent of Yogyakarta. Pakubuwono had provided Janssens in the last days of the British invasion with 1500 Javanese troops to support the collapsing Franco-Dutch defence.[94]

In his September despatch, in which he outlined the assertion of British sovereignty over Java and the Company's retention of the island as a colony, Minto elaborated on his determination that the native regents were no longer independent.[95] In his analysis of the native states to the Court of Directors and the British government, Minto did not mention the native states' sovereignty, but rather discussed whether they had 'independence' or not. Regarding the 'soesoehosnarn or "Emperor of Java"' he summarised the known history: 'The emperor's authority had extended over the whole island before the European settlers had encroached upon it', but the Dutch pursued a 'policy of circumscribing his territory, and weakening his force, by instigating competitors and rivals, countenancing the hostility of other chiefs, and formulating domestic division'.[96]

Minto did not reference any exact treaty that gave the Dutch power over the native rulers, but rather argued that there had been a slow transfer of power in which all the native rulers had become vassals of the Europeans, writing that every 'chief in the island, although indulged with the name of independence, with some of the continuous observances due to this former condition, has fallen, in reality, under the most dependent vassalage to the European master of Java'.[97] The armies that these princes possessed, Minto argued, were 'ornamental' and existed to 'provide for his dignity and security'.[98]

Minto pointed to the material reality of power, arguing that the native rulers could not make independent decisions and were subject to Dutch residents who made all decisions about their estates: '[Dutch] Ministers reside at their courts, to relieve them of the principal cares of government, direct their political councils, collect their revenues, manage their profitable monopolies and in effect reign in their territories'.[99] This claim overstated the role of the Dutch Residents, who did not exercise full executive powers, although, as John Crawfurd would later testify, the Dutch exercised 'interferences' in the 'administration' of the native states, and whenever they did, hostilities erupted.[100]

Between 21 and 27 September, Minto and Auchmuty sent Captain William Robinson to make the first direct British connection with the Sushushan (Emperor), in Surakarta, and the Sultan of Mataram in Yogyakarta. Robinson's meeting with the Sunan went smoothly, and he concluded that the Sunan 'is well-disposed and pliant' and made only a few simple requests of the new British regime. In comparison, in Yogyakarta, the Sultan and the Regent were in conflict, and Robinson noted that 'the old sultan' was 'constantly interfering with the Prince Regent who is too weak and fearful to resist'.[101]

Robinson also obtained copies of what he believed were key Dutch documents, which included the deathbed agreement by Pakubuwono II, made on

11 December 1749, in which he transferred complete 'sovereignty' to the Dutch East India Company (VOC), and his future dynastic successors were rendered protected subjects of the VOC:

> I of mind and of will and accord make over to the Governor Von Hoogenheyt [Baron van Imhoff] on behalf of the illustrious East India Company of Holland, the full right and sovereignty of the kingdom of Mataram, and I freely declare to have abdicated power this moment the thrown of that kingdom, with all rights and permissions, giving and granting the same to the before mentioned East India Company with entire power and authority to the Baron Van Imhoff Governor General of India, as Representative of the Sovereign the East India Company … and to have my family, kindred, and relations especially the Crown Prince heir apparent, entirely to the protection and favour of the East India Company aforesaid.[102]

The above translation which Minto used and forwarded to the Board of Directors in London in January 1812 was made by Robinson.[103] This translation categorically portrayed the VOC as obtaining the sovereignty that had previously belonged to Pakubuwono II. A more accurate translation of the original Dutch text of the will, however, does not suggest so clear a handover of sovereignty:

> I am no longer able to govern the mighty Mataram Empire, keep it free from confusion, and rule it properly. I hereby transfer the aforementioned empire, with all its dependencies, all the power, might and authority that I have had to date, to the Illustrious East India Company, and to the Governor and Director of Java, who are present here on behalf of the aforementioned Company, headed by the aforementioned [person], thereby relinquishing all rights thereto, and declare that from now on I shall have or hold no further claim whatsoever thereto, but that I have hereby, of my own free and uncoerced will, ceded and surrendered the aforementioned empire, as mentioned above, to the aforementioned Illustrious Company, in order that, for the sake of the same, the affairs of government may be conducted for the good of the country and the people in a timely manner, with the consent and approval of His Highness Baron van Imhoff, Governor-General and the Council of the Indies.[104]

Although a transfer of sovereignty can be inferred from the 1749 deed, a descriptive reading suggests the giving of authority and power over the kingdom into VOC guardianship, emphasising practical powers rather than a formal handover of sovereignty. The next passage does mention 'sovereign territory of the VOC, with the treaty stating that power was being handed over to 'His Highness Baron van Imhoff, Governor-General and the Councillors of the Indies' but then describing Imhoff's position as 'who represent the highest and sovereign authority [or territory] [105] on behalf of the aforementioned General Dutch Chartered East India Company'. The reference to sovereign demonstrates that sovereignty could have been used in the description of transfer of power, but it was not, and instead it was used to describe the status of Imhoff as possessing 'highest and sovereign authority' which reflected that the Governor-General was the representative of the sovereignty authority of the VOC.

The will itself, although buried in the Dutch archive, was made by Pakubuwono II after he had lost practical power.[106] The Indonesian historian Soekanto interpreted the deed as reflecting a Javanese tradition under which a dying man would entrust his possessions to a friend to ensure their transmission to his heirs.[107] On the other hand, Ricklefs, a careful scholar of Javanese political history, maintained that in 'formal and legal terms' the wording in Javanese and Dutch gave 'full sovereignty' to the VOC. Nevertheless, he also concluded that 'if Pakubuwana II considered the issue in terms of sovereignty, which seems unlikely, he would probably have come to the conclusion that no piece of paper adorned with red lacquer seals could make the Dutch de facto sovereign of Mataram. Only men and gunpowder could accomplish that'.[108] Although Ricklefs' expertise on Java is unquestioned, he was not a specialist on eighteenth century international law. He did not recognize the significance of the fact that the treaty does not use the word 'soevereiniteit [sovereignty]', which did exist in Dutch political discourse in the eighteenth century.[109] Although similar to the British East India Company's infrequent use of the term sovereignty in India, the word was probably not used in the context of Java by the VOC.[110] Instead, the treaty referred to 'Mattarmsche rijk te beheeren [to govern the Mataram Kingdom] and 'voorschreven rijk met allen dependence, alle gezag, magt en authoriteyt [aformentioned kingdom with all dependence, all administration, power and authority]'. Amirell and Manse note that the Javanese version of the treaty emphasises possessions not authority 'Javanese texts, meanwhile, speaks of the "karaton Mataram" (in this context meaning "realm" or "kingdom," but it could also mean "palace"), which, "along with all the territories under my [the Sunan's] authority"'.[111]

Robinson also provided Minto with a proclamation made by Daendels in October 1808, which further emphasised the lack of independence of the Javanese princes. In October 1808, the Dutch colonial government received *patih* (representatives) of the Sushushan and the Sultan.[112] The patih were providing gifts from their courts to welcome Daendels as the new Governor-General. Daendels issued a proclamation to be read to the representatives, listing the Javanese rulers as feudal subordinates of the European government. The Dutch original does not appear to have survived, but the English translation – likely to have influenced Minto – emphasised that Java was a possession of King Louis of Holland, and that the Javanese rulers were vassals to the King of Holland and under the King's protection:

> I receive with much pleasure and sincerity the homage of the Susuhunan through his prime minister and further ambassadors. I do not consider this solemnity in the light of **homage by a vassal to his lord paramount**, the **feudal system having been abolished in Europe**, but I look upon the same as congratulations on my safe arrival on this island and on the commencement of the administration of His Majesty's possessions in India. The [Dutch] East Indies Company and the Republic of the United Provinces had lost their former influence in Europe. But the election of the Emperor's

> brother to the throne of Holland has caused the political influence of that country to be re-established by adopting a more energetic mode of administration and by a most intimate union with the mightiest Empire in the world. It is the wish of King Louis to promote the happiness of his subjects on the island of Java and he offers them peace, prosperity and a benevolent government. And I do solemnly declare in the name of **His Majesty, the friend and protector of the princes and inhabitants of Java**, that I will endeavour to maintain peace and to render the island of Java as prosperous as possible' (bolding added)[113]

The Dutch translator had found it difficult to translate the text into Javanese. There is no account of how the Sushushan and Sultan took the declaration, but Carey has reasoned that 'the terms "vassal" (leenman), "paramount lord" (leenheer) and "feudalism" (leen), which appeared in the Dutch original, would have sent the send sultan into apoplexy'.[114] Consequently, there is a major distinction between the intent of Daendel's proclamation to the Javanese rulers, in which the Javanese are vassals of the Dutch, and the acceptance of that intent by the Javanese, who see themselves as corulers.

The close reading of these texts, however, was irrelevant to the British invader's purposes. Minto wanted to provide legal legitimacy for his actions to London. Any documents that could add evidence to his contrived legal arguments would help discredit the practicality of his original orders to return power to the native authorities and abandon the colony. These documents, in their English translations, conveniently supported the legal view that Minto wanted to project – that Javanese rulers were 'indulged with the name of independence' but in reality were 'under the most dependent vassalage to the European master of Java' and consequently could not govern the colony.[115]

Minto's understanding of native independence was at best a legal fiction. As noted above, in January 1811 Raffles advised Minto that the Javanese rulers were a significant force and did not regard themselves as subservient to the Dutch. Raffles reported on Daendels' attempts to control the Sultan of Yogyakarta and that from the Javanese accounts that Raffles received, the Sultan rejected the attempts to make him subservient and denied paying $200,000 to Daendels. Therefore, Minto's reading of the events did not necessarily reflect the reality on the ground. The Europeans may have been the dominant military power, but the Javanese rulers did not accept that their inferior power amounted to legal subservience to the Europeans. When Minto returned to India, Raffles, as the new Lieutenant-Governor of Java, would be faced with the hard reality that Yogyakarta was independent.

The Sultan of Yogyakarta Asserts his Independence and the Treaty with the British of December 1811

Minto had presented a legal fiction to the authorities back in London according to which the Dutch held sole sovereignty of Java, the former native rulers were

mere vassals and accepted that position, and the British had taken Dutch sovereignty through the right of conquest. When Minto left Java, Raffles had to confront the reality of negotiating with the Susuhunan and the Sultan of Yogyakarta – and discovered a very different situation.

After the British invaded Java, Hamengkubuwono II, the former Sultan of Yogyakarta, retook the throne. Hamengkubuwono II had been deposed by Daendels in 1810, ostensibly for communicating with the British. Carey has demonstrated, however, the reality was that Hamengkubuwono maintained control of the state's fiscal system, even though the titular rank of sultan transferred from Hamengkubuwono to the Crown Prince.[116] In the confusion following the British victory over the Dutch, after Robinson's visit and while the Dutch resident was bedridden with tuberculosis, Hamengkubuwono retook control of the throne, and executed the Crown Prince's closest advisors. Hamengkubuwono's actions demonstrated that Hamengkubuwono, as Sultan, believed he was independent and any deal that he had with the Dutch was no longer relevant from the perspective of Yogyakarta.

Hamengkubuwono's actions forced Raffles to choose: maintain Minto's legal fiction that the Javanese princes were vassals of the Europeans, who no longer actively managed their kingdoms, or confront the reality that the Sultan's authority could not be ignored. Imperial historiography, based on Raffles's retrospective accounts, claims he sought to conciliate Hamengkubuwono by recognising him as Sultan. This view rests largely on Raffles's repeated offers to the Sultan. Yet this narrative was constructed by Raffles – first in his January 1812 despatches to Calcutta and London, and later in official histories of the Java invasion. Read critically, these records function as an accumulated *casus belli* to justify war against Yogyakarta. Raffles, though no soldier, followed Minto's example, shaping evidence to create a legal basis for war and avoiding scrutiny from the British Government or House of Commons.

In October 1811, Raffles appointed John Crawfurd as Resident of Yogyakarta. Before Crawfurd proceeded to Yogyakarta to meet the new Sultan, he and Raffles received handover advice from J. Eckford, the Assistant Secretary to the Government, who advised Crawfurd not to 'come to any decision' on native princes 'until better information is obtained with regard to the different interests and existing relations of the country'. Raffles would later use this advice to blame subsequent events on Crawfurd.[117] Eckford went on to advise Crawfurd, in language aligned with the original pre-invasion orders to hand power back to native authorities, that 'it appears that it would be an act of justice, and one that would certainly tend to make a favourable impression on the native inhabitants of this country, to restore the Sultan to the Government'.[118]

On arriving in Yogyakarta, however, Crawfurd discovered that the Sultan had executed the Regent's advisors and assumed executive authority. Crawfurd attempted to take a hard line and insist on the European prerogative, but the

Sultan ignored him and banned Crawfurd from the Kraton, with the Sultan and Regent writing to Crawfurd that the British Resident 'is not allowed to meddle in internal court affairs as Resident'.[119] At this point, all Crawfurd could do was send alarmed letters back to Raffles.

Raffles read Crawfurd's letters with concern that Hamengkubuwono had no intention of recognising British sovereignty. On 6 December 1811, in what reads as a fit of youthful rage, the 30-year-old Raffles ordered Crawfurd to force the 61-year-old Sultan to unequivocally recognise British sovereignty over Java by virtue of the right of conquest over the Dutch administration. Raffles also dismissed the Javanese symbols of independence as meaningless, in the face of British right of conquest:

> Whatever may be the result of the measures, which I have in contemplation with regard to the Sultan, it must be established as a principle that, notwithstanding the reigning Prince may have the Insignia of Royality, the throne and the territory belong to the British Government by conquest, and that as supreme authority in this Island I am entitled to take upon myself the sovereignty, whenever I think proper.[120]

Crawfurd had a small guard and very little standing in the court – although he would later learn Javanese and gain the court's respect. With the little he could do to fulfill his orders, Crawfurd proposed a plan to capture the sultan by surprise and restore authority to the Prince Regent – Raffles rejected this brazen plan.[121]

In his communication with Crawfurd, Raffles ignored the 1749 deed and the proclamation by Daendels. Instead, Raffles produced a new piece of paper to threaten Hamengkubuwono II – his 1792 accession contract with the Dutch government. This document was to be the new principal source of British sovereignty. The 1792 contract had numerous provisions, but article 26, in the version which Robinson translated, provided Raffles with what seemed an open-ended legal excuse to claim that the Sultan had been reduced to a feudal fief, who could be dismissed for a minor infraction of the treaty: 'if the Sultan … or his successors make any infractions [of] this contract or act agist the same they shall be deprived of the possession of the lands, provinces and districts which they have now have as fief, which in the said case shall be returned to the Company in order to dispose of as circumstances may require'.[122] The original Dutch contract did not refer to the Sultan as a fief: stating instead 'Sulthan of zyne successeurs in het vervolg van tyd op dit contract eenige infractie zoude worden gemaakt of daarteegen aangegaan, hy en zyne opvolgers verstooken zouden wezen en blyven van het bezit van het Djocjocartasche ryk' [Sultan or his successors in the passage of time were to make any infringement upon this contract or violate it, he and his successors would be and remain deprived from possessing/owning/having [bezit] the Kingdom of Yogyarkarta]'.[123] The term fife was a new artifact by virtue of Robinson's translation.

In December 1811, Raffles travelled to Central Java to 'accelerate and ratify the negotiations with the native princes'.[124] He succeeded in negotiating two treaties, the first with the Sushushan on 23 December and the second with the Sultan on 28 December 1811. Raffles hoped for the same act of homage that Daendels had received in 1808, whereby the two courts would send ambassadors with gifts for the new governor. According to Colonel Colin Mackenzie, 'the chief minister of the Susuhunan Came down to Samarang and performed the customary homage; but difficulties arising with the Sultan of Mataram, who protracted and finally declined sending down his representatives as customary to pay the stipulated homages to the British government'.[125]

Raffles was livid. He wrote to Crawfurd ordering him to 'inform the Sultan and the Regent jointly, that their refusal to send the ambassadors, as stipulated by the 24th article of the Treaty of 1792, is considered as a direct violation of the contract and of the respect, due to the British Government'. Raffles went on to demand that Crawfurd must 'dictate' a letter to be 'signed by the Sultan' which would explain the Sultan's reluctance to send an ambassador as a sign of 'atonement'.[126]

In mid-December, the Sultan and the Prince Regent sent an apologetic letter to Crawfurd and protested 'their good intentions towards the British Government' and that they 'crave forgiveness for any wrong actions they have committed'.[127] They went on to ask 'whether the Lieutenant-Governor (Raffles) is willing to receive a Yogya mission bearing a letter of greeting to him, and they beg an immediate reply from Crawfurd'. In this respect they wished to 'avoid a split *(benggang)* with the British Government and with British officials, and state that they will send a Yogya embassy to greet the Lieutenant-Governor when he has arrived at Semarang'.[128] By the 15th of December, the Sultan and the Crown Prince again wrote to Crawfurd this time 'because they had misjudged them, thinking the British Government weak (*kendho*) because it did not act harshly [like the previous Franco-Dutch Government]'.[129]

Despite the revolution that occurred in Yogyakarta, Raffles stipulated to Crawfurd that on his (Raffles') arrival in Yogyakarta later in December, the 'Regent alone should meet me in the first instance and act as the sovereign, and that the Sultan should not appear until called for, and declared sovereign by me'.[130] Therefore, Raffles was asserting the validity of Daendels' removal of Hamengkubuwono and identifying the regent as the true sovereign until the British formally decided otherwise.

Although the British applied the Law of Prize (right of conquest discussed earlier) to maintain all Dutch treaties transferred to them, Hamengkubuwono saw it very differently. From his communication with Crawfurd, he saw the British invasion as making all previous deals with the Dutch null and void. He wrote to Crawfurd on 19 December, acknowledging he had 'broken his previous contract [with the European Government] by taking back authority in the kraton and "casting aside" *(ambucal)* Radèn Adipati Danureja II without the

permission of the British Government'. But he did so because 'the previous government because it no longer had authority'.[131]

Realising that Hamengkubuwono was not going to recognise any order Raffles issued, on 23 December Raffles developed another legal scheme to remove him as Sultan. After organising a treaty with the compliant Sushushan on 23 December, Raffles secretly instructed his key civil advisors – the Dutch colonist Herman Warner Muntinge, the antiquarian engineer Colin Mackenzie and Captain W. E. Phillips – to devise a plan to wrest power from the Sultan, writing to them that 'the real object of your mission' is 'to devise and prepare measures for the *continuance, permanently if practicable, but otherwise provisionally, of the Sultan's administration at Djocjocarta* [original emphasis]. Raffles went on to predict a violent confrontation with the Sultan:

> in the event of a direct and unqualified opposition on the part of the Sultan to acknowledge the superiority of the European power, it will be your duty to inform me of your opinion, after local investigation, how far it may be practicable to enforce the same with the means in our hands, at the present season of the year, and with due consideration of the consequences that might ensue with reference to our operations being successful or otherwise.[132]

Raffles did agree to restore Hamengkubuwono to the position of Sultan in Yogyakarta, and proceeded to negotiate a new 'treaty of friendship' with Hamengkubuwono, which was finalised and signed on the 23 December.[133] Colonel Colin Mackenzie wrote in his diary:

> mission to Yogyakarta was evidently a success, the Sultan agreed to the concessions that were required, seemed sensible of his error and offered every submission short of actual degradation; on an immediate intimation of this to the Governor at Solo the Sudden movement of the Troops, then arrived at Cratten [Kraton] was countermanded and he himself came up on the 26th with only an escort of the 22 Dragoons and part of the 14th; a Treaty expressive of the Sultan's submission to all the claims founded on the rights of the late Government was signed on the 28th.[134]

The meeting was important for Raffles. In it, Raffles claimed that by 29 December 1811, in a published dispatch to Colonel Rollo Gilespie, in the capacity of Vice President in Council for the government of Java, 'His Highness most unequivocally acknowledges the British sovereignty, and confirms by a treaty dated the 28th instant, to the East India Company, all rights heretofore possessed by the late French and Dutch Governments'.[135] Despite this claim, Raffles never got the Sultan to acknowledge British sovereignty in a treaty or in writing, and Raffles failed in the December 28 treaty to keep the Regent in executive power and sideline Sultan Hamengkubuwono. The 28 December treaty lacked any clear guidelines for power division and remained open to interpretation by both sides.

The articles of the treaty do not stipulate any recognition of sovereignty – not even in the English version the text. The treaty with the Sushushan from

early in December states only that the British are successors to the Dutch and French governments in Java, and have inherited their rights:

> Whereas the Island of Java and its dependencies have by conquest fallen under the dominion of the British Government, and that Government has in consequence succeeded to every right, privilege, advantage and prerogative which belonged or was attached to the late Dutch or French Government, the same is hereby acknowledged by H. H. the Soesoehoenan [Sushushan], and His Highness confirms to the British Government by this deed all rights, privileges, advantages and prerogatives, which by any former treaty, act or deed whatever have been granted to the former Dutch or French Governments.[136]

By contrast, the December 28 Treaty with Hamengkubuwono II was even more ambiguous. Article One merely stated: 'There shall be perpetual peace and friendship between the Hon. English East India Company and His Highness the Sultan'. Article Two, which reflected Hamengkubuwono II's interests and was therefore probably an example of his agency in constructing the treaty, suggested that all previous treaties with Europeans were rescinded and therefore irrelevant, and that the relationship with the British was starting anew:

> H. H. the Sultan being fully impressed with the inadequacy of the provisions of all former treaties to the maintenance of a good understanding between the Government of Mataram and the European Government and to the maintenance of the peace, tranquillity and prosperity of both their countries, agrees that in future the office of Dipati, with all its functions, shall be executed by the British Resident at His Highness's Court.

Key to the British understanding of Article Two was the interpretation of the 'office of Dipati' or Resident. In British India, this meant that the role of Resident carried executive governance powers over the native state yet that was not stipulated in the treaty. The powers of the Dipati, however, were not specified in the article. The terms of the treaty also indicated that previous Dutch interpretations of the role of Resident were now null and void. Dutch commentary on the treaty also pointed the legal problem of equating the office of the Dipati with that of British Resident, stating 'If this provision were to be interpreted literally, it would reveal a colossal blunder, as if the British government could have imagined one of its residents to be simultaneously Dipati, and therefore a subject of the Sultan'.[137] To make things more confusing, Article 11 then reaffirmed all previous concessions made to Europeans: 'All the concessions made to the former European Government by the Princes of Mataram are confirmed by the present Treaty'.[138]

Article Three stipulated that the Sultan was to disband his army: 'H. H. agrees immediately to disband the whole body of the present Prejoorits, called Aibbat or Dalum'. It also stated that the Sultan, like all Indian native rulers within the Company's empire, was to 'receive for the security and

protection of his Government and person a Battalion of British Sepoys' at his own expense. Nevertheless, Article Four stated that 'For the maintenance of peace and good order, His Highness engages to establish a good Police over the whole of his country'. The other articles in the treaty were all associated with divisions of commercial produce.

After signing the treaty, Hamengkubuwono continued to maintain that the previous treaties with the Dutch were irrelevant to leadership of Yogyakarta. On 2 March 1812, he wrote to Crawfurd 'that the regulations of the period of Daendels' administration *(sapatrap-patrapipun saweg alamipun Tuwan Jéndral Dandeles)* are now *null and void*'. He went on to allege 'that he was told that this was the view of the Lieutenant Governor' both when his embassy 'Natakusuma arrived for an official audience on 16 December 1811' and also by 'H. W. Muntinghe *(ldelèr Menting) who* came on commission to Yogyacarta on 23 December 1811' and then by Raffles personally when he visited the court on 27–28 December. On this 'latter occasion, the Sultan relates that he was given the relevant assurances by Raffles' interpreter, C. F. Krijgsman'.[139]

Despite there being no clear statement concerning sovereign authority or even paramountcy either in the treaty with the Sushushan or the Sultan of Yogyakarta, Raffles claimed in his dispatch to Minto that the Sultan had agreed to British sovereignty.

The Decision to Attack Yogyakarta and Assert British Sovereignty

In making the case for an attack on Yogyakarta, Raffles continued to maintain in his despatches that the Hamengkubuwono was preparing for war and that the British attack on Yogyakarta was in self-defence. The narrative relied on declaring Javanese actions as being in breach of treaties with the British and as barbaric, while also presenting British actions as just.

The retrospective history that Raffles sent to London, titled 'Substance of Dispatches from the Liet. Governor of Java, dated the 30th June & 21st September 1813,' indicates that Raffles again wrote of the clarity of the 1811 treaty stating.

> A Treaty was concluded with the Sultan, by which he became bound to fulfill al the Engagements contracted with the late Governor, and by virtue of which he was acknowledged by the British Government, and acquainted that he should be continued in the possession of his dominions, and while he should conduct himself to their satisfaction, and conform to existing Engagements.[140]

This history went on to emphasized Hamengkubuwono's brutal execution of Javanese elite figures as the reason for war:

> A short time only had elapsed after the date of the Treaty, when the Sultan directed the assassination of the Father of his late Minister (with whose blood he had so

> recently stained his hands), a blameless and inoffensive old man: he subsequently caused to be strangled, seven of the highest and most respectable chief of the Country, without even an alleged offence

In this history, Raffles declared they were 'protected' people: whose persons were by the existing Engagements, under the immediate protection of the British Government'.[141] The 28 December 1811 Treaty, however, made no mention of protected persons, and Article 4 gave responsibility for policing and justice to the Sultan, with no controls over the Sultan's interpretation of justice.[142] Hamengkubuwono, responsible for police and justice under the terms of the treaty, had every right to exercise justice according to his own interpretation.

Raffles's history went on, stating without clear stipulations that the Sultan 'entirely neglected and overlooked every minor stipulation of that Treaty'. Raffles's history went on to paint a picture of intrigue as a breach of the treaty, the Sultan 'was eventually detected in intriguing with the Court of the Sushushan, in violation of the most solemn and most important engagements of all the Treaties, with the avowed object, of undermining and subverting the British supremacy in Java'.[143] The only problem was that the 1811 treaty did not mention that the two Javanese rulers were not meant to communicate.

In his retrospective history for the benefit of the Directors in London, Raffles maintained that the final act forcing his hand was the building of defences by the Sultan and 'having bands of Troops and other warlike arrangements' which were a threat to the 'safety of the Residency and Garrison'. Together these events necessitated war for self-defence, with Raffles ordering the British army to Samarang in April 1812. The history also noted that the 'Commander in chief [Colonel Gillespie]' advised that with 'the most efficient part of the British European force was about to be withdrawn from the island, it would be dangerous to delay any military operations'.[144] Consequently Raffles made the decision to go to war.

In his letter dated 2 June 1812 to Minto, Raffles pleaded the necessity of war with Yogyakarta to remove the Sultan:

> I regret to state that the conduct and disposition of the Sultan is so unfavourable and unsafe that his removal becomes necessary - fortunate we have a friend in the Hereditary Prince, and I hope we may be able to effect the change without blood shed. - but *coute que coute* [whatever the cost] - the measures must be carried.[145]

He went on, emphasising the need for war, because they breached the treaty and had committed crimes against humanity:

> The well known character of the Sultan can alone account for his late conduct which has been in direct violation of the treaties and of humanity - to suffer a Prince to hold longer than necessity compels a power which he so disgracefully abuses, and which he only holds according to a treaty "which he may conduct himself to the satisfaction of the British government" would be a reflection upon my administration[146] - my

> resolution is therefore taken and I am confident I shall in my official communication be fully able to justify it.

Raffles's justification rested on a quoted clause 'which he may conduct himself to the satisfaction of the British government', the problem however, this clause was not in the 1811 treaty agreed by Raffles and the Sultan. The argument rested on a selective reading of the 24th article in the Treaty of 1792, that the Sultan had signed with the Dutch. But as the Sultan had already explained to Crawfurd and Raffles, he believed that all previous agreements were no longer relevant. In addition, the treaty of 28 December 1811 had also stipulated the 'inadequacy of the provisions of all former treaties', consequently, despite Raffles's assurances to Minto, the provision that the Sultan 'conduct himself to the satisfaction of the British government', existed only within Raffles's correspondence with Minto.

Raffles' account for the Directors stressed that he was 'anxious to avoid the horrors of war'. This reassurance was for the benefit of the readers in London; in Java, however, Raffles offered no mechanism of conciliation. On 18 June, 'Raffles announced to the Sultan his arrival for the purpose of placing the hereditary Prince on the throne and gave him two hours to determine whether he would admit this arrangement quietly'. After no response in two hours, the British proceeded to bombard the Sultan's *Kraton* for a day and a half. Raffles maintained the bombardment would facilitate peace because it was 'with the view of giving the Sultan an opportunity to negotiate' but he also noted it 'afford[ed] time for a considerable detachment under colonel MacLeod' to arrive and enable a successful British attack.[147]

The military operation was short; after the bombardment and the breach of the Kraton, the Sultan surrendered. The Official British version held that 'in the heat of the storm his [the Sultan's] person was respected, his family was placed in security and protection, and no part of the property was either pillaged or molested'. They went on to praise the army for being 'remarkable' in maintaining their steadiness and discipline'.[148] A very different picture emerges from the Javanese history written by Pngeran Aaya Panular shortly after the fall of the Kraton.[149] Panular noted that Hamengkubuwono II chose to cooperate and surrender to the British, writing that 'Crawfurd enter[ed]' the inner *Kraton* with 'British and Sepoy troops' and 'surround the Sultan and his followers'. Panular emphasised the acceptance and good faith of the royal court towards the British, writing that 'None put up any resistance'[150](p. 85) but once the Javanese were disarmed, the British army lost control:

> Inside the court, there is complete confusion (*busëkan*): the British soldiers loot and the Sepoys seize hold of the (*Kraton*) women … .Anything in them is taken. Great or small, young or old, no respect is shown to any, not even to royal children (*putra*).[151]

At face value, Raffles' actions were procedurally correct, but his own words indicate that he preferred war Panular maintained that Raffles tricked the Sultan into war. In the scene after the fall of the *Kraton*, Hamengkubuwono,

after his downfall, realises that the British treaties were a pantomime and rhetorically asks 'why the British are doing this to me, for I have already submitted with all my army and I am prepared to follow whatever the Lieutenant – Governor wishes' and that 'it was Raffles himself who had reappointed me as Yogya ruler (six months earlier in December 1811)'.[152] The Javanese narrative depicts Hamengkubuwono as a loyal colonial partner of the British, whom Raffles tricked into conflict as a pretext to plunder the royal treasury.

Raffles and the British were clearly delighted with the plunder taken from Yogyakarta. Sensing colonial corruption, in February 1813 the editor of the *Examiner* newspaper in Britain included an implied rebuke: 'We should like much to know the reasons which led to the overthrow and Captivity of this Eastern Sovereign'.[153]

The retrospective British accounts show that Raffles barely followed British legal procedures in declaring war on Hamengkubuwono. The British accounts rely on stereotypes of a despotic sultan who did not follow British systems of justice – despite the British never insisting on those systems in their treaties with the Javanese. The careful narrative of events written by Raffles suggested he cynically made a case for the legitimacy of his actions in order to circumvent the clauses in the India Act of 1784 that prohibited aggressive war. Raffles' manufacturing of pretexts, along with the fact that the original invasion of Java was meant to hand power back to Pakubuwono IV and Hamengkubuwono II, meant that even within the conventions of the time, Raffles was following a course of action of questionable legitimacy.

Raffles' promises to the Javanese ruler were empty. He did not honour any of the treaties he signed. Despite the questionable legitimacy of his action, Raffles had to report to Minto. Minto brushed the probity of Raffles actions aside. He wrote a complimentary letter to Raffles, but also provided what reads as an honest account of the legal brutalities of the colonial project: 'the superiority of European power was exerted, unencumbered by the scruples of justice and good faith'.[154]

Conclusion

Twenty years after the attack, by which time most of the British officers who had participated were dead, Crawfurd provided a brief reflection on British responsibility for the war. While giving evidence to the House of Lords, he declared that before he became Resident of Yogyakarta, the 'sultan of Java, had a fertile territory, and about a million and a half of subjects'.[155] He saw his time as Resident of Yogyakarta as a failure, with the culpability lying with the British: 'we exercised, during our possession of Java, the same kind of interference which we exercise in the administrations of Hydrabad [sic], Oude and Mysore [independent Indian states]'.[156] This interference began 'after a quarrel with him [the Sultan of Yogyakarta], which followed almost immediately on the conquest of the island, and which arose out of a desire to throw off the yoke of the European supremacy'.

Crawfurd noted it 'terminated in hostilities' and that 'the same meddling, indeed, with the other native princes of Java, had, on previous occasions, produced exactly similar effects'.[157] Crawfurd's honesty represented a reflective window into how the British operated in Asia. Crawfurd, as a columnist in the *Examiner* newspaper during the 1840s and 1850s, would go on to criticise British policy in India and Southeast Asia for causing unnecessary wars.

The British justification for assertion of sovereignty over Java in 1811–1812 rested on a carefully constructed legal fiction. Minto and Raffles controlled the information flow to London. They selectively deployed translated documents – such as the 1749 deed, Daendels' 1808 proclamation, and the 1792 accession contract – to frame the Javanese rulers as dependent vassals whose sovereignty had been extinguished under Dutch rule. This narrative allowed the British to claim a seamless transfer of authority from the Dutch by right of conquest.

In practice, the political realities on the ground contradicted this legal scaffolding. The Sultan of Yogyakarta, Hamengkubuwono II, retained significant independent authority, resisted symbolic acts of submission, and acted decisively to reassert control over his court. Raffles's subsequent treaties with the Susuhunan and the Sultan were ambiguous, lacking explicit recognition of British sovereignty, and open to interpretation. Nevertheless, in dispatches to Calcutta and London, Raffles presented these agreements as unequivocal endorsements of British paramountcy, while deflecting blame for diplomatic setbacks onto subordinates such as Crawfurd.

The contradiction between Minto's and Raffles's claims and the continued autonomy of the Javanese rulers exposed the weakness of the colonial legal framework that Minto and Raffles had established. British authority in Java in late 1811 and early 1812 was a carefully crafted illusion for London rather than a reflection of political reality. The contradiction between reality and narrative would be resolved by the destruction of Javanese power with the plunder of Yogyakarta in June 1812.

These events demonstrate that colonial sovereignty in Java was not an established fact transferred neatly from Dutch to British hands, but a political construction – a *legal fiction* sustained through selective interpretation of documents and events. Colonial sovereignty and colonial treaties, in the case of Java at least, were constituted as a rhetorical and diplomatic performance by Minto and Raffles aimed at metropolitan audiences, designed to legitimise retention of territory while masking the ongoing independence and resistance of indigenous polities.

Notes

1. Anthony Anghie, *Imperialism, Sovereignty and the Making of International Law,* 5.
2. Ibid., 3.
3. "Lord Minto, Fort William to Secret Committee, 6 December 1811" EUR f148/15: paragraph 36.

4. Said, *Orientalism,* 5.
5. Bhabha, *The Location of Culture*, 175–99; Said, *Orientalism*, 12; Mehta, *Liberalism and* Empire, 17-20.
6. Mehta, *Liberalism and* Empire, 8-11.
7. Said, *Orientalism,* 22–3.
8. Pocock, *Politics language and Time*, 19-25.
9. Pocock, *Political Thought and History,* xv.
10. Anderson, "Guilty Secrets"; Livsey, "Open Secrets"; R. Linebaugh, "Colonial Fragility.'"
11. The National Library of Scotland Catalogue of Manuscripts notes of the Letters of Sir Gilbert Elliot, 'Bought, 1965, Maggs Bros Ltd, London, Catalogue 899, number 76.14 October 1965'; John Bastin, *Sir Thomas Stamford Raffles, with an account of the Raffles-Minto manuscript collection presented to the India Office Library on 17 July 1969 by the Malaysia-Singapore Commercial Association, by John Bastin*. Ocean Steam Ship Co. Ltd Liverpool, 1969; John Bastian, 'Foreword Provenance of the Raffles Malay Letters' in Adam, *Letters of Sincerity*, vii-xii.
12. '"sovereignty, n., Etymology" and "sovereign, n. & adj., Etymology",' in *Oxford English Dictionary*..
13. The infrequency of the word sovereignty was determined by searching through the published copies of the despatches to and from Fort William-India (Bengal) and to the Court of Directors (London). The only references were: 29 December 1759 (to Court), 9 March 1763 (from court), 30 September 1765 (To Court), 1 February 1766 (to Court). See: Datta, *Indian Records Series*; Sinha, *Indian Records Series*, 447; Sethi, *Indian Records Series,* 210; Srinivasachari, *Indian Records Series*, 339, 397.
14. 26 March 1772 (to Court), 15 December 1775 (from court), 28 August 1782 (from Court), 6 September 1782 (from Court), 12 April 1786 (from court). See Sinha, *Indian Records Series*; Bhargava, *Indian Records Series,* 389; Patwardhan, *Indian Records Series*, 131; Gupta, *Indian Records Series*; Bhargava, *Indian Records Series*, 75-6.; Sinh, *Indian Records Series*, 125; Banerjee, *Indian Records Series*.
15. Dirks, *The Scandal of Empire*, 168.
16. Stern focused on the state structure as sovereignty: Stern, *The Company-State*, 14.
17. The word sovereignty is used more frequently in the introductions to *Indian Records Series: Fort William-India House Correspondence,* than in the correspondence within them. Robert Travers argued that Company's empire in India was a 'negotiated empire' and that within Britain the 'issue of sovereignty, the locus of ultimate political power' became a 'debating point of high political theory' and also 'a subject of every-day polemic', Travers, *Ideology and Empire in Eighteenth-Century India*, 43.
18. Govind, *The King's Plunder*.
19. Ibid., 4.
20. Ibid., 56.
21. Ibid., 8.
22. 'Copies of Mr. Fox and Mr. Pitt's East-India Bills,' in *The Parliamentary Register of History of the Proceedings and Debates of the House of Commons; containing an Account of the most Interesting Speeches and Motions; accurate Copies of the most remarkable Letters and Papers; of the most material Evidence, Petitions, &c. laid before and offered to the House, during the Fourth Session of the Fifteenth Parliament. 1784-01-24 -1784-03-24*. London: House of Commons, 1784, 325.
23. Dirks *The Scandal of Empire;* Knapman, *Race and British Colonialism in South-East Asia,* 18.

24. Muthu, *Enlightenment Against Empire*; Pitts, *A turn to Empire*; Dirks *The Scandal of Empire*.
25. This aspect of self-defense justifying aggressive preemptive war continued in international relations, with the Kellogg-Briand Pact and the later UN Charter being ambiguous on the matter, and states then using that as justification for war..
26. 'Copies of Mr. Fox and Mr. Pitt's East-India Bills', 325.
27. Travers, "A British Empire by Treaty in Eighteenth-Century India," 140.
28. Ibid., 154–5.
29. Pitts. "Empire and Legal Universalisms in the Eighteenth Century," 104.
30. The most notorious recent example was the invention of a weapons of mass destruction argument at the United Nations to justify the invasion of Iraq in 2002. We can also add the Russian invasion of Ukraine in 2014 or the Russian invasion of Georgia in 2007. In each instance the aggressor developed an argument supporting the legitimacy of an action they wish to take based on an inappropriate reading of facts.
31. For example, Cobden, *How Wars are got up in India*, 23–107 or Maxwell, *Our Malay Conquests*.
32. For a discussion of Joseph Hume, Richard Cobden and John Crawfurd relationship see Knapman, *Race and British Colonialism* and Knapman, "The Liberal Security Experiment". Also deriving from this liberal radical tradition is J.A. Hobson's *imperialism a Study*.
33. Belmessous. "What is a Colonial Treaty?," 170.
34. Amirell, 'New Diplomatic History and the Study of the Global Nineteenth Century'.
35. Ibid., 32.
36. Amirell. "Tools of Imperialism or Sources of International Law?," 13.
37. Ibid.
38. Small, "On the Possibility of an Autonomous History of Modern Southeast Asia."
39. Amirell, "Tools of Imperialism or Sources of International Law?", 2.
40. The colony of Batavia was founded in 1619 therefore the Javanese had known of the Dutch for 193 years by 1811..
41. Carey. *The Power of Prophecy*, 167.
42. Ibid.
43. Ricklefs. *Jogyakarta Under Sultan Mangkubumi 1749-1792*.
44. Ibid., 374.
45. Original orders issued to the Java expedition: 'conquer Java, destroy French military installations and hand the island over to the Javanese'. Carey, *The British in Java,* 36.
46. Stavorinus, Voyages to the East-Indies; Tombe. *Voyage aux Indes orientales: pendant les années 1802, 1803, 1804, 1805 et 1806* ; Bastin. "Stockdale's Sketches, Civil and Military, of the Island Of Java."
47. Stavorinus, *Voyages to the East-Indies*, 216; Stockdale, *Sketches, Civil and Military, of the Island of Java and Its Immediate Dependencies*, 28.
48. Stavorinus. ibid., 217; Stockdale. Ibid., 30.
49. Ibid.
50. Wuertemberg, *Raffles of the Eastern Isles*, 45.
51. Ibid., 89.
52. "T. S. Raffles to N.B. Edmonston, Chief Secretary to the Right Honourable the Governor General in Council, Fort William, 31 January 1811", Reel G18,323 from British Library, EurF148 3-5. 75.
53. Ibid., 75.
54. Ibid., 76.
55. Ibid.

56. Ibid.
57. 'T.S Raffles to John Lyden, Malacca 18 February 1811, Ibid. 103; see Adam, *Letters of Sincerity*, for the letters between Raffles and the Bali Rajas.
58. 'T.S. Raffles to Lord Minto, *Private and Confidential*, 6 February 1811' EUR 148/3-5.
59. Ibid..
60. Ibid.
61. Quoted in Wurtzburg, *Raffles of the Eastern Isles*, 162.
62. 'Proclamation In the Name of His Majesty George the third King of the United Kingdoms of Great Britain and Ireland' British Library, Minto-Raffles Papers, Eur f148/15, 147..
63. "Lord Minto, Fort William to Secret Committee, 6 December 1811".
64. Michael Duffy. "Kynynmound, Gilbert Elliot Murray [formerly Gilbert Elliot], first earl of Minto (1751–1814), governor-general of Bengal." *Oxford Dictionary of National Biography*. 23 Sep. 2004; Accessed 14 Aug. 2025. https://www-oxforddnb-com.rp.nla.gov.au/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-8661.
65. Elliot, Earl of Minto. *Life and Letters of Sir Gilbert Elliot*, 91.
66. "Lord Minto, Fort William to Secret Committee, 6 December 1811," paragraph 46.
67. Ibid., paragraph 27.
68. Ibid., paragraph 31.
69. Ibid., paragraph 32.
70. The term decolonisation normally refers to the period after World War II when the European empires underwent a mixed process of imperial centre driven self-determination and revolution from the colonies. The term has continued today to explain attempts to remove colonial legacies in social structure and epistemology in both former colonies and former colonial powers. In the Secret Committee's orders to 'destroy the fortifications; to distribute the ordnance, arms, and military stores amongst the native chiefs and inhabitants and then to retire from the country' we see a descriptive process of physical decolonisation through destruction of defences, the return of authority to native powers and the removal of Europeans from the colony.
71. "Lord Minto, Fort William to Secret Committee, 6 December 1811," paragraph 36.
72. Ibid., paragraph 37.
73. Ibid., paragraph 44.
74. Ibid., paragraph 46.
75. Ibid., paragraph 47.
76. Ibid., paragraph 49.
77. Ibid., paragraph 48.
78. Ibid., 95.
79. Thorn, *Memoir of the Conquest of Java*, 95–6.
80. Ibid., 95.
81. Ibid., 97.
82. Ibid., 103.
83. Bastin, "Palembang in 1811 and 1812," 300–20.
84. "Narrative of events during the conquest of Java, 1811," 30.
85. Ibid., 33.
86. Ibid., 33.
87. Ibid., 41.
88. Thorn, *Memoir of the Conquest of Java*, 97.
89. "Notes of the Arrangements made by Lord Minto for the occupation and administration of the affairs of Java; and of the principal subjects" IOR G/21/64, 26-29.
90. "Lord Minto, Fort William to Secret Committee, 6 December 1811," paragraph 45.

91. Ibid.
92. "Notes of the Arrangements made by Lord Minto for the occupation and administration of the affairs of Java; and of the principal subjects," 33-5.
93. Thorn. Memoir of t*he Conquest of Java* p. 174; The reference to Mataram is throughout the correspondence for 1811 and 1812 see EUR f148/17-23. By the time Raffles published Raffles, *History of Java*, vol. 2, 26-8.
94. Thorn, *Conquest of Java*, 98.
95. EUR F148/13, paragraph 87, 90.
96. Ibid., paragraph 88.
97. Ibid., paragraph 90.
98. "Narrative of Events During the Conquest of Java, 1811," 27.
99. "Lord Minto, Fort William to Secret Committee, 6 December 1811," paragraph 90.
100. Appendix No. 8, Letter from John Crawfurd, Esq to Thomas Hyde Villiers, Esq, 24 February 1832', 93.
101. "W. Robinson to Minto, Djocjacarta, 26 September 1811," EUR F148/17.
102. "Act of Cession and transfer of the Powers of Mataram by the Soesachoenan Paroelacnd etc. etc. made over to the Governor Van Hoogenheyt, beheld of the Dutch East India Company," EUR F/148/17, 277.
103. "Draft of Minto's dispatch from Fort William to East India Company Board, January 1812" EUR f148/17-20, 110.
104. "Ik, Soesoehoenang Pacoeboeana Senapatty Ingalaga Abdul Rachman Sahidin Panatagama, bekenne en verklare mits desen opentlijk, dat alzoo my om de swaere ziekte, waermede van de hand des almogenden ben bezogt, buyten staet bevinde om langer het magtig Mattarmsche [sic] rijk te beheeren, buyten confusie.

    te houden en na behooren te regeeren, het voorschreven rijk met ab- en dependentië, alle gezag, magt [Re staat mag] en authoriteyt, welke ik tot dato hebbe gehad, over te geven aan de Doorlugtige Oostindische Comp[ie], en aan handen van den hier thans vanwegens opgemelde Comp[ie] present zijnde Java's gouverneur en directeur, in hoofde deeses gemeld, doende overzulks by deesen daervan volle afstand, en verklaere van nu af aen daerop geen de minste praetensie meer te hebben of te houden, maar 't rijk voorschreven, in voegen voormelt, by deesen uyt eygene vrye en onbedwongene wil gecedeert en overgegeven te hebben aen voorschreven Doorlugtige Comp[ie], ten eynde vanwegens dezelve op de regeeringszaeken tot best van land en volk bytijds na genoegen en goedvinden van Zijn HoogEdelheyt Gustaaf Willem, Baron van Imhoff, Gouverneur-Generaal en de Raden van India, representeerende het hoogst en souverain gebied vanwegens de voormelde Generale Nederlandsche G'octroyeerde Oostindische Compagnie, gesteld kunnen worden de nodige ordres en schickingen, verklaerende en betuygende my daermede en met alle rijkszaeken voorttaen in het geheel niet meer te willen nog zullen bemoeyen, alschoon het ook God-Almagtig mogte komen te behaegen my van deese ziekte weder op te beuren en nog eenige jaeren in den lande der levendige te houden, maar dat ik in zulken gevalle de overige dagen mijns levens begeer door te brengen in stilte, zonder de minste bemoeyenis met zaeken en overbehouding van eenige luister, dat by deesen voor geresigneerd houde, beveelende mijn na te latene kinderen, voornamentlijk den kroonprins Pangerang Adipatty Anom, in de protexie en bescherming van de voormelte Doorlugtige Oostindische Comp[ie].

    En tot teken der waarheyd heb ik drievoudig deese acte eygen handig onderteekend en met mijn groot cachet bezeguld.

    Onder stond: **Soeracarta**, den 11[den] December anno 1749. In margine stond 's kysers zegul, gedrukt in roode lacque, en daernevens stonden eenige characters,

door den sieken Soesoehoenang Pacoeboeana eygenhandig ter neder gesteld.
Lager: Ter presentie van ons — was getekend — B. Toutle monde en P Schik.
F. W. Stapel, *Corpus Diplomaticum Neerlando-Indicum*..

105. The original wording is 'souverain gebied'. This could translate as sovereignty territory rather than authority..
106. Amirell and Manse "Treaty-Making and Translation", 325.
107. Soekanto, Sekitar Jogjakarta 1755–1825, 15, 178–81.
108. Ricklefs, *Jogjakarta Under Sultan Mangkubumi*, 52.
109. In 1724, Hugo Grotius's *Rights of War and Peace* was published in French, as *Le Droit de guerre et la paix,* the original book had been in Latin. In this 1724 French edition, the word 'souveraineté' (or sovereignty in English) was used throughout the text. In his Latin texts, Grotius used the word imperium. For examples in the Dutch language see Algemeene histori van het begin der wereld af tot den tegenwoordigen tijd toe.. opgehelderd met landkaerten, printverbeeldingen..: beschreeven door een gezelschap van geleerde mannen in Engeland ; uit het Engelsch vertaeld, en met eenige aenteekeningen vermeerderd. N.p.: bij Hermanus Besseling, 1748., 504; Gerardus Kuypers,. Neerlandsch Staatsorkaan beschouwd in eene leerreden over Marcus IV : 35-41: benevens een aanhangzel over de tegenwoordige oproeren, voornamelijk ter onderrichting der inwoners van het Oldambt. Groningen: Doekema, 1758. 71; Westerbaen, et al. *Algemeene histori van het begin der wereld af tot den tegenwoordigen tijd toe*, 532.
110. 'Their princes would be the only ones in Java, who possessed not only nominal but also real sovereignty' Stavorinus *Voyages to the East-Indies*. 216. The Dutch original however does not use the word sovereign but rather 'van Souverainen' or sovereign, see Stavorinus, Johan Splinter. *Reize van Zeeland over de Kaap de Goede Hoop, naar Batavia, Bantam, Bengalen, enz: Gedaan in de jaaren MDCCLXVIII tot MDCCLXXI*. Leyden: bij A. en J. Honkoop, 1793. 183. 'Zij zouden ook de eenigſte op Java zijn, die niet alleen den naam, maar ook dedaad vanSouverainen zouden hebben, indien deze Vorsten door de gelegen heid van hunland, nadien zij tusſchen Jaccatra, en 't Rijk des Soefoehoenams, ofKeizer van Ja valiggen, dat ook van de Compagnie afhangt, niet genoodzaakt waren om deze naar de oogen te zien, en alles te doen, hetgeen de Compagnie goed vindt', 183.
111. Amirell and Maarten, "Treaty-Making and Translation," 326.
112. Carey, *The Power of Prophecy*, 199.
113. 'Copy of Memorial delivered by Pakubuwana IV to Captain William Robison, 24 September 1811', Eur F.148/18.
114. Carey, *The Power of Prophecy,* 197.
115. "Lord Minto, Fort William to Secret Committee, 6 December 1811," paragraph 88.
116. Carey, *The Power of Prophecy.*
117. Wurtzburg, 193.
118. 'Instructive Van John Crawfud, Als Residen Aan Het Hof Van Jokjokarta, Batavia, the 25 Octover 1811' in Van Deventer, *Het Nederlandsch Gezag Over Java En Onderhoorigheden Sedert 1811-1820*, 308.
119. 'Letter of HB II and the Yogya Crown Prince to Resident John Crawfurd dated I 7 Nov. 1811 in reply to a letter from Crawfurd in which he had expressed unpleasant surprise on learning of recent events in the Yogya kraton.' in Carey, *The Archive of Yogyakarta*, 77–8.
120. 'Raffles Aan Crawfurd, Reside te Jokjokata, Samarang, 6 December 1811' in Deventer, *Het Nederlandsch Gezag Over Java En Onderhoorigheden Sedert 1811-1820*, 308.
121. Carey, *The Power of Prophecy,* 299.

122. "Contract of Amity and alliance between the noble Netherlands East-India Company on one side and the Sultan of the Mattaram" Minto-Raffles papers, EUR F148/17, British Library. For the original Dutch version see *Verzameling Van De Opkomst Van Het Nederlands Gezag Over Java* S. vol 12., 253-4.
123. Ibid.
124. "Report and Journal of the Proceedings of Lieut. Colonel Mackenzie, Chief Engineer on the Expedition to Batavia on the Island of Java from October 1811 to June 1813" EUR F148/47, 20.
125. Ibid.
126. 'Raffles Aan Crawfurd, Resident e Jokjokarta, Samarant, 15 December 1811' Deventer, *Het Nederlandsch Gezag Over Java En Onderhoorigheden*, 312.
127. 'VI Letter of HB II and the Yogya Crown Prince dated 13 Dec. 1811 (?) in reply to a letter from Crawfurd in which he had accused them of not acting with due respect towards British officials' Carey, *The Archive of Yogyakarta*, 81.
128. Ibid.
129. 'VII Letter of HB II and the Yogya Crown Prince to Resident John Crawfurd dated 15 Dec. 1811 regarding the Yogya mission which was about to be dispatched to greet Raffles in Semarang' in ibid., 83.
130. "Raffles Aan Crawfurd, Resident e Jokjokarta, Samarant, 15 December 1811" in Deventer, *Het Nederlandsch Gezag Over Java En Onderhoorigheden Sedert 1811-1820*. 312.
131. "IX Letter of HB II to Raffles dated 19 Dec. 1811 begging his forgiveness for breaking his previous contract with the Dutch Government by taking back authority in the kraton from his son (the Prince Regent/Yogya Crown Prince) and 'casting aside' his Patih." Carey, *The Archive of Yogyakarta*, 86.
132. 'Raffles aan muntinge, Mackenzie en Phillips, Souracarta, 23 December 1811', in Deventer, *Het Nederlandsch Gezag Over Java En Onderhoorig Heden Sedert 1811*. 313-4.
133. Thorn, *The Conquest of Java*, 122.
134. "Report & Journal of the Proceedings of Lieut. Colonel Mackinzie C, Chief Engineer on the Expedition to Batavia on the Island of Java from October 1811 to June 1813" Eur/f/148/47, 62.
135. *Proclamations, Regulations, Advertisements, And Orders, Printed And Published In The Island Of Java, By The British Government, And Under Its Authority*, 31.
136. 'Contract Van 28 December 1811 Met Den Ouden Sultan' van Deventer, *Het Nederlandsch gezag over Java*, 317.
137. Ibid.
138. Ibid., 319.
139. 'XII Letter of HB II to Resident John Crawfurd dated 2 Mar. 1812 regarding the execution of.

    some of the terms of the 28 Dec. 1811 treaty with Raffles' in Carey, *The Archive of Yogyakarta*, 90.
140. "Substance of Dispatches from the Liet. Governor of Java, dated the 30th June & 21st September 1813", IOR G/21/65, 39 (200).
141. Ibid.
142. van Deventer, *Het Nederlandsch gezag over Java*, 318.
143. IOR G/21/65, 40 (201).
144. Ibid. 43 (204).
145. 'Raffles to Minto, 2 June 1812', EUR f148/31, 5.
146. Ibid. 6.

147. IOR G/21/65. 43 (203).
148. Richard Butler, Depty Adjt, 'No. 2, General Orders, by the Commander of the Forces'. Java Gazette, vol 1, no. 19, Saturday July 4 1812, 2.
149. A translation of the 'Babad Bědhah ing Ngayogyakarta' is the subject of Carey, *The British in Java*.
150. Ibid. 85.
151. Ibid. 87.
152. Cary, *The Power of Prophecy*, 85.
153. 'The Sultan of Djocjocarta' *The Examiner*, No. 269, Sunday, February 21, 1813, 121.
154. Raffles, *Memoir of the Life and Public Services*, 188.
155. Villiers, 'Report from the Select Committee on the Affairs of the East India Company; with minutes of evidence in six parts, and an appendix and index to each', *Parliamentary Papers* (1831)., 'Letter from John Crawfurd, Esq., to Thomas Hyde Villiers, Esq. 24 February 1832' Appendix No. 8 page 93. The office of 'Resident' was political office in the Company that facilitated indirect rule. It operated as a form of diplomatic post; however the Resident controlled all communication between the native ruler and the Company. The Resident was also meant to advise the native ruler on political maters Fisher *Indirect Rule in India*, 60-3.
156. Villiers, 'Report from the Select Committee' Appendix No. 8, Crawfurd lists 'Hydrabad, Oude and Mysore, or the Guicowar' as examples of princely states.
157. ibid., 93.

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