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Research Master's Thesis

**The Men in One Hammock:
Homosexuality and its Prosecution by the Dutch East India
Company, 1625-1787**



*'Twee retourschepen', Gerrit Groenewegen (1781), Collection Het Scheepvaartmuseum.
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Submitted by XXXXX

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Introduction

On October 15, 1738, the *Raad van Justitie* (Council of Justice) of Batavia sentenced Jacobus Josephus Staats, a twenty-one-year-old Belgian sailor with the Dutch East India Company¹, to twenty-five years of penal labour for the crime of sodomy. Earlier that year Jacobus was caught engaging in sexual relations with another man, a *sarang* or officer of the Bengali crew named Laloe, over in the Moorish quarters of the fluytship *Krooswijk*, which was docked at the island of Kuiper in the bay of Batavia. Laloe also stood trial, but died in custody ahead of his conviction. The events leading up to their ill-fated coupling were documented in Jacobus's examination, from Laloe's flirtations in the days preceding the *Krooswijk's* arrival at Kuiper to the men drinking two glasses of arrack at around half past eight while sitting in Laloe's hammock, which ended with Jacobus lying on the ground while Laloe penetrated him. The noise they made attracted the attention of the steward's mate Huijbert Vijs, who interrupted their "foul lust" and took the matter before the captain of the ship.²

Laloe and Jacobus were one of many mixed relationships that developed on the workfloors of the Dutch East India Company. The largest chartered company of its kind, extant from 1602 until 1800, it constructed, through diplomacy and violence, a colonial empire and trade network centred around the Indian ocean basin, ranging from South Africa to Japan.³ To maintain it, the Company relied on a workforce recruited all over Europe and Asia. By the mid-eighteenth century, it employed 57,000 people. This figure includes people subjected to slave labour, but likely excludes those forced to perform penal labour.⁴ Laloe and Jacobus were tried during a decade when the Company became abruptly concerned with the sexual lives of its employees. Though Batavia's *Raad van Justitie* presided over so-called 'sodomy trials' as early as 1625, their number grew

¹ Better known as the *Vereenigde Oostindische Compagnie* in Dutch, and frequently abbreviated even by contemporaries to the initials 'VOC'. Referred to it as '(the) Company' throughout this study.

² Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9386, ff. 45-48: Civile en criminele processen voor den agtbaren raad van justitie op Batavia, gediend en gedecideert in den jare 1737 en 1738. Eerste deel; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9387, ff. 111-161: Civile en criminele processen voor den agtb. raad van justitie op Batavia, gediend en gedecideert in den jare 1737 en 1738. Tweede deel.

³ Piet Emmer and Jos Gommans, *Rijk aan de rand van de wereld: de geschiedenis van Nederland overzee, 1600-1800* (Amsterdam 2016), 28-29, 32-33.

⁴ Jan Lucassen, 'A Multinational and its Labor Force: The Dutch East India Company, 1595-1795', *International Labor and Working-Class History* 66 (October 2004): 12-39, there 14-15.

substantially from 1730 onward, following trends back in the Dutch Republic. Sodomy is a general term for all sexual acts that do not (attempt to) result in procreation, which came to refer almost exclusively to homosexuality during the early modern period.⁵ Sodomy trials provide insight not only into the sexual experiences of sailors and other employees in the Dutch colonial context in Asia, they also document more broadly the social lives of the colonial workforce. Finally, they expose, through individual testimonies and quantifiable prosecution patterns, the social concerns surrounding homosexuality during two centuries, both at a societal level through the judiciary and from the perspective of the working classes. This renders these sodomy trial records valuable sources to access both the social history of early modern Dutch colonialism and the pre-modern history of (homo)sexuality.

This study examines the prosecution of homosexuality by the Dutch East India Company between 1625 and 1787. This is accomplished through a case study of 112 sodomy trials brought before the *Raad of Justitie* of Batavia, and concerns a demographic analysis of 280 men convicted or acquitted for sodomy as well as a substantial analysis of court verdicts. Excluded from these figures are trials related to bestiality. Particular attention goes out to the social profile of the defendants and the susceptibility of specific social groups to be prosecuted for sodomy. These topics are pursued through the research question: 'how did the Dutch East India Company prosecute homosexuality among its employees in seventeenth and eighteenth-century Batavia?'. By answering this question, this study provides new insights on the prevalence of homosexuality within the early modern Dutch colonial workforce; common sites of its occurrence; and how it was prosecuted by the Company, three subjects which presently are scarcely covered by Dutch colonial historiography.

The last decade saw the history of homosexuality experiencing a renaissance in Dutch and Belgian academia. Building forth on the quantitative foundation laid by historians such as Gert Hekma, Theo van der Meer and Dirk Jaap Noordam from the 1980s through to the 2000s who disclosed the persecution of homosexuals in the Low Countries during pre-modern times, a new generation of scholars has turned their attention towards the

⁵ Joanne Begiato and William Gibson, *Sex and the Church in the Long Eighteenth Century: Religion, Enlightenment and the Sexual Revolution* (London and New York 2017), 195; John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* (Chicago and London 1980), 92-93; Julie Peakman, *Amatory Pleasures: Explorations in Eighteenth-Century Sexual Culture* (London and New York 2016), 13-14.

qualification of historical cases of criminalisation.⁶ Mediaevist Jonas Roelens and early modernist Elwin Hofman examined the causes preceding different waves of persecutions, studied how evidence was collected and assessed during judicial proceedings, and elaborated on the decisions by municipal authorities to either obscure or publicise these sodomy trials.⁷

This renewal also influenced the field of Dutch colonial history - a noteworthy development because no dedicated studies into homosexuality in the Dutch colonial context exist at present. Colonial and maritime historiography, if it addressed the subject at all, dismissed homosexuality onboard ships as a “situational” occurrence resulting from a prolonged absence from women during tenure at sea inside an environment dominated by men and regulated through strict hierarchy and rules of conduct, a so-called ‘total institution’. In this they followed the observations of sociologist Erving Goffman and maritime historian Barry Richard Burg. It was Goffman who supposed in 1961 that homosexual relations between prison inmates were the result of circumstance; intercourse with another man became a temporary solution to their prolonged isolation from women, not an indication of their sexuality.⁸ Barry Richard Burg recognised such a total institution in ships in a 1983 study on homosexuality among English pirates in the seventeenth-century Caribbean. Tecla Aerts applied the concept and the assumption about sailors’ sexualities to the context of the Dutch East India Company in a 1988 paper published in *Leidschrift*, from where it was then cited uncritically by subsequent Dutch historians.⁹ Aerts also gave credit to Burg’s theory that homosexuality might have occurred more frequently onboard ships as a result of an insufficient or absent awareness

⁶ Landmark studies include Van der Meer’s *Sodoms zaad in Nederland* (Dissertation Vrije Universiteit Amsterdam, 1995), Noordam’s *Riskante relaties* (1995), and Hekma’s *Homoseksualiteit in Nederland vanaf 1730 tot de moderne tijd* (2004).

⁷ For an introduction to their research I especially recommend Roelens’ dissertation *Citizens & Sodomites* (Dissertation Gent University, 2018). Hofman’s publication ‘The End of Sodomy’ in the 54:2 (2020) edition of the *Journal of Social History* offers insight into the feverishness by which early modern authorities sought to establish the context in which homo-erotic encounters took place. Their collaborative bundle with Wannes Dupont, *Verzwegen verlangen* (2017), constitutes a chronological overview of persecution of homosexuals inside the territory of modern-day Belgium over the course of the last millennium.

⁸ Ervin Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (New York 1961), 3-12.

⁹ Tecla M. Aerts, ‘Het verfoeijelijke crimen van sodomie’: Sodomie op VOC-schepen in de 18e eeuw’, *Leidschrift* 4 (April 1988) 5-21, there 5-7, 18-19; Barry Richard Burg, *Sodomy and the Pirate Tradition: English Sea Rovers in the Seventeenth-century Caribbean* (New York and London 1984), 107-111; Roelof van Gelder, *Naporra’s omweg: het leven van een VOC-matroos (1731-1793)* (Amsterdam 2003), 298-299; Herman Ketting, *Leven, werk en rebellie aan boord van Oost-Indiëvaarders* (Amsterdam 2002), 155-156.

of sodomy as a sin among early modern European working classes, from which many maritime industries, the Company included, drew the majority of their workforce from.¹⁰ Sexual encounters in colonial sites of labour on land meanwhile were glossed over entirely.

Colonial historians today engage with homosexuality as a part of broader studies concerned with representing the marginalised other, analysing intercultural interactions, and documenting the imposition of European norms and morals into Asian colonised societies. Matthias van Rossum used the sodomy trial of a Chinese and a Flemish sailor as an example of non-European actors being able to exert a degree of agency over their lives even while put on trial; he also drew attention to the cohabitation of different cultural views of sexuality onboard Company ships. Conversely, Alicia Schrikker used the sodomy trial of two teenage boys, one Dutch, the other enslaved, to argue that the uncompromising application of Dutch-Roman law in the *Raden van Justitie* sometimes trapped marginalised actors inside a disadvantageous system of which they neither understood the administered laws, nor shared the same cultural values towards homosexuality. Both studies must also be commended for drawing attention to different homosexual encounters onboard ships, such as sex work, sexual experimentation, and outrage.¹¹

This body of research diversified the image of where and under which circumstances homosexual encounters took place, but comes with important caveats. First, because homosexuality was examined exclusively as part of broader studies into structures of oppression in colonial history, older theories and methodologies were co-opted without verification through additional case studies. It can be argued that studies on persecution patterns in European metropolises lend themselves poorly for conclusive statements about judicial proceedings inside a colonial context, which was perhaps socially more complex than the Dutch Republic and whose administrators grappled with different political challenges and objectives. In this study, these findings are mainly used for comparison

¹⁰ Aerts, "Het verfoeijelijke crimen van sodomie", 6.

¹¹ Matthias van Rossum, *Werkers van de wereld: globalisering, arbeid en interculturele ontmoetingen tussen Aziatische en Europese zeelieden in dienst van de VOC, 1600-1800* (Hilversum 2014), 335-339; Alicia Schrikker, *De vlinders van Boven-Digoel: verborgen verhalen over kolonialisme* (Amsterdam 2021), 96-104. Homosexuality also saw passing mention in Sophie Rose's dissertation *Regulating Relations* (2023) on the legislation for various heterosexual encounters and marriages in the Dutch East India Company and Muhammad Asyraf's Master's thesis *A Distant Mirror* (2020) on eighteenth-century penal practices in Batavia.

between the colonial and Dutch contexts. Likewise, the handful of studies that *are* dedicated to homosexuality in the Dutch colonial context are small in scale and therefore best approached as preparatory groundwork. Second, by co-opting these methodologies, historians continue to emphasise the persecution of homosexuals, its scope and motives, over the lived experiences of the persecuted. Doing so perpetuates a top-down, class-based perspective which presupposes that religious laws and doctrines advanced by the church and adopted by upper class society necessarily guided the attitudes of people towards homosexuality in every other segment of society. This assumption is challenged by Meredith B. McGuire's concept of 'lived religion', which characterises faith as a dynamic and personalised worldview informed by peoples' social environments.¹²

This study expands on this historiography through a quantification of sodomy trials in the early modern Dutch colonial context on the basis of demographic and contextual variables, followed by an statistical analysis for recurring patterns in the prosecution patterns of the judiciary. These findings will be compared whenever possible with statistical data of contemporary persecutions in the imperial metropole. The variables used in this study are taken from court records consisting of indictments, testimonies, interrogations, examinations, and verdicts from sodomy trials tried by the *Raad van Justitie* of Batavia. Although a full qualitative discourse analysis of defendant and witness testimonies exceeds the scope of this research, references to individual cases will be put forward to support conclusions.

The judicial records of the Batavia *Raad van Justitie* are well-suited for a case study into the persecution of homosexuality by the Company. Batavia was the administrative capital of the Company in Asia and a site where the majority of ships employed in both the intra-Asiatic trade network and the retour fleet frequently called to port.¹³ Consequently, many cases which were not dealt with at sea¹⁴ were tried in Batavia. This set Batavia's *Raad van Justitie* apart from its counterparts in Cape Town and Colombo, which likely presided over more cases related to retour ships and intra-Asiatic ships, respectively. Like every other subordinate institution in Asia, the *Raad van Justitie* presented annual reports of its activities to the offices of the Governor-General and the Council of the Indies, who in turn delivered these copies to the Lords Seventeen in the

¹² Meredith B. McGuire, *Lived Religion: Faith and Practice in Everyday Life* (New York 2008), 5, 11-12, 15.

¹³ Emmer and Gommans, *Rijk aan de rand van de wereld*, 32-33, 49-51.

¹⁴ The Company's judicial system will be discussed at greater length in chapter one.

Dutch Republic.¹⁵ The entire body of documentation received by the Governor-General was shipped annually to the Netherlands, where it remains to this day in the curatorship of the Dutch National Archive in The Hague. These ‘*overgekomen brieven en papieren*’ (OBP) have been digitised in full. A significant selection, including the procedural records of Batavia’s *Raad van Justitie*, are also perusable in Handwritten Text Recognition (HTR) technology databases, which proved conducive to large-scale quantitative research. The majority of case records consist of at least a formal indictment, an argumentation as well as a proposed verdict by the prosecutor, and occasionally an interrogation report. Studied together, these documents present a variety of demographic and contextual variables from which to draw quantitative conclusions. In the absence of a clear verdict, the outcome of a trial can sometimes be surmised by cross-referencing the sentence requested by the prosecution with salary book entries, which were updated whenever employees either left service or were fired from the Company. If the loss of employment was the result of a criminal conviction, these salary books included a note identifying the employee as “condemned”. Finally, the Company’s employment practices, which operated on the principle of long-term job security in exchange for below-average wages compared to the early modern Dutch standard. This business model principally attracted employees from the lower socio-economic segments of European societies, allowing historians to make a reasonable assumption about most employees’ social class.¹⁶

Methodology and Structure

This study consists of three chapters. Chapter one presents a statistical analysis of 112 sodomy cases tried before Batavia’s *Raad van Justitie* between 1639-1787. This analysis consists of a demographic breakdown of 280 defendants, centred around their place of birth, religious denomination, age, and occupation. A comparison with the social structure of the Company’s labour force and the persecution figures for sodomy in the Dutch Republic for the eighteenth century reveals that Dutch nationals, in particular, were at risk of being prosecuted for sodomy in Batavia. Employees from Europe and Asia, on the other hand, were tried at lower rates that were out of proportion to their actual

¹⁵ Dutch National Archive (NA), *Inventaris van het archief van de Verenigde Oost-Indische Compagnie (VOC), 1602-1795 (1811)*, 35-39. Retrieved from <https://www.nationaalarchief.nl/onderzoeken/archief/1.04.02/download/pdf> on 19/12/2024.

¹⁶ Ketting, *Leven, werk en rebellie*, 16, 40-43, 54-61; Van Rossum, *Werkers van de wereld*, 220-224.

share in the labour force. The chapter includes a chronological overview of the sodomy trials, an overview of all passed sentences, and a breakdown of sentences per decade. It confirms that the outset of the persecution of homosexuality in Batavia closely followed its counterpart in the Dutch Republic before taking on a unique trajectory; beginning in 1730-32, but remaining consistent thereafter until the 1780s, unlike in the imperial metropole, where sodomite trials only flared up sporadically after 1732.

Chapter two expands on the spatial turn of the study of colonial homosexuality. Using contextual variables derived from witness testimonies and confessions, it details which types of voyages, ships, and locations, both on land and out at sea, were the most common sites of sexual intercourse. It integrates these findings with existing research on the social lives of sailors on Company ships, the utility of space onboard, and estimates of crew sizes for different ships to draw inferences about how the lack or benefit of privacy affected which cases came before the courts. It confirms that the majority of cases tried in Batavia concern sexual relationships which took place in public spaces and onboard ships with large crews, two factors which increased the chances of being caught in the act. This chapter also disputes the situational homosexuality theory by using contextual variables to demonstrate that a significant percentage of sexual encounters took place while ships were docked in port, where sailors would have had access to women.

Finally, chapter three reconstructs the prosecution patterns of the judiciary by analysing their verdicts in relation to three demographical variables presented in chapter two, place of birth, age, and occupation, as well as two additional contextual variables, the assumed sexual role and ejaculation during sexual relations. It confirms the notion that younger defendants were tried more leniently than older defendants, and that senior officers were tried more leniently than other employees, as were enslaved people. This chapter found Dutch nationals to be disproportionately at risk of receiving harsher punishments compared to their European and Asian migrant colleagues, particularly in cases concerning mixed relations, reaffirming the conclusion of chapter one.

Terminology

The use of the term 'homosexuality' to address sexual encounters between men in the pre-modern past is controversial. It can be argued that the term is anachronistic by virtue of context, because it was invented in the nineteenth century and would not have been

employed as a means of contemplating sexual behaviour and feelings before this period. Another matter to consider is its power of associative interpretation, because for twenty-first century readers the term might evoke ideas about not just sexual behaviour, but also sexual identities erroneous to the lived experiences of the period. Finally, some might see the term as political.

With regard to it being anachronistic, I would stress that historians have employed a wide variety of terms and concepts in the past which are either anachronistic or never employed by the studied subject. If this is an accepted practice inside our field for some subjects, then it stands to reason that the same logic be applied to behavioural concepts as well. This is why scholars clarify what we mean when we employ concepts, which I will do shortly. To those who would claim that the term is political, I need only point out the precariousness of the term 'sodomy', addressed in chapter one. This study maintains that 'sodomy' was a religious and an upper class conceptualisation of human sexuality during the early eighteenth century, bearing its own ideological and therefore political connotations.

It stands to reason that words and concepts will have vastly different interpretations between individual people, different fields of research, and across time. When I use the term 'homosexuality', I use it to exclusively denote the registered act of sexual intercourse between men, without further inferences towards the sexual identity of any subject. Neither do I employ it to suggest repeated or exclusive sexual behaviour on the part of any defendant. My decision stems from a utilitarian point of view that historians have a duty to produce research which is both readily accessible and comprehensible for public consumption, and an expectation that they will look for information according to their own concepts and terminologies.

Chapter One - Prosecution Figures in Batavia

On November 10, 1734, the *Advocaat-fiscaal* of the Indies, Adrianus Bergsma, addressed the *Raad van Justitie* of Batavia with a moral appeal. He reminded the councillors that if they let the “very terrible and in the utmost godless ways” of his suspects go unpunished, this will “surely invite God’s wrath over an entire country and people, just as the people of Sodom and Gomorrah have experienced before”. Bergsma recommended therefore that they pronounce a “severe punishment” for their crimes; one “commonplace in most places in Europe”, “even in the Netherlands... ..where a while ago everybody, yes, for heaven’s sake, even the children on the streets became familiar” with the sin of sodomy: by burning them publically at the stake.¹⁷

Bergsma’s remark about the state of Dutch civil society is noteworthy. He presented it as an aggravating circumstance alongside the laws he cited, imbuing the case with a social imperativeness. The urgency the prosecutor felt was part of a wider moral panic gripping Dutch society during this decade, starting in 1730, when homosexuals came under scrutiny following the discovery of a cottaging site at the St. Martin's Cathedral of Utrecht. The discovery and subsequent outrage resulted in countrywide persecution known as the *Utrechtse sodomieprocessen* (Utrechter Sodomy Trials). Bergsma, who gained employment with the Company in 1733, witnessed the height of the panic, and perhaps felt that what had begun at home must be continued in the colonies as well.¹⁸

This chapter reconstructs the scope of the persecution of homosexuals before the *Raad van Justitie* of Batavia during the seventeenth and eighteenth centuries through a tally of the number of trials that took place. It also presents a social profile of the persecuted based on demographic variables such as birthplace, age, religion and occupation. Finally, it determines which sentences were most commonly imposed by the court, in total and for each individual decade. These findings are compared to persecution figures from the Netherlands and Belgium from the fifteenth until the eighteenth century and from the *Raad van Justitie* at Cape Town during the eighteenth century, and with social

¹⁷ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9366, ff. 505-515: Criminele processen van den raad van justitie van Batavia van den jaren 1733 en 1734 vierde deel.

¹⁸ Abraham Jacob van der Aa, *Biografisch woordenboek der Nederlanden, bevattende levensbeschrijvingen van zoodanige personen, die zich op eenigerlei wijze in ons vaderland hebben vermaard: Tweede deel, eerste stuk* (Haarlem 1853), 406.

demographic studies on ethnic diversity within the ranks of the Company to make a preliminary statement on the factors driving the court's persecution patterns. It reveals that the number of men tried for homosexuality in Batavia would rise during the seventeenth and especially the eighteenth century, reflecting developments at the imperial metropole. In total, 112 trials were revealed concerning 280 defendants. Furthermore, it appears that Dutch nationals in particular were at risk of persecution.

Sodomite Persecutions in the Dutch Republic

The tragedy that was the Utrechter Sodomy Trials can ultimately be traced back to the actions of a single person: Josua Wilts, the sexton of the city's St. Martin's Cathedral. Wilts was removed from office in 1730 following a series of violent incidents. Prior to his transfer to a house of correction he testified in front of the municipal court how he and his children witnessed Gillis van Baaden, a lime carrier, have intercourse with another man through a hatch in the floor of his official residence. Van Baaden was arrested, and when he identified more men he slept with, the ball started rolling. Before long the court was in possession of a list of suspected homosexuals and cottaging sites across the Dutch Republic, and pieces of information which hinted at the existence of a subculture between its cities' homosexuals, such as a shared jargon, popular cottaging sites, and establishments which facilitated same-sex encounters.¹⁹

Utrecht shared this evidence -- the words of a crucial suspect, Zacharias Wilsma, a soldier and gentleman's servant with connections all over the country -- with the other municipal courts, and the arrests that followed led to the uncoverage of more networks. The arrests and subsequent judicial proceedings did not go unnoticed and were caught up by the press.²⁰ As a result, the presence of sodomites in society became a matter of both political and ecclesiastical importance. The provincial government of Holland reacted by codifying pre-existing religious and common laws penalising sodomy, proscribing capital punishment as the only acceptable punishment and requiring executions to be carried out in public. New about this law was that soliciting homosexual intercourse or allowing your premises to be used for this purpose became a criminal

¹⁹ Dirk Jaap Noordam, 'Sodomy in the Dutch Republic, 1600-1725', in: Gerard, K. and Hekma, G. (eds.), *The Pursuit of Sodomy: Male Homosexuality in Renaissance and Enlightenment Europe* (London and New York 1989) 207-228, there 214-218; Van der Meer, *Sodoms zaad in Nederland*, 13-15.

²⁰ Noordam, *Riskante relaties*, 216-223.

offence as well.²¹ The Dutch Reformed Church²², the privileged though not the state church of the Dutch Republic, was not directly involved in the persecution. However, several ministers, such as Leonardus Beels and Henricus Carolus van Byler, agitated against homosexual relations in their writings in the wake of the news from Utrecht, and at the 1730 synod in South Holland a proposal was discussed to pressure civil authorities to publicly execute convicted sodomites. In this way, Calvinist ministers negatively shaped the public discourse in the country.²³ In the wake of this scrutiny, Theo van der Meer estimated that over three-hundred people were prosecuted for sodomy between 1730 and 1732, of whom at least seventy-five were sentenced to death; Leo Boon placed this figure at ninety-eight.²⁴ The moral panic surrounding homosexuality subsided after 1732, but occasionally resurfaced, provoking smaller waves of persecutions throughout the eighteenth century. The total number of sodomy trials to have taken place between 1730 and 1811 is estimated to lie between eight-hundred and one-thousand by Van der Meer.²⁵

The Utrechter Sodomy Trials were part of a broader trend of homosexual persecutions that emerged in Western Europe during the eighteenth century, especially in Great Britain and France, where large cities also sheltered early homosexual subcultures.²⁶ Britain rarely prosecuted homosexuality before 1700, which saw the emergence of citizens' initiatives which hunted sodomites, whose public punishments also drew violent crowds.²⁷ In Paris, on the other hand, not legal prosecution but policing became the civil authorities' preferred measure to deal with homosexuality, with imprisonment and exile becoming the standard punishments after the last execution in 1750.²⁸

²¹ Arend H. Huussen, jr., 'Sodomy in the Dutch Republic During the Eighteenth Century', in: Robert Purks Maccubbin (ed.), *'Tis Nature's Fault: Unauthorized Sexuality During the Enlightenment* (Cambridge 1988) 169-178, there 172-173; Noordam, *Riskante relaties*, 223-226.

²² *Nederduitse gereformeerde kerk*.

²³ Van der Meer, *Sodoms zaad in Nederland*, 99-102; Marinus Johannes Antonie de Vrijer, 'De storm om het Crimen Nefandum in de jaren 1730-1732', *Nederlandsch archief voor kerkgeschiedenis* 25:1 (1932) 193-238, there 201.

²⁴ Leo J. Boon, *'Dien godlosen hoop van menschen': vervolging van homoseksuelen in de Republiek in de jaren dertig van de achttiende eeuw* (Amsterdam 1997), 383-396; Van der Meer, *Sodoms zaad in Nederland*, 18.

²⁵ Van der Meer, *Sodoms zaad in Nederland*, 81-83.

²⁶ Merry Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice*, Christianity and Society in the Modern World, (Second edition; London 2010), 110-111.

²⁷ Roelens, *Citizens and Sodomites*, 73. Also consult Randolph Trumbach, 'The Heterosexual Male in Eighteenth-century London and his Queer Interactions', in: Katherine O'Donnell and Michael O'Rourke (eds.), *Love, Sex, Intimacy and Friendship Between Men, 1550-1800* (London 2003) 99-127.

²⁸ Hofman, *The End of Sodomy*, 483-484.

The large-scale, public prosecution of homosexuality in the eighteenth century signified a turn from how Dutch governments and churches acted towards sodomy in the preceding centuries. Before 1730, sodomy was held to be the '*crimen nefandum*', the unspeakable sin that was not discussed out of fear that knowledge of the crime could corrupt the public. To this end, death sentences in sodomy trials -- no more than 5 verdicts for 24 trials that took place between 1570 and 1679 in the Dutch Republic -- took place behind closed doors. Van der Meer argues that the full scope of the persecutions before 1700 are difficult to determine since records from sodomy trials were systematically destroyed. However, Noordam claims that the disappearance of court records was a common occurrence regardless of crimes and that society simply did not view prosecution homosexuality to be a priority during this time. Some municipal courts, such as Amsterdam's, recorded sodomy trial interrogations in separate documents called *secrete confessieboeken* alongside other severe crimes such as the outraging of young girls, but this was not a standard practice.²⁹

There are economical, political, socio-cultural and ecological explanations for the causes behind the moral panic of 1730-1732. Rob Tielman and Noordam proposed that the decline in living standards and diminishing role for the Republic in the European theatre following the end of the Dutch Golden Age resulted in an intolerant climate towards minorities.³⁰ Noordam further found that the discovery of shipworm in the dyke posts in North Holland in 1731 led some ministers to identify the plague as a divine punishment for the rampant homosexuality in the country.³¹ On the topic of sodomite persecutions in general, Jonas Roelens argued that their occurrence in the Southern Netherlands between 1400 and 1700 were consistently the result of the search for a scapegoat to punish after disasters with great societal impact in order to strengthen social cohesion after the fact. He therefore compares them to witch hunts and persecutions of heretics which also fluctuated over the ages, with spikes occurring in the wake of calamity.³² The Utrechter Sodomy Trials can be understood to fit inside this pattern. While these arguments explain why Dutch society might have looked for a

²⁹ Theo van der Meer, 'Sodom's Seed in the Netherlands: The Emergence of Homosexuality in the Early Modern Period', *Journal of Homosexuality* 34:1 (April 1997) 10-16, there 1-2; Van der Meer, *Sodoms zaad in Nederland*, 99; Noordam, *Riskante relaties*, 55-58,

³⁰ Noordam, *Riskante relaties*, 265-268, Rob Tielman, *Homoseksualiteit in Nederland: studie van een emancipatiebeweging* (Meppel 1982), 53, 56-57, 61-62.

³¹ Noordam, *Riskante relaties*, 259.

³² Roelens, *Citizens & Sodomites*, 90-92, 125-127.

scapegoat during this period, they do not account for the change from prosecuting sodomites discreetly to publicising about it. This development is tied by Noordam, Merry Wiesner-Hanks and Huussen jr. to the aforementioned rise of gay subcultures, which made homosexuality more visible in eighteenth-century society than it had been in the seventeenth century.³³

Trials and Verdicts per Decade

In the wake of the Utrechter Sodomy Trials, the Dutch East India Company took a closer interest in the sexual lives of its employees. Any labour arrangement placed employees under the Company's jurisdiction, which administered Roman-Dutch law in its 'corporate courts', the *Raden van Justitie*. They also presided over cases involving civilians alongside a number of judges from a *Schepenbank*³⁴ if at least one defendant was in Company employment.³⁵ This study focuses on one 'corporate court': Batavia's. As stated in the introduction, Batavia's *Raad van Justitie* lends itself well for a case study on the prosecution of homosexuality because the majority of ships employed in different maritime networks of the Company called to port here. Consequently, many cases which were not dealt with at sea were tried in Batavia.

Administration of justice at sea places a considerable dark figure over the scale of the prosecution of homosexuality in Asia. If anyone was caught breaking the law onboard Company ships, and the matter was considered sufficiently urgent to demand immediate jurisdiction, they would be tried by the *Scheepsraad* (ship's council), a provisional court presided over by the high-ranking officers of a ship. When ships sailed as part of a fleet, the trial would pass instead to a *Brede Raad* (broad council) consisting of each ship's leaders, often the captain and the chief merchant.³⁶ The provisional nature of these courts meant that trials at sea were rarely, if ever, documented unless the captains decided to

³³ Huussen, jr., 'Sodomy in the Dutch Republic During the Eighteenth Century', 172, 176; Noordam, *Sodomy in the Dutch Republic*, 214-224; Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World*, 110-111.

³⁴ Alderman's court; municipal courts which administered for urban populations.

³⁵ Jacobus La Bree, *De rechterlijke organisatie en rechtsbedeling te Batavia in de XVIIe eeuw* (Rotterdam and 's Gravenhage 1951), 19-21, 27, 74-76; Hendrik E. Niemeijer, *Calvinisme en koloniale stadscultuur: Batavia 1619-1725* (Dissertation Vrije Universiteit Amsterdam, 1996), 96-102, 118-120, 123-126, 129-143.

³⁶ Jaap R. Bruijn and Els S. van Eijck van Heslinga, 'De scheepvaart van de Oost-Indische Compagnie en het verschijnsel muiterij', in: idem (eds.), *Muiterij: Oproer en berechting op schepen van de VOC* (Haarlem 1980) 9-26, there 13, 18-21; Ketting, *Leven, werk en rebellie*, 97-99.

refer them to a *Raad van Justitie*. A few such cases are incorporated in this study, but these are rare findings. It is unlikely that the complete number of sodomy trials can be reconstructed, placing a significant dark figure over the prosecution of homosexuality by the Company during the seventeenth and eighteenth centuries. *Scheepsraden* did occasionally rule on homosexual acts among its crews, and from the examples that can be recovered, sentencing often appears to have been violent. One trial dated to March 18th, 1734 transpired only because eighteen-year-old deckhand Daniel Wilskops of Rotterdam turned himself in sometime in 1733 after witnessing the keelhauling of a quartermaster for homosexual acts near Ambon.³⁷ Likewise, the February 1749 sodomy trial of deckhand Huijbert Burger revealed that four other defendants, three Dutchmen and one Swede, were sentenced to drown prior on December 11th, 1748 by the *Scheepsraad* of the East Indiaman the *Lekkerland*.³⁸

No research to date has looked at the full scale of the persecution of homosexuality or sodomy before the *Raad van Justitie* of Batavia for the duration of the early modern period. Peter Boomgaard discussed fourteen sodomy trials during the seventeenth century as well as a single case for the eighteenth century, which he derived from the *Dagregisters* and the *Generale missiven*.³⁹ The majority of trials would not have been discussed in these sources, which concerned noteworthy developments at the castle, but must be looked for in documents produced by the *Raad van Justitie*.

It must be noted that this study does not incorporate all cases tried in Batavia. The trial of Januari van Souratte and Steven Harderwijk covered by Schrikker, for example, is absent from the court's records preserved in the Dutch National Archives. This also applies to the high-profile trial of *Raad van Indië*-councillor Joost Schouten and his partners, who were respectively burnt at the stake and drowned in 1644.⁴⁰ It is possible

³⁷ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9364, ff. 139-226: Criminele processen van den raad van justitie van Batavia van den jaren 1733 en 1734 tweede deel.

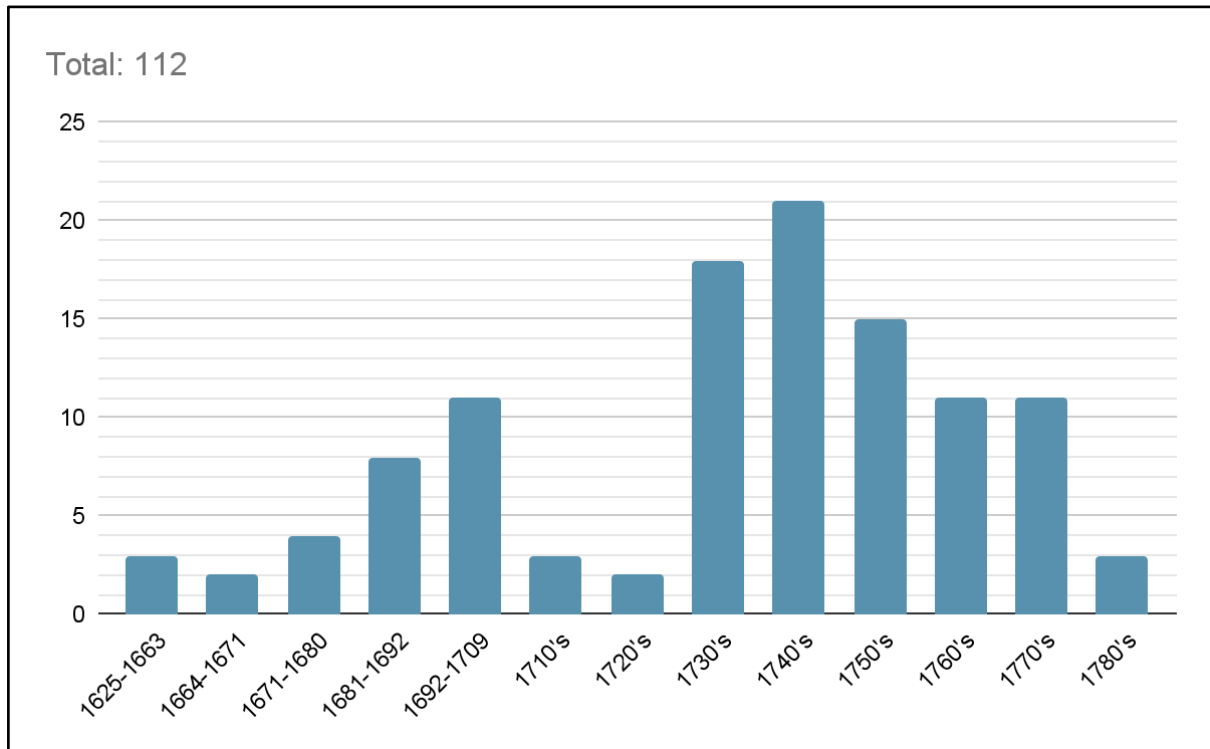
³⁸ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9420, ff. 753-808: Civile en criminele processen van Batavia in de jaren 1748 en 1749, overgekomen per 't schip d'Uno. Ordinair processen No.22 en 23 extraordinair dito No.1-25. Tweede deel.

³⁹ Peter Boomgaard, 'Male-male Sex, Bestiality and Incest in the Early-modern Indonesian Archipelago: Perceptions and Penalties', in: Raquel A.G. Reyes and William G. Clarence-Smith (eds.), *Sexual Diversity in Asia, c. 600-1950*, Routledge Contemporary Asia Series, (London and New York 2012) 141-160, there 149-153.

⁴⁰ Boomgaard, 'Male-male Sex, Bestiality and Incest', 150-152; Schrikker, *De vlinders van Boven-Digoel*, 87-107.

that further research in the National Archives of Indonesia can aid in reconstructing the scale of the persecutions, but that is beyond the scope of this study.

Diagram 1 Sodomy Cases Tried Before the *Raad van Justitie* of Batavia, 1625-1787



Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

I categorised the sodomy trials per (approximately one) decade. This division could only be consistently applied after 1710. For the seventeenth century the number of sodomy trials with a complement of procedural documents from which to extract demographic variables were sparse. The majority of trials from that period are only preserved in a copied set of seventeenth-century *Sententieboeken* (Sentence Books) included in the procedural documents from 1767-68, used for an investigation by the *Raad* into the legal precedent surrounding the right to appeal a sentence. In these, the Company employed an irregular form of categorisation which I was forced to adopt for the seventeenth century. This chronological breakdown exposes two patterns:

First, the seventeenth century saw a continuous expansion of the number of sodomy trials from 1671 until 1709. Afterwards, between 1710 and 1729, the number of trials dropped considerably. Second, from 1730 until 1759, the number of sodomy trials

increased again until gradually declining for the remainder of the eighteenth century. Third, the total number of trials per decade exceeded figures from the seventeenth century from 1730 onward, with the notable exception of the 1780's. In total, the *Raad* oversaw up to 28 trials in the seventeenth century⁴¹, and up to 84 during the eighteenth century. Of the latter, 54 trials took place between 1730 and 1759. The increase reflects the growing scale of sodomy trials in the Dutch Republic as well as the societal impact of the Utrechter Sodomy Trials on Dutch society.

The prosecution figures of the *Raad of Justitie* of Batavia cannot be directly compared with national, regional or local figures from the Dutch Republic. The option to compare them to the prosecution figures of a province or a city is imprecise because the *Raad*, as a corporate court, did not administer justice for the entirety of the city's population. Simultaneously, it did not conduct the judicial proceedings against all of the Company's employees. Fortunately, a limited comparison can be made with the *Raad van Justitie* of Cape Town. Jan Oosterhoff found that between 1705 and 1792, this court presided over "about" 150 sodomy trials concerning "more than" 200 men - a larger number of trials than in Batavia, although Oosterhoff included cases concerning bestiality in his figures.⁴² These numbers nevertheless suggest that the rate of prosecution lay significantly higher at the Cape than it did in Batavia, when we consider that these cover only a single century. This might be explained by factors of crew composition and voyage lengths, addressed at length in chapter two.

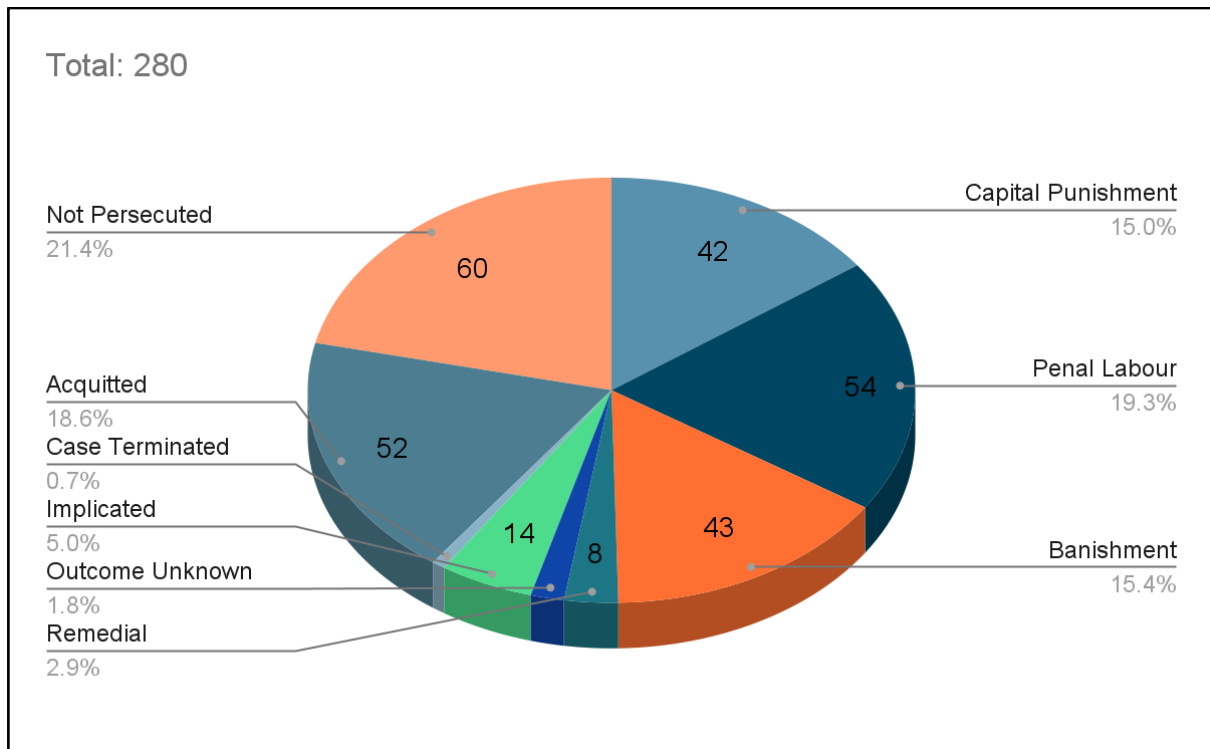
Individual verdicts reveal how many people were ultimately convicted for sodomy, and provide some insight into how severely homosexuality was punished in Batavia. A total of 280 men stood trial, of whom 147 were convicted of having committed sodomitical acts:

⁴¹ This figure includes eleven trials from 1692-1709.

⁴² Jan Oosterhoff, 'Sodomy at Sea and at the Cape of Good Hope During the Eighteenth Century', *Journal of Homosexuality* 16:1-2 (1989) 229-235, there 230-231.

Diagram 2

Verdicts Passed in Sodomy Trials, 1625-1787



Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790 & Ship's Pay Ledgers from Various Chambers. See bibliography.

There were three punishments that the *Raad van Justitie* of Batavia doled out to convicted sodomites: penal labour, exile from the Company's jurisdiction, and capital punishment. These punishments were derived from criminal legal practice in the Dutch Republic.⁴³ This is a result of the Principle of Concordance, which held that laws in territories administered by colonial entities must be applied according to standard legal practice in the Netherlands (or the province of Holland during the Dutch Republic) unless specific legislation stated otherwise.⁴⁴ In Dutch sodomy trials, capital punishment was most commonly applied to instances of anal intercourse and confirmed ejaculation, both regardless of sexual role. Imprisonment and exile, on the other hand, were usually

⁴³ Pieter Spierenburg, *Judicial Violence in the Dutch Republic: Corporal Punishments, Executions and Torture in Amsterdam, 1650-1750* (Dissertation University of Amsterdam, 1978), 74-78; Veronique Verhaar and Frits van den Brink, 'De bemoeienissen van stad en kerk met overspel in het achttiende-eeuwse Amsterdam', in: Sjoerd Faber (ed.), *Nieuw licht op oude justitie: misdaad en straf ten tijde van de Republiek*, Rechtshistorische verkenningen, (Muiderberg 1989) 64-93, there 68-71.

⁴⁴ Nick S. Efthymiou, *De organisatie van regelgeving voor Nederlands Oost-Indië: stelsels en opvattingen (1602-1942)* (Amsterdam 2005), 13-14.

imposed in cases where the court was convinced that the defendants were guilty, but the evidence was inconclusive.⁴⁵

Penal labour is the largest category of punishment at 54 convictions or 19,3% of all verdicts. The severity of this punishment varied greatly, ranging from two years to life-long imprisonment. In 1753 a young sailor named Arij Dammes only received six months from the court, but this is an outlier, and most likely concerned a case where the court assumed Dammes made a false confession, since his fellow suspect, helmsman Jacob Plek, was acquitted, and only the sentence of this case survived.⁴⁶ The majority of men sentenced to penal labour would have been sent to Rozengain, a penal colony which featured as the standard suggested location in the indictments of the prosecutors.⁴⁷ There is no way of knowing which of the convicts ended up there, however, as the final destination was left up to the discretion of the *Raad*.

After penal labour came banishment, which involved exile from the Company's jurisdiction to either the Dutch Republic or a recruitment area in Asia for non-Europeans. This fate befell 43 people, or 15,4% of everyone put on trial. This was a lenient punishment because it appears the Company only annotated the convicts as 'condemned' in its internal documentation, meaning they were free from the social stigma being a convicted sodomite would have conferred on them otherwise.⁴⁸ This is remarkable, as Dutch society was trying to rid itself of sodomites during this century! It is not clear why the Company sent these men back home, but may have been a matter of convenience.

Capital punishment, the fate of 42 people, or 15,0%, was sentenced as often as exile was. Defendants sentenced to death were either burnt or drowned in the seventeenth century. The eighteenth century then saw a gradual shift towards uniformity in favour of hanging (first introduced in 1735). The last person to be burnt at the stake in Batavia was Hendrik Grootvelt in 1734, and the last drowning took place in 1748. Two men, Pieter Engelsz. and Adriaen Spoor, were marooned on separate islands in the Houtman Abrolhos off the coast of Western Australia in 1727, but this was an exceptional verdict

⁴⁵ Van der Meer, *Sodoms zaad in Nederland*, 143-152.

⁴⁶ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9315, ff. 133-134: Crimineel rolle van den jaare 1752/53 N.2 Gustaaf Willem.

⁴⁷ Atlas of Mutual Heritage, *Rozengain*. Retrieved from <https://www.atlasofmutualheritage.nl/nl/page/4240/rozengain> on 28/12/2024.

⁴⁸ Schrikker, *De vlinders van Boven-Digoel*, 88-89.

of capital punishment passed by the *Scheepsraad* of the shipwrecked *Zeewijk* and recorded in the accounting of the incident which was turned in at Batavia.⁴⁹

There were also men who were perceived as innocent by the judiciary, which were 112 people or 40,0% of the total share. They can be divided into men who were acquitted and men who came under suspicion but the charges were ultimately dismissed. The differentiation between the two is partly arbitrary and partly the result of a shift in prosecutorial practice. During the seventeenth and early eighteenth centuries, anybody caught up in a homosexual act was also put on trial, even if the person disengaged and nothing occurred between them and another defendant. Later on this policy became more lenient, and for example victims of sexual assault were no longer automatically tried if they managed to escape and filed a complaint. The figures of unprosecuted suspects were incorporated in his study both to reconstruct the scope of homosexuality onboard Company ships and to visualise this change in prosecution in the diagram 3. The not-persecuted form the largest category at 60 people or 21,4% of everyone in sight of a sodomy trial. Another 52 men or 18,6% were acquitted after having their culpability investigated by the prosecution.

The remaining 10,4% is occupied by minor punishments and irregular outcomes. In the case of 14 people or 5,0% of the share, someone either died during the trial or could not be found. Then there were the people who received aforementioned remedial punishments: fines (1 or 0,4%), corporal punishment (5 or 1,8%), and demotion in rank (2 or 0,7%). These sentences were all pronounced over what the court ruled were false accusations of sodomy. The majority of such rulings however instead saw the *Raad* pronounce either penal labour or exile. Particularly interesting was the outcome of the case against the sailor Salomon Cramer from Sri Lanka and the enslaved Courens in 1748. Here, the judiciary ruled that suspects must be released because they had been in custody for too long while the prosecution failed to materialise a case, since the supposed witnesses had all left Batavia on new assignments.⁵⁰ Finally, for five people or 1,5% the verdict remains unknown.

There are no comparable figures from the Netherlands for the entire eighteenth century. However, when compared to judicial sentencing in the Dutch Republic between

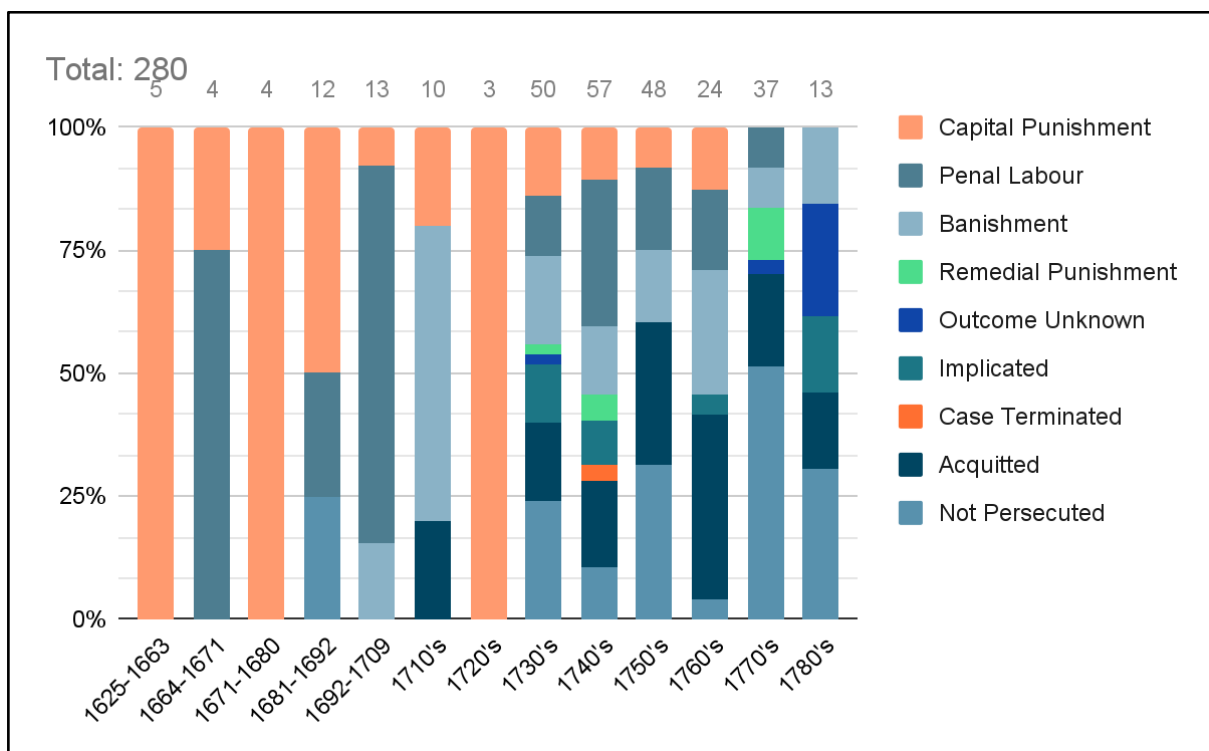
⁴⁹ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9345, ff. 717-718: Criminele processen van Batavia d'anno 1729 vierde deel.

⁵⁰ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9310, ff. 260-261: Crimineele roll van den jaar 1747/48 N.2 per Lekkerland.

1730 and 1733, the verdicts of the *Raad van Justitie* in Batavia were lenient. At the height of the Utrechter Sodomy Trials, 82 out of 145 or 56,6% of all convicted men were executed; 15 or 10,3% received some form of penal labour at home, and 11 or 7,6% were banished. Combined, these punishments cover 74,5% of all outcomes in sodomy trials, compared to 'just' 49,7% in Batavia. This is partly because the rate of acquittal in the Dutch Republic lay much lower at just 20 men or 13,8% of all defendants (versus 40,0%).⁵¹

Next, I looked at the distribution of sentencing over time, using the same breakdown as with the number of trials:

Diagram 3 Verdicts Passed in Sodomy Trials per Decade, 1625-1787



Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790 & Ship's Pay Ledgers from Various Chambers. See bibliography.

As diagram 3 demonstrates, the increase in sodomy trials beginning in the 1730's also brought about a greater complexity in sentencing passed by the *Raad van Justitie*. Before 1730, men convicted of sodomy either received capital punishment (22), or sentenced to penal labour (16). From 1692 onward the court sometimes also pronounced banishment

⁵¹ Noordam, *Riskante relaties*, 232-236.

(8). To be pronounced innocent was rare, but not unheard of (5 of which 3 were not persecuted).

After 1730 a number of developments occurred. First, while the total number of capital punishments stayed nearly the same (20), the number of death sentences gradually declined until disappearing from the figures altogether in the 1770's. The last two death sentences were pronounced in 1767.⁵² This development is consistent with developments in the Dutch Republic, where the number of sentenced to death for sodomy decreased sharply after 1750, and the downward trend of sentenced capital punishments across all criminal cases tried by a Company *Raad van Justitie* after 1745.⁵³ Second, penal labour (38) and exile (35) become the most common sentences for homosexual intercourse. Third, the number and overall share of men who were not prosecuted (57) continues to grow, as does the number and share of men who were acquitted (50), since being involved in a sexual encounter no longer automatically casts suspicion on a person in the eyes of the prosecution. Fourth, in the 1750's and 1770's, the number of men pronounced as innocent exceeded 50%; in the 1760's and 1780's they still respectively commanded 41,6% and 46,1% of the total share of verdicts. From these observations it can be concluded that while the scale of prosecution by Batavia's *Raad van Justitie* increased from 1730 onward, no shift towards harsher punishment took place as it did in the Dutch Republic, not even in the years after the Utrechter Sodomy Trials. Batavia's sentencing in the eighteenth century was also more lenient compared to the seventeenth century, when a conviction for sodomy almost always resulted in a death penalty. These developments suggest the need for further research into the question of how innocence was perceived by the judicial system at Batavia, which will be addressed in chapter three.

⁵² Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9482, ff. 22-23: Justitieele papier van Batavia per 't schip Burgt dato 9 januarij 1768 missive 29 december 1767; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9489, ff. 1227-1320: Justitieele papieren per de Silvere Leeuw 't register is geteekent Batavia 11 december 1768 2e deel; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 14248, ff. 184: Principaal grootboek van 't schip Vrouwe Elisabeth anno 1766/7 voor Rotterdam.

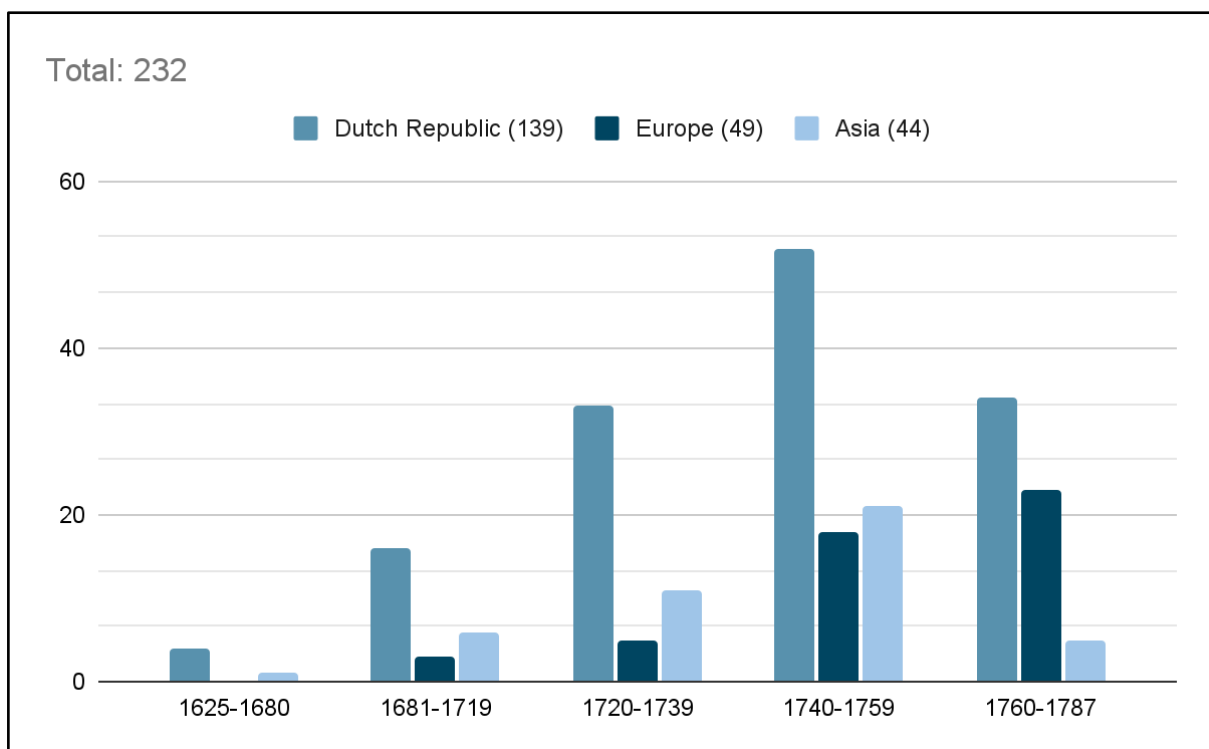
⁵³ Van der Meer, *Sodoms zaad in Nederland*, 147-148; Van Rossum, *Werkers van de wereld*, 262-263.

Social Profile of the Defendants

The *Raad van Justitie* not only reported its verdicts to the office of the Governor-General and the Council of the Indies, but also the indictments and all procedural documents tied to a specific case, such as witness statements, different forms of examinations, and motions forwarded by the prosecution. With this diverse body of documentation it is possible to reconstruct the social profile of the defendants.

The most reliable demographic variable which can be extracted from the documentation is the birthplace of suspected criminals. This mirrors wider documentation practices by the Dutch Company, in pay ledgers and muster rolls, which have been used to reconstruct recruitment patterns and diversity in the ranks. As a rule, this data offers greater certainty and precision with regard to European suspects than it does with Asian employees, whose origins were consistently tied to only a geographic region, a cultural region, or an ethnic group.

Diagram 4 Place of Birth of Men Tried for Sodomy, 1625-1787



Source: Copies of Criminal and Civil Procedural Documents from the Raad van Justitie in Batavia, 1637-1790. See Bibliography.

Of the 232 people tried before the *Raad van Justitie* between 1625 and 1787 with a documented place of birth, the majority of them, 139 or 59,9%, were born in the Dutch Republic. The remainder of this figure are Europeans born outside the Dutch Republic (49 or 21,1%) and Asians (44 or 18,9%). These figures suggest that the principal ethnic group prosecuted by the Company in sodomy trials were Dutch nationals, followed at some length by Asians and Europeans. This is noteworthy because the Dutch constituted a minority of the total workforce of the Company. This diversity was distributed unequally across different labour sites, however:

Employment with the Company in Asia can be divided into four categories: transcontinental or retour shipping, intra-Asiatic shipping, local maritime deployment, and land-based sites of labour. There are secure percentages available on the ethnic breakdown of Company crews for the eighteenth century. This is fortunate because, as established by diagrams 1 and 3, the majority of sodomy trials took place during this period. During the mid-eighteenth century, less than half of the crews sailing on transcontinental ships were Dutch nationals. The majority of employees came instead from central and northern Europe.⁵⁴ The share of people with Asian descent in these crews would have been negligible, since their employment on transcontinental ships was forbidden by the Lords Seventeen between 1715 and 1780.⁵⁵

In contrast to retour shipping, the intra-Asiatic shipping industry, the largest of the two sectors throughout the seventeenth and eighteenth centuries, “often employed Asian sailors alongside European sailors” according to Matthias van Rossum, “particularly over the course of the eighteenth century”. Between 1691 and 1730, the percentage of Asian sailors inside intra-Asiatic crews varied from a quarter to a third. After 1730 this figure rose to an average percentage between 40 to 60 percent, with notable outliers peaking at 70 percent towards the end of the eighteenth century.⁵⁶

⁵⁴ Lodewijk Petram, Marijn Koolen, Melvin Wevers and Jelle van Lottum, ‘Charting Lives and Careers: Enriched Data About the Dutch East India Company’s Eighteenth-Century European Workforce’, *Journal of Open Humanities Data* 10:44 (July 2024) 1-17, there 2; Lodewijk Petram and Jelle van Lottum, ‘In Search of Strayed Englishmen. English Seamen Employed in the Dutch East India Company in the Late Seventeenth and Eighteenth Centuries’, in: Sjoerd Levelt, Esther van Raamsdonk and Michael Rose (eds.), *Anglo-Dutch Connections in the Early Modern World*, Routledge Studies in Renaissance and Early Modern Worlds of Knowledge, (New York 2023) 100-111, there 100-111.

⁵⁵ Ingrid G. Dillo, *De nadagen van de Verenigde Oostindische Compagnie, 1783-1795: schepen en zeevarenden* (Amsterdam 1992), 104.

⁵⁶ Van Rossum, *Werkers van de wereld*, 134-137.

Local maritime deployment covers operations such as marine patrol and shipping operations between nearby factories. Here, too, crews are assumed to have consisted primarily of Asian employees. One of the difficulties in accounting for ethnic diversity in this setting is the tendency by the Company to overlook mixed Euro-Asiatic heritages. Thus many smaller vessels with ostensibly 'European' dominated crews were in truth more diverse, according to Van Rossum. Finally, the Company kept land-based sites of labour, which varied from shipyards to hospitals, docks to administrative faculties and military outposts to courts of law. Van Rossum presumes that Asians and mixed people were likely well-represented at these sites, too. However, owing to the scarcity of research into these categories of labour, there are no credible figures for ethnicity available at present.⁵⁷

Comparison between the figures on the birthplace of defendants in sodomy trials to the birthplace of Company employees reveals two developments. First, the total share of Dutch defendants in seventeenth- and early-eighteenth-century sodomy trials is significantly higher compared to the late eighteenth century, when the share of Asian and European defendants grew. Second, Asian and Europeans never surpassed the majority share of Dutch suspects in relative or in absolute numbers during the eighteenth century, which never drops below 50%. Diagram 4 therefore suggests that the main social group prosecuted in sodomy trials were Dutch employees. This conclusion does not account for the impact of specific labour sites, should one in particular dominate the sodomy trials. If the majority of cases tried by the *Raad van Justitie* in Batavia came from retour ships, then the prevalence of Dutch nationals is influenced by that figure. Furthermore, if the judicial system operated blindly to ethnicity, then the majority of defendants last employed with the intra-Asiatic fleet should be Asians. These subjects will be addressed further in chapters two and three.

It is not possible to compare the rates of prosecution by birthplace with those of migrants and foreigners in sodomy trials from the Dutch Republic. Boon, Noordam and Van der Meer all found evidence of the notion that homosexuality was imposed on society from without circulating in public discourse during both the height of the Utrechter Sodomy Trials and the remainder of the eighteenth century, but none made an effort to

⁵⁷ *Idem*, 171-177.

categorise convicted men according to their birthplace.⁵⁸ Jonas Roelens did look at the representation of foreigners among those convicted for sodomy in the Southern Netherlands between the fifteenth and seventeenth centuries. In these sodomy trials, 105 of the 406 defendants were foreigners; thus locals formed the overwhelming majority, or 74,1%, of all men put on trial. This is a higher percentage than the rates for Dutch nationals tried with the Company. However, 65% of the aforementioned 105 foreigners were what Roelens calls “short-distance migrants” who moved to a larger nearby city looking for work.⁵⁹ This makes it difficult to draw direct comparisons between the rates for the Southern Netherlands and the Company going forward on the topics of birthplace and ethnicity.

It is possible to partially compare the rates of prosecution by ethnicity for sodomy with the rates of prosecution by ethnicity for all convicts regardless of crime tried by the *Raad van Justitie* of Batavia between 1735 and 1744. Robert Kuiper found that out of 750 convicts for this period, 260 or 34,7% were European (a category in which Kuiper includes Dutch nationals). The remaining 490, or 65,3%, were Asians. This category, however, comprises Chinese, freedmen, enslaved people, ‘others’ and those without a recorded ethnicity.⁶⁰ Strangely, Indo-Europeans are absent from these figures, as are the indigenous peoples. The disparity in prosecution of Europeans (the Dutch included) between this study and Kuiper’s supports the idea that primarily Dutch nationals were prosecuted for sodomy by the Company. However, owing to the different categorisations used, this argument is tenuous at best.

Another indicator of the focus of the persecutions at Batavia can be found through the defendants’ religious denominations, which some prosecutors included as a subject in their interrogations or else could be inferred from an oath at the end of these documents. Only a small number of defendants had their denomination recorded. Witnesses appear to have had their denomination recorded more often than suspects because they were asked to testify under oath, while defendants signed their statements. One possible explanation for the lack of data on defendants’ denomination is that judicial bodies

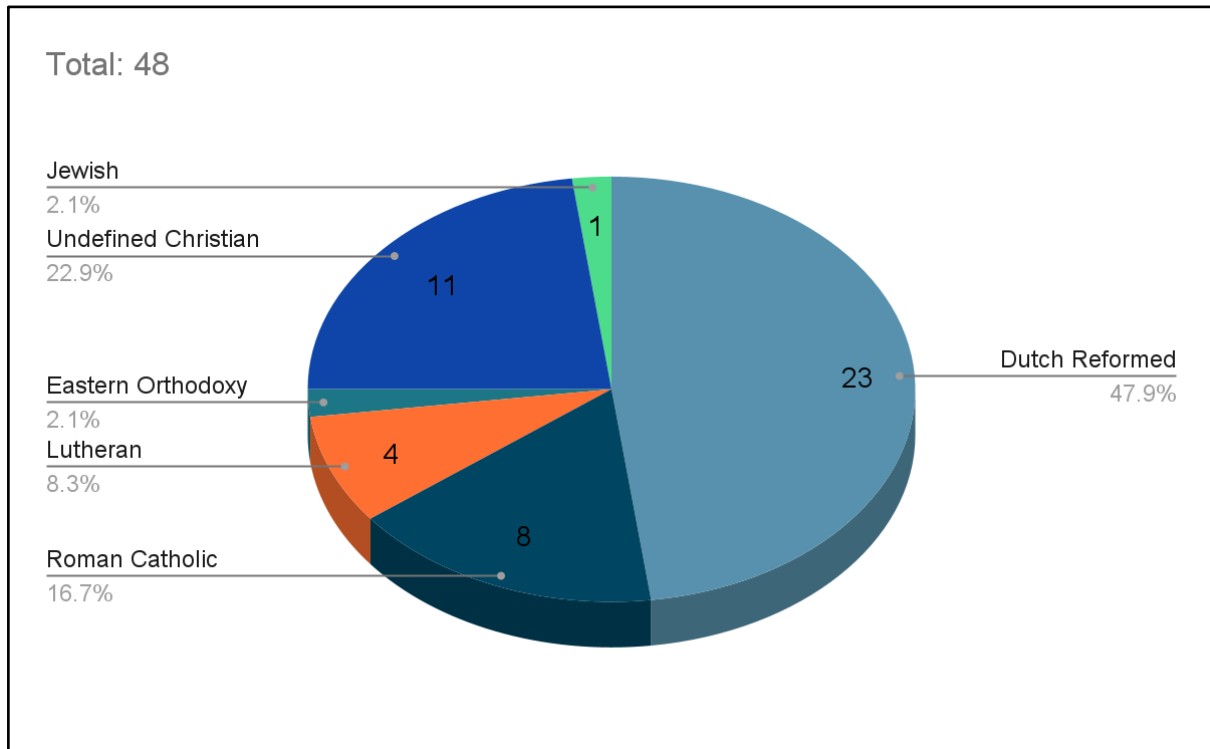
⁵⁸ Boon, *‘Dien godlosen hoop van menschen’*, 218-224; Van der Meer, *Sodoms zaad in Nederland*, 370-371; Noordam, *Riskante relaties*, 256-262.

⁵⁹ Roelens, *Citizens and Sodomites*, 217, 225-228.

⁶⁰ Robert Kuiper, *Doende regt? De Chinese oorlog en de Raad van Justitie in VOC-Batavia* (Dissertation Erasmus University Rotterdam, 1994), 57.

questioned sodomites' religious credentials to testify under oath, being after all on trial for a religious sin.

Diagram 5 Religious Denomination of Men Tried for Sodomy, 1625-1787



Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

The Dutch Reformed or Calvinist religion constitutes the largest denomination present among the 48 suspects with a documented religion, standing at 23 people or 47,9% of the total. This figure reflects the prominence of people born in the Dutch Republic inside the full body of suspects, although here it only results in a plurality, not a majority. The second-largest demographic, that of 'unspecified Christians', counts 11 people or 22,9% of the suspects. With one exception these people were all born in the Dutch Republic above the Nederrijn, Lek, Waal, Merwede and Meuse rivers, where the demographic share of protestantism was larger than elsewhere in the country.⁶¹ It is therefore possible that the total share of Dutch Reformed is much larger than reflected. Roman Catholics (8 or 16,7%) are the third-largest demographic, followed by Lutherans (4 or 8,3%). Eastern

⁶¹ Hans Knippenberg, 'Hoofdcontrasten op de godsdienstkaart van Nederland', *Radix* 22:3 (July 1996) 142-171, there 143-152.

Orthodoxy, documented as “the Greek religion”, and Judaism are both present once, each claiming 2,1% of the share.

Keeping in mind the limited number of cases with a documented religious denomination, when compared with the birthplace figures, it is safe to conclude that Dutch employees appear to be the target demographic of sodomy trials by the Company, at least in Batavia. European and Asian sailors in particular were prosecuted at smaller margins. Widely followed religions in popular recruitment areas of the Company in Asia, such as Islam, Buddhism, and Hinduism, are absent from the figures, while four of the Roman Catholics were born and recruited in Bengal, a historical region corresponding with modern-day north-east India and Bangladesh. They were the only Asians with a documented religious denomination who were put on trial, all of them in 1739 at the height of the persecution.⁶² This might indicate that allegations of sodomy were raised more quickly against Christians than against other groups. It is also possible that different non-European sailors experienced a stronger sense of in-group loyalty than European officers onboard ships. In a case dated to 1779 which is also covered by Van Rossum, a Chinese porter onboard the *Holland* named Mahou received legal support from the other Chinese crew members when faced with an allegation of homosexual intercourse. First by requesting that the ship enter port so they could ask for help from the local head of the Chinese community, which was denied, then by providing Mahou with an alibi, claiming that the Chinese crew paid the other suspect for cleaning their dishes. Finally, they provided him with a translator during his interrogation.⁶³ They did not disassociate themselves from Mahou, this in contrast to two German officers, *schiepmann* Daniel Muller and constable Jacob Lopedans, who claimed that the Chinese crew had a reputation onboard for soliciting intercourse, or “godlessnesses” as they described it.⁶⁴

Two factors which have been the source of speculation among historians, is the age and degree of experience the average sailor prosecuted for sodomy had, compared to their older and longer-serving counterparts. Van Rossum suggested that younger sailors

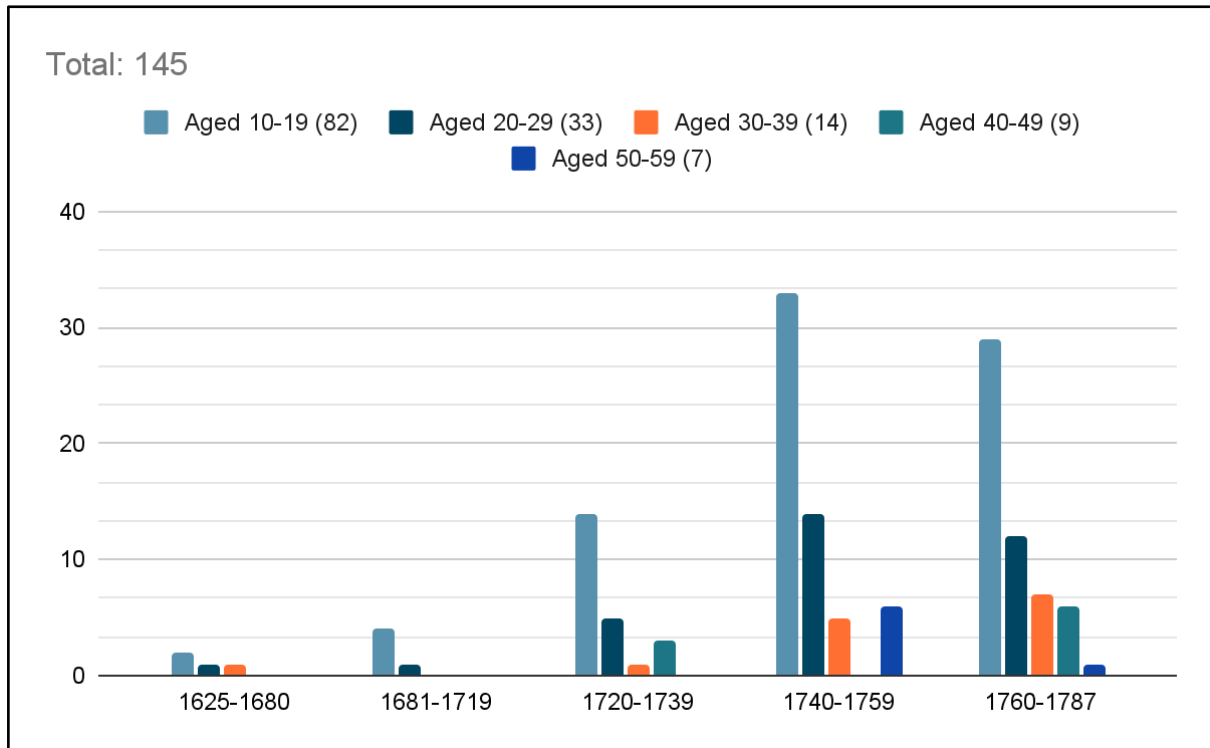
⁶² Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9390, ff. 439-498, 645-687: Papieren van civile en criminele processen van den raad van justitie tot Batavia in dato 30 december 1739 gekomen uit de cas op 't generaal register genoteert mit No.52 Derde stuk.

⁶³ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9510, ff. 401-437: Papieren van den raad van justitie te Batavia de brief gedateerd 3 january 1781.

⁶⁴ Van Rossum, *Werkers van de wereld*, 335-339.

in particular were susceptible to homosexual advances because they were often yet to witness the punishments for homosexual intercourse which cautioned their older colleagues. This inexperience also made them more forthcoming before the judiciary.⁶⁵ Roughly half of all procedural documents mentioned the defendants' age, and nearly all records included the defendants' occupation, making it possible to verify this claim.

Diagram 6 Ages of Men Tried for Sodomy, 1625-1787



Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

The age bracket ten to nineteen made up the largest group of the men prosecuted for sodomy, namely 82 out of 145 suspects, or 56,5% of this figure. Employees aged twenty to twenty-nine formed the second largest group with 33 suspects, or 22,7%. The number of suspects aged above thirty makes up the remaining twenty-one percent. Here, too, the numbers continue to decrease per age bracket, albeit at smaller increments. There are 14 suspects aged thirty to thirty-nine at the time of their trial, or 9,6%; forty to forty-nine consists of 9 suspects, or 6,2%; and fifty to fifty-nine counts 7 suspects, which amounts to a share of 4,8% of the total number of suspects. Ketting deduced that between 1595

⁶⁵ *Idem*, 329-331.

and 1649, the average age of sailors was 25 and that of lower officers was 31.⁶⁶ This confirms Van Rossum's assumption that the majority of defendants in sodomy trials were younger than the average employee. This is noteworthy: men were not recognised as adults by the pre-modern Dutch legal system until they were twenty-five years of age, meaning that the majority of defendants were minors in the eyes of the court.⁶⁷ There is no data for the ages of the men convicted of sodomy in the Dutch Republic. For the Southern Netherlands it further proved difficult to categorise defendants based on age because this variable was rarely recorded in the sources. One imperfect method of determining the age of defendants is to look at the use of the diminutive form of their names in court records, which would yield 62 of 402 defendants, or 15,3%, in Belgium from the fifteenth through to the seventeenth century. However, Roelens asserts that the diminutive form is not a guarantee of the defendant's juvenility since courts used naming conventions inconsistently and, sometimes even interchangeably in individual cases.⁶⁸ Van der Meer observed that youth often featured as a mitigating circumstance in sodomy trials (a standard practice in early modern Dutch criminal jurisdiction). In particular, convicted sodomites below the age of twenty were rarely convicted to death by urban courts during the eighteenth century, though some rural courts defied this trend.⁶⁹ How defendant age influenced sentencing in Batavia will be addressed in chapter three.

The prevalence of certain occupations, too, speaks to the impact of experience on involvement in homosexual intercourse. As with age and ethnicity, it can also help determine the role of social hierarchy in sexual relations at the Company. Diagram 7 divides the occupations of employees into seven categories, with an additional eighth category for the small number whose occupation was not reported in the documents.

⁶⁶ Ketting, *Leven, werk en rebellie*, 51-52.

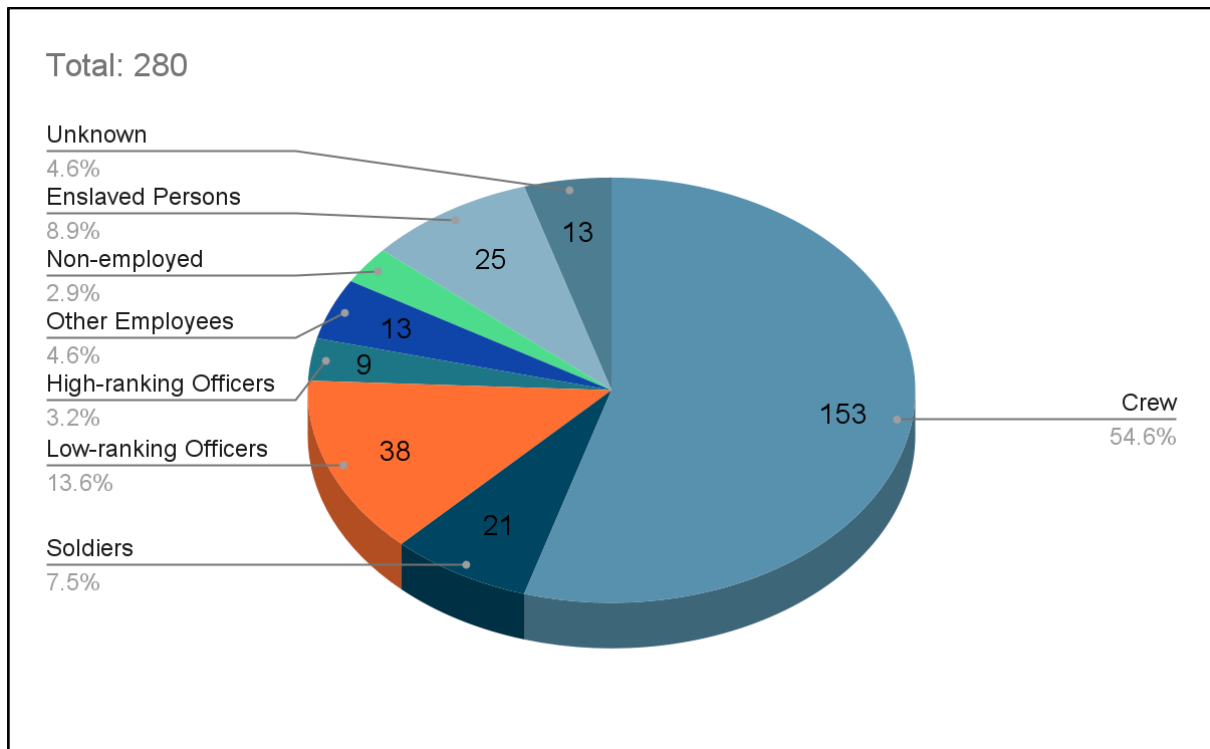
⁶⁷ Manon van der Heijden, *Huwelijk in Holland: stedelijke rechtspraak en kerkelijke tucht* (Amsterdam 1998), 192-194.

⁶⁸ Roelens, *Citizens and Sodomites*, 131-137.

⁶⁹ Florike Egmond, 'Fragmentatie, rechtsverscheidenheid en rechtsongelijkheid in de noordelijke Nederlanden tijdens de zeventiende en de achttiende eeuw', in: Sjoerd Faber (ed.), *Nieuw licht op oude justitie: misdaad en straf ten tijde van de Republiek*, Rechtshistorische verkenningen, (Muiderberg 1989) 9-22, there 14-15; Van der Meer, *Sodoms zaad in Nederland*, 144-147.

Diagram 7

Occupation of Men Tried for Sodomy, 1625-1787



Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

Regular crew members form the largest demographic among the defendants, with a share of 153 or 54,6% of the men prosecuted for sodomy. That the majority of sodomy trials concerned regular crew members is not remarkable in itself; employees of rank were in the minority, both in transcontinental and inter-Asian shipping, with officers often strategically dispersed across ships in labour divisions called *bakken* (see chapter two) to guarantee the minimal amount of oversight and surveillance over the large crews.⁷⁰ It is also consistent with the age profile of most defendants. The majority of these crew members can be divided into either 'young sailors' (*jongmatrozen*, *jongens*, and *hooglopers*) or 'sailors' (*matrozen*). Contrary to what has been claimed by database *VOC Opvarenden* of the Dutch National Archive, the adjective *jongmatroos* does not automatically signify that the sailor was aged seventeen or younger. The oldest *jongmatrozen* on trial were twenty-one, like Johannes Jacobsz. of Amsterdam in 1734-1735. Conversely, the youngest *matroos* was fourteen-year old Jan Crauwer of Vlissingen,

⁷⁰ Richard J. Guy, *First Spaces of Colonialism: The Architecture of Dutch East India Company Ships* (Dissertation Cornell University, 2012), 275-277.

tried in 1776.⁷¹ Young sailors formed the largest sub-demographic put on trial in Batavia, claiming 90 or 32,1% of all the suspects and 58,8% of their category. An additional 42 or 15,0% defendants were sailors, 27,4% of the total number of regular crew members. Moorish sailors, a distinct occupation in the Company's bookkeeping, formed the third-largest sub-group, with 12 or 4,2% of all suspects and 7,8% of the regular crew members. The remainder are individuals who occupied a variety of functions, such as carpenters, watchers, and sail makers.

The second-largest group are the low-ranking officers onboard Company ships with 38 people or 13,6% of the total number of suspects. These would have been officers with day-to-day interactions with the rest of the crew, such as the quartermaster (8 or 2,8%; 21,0%) and the cook (4 or 1,4%; 10,5%). High-ranking officers form a smaller category at 9 people or 3,2%, of which the captain (*schipper* or *kapitein*) claims the largest share at 4 or 1,4% of all suspects and 44,4% of all high-ranking officers.

The third- and fourth-largest categories are enslaved people and soldiers, respectively. A total of 25 enslaved people, or 8,9% of the total number of suspects, were put on trial for homosexual intercourse. Following closely behind are 21 soldiers with a claim of 7,5% of the total share. The decision to split soldiers from the regular crew follows not only geographical considerations, but also recognises the animosity and rivalry that often experienced between the two groups onboard Company ships.⁷²

The remaining smaller categories are other employees, the non-employed, and those with no stated occupation. The 13 other employees with a share of 4,9% are people who worked for the Company at factories or land-based sites of industry in a wide variety of functions, ranging from powerful men like the *fiscaal* Van Duijvenvoorde to lowly employees such as Lambert Dangelar, a servant (*dienaar*) who was tried between 1625 and 1633.⁷³ Non-employed were people who ordinarily would not have been tried by the

⁷¹ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9366, ff. 271-284, 353-416: Criminele processen van den raad van justitie van Batavia van den jaren 1733 en 1734 vierde deel; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9380, ff. 31-324: Civile en criminele processen van den agtbaren Raad van Justitie op Batavia gedient en gedecideert in den jaren 1735 en 1736 derde deel per 't schip Schellag aangebragt anno 1739; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9505, ff. 11-104: Papieren en stukken van den Raad van Justitie te Batavia tot 't register getekent 13 januari 1777 2e deel.

⁷² Van Gelder, *Naporra's omweg*, 271.

⁷³ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9487, ff. 60: justitieele papieren [van Batavia 1768] 2 deel Bleijswijk.

Raad van Justitie, if they did not become involved with an employee; they are a small group at 8 people or 2,9% of all suspects. Finally, 13 people or 4,6% never had their occupation written down in the documents.

This chapter demonstrated that the prosecution of homosexuality by the Dutch East India Company in Batavia grew in scope after 1730 in the wake of the Utrechter Sodomy Trials in the Dutch Republic. Sentences by the city's *Raad van Justitie* were more lenient than those of courts in the imperial metropole, with capital punishment being passed at a significantly lower rate in favour of penal labour and exile. Conversely, the urgency of prosecution remained a constant factor for longer in Batavia than it did in the Netherlands, persisting into the 1750's. The majority of the defendants tried for sodomy were ordinary crew members, although they were younger than the average Company employee. The majority were moreover Dutch nationals, despite the Dutch being in the minority in the workforce of the Company.

Chapter Two - Sites of Sexual Intercourse

On April 26, 1754 the quartermaster of the *Wildrijk*, Jan Adam Smals, and sailor Jacobus Bol discovered two sailors, fifteen-year old Jan Waaldijk and Jan Paulus Coolman of twenty-five, masturbating together inside a barge. Initially, they treated the occurrence as a curiosity, but intervened when Waaldijk and Coolman readied for intercourse. When the sailors were brought in for questioning before the *scheepsraad*, the presiding officers expressed concern for Waaldijk on account of his young age, suspecting that Coolman might have coerced him. Waaldijk disputed this notion, stating that he operated out of free will and with the knowledge that his actions were “evil”. On the contrary, it was *he* who suggested that they meet each other at night in the first place “so that other people would not be able to see us”. Coolman corroborated his account and claimed that if it had not been for the quartermaster’s timely intervention, they would unquestionably have gone through with the act. These bold, unapologetic confessions condemned Waaldijk and Coolman to capital punishment after the ship arrived in Batavia. They also provide insight into the prospect of homosexual intercourse, the sexual morality, and the enduring lack of privacy while working for the Dutch East India Company.⁷⁴

This chapter addresses the spatial dimension of homosexual intercourse in the maritime world of the Company through two avenues, the context of the voyages and the sites of intercourse. A total of 98 identified voyages and 106 located sexual encounters are analysed to determine which assignments yielded the most persecutions, where sailors were the most likely to court each other, and how this information relates to key socio-psychological factors in sailors’ lives, such as the lack of and search for privacy, social tension and boredom, sexual frustration and experimentation. The main conclusions are that isolation from women at sea had a minor impact on sailors’ homosexual behaviour at best, evidenced by a substantial number of sexual encounters taking place when ships were docked or sailors were on land, and that the majority of

⁷⁴ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9317, ff. 90-91: Criminele rolle van de jare 1754/55 N.2; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9444, ff. 139-242: Criminele processen Batavia deel B 1754 en 1755 per Vlissingen; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 14221, ff. 163: Principaal grootboek Wildrijk anno 1754 voor Rotterdam.

cases relate to spaces where privacy was negotiated or non-existent, particularly onboard ships.

The spatial dimension of homosexuality has fascinated historians since the eighties, when an association was first made between the surge of prosecution in the early eighteenth century and the emergence of public cottaging sites and dedicated spaces for homosexual intercourse during the late seventeenth century.⁷⁵ It was also the first aspect evaluated by colonial historians. However, there is no quantitative data available on common sites of homosexual encounters. Consequently, the findings of this chapter are a unique contribution to the historiography of European homosexuality.

'Situational Homosexuality' Revisited: Ship Types and Voyage Lengths

The question of *where* sailors had intercourse has always been at the forefront of colonial historians' inquiries. When Aerts proposed in 1988 that some sailors with the Company were only persuaded towards homosexual intercourse as a result of prolonged sexual abstinence working on ships exclusively staffed by all-male crews, she not only made assumptions about the sailors' sexuality, but also a statement about their work environment. She identified ships as 'total institutions', a concept which she derived from Goffman through Burg's study into homosexual relations between pirates in the seventeenth-century Caribbean.⁷⁶ These are settings characterised by a hierarchical organisation with strict rules and expectations of personal conduct, isolated from people from outside this environment, not only in the daily rhythm of life, but also by physical demarcation. Socialisation inside a total institution would thus be dominated by people subject to the same regulations, with privacy being limited or non-existent.⁷⁷ One supposed result of this segregated lifestyle is the occurrence of 'situational homosexuality'. For example, in a 1982 study of same-sex behaviour in a California prison, which sampled 200 male inmates, 65 percent of the men had engaged in homosexual relations during their incarceration, even though 78 percent identified as

⁷⁵ Van der Meer, *Sodoms zaad in Nederland*, 223-230, 242-247, 266-275; Noordam, *Riskante relaties*, 135-157; Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World*, 110-111.

⁷⁶ Aerts, "Het verfoeijelijke crimen van sodomie", 18-19.

⁷⁷ Goffman, *Asylums*, 3-12.

heterosexual.⁷⁸ Burg, however, observed that the normalisation of homosexuality developed differently between twentieth-century prison inmates in the United States and seventeenth-century pirates of the Caribbean. Many prisoners viewed any homosexual acts they engaged in as “temporary activit(ies) imposed by unfortunate circumstances” in which they continued to observe heterosexual conventions. Conversely, pirates with same-sex sexual encounters typically flouted those norms and elected the queer life in the Caribbean over the realistic option to return to heteronormativity in Europe or the colonies in America.⁷⁹

Aerts never considered, as Burg did, whether the working environment of the Dutch East India Company ship developed a divergent sexual morality, but assumed that homosexual relations onboard would have commonly been of a situational nature. Instead, she looked for explanations as to the willingness among sailors to engage in homosexual relations: the extended isolation, the powerful bonding effect of shared hardships, and a flexible sexual morality among the working classes of pre-modern Europe.⁸⁰ Her reservation is warranted, because in contrast to pirate ships, where pirates themselves were in charge of morality and social norms of their in-group, Company ships remained subject to Dutch laws and customs, which were also enforced in many of the ports they set sail to and by the corporate courts of the Company. However, this does not guarantee that these ships were exclusively crewed by sexually frustrated men, ready to cross the considerable physical and psychological boundaries accompanying sexual intercourse outside one’s sexual orientation.

The theory of ‘situational homosexuality’ is problematic in several ways. First, it positions heterosexuality as a norm disrupted by enduring sexual frustration and threatened by the same-sex environment. However, the inverse can also be true: those elements of the total institution which prompted people to renege on their sexuality, can also encourage sexual experimentation. The isolation from women for heterosexual men *also* resulted in an enduring proximity allowing homosexual and bisexual men to bond. This opens up a discussion about the conditions of life on-board a Company ship, which I will reserve for the second sub-chapter, when I also lean into popular sites of sexual intercourse.

⁷⁸ Christopher Hensley and Richard Tewksbury, ‘Inmate-to-Inmate Prison Sexuality: A Review of Empirical Studies’, *Trauma, Violence & Abuse* 3:3 (July 2002) 226-243, there 235.

⁷⁹ Burg, *Sodomy and the Pirate Tradition*, 107-111.

⁸⁰ Aerts, “Het verfoeijelijke crimen van sodomie”, 5-6.

Second, the theory rests on the assumption that voyages were more or less uniform experiences. As observed in chapter one, voyages can be broken down into distinct assignments: transcontinental shipping, intra-Asiatic shipping and local maritime deployment. Just as the composition of the workforce differed between assignments, so too were the contexts in which these types of voyages operated different, with profound implications for the sexual lives of sailors as a result.

Transcontinental shipping involved an arduous voyage between Europe and Asia around the Cape of Good Hope which took five to eight months to complete - the longest isolated posting of the three assignments.⁸¹ However, as a lived experience it makes more sense to break the transcontinental voyage up into two separate legs, the distance between the Dutch Republic to Cape Town, which took an average of 136 days to complete on an outward journey and 117 on the return voyage, and the distance between Cape Town to Batavia with an average of 82 days on the outward journey and 86 days on the return voyage.⁸² In theory, the Company only allowed its ships to dock at the Cape for the duration of this journey, serving as a staging post for provisioning, but this rule was difficult to enforce. Captains frequently made stopovers at ports in England (locales well-suited for private trade in contraband and desertion), Cape Verde and the Gulf of Guinea.⁸³ These landings represent breaks in the drudgery of ship life as well as opportunities to gallivant in search of a woman's attention. Their illegal nature means that there are no estimates on how long ships moored at the majority of these ports, but time spent at the Cape lasted approximately a month: on average, crews spent 27 days docked at the Cape on the outward journey, and 33 days on the homeward journey.⁸⁴

The majority of men who sailed with the Company would have been employed intra-Asiatic shipping. These assignments were characterised by short durations at sea and a close proximity to various ports of call. A voyage from Batavia to Ambon could only be completed, as the monsoon season permitted, from October to March; ships then returned to Batavia from April until October.⁸⁵ This suggests that an assignment bound

⁸¹ Robert Parthesius, *Dutch Ships in Tropical Waters: The Development of the Dutch East India Company (VOC) Shipping Network in Asia, 1595-1660* (Amsterdam 2010), 98-99.

⁸² Jaap Bruijn, Femke Gaastra, Ivo Schöffer, and Ton Vermeulen, *Dutch-Asiatic Shipping in the 17th and 18th Centuries: Volume I, Introductory Volume*, Rijksgeschiedkundige publicatiën, grote series 165, (The Hague 1987), 67-68, 70-72, 81-82.

⁸³ Idem, 60-66.

⁸⁴ Idem, 69-70.

⁸⁵ Parthesius, *Dutch Ships in Tropical Waters*, 52-53.

for the Moluccas in October could last as long as eight months, but the same assignment commenced in March could take as little as one, perhaps two months. The time it took to sail between the Malay Archipelago and the Indian subcontinent was also short enough to allow for multiple voyages a year: for example, in 1733 the hekboot *Susanna* departed from Malacca on December 17th for Bengal. It arrived at the factory in Hugli-Chuchura a week before February 23rd, 1734, where it remained for an indeterminate time for reparations; later that same year the ship sailed from Batavia to Fort Cochin on the Malabar Coast between August 4th and October 26th.⁸⁶ Voyages further afield from Batavia, such as to the factories in Nagasaki, Japan and Basra, Iraq were still considerably shorter than a transcontinental journey. For example, the *Blijdorp* departed from Batavia for Nagasaki on May 30th, 1731 and was ready for its return voyage on October 20th, 1731. It arrived somewhere early in the next year, because it departed Batavia for the Cape by February 14th, 1732.⁸⁷ Both voyages here took approximately three to four months. For the connection with Basra, this estimate is harder to make. The *Wereld* made a round-about voyage between Basra and Batavia between July 1751 and June 1752, during which it also docked at Bandar Abbas, Iran (then Gamron).⁸⁸ Each voyage approximately lasted four to five months.

If intra-Asiatic voyages can be considered short-duration assignments, this is certainly true for local voyages. Little research has been conducted into local assignments. These included a myriad of postings ranging from sea- and river patrols to small-scale trade and freight shipping, although it is sometimes difficult to differentiate between what constitutes a local or an intra-Asiatic voyage, particularly during the seventeenth century, when they both employed smaller vessels compared to transcontinental shipping lines.

⁸⁶ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 8776, ff. 20-22, 33-36: Register van alle sodanige brieven en bijlagen als in desen successivelijk zijn ingesz. en ontfangen uijt Bengale anno 1734'; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9018, ff. 447-449: Register van alle sodanige brieven en bijlagen als indesen successivelijk zijn ingeschreven en ontfangen van Mallabaar anno 1735; Jurrien van Goor (ed.), *Generale Missiven van Gouverneurs-Generaal en Raden aan Heren XVII der Verenigde Oostindische Compagnie: Deel IX, 1729-1737*, Rijks Geschiedkundige Publicatie, grote serie 205, (The Hague 1988), 482, 496, 551-552, 606.

⁸⁷ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 10767, ff. 190: Dagregister [Kaap de Goede Hoop] d'anno 1747; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 10768, ff. 55: Dagregister [Kaap de Goede Hoop] d'anno 1748.

⁸⁸ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 10775, ff. 88: Dagregister [Kaap de Goede Hoop] d'anno 1755; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 10776, ff. 27: Dagregister [Kaap de Goede Hoop] d'anno 1756.

In the eighteenth century, when the intra-Asiatic trade increasingly moved towards larger vessels, smaller ships tied to specific outposts became the characteristic of local shipping.⁸⁹ The three sodomy trials involving sexual intercourse on ships engaged in local voyages during this century highlight the limited geographical scale of such assignments. The frigate *Maria Adriana* travelled between Batavia and Palembang on Sumatra in 1753, which was the capital of a local Indonesian sultanate where the Dutch maintained a factory.⁹⁰ The Dutch also maintained a factory in Banjarmasin, which the hoeker *Ter Veer* visited in 1759, and where twenty-six year old Rosarius Saviotti and his fellow suspects were first interrogated before their trial in Batavia.⁹¹ Similarly, when a sexual encounter took place on the chialoup or pencalang *De Lassem* when it lay anchored at the Sousang estuary of the river Musi near Palembang in 1767, the suspects, teenagers David Jacobsz. and Adam Bulk, were first brought before the Dutch authorities in Palembang, suggesting that the ship operated from the small outpost.⁹² These cases suggest that local assignments were unlikely to carry sailors away from ports for extended periods of time.

At the end of every voyage was a port, presenting sailors with a respite from the isolated environment in which they lived and worked and reintroducing them to a society which included women. The principal reason to dock was that ships needed to restock supplies and deliver the goods they were shipping. Harbours also presented crews with an opportunity to recruit new sailors to replace sustained losses; particularly from 1733 onward the mortality rate among European sailors, which had been high to begin with, rose in the wake of an unidentified epidemic, possibly malaria, in Batavia.⁹³ But sailors' stay on land often lasted longer than was necessary to meet ships' logistic needs, particularly in Asia. Intra-Asiatic shipping leaned heavily on the seasonal wind patterns of the Asian and Australian monsoons. For example, the traditional period of departure from Batavia to Siam or China was between April and May, ships bound for Japan departed in June, and the voyage to the Indian subcontinent began no later than July.⁹⁴

⁸⁹ Van Rossum, *Werkers van de wereld*, 127-131.

⁹⁰ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9442, ff. 289-328: Criminele processen Batavia 1753 en 1754 deel A per Baarzande.

⁹¹ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9467, ff. 401-460: Criminele processen van Batavia 1760 A.

⁹² Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9485, ff. 377-417: Criminele processen van Batavia 1768.

⁹³ P.H. van der Burg, 'Malaria in Batavia in the 18th Century', *Tropical Medicine and International Health* 9:2 (September 1997) 892-902, there 893-900; Parthesius, *Dutch Ships in Tropical Waters*, 108-110.

⁹⁴ Els M. Jacobs, *Koopman in Azië: de handel van de Verenigde Oost-Indische Compagnie tijdens de 18de eeuw* (Zutphen 2000), 14.

This meant that sailors were often forced to wait on their next assignment for favourable weather conditions to manifest, as the aforementioned route between Batavia and Ambon demonstrated. Ships also anchored for long spells of time because of the ecological damage they sustained through the accretion of shells and barnacles, slowing ships' ability to sail, and shipworm invasion, which ate their way through the wood.⁹⁵ The cleaning, refitting and repairing of ships was a ceaseless challenge for which the Company constructed a network of shipyards across the Indian ocean basin nearby or in shipping distance of teak forests, an indigenous tree whose wood decayed less rapidly in better suited to its tropical waters than European oak or pine wood.⁹⁶

In ports there were opportunities abound for the touch-starved heterosexual man. Dutch colonial societies in Asia were hives of sex work, catering not only to the surplus of men who lived there, but also to those men who flocked in with every arriving ship. So widespread were immoral relations that the Company frequently passed new laws, a testament to its inability to regulate or abolish sex work.⁹⁷ These industries were inadvertently encouraged by a reluctance to grant dispensation for marriage and a ban on the repatriation of men who did marry Asian women. The result, according to Rose, were societies which "effectively fostered illicit forms of sexuality".⁹⁸ Some indigenous, enslaved and freed women settled for the next-best form of relationship that could provide them some form of economic security: concubinage, a practice which Batavia society adopted from local custom and was readily employed by men from all backgrounds in the city, not just Europeans.⁹⁹ The intimate connection between Company and Prostitute is illustrated by the construction of the majority of the city's brothels directly in front of Batavia Castle, granting its garrison of soldiers easy access to their

⁹⁵ Bruijn e.a., *Dutch-Asiatic Shipping: Vol. I*, 51; Kuzhippalli Skaria Mathew, *Shipbuilding, Navigation and the Portuguese in Pre-modern India* (Abingdon and New York 2018), 106-108.

⁹⁶ Jorden van der Meer, *Shipbuilding at the VOC Wharf in Rembang (1677-1750): A History about Ship and Empire-building on a Colonial Wharf* (Master Thesis Leiden University 2021). Retrieved from <https://hdl.handle.net/1887/3232173> on 06/05/2024, 19-20; Nancy Lee Peluso, *Rich Forests, Poor People: Resource Control and Resistance in Java* (Berkeley, California 1992), 28, 31-32, 36-40; Erik Odegard, 'Timmeren te Cochin: Scheepsbouw op de VOC-scheepstimmerwerf in Cochin', *Tijdschrift voor Zeegechiedenis* 36:2 (2017) 22-39, there 27.

⁹⁷ Leonard Blussé, *Strange Company: Chinese Settlers, Mestizo Women and the Dutch in VOC Batavia*, Verhandelingen van het koninklijk instituut voor taal-, land- en volkenkunde, (Dordrecht and Riverton 1986), 166; Jean Gelman Taylor, *Smeltkroes Batavia: Europeanen en Euraziaten in de Nederlandse vestigingen in Azië*, translated by Emile Henssen and the editorial office of Wolters-Noordhoff, (Groningen 1988), 32-33.

⁹⁸ Rose, *Regulating Relations*, 111.

⁹⁹ Hendrik E. Niemeijer, *Batavia: een koloniale samenleving in de 17de eeuw* (Amersfoort 2005), 179-189.

services.¹⁰⁰ The presence of women and sex work at shipyards remains unresearched. Onrust, an important road with a reparations shipyard just off the coast of Batavia, was home to the wives and daughters of important officers of the shipyard, but they would have been closely guarded. Its industries relied heavily on forced labour, however, demographics which were susceptible to sexual exploitation.¹⁰¹ It is possible that sailors who anchored at Onrust would have gone on leave to Batavia while waiting for their next assignment.

Cape Town was a smaller settlement than Batavia, but here, too, there was sex available for pay for sailors halfway through their voyage. The resident slave lodge notoriously doubled as the town's principal brothel, speaking both to the poverty enslaved women suffered in the Dutch colony as well as the pervasive notion that enslaved people were sexually available for prostitution. Some of the few working class free women who lived here also supplemented their insufficient wages by selling their bodies.¹⁰² Finally, sailors were able to visit brothels in settlements outside of Dutch colonial control. Depending on the country they visited, this option was even less stigmatised than it was in Batavia. In Japan, for example, sex workers from the licensed *Maruyama* quarter were among the few Japanese and the only women permitted to enter the artificial island of Dejima, built to contain the Dutch community in the bay of Nagasaki.¹⁰³ Likewise, in Hugli and Calcutta, where the Dutch and the British East India Companies respectively stationed their Bengali factories, there lived a sizable enslaved population right alongside them who made a living through a variety of service industries, including sex work and concubinage.¹⁰⁴

Opportunities for heterosexual sex, then, were scarcer for sailors than they were for employees who worked on land, but not so scarce as has previously been suggested. The shorter duration of the majority of voyages undertaken by Company ships, as well as the prevalence of sex work in ports and harbours across Asia, makes it imperative that we do not overstate the psychological impact of 'the long voyage'. When assumptions about

¹⁰⁰ Blussé, *Strange Company*, 168-169.

¹⁰¹ Dick Schaap, *Onrust: het Nederlandse duivelseiland* (Utrecht 2002), 44-50, 61-64.

¹⁰² Elizabeth B. van Heyningen, 'The Social Evil in the Cape Colony 1868-1902: Prostitution and the Contagious Diseases Acts', *Journal of South African Studies* 10:2 (April 1984) 170-197, there 170-171; Rose, *Regulating Relations*, 130-132.

¹⁰³ Frits Vos, 'Forgotten Foibles: Love and the Dutch at Dejima (1641-1854)', *East Asian History* 39 (December 2014) 139-152, there 140, 147-151.

¹⁰⁴ Titas Chakraborty, 'The Household Workers of the East India Company Ports of Pre-Colonial Bengal', *International Review of Social History* 64:S27 (April 2019) 71-93, there 74-76.

sailors' sexuality are made, the broader context, such as the length of the voyage, their proximity to ports on that assignment, and even the size of the ship and crew, must be taken into account. Statistical analysis of witness statements reveals which voyages and ships featured frequently in sodomy trials from the *Raad van Justitie* in Batavia, along with the impact of ships mooring in port on sailors' homosexual behaviour onboard Company ships:

Table 1 Sexual Encounters per Ship Type and Voyage, 1625-1787

Ship Type	Retour Fleet	Retour; Docked ¹⁰⁵	Intra-Asiatic Trade	Intra-Asiatic; Docked	Local Shipping	Local; Docked
Square Stern Ships ¹⁰⁶	29	15	12	9	0	0
Frigate	0	0	0	0	1	1
Pinnace	0	0	1	0	0	0
Fluyt	1	2	7	4	0	0
Barque	0	0	2	0	0	0
Hoeker	0	0	0	0	0	4
Chialoup	0	0	0	1	0	1
Pencalang	0	0	0	0	0	1
Unknown Type	4	0	0	3	0	0
Total	34	17	22	17	1	7

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

The table adds up to a total of 98 voyages, which includes multiple entries from cases with more than one reported sexual encounter between different sailors - with the exception of two cases where a single individual unsuccessfully tried to solicit intercourse with an extraordinarily large number of people. The number of sexual encounters

¹⁰⁵ These figures include one shipwreck.

¹⁰⁶ The category 'Square Stern Ships' covers all ships which were described in the sources as 'ship', a generic term reserved principally to refer to east indiamen, but also yachts, pinnace, and frigates.

onboard transcontinental voyages was distorted towards the end of the eighteenth century by three large cases raised against officers, but these were ultimately included because the court ruled that intercourse did take place.

Four observations are immediately apparent from these figures. One, the number of sexual encounters by sailors stationed on transcontinental (34) and inter-asiatic voyages (22) remain quite close, and are the same (both 17) for encounters which took place while their ships were docked. Second, the number of cases detailing sexual encounters taking place during local assignments conversely remains low, with only a single (1) encounter out on sea and seven (7) while docked. Third, for the majority of cases with a determinable voyage, the sexual encounter occurred onboard the large and populated square stern ships such as the East Indiamen: 68 or 69,4% of all cases. The smaller fluyt was the second-most common ship where sexual relations were discovered or disclosed with 14 cases or 14,3% of the total share. Fourth, while the number of sexual encounters that took place while out on sea, 57 or 58,1%, adds up to a majority, it is still but a small lead over the 41 (41,8%) encounters which occurred while a ship was anchored or docked in port.

It is worth repeating here that the figures only concern documented prosecutions from Batavia's *Raad van Justitie*. They do not account for the dark number of undocumented trials conducted onboard ships by provisional courts mentioned in chapter one. Nevertheless, these observations suggest that homosexual encounters predominantly came to light in environments with a lot of traffic and opportunities to be caught or cause offence, which coincides with the adequately represented larger vessels in the figures employed in transcontinental and intra-Asiatic voyages: East Indiamen averaged crews of 180 to 230 people, fluyts 100 to 200.¹⁰⁷ Sexual encounters from local assignments characterised by smaller vessels, such as barques and chialoups, are consequently scarcely represented in court records. These same vessels were also operative in the intra-Asiatic trade network, however, and inside this category, too, they are conspicuously absent.

¹⁰⁷ Jaap Bruijn, 'De personeelsbehoefte van de VOC overzee en aan boord, bezien in Aziatisch en Nederlands perspectief', Koninklijk Nederlands Historisch Genootschap, *Bijdragen en mededelingen betreffende de Geschiedenis der Nederlanden* 91:1 (1976) 218-248, there 218-222; Hans Haalmeijer and Dik Vuik, *Fluiten, katten en fregatten: de schepen van de Verenigde Oost-Indische Compagnie, 1602-1798* (Haarlem 2002), 41.

The question whether the duration of a voyage resulted in situational homosexual relations demands a more reserved response. It is evident from the percentage of sexual encounters which took place while a ship was anchored in port and from the share of cases from short inter-Asiatic voyages that many sailors were unlikely to have been isolated long enough to be driven to frustration and act contrary to their sexual orientation. Many relationships cannot, therefore, be brushed aside as temporary lapses of judgement. Nevertheless, we do see a hike in sexual encounters out at sea during longer transcontinental voyages, which suggests that boredom and isolation could have some impact on sailors' sexual behaviour: 66,6% of all encounters on transcontinental assignments occurred out on sea, compared to 56,4% for inter-Asiatic voyages. This disparity could reasonably be ascribed to the length of the voyage yielding more opportunities for relationships to be discovered and for conflicts to erupt between lovers. It is important to note on this subject that 33,3% of all sexual encounters on transcontinental voyages and 43,6% of those on intra-Asiatic assignments still occurred while sailors were able to seek out the company of women in ports. Additional data would be a more conclusive argument, however. The next recommended step of research could be to compare individual intra-Asiatic voyages with the figures from intercontinental voyages based on the length of their *actual* voyage, to state with greater conclusiveness whether there is a contrast in sailors' sexual behaviour based on voyage length.

Circumstantial and anecdotal evidence from individual sodomy trials from Batavia can also be turned to for signs of sexual orientation. Sometimes, these signs coincide with the subject of voyage lengths. In four cases, a sexual relationship developed while a retour ship was yet to depart from the Dutch Republic, which then endured well into the journey: in 1734 a large case revolving around the captain of the *Adrichem*, Mijndert Schut, aged forty, revealed that, in addition to keeping relations with two other partners, Schut first had intercourse with thirty-two year old cook Hendrik Grootvelt in Amsterdam and at least once again while they were in Cape Town.¹⁰⁸ A decade later in 1748-1749, first a *Scheepsraad* and then the Batavia *Raad van Justitie* presided over another extensive case centred around an eighteen year old *hoogloper* named Barend van Lange of the

¹⁰⁸ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9363, ff. 73-74: Criminele processen van den raad van justitie van Batavia van den jaren 1733 en 1734 1. deel; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9366, ff. 429-430, 461-524, 577-654: Criminele processen van den raad van justitie van Batavia van den jaren 1733 en 1734 vierde deel.

Lekkerland. Van Lange was the undisputed champion of sexual relations in ports, having slept with four other sailors while anchored at the road at Texel, in Cape Town, and finally in Batavia.¹⁰⁹ That year the court also tried Jan van der Spijk, Jan Laterveer and Benjamin Benjaminsz. (aged sixteen to twenty-one) of the *Elswoud* for mutual masturbation, detailing an arrangement which also began in Texel and was still in force by the time the ship was docked in Cape Town.¹¹⁰ Finally, the 1755 trial cited in the chapter opening continued with an additional confession from young Waaldijk implicating twenty-five year old Louis van Balkom; they ostensibly saw each other “too many times to recall”, starting at the road at Hellevoetsluis. Van Balkom denied these charges as an attempt at vengeance for a previous altercation, however, and was acquitted by the court.¹¹¹

Finally, it was not unheard of for befriended sailors stationed on different vessels to visit each other on-board or for different crews to get together for socialisation while their ships waited in the harbour.¹¹² These interactions, too, sometimes resulted in sexual encounters, not all of them were positive. In 1749, for example, the fifteen year old Swiss *jongmatroos* Antoine Rachel accused twenty-three year old soldier Pierre Joseph Bland of outraging him inside a lodge while their ships were both docked at Onrust, his reason for incriminating himself being that the encounter had plagued his conscience ever since it occurred. Rachel was exiled for his ‘transgression’, while Bland was sentenced to fifty years of penal labour.¹¹³

¹⁰⁹ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9420, ff. 753-808: Civile en criminele processen van Batavia in de jaren 1748 en 1749, overgekomen per 't schip d'Uno. Ordinair processen No.22 en 23 extraordinair dito No.1-25. Tweede deel.

¹¹⁰ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9312, ff. 84-86: Criminele rolle van den jaer anno 1749/1750 N.2; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9428, ff. 663-670: Brieven en papieren van den Raad van Justitie tot Batavia overgekomen met het schip Oostcapelle in dato 8 december 1750 tweede deel.

¹¹¹ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9317, ff. 90-91: Criminele rolle van de jare 1754/55 N.2; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9444, ff. 139-242: Criminele processen Batavia deel B 1754 en 1755 per Vlissingen.

¹¹² Ketting, *Leven, werk en rebellie*, 150.

¹¹³ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9312, ff. 87-89: Criminele rolle van den jaer anno 1749/1750 N.2; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9428, ff. 674-694: Brieven en papieren van den Raad van Justitie tot Batavia overgekomen met het schip Oostcapelle in dato 8 december 1750 tweede deel.

Sites of Sexual Intercourse

Next, this study looks at common sites of sexual intercourse at workplaces and on leave on shore. A total of 106 sexual encounters could be located with the aid of witness statements and testimonies from sodomy trials from Batavia's *Raad van Justitie*. Included in this figure are 28 encounters which took place on land both in- and outside of labour sites, but all concerning at least one person on the payroll of the Company. Locating homosexual encounters is an important step in understanding why these cases came to trial, because as stated in chapter one, the increase in prosecution of homosexuality during the eighteenth century is understood to be linked to public visibility. Addressing these topics requires a brief overview of daily life onboard Company ships and the quality of privacy.

Total institutions were characterised by a lack or even absence of privacy. This is because the same space is utilised for a variety of purposes such as work, sleep, and recreation - a quality evidently true for the Company ship.¹¹⁴ Crews were divided into two labour groups called *kwartieren* and *bakken*. *Bakken* were a selection of seven or eight men who ate together, created in order to regulate the dispensation of provisions and placed under the supervision of an officer. They formed the immediate social network of sailors and were sometimes, though not consistently, organised along ethnic lines. *Kwartieren* or quarters were watchstanding divisions. The Company broadly operated with a system of three *kwartieren*, which meant that one-third of a crew would be working at any given time, with the remaining sailors unwinding or resting.¹¹⁵ Ketting paints a vivid picture of social life onboard Company ships. Favourite activities included board games, games of chance (sometimes involving wagers) and storytelling. Ghost and prank stories and experiences in life and at sea were common fare in these circles, but particularly well-liked were tales concerning women and sailors' exploits in the weeks following their payday. Another popular past-time was drinking, which involved a significant amount of peer pressure to continue into the late hours of the shift.¹¹⁶ It is not

¹¹⁴ Goffman, *Asylums*, 5-12.

¹¹⁵ Van Rossum, *Werkers van de wereld*, 265-270.

¹¹⁶ Ketting, *Leven, werk en rebellie*, 150-155.

far-fetched to conclude that many of these activities risked precipitating or heightening sexual and romantic tensions between sailors.

The *kwartieren*-system ensured that Company ships remained loud and busy environments around the clock. Just how much one could isolate themselves depended on one's standing in the social hierarchy onboard, with regular sailors needing to put in more effort to do so than higher-placed officers. Hierarchisation resulted in a spatial separation of the ship: officers spent the majority of their time at the back of the ship, which were off-limits for regular crew members. Here they enjoyed access to private lodgings with beds and often a door, which they shared with their own group. The rest of the crew toiled, lived and slept at the front of the ship, sleeping in hammocks suspended in open spaces subject to traffic or berths which could not be locked nor segregated from view with a curtain. Both hammocks and berths were shared with colleagues.¹¹⁷ Private lodgings were no guarantee that your actions would not be overseen or overheard, however, as the sodomy trial of bookkeeper Willem Bax discussed by Van Rossum illustrates; Bax was caught sexually assaulting two enslaved boys, Apollo van Java and Joseph van de Cust inside his cabin.¹¹⁸

The impact of this integrated life on ships on the mental well-being of sailors is a subject of debate among historians. Rose stresses that the lack of privacy onboard affecting all aspects of daily life, sexual relations included, was possibly not experienced as invasively by seventeenth- and eighteenth-century sailors as it would be today, because domestic spaces in pre-modern Europe doubled as spaces of communal life, observing the comings and goings of guests.¹¹⁹ This is consistent with Joachim Eibach's concept of the 'open house'. During the early modern period, homes were liminal spaces between the private and the public sphere inside a culture of visibility, where certain spaces were more accessible for outsiders and neighbours played a key role in social integration and control in society. Eibach asserts that nearly every aspect of domestic life

¹¹⁷ Djoeke van Netten, 'Spaces on Ships: Secrecy and Privacy in the Dutch East India Companies', *The Low Countries Journal of Social and Economic History* 18:3 (November 2021) 107-124, there 114-116.

¹¹⁸ Van Rossum, *Werkers van de Wereld*, 323-324; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9409, ff. 59-62: Brieven en papieren van den raad van justitie tot Batavia per 't schip getrouwigheid angebragt in dato 10 januarij 1747; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9411, ff. 279-340: Civile en criminele processen van Batavia van de jaren 1746 en 1747. Eerste deel vervattende No.1-13.

¹¹⁹ Rose, *Regulation Relations*, 112.

became public knowledge through these channels during this period.¹²⁰ However, Djoeke van Netten believes that close proximity between sailors on ships would still have been perceived as some form of infringement. First, because on land people slept and shared spaces with family members and other familiar people, not strangers. Second, because sailors were unable to leave the environment when it became overwhelming, which remained an option on land.¹²¹ How spatial familiarity between sailors influenced their willingness to incriminate colleagues remains unclear. Noordam asserts that homosexuality as an act (rather than a criminal offense) was not a shocking revelation but public knowledge throughout early modern Dutch society, and that confrontation with it did not immediately lead witnesses to raise the matter to the authorities. As a result, eighteenth-century prosecution of homosexuality might be linked to increased visibility in public spaces, but not necessarily to its visibility in the liminal domestic environment.¹²²

What makes the issue of privacy relevant to the subject of maritime homosexuality is the question whether sailors had a plausible defence of denial (of knowledge) of sexual behaviour in their environment. How likely were colleagues to see or hear sexual intercourse take place? An important step in answering this question is by looking where most sexual encounters took place. As table 2 shows, most sexual intercourse occurred out in the open:

¹²⁰ Joachim Eibach, 'Das Offene Haus: Kommunikative Praxis im sozialen Nahraum der europäischen Frühen', *Zeitschrift für Historische Forschung* 38:4 (2011) 621-644, there 648-655.

¹²¹ Van Netten, 'Spaces on Ships', 120.

¹²² Noordam, *Riskante relaties*, 264-272.

Table 2 Sites of Sexual Intercourse Onboard Dutch East India Company Ships, 1625-1787

Location ¹²³	Total	Sleeping Spot	Public	Semi-Private	Private
Beakhead	3	0	3	0	0
Ship's Boat	2	0	0	2	0
Nearby an Unspecified Capstan	2	2	2	0	0
Upper Deck	3	2	3	0	0
Top of the Foremast	1	0	0	1	0
Forecastle Deck	7	5	7	0	0
Forecastle	11	7	11	0	0
Cable Tier	3	0	3	0	0
Middle Deck	25	17	25	0	0
Quarterdeck	1	1	1	0	0
Galley	2	1	2	0	0
Pantry	1	1	1	0	0
Wheelhouse	3	1	3	0	0
Gallery	1	0	1	0	0
Great Cabin	2	1	2	0	0
Private Cabins	5	5	0	0	5
Captain's Quarters	4	4	0	0	4

¹²³ Where testimonies provided only a contextual description, I relied on maps included in H.N. Kamer, *Het VOC-retourschip: een panorama van de 17de- en 18de-eeuwse Nederlandse scheepsbouw* (Amsterdam 1995) to make an informed estimate about the purported site of sexual intercourse. To translate sites from Dutch to English maritime vocabulary, I consulted J.P. Vandenberghe and L.Y. Chaballe, *Elsevier's Nautical Dictionary in Six Languages* (Second Completely Revised Edition; Amsterdam 1978) and Cornell van der Windt, *Een Oostindiëvaarder vertaald: een terminologie / An East Indiaman Translated: A Terminology* (Doctoral Thesis Translation, University of Amsterdam, Amsterdam 1994).

Gunroom	2	1	2	0	0
Total	78	48	66	3	9

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

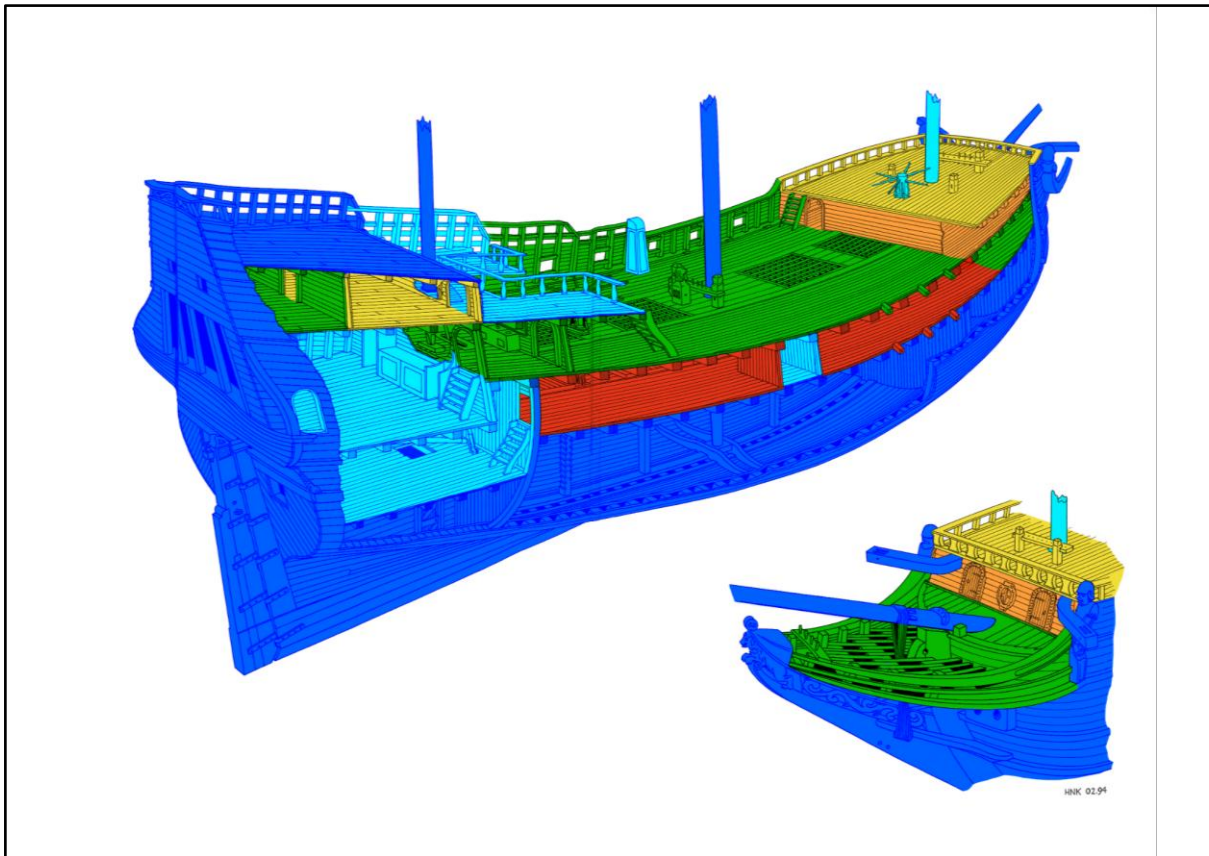
Out of 78 cases, 61,5% described one or more sexual encounter(s) in a hammock, bed, on deck or another space contrived as a place of rest. That is not to say that the remaining 38,5% of cases took place away from a sleeping spot, but rather that it was not mentioned in any of the confessions - it is probable that a number of them took place at these sites as well. Sites where regular sailors lived and slept claim the lion's share: the middle deck (32,1%), forecandle (14,1%), and forecandle deck (9,0%): together they make up the majority (55,2%) of all locations mentioned in sodomy trial cases. The private retreats of officers add up to 11,5%. The remaining 33,3% consists of spaces dedicated to labour, such as the cable tier and the gunroom, sanitary facilities -- the beakhead -- and unsorted locations.¹²⁴ Considering that most suspects were sailors, it is unsurprising that for 84,6% of all cases, the sexual encounter took place in a location onboard the ship which could be described as public, a quality determined based on it being an accessible space which would have been shared with colleagues or had a probability of traffic. Only three (3) cases, or 3,8%, occurred in a semi-public place, meaning that a couple had intercourse in a public space but hidden away from view, while sexual encounters in private spaces, that is places closed off from view, tallies up to 9 instances, or 11,5%.

The scope of just how public sexual relations onboard ships were is understood better when visualised, seen here on a heat map of all 78 localised sexual encounters on an illustration of a cross-sectioned East Indiaman:

¹²⁴ Van Gelder, *Naporra's omweg*, 229; Van Netten, 'Spaces on Ships', 108-109.

Figure 1

Heat Map Visualising Sites of Sexual Intercourse on a Cross Section of a Dutch East Indiaman (*spiegelretourschip*)



Source: Photoshop of an Illustration Originally Published by H.N. Kamer in *Het VOC-retourschip: een panorama van de 17de- en 18de-eeuwse Nederlandse scheepsbouw* (Amsterdam 1995), printed on pages 17-22.

For the majority of cases onboard ships homosexual encounters took place at sites inhabited by crew members of the same *bak* and *kwartier* and frequented by members from the other divisions. This would have made it difficult to keep relations a secret, and begs the question which role witnesses played in exposing them. Addressed here are the contextual factors at play affecting testimonies.

Suzanne Stark observed that justice onboard ships with the British Royal Navy was a fragmentary practice in which the ever-present challenge of keeping crews content was carefully weighed against the severity of the transgression. Personal (in)popularity of suspects also informed officers' decision to pursue or overlook homosexual acts.¹²⁵ It is not improbable that these same considerations were observed by the crews of the Dutch

¹²⁵ Paul Baker and Jo Stanley, *Hello Sailor! The Hidden History of Gay Life at Sea* (London 2003), 35-36.

East India Company, not only within the discretion of the officers, but also in regular crew members' consideration whether to report encounters or not. The difficulty in establishing the extent both factors influenced the prosecution of homosexuality lies in the fact that tolerated sexual encounters did not make it to trial. The opening of this chapter demonstrated that for Jan Adam Smals and Jacobus Bol, mutual masturbation had not been a reason to intervene, but an attempt at anal penetration was. Several more cases included in this study also concern mutual masturbation tried as sodomy. In one criminal indictment, the prosecutor, Wouter Rudolph van Senden, reflected on the legal and theological standing of the proceeding by remarking that "it is not a sodomy case, it is a masturbation case, which some hold to be a form of sodomy, and others contradict". Van Senden nevertheless decided to proceed with the prosecution because "all [legal scholars] are in agreement that it should be reined in, not with an ordinary, but with an extraordinary punishment".¹²⁶ The confusion he described about whether masturbation constituted the sinful act of sodomy would doubtless also have been felt on the workfloor, where, as discussed in chapter one, many employees from working-class backgrounds would have been even less certain about the propagated sexual morality of church and company. In another trial with the Ostend East India Company from 1728, a crew member of the *Marquis de Prié* freed two sailors who were held onboard until they could be tried in Ostend, which involved separating them from their guards and forcing the locks to their manacles. Both suspects escaped the ship and the sympathiser was never discovered. It is a case which according to Karel Degryse demonstrates the solidarity which sometimes existed between sailors and hints at the existence of a tolerance for homosexuality among working-class people alongside stigmatisation.¹²⁷

Two other important factors which facilitated or hindered the discovery of homosexual encounters would have been the degree of visibility and hearability below deck. While the trial of Bax demonstrates that sexual acts can be overheard by other crew members, it is important to note that the other activities onboard also made noise, as did the ship itself as it sailed across the oceans. These sounds could cancel out sexual encounters, particularly if the persons involved made a concerted effort to be quiet. The circumstances onboard the ship also made it possible to conceal at least some form of

¹²⁶ NL-HaNa, Verenigde Oostindische Compagnie (VOC), 1.04.02, inv.nr. 9485, ff. 377-417.

¹²⁷ Karel Degryse, 'Sociale en seksuele spanningen aan boord van de Oostendse Oost-Indiëvaarders (1715-1734)', in: Christian Koninckx (ed.), *Bijdragen tot de internationale maritieme geschiedenis*, *Collectanea Maritima*, (Brussels 1988) 69-80, there 74-78.

sexual behaviour, as the middle deck is described by Roelof van Gelder as “warm, oppressive and dark”, where the only light came from oil lamps and lanterns with candles.¹²⁸ The issue of lighting inside the ship played a crucial role in two trials included in this study: in 1776 onboard the pencalang *De Snelheid* thirty-nine-year-old steward Jan Carel Polak outraged fourteen-year-old sailor Jan Crauwer in the cabin of the ship under threat of violence, after which Crauwer sought help from the officers. One of the arguments which helped to condemn Polak was that the lamp inside the cabin had been blown out, something which had been witnessed by several crew members and was deemed to be highly suspicious, as the lamp was expected to burn at all times. The court therefore accepted the allegation that Polak must have deliberately extinguished the lantern flame in an attempt to conceal the crime.¹²⁹ Conversely, in the 1739 trial of April (~20) and Pantsico (~11), two “Moorish”¹³⁰ sailors from Bengal, a witness testimony from quartermaster Cornelis Barends Blom states that the space near the galley onboard the fluyt *Schuitwijk* where April and Pantsico had sexual intercourse was so dark that he initially could not make out what they were doing from his nearby hammock, and he therefore picked up a lantern as he got up to take a closer look.¹³¹ These cases illustrate both the small, incremental measures left to sailors if they wanted to create some small form of privacy for themselves, as well as its enduring absence, for even in darkness a bystander could still make out irregular movements and decide to investigate depending on how they felt about any sexual behaviour they witnessed. The lack of visibility and noise onboard could help, but not obscure sexual encounters in full.

This still leaves the 28 located sexual encounters which took place on land at sites of labour, in private residences and establishments, and at a handful at other locations, such as at the latrines and on walks out in nature:

¹²⁸ Van Gelder, *Naporra's omweg*, 229.

¹²⁹ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9505, ff. 11-104: Papieren en stukken van den Raad van Justitie te Batavia tot 't register getekent 13 januari 1777 2e deel.

¹³⁰ Moorish here means they originated from the Indian subcontinent, as all four of them were confirmed to be Roman Catholics in the court documents.

¹³¹ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9390, ff. 439-498: Papieren van civile en criminele processen van den raad van justitie tot Batavia in dato 30 december 1739 gekomen uit de cas op 't generaal register genoteert mit No.52 Derde stuk.

Table 3 Sites of Sexual Intercourse on Land, 1625-1787

Location	Total	Sleeping Spot	Public	Semi-Private	Private
<i>Batavia</i>					
Private Residence	3	3	1	0	2
Boarding House	1	1	0	0	1
Abandoned Building	2	2	0	0	2
Artisan's Quarter	1	1	1	0	0
Private Room at the <i>Binnenhospitaal</i>	1	1	0	0	1
Private Room at the Poorhouse	1	1	0	0	1
<i>Cape Town</i>					
Boarding House	1	1	0	0	1
Out in Nature	1	0	0	1	0
Sailors on Leave, Unspecified Locale	1	0	1	0	0
<i>Onrust Island</i>					
Workers' Lodgings	3	3	3	0	0
Washing Place	1	0	1	0	0
Unspecified Building	1	0	1	0	0
<i>Comptoires and Outposts</i>					
Private Residence	3	3	0	0	3
Latrine	3	0	3	0	0
Out in Nature	2	0	0	2	0
<i>Dutch Republic</i>					
Private Residence	1	1	0	0	1
Boarding House	1	1	1	0	0
<i>Beurtvaart</i> -ship	1	0	1	0	0
Total	28	18	13	3	12

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

Figures from sites on land reveal significant deviations from those onboard Company ships. While only 11,5% of all localised sexual encounters onboard Company ships took place at a private site, on land this figure rises to a remarkable 42,9%, while public spaces are down from 84,6% to a narrow plurality of 46,4%. The remaining 10,7% occurred out in nature, a semi-private space which represents a clear attempt at finding some form of privacy, but ultimately still occurred in public view. This is up from just 3,8% onboard ships. Private residences and rooms which allowed for some form of isolation were the most common sites for sexual intercourse on land. There is still a clear preference for sexual intercourse in bed at 64,3%, up by nearly three percent compared to cases where the encounter took place onboard ships. When presented with the opportunity to do so, employees evidently preferred to isolate themselves from public view when they saw each other. It is probable that the greater opportunities to seek out privacy is what lead to fewer cases from labour sites on land (28 to 78 localised cases) appearing before the *Raad of Justitie*, as the risk of being discovered would have been significantly lower.

Whether a sexual encounter would be discovered or not was highly dependent on the circumstances of the encounter in question. Some secluded encounters only came to light after defendants were arrested as a result of continued sexual encounters with the Company. In other cases defendants were discovered by bystanders, in which recklessness played at least some role. The relationship between the thirty-seven year old doctor Jan Korthals and his patient, nineteen year old sailor Johannes Quirinius, was confined to Korthals' private chamber, but still overheard by multiple other patients and seen by two more through an open window.¹³² Likewise, the relationship between sailors Dirk Dirksen (33) and Pieter Roos (24) in a rented room at a pub was interrupted and subsequently reported by the man and woman who ran the establishment. The noise they made was sufficiently loud enough to draw attention.¹³³

¹³² NL-HaNa, Verenigde Oostindische Compagnie (VOC), 1.04.02, inv.nr. 9482, ff. 22-23; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9489, ff. 1227-1320: Justitieel papier per de Silvere Leeuw 't register is geteekent Batavia 11 december 1768 2e deel.

¹³³ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9214, ff. 73-74: Brieven en papieren van den Raad van Justitie des casteels Batavia 't register getetient 22 december 1760 aangebragt per Jerusalem; Nationaal Archief, Den Haag,

As demonstrated by this chapter, the vast majority of sodomy trials concern sexual relationships which took place in public sites. This is not a coincidence, but a direct result of the restrictive environments in which Company employees lived and worked. This is also consistent with studies concerning the Dutch Republic, where a majority of cases for the eighteenth century involved sexual acts in public spaces or implications through suspects discovered in this way.¹³⁴ Ships bustled with activity at every hour of the day, posing challenges for anyone longing for some degree of privacy, including people wanting to have sexual intercourse. It is no wonder therefore that assignments on ships dominated the number of sodomy trials that could be localised, as people living and working for the Company on land would have enjoyed greater opportunities for escape. That the *Raad van Justitie* in Batavia only yielded 112 sodomy trials over two centuries is remarkable in the light of how easy it would have been for sailors in particular to get caught, though as shown employees on land could also get into trouble, albeit at significantly smaller numbers. When compared to the 800-1,000 trials which took place in the Dutch Republic during the eighteenth century, the persecution of sodomy by the Dutch East India Company seems modest.¹³⁵ This can partly be explained by the aforementioned dark number of impromptu trials which were conducted onboard ships. Equally important, however, are the views on homosexuality of crew members; it is they who had to report errant sexual behaviour to the officers onboard the ship, who in turn were expected to prosecute it. To this end, future research should analyse testimonies and witness statements contained in sodomy trials records from Batavia's *Raad van Justitie* to assess the role personal considerations played in facilitating prosecution.

Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9467, ff. 831-870: Criminele processen van Batavia 1760 A.

¹³⁴ Van der Meer, *Sodoms zaad in Nederland*, 152-154, 242-248, 347-355; Noordam, *Riskante relaties*, 264-272.

¹³⁵ Van der Meer, *Sodoms zaad in Nederland*, 81-83.

Chapter Three - Prosecution Patterns of the Judiciary

In 1744, acting *advocaat-fiscaal* Johan Hendrik van Panhuijs railed before the *Raad van Justitie* of Batavia that the confessions of the defendants proved that they were “not worthy of treading on God’s earth”. After their discovery in a pigsty of a private house in Batavia, twenty-four-year-old quartermaster Pieter de Wilt and sailor Pieter Seijkanteijn, aged thirty-two, admitted to having slept with each other at least once more. For this, Van Panhuijs demanded that they both be sentenced to death by the court. However, the judges settled on a lighter sentence: De Wilt was condemned to ten years of penal labour, while Seijkanteijn was exiled to the Dutch Republic.¹³⁶

Prosecutors’ Indictments have been used by colonial historians in the past to address the stigmatisation and persecution of homosexual relations on the workfloors of the Dutch East India Company.¹³⁷ However, while indictments expose the arguments in favour of persecution as voiced by prosecutors, they are less informative about the priorities and principles which guided judicial rulings. It was not unheard of for prosecutors such as Van Panhuijs to have their suggested punishment overturned in the verdict. This way, the prosecutor’s arguments can be simultaneously illustrative for the societal importance of cases but inconsequential to their sentencing. For the latter we must turn to the judiciary. Unfortunately, the deliberations of the Batavia *Raad of Justitie* judiciary are non-existent; verdicts were consistently presented as a unanimous decision and published without substantiation.

It is this absence of a conclusive argument in favour of conviction which makes it difficult to determine which factor proved decisive in sodomy trials. As observed by Florike Egmond, criminals convicted of the same crime in pre-modern criminal trials often received vastly different sentences. A variety of factors came into play in the deliberations of the judiciary. Courts acknowledged both mitigating circumstances, like youth and gender, and aggravating circumstances, like recidivism, gender (again), class and social standing. Moreover, in the event that multiple crimes were committed, the most severe punishment was not considered sufficient, but additional punishments were

¹³⁶ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9407, ff. 185-188, 959-1000: Justitieele papieren van den raat van justitie tot Batavia van primo januari 1744 tot ultimo december 1744. Eerste deel loopt van No.3 tot No.12 ingesloten.

¹³⁷ Ketting, *Leven, werk en rebellie*, 160-161; Van Rossum, *Werkers van de wereld*, 321.

pronounced.¹³⁸ In sodomy trials from the colonial context, this entanglement of incriminating circumstances becomes more convoluted still, with ethnicity, patronage networks and details of homosexual intercourse, such as sexual role and ejaculation, all potentially affecting rulings.

With these limitations in mind, chapter three reconstructs the prosecution patterns of the Batavia *Raad van Justitie* in sodomy trials between 1625-1787 by analysing its verdicts in relation to a broad selection of demographic and contextual variables. Three variables were presented separately in chapter one, such as the defendants' age, place of birth and occupation. This chapter further includes the sexual role of the defendants during sexual intercourse and the occurrence or elusion of ejaculation. Of the 280 men implicated of sodomy before the *Raad van Justitie* of Batavia, 220 were formally prosecuted and received either a guilty verdict or were acquitted (see chapter one). 104 of these verdicts can further be paired with the convict's age, 196 verdicts with their occupation, and 168 with a place of birth. Finally, 94 convicts had their sexual role and/or ejaculation recorded in testimonies. Chapter one demonstrated that there was a noticeable difference in sentencing for homosexuality between the seventeenth and eighteenth centuries. Consequently, the decision was made to divide the data between two periods, 1625-1720 (during which the majority of cases can only be linked to a decade as opposed to a precise date) and 1720-1787 for this chapter.

This chapter demonstrates that Dutch nationals were not only prosecuted more often, but also sentenced more severely compared to Asian and European employees; that ejaculation and the active sexual role in particular were viewed as aggravating circumstances; and that sentencing was comparatively lenient for enslaved people, but more severe for Asians who assumed an active sexual role or experienced emission in homosexual relationships.

¹³⁸ Egmond, 'Fragmentatie, rechtsverscheidenheid en rechtsongelijkheid', 14-15.

Convictions by Age and (Professional) Experience

Age is an important category of distinction in homosexual behaviour and in Europeans' assessment of homosexuals throughout the pre-modern period. Juvenility, understood in the early modern context to extend to the age of twenty-five for men, functioned as a mitigating circumstance in Dutch sodomy trials; suspects below the age of twenty in particular were rarely sentenced to death.¹³⁹ Age also came into play in the question of which sexual behaviour might be tolerated. A popular or cultural prejudice along the intersection of age and sexual role which persisted until at least the eighteenth century across Europe held that it was acceptable for men to have homosexual intercourse with adolescents, who were permitted a period of 'sexual passivity' during their youth. Conversely, performing a passive sexual role past adolescence was stigmatised.¹⁴⁰ Examples of this idea could be found not only in the Netherlands and Belgium, but as far afield as Spain, Italy, and Russia. In Northern Europe, this cultural model was also extant, albeit less prevalent than elsewhere.¹⁴¹ Whether or not this notion held sway on the workfloors of the Company is impossible to say, but in practice this arrangement -- the younger partner performing the passive sexual role during homosexual intercourse -- was ubiquitous throughout sodomy trials from the seventeenth and eighteenth centuries. In the 112 cases covered in this study, the majority of suspects aged ten to twenty-nine assumed the passive sexual role.

It is possible that tolerance of certain forms of homosexuality among the European working classes influenced the "sexual availability" Van Rossum attributed to younger employees.¹⁴² Although it would be imprudent to assume that sailors never feigned ignorance of the law, it is equally hasty to assume all of them did. Aerts discovered that defendants occasionally claimed to be unaware of having committed a crime by sleeping with another man. Some confessed that they witnessed homosexual encounters alongside

¹³⁹ Van der Meer, *Sodoms zaad in Nederland*, 144-147.

¹⁴⁰ Katherine Harvey, *The Fires of Lust: Sex in the Middle Ages* (London 2021), 9; Randolph Trumbach, 'The Transformation of Sodomy from Renaissance to the Modern World and its General Sexual Consequences', *Signs: Journal of Women in Culture and Society* 37:4 (Summer 2012) 832-848, there 833-834, 839.

¹⁴¹ Cristian Berco, *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain's Golden Age* (Toronto 2007), 91-92; Dan Healey, 'Moscow', in: David Higgs (ed.), *Queer Sites: Gay Urban Histories Since 1600* (London and New York 1999) 38-60, there 39-43; Michael Rocke, 'Gender and Sexual Culture in Renaissance Italy', in: Paule Findlen (ed.), *The Italian Renaissance: The Essential Readings* (Oxford 2002) 192-211, there 194; Roelens, *Citizens and Sodomites*, 128-131.

¹⁴² Van Rossum, *Werkers van de wereld*, 329-331.

other sexual acts during their youth, others stated that they previously partook in same-sex intercourse themselves.¹⁴³ Across pre-modern Europe, the conception of Christian morality was conceived only in part by working classes, making it possible that some defendants were indeed unaware of homosexuality's criminalisation.¹⁴⁴ Sailors' responses when learning that they had sinned were varied. Some expressed contrition, but others voiced their disbelief at this message, such as sixteen-year-old Michiel van Emdneelen, who testified in 1765: "why not? I've done it with my brother... ..and a brother would surely not subject their sibling to evil?".¹⁴⁵

As established in chapter one, defendants aged ten to nineteen formed the largest age group tried for sodomy in Batavia, followed at some distance by those aged twenty to twenty-nine. This makes it worth examining how adolescents were tried compared to older men:

Table 4 Verdict Differentiation per Suspect Age, 1625-1787

Suspect Age	Total	Acquitted	Remedial Punishment	Exile	Penal Labour	Capital Punishment
<i>1625-1719</i>						
10-19	5	0	0	0	2	3
20-29	2	0	0	0	1	1
30-39	1	0	0	0	0	1
<i>1720-1787</i>						
10-19	43	12	2	13	9	7
20-29	25	7	0	7	7	4
30-39	13	2	1	5	3	2
40-49	8	4	1	2	1	0
50-59	7	1	0	0	4	2
Total	104	26	4	27	27	20

¹⁴³ Aerts, 'Het verfoeijelijke crimen van sodomie', 15-16.

¹⁴⁴ Dirk Jaap Noordam, 'Homoseksualiteit en sodomie in Leiden, 1533-1811', *Leids Jaarboekje* 75 (1983) 72-105, there 80-81; Ketting, *Leven, werk en rebellie*, 40-41, 51, 59-61.

¹⁴⁵ Aerts, 'Het verfoeijelijke crimen van sodomie', 16.

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790 & Ship's Pay Ledgers from Various Chambers. See Bibliography.

Chapter one demonstrated that before 1720, Batavia's *Raad van Justitie* broadly punished homosexual relations with harsh sentences. That tendency is reflected in the conviction rates of all age groups: capital punishment was sentenced most frequently. Else, suspects would be condemned to perform penal labour for the Company. Interestingly, younger suspects appear to be condemned to penal labour more frequently than older suspects, but the limited number of suspects in total, particularly above the age of forty, makes it impossible to assess whether this was deliberate.

After 1720, the *Raad van Justitie* in Batavia became more lenient in its sentencing. More men were exiled or sentenced to penal labour when convicted. At the same time, differences emerged in the way the court sentenced men of different ages. Exile can be interpreted as a lighter punishment than penal labour or execution because it 'only' resulted in a loss of occupation for the convict and moreover kept defendants' reputation intact upon return home, as observed in chapter one.

Acquittal rates were highest for younger defendants. Approximately 28% of all defendants below the age of 30 were acquitted, against 14,3-15,4% of defendants above this age, though men in their forties defied this trend with a shared acquittal rate of 50%. It does not appear that this disparity was the result of a bias regarding a particular age bracket. Banishment rates consistently hovered between 25% and 30,2% with a notable outlier of 38,5% for suspects in their thirties. For suspects aged 10 to 39, the rates ranged between 20,9% and 28% for penal labour convictions and 15,4% and 16,3% for capital punishment convictions. Only a single suspect in their forties was sentenced to penal labour (12,5%) and none received capital punishment, but suspects in their fifties on the other hand received the highest rates for both, 57,1% and 28,6%, respectively. These figures appear to be outliers, as do the banishment rates for suspects in their thirties and acquittal rates for suspects in their forties. This is partly explained by the limited number of suspects aged above forty, but this answer does not explain the other outliers. In general, table 4 appears to identify a minor trend towards harsher punishment of older suspects, but without a consistent trend pointing at a particular consideration.

This development begs the question when and how age was considered in the judiciary's deliberations. One possible explanation is that they factored in mitigating

factors, such as innocence and an imbalance of power. Also of effect could be the passive sexual role assumed by the majority of younger defendants. These hypotheses can be tested by looking at age disparity in defendants' relationships. Doing so forces a choice: what constitutes a relevant age gap and how will you compare them? For table 5, the age of thirty is employed as the dividing line between youth and adulthood. Since men were not considered adults before the age of twenty-five in pre-modern Europe, this distinction roughly links up to contemporary conceptions of youth.¹⁴⁶

It should be noted that the boundary between juvenility and adulthood during this age remained indistinct. The personal views of individual members of the judiciary on youth as a mitigating circumstance are a constant concern in sodomy trials. A good example of a case where personal opinion affected sentencing occurred in 1734, when Batavia's *Raad van Justitie* tried four employees implicated for sodomy following the exposure of a web of homosexual encounters surrounding the captain of the *Adrichem*, forty year old Mijndert Schut. Interestingly, the suspects all fit into different age brackets and occupational categories and received sentences representative of both (see tables 4 and 6). Schut, the captain, was acquitted by the court; thirty-two year old Hendrik Grootvelt, the cook, was sentenced to death; twenty-one-year-old soldier Claes van der Veer died before he could be tried; twelve-year-old cabin boy Jonas de Kort received the 'lightest' sentence: corporal punishment. A substantial number of regular crew members found guilty of sodomy during the eighteenth century came out of trials with light sentencing like exile, but corporal punishment was rarely levied as their only sentence. For De Kort this came down to him receiving the sympathy of the prosecutor, Isaäc van Schinne, who cited "*inter impuberes*" as his legal argument not to request a more severe punishment for De Kort.¹⁴⁷ *Inter impuberes* translates to "among minors" and was a legal category in Roman law used to describe a child which has yet to reach puberty.¹⁴⁸ The case reveals that there were competing conceptions of youth at work in the sentencing of younger

¹⁴⁶ Van der Heijden, *Huwelijk in Holland*, 192-194.

¹⁴⁷ Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9363, ff. 73-74: Criminele processen van den raad van justitie van Batavia van den jaren 1733 en 1734 1. deel; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9366, ff. 429-430, 461-524, 577-654: Criminele processen van den raad van justitie van Batavia van den jaren 1733 en 1734 vierde deel; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 13954, ff. 62-63, 376-377, 416-417: Principaal grootboek van 't schip *Adrichem* eerste vojagie anno 1733; Nationaal Archief, Den Haag, Verenigde Oostindische Compagnie (VOC), toegangsnummer 1.04.02, inventarisnummer 9299, ff. 102: Criminele rolle vanden jaar 1734/35 N.2.

¹⁴⁸ LSDData, *Impubes*. Retrieved from <https://www.lsd.law/define/impubes> on 29/06/2024.

suspects, though these deliberations were rarely recorded. To account for such distinctions in table 5, the category 'younger than thirty' is split into two additional brackets, 10-19 and 20-29, to account for such distinctions:

Table 5 Verdict Differentiation in Relationships Featuring an Age Disparity, 1625-1787

Suspect Age	Total	Acquitted	Remedial Punishment	Exile	Penal Labour	Capital Punishment
<i>1625-1719</i>						
Younger, Aged 10-19	1	0	0	0	0	1
Older, 30+	1	0	0	0	0	1
<i>1720-1787</i>						
Younger, Aged 10-19	17	7	2	4	2	2
Younger, Aged 20-29	3	0	0	1	2	0
Older, 30+	20	3	1	6	6	4
Total	42	10	3	11	10	8

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790 & Ship's Pay Ledgers from Various Chambers. See Bibliography.

Like table 4, there is a lack of data available to make a meaningful assessment for the impact of age disparity in relationships in court sentencing between 1625 and 1719. A single case reveals that both the younger and the older partner were sentenced to death, in line with harsh penal practices for the period.

After 1720, forty people were involved in a relationship with a confirmed age disparity that crossed the line of 30. They can be divided into twenty younger and twenty older partners. A comparison of defendants aged 10-29 and those aged thirty or older reveals a favourable bias towards youth. 7 out of 20 or 35,0% of all younger partners, and as high as 41,2% when twenty year olds are excluded, were acquitted against only 3 or 15,0% of older partners. Younger partners were also less likely to receive harsher sentencing compared to their older partners. After acquittal, exile formed the largest category of

pronounced verdicts for younger partners at 25,0%. Older partners, on the other hand, were twice more likely to be sentenced to death than their younger partners (4 or 20,0%), and when compared to partners aged 10-19, they were also three times more likely to be forced into penal labour (6 or 30,0%). The exile rate for older partners was roughly similar to those of younger partners at 6 verdicts or 30,0%.

Table 5 also reveals that suspects aged 20-29 mostly entertained sexual relations with their peers or else the generation beneath them; only three cases from 1720 and 1787 concerned a relationship between someone in their twenties and an older person, and none before that point. In two cases, defendants received the same verdict, and in the remaining case possibly the older partner was punished less severely on account of denying the charges. These cases suggest that the judiciary did not consider youth as a mitigating factor for defendants in their twenties, although additional research is required to confirm this.

As observed in chapter one, no quantitative research has yet been conducted towards differential sentencing of defendants in sodomy trials in Dutch or Belgian courts to compare these findings with. Van der Meer's observation that younger defendants below the age of twenty were sentenced more leniently than older suspects is upheld by this study, but only in cases concerning a relationship with an age gap. The disparity between tables 4 and 5 suggests that youth was primarily a mitigating factor in cases concerning an age gap between defendants.

Another variable which reveals how youth and innocence was evaluated by the Batavia *Raad van Justitie*, is that of suspects' occupation. It can also show whether there was a bias among the judiciary towards officers of the Company:

Table 6 Verdict Differentiation per Suspect Occupation, 1625-1787

Suspect Occupation	Total	Acquitted	Remedial Punishment	Exile	Penal Labour	Capital Punishment
<i>1625-1719</i>						
Crew Member	9	0	0	3	2	4
Soldier	5	0	0	2	2	1
Employee on Land	3	1	0	1	0	1
Enslaved Person	4	0	0	1	1	2
Prisoner	2	0	0	0	1	1
Non-employed	4	1	0	0	1	2
Lower Officer	7	0	0	0	2	5
Senior Officer	4	0	0	0	4	0
<i>1720-1787</i>						
Crew Member	85	25	5	21	20	14
Soldier	12	4	1	2	3	2
Employee on Land	10	3	0	4	1	2
Enslaved Person	14	6	0	0	7	2
Prisoner	1	0	0	0	1	0
Non-employed	2	1	0	0	0	1
Lower Officer	26	7	1	7	7	4
Senior Officer	8	5	0	3	0	0
Total	196	53	7	44	49	41

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790 & Ship's Pay Ledgers from Various Chambers. See Bibliography.

If the four most common sentences passed by the *Raad van Justitie*¹⁴⁹ are taken as a touchstone to determine preferential treatment by the judiciary, an interesting disparity in court sentencing emerges between high-ranking officers of crews and other employees of the Company, low-ranking officers included. For every occupational demographic, the majority of suspects were executed in the seventeenth century, after which the eighteenth century then saw more or less balanced rates of acquittance, banishment, penal labour (23-33% each), followed by a moderately smaller percentage of capital punishment (14-17%), reflecting a downward trend in capital punishments over the course of the eighteenth century before being discontinued after 1767.¹⁵⁰ Senior officers, however, received markedly different sentences once their actions were brought to court. Most poignantly, the *Raad van Justitie* never condemned a senior officer to be executed. Instead, during the seventeenth-century, when capital punishment was the standard sentence passed by the court in sodomy trials, senior officers were exclusively sentenced to penal labour; in the eighteenth-century they were either exiled to the Dutch Republic or acquitted. This meant in practice that eighteenth-century senior officers never received any form of punishment for homosexual relations other than being laid off by their employer. This preferential treatment in the courtroom reflects wider persecution patterns outside of sodomy trials. Conviction figures of all judicial processes conducted by Batavia's *Raad van Justitie* over a decade show that only one high official of the Company was condemned with a capital punishment for their crimes between 1729 and 1739, in sharp contrast to the number of executed low-ranking officers (19).¹⁵¹

The second group experiencing differential treatment during the eighteenth century were enslaved people. Although their percentage rate of capital punishments (14,3%) is in line with those of other groups, the percentage rates of acquittal and penal labour verdicts lie significantly higher at 42,9% and 50,0%, respectively. One possible explanation why courts did not exile enslaved people, was because this would have been perceived as an economic punishment of the slave owner and penalty on the Company. A

¹⁴⁹ Acquittance, banishment, penal labour and capital punishment.

¹⁵⁰ As a result of the limited number of cases available concerning employees of the Company stationed at land-based sites of labour and soldiers, the figures for their individual verdicts can be distorted with slightly higher percentage rates when compared to other occupational demographics. There is no reason to believe that these employees were sentenced differently, however, and the percentages of convictions of larger demographics likely accurately represents their sentencing before the *Raad van Justitie* as well.

¹⁵¹ Asyraf, *A Distant Mirror*, 24-26, 34.

cautious example supporting this hypothesis might be found in the sodomy trials of Cape Town's *Raad van Justitie*, whose judiciary Oosterhoff claims differentiated between white and non-white (usually enslaved) defendants in its sentencing, particularly in cases where the defendants were condemned to penal labour. If guilt could not be proven with certainty, white employees were sent to the penal colony of Robben Island, while enslaved people were returned to their slavers. It must be noted, however, that Oosterhoff does not back up these claims with figures.¹⁵²

This theory is challenged by the conviction figures of enslaved people in all criminal trials from Batavia between 1729 and 1739. Muhammad Asyraf found that enslaved people accounted for 50% of all executions sentenced by Batavia's *Raad van Justitie* during this period, even though their share in the city's population only added up to 30%.¹⁵³ It is debatable how much stock historians should put into Batavia's demographic composition when working with the records of its *Raad van Justitie*, since it also tried newly-arrived employees suspected of having committed a crime onboard ships. This makes Asyraf's execution rate of enslaved people all the more significant, as their share of the people over whom the court held jurisdiction would have been significantly lower than he estimated. In contrast, the share of enslaved people among all convicts executed for sodomy between 1625 and 1787 stands at 9,6% - the lowest percentage when high-ranking officers are excluded (0%).

For regular crew members this figure stands at 19,1%, while 27,3% of low-ranking officers were executed for homosexual relations. Low-ranking officers were also more likely to be sentenced to penal labour than regular crew members (27,4% to 23,4%). This exposes an interesting situation: while ordinary employees were more likely to be put on trial for sodomy, punishments were more severe for low-ranking officers, though significantly less so for high-ranking officers. Since officers were generally older than the rest of the crew, this might hint at some degree of leniency by the judiciary in consideration of youth and innocence. However, it might also attest to a greater degree of sexual violence and abuse of power in cases concerning officers that were brought to trial.

¹⁵² Oosterhoff, 'Sodomy at Sea and at the Cape of Good Hope', 231.

¹⁵³ Asyraf, *A Distant Mirror*, 24-26.

Convictions by Ethnicity and Birthplace

Both the judiciary's leniency towards enslaved people regarding capital punishment as well as their relative absence in the persecution figures demonstrates the importance of ethnicity as a category of historical inquiry inside the colonial context. It is worth investigating whether the judiciary consistently differentiated between ethnic groups (determined by the place of birth, a tenuous assessment of ethnicity at best) in their sentencing, or treated enslaved people differently on account of their socio-economic status. There is reason to believe that suspects' ethnicity mattered: chapter one demonstrated that the majority (59,9%) of the suspects who appeared before the *Raad van Justitie* for homosexual relations were born in the Dutch Republic - in stark contrast to the cosmopolitan character of the Company workforce in which Dutch nationals were in the minority. The importance of ethnicity as a category of research is supported by observations that homosexuality was often viewed as imposed on society from the outside across pre-modern Europe. Consequently, foreigners were more readily suspected of homosexual acts and overrepresented among the men convicted for sodomy.¹⁵⁴ This worldview makes it relevant to ask if the judiciary sentenced differently in the remaining 40,1% of cases concerning non-Dutch employees:

¹⁵⁴ Roelens, *Citizens and Sodomites*, 206-207. Specific to the Netherlands, see: Boon, 'Dien godlosen hoop van menschen', 218-224; Van der Meer, *Sodoms zaad in Nederland*, 370-371; Noordam, *Riskante relaties*, 256-262.

Table 7 Verdict Differentiation per Suspect Birthplace, 1625-1787

Suspect Birthplace	Total	Acquitted	Remedial Punishment	Exile	Penal Labour	Capital Punishment
<i>1625-1719</i>						
Dutch Republic	17	1	0	4	4	8
Elsewhere in Europe	3	1	0	2	0	0
Indian Subcontinent	4	0	0	0	1	3
Malay Archipelago	3	0	0	1	1	1
<i>1720-1787</i>						
Dutch Republic	75	22	6	20	14	13
Elsewhere in Europe	35	11	1	8	10	5
Indian Subcontinent	15	4	0	4	6	1
Malay Archipelago	12	4	0	0	6	2
Indochina	1	1	0	0	0	0
Asia, Unspecified ¹⁵⁵	3	3	0	0	0	0
Total	168	47	7	39	42	33

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

To simplify comparison, various birthplaces across Asia are combined, adding up to 7 and 31 suspects for the seventeenth and eighteenth century, respectively.

For the seventeenth century it appears there is no significant deviation in the application of justice between Dutch employees and Asian employees, while European employees did not receive the death penalty during this century. However, there is insufficient data to make a meaningful assessment about judicial prejudice along ethnic lines for the period.

¹⁵⁵ All three suspects are described in the records as “Chinese”. Since large parts of Southeast Asia and the city of Batavia especially were home to significant Chinese minorities during the early modern period, it is impossible to guess what their birthplace was.

Figures for the eighteenth century show several significant deviations in sentencing. The rate at which Asians were sentenced to death lay significantly lower than that of Dutch nationals (9,7% to 17,3%; 0,1% higher than the execution rate of enslaved people). Asians were also more likely to be acquitted of all charges than Dutch nationals (38,7% to 29,3%). However, if found guilty, then they were more likely to be sentenced to perform penal labour for the Company (38,7% to 18,7%). The low banishment rates (12,9%) are explained by the share of enslaved people among the number of convicted Asians. Europeans born outside of the Dutch Republic were also less likely to be executed than their Dutch colleagues, while being more likely to be acquitted of a sodomy charge (14,3% and 31,4%, respectively). However, if found guilty, Dutch nationals were marginally more likely to be exiled than other Europeans (26,7% to 22,6%), while Europeans stood a greater chance to be condemned to perform penal labour (28,6% to 18,7%).

As observed in chapter one, there are no quantitative figures on defendants ethnicity or birthplace for sodomy trials in the Netherlands to draw comparisons with. The figures from Belgium in turn are incomparable with this study's because the category of foreignness from these cases included short-distance migrants from the country-side to cities. Similarly, although chapter one was able to compare the absolute representation of Asians in sodomy trials with their representation in all criminal cases tried by the *Raad van Justitie* of Batavia between 1735 and 1744, no correspondent breakdown of verdict type and ethnicity is available for those years.

While these figures suggest that Dutch and European employees were punished more severely than their Asian counterparts, they do not account for the potential effect of ethnic composition of sexual relationships on sentencing. A second method assessing the ethnic bias of the judiciary of Batavia's *Raad van Justitie* which does account for this is by comparing verdicts passed in cases involving suspects engaged in mixed relationships:

Table 8 Verdict Differentiation Between Mixed Couples, 1625-1787

Suspect Birthplace	Total	Acquitted	Remedial Punishment	Exile	Penal Labour	Capital Punishment
<i>Dutch and non-Dutch European</i>						
Dutch Suspect	26	12	2	3	3	6
European Suspect	19	6	1	3	5	4
<i>Dutch and Asian</i>						
Dutch Suspect	8	3	0	1	1	3
Asian Suspect	16	6	0	0	7	3
<i>Non-Dutch European and Asian</i>						
European Suspect	1 ¹⁵⁶	0	0	0	1	0
Asian Suspect	0	0	0	0	0	0
Total	70	27	3	7	17	16

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

Before comparing persecution figures along ethnic lines between 1720 and 1787 (table 7) with the persecution figures for mixed relationships for 1625 and 1787 (table 8), it should be stressed that since the number of mixed relationships are significantly lower, there is considerable margin for these figures to be influenced by mitigating circumstances, such as sexual assault, and the impact of other variables, like the sexual roles of the suspects. Nevertheless, the conviction rates for convicts in mixed relationships show several noteworthy comparisons to the broader conviction rates along ethnic lines for the eighteenth century, as well as some interesting deviations.

Nearly half (44,7%) of all suspects born in Asia appearing before the *Raad van Justitie* between 1625 and 1787, did so in the wake of a sexual relationship with a European. The

¹⁵⁶ Includes a single case where the suspect of Asian descent died before the conclusion of the trial.

implication of this figure is not readily apparent. The rate at which Asian suspects engaged in a mixed relationship were acquitted, remains nominally the same for Asians (37,5% to 38,7% overall), but lay significantly higher for Dutch suspects (37,5% to 29,3% overall). Sentences of capital punishment also lay higher for both demographics (18,8% against 9,7% for Asians, 37,5% against 17,3% for Dutch nationals). Fluctuations within the execution rates are likely the result of the inclusion of the seventeenth-century cases, when capital punishment was levied more often. The higher acquittal rate for Dutch nationals is bolstered by a number of high-profile cases of officials squaring it off against their slaves. Since the rates of acquittal (42,9%) and penal labour (43,8% to 50,0% overall) for Asians in mixed relationships in table 8 and for enslaved people in table 6 are approximate, the declines observed here likely do not suggest that enslaved people received worse sentencing in the courtroom when tried against Europeans. However, the figures for European-Asian relationships do highlight the power disparity between the slaver and the enslaved, even within the confines of the courtroom: slave owners, many of them high officials, were more likely to get away with the outrage and sexual abuse of their captives.

In trials concerning homosexual relations between a Dutch and a European employee, Europeans were worse off. Acquittal rates for Dutch nationals increased from 29,3% for all Dutch nationals tried between 1720 to 1788 to 46,2%. The impact of cases from the seventeenth century in the former figure is negligible since only a single Dutch national was acquitted during this period. Conversely, the rate of acquittal for Europeans stays virtually the same, increasing by 0,2% to stand at 31,6%. When found guilty, exile rates dropped from 26,7% overall to 11,5% for Dutch nationals and 22,6% overall to 15,8% for Europeans, as did sentences to penal labour, which dropped from 18,7% overall to again 11,5% for Dutch employees; their European colleagues saw a marginal decrease from 28,6% to 26,3%. Death penalty rates surged for both demographics: the percentage of Dutch nationals receiving capital punishment increased from 17,3% to 23,1%, and for Europeans from 14,3% to 21,1% - a marginal increase of almost six and seven percent, respectively. The increase for Dutch nationals can be ascribed to the inclusion of figures from the 'long seventeenth century', as two out of the six Dutch convicts that were executed, lost their lives in 1719. When they are excluded from the figures, the execution rate for Dutch nationals in mixed relationships drops to 16,7%, which is comparable to the execution rate of Dutch nationals in the eighteenth century. Since no European

employees were executed in the preceding century, the figures confirm that Europeans were marginally more likely to be sentenced to death if they were tried for a homosexual relationship with a Dutch suspect, since the overall verdict pattern for Europeans in sodomy trials tended towards penal labour or banishment, as established by table 7.

Tables 7 and 8 show that on the whole, Dutch nationals were sentenced more stringently compared to Asians and Europeans as an absolute category. They were less likely to be acquitted, exiled or sentenced to penal labour, and more likely to be executed. However, when tried alongside Dutch nationals in mixed relationships, both Asians and Europeans were worse off with decreased exile and penal labour rates in favour of capital punishment. Among Dutch nationals convicted in mixed relationships, the number of acquittals increased sharply, but so did the number of death penalties. This trend toward capital punishment indicates that the judiciary considered mixed relationships as an aggravating circumstance in sodomy trials.

Convictions by Sexual Role and Semen Emission

Two more factors which might influence judicial sentencing in sodomy trials, are sexual role and ejaculation. Interestingly, neither the assumed sexual role nor semen emission were recorded in the formal charges laid against defendants tried in Batavia; the prosecution moreover rarely asked for this information in their interrogations. It is not clear why these subjects were excluded from the line of questioning. One possible explanation is that the most common legal definition of sodomy understood the crime as anal penetration involving ejaculation, what pre-modern jurists called 'complete sodomy'.¹⁵⁷ Yet indictments from sodomy trials from the Netherlands, Belgium and Batavia often revealed epistemic anxiety on the part of the jurists as to whether other sexual acts where ejaculation took place, like masturbation and fellatio, should be considered sodomy.¹⁵⁸ The inclusion of these trials in the court records proves that they occasionally were.

Figures for sexual roles and ejaculation are anecdotal evidence gathered from the testimonies of defendants and witnesses which were frequently omitted altogether.

¹⁵⁷ Van der Meer, *Sodoms zaad in Nederland*, 181; Roelens, *Citizens and Sodomites*, 81.

¹⁵⁸ NL-HaNa, Verenigde Oostindische Compagnie (VOC), 1.04.02, inv.nr. 9482, ff. 21-22; NL-HaNa, Verenigde Oostindische Compagnie (VOC), 1.04.02, inv.nr. 9485, ff. 377-417; Van der Meer, *Sodoms zaad in Nederland*, 143-145, 263-266; Noordam, *Riskante relaties*, 249-251.

Where possible, inferences were made about the occurrence of ejaculation if I felt that it was likely to have occurred in a sexual encounter based on circumstantial information provided in testimonies. For example, if a case was self-reported following sexual relations, and one suspect confirms that they ejaculated, then it is likely that the other suspect might have experienced emission as well. These inferences are included as 'unconfirmed emissions'. Most of the time it was impossible to make an informed guess. These sentences are included as 'unknown emissions'. Finally, tables 9 and 10 include 'disputed emissions'. This contradiction nearly always meant that a suspect also denied having had homosexual intercourse, providing insight into how the judiciary valued consistent denial of the crime in testimonies.

Table 9

Verdict Differentiation Between Sexual Roles and Emission, 1625-1787

Suspect Sexual Performance	Total	Acquitted	Remedial Punishment	Exile	Penal Labour	Capital Punishment
<i>Active Sexual Role</i>						
Emission	8	1	0	1	2	4
Emission (Unconfirmed)	7	0	0	1	5	1
Emission (Disputed)	12	6	0	4	1	1
No Emission	5	1	0	3	0	1
No Emission (Disputed)	3	1	0	1	0	1
Emission Unknown	7	4	0	0	1	2
Emission Unknown (Disputed)	8	3	0	1	4	0
<i>Versatile Sexual Role</i>						
Emission	4	0	0	0	0	4
Emission (Unconfirmed)	2	0	0	1	1	0
Emission Unknown	1	0	0	0	0	1
<i>Passive Sexual Role</i>						
Emission	2	0	0	0	1	1
Emission (Unconfirmed)	1	0	0	0	0	1
Emission (Disputed)	1	1	0	0	0	0
No Emission	14	2	0	6	4	2
No Emission (Disputed)	1	0	0	0	0	1
Emission Unknown	14	2	1	2	5	4
Emission Unknown (Disputed)	4	1	0	3	0	0
Total	94	22	1	23	24	24

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

The 94 cases are distributed evenly across the four most common sentences, with greater variation between different sexual roles. Out of 22 acquittals, 16 or 72,7% were active partners, none were versatile partners and 6 or 27,3% were passive partners; 23 convicts were banished from the Company's jurisdiction, of whom 11 or 47,8% were active partners, 1 or 4,4% was a versatile partner and 11 or 47,8% were passive partners; penal labour was doled out to 24 suspects: 13 or 54,2% were active partners; 1 or 4,2% was a versatile partner and 10 or 41,7% were passive partners; finally, 24 suspects were executed, among which 10 or 41,7% were active partners, 5 or 20,8% were versatile partners and 9 or 37,5% were passive partners. These figures suggest that although active partners stood a greater chance to be acquitted, if found guilty, they were more likely to be condemned to penal labour or death. That versatile partners are well-represented in the capital punishment rates compared to other punishments underlines this notion.

When accounting for the impact of semen emission on rulings, it is more efficient to arrange the figures based on the presumed or documented occurrence rather than the sexual role of suspects. This is because the inclusion of this variable largely did not result in disparities between verdicts for active and passive sexual partners. Defendants who ejaculated, received comparatively harsher sentences than other suspects: 5 of 33,3% of those active partners were executed and another 7 or 36,7% was sentenced to penal labour; among versatile partners 4 or 66,6% of suspects who experienced emission were executed and 1 or 16,7% received penal labour. Among passive partners, 2 persons or 66,7% were executed and another (33,3%) received penal labour. When a suspect engaged in a sexual relationship did not ejaculate, banishment was the likeliest outcome. Among active partners, 3 suspects of 60,0% were exiled; two other suspects were acquitted and sentenced to death (both 20,0%). 6 passive partners, or 42,9%, were exiled and 2 (14,3%) were acquitted, while 6 (42,9%) received a harsher sentence (penal- or capital punishment). The disparity of 20% for harsher punishments between active and passive partners is likely the result of a smaller sample of active partners who did not experience an ejaculation skewing the data. Denying that emission or even a sexual relationship took place, and persevering therein, resulted most often in a lighter punishment, meaning exile, or acquittance: Among 23 active partners who did so, 10 or

43,5% were acquitted and 6 or 26,1% were exiled, compared to 5 or 21,7% who were sentenced to penal labour and 2 or 8,7% who were executed. Among 6 passive partners, 2 or 33,3% were acquitted and 3 or 50% were exiled; the last suspect (16,7%) received capital punishment. Again, the smaller sample size of passive partners likely resulted in skewed results.

Where a clear differential outcome in sentencing for active and passive partners emerges, is in trials with a confirmed relationship, but no mention of semen emission. This category includes suspects who presumably did not experience an ejaculation during intercourse. Of the 7 active partners with an undocumented outcome, 4 or 57,1% were acquitted, 1 or 14,3% was sentenced to penal labour and 2 or 28,6% were executed. Among their passive counterparts, only 2 or 14,3% were acquitted, another 2 were exiled, and 1 (7,1%) received a remedial punishment. Conversely, 5 (35,7%) received penal labour and 4 (28,6%) were sentenced to death. Because of undeterminable variables at play in these individuals' cases, it is impossible to make a meaningful assessment why active partners were well-off in this category. However, passive partners were sentenced harshly. This is unfortunate, because the four acquittals for active partners exerts significant influence on the differential rates for acquittal between active and passive partners, while the five and four penal- and capital punishments for passive partners form nearly half (47,4%) of all harsh punishments inflicted on all passive partners.

Given the evident variation in sentencing based on sexual roles and semen emission, an integration of these variables with ethnicity stands to reason, to see whether the low rates of capital punishment sentences among Asian employees can be explained by the nature of their involvement in sexual relationships, and whether the judiciary did differentiate in its rulings if the same sexual role was assumed by different ethnicities. As table 10 demonstrated that there was no significant deviation in the application of justice based on ethnicity for the seventeenth century, the decision was made to leave cases tried between 1625 to 1719:

Table 10 Verdict Differentiation per Suspect Birthplace, Corrected for Sexual Roles and Emission, 1720-1787

Suspect Sexual Performance	Total	Acquitted	Remedial Punishment	Exile	Penal Labour	Capital Punishment
<i>Dutch</i>						
All Dutch Suspects	75	22	6	20	14	13
Active Partner	13	6	0	2	3	2
Versatile Partner	4	0	0	0	0	4
Passive Partner	20	3	1	7	5	4
Ejaculated	13	1	0	3	3	6
Did Not Ejaculate	15	3	1	5	4	2
<i>Non-Dutch European</i>						
All European Suspects	35	11	1	8	10	5
Active Partner	13	2	0	3	6	2
Versatile Partner	1	0	0	0	0	1
Passive Partner	7	2	0	3	2	0
Ejaculated	4	0	0	0	2	2
Did Not Ejaculate	11	0	0	6	4	1
<i>Asian</i>						
All Asian Suspects	31	12	0	4	12	3
Active Partner	13	5	0	2	4	2
Versatile Partner	1	0	0	0	1	0
Passive Partner	5	1	0	1	2	1
Ejaculated	5	0	0	0	5	0
Did Not Ejaculate	6	2	0	1	2	1

Source: Copies of Criminal and Civil Procedural Documents from the *Raad van Justitie* in Batavia, 1637-1790. See Bibliography.

The conviction rate for capital punishment conveniently stands at 15,4% for active partners of all three social groups, and 20,0% for both Dutch and Asian passive partners (no Europeans with a passive sexual role were executed during the eighteenth century). These rates are consistent with the execution rates of 17,3% for Dutch suspects, 14,3% for Europeans, and the overall rate for all suspects tried between 1625 and 1787 (15,0%) published in chapter one. However, they are worse for Asian suspects, who had an average execution rate of 9,7%. The disparity in conviction rates for penal labour between different ethnicities as shown in table 7 are exacerbated by the distinction of sexual roles. For Dutch suspects, regardless of which sexual role they assumed, the conviction rates lay higher than for all Dutch suspects (18,7%) across both centuries (23,1% for active partners, 25,0% for passive partners). Active European partners (46,2%) however were significantly more likely to be sentenced to perform penal labour compared to their average of 28,6%, while passive partners (28,6%) were no better or worse off. Among Asian suspects (30,8%), active partners were less likely to be sentenced to penal labour, while conviction rates for passive partners (40,0%) closely matched those for all Asian suspects (38,7%). Compared to the conviction rate of 19,3% for all suspects between 1625 and 1787, each (sub-)demographic worse off - a development influenced in part by the exclusion of seventeenth-century cases, but generally, it appears that cases in which the judiciary had a clear confirmation of what transpired resulted in harsher sentencing.

Banishment and acquittal rates corroborate this assessment as well. Within each social group, passive partners (35,0% for Dutch suspects, 42,9% for Europeans and 20,0% for Asians) were more likely to be exiled than active partners (15,4%, 23,1% and 15,4% respectively), compared to the conviction rates for all Dutch (26,7%), European (22,6%) or Asian (12,9%) suspects. All suspects with a confirmed sexual role, regardless of ethnicity, were more likely to be found guilty, when compared to the rates for suspects of whom only the birthplace was mentioned, with the exception of Dutch and Asian active partners. For Asian active partners, the rate of acquittal remained the same as it was for all Asian suspects (38,5%, down by 0,2%). Dutch active partners, however, saw their acquittal rates double from 22,3% to 46,2%.

Next are the conviction rates adjusted for ethnicity and semen emission. Incorporated in these figures are confirmed and unconfirmed but not disputed emissions. Among Dutch suspects, capital punishment befell 46,2% of those who ejaculated, compared to 13,3% of those who did not; a further 23,1% suspects experiencing emission during intercourse were sentenced to penal labour, against 26,7% of those who did not. Semen emission translated to a 50% execution and a 50% penal labour rate European suspects; going without, the rates dropped to 9,1% for capital punishment and 36,4% for penal labour. Asian suspects who experienced emission were all sentenced to penal labour, while 16,6% of those that did not were executed and another 33,3% had to perform penal labour.

Banishment rates were 23,1% for Dutch suspects who experienced emission compared to 33,3% for those that did not; no Europeans who experienced emission were exiled against 54,6% of those who did not; only one Asian suspect (16,7%) who did not ejaculate was banished. Finally, 7,7% of Dutch suspects with an emission were acquitted, rising to 20,0% for Dutch suspects who did not; among Europeans there were no acquittals, and among Asian suspects only people without an emission were acquitted at a rate of 33,3%. These ratings are consistent with the findings of table 9, that semen emission was a compelling argument in favour of conviction. The judiciary appeared not to differentiate between ethnicity in its application of this principle.

Table 10 corroborates the finding of table 9 that the judiciary viewed ejaculation as an aggravating circumstance. Defendants who reported emission, regardless of ethnicity, were more likely to be convicted of sodomy than those that did not; they were also more likely to be sentenced to death or penal labour. Conviction rates also rose in cases with discernable sexual roles, affecting all three social groups. This must be attributed to the greater amount of evidence available in these trials by which defendants could be convicted, rather than either sexual role. However, as in table 9, passive sexual partners were likelier to be banished than active partners, as were convicts with no confirmation of ejaculation. Active partners, on the other hand, were more likely to be executed or sentenced to penal labour.

Fluctuations in sentencing for different punishments between Dutch nationals and European employees were likely the effect of other aggravating and mitigating circumstances in these trials. However, it appears that Batavia punished Asian suspects

more severely where they assumed an active sexual role¹⁵⁹ or experienced emission¹⁶⁰ in homosexual relationships. This points at an ethnic bias on the part of the judiciary. However, since the sample size is small, this conclusion needs to be substantiated with additional cases in future research.

¹⁵⁹ Resulting in a higher rate of execution.

¹⁶⁰ All were sentenced to penal labour.

Conclusion

This study set out from a place of limited understanding of how homosexuality was prosecuted by the Dutch East India Company over the course of seventeenth and eighteenth centuries. Though efforts have been made in the past to define the scope of the persecution through case studies for the *Raden van Justitie* of Cape Town during the whole period by Oosterhoff (150) and Batavia for the seventeenth century by Boomgaard (14), neither study addressed the identity of the defendants or the methodology of the prosecution. Other historians, such as Van Rossum, Aerts, Schrikker and Van Gelder, who integrated the subject in broader studies of the social history of Dutch colonial maritime labour, relied on a limited number of cases which did not lend themselves to general conclusions. To their groundwork, this study adds a comprehensive body consisting of 112 sodomy trials involving 280 suspects for the *Raad of Justitie* of Batavia for the years 1625 to 1787. It includes a chronological development of the prosecution per decade; a social profile of the defendants by place of birth, religious denomination, age and occupation; correspondent conviction rates; a survey of common sites for sexual intercourse for both ships and land-based sites of labour; and a comparative analysis of judicial convictions based on age and age disparity in relationships, occupations, birthplace and different ethnicities, and sexual roles and semen emission.

To determine which demographic variables were most likely to provide insight into the deliberations of the judiciary in Batavia, the study drew on the conclusions which emerged from studies on the Utrechter Sodomy Trials, subsequent prosecutions in the Dutch Republic, and pre-modern Belgium. From these studies emerged the image that in the pre-modern Low Countries, predominantly men from the lower socio-economic strata were at risk of being prosecuted and formally tried for sodomy. People with a foreign background were often also overrepresented among the numbers of men convicted for this crime. However, it is worth noting that the terms “foreigner” here included local migrants who moved from the hinterlands to nearby cities. There was no guarantee that key factors in European sodomy trials would re-emerge in the Dutch colonial context, but they provided the framework necessary to conduct a quantitative study focusing on socio-economic variables.

Comparative analysis of the social profiles and sentences reveals a number of similarities between the persecutions in the Dutch Republic and in Batavia, but also

striking differences. One notable connection between the two is that the height of the persecution by the Company appears closely linked to developments in the Dutch Republic. When in 1730 a moral panic surrounding sodomy arose in the imperial metropole in the wake of the Utrechter Sodomy Trials, the fear spread that same year to the workfloors of the Company. Yet in the Dutch Republic the height of the persecution was reached between 1730 and 1732, after which sodomy trials only flared up sporadically over the remainder of the century. Conversely, the prosecution of sodomites in Batavia also took off from 1730 onwards, but continued steadily through the 1750s. After 1760, the number of prosecutions declined, but it was not until the 1780s that prosecutions returned to levels comparable to those of the seventeenth century. A striking divergence between the judicial practice in the Dutch Republic and in Batavia is that, although the new sodomy law after 1730 clearly prescribed the death penalty to homosexual relations, sentencing in Batavia comes off as comparatively lenient. This not only constituted a break with the imperial metropole, but also with its own legal practice during the seventeenth century, when a conviction for sodomy in Batavia almost always resulted in the death penalty being pronounced.

Lower socio-economic class, or rather relative position in the Company's hierarchy, again presented a vulnerability to prosecution. Sailors made up the majority of defendants and suspects, and, together with low-ranking officers, received the greatest number of harsh punishments. The majority of high-ranking officers in the eighteenth century were acquitted, and during both centuries none was ever sentenced to death. It is possible that patronage systems played a part in the outcome of sodomy trials, either directly because the judiciary would have been inclined to believe certain defendants over their accusers, or indirectly through a willingness of allies to testify on a defendant's (or accuser's) behalf.

Interestingly, Dutch nationals were more likely to be prosecuted for sodomy in absolute numbers and also received harsher sentencing than European and Asian employees, even more so in cases concerning relations between different ethnicities. The association between foreigners and homosexuality which affected persecutions in Europe did not carry over into the Dutch colonial context, with Asian workers, who made up the bulk of intra-Asiatic crews during the height of the prosecutions, conversely being the least prosecuted social group. Likewise, enslaved people convicted of sodomy were sentenced to death at rates far below this group's average share in death sentences for

Batavia between 1729 and 1739. However, Asians were punished more severely when they assumed an active sexual role or experienced emission in homosexual relationships, pointing at an ethnic bias on the part of the judiciary. Whether or not these divergences are unique to the Dutch colonial context in Asia, or even to the *Raad van Justitie* of Batavia, remains to be seen. Further studies should strive to include cases from additional *Raden* in their approach to broaden the scope or conduct equivalent studies on other colonial powers in Asia.

More pressing are its implications for understanding how homosexuality was stigmatised and persecuted by the Company and the role of ethnicity therein. Should this be taken as a sign of tolerance between different ethnic groups on the workfloors of the Company, or does it imply that social interactions onboard Company mainly proceeded along ethnic lines, with little interaction between different groups? A third possibility could be that Dutch nationals exercised some degree of internal social control within their ethnic group, because they expected their own to behave in an exemplary manner in order to set the Dutch apart from out-groups, or to regulate the moral conduct of their own religious community. In these and other examples we are reminded of the role of public scrutiny in exposing and bringing to trial penalised sexual relations between sailors. The Company did not keep an active policy to seek out transgressions; cases came to trial only after an accusation or confession. Future research will need to consider the dynamic of social interactions if it is to understand how ethnicity shaped the Company's patterns of prosecution.

It remains to be seen to what extent sailors were able to remove themselves from their colleagues to engage in sexual relations out at sea. It is telling that in the majority of cases presided over by Batavia's *Raad van Justitie*, relations took place in the busiest, most crowded spaces of the ship, like on the middle deck where people slept, lived and worked together. The near-complete lack of privacy in these spaces through sight and sound undoubtedly increased the chances of discovery and subsequent allegation. Yet it is equally important to consider how many sexual relations went unreported in this environment. The dimension of privacy in homosexual relations with the Company, specifically the lack thereof, suggests a correlation between which cases made it to trial and eighteenth-century working class sensibilities around homosexuality. A logical next step for research is thus to look at the factors driving the accusation or the confession in individual cases: where did the transgression occur? Which acts did they perform? How

much did the accuser perceive? Finally, were any of the defendants embedded in a patronage system which protected them? This precedes a broader shift in subject from prosecution towards the prosecuted, replacing organisational history towards social histories of sailors and homosexuality in the maritime context.

Locational analysis of Batavia's sodomy trials also calls into question how historians comprehend the phenomenon of homosexuality at sea. One of the prevailing theories concerning the occurrence of homosexuality in maritime environments, forwarded by Richard Burg, Aerts and others, is that long absences from women drove sailors into the arms of other men to stave off sexual frustrations. This phenomenon has been described as 'situational homosexuality'. Yet the impact of time out at sea on sexual behaviour must be re-examined, at least with regard to sailors' voyages with the Dutch East India Company. There is a popular assumption that Company sailors were chiefly employed in the long transcontinental journey between Europe and Asia. In reality, the majority of voyages conducted by the Company concerned intra-Asiatic movements in pre-existing trade networks, which were shorter in duration. Moreover, it is important to account for sanctioned and unsanctioned stops between the place of departure and the final destination, as well as the time ships spent at anchor in port. Both factors may have reduced the psychological impact time out at sea may have had on sexual behaviour. The length of stay at sea seems to have had *some* effect: trials related to sexual encounters on transcontinental voyages are overrepresented in the figures from Batavia's *Raad van Justitie*, but it is difficult to say to what extent the broad involvement of large East Indiamen with proportionate crews in these voyages influenced this figure. Certain is that the recurring factor of dockings had no limiting effect on the occurrence of homosexual intercourse on the Company's ships, with a significant number of sexual relations tied to voyages taking place in port or on land. In light of these findings, the notion that most homosexual relations 'on sea' were temporary solutions becomes untenable. More likely is that ships as total institutions facilitated sexual experimentation between sailors, even if they were not always the safest environment to do so. Situational lapses and sexual diversity coexist within this comprehension of homosexuality at sea, without requiring us to make unsubstantiated assumptions one way or the other about sailors' sexualities.

Compared to the prosecution of homosexuality in the Dutch Republic during the eighteenth century, the deliberations of the *Raad van Justitie* of Batavia for the same period appears to have been more lenient on the whole, but the prosecution was more

persistent. One possible explanation for this relates to the circumstances under which the majority of homosexual relations made it to court. Without a decent ability to pursue sexual relations away from their colleagues, the chances for Dutch sailors in particular of being caught and reported were considerable (compare this to the relatively lower number of cases from land, where there were more opportunities to escape public scrutiny). At the same time, it appears that although Batavia's *Raad van Justitie* and more broadly the Company itself understood the importance of prosecuting homosexual acts, they were perhaps unconvinced by the need to demand capital punishment. Penal labour formed the largest category of punishment. It is possible that economic considerations outweighed moral ones for the Company here: prisoners were useful for their labour, but dead men would have added an additional drain on the chronic manpower problem facing the Company. The decision to exile other convicts might have simply boiled down to a desire to remove the problem.

What this study has shown is that in the long process of sexual encounter, accusation, trial and conviction, there were two dimensions that determined which men were most at risk of standing trial for sodomy. These are the deliberations of the judiciary and the sensibilities of the witnesses. Research into the prosecution of homosexuality by the Company should therefore not only broaden in scope to include additional courts across Asia; it must also undergo a quantitative turn that shifts the focus from the prosecution and towards the lived experiences of sailors who were caught up in a fit of passion and slept with another man.

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Appendix I: Dutch East India Company Sodomy Cases Tried Before the Raad van Justitie of Batavia, 1625-1787

[Dutch East India Company Sodomy Cases Tried Before the Raad van Justitie of Batavia, 1625-1787](#)

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