

Cornelis van Vollenhoven (1874-1933)

“What is needed, is this: practical implementation, along eastern lines, of eastern thoughts and the eastern approach of adat-law to the modern...needs of... the contemporary [Netherlands] Indies... Adat-law alone, which satisfies eastern needs and speaks to eastern hearts, can be said to parallel the short-sighted recklessness of western law, if only its discovery, effects, insemination can be furthered in the eastern mind—and who can better do this than the Indonesians?”
Cornelis van Vollenhoven, 1928

Cornelis van Vollenhoven was born in the Dutch town of Dordrecht in 1874. At the age of just 17 he began studying at Leiden, first in law (obtaining a masters in 1895), then in Semitic languages (bachelors 1896), and finally another masters in political science (1897). A year later, he obtained a *cum laude* for his PhD thesis in law and political sciences entitled “Scope and content of international law” (*Omtrek en inhoud van het internationale recht*).

In 1901 Van Vollenhoven was appointed professor in “The Adat-law of the Netherlands-Indies” and in “The Public- and Administrative Law of the Netherlands-Indies” at Leiden. Both functions he fulfilled uninterrupted until his death in 1933. Van Vollenhoven’s accepted his professorship with an inaugural address entitled “Precise legal-science” (*Exacte rechtswetenschap*). He went on to teach about Legislation of the Netherlands-Indies (1902-1907), Islam (1902-1906, 1927-1931), and a course in Comparative Legal History. The University of Amsterdam granted Van Vollenhoven an honorary-doctor in Letters in 1932.

During the first half of his professorship Van Vollenhoven worked mainly on discovering the folk law (*adat*) of Indonesia, and was the architect of adat-law studies. His whole life he dedicated himself to achieving the political recognition of adat-law, and championed against the misinterpretation of adat-law, against plans of codification and unification of laws, against so-called ‘codebook jurists-law’, ‘civil servant-law’ and ‘fantasy-law’. He channelled his energies especially towards resisting attempts in government and business circles, who were in favour of the establishment of a unitary private law system, to circumvent the application of adat-law in agrarian matters. In 1906, the first of his skilfully written “The Adat-law of the Netherlands-Indies” (*Het adatrecht van Nederlandsch-Indië*) appeared. With the use of legal terminology and schemes, Van Vollenhoven went on to frame the adat-law of some 19 geographical areas in Indonesia which he identified, to document the religious aspects of adat-law, and to characterise the adat-law of the so-called ‘Foreign Orientals’ (*vreemde oosterlingen*, such as the Chinese, Arabs and Indians). He also succeeded in documenting the religious side of adat-law, attempted to describe the past and future of adat-law in the legal system of the Netherlands-Indies. The complete work was amazingly compiled from

behind his desk in Leiden, as he had only visited Indonesia twice in his life, once in 1907 and once in 1932.

Van Vollenhoven's work was inspired by the humanitarian and religious ideals of Hugo de Groot before him. Politics, and especially international and colonial politics, in his days was pursued with a paternalistic tone of shouldering the 'white man's burden' for the 'locals'. Van Vollenhoven on the contrary strove to understand and respect the inherent perspectives of local Indonesians, and he aimed to create a political space in which other ways of life can thrive. Through framing the adat-law of locals, Van Vollenhoven aimed to nurture the development of emancipation and autonomy of an Indonesia "furnished with [its] own interests and own abilities". His championing of freedom in Indonesia and the 'ethical' character of his teachings to Dutch and Indonesia civil servants and judges resulted in the establishment of a rival Indology institute in Utrecht in 1925, which became the source of many conflicts between the two universities.

Despite attacks on his integrity and work, Van Vollenhoven continued to be the centre of comprehensive and important discoveries in the study of adat-law. He had a way of stimulating students during and outside the lectures and maintained close contacts with them during their work in Indonesia. The tradition of adat-law came into being with the establishment of the law-university in Batavia (Jakarta) in 1924, where students of Van Vollenhoven founded a fertile and influential centre for adat-law and law policy. In co-operation with foreign colleagues, Van Vollenhoven undertook steps to internationalise the study of non-western folk law, and later attempted to develop an international study in the colonial politics of folk law.

Remembered as one of "the most universalist jurist in the Netherlands"¹, and still revered by the older intellectual generation in Indonesia today, Cornelis van Vollenhoven's contributions has earned him the title of 'father of adat'.

With the continuing debate about the best ways to utilise law to develop and govern non-western countries, the Van Vollenhoven Institute today, in both its teaching and research, strives to continue the legacy of this great man. With the Institute's staff, ideals, international cooperation and experiences, we attempt today to bridge the gaps between people and places, just as Van Vollehoven had done, so many years ago.

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Online: <<http://www.inghist.nl/Onderzoek/Projecten/BWN/lemmata/bwn1/vollenhoven>>

¹ Paul Scholten, 1933