



## The Netherlands

by Gert Hekma

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A founding member of the European Union, the Netherlands is a democratic kingdom of 16,000,000 people, located between Germany, Belgium, and England. It became an independent republic in 1581 and a kingdom in 1806. The seventeenth century was its "golden age," a period when the Dutch Republic (1581-1795) was a major international force, creating a worldwide web of economic and political relations. The Netherlands declined in the eighteenth century, but remained a colonial empire until the independence of Indonesia after World War II.

Some people consider the Netherlands the world's most tolerant society with regard to homosexuality. However, Dutch society still faces major problems when it comes to homosexual and transgender issues.

### The Middle Ages through the Eighteenth Century

Engaging in sodomy was a capital crime in the Dutch Republic from the Middle Ages until 1811. There were rather few cases of sodomy before 1730, and most of these concerned anal intercourse between males, usually involving rape or under-aged participants. Heterosexual sodomy and bestiality were seldom prosecuted.

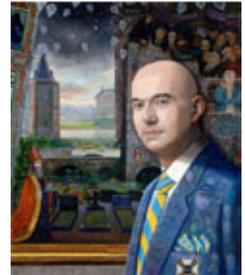
A woman who married another woman who presumed she was a male could be charged for attempted sodomy, when sexual relations were implied, or for fraud.

Although one might have expected greater tolerance during the years of the Enlightenment, there was in fact an obsession with sodomy during this period. Indeed, after 1730 there was a steep increase in the number of prosecutions for sodomy. Several hundred men were accused of male-male sodomy, and about 200 were executed in the eighteenth century.

However, the question of sodomy laws was debated during this period. In 1777, an anonymous tract completely devoted to the theme of the abolition of sodomy laws was published. *Considerations on Punishing a Certain Infamous Crime* did not endorse same-sex sexual practices. Rather, the author's argument was that it was better to prevent such asocial behavior beforehand rather than punish it afterwards. The author recommended the promotion of marriage and the co-education of boys and girls as means of discouraging same-sex vice.

In the eighteenth century, sexual "vices" such as masturbation came under attack, but at the same time many enlightened authors celebrated friendship and revered Socrates and Plato. They engaged in what has been called "The Socratic Battle," whose main topic was whether Socrates was an infamous pederast or a celestial friend.

Both parties to the debate were clear in their rejection of sodomy and their support of same-sex



**Top:** The Netherlands and neighboring countries in 2004.  
**Above:** A portrait of Pim Fortuyn, an openly gay conservative politician assassinated in 2002. Painting by Jean Thomassen. Image of Pim Fortuyn appears under the GNU Free Documentation License.

friendship, but they were vague about the dynamics of the latter. They did not answer the question of how much intimacy was allowed, or what parts of the body could be touched. Same-sex lust was still a sin not to be mentioned, and this silence both prevented and encouraged homosexual practices.

In a recent book that examines same-sex sexual interests among women during this period, Myriam Everard differentiates three kinds of relationships. One involves a tradition of female friendships that were very intimate but probably chaste. The two most famous Dutch romantic friends of the eighteenth century, the writers Betje Wolff and Aagje Deken, exemplify this tradition.

In addition, however, other women passed or dressed as men and sometimes even married other women, in a transgender tradition of amazons. Finally, some women, usually from the lower class, were classified as tribades, who enjoyed sex with both men and women. They were often involved in petty criminality and prostitution.

After the Dutch had created their replica of the French Revolution and established the "Batave Republic" in 1795, the number of prosecutions for sodomy increased again, but the severity of the punishments lessened. Some tribades were prosecuted for attempted sodomy and were imprisoned.

In 1806, Holland became a kingdom, with Napoleon's brother as king. In 1810 the French emperor incorporated the country into his empire. In 1811 Holland adopted the French legal code, which had abolished laws against sodomy in 1791. After Napoleon's defeat in 1813, and the independence of the Dutch state, there were discussions about re-enacting the sodomy laws, but they were never re-instated.

### **The Nineteenth Century**

Thanks to Napoleon and the French, the new Kingdom of the Netherlands enjoyed a liberal nineteenth century with regard to the legal situation of same-sex sexual behavior. Homosexual activity was punished only as public indecency, or, after 1886, if it involved minors under the age of 16.

This liberalism, however, did little to remove the stigma associated with sodomy and same-sex sexual relations in general. The silence with regard to "wrong loves" (*verkeerde liefhebber[ij]*) may have allowed a few people to act rather freely on such desires, but the reputation for engaging in homosexual practices could have devastating social consequences for most individuals. Hence, such practices were cloaked in secrecy.

At the end of the nineteenth century, the Netherlands witnessed an era of sexual ambivalence and frankness. The liberal climate made it possible, on the one hand, to publish the first homoerotic novels, medical books on homosexuality, and male pornography. On the other hand, the Christian political parties that dominated Parliament in the first decades of the twentieth century were intent on creating stricter sex laws.

### **The Early Twentieth Century**

The Christian parties succeeded in 1911, when laws against abortion, prostitution, pornography, and same-sex sexual acts with minors under 21 years passed parliament. This latter piece of legislation, article 248bis, introduced a discriminatory provision into Dutch law. Whereas the age of consent for heterosexual behavior remained sixteen, the age of consent for same-sex behavior was set at twenty-one.

In the first two decades of the twentieth century more books on same-sex themes were published than in the entire previous history of the Netherlands. Despite the new laws, the Christian political parties did not succeed in restraining the flood of erotic material. Moreover, the sex laws also produced protests and public debates on (homo)sexuality. In 1912, a Dutch chapter of Magnus Hirschfeld's Scientific Humanitarian Committee (NWHK) was founded. At the beginning of World War I in 1914, the chapter became

independent.

The leader of this movement was Squire J. A. Schorer, who had lived some time in Berlin. Other participants were the physicians Arnold Aletrino and Lucien von Römer, who both published extensively on homosexuality, defending the position of Hirschfeld and others that sexual preference was innate.

All of them had worked with Hirschfeld in Berlin. Their main disagreement was whether homosexual relations were ethically allowed in a loving relationship, which von Römer endorsed and Aletrino rejected.

The NWHK had two other members, M. J. J. Exler and J. H. François, authors of homosexual novels. Although the NWHK consisted of five persons, Schorer was by far the most active. Aletrino and von Römer stopped writing on homosexuality in 1908. Schorer wrote irregular annual reports and letters to the press, acted as a gay match-maker, and collected an important library that the Germans shipped off to a still unknown destination shortly after their occupation of the Netherlands in 1940.

The law against sex with minors was not the only threat for gay men. Loss of job, house, and reputation were real dangers they had to fear should their proclivities become known.

Moreover, they also had to fear the new medicalization of homosexuality. The naturalization of homosexuality in emancipatory discourses had as its corollary the pathologizing of homosexuality by physicians, who began to castrate "sex criminals," including homosexuals, in the 1930s and continued to do so until the 1960s.

Article 248bis was, however, the main expression of society's disapproval of homosexuality. From 1911 to 1971, 5,000 persons were prosecuted under this law, 99% of them men.

Other measures against homosexuality were also taken. For example, local regulations introduced in the 1930s forbade men to stand longer than 5 minutes in public toilets. Laws against public indecency probably victimized gay men even more than 248bis.

Lesbians had to face restrictions as women, including, for example, restrictions on going out in public, visiting bars, and wearing gender-appropriate clothing. Only when they neglected or transgressed such rules could they act upon lesbian desires. Once they did, they were treated as whores.

### **Growth of a Subculture**

The Red Light Districts of the bigger cities were the natural place where gays and lesbians could meet each other and their objects of desire in the earlier twentieth century. The police strictly monitored bars in these districts. As soon as they discovered too many obvious gay men or lesbians patronizing these venues, they threatened the bars' licenses.

Gay men cruised these locations for "real" men, such as sailors and construction workers, while "mannish" lesbians sought "femmes" among the prostitutes. Theories of homosexuality as gender inversion held that sexual desire could only ignite between opposite poles, namely "nicht" (sissy) and "tule" (trade) and "butch" and "femme." Not until the 1950s did the idea that gay men and lesbians could love and have sex among themselves gain much popularity.

### **German Occupation**

World War II made little difference in the status of gay men and lesbians. The NWHK halted its work; a new gay journal, *Levensrecht* (Right to Live), that had begun publishing just two months before the German troops arrived abruptly ceased. But queer bars opened and closed, and the Dutch police continued to arrest gay men, just as before and after the war.

The major change during the German occupation was the introduction of the German anti-gay paragraph 175 in the Netherlands. The law forbade sexual intimacies between men of all ages. One of the ironies of history is that the Dutch legal authorities, who had introduced 248bis to prevent the seduction of minors, now used the German paragraph mainly to prosecute those "victims" between 16 and 21 years old who were not deemed worthy of protection.

While there were some gay and lesbian heroes of the Dutch resistance against the Nazis, there were also collaborators. A complicated case was a lower-class Jewish lesbian who was forced to help the police. She did so a bit too eagerly and was sentenced to death after the war for her betrayal. She was the only woman to face execution. Many more important war criminals were reprieved by the authorities.

### **The Post-World War II Homosexual Movement**

After the end of German occupation, the monthly *Levensrecht* picked up where it had started in 1940. In 1946, it developed into the major post-war Dutch homosexual organization, the COC (Center for Culture and Recreation).

The post-war climate was very anti-homosexual; the number of prosecutions under Article 248bis reached its highest level in the 1950s. But the same decade also saw the first breaches in the general public condemnation of homosexuality, when some doctors and clergymen re-evaluated their stance. Instead of comparing homosexuality with prostitution, as they did in the early 1950s, they discovered the human and loving side of gay men and lesbians.

One psychiatrist, who had railed in the 1940s against homosexual abuse of boys and promiscuity, discovered that seduction played no role in becoming homosexual and that many gay men preferred stable relationships to anonymous sex. Another pro-gay psychiatrist announced in 1969 that homosexuals were simply the same as heterosexuals.

These supportive clergymen and doctors made the sexual revolution more successful in Holland than elsewhere. Because they convinced their fellows, including Roman Catholics and Calvinists, that homosexuality was not a major problem, most Dutch came to support the legal reforms of the sexual revolution, including the decriminalization of homosexuality, adultery, abortion, prostitution, and pornography. The Netherlands was transformed into the world's most progressive country in respect to sexual issues.

Gay and lesbian identities during this period also changed, from gender inverted to gender conforming. The object of desire for most gay men and lesbians also changed, from predominantly heterosexually-identified people to other homosexuals. Gay men began to see themselves as masculine, the starkest example of which was the emerging leather culture of the 1950s, while lesbians began to identify as feminine.

Gay men and lesbians were no longer any different from other men and women, except in the bedroom. Their relational model changed from one similar to the world of prostitution to one more like heterosexual marriage.

### **Gay and Lesbian Political Gains**

After 1955, the gay scene exploded first in Amsterdam. Discos, hotels, saunas, and leather bars were opened, and Amsterdam became the European gay capital.

In the 1960s, gay men and lesbians began to come out of the closet and into the streets. The gay movement organized and struggled against anti-homosexual discrimination, with stunning success.

Article 248bis was abolished in 1971; openly gay men and lesbians were admitted into the army in 1973; psychiatrists stopped seeing homosexuality as a disease. The possibility of gender reassignment surgery was legally recognized in 1978; such surgery could be paid for through the national medical aid fund.

The first exclusively lesbian bar, Tabu, opened in 1970 in Amsterdam, and the first radical lesbian group, "Purple September," was organized in 1972.

From the late 1970s on, gay and lesbian groups were formed in political parties, labor unions, universities, health organizations, the police, and the army. A new newspaper, the *Gay Krant*, became the mouthpiece of gay men.

The annual gay and lesbian parade was inaugurated in 1977. When the parade was attacked in Amersfoort, the center of the Dutch Bible Belt, by gaybashers in 1982, the outrage sparked a major outpouring of national support for gay and lesbian emancipation.

The government began to support the goal of emancipation. To this end, it provided new regulations and some financial support. The police stopped harassing gay men in their cruising areas and instead began to protect them. It was the right moment for a change in social attitudes regarding homosexuality, as 1982 was the year that AIDS arrived in the Dutch gay community.

### **The Response to AIDS**

Thanks to a strong gay infrastructure and the support of both government and health authorities, the epidemic was contained. A remarkable number of gay men changed their sexual behaviors. Although AIDS was a personal and social disaster, the number of victims in the Netherlands remained low compared to other European countries.

AIDS may even be said to have strengthened gay and lesbian health institutions and made it possible to discuss (homo)sexuality in concrete terms in the media and in schools.

### **The Turn into the Twenty-First Century**

In the 1990s, the gay world further diversified. The street culture of public toilets moved from the inner city to parks and highway stops outside the city. The gay world proliferated and saw the emergence of various fetish-based subcultures, such as skinheads and leather devotees, and transgender communities. Ethnic minorities strongly contributed to queer diversity.

As the millennium loomed, all major political parties included representatives who were openly gay or lesbian. This set the stage for further political gains.

Most remarkable was the emergence of the right-wing leader Pim Fortuyn, who was very openly gay. He even discussed in the media the taste of sperm and the pleasures of dark rooms. His sudden rise to political stardom ended abruptly on May 6, 2002, when he was murdered just before the elections that brought his party 17% of the vote.

In 1993, an Equal Rights Law was enacted protecting homosexuals, among other groups, from discrimination. In 1998, gay and lesbian relationships were legally acknowledged. In 2001, gay and lesbian couples were offered the option of marriage, an option that included the right of adoption.

The disappearance of legal discrimination against gay men and lesbians had an unexpected consequence. It made most Dutch think that the struggle for homosexual emancipation was over and the COC could close its doors. Indeed, the most important queer political organizations declined in the 1980s and have not seen a resurgence.

But the end of legal discrimination did not mean the end of social discrimination. Orthodox Christian and Muslim leaders, representing a minority of about 10% of the population, continue to denounce homosexuals. The most common insult on schoolyards remains "flikker" (faggot).

A growing puritanism not only affects the world of sex work and public eroticism, but also gay and lesbian culture. Nowadays there are fewer teachers and students who dare to come out in schools than a decade ago.

As is so often the case, lesbians are even less visible than gay men, who have a more lively public culture, produce more journals, and get more media attention. The successes of the past have led to a stagnation of sexual openness in the present and a denial of the discrimination that still exists.

Nevertheless, the successes of the Dutch emancipation movement have served as an inspiration to the international struggle for glbtq equality.

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**Gert Hekma** teaches gay and lesbian studies in the department of Sociology and Anthropology at the University of Amsterdam. He is editor of several books on gay history and sociology, including (with Kent Gerard ) *The Pursuit of Sodomy*, (with Harry Oosterhuis and James D. Steakley) *Gay Men and the Sexual History of the Political Left*, and (with Franz X. Eder and Lesley Hall) *Sexual Cultures in Europe*. In the spring of 2004 his book on Dutch gay male history, *M/M*, will be published.