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New research on Homosexuality and WWII: the Dutch case in international perspective

**Social responses to illicit sexual contacts
Hesitations in the prosecution of homosexuals, 1911-1960**

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SUMMARY: This paper is based a PhD project concerned with homosexuality and the occupation of the Netherlands by Germany. The project is interested in determining the influence of the national-socialist regime change, in 1940 when Germany occupied the Netherlands, on the societal position of homosexuals. Literature has been focussed on 'hard data' to analyse the repression and prosecution of homosexuality. Here, a more qualitative approach of relevant archive materials is probed, underscoring the importance of 'hesitations' and 'uncertainty' involved in the prosecution of homosexuals. The paper argues that moments of indecisiveness are valuable when it comes to understanding the societal position of homosexuals.

Introduction

This paper is part of a PhD project which analyses the influence of the German occupation on the societal position of homosexuals in the Netherlands.¹ Based upon statistical information, the literature in this field has already suggested that the regime change in May 1940 did not lead to an intensification of the prosecution of homosexuality in the Netherlands, much to the disappointment of Hans Albin Rauter, the highest SS-officer in the Netherlands.² Still, a systematic and qualitative analysis of the societal position of homosexuals in the Netherlands is non-existent. To try and analyse the repression, prosecution and agency of homosexuals in the Netherlands as systematically as possible, I have chosen to select one Dutch court district and analyse all sex crimes, both heterosexual and homosexual, in order to discern the effects of the regime change on the treatment of sex and 'moral' crime. Within this court district I will analyse the police archives of two municipalities, Leiden and The Hague. The latter is known for its homosexual subculture in the pre-war years. Although the PhD will be based on both court records and police archives, this paper presents the preliminary results of the collection of the data retrieved from the district court of The Hague: the sex crimes prosecuted within the court district of The Hague.

What can these court records tell us about the prosecution, repression and agency of homosexuals in the Netherlands with the years of occupation as a focal point? Since the district court is a site in which all sorts of 'public' (or professional) and 'private' agents meet, to deal with homosexuality as a societal problem, court cases inform us about what people thought they ought to say about homosexuality under the pressure of the uncertainty of a final verdict. Such pressure does not distort the information relevant to this project. On the contrary, the pressure of uncertainty about the final verdict gives us an idea of what people thought they had to say to come across as innocent (in the case of suspects), to get people free (in the case of defence witnesses), to incriminate people (in prosecution witnesses' cases) and what they had to say to protect society from sexual deviance (in the case of expert witnesses).

How were moral boundaries guarded and how did violators experience the accusations brought against them? Did the suspects accept the norms presumed in those boundaries or did they test or perhaps refute the limits imposed by their social surroundings, the police force or the judicial sphere? Obviously, ideas about sexual deviance vary across time and place. Moreover, social responses to illicit sexual contacts vary, not only across time and place but even within the realm of the individual court cases presented below.

For now, I would like to probe one of the noteworthy elements in this rich source for data. The reporting and prosecution of homosexual sex crimes brought along quite a bit of 'hesitation' or what Alan Sinfield has called 'faultlines' underscoring the conflicts within ideas and ideologies which are never coherent nor consistent.³ Until now the literature on homosexuality and the Second World War has envisioned homosexual life as if homosexuals had to worry about clicking neighbours, active purity and morality societies and repressive police officers all the time. What is more, Dutch literature has underscored the similarities between the German and Dutch histories of the prosecution of homosexuals, whilst paying too little attention to the major differences between the two. Pieter Koenders, for instance, has compared the Dutch and German histories by introducing a 'mechanistic' five-phased model which he applied to both Germany and the Netherlands. The difference between both countries, according to Koenders, lay in the scale of prosecution.⁴ Klaus Müller recently stated during the presentation of his new book that if the occupation of the Netherlands had not ended in 1945, the fifth phase, the phase of persecution, would have taken place in the Netherlands as well.⁵

Although this body of literature, obviously, accurately describes historical events which have taken place, it ignores other story lines readily available as well. An interview in 1995 with the Dutch cabaret-artist Wim Ibo (1918-2000) and the Dutch actor Jaap Hoogstra (1915-1998) shows, for instance, how homosexual self-understandings and ideas about the margins for agency differed from person to person.⁶ Ibo and Hoogstra gave their accounts of the years of the occupation. In these interviews, the past – representing loneliness and illegitimacy – is contrasted to the present – characterised by freedom. Ibo's story is full of intrinsic tension. He states that he never felt the urge to be provocative. He remembered minding carefully not to attract attention. He saw himself as 'natural' and knew nothing of article 248bis as a boy. At the end of his

interview he remarked how happy he is with the sexual freedom in 1995: 'That I can sit here with you and talk freely without having to think 'Can I say this? Can I mention that name?''⁷ These comments about feeling natural and being ignorant of legal prohibitions are at odds with his remarks that he took care not to attract attention. Jaap Hoogstra painted a different picture. According to him, article 248bis made homosexuals absolutely paranoid. Hoogstra felt like playing with fire when he did not know someone too well. In his view, exactly the years of the occupation had their positive homosexual spin-off effects. Hoogstra commented upon German measures which prohibited leaving the house in the evening:

'That was Sperrtime (curfew during the German occupation, AT), around ten o'clock in the evening, sometimes at nine o'clock, that differed from time to time. Sometimes you got into situations that you could not go out anymore and had to stay over till six o'clock in the morning. I don't remember precisely. Well, and then you would sleep over. Soon the term sperm-time was introduced. That was a... I thought that was a beautiful queerterm: spermtime.'⁸

The accounts of these two men illustrate how differently homosexuals coped with their sexual orientations in relation to the occupation. Exactly, that variety is of concern to me in trying to establish the margins for homosexual agency.

Back to the main theme of this paper: what can the analysis of 'hesitations' contribute to the field of the history of homosexuality? Until now literature has produced tables and statistics when concerned with the 'denunciation' – or in more neutral terms the reporting – of homosexuals.⁹ Rather than presenting tables with the total of numbers of denunciations by different categories of people (e.g. family, neighbours and landlords) I would like to probe the history of reporting homosexuals as a social history as such. In this way, I want to find out if this approach offers more information on the societal position, the moral in- and exclusion, of homosexuals.

Data

Court cases represent a rich source *when* their files are preserved.¹⁰ Usually files contain more than one perspective on the issue at stake, frequently combining perspectives from victims, suspects, (expert) witnesses, police officers, probation officers, public prosecutors and sometimes even judges. Some court cases retrieved even contain correspondence written by suspects addressed to either the chief inspector of police, the public prosecutor or the examining judge, but also letters by relatives, friends, employers and the co-workers seeking to influence the legal process. A few cases contain love letters, submitted to court by the police as evidence.

For the pre-war and post-war years data was retrieved from the archive of the court district for a selection of years. Materials from the years of occupation were retrieved integrally. For the former years under scrutiny a selection was made by retrieving court cases and other statistical materials for the years 1911, 1912; 1915, 1916 and so forth until 1936; for the post-war period the same gauging was performed from 1945 until 1956. Besides court files of cases concerning vice crimes, I have studied the registers of the public prosecutor and retrieved all relevant data. The data in these registers are concise, usually merely commenting upon the procedure followed in the case at hand. The only cases containing qualitative 'content' are the court files correlating with cases in which a year or more imprisonment was requested by the public prosecutor or attributed by the court. All qualitative data on cases in which less than one year of imprisonment was requested by the public prosecutor has been destroyed following the Dutch privacy regulations.

Working through the files of the court district in The Hague in the years 1911-1960, 116 cases containing court files on illicit sexual and indecent behaviour were retrieved, i.e. cases in which at least one year of imprisonment was demanded or attributed. 70 cases concern illicit heterosexual behaviour (60%); 46 cases revolve around illicit homosexual behaviour (40%). The pre-war years, 1911-1940, entail 15% of the cases. The years of occupation are good for 8% of the cases. Finally, the post-war era studied, 1945-1960, consist of 77% of the 116 cases. These results call for broaching themes such as comparing the chances of arrests in heterosexual and

homosexual cases, the readiness of filing complaints and the followed legal procedures (e.g. whether public prosecutors decided to dismiss or pursue cases). But this data also evokes the question why there were so few cases against homosexuals in the pre-war period if The Hague was the Dutch pre-war 'gay capital'. After all, a mere 18 cases (15%) took place before the occupation of which only one third (6 cases) concerned homosexuals. Since the decline in cases dealing with sex crimes in general during the years of occupation is in line with earlier publications based on criminal statistics, these developments are not surprising.¹¹ Still, the fact that the German occupation, the introduction of a German Decree criminalising all forms of male homosexuality and with it the broadened possibilities to prosecute homosexuality were not used.¹² That is why a qualitative analysis of the years of occupation in the district court of The Hague might offer new perspectives on how the regime change affected homosexual life.

Reporting to the police

How risky was it to engage in homosexual contact in the Netherlands before, during and after the occupation? Shortly, an exhibition on homosexuality and the Second World War will be opened in Westerbork, one of the former Dutch transit camps. The title *Whom can I still trust?* underscores the uncertainty of homosexual existence during the national-socialist era in Germany and the occupational years in the Netherlands. Part of the exhibition is based on police records. The announcement states: 'Notes and testimonies from the police archives reveal how treacherous society was for homosexual men and lesbian women. In the post-war period as well.'¹³

Contrastingly, my data bring distinctly different story lines to the fore. Apart from the dramatic decline in the mere number of court cases during the occupation of the Netherlands, reporting to the police matched up with quite a bit of uncertainty and hesitation. What is more, in more than one case the direct surroundings thought police investigation and judicial prosecution were not necessary. For instance, in December 1950 the employer of the 30 year old technical department manager Jean K. told the officer of the Salvation Army – who was called upon by the examining judge of the district court to write a report on Jean K's behaviour and achievements as a pupil and employee – that he would save Jean K's position for him if he would be released from prison in January 1951.¹⁴ The employer thus tried to persuade the prosecuting body to reduce the length of Jean K.'s sentence for fondling his boy scouts as their cub master.¹⁵ Furthermore, at times the prosecuted behaviour of the defendants was so risky – even during the occupation – that the agents involved must have estimated the risk of denunciation as moderate. Paradoxically, exactly those cases resulting in the most serious sentences show how cautious both the social – i.e. neighbours and family members – and formal – i.e. police officers and expert witnesses – surroundings approached homosexuality. Some caveats are in order here: it must be said that social class influenced the way in which the police officers handled suspects. The more prominent a person, the more cautious the approach. Here, I think it is important to underline the remarkable differences between the German and the Dutch histories about the prosecution of homosexuality.

I would like to argue that the few cases presented below complicate or at least call for the adjusting of the stereotypical image of the readiness in reporting homosexuals to the police. Closely reading the files on the fuzzy sphere of intermingling in private sexual contacts by third parties, enables us to discern the different attitudes towards the interfering by third parties involved.

'I thought I had made a mistake again'

In 1936 the apprehension of the 62 year old coachman Johan T. followed the notification of the police by the 15 year old 'victim'. This boy, Johan van der H. Jr., had been pressured by his father to go to the police. By the time this 15 year old Johan got to the police quarters he had been having sex with the 62 year old Johan T. on a regular basis during the three preceding years. Johan's father had been having second thoughts about the relationship between his son and this older man for about a year by then. When the 49 year old father Johan van H. Sr. was questioned by the police, he had to explain why it had taken him so long to notify the police. Implicitly the father was asked why he had not meddled in more actively. He explained:

'About a year ago, I saw my son [Johan van H.] walking along accompanied by an elderly man on the Nassauplein [in the Hague]. I immediately got the impression: 'That is unsound', and I talked to my son about it and informed whether something was off in the moral sphere. My son denied that anything immoral had taken place between him and the older man at that time. I let it go therefore. But about nine months ago I was driving through the Parkstraat [in the Hague] with my wife and saw my son accompanied by that same elderly man again. I stopped the car and my son and the man abandoned each other as soon as they saw that I saw them. I approached the elderly man and asked him to come along with me, which he did. I intended to go to the police. On our way the old man said 'But Sir, I have not done anything' or similar words. Because I was unsure of my case and because I wanted to talk to my son first, I said: 'If you promise to report to my house at 9 o'clock tomorrow morning, you may go'. This was settled and the next morning that man came to my house. In the mean time I had talked to my son, but because he had not told me anything about the acts with the older man and because the older man had kept his word, I was reassured and thought that I had made a mistake again, although my wife had discovered that he [Johan van der H. Jr.] had started masturbating.'¹⁶

A total stranger told me that my employer was a pervert

Here the 50 year old vintner Theo van der M. is relevant once more. In 1941 Van der M. was apprehended by the police, he had been living in the Netherlands for 13 years. According to his 'Record of Information' – a brief summary enlisting suspects' personal details, their school results, their occupational history and information already known by the police – Theo had lived in the Dutch Indies, Australia, America and in several countries within Europe. He was also known by the vice police:

'According to the administration of the Vice Police, he is cursed with homosexual inclinations.'¹⁷

He had been booked by the vice police twice, on earlier occasions in October 1929 and January 1931 both times on the ground of violating public decency (239 PC.) Despite the police's knowledge of Theo's inclinations; despite the fact that he has been having sex with his delivery boys since 1935 – according to Karel K. the baker's assistant working on the corner of Theo's wine store; and despite the fact that Theo's inclinations were common knowledge – one of the delivery boys, the 19 year old Theo L., was held up in the city centre of The Hague by a total stranger who informed him that his employer was a homosexual pervert: Theo van der M.'s apprehension in 1941 was caused by another delivery boy's notification of the sexual harassment he had had to endure. Apparently, this vintner could have sex with his delivery boys for over six years without being denounced by his immediate and well-informed surroundings.¹⁸

Now that he has become too dangerous

In 1942, the 33 year old Wilhelm L. notified the police that his 6 year old son Jacob L. had told his mother that the 36 year old Leon V. had blindfolded him in his [Leon V.'s] barn and had put something in his mouth:

'My son suspected it had been [Leon V.'s] thumb. I immediately suspected that it had not been [Leon V.'s] thumb but his genitals, because [Leon V.] has a reputation for indecency. [...] A same situation took place earlier with another son of mine, Cornelis. [V.] blindfolded him too and put his genitals in his mouth as well. Cornelis could look through the blindfold and had seen everything clearly. Because [V.] has become too dangerous for the children, I want to lodge a complaint now and demand further police enquiries.'¹⁹

I took him for a walk along the beach

The 23 year old secondary school teacher Jan W. was prosecuted in 1950 for illicit sexual acts with one of his pupils on the basis of both 249 (sex with a ward) and 248bis (homosexual sex with an under aged person). The eventual notification of the police took place only after informal social control had turned out not to be 'sufficient'. Suspicions about an intimate relationship

between the 23 year old Jan W. and the 17 year old Jan S. arose as Jan S. was reluctant to follow Jan W. to his room one night. Furiously, Jan W. left the house of Jan S.'s landlady, the 45 year old Ms Helma T. and rang Jan S. around 9.30 pm that same evening. He told Jan S. that he was writing a farewell letter and threatened to kill himself. The next evening Jan S.'s landlady met up with Jan W. and walked along the beach with him, talking about their situation and asking Jan W. to stop spoiling Jan S.'s young life. Jan W. promised Helma T. that he would leave Jan S. alone.²⁰ Jan W. did not keep his word and met up with Jan S. again. As Helma found out that the secondary school teacher had not kept his word, she pressed the 17 year old Jan S. to break off the relationship. When the pupil refused to, she felt induced to go to the 46 year old school principle Jan N. who had been having a indefinite suspicion about Jan W. sexual preferences because of his tender attitude towards the pupils. Jan N. consulted a colleague on this matter, the 46 year old school principle Jan J. with whom he agreed to advise the 23 year old teacher Jan W. to start looking for another position. Initially, the school principals wanted to leave it at that, since all they had was hearsay and vague feelings:

'We [Jan N. and Jan J.] agreed not to notify the police yet.'²¹

Only after the evidence became quite substantial, in the form of correspondence between the teacher and his pupil retrieved from wastepaper basket by the school teacher's landlady, the two school principles turned to the police.

The doctor told me to go to the police

The 45 year old widow Annigje D. turned to the police after her son's psychiatrist, Dr. Van K. instructed her to inform the police. Her son, the 13 year old boy scout Emile D., suffered from traumas caused by the attempted indecent violation by his cub master the 30 year old Jean K.. By the time Annigje notified the police the parental committee of this particular boy scouts group, the 'Prinses Margriet'-group, had already disciplined Jean K. by forcing him to leave the boy scouts:

'Initially, people did not want to report him to the police because they felt that the facts were not that serious that detention was required. People thought that punishing him by banishing him from the boy scouts was enough.'²²

Uncertainty in choosing criminal articles

In addressing sexual crimes both police and legal body could choose between different articles of the Dutch Penal Code to pursue investigations and prosecutions. Article 239 PC criminalised public indecency. Article 247 PC criminalised both heterosexual and homosexual sex with persons younger than 16 years. A limited number of homosexual relations were criminalised in 1911 with the introduction of article 248bis PC. This article criminalised homosexual conduct between persons older and younger than 21 years of age. This means that both women and men could be prosecuted for homosexuality, but only if they were adults themselves and their sex partners were under aged. Two same-sexed under aged persons could have sex with each other, just as two same-sexed adults. Article 249 PC, furthermore, criminalised sexual contact between persons who were in unequal power-relationships, such as parents and their children, teachers and their students, priests and their parishioners and employers and employees. During the occupation the German Decree 81/40 was established, criminalising all forms of male homosexuality.

Since article 55 PC stipulated that if multiple articles were applicable the article with the highest sanction should be chosen. Sometimes, though, the article applying most specifically to the indecency at hand had to be chosen even if other articles with tougher sanctions could have been applied.

Police officers frequently switched articles during the process of interrogation when they handled illicit homosexual contact. Depending on the characteristics of the violation, such as the extent of age differences between the sex partners, police reports occasionally switched between the articles of the Penal Code during the writing up of their reports. Mostly, switches were made between article 247 PC (sex with a person older than 12 and younger than 16 years of age) and

248bis PC (homosexual contact as an adult with a person younger than 21 years of age). One could argue that in some cases the police tried to write down the nature of the violations as explicitly as possible, frequently involving more than one article of the Penal Code, to enable the public prosecutor to take his pick in making a case out of the police information. Let alone, the level of education of most police officers influenced the indecisiveness in choosing articles. Sometimes, the public prosecutor formulated a claim which incorporated different articles as well, trying to be as inclusive as possible. Usually though, the public prosecutor picked only one of the articles attributed to the violations in the police reports. The fact that different articles were used, pursuing an 'inclusive' strategy, does not account for some of the uncertainties and arbitrariness brought to the fore in the police reports, however. Sometimes identical cases were assessed with different articles of the Penal Code within one and the same police investigation. For the pre-war years six homosexual court cases were found in the court district of The Hague, i.e. six prosecutions resulting in a claim or sentence of at least one year imprisonment. Two of the cases were tried in 1935, three cases in 1936 and the final case in 1937. Meaningfully, no clear criteria can be discerned when it comes to the grounds for prosecuting the defendants at hand. In just one of these cases the suspect was tried on the basis of the 'appropriate' article, namely 247 for sex with a boy younger than 16. In all of the others, a certain arbitrariness comes to the fore when it comes to application of criminal articles.

In one of the 1935-cases, the police heard 56 year old bookkeeper Willem R. because he was suspected of having had sex with two boys, both 15 years of age. The sexual contact with the 15 year old Jitze W. was qualified as a violation of 247 PC (sex with a person under the age of 16 years). The contact with the 15 year old Jan van K. got qualified as a '247 sub 248bis' violation. Referring to 248bis PC in this case might have been caused by the fact that the 15 year old Jan van K. described himself as homosexual. The second homosexual court case in 1935, against 63 year old writer Jacob D., was also based on both 247 and 248bis PC although the involved boy had been 13 years. In 1936, the police switched from 248bis to 247 – given the fact that 248bis was crossed off on the cover of the police report, being replaced with 247 – whilst hearing the 61 year old unemployed workman Johannes T. about his sexual contacts with three brothers who were all younger than 16 years of age. Finally, in 1937, the police heard the 36 year old baker on the basis of 248bis for his sexual contact with two of his employees who were older than 16 but younger than 21 years of age. For his unwanted intimacies with two of his employees who were younger than 16 years of age.

Germany introduced the already mentioned Decree 81/1940 criminalising all forms of *male* homosexuality in the Netherlands in July 1940. With this Decree now youths could be prosecuted for their sexual contacts with adults as well. More forms of homosexuality were criminal from early 1940 onwards, but the maximum penalty was heightened as well. The Dutch Penal Code prescribed a maximum sentence of four years imprisonment. From August 1940 onwards sex between adult men could be punished with a maximum of four years imprisonment, whilst sex between adult men and under aged boys could be penalised with ten years imprisonment.²³

The German occupational government did not assume that all youths were innocent. As mentioned the archive of the court district of The Hague contains four cases tried on the basis of homosexual indecencies with under aged boys between the 15th of May 1940 and the 5th of May 1945. The meagre number of four cases implies that the expanded possibilities for prosecuting homosexuality were hardly used in the district of The Hague. This image corresponds with the criminal statistics of the Dutch Bureau for Statistics also showing a decline in the number of homosexual cases during the years of occupation.²⁴ Three of those cases were tried based on 248bis PC, one on Decree 81/1940. In the latter case the police enquiries started on the basis of Decree 81/1940; the sentence was passed on the basis of 248bis PC however.²⁵ Before sentencing the application of relevant criminal articles was debated in pencil. The legal parties involved were not sure whether to apply the German Decree or the Dutch article. One of the participants referred to article 55 PC inducing the use of the German Decree because it had the highest maximum in punishment. Theo van der M. should be prosecuted for indecencies 'as a man with a man', one claimed. Responding to this suggestion, another party objected: 'Yes, but article 248bis PC can be preserved as a *lex specialis* [a special law, AT]. See article 55 paragraph 2.' The note concluded: 'The verdict can be typed up.'²⁶ The '*lex specialis*' was preserved and

Theo was sentenced on the basis of 248bis PC. In this same case, the police interrogations reveal the uneasiness with the German transition when it came to the hearing of the involved under aged boys. Both the discussion about the appliance of the German Decree or the Dutch article and the hearing of the under aged boys Theo L. and Cor O. as suspects in stead of witnesses betray the uncomfortable manner with which the occupational policies were incorporated in Dutch policing. The police reports describing the hearings of the two boys on the police quarters at Alexanderplein in The Hague in June 1941, show that their interrogations as suspects did not happen mechanically. In both of their cases the cover of the reports mention the boys as 'witness', whereas they are introduced in the report as 'suspected of having violated article one of the German Decree 81/1940'.²⁷ The cover's lay out was not up for two suspects in stead of one suspect and one witness, as was usual before the occupation.

In the post war years 36 cases were tried against homosexuals resulting in either a claim or a sentence of at least one year imprisonment. Unfortunately, it was not possible to analyse the usage of articles by the prosecuting bodies yet. What can be said, however, is that the labelling of homosexual cases as 248bis PC-cases (instead of 247 PC cases) became more customary, compared to both the pre-war and occupational years.

Expert witnesses

Expert witnesses, bringing medical knowledge and taxonomies into the court proceedings, frequently hesitated to call the defendants (born) homosexuals. Only in a small proportion of all the court cases that I have retrieved, defendants were defined as 'definite' homosexuals by the psychiatrists called upon for their professional opinions about the defendants' (diminished) responsibility for their (alleged) crimes.

Furthermore, the appropriateness of prosecution seems to have been influenced by the extent in which the sex partners differed in age. The smaller the difference in age, the greater the hesitation on the part of both social surroundings, police, expert witnesses and courts seems to have been.

'From a moral point of view, I am innocent'

Here the court case brought against the 27 year old Theodore C. is of interest. Early in the year 1948 the police in Leiden heard the rumour that the salesman Theodore C. had a homosexual relationship with the 18 year old Coen van G.. Interrogated by the police on the 1st of February 1948, Theodore confessed. The police found Theodore's directory with the addresses and phone numbers of his friends. Based upon that information, the police tracked down another one of Theodore's sex partners. During the hearing by the examining judge on the 3rd of February 1948, Theodore repeated his confessions:

'I confess to what I have told the police of Leiden. Similarly to what I have stated earlier, I have had contact with [Coen van G.] to protect him from a worse situation. I admit, that what I have done, since I am homosexual myself, was dangerous. I think I am capable of prolonging our relationship without coming to prohibited acts again. If I would find myself unable to abstain from prohibited acts, I will let him go. I see now, that from a legal point of view I have trespassed the law, but from a moral point of view, I am innocent.'²⁸

After all, Theodore rescued Coen van G. from a Belgium network of homosexual predators as he stated. Although he had engaged in homosexual acts with Coen as well, at least they loved each other. After the court hearing, a number of professionals talk with both Theodore and Coen. Both the neurologist involved in the legal proceedings, Dr. Eugene Carp, and Coen's guardian, have no consistent nor coherent advice for them according to Theodore:

'I have had contact with [Coen's] custodian and he appeared to hesitate *as well* concerning the question what sort of attitude I should employ towards [Coen] from now on' [italics, AT].²⁹

Defence stories and strategies

Did the suspects accept the norms presumed or did they test or perhaps refute the moral limits imposed by their social surroundings, the police force, the expert witnesses and the court? Were their testimonies clear-cut and coherent or full of faultlines as well?

'Heterosexualising' the self

Besides denial strategies, there were other strategies to pursue. For instance, many defendants tried to present themselves as heterosexual as possible. Again two cases caught my eye. In the first case, the defendant Willem R. was suspected of having sexual contacts with three under aged boys who he had met on the street. Willem R., trying to present himself as heterosexual as possible, underscored that he visited female prostitutes. Analysing the two court case brought against him in both 1933 and 1935, there are some interesting transitions, both in his self descriptions and the depiction of his actions as legitimate. Possibly, his different self descriptions – from heterosexual, via bisexual, to homosexual – correlate with the death of his 'old little mother' after the court case in 1933 and before the case in 1935.

On the 6th of December 1935, the 55 year old bookkeeper Willem R. received a subpoena to appear in court on New Year's Day at 10.15 am. On the 31st of December he would have to stand trial as a suspect of indecency with a boy younger than 16 years.³⁰ By 1935 Willem R. was familiar with legal procedures. He had been a suspect of indecency with under aged boys both in 1920 and in 1933. In 1920 he had been unconditionally sentenced to 4 months' imprisonment on the basis of the generic article 247.³¹ His criminal record, dating from the 2nd of November 1935, left out his dealings with justice during the last couple of months of 1933. Still, he must have received some form of conditional sentencing late 1933, early 1934. The court files of Willem R. contain quarterly reports by probation officers on Willem R.'s behaviour dating from the 1st of February 1934 until the 15th of October 1934. On the latter date the *Dutch Society for the Moral Improvement of Detainees* concluded that Willem R. was fully rehabilitated.³² Such supervision usually followed conditional sentences combined with a probationary period and special conditions.

A substantial part of this particular criminal dossier is composed of correspondence. Both in 1933 and in 1935, Willem R. wrote letters to the different influential 'links in the legal chain'. In 1933 he begged the chief inspector of police for mercy with two letters dated on the 7th of September 1933 and the 10th of October 1933:

'I am in an agony because of my sweet old mother. She has a weak heart and if she should find out, what I have done, it would be her death. I admit fully, that her death would be my fault and I pray you to spare us. We live so happily together and I deeply regret my deed. Oh, Sir, help us and let mercy go before justice. Other than God, I am begging you for forgiveness.'³³

He promised to fight his inclination and if he was not prosecuted he promised the chief inspector W. Hol to 'behave decently the rest of his life'.³⁴ In 1935 Willem R. knew that he would not stand a chance writing his plea for mercy to the same arresting chief inspector for the same illicit behaviour. He addressed his correspondence directly to the public prosecutor, nine days after he received his subpoena for the 31st of December 1935. The public prosecutor showed no mercy. During the court proceedings on New Year's Day 1935, he demanded the unconditional imprisonment of Willem R. for a period of one year and six months. Subsequently, Willem R. directed his letters to the president and the judges of the criminal court of The Hague. Dated on the 31st of December, Willem R.'s letter begged the president and the judges to give him a conditional or partly conditional sentencing, underscoring that two parsons of his Mennonite community would take on a non-stop surveillance over his behaviour.³⁵ According to the records of the public prosecutor Willem R. received his sentence on the 14th of January 1936. The sentence was partially conditional. He would have to serve six months unconditionally and another six months if he violated his special conditions in the following three years.³⁶ Whether or not these special conditions were the constant surveillance by the two Baptist parsons is unclear.

Willem tried to stay out of prison the best way he could find, by sending letters to those people who influenced the judicial proceedings. In those letters he fully admitted that he had done wrong. He did so in religious terms. In all of his letters he underscored his Mennonite or Baptist background. In 1933, when this strategy must have led to a advantageous result, he sent the chief inspector of police a letter and an appendix. The appendix was a copy of a letter dated on the 20th of January 1933 he received from the church council of the Baptist community in which the church council sadly accepted his resignation as collector, thanked him for his services and dismissed him honourably. His pleas had a religious character as is obvious in the citation above. As a Mennonite, Willem promised the chief inspector to never do 'it' again. In this brief letter, he did not mention the nature of his misdeeds once. He begged the chief inspector to talk to the public prosecutor and to persuade him not to take measures against him. He feared losing both his mother and his job:

'If I am not asking you for too much, could you maybe talk to the public prosecutor and ask him not to prosecute me. If you could, I could maintain my position and I promise you that I will start a new life. If I have to leave my desk repeatedly, then someone might notice, because I have to get permission from my superior.'³⁷

If the chief inspector replied and whether the chief inspector talked to the public prosecutor about Willem's case is uncertain. Still, what is obvious in these files is that his frank, regretful attitude was appreciated by the probation officer of the *Dutch Society for the Moral Improvement of Detainees*. This officer made up a report on the request of the examining judge handling Willem's case. In the report the probation officer underscored that Willem R. came across as decent and trustworthy: 'He wants to keep on fighting his immorality, he is very definite about that.'³⁸ Furthermore, Willem R. – who presented himself as bisexual vis-à-vis the probation officer – mentioned that he was so frightened by indecency with under aged boys because of his conviction in 1920, that he had managed to abstain from it yet:

'Moreover, his sexual feelings were more directed towards adult women, he went along with prostitutes now and then. [The victim Louis J.], a cunning lad as I see him, had awakened the homosexual inclinations so firmly, that [Willem R.] came to the act mentioned above. He is in great remorse.'³⁹

The *Dutch Society for the Moral Improvement of Detainees* stressed how Willem R.'s old mother depended upon him for doing all the chores in and around the house. The probation officer had discretely asked for information at the Baptist Community and received positive feedback on Willem. Apparently, visiting prostitutes and fighting perverse inclinations could go well with a decent and trustworthy appearance according to the Society. The Society recommended a conditional sentence with a probationary period of one year during which Willem R. would have to strictly follow up on the Society's indications. The court files indicate that the court followed this advice.

Another court case brought against two adult men in 1946 is noteworthy when it comes to the 'heterosexualising' of the self, and what is more the 'homosexualising' of the other.⁴⁰ From the 21st of October 1946 onwards the close, even intimate friendship between Henk L. and August C. got tested rather radically. Two of Delft's⁴¹ police officers, Leendert Q. and Jan A., started an enquiry into Henk's moral conduct directly after 'it appeared that Henk L. behaved himself indecently in regard to under aged boys.'⁴²

The officers started their enquiries with the hearing of the 21 year old Jan V.. In 1945, when Jan had still been 20, he asked Henk if he could assist him as *zwarte Piet* (Black Peter).⁴³ Henk had turned him down. When they ran into each other in Delft somewhere between the 5th and 30th of December 1945, they decided to walk along together. That evening, Henk suddenly proposed to step into a side gate in the Van Zuylen van Nijveltstraat. Jan decided to go along with Henk. Henk parked his bicycle. Standing in the side gate, Henk started to tickle Jan and proceeded with undoing the front of Jan's pants. Henk grasped Jan's genitals and started to masturbate him. Jan loosened Henk's pants and masturbated him as well. Jan received one cigarette.⁴⁴ From the beginning of March 1946 onwards, Jan and Henk met up on a weekly basis.

The last two or three weeks before this police enquiry they even met each other two or three times a week:

'The last three times, I received one or one and a half guilders each time. On Sunday, the 20th of October 1946 [the day of this hearing, AT] Henk paid me twelve and a halve guilders. He gave the latter sum because he hurt me so badly this last time that I could not perform my duties.'⁴⁵

Jan underlined the financial incentive of his sexual affair with Henk. Two other witnesses stated that Henk had wanted to become intimate with them, *very much* against their will and *very much* unsuccessfully.⁴⁶ The final witness – the sixteen year old Izaak G. – had profited from his sexual encounters with both Henk and his close friend August. According to him, he had earned cigarettes and chocolate for his sexual duties.

Based upon Jan's statements Henk was taken into custody.⁴⁷ Jan did not only cost Henk twelve and a half guilders, but his eventual verdict as well.⁴⁸ After all, Jan had not been of age during their first sexual encounter. The Dutch Vice Laws required same sexed sex partners to be at least twenty one years of age at that time.⁴⁹

At first Henk denied all accusations made. After the police heard Jan, they turned to the already mentioned Izaak G.. Subsequently, Henk confessed. He gave the police exact dates and locations of his sexual encounters. He even mentioned sexual indecency with his *adult* friend August.

As stated, Izaak G. led the police to August as well. When August's room was searched the police found nude self portraits of August. August declared not to be attracted to boys or men in general. Furthermore, he claimed not to be 'a definite homosexual' ('uitgesproken homosexueel'):

"In my opinion the situation is as follows, I have become to fear women to some extent, because I experienced on several occasions that women do not want me because of my serious illnesses. (...) With [Henk, AT] L. I have committed several indecent acts, but it is not true that I have regular intimate and sexual intercourse with him. In the case of the boy [Izaak, AT] G.: *he* took initiative. I gave way when he grabbed my genitals. I would have wanted to get rid of that boy, but he did not let me go. I did not show him those [nude, AT] photos, he took them from my writing desk. I took those photos myself some years ago in a silly mood. It was in the years of occupation [by Germany, AT.] I got a book in my possession including nude portraits and I had learned that Germans had a flourishing nude culture. It is not true, that I am more or less in love with my own body"⁵⁰ (italics, AT.)

One wonders what was left of their intimate friendship after the interrogations and court hearings. One also ponders what kind of impact these interrogations had on their private lives, considering the fact that both Henk and August still lived at home. Although Henk might have had easier ways - he worked for himself after all - in hiding the fact that he was charged with indecent behaviour with under aged boys, Henk informed his family. August worked as a civil servant and, indeed, got fired. Given the fact that his brother wrote the examining judge in January 1947 to ask why his brother was being detained, August kept his secret very well.⁵¹

After being repeatedly interrogated by these officers, both Henk and August were repeatedly heard by an examining judge of the district court in The Hague in the course of the preliminary investigation of their cases. During this repetition, their testimonies on their alleged sexual encounters with under aged boys changed continuously. As we will see, in the course of their hearings by the examining judge both Henk and August tried to proof that they were not 'homosexual.'

When their mutual masturbation was discussed, both Henk and August 'homosexualised' the other. Henk claimed during his first court hearing that he had sex with his best friend 'to help him without wanting it myself.'⁵² In that hearing Henk mentioned that August and he *had* an intimate friendship *without* having a sexual relationship. Furthermore, Henk euphemistically mentioned that he had not known that August had never touched a woman.⁵³ Later on, Dr Van Laer would corroborate this story in his report on August dated on the 20th of December later that year. Dr Van Laer was the neurologist who was called upon in November 1946 as an expert witness in this case. Van Laer also stated that August did not know what a woman looked like.⁵⁴

Obviously, Van Laer used the concept 'woman' metaphorically for just a small part of a woman's body (as a *totem pro parte*). The sex out of pity, the knowledge about August's ignorance about women's anatomy all had to make the court believe that August was the 'real' homosexual in this affair.

August sneered back when he got the chance. In his first court hearing on the 24th of October, he admitted that he had had sex with the under aged Izaak G. three times. He denied that he was generally attracted to boys and men, however. He might have had sex with Henk, but at least their intimate relationship had not had a weekly rhythm, recalling Henk's structural affair with Jan into mind. It seems that August allured to the myth that homosexuals needed to have lots of sex. Since August did not have homosexual sex structurally, he could not be as homosexual as Henk. Furthermore, August claimed that he never took initiative in his sexual affairs. Izaak G. had initiated their sexual misconduct. August wanted to get rid of him, but Izaak would not let him go.⁵⁵ Henk also stated that he could not get rid of Izaak G. either. In his case, Izaak had blackmailed Henk into letting him perform as Black Peter. Otherwise, Izaak would have reported Henk to the police.⁵⁶

Through homosexualising the other, they tried to heterosexualise – at least pseudo-homosexualise – themselves. Although Henk seemed to have been most successful at it, Van Laer thought of Henk as an obvious or 'definite' homosexual whilst seeing August as an inconspicuous one.⁵⁷ According to Dr Van Laer August did not have abnormal testicles. Whether or not Henk's testicles were abnormal is not mentioned in his medical report. It seems as though neurologists expected to find abnormal genitals on homosexual bodies. At least all of the reports by neurologists as expert witnesses incorporate physical exams usually mentioning the shape of the body and of the 'genitalia externa.'

Denial

If anything, the court cases show a variety in defence strategies employed by the defendants suspected of homosexual crimes. Grosso modo, confessions seem to have been crucial for convictions though. This makes denial strategies which nonetheless ended in confessions especially interesting.⁵⁸

As mentioned above, in n 1950 the 23 year old secondary school teacher Jan W. was prosecuted for illicit sexual contact with one of his pupils on the basis of both 249 PC (sex with a ward) and 248bis PC (homosexual sex with an under aged person). Arguably, in analysing the repression and prosecution of homosexuality the more 'simple' homosexual cases could be held to be more informative. After all, sex with wards was criminal whether the sexual relation would be heterosexual or homosexual. Still, in this particular case the file contains letters from the teacher to his pupil. Conspicuously, the correspondence entails an explicit defence strategy. Jan W. asked his pupil Jan S. in a letter written three days before his arrest, to pursue the following strategy:

'Sunday, 19th September/ Dear Jan,/ Everything has gone wrong: Mrs H. [Jan W.'s landlady, AT] found and read a copy of/ my previous letter to you. She discussed the letter with N. [Jan W.'s first supervisor, a school principal, AT]; subsequently, he discussed it with Mrs. T [the pupil's landlady, AT] and Mr. J. [Jan W's second supervisor, another school principal, AT]./ Still, not all is lost (for me), if only I can/ count on you. Do the following things:/ 1. Burn all letters that/ you received from me immediately, including this one./ 2. The previous letter, of which the notes were/ found by Mrs H., was not written neatly by me./ and you never received that one. [Corresponding with this former advice, Jan W. penned a big exclamation mark in the margins, AT]. 3. The physical contact that we had/ was never anything different than/ hand on each others shoulder. I gave you/ a kiss on your forehead now and then and you/ occasionally gave me a kiss on my cheek. [Again a corresponding exclamation mark in the margins, AT]./ This was also the case last Thursday./ Help me, by – possibly – persisting in this story,/ than everything will be all right, if you say something different, than/ I will go under lock and key./ It is serious./ See you tomorrow, dear chap!/ Jan/ Destroy this letter and the former as well (if you did not already!)/ immediately!/ Ton does not know anything!⁵⁹

Jan W. wanted to pursue a strategy of denial. Countering what his landlady, his pupil's landlady, the school principals might think, he would deny all charges and wanted to make sure that the 17 year old Jan S. would not talk either. Unfortunately for Jan W., the pupil's landlady, Mrs. T., had found both the letter cited above as well as two other letters clearly exposing the sexual nature of the relationship between the teacher and the pupil. Moreover, Jan S. did not follow up on the three directives mentioned. He did not burn the letters. He told the police about their correspondence and furthermore filled the police in on the details of the sexual nature of their relationship. After consulting one another, the school principals decided to tell Jan W. to start looking for other work. Jan N., the first supervisor, already had had second thoughts about Jan W.'s manner of dealing with the youths. 'Vaguely he got the impression that there could be more to this manner.'⁶⁰

Conclusion

This paper questioned the way in which the repression and prosecution of homosexuality in the Netherlands has been described up till now. Reviewing the relevant body literature, a certain straightforwardness about the nature of the repression and prosecution came to the fore. In this paper I argue to underscore the differences between Germany and the Netherlands, rather than focussing upon the institutional similarities as described by Pieter Koenders. By close reading the court cases which I have retrieved from the district court of The Hague, moments of hesitation and uncertainty regarding the prosecution of homosexuals were brought to bear. This paper argues that these moments are crucial for the understanding of the societal position of homosexuals. The indecisiveness with which homosexuals were reported to the police, the uncertainty with which articles were applied to the violations at hand and the unwillingness of describing defendants as 'definite homosexuals' all reveal the incoherent and inconsistent manner with which homosexuality was regarded. On the other hand, the risky behaviour of some of the defendants point out that the threat of being reported to the police must have been experienced as moderate at times.

References

¹ I would like to thank both Kristine Steenbergh and Lex Heerma van Voss for their suggestions and useful criticism on earlier versions of this paper.

² Pieter Koenders (1996) *Tussen christelijk réveil en seksuele revolutie bestrijding van zedeloosheid in Nederland, met nadruk op de repressie van homoseksualiteit* (Amsterdam)

³ Alan Sinfield (1992) *Faultlines. Cultural materialism and the politics of dissident reading*. (Oxford)

⁴ Koenders (1996) and Pieter Koenders (2005) 'Vervolgingsijver in een 'stamverwant' buurland. Bestrijding van homoseksualiteit in bezet Nederland', in: Klaus Müller (red.), *Doodgeslagen, doodgezwegen. Vervolging van homoseksuelen door het Nazi-regime 1933-1945* (Amsterdam) 185-187.

⁵ Lecture by Klaus Müller at the Schorer Institute in Amsterdam (14.10.2005).

⁶ International Gay/Lesbian Information Center, documentary: Dames en Heren (1995) *Roze driehoek, een vergeten symbool*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ See for instance the recent Dutch publication by the German author Andreas Pretzel. Given the Dutch context of my analysis, I want to stress the reader to keep in mind that in Germany all forms of homosexuality were illicit. In the Netherlands only those homosexual acts involving adults and under aged persons were illegal. See: Andreas Pretzel (2005) 'Verklikt door buur of collega. De rol van aangiften in de homoseksuelenvervolging', in: Klaus Müller (ed.), *Doodgeslagen, doodgezwegen. Vervolging van homoseksuelen door het Nazi-regime 1933-1945* (Amsterdam)

¹⁰ The data discussed here is solely based on those cases in which at least one year of imprisonment was demanded by the public prosecutor or sentenced by the court. Of these cases, the court files are kept. Of the cases in which the claim and sentence was less than a year imprisonment, i.e. the majority of court cases, there is only concise information in the registry books of the public prosecutor.

¹¹ Koenders (1996), 863-864.

¹² Here it is interesting to note that Theo van der Meer who is analysing the history of castrating homosexuals in the Netherlands has come to similar findings. Despite the occupation of the Netherlands, the number of castrations did not increase during this period in time. See his contribution to the ESSHC, session SEX02, Room B-7 (23.03.2006).

¹³ Announcement distributed on the Dutch feminist discussion list (07.03.2006). The exhibition was initiated by the International Gay/Lesbian Information Center (Ihlia) in Amsterdam. The curator is Klaus Müller who is, besides historian, museum consultant for the U.S. Holocaust Museum in Washington.

¹⁴ NA, archive of the district court of The Hague (3.03.15.06), file 21: case Jean K., sentence based on 247 PC, report Salvation Army (06.12.1950) 4.

¹⁵ See for instance: NA, 3.03.15.03, file 54 concerning the court case brought against the 23 year old Dirk H. in 1946 based upon art 249 cq art 247 cq art 248bis. Dirk H. had had homosexual sex with a number of his boy scouts as cub master. His father did not reject him, but told the expert witness that he would take his son back into his house and back into his company.

¹⁶ NA, archive of the district court of The Hague (3.03.15.03), file 110: case Johan T. on the basis of 248bis, police report (08.06.1936).

¹⁷ NA, 3.03.15.03, file 12: case Theo van der M. on the basis of 248bis and 249, record of information (20.06.1941).

¹⁸ *Ibid*, police report (20.06.1941).

¹⁹ NA, 3.03.15.03, file 23: case Leon V. based on 248bis, police report (04.04.1942).

²⁰ NA, 3.03.15.06, file 20: case Jan W. based on 249 and 248bis, police report (23.09.1950).

²¹ *Ibid*.

²² NA, 3.03.15.06, file 21: case Jean K. based on 247, police report (26.09.1950).

²³ Magazine of decrees for the occupied Netherlands, file 16 (in Dutch: Verordeningsblad voor het bezette Nederlandse gebied stuk 16) (03.08.1940), pp. 248-249

²⁴ Koenders (1996), pp. 828-829

²⁵ This calls into question one of the main hypotheses in the report of the Dutch historian Yvonne Scherf on homosexuality and the Second World War written in 1987. She stated that the occupation by Germany meant no discontinuity where the legal prosecution of homosexuality is concerned. She compared the number of convictions based on 248bis PC in the years 1936-1939 with the years 1940-1943 and signalled a fierce decline. Even the sum of the cases based on 248bis PC and on Decree 81/40 did not come close to the pre war level. The hypothesis in need of adjustment is the statement that the German Decree was not radically new because it was used as an alternative to existing law. Furthermore a technical legal matter caused the usage of the German Decree. After all, if more than one article of the criminal code was applicable to a crime, the one with the highest maximum should be applied. That is what article 55 of the Dutch Penal Code induced. The court case against the 50 year old vintner Theo van der M. shows that such an mechanical technical understanding of the legal system is at odds with the social reality of law.

See: Yvonne Scherf (1987) *De vervolging van homoseksuelen tijdens de Tweede Wereldoorlog*, 24.

²⁶ NA, 3.03.15.03, file 12, case Theo van der M. based on 248bis: pencilled notes (undated).

²⁷ *Ibid* compare the description of Theo L. as 'witness' on the cover and the first page of the report 173/1941 mentioning him as suspect (11.06.1941); and compare Cor O.'s similar descriptions on the cover of report 175/1941 and the first page of the police report (17.06.1941).

²⁸ NA 3.03.15.03, file 97, case Theodore C., police interrogation (03.02.1948)

²⁹ *Ibid* Hearing by examining judge (13.02.1948).

³⁰ NA, 3.03.15.01, file 105, case Willem R. (sentence based on 247): Subpoena by the public prosecutor (23.11.1935).

³¹ The generic character of the article refers to its applicability to both heterosexual and homosexual illicit sexual contacts.

³² NA, 3.03.15.01, file 105, case Willem R. (sentence based on 247): 4 quarterly reports by the *Dutch Society for the Moral Improvement of Detainees*.

³³ *Ibid*, correspondence Willem R. ~ Chief inspector of police W. H. (07.09.1933).

³⁴ *Ibid*, correspondence Willem R. ~ Chief inspector of police W. Hol (07.09.1933 with appendix, 10.10.1933).

³⁵ *Ibid*, correspondence Willem R. ~ President and judges of the district court (31.12.1935).

³⁶ NA, 3.03.15.01, file 75, records of the public prosecutor, entry Willem R. (14.01.1936)

³⁷ NA, 3.03.15.01, file 105, case Willem R. (sentence based on 247): correspondence Willem R. ~ President and judges of the district court (31.12.1935).

³⁸ *Ibid*

³⁹ *Ibid*, Report on background information on Willem R. by the *Dutch Society for the Moral Improvement of Detainees* (06.12.1933).

⁴⁰ For an extensive analysis of this court case, see the George Mosse-lecture I gave at the University of Amsterdam on the 19th of October 2005: Anna Tijsseling (2005) *The peculiar history of Saint Nicholas and his Black Peters in Delft, 1946* (<http://www.iisg.nl/research/mosse-lecture.pdf>).

⁴¹ Delft is a city nearby Rotterdam in the West of the Netherlands.

⁴² NA, 3.03.15.03, file 66, official police report 225/46, 1.

⁴³ Jan had not been of age during their first sexual encounter in 1945. The Dutch Vice Laws required same sexed sex partners to be at least twenty one years of age at that time. This provision in the Dutch Vice Laws existed from 1911 till 1971.

⁴⁴ NA, 3.03.15.03, file 66: official police report 225/46, pp.1-2

⁴⁵ *Ibid*, Police report 225/46, p. 2

⁴⁶ NA, archive district court of justice The Hague , 3.03.15.03, file 66: official police report 225/46, pp. 8-9 (witness Cornelis d.H); p. 12 (witness Evert K.)

⁴⁷ NA, archive district court of justice The Hague , 3.03.15.03, file 66: official police report 225/46, pp.1-2

⁴⁸ The court files do not mention what kind of sentence Henk received. Given the fact that their files were kept, their sentence had to be at least one year of imprisonment. Court files on cases in which sentences were shorter than one year are not kept in archives, but are destroyed. August's sentence of 10 months imprisonment were mentioned in these files, probably because the information in the case against August had also been used in the case against Henk.

⁴⁹ This provision in the Dutch Vice Laws existed from 1911 till 1971 and applied to sexual encounters involving adults. Under aged people could have sex *with each other* (between <16, >21 years of age.) The Dutch Vice Laws prohibited adults from having sex with under aged same sexed persons.

⁵⁰ NA, archive district court of justice The Hague, 3.03.15.03, file 66: interrogation of suspect August C. (21.10.1946)

⁵¹ NA, archive district court of justice The Hague, 3.03.15.03, file 66: correspondence J.J. C. ~ Honourable Gentleman (16.01.1947)

⁵² NA, archive district court of justice The Hague, 3.03.15.03, file 66: first court hearing Henk C., 24.10.1946

⁵³ NA, archive district court of justice The Hague , 3.03.15.03, file 66: first court hearing of Henk C., 24.10.1946

⁵⁴ NA, archive district court of justice The Hague , 3.03.15.03, file 66: report Dr Van Laer on August, p. 2

⁵⁵ NA, archive district court of justice The Hague , 3.03.15.03, file 66: first court hearing August C., 24.10.1946

⁵⁶ NA, archive district court of justice The Hague , 3.03.15.03, file 66: first court hearing Henk L., 24.10.1946

⁵⁷ NA, archive district court of justice The Hague , 3.03.15.03, file 66: report Dr Van Laer on Henk, p. 4 and report Dr Van Laer on August, p.3

⁵⁸ *NB: Here it is interesting to find out in how many cases the defendants insisted on their innocence and in how many of those cases the court sentenced to imprisonment or acquitted the defendants.*

⁵⁹ *Ibid*, 3.03.15.06, file 20, case Jan W. (sentence based on 249 and 248bis): appendix police report 472/1950 (23.09.1950).

⁶⁰ *Ibid*, police report (23.09.1950) 2.