JONAS ROELENS

CITIZENS & SODOMITES

PERCEPTION AND PERSECUTION OF SODOMY IN THE SOUTHERN LOW COUNTRIES 1400–1700
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Citizens & Sodomites

Perception and Persecution of Sodomy in the Southern Low Countries (1400-1700)

JONAS ROELENS

Thesis submitted in fulfilment of the requirements for the degree of Doctor of History

2018
Preface

About eight years ago, I was in desperate search of a subject for my bachelor paper. Being a former country boy who enjoyed ‘the big city life’ in Ghent rather too much, I had postponed this decision to the very last minute. The night before the deadline, my eye caught Germain Greer’s coffee table book *The Boy*, about the fleeting beauty of boys throughout the ages. Rather impulsively, I decided to write a paper about homoeroticism in Italian Renaissance art. Never before have I been more grateful for my tendency to procrastinate. Beyond coffee table books, an entire field of research about same-sex desires in the past unfolded before my eyes. The paper led to a thesis and that thesis eventually led to the dissertation you are now about to read. My eight-year-long academic trajectory not only led me to the temptations of boys from the past, but also to gruesome executions, theological discussions, propaganda campaigns, and many taciturn sources about ‘a crime that should not be named’. This road also carried me on to scientific insights, thought-provoking discussions and many inspiring people, whom I hereby wish to thank wholeheartedly.

First and foremost, I would like to sincerely thank my promotor, Anne-Laure Van Bruaene, not for the sake of tradition, but because I am genuinely grateful to her for the way she has advised, motivated, and supported me. When she approved my last-minute subject choice, she could not possibly have suspected that she would be stuck with sodomy for eight years. Nevertheless, she has shown a keen interest in my research and has meticulously read all of the texts I wrote during these years. I do not know if she realizes how important her psychological support was, for instance at times when the financing of this research project suddenly became jeopardized after two years, or when self-doubt struck as the submission date for this dissertation approached, but Anne-Laure: thank you very much for everything!

I also want to thank Marc Boone, Isabelle Devos, and Anne Winter for the advice they gave me during several DBC meetings, and Michael Rocke and Georges Martyn for taking part in this dissertation’s jury. Many colleagues, both inside and outside Ghent
University, have provided me with new insights through their own expertise: Maarten Bassens, Marta Bigus, Jonas Braekevelt, Frederik Buylaert, Mario Damen, Thijs Dekeukeleire, Lisa Demets, Jan Dumolyn, Guy Dupont, Janna Everaert, Jelle Haemers, Laurent Inghelbrecht, Michael Limberger, Stefan Meysman, Walter Prevenier, Joris Roosen, Ruben Suykerbuyk, Steven Vanden Broecke, Theo van der Meer, Katlijne Van der Stighelen, Monique Van Melkebeek, Louise Vermeersch, René Vermeir, Valerie Vrancken, and countless others. I would also like to thank Wannes Dupont and Elwin Hofman in particular, for writing Verzwegen verlangen with me, our book about the history of homosexuality in Belgium. I found both the writing process of this book and the contact with our readership a particularly enriching addition to our everyday academic activities.

The colleagues from our early modern corridor and the cookie office are especially dear to me because of the exchange of ideas during discussion groups or Sweet Sixteen meetings, even more so for the nice conversations concerning topics that were absolutely unrelated to work, but all too often centered on touristic and culinary delights, in a vain attempt at minimizing the soup kitchen atmosphere during lunch breaks. A special mention goes to Susie, for chatting and listening to Lully while writing on Saturdays, to Thomas who has edited so many of my texts with brio (and provided me with much-needed speculoos during writing evenings), and to Klaas and Christa for the moral support, friendship and hilarious stories.

Fortunately, however, life does not stop at academia’s borders and many hilarious stories were set outside the university walls. Consequently, there are a lot of lovely people out there I want to thank. First of all, my parents for their unconditional support, their listening ear, and the fact that I regard them almost more as friends than as parents. Furthermore, I want to mention my theater friends who made me completely forget all of my academic worries on stage by creating a fairy tale about a rabbit in Japan, or by playing a mean old bat in a wheelchair. I also want to thank my many friends in Ghent who uphold the vitally important trinity of eating, drinking, and dancing (preferably to songs from the 1980s), and whose invitations I had to decline all too often while I was writing this dissertation. Anyone who knows how much I suffer from FoMo (fear of missing out), acknowledges what a burden this was.

My biggest words of thanks are obviously reserved for Jeroen, the love of my life for almost a decade now. Like no other, you always manage to make me laugh and forget my worries. The enduring amazement with which you look at life every single day, as if it were a freshly picked strawberry from your garden, remains an invaluable source of inspiration to me. I am pleased to say that, now this dissertation is submitted, I can spend less time writing about sodomy and more time actually committing it.

Ghent
June 2018
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<td>ADN</td>
<td>Archives départementales du Nord</td>
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<tr>
<td>BnF</td>
<td>Bibliothèque nationale de France</td>
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<td>CA</td>
<td>Chambers of Account</td>
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<td>CAB</td>
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<td>City Archives Oudenaarde</td>
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PART I

METHODOLOGICAL AND DISCURSIVE FRAMEWORK

“Are you gonna go
To the Sodom and Gomorrah Show?
It's got everything you need for your complete
Entertainment and instruction
Sun, sex, sin, divine intervention,
Death and destruction
The Sodom and Gomorrah Show
Is a once-in-a-lifetime production.”

Introduction

Somewhere in 1460, a man called Gerart de Jonckher was sentenced to the stake in the city of Mechelen for having committed sodomy. As historians, we can wonder which facts in particular led to Gerart’s death sentence. Intrigued—and perhaps somewhat recklessly—we could then start searching the archives to explore Gerart’s life and social background, how his trial proceeded, and how the local community responded to his public execution. Unfortunately, if we do that, we will come back empty-handed. After a thorough exploration in the archives, we find ourselves confronted with a man who was burned alive, and yet his ‘crime’ and trial were summarized in one mere sentence, routinely noted in a bailiff account: “Audit bourel, qui fist la justice de Gerart de Jonckher, lequel fu arse de bougghernye, pour ce pour le salair dudit bourel II livres”.1 Even though Gerart de Jonckher’s trial occurred nearly six hundred years ago, the striking silence surrounding his ‘unnatural crime’ is still captivating.

Unlike several other European regions, particularly in the Mediterranean, where the early modern repression of sodomy has resulted in extensive court records, the judicial officers and scribes in the Southern Low Countries did their utmost to uphold sodomy’s reputation as the ‘unmentionable vice’. Hence, making these silent sources ‘speak’ about the ‘peccatum mutum’ is quite challenging. Still, this was exactly what I set out to do at the beginning of my research. My first objective was to map the actual sodomy trials that had taken place in the Southern Low Countries by concentrating on the long-run, structural tendencies that elucidated the persecution of sodomy in the region: where and when did these sodomy trials take place? Were there moments when their number peaked, and, if so, what caused these peaks? Did the social background of the people involved have an influence on their trial? In my search for an answer to these questions, I was able to trace 406 individuals who were accused of sodomy, in a total of 207 trials.

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1 Brussels, National Archives of Belgium (hereafter NAB), Chamber of Accounts (hereafter CA), 15664, non-foliated.
The second objective of this study was to examine the perception and representation of sodomy. How were the men and women engaging in deviant sexual behavior perceived? What where the stereotypes commonly used to discredit them? How did the existing legal, theological or medical discourses affect the attitudes of ordinary city dwellers on the sin against nature? Hence, in this study, I want to do more than simply chart the scale of sodomy persecution in the Southern Netherlands, I also want to examine how the urban communities in the region dealt with this persecution. By combining two interwoven, yet still fundamentally different, research strategies (a quantitative and a qualitative approach) my aim is to gain a fuller understanding of sodomy in late medieval and early modern urban society.

Sodomy: a contested historiography

Homosexuals in history

Evidently, this study is not the first one to attempt an analysis of late medieval and early modern sodomy. Nevertheless, the study of homosexuality in the past is still a quite recent field of research. The end of the Ancien Régime did not necessarily herald the end of the taboo surrounding same-sex sexuality, neither among the general public nor in academic circles. Consequently, the number of studies on this subject has been rather limited for a long time. Some notable early exceptions that focused on ‘medieval homosexuality’ were Derrick Baily’s *Homosexuality and the Western Christian Tradition* (1955), Michael Goodich’s *The Unmentionable Vice* (1979), and Hendrikus Kuster’s doctoral thesis *Over homoseksualiteit in Middeleeuws West-Europa* (1977). The latter was written in Dutch, and is consequently not well-known in international historiography. However, the language barrier is perhaps not the only reason why today Kuster’s work is consulted less often than the two previous studies. In fact, his thesis was quite contested, because of its uncritical employment of terminology. Kuster clearly understood ‘homosexuality’ as an unchanging type of biological behavior, which tied in with activist attempts from the nascent gay rights movement to look for famous and well-respected ‘gay icons’ in the

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2 Moreover, research of Wannes Dupont has aptly shown that this silence was particulary predominant among Belgian academics. Wannes Dupont, “Eeckhouds eenmansstrijd,” in *Verzwegen verlangen. Een geschiedenis van homoseksualiteit in België*, eds. Wannes Dupont, Elwin Hofman and Jonas Roelens (Antwerp: Uitgeverij Vrijdag, 2017), 205.

past, such as Michelangelo, Shakespeare or Voltaire, to legitimize their contemporary struggle for equal rights.⁴

**Social-constructionism and essentialism**

However, among historians, the question whether such famous men could effectively be presented as self-conscious homosexuals led to heated debates between so-called essentialists on the one hand and social constructionists on the other. Whereas social constructionism posits that so-called biological certainties concerning physicality, sexuality et cetera are culturally constructed and differ according to time and place,⁵ essentialists claim that human behavior as such is not subject to change at all. Consequently, there have always been ‘homosexuals’ in history: in casu people who were exclusively attracted to individuals of their own sex, and who have expressed some self-awareness about their sexual desires. One of the most influential figureheads of this movement was John Boswell (1947–1994), author of the groundbreaking *Christianity, Social Tolerance, and Homosexuality* (1980).⁶ In this book, Boswell mapped the changing mentality of the early medieval church with respect to same-sex acts. The book attracted widespread attention, both academic and popular, because it advocated the existence of a ‘gay consciousness’ among early Christians. Boswell further elaborated this idea in his *Same-Sex Unions in Pre-Modern Europe* (1994),⁷ where he argued that early medieval Christianity and society in general treated same-sex relationships and ‘heterosexual relationships’ on equal footing, and acknowledged ‘marital’ unions between people of the same sex.

Boswell’s views gave rise to an array of new studies,⁸ which provided examples of premodern people displaying a certain degree of self-awareness about their exclusive

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⁵ Another influential example from this line of thinking is the one-sex model, developed by Thomas Laqueur, who states that the absolute biological difference between men and women is a cultural construction that only came into being at the end of the eighteenth century. Previously, the one-sex model, in which no distinction was made between a male and a female body, prevailed. There was a kind of continuity between the two body types with a clear hierarchy. For instance, the vagina was regarded as an inward-looking penis and the female appearance of the human body was perceived as subordinate to the ideal male appearance. Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge: Harvard University Press, 1990).


same-sex desires, including among others a fifteenth-century Swiss priest who described himself as ‘sodomite’, same-sex marriage rituals in Renaissance Rome, and seventeenth-century Portuguese love letters. Moreover, Boswell’s legacy stimulated Alan Bray (1948-2001) to write his widely acclaimed The Friend (2003). Although he refuted Boswell’s argument that the rituals mentioned above should be understood as ‘marriages’, Bray confirmed that there were indeed some premodern, formal unions between two members of the same sex that were consecrated through Christian rituals.

During my own research, I have also found examples who at first glance would seem to endorse the ‘essentialist’ view. These examples range from men who spent years with the same sexual partner, individuals who knew particularly well at which locations they were most likely to find same-sexual pleasures or women who confidently testified about their attraction to other women. However, the scarcity of the source material does not allow to verify whether these persons saw their desires as a determining part of their identity or not. However, that chance seems rather small.

In fact, there is a lot of academic consensus on the fact that each historical period had its specific way of expressing feelings of sexual desire, and that different cultures in the past had different ways of responding to those feelings. This is largely due to the influence of Michel Foucault (1926-1984). In fact, the constructionist argument largely relied on La volonté de savoir, the first part of Foucault’s four-volume study Histoire de la sexualité, which appeared in 1976. One particular passage, on the so-called division between sodomites and homosexuals, has since acquired a canonic status:

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“La sodomie-celle des anciens droits civil ou canonique- était un type d’actes interdits; leur auteur n’en était que le sujet juridique. L’homosexuel du xixe siècle est devenu un personnage: un passé, une histoire et une enfance, un caractère, une forme de vie; une morphologie aussi, avec une anatomie indiscrète et peut-être une physiologie mystérieuse. Rien de ce qu’il est au total n’échappe à sa sexualité (...) L’homosexualité est apparue comme une des figures de la sexualité lorsqu’elle a été rabattue de la pratique de la sodomie sur une sorte d’androgynie intérieure, un hermaphrodisme de l’âme. Le sodomite était un relaps, l’homosexuel est maintenant un espèce.”

According to numerous historians, Foucault hereby made the claim that, before the nineteenth century, society did not distinguish between sexual identities, but only between sexual acts. For Foucault, the concepts of sexuality and sexual identity are a construct of nineteenth-century medical and psychological discourse. Consequently, before this transition, sex was not a sign of an individual’s identity. This implies that, before this turning point, we cannot speak of homosexuality. According to the general reading of his statement, Foucault sketched the transition from the early modern sodomite to the modern homosexual: sodomy was not a characteristic of one’s personality, but rather a deviant act that anyone might commit.

Foucault was both widely praised and criticized for this so-called ‘genealogy of homosexuality’. When he claimed that subjectivity and sexuality were not necessarily intertwined in the past, several historians raised the argument that Foucault had written an exclusive history of male sexuality, in which he took too little account of other social categories such as gender, class and ethnicity, or the agency of the historical actors he discussed. For instance, several historians have pointed out that there was a distinctive change in the self-awareness of people attracted to people of the same sex, which

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13 Michel Foucault, Histoire de la sexualité. La volonté de savoir (Paris: Gallimard, 1976), 59.
14 In his book, Foucault stated that the history of sexuality is not characterized by an ever stricter normativisation of sexual behavior, but by an increasing desire to acquire knowledge about sexuality, a so-called “scientia sexualis”. In doing so, he directly opposed the view of a Belgian historian, who is nowadays largely forgotten by international historiography: Jos van Ussel (1918-1976). In his book Geschiedenis van het seksuele probleem (1968), translated in several languages, van Ussel witnessed an increasing paranoia and self-constraint among the bourgeoisie regarding sexual matters from the sixteenth century onwards. Jos van Ussel. Geschiedenis van het seksuele probleem (Meppel: Boom, 1968), esp. 61-82. On van Ussel’s work, see also: Wannes Dupont and Henk De Smaele, “Orakelen over de heimelijkheid. Seksualiteit en historiografie in Belgisch perspectief,” Belgisch Tijdschrift voor Nieuwste Geschiedenis 38, nos. 3-4 (2008): esp. 281-87.
manifested itself as rising subcultures in eighteenth-century cities such as London, Paris, or Amsterdam; an evolution that predated the advance of medical discourse in the nineteenth century.\(^\text{17}\)

**Queer theory**

However, David Halperin, has claimed that most criticism of Foucault can be dismissed due to an incorrect reading of Foucault’s infamous passage on sodomy, which describes sodomy ‘as defined by the ancient civil or canonical codes’. According to Halperin, “Foucault is speaking about discursive and institutional practices, not about what people really did in bed or what they thought about it. He is not attempting to describe popular attitudes or private emotions, much less is he presuming to convey what actually went on in the minds of different historical subjects when they had sex”.\(^\text{18}\) Nevertheless, the need to distinguish between sexual acts and sexual identities gained foothold and the resulting debates on the subject have undeniably stimulated the rapid rise of gay and lesbian studies from the early 1980s onwards; “a productive misunderstanding, one might say”, according to Helmut Puff.\(^\text{19}\)

This core debate and its subsequent ‘misunderstandings’ gave rise to a whole series of studies on late medieval and early modern Europe that will be mentioned throughout my analysis. Nevertheless, the work of Alan Bray occupies a central place in this genre. With his pioneering *Homosexuality in Renaissance England* (1982), Bray was among the first to draw attention to the early modern perception and representation of sodomites among the general public. According to Bray, the prevailing demonic descriptions of sodomy as ‘the most horrible of ungodly sins’ made it difficult for contemporaries to actually define

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what specific acts were regarded as sodomy; a discursive confusion that paved the way to employ sodomy in a propagandistic manner in times of political and social upheaval.\textsuperscript{20}

Bray’s innovative work had a significant and lasting impact on the field of gay and lesbian studies. Gradually, the late medieval and early modern discourses on sodomy became an increasingly important research theme in addition to the focus on matters of persecution and legislation. Numerous studies on premodern literature and poetry found that a variety of discourses on the subject coexisted simultaneously. In its turn, this observation was an important impetus for the deconstruction of many established opinions within gay and lesbian studies. The methodological framework of this research field increasingly moved away from a social constructivist view towards a post-structuralist epistemological approach. These ‘queer studies’, as they became increasingly known, greatly benefitted from recent insights from ‘gender studies’ and ‘masculinity studies’.\textsuperscript{21} One of the latter two discipline’s main arguments was that male and female gender identities are unstable, historically grown social constructions that are linked to role patterns through certain discursive strategies.\textsuperscript{22} By exposing the language codes behind these social categories, the field of gender studies stressed that these constructed identities are not immune to change over time and that, for example, plural forms of masculinity have existed throughout history.\textsuperscript{23}

These findings have led Eve Sedgwick (1950–2009) to question the present-day discursive dominance of the dichotomy between ‘heterosexuality’ and ‘homosexuality’. As such, Sedgwick endorsed a deconstruction of this limiting binary opposition. Furthermore, she also criticized the ‘genealogy of homosexuality’, for stating that one dominant model supposedly superseded another in the course of time.\textsuperscript{24} In a similar way, Carla Freccero refused to draw a distinct line between premodern sexual acts and modern sexual selves, as she rejects the ‘troubling periodization’ caused by empirical history. Acknowledging the indeterminacy of ‘queerness’, Freccero proposed a Derridean model of what she calls ‘fantasmic historiography’. In this model, literary ‘fantasy and ideology’ are of equal importance to past and present events.\textsuperscript{25} More recently, Valerie Traub, tried to create a dialogue between several conflicting views. While critical towards the teleological side-effects of a social constructionist approach, she pointed out that an

\textsuperscript{21} Sonya Rose’s work remains a useful introduction to this research field: Sonya Rose, What is Gender History? (Cambridge: Polity Press, 2010).
\textsuperscript{22} Joan Scott’s definition of gender remains the most influential to date. Joan Scott, “Gender: A Useful Category of Historical Analysis,” The American Historical Review 91, no. 5 (1986): 1067.
\textsuperscript{23} The theoretical founder of this view is the sociologist Raewyn Connell, who introduced the concept of hegemonic masculinity. See: Raewyn Connell, Masculinities (Cambridge: Polity Press, 1995), 76.
\textsuperscript{25} Carla Freccero, Queer/Early/Modern (Durham: Duke University Press, 2006), 69-70. A similar approach can be found in Carolyn Dinshaw, Getting Medieval: Sexualities and Communities, Pre- and Postmodern (Durham: Duke University Press, 1999).
overly rigid rejection of periodization fails to show how exactly the social categories that dominate present-day debates came into being.\textsuperscript{26}

As queer studies stimulated historians to recognize constellations of possibility, “rather than seeing a series of oppositions”,\textsuperscript{27} they have significantly benefited our thinking about sexuality in the past.\textsuperscript{28} Nevertheless, queer studies are not immune to shortcomings. As Cristian Berco aptly points out, “the field of queer studies has moved to the point where the sexual act itself is relegated to a footnote beneath the ever-increasing textual analysis that scholastically contorts, bends, and ultimately confuses in an explosion of theoretical jargon”.\textsuperscript{29} Hence, following Berco, I do not wish to focus on the unfixed nature of sexual identities, but rather on actual sexual behavior that was considered deviant, and on the tense social reactions to this behavior during the late medieval and early modern period. As the locus for my research on the exclusion of unwanted sexual behavior, I have chosen the urban environment, which provides the most fruitful framework for this kind of analysis.

**Sodomy: an urban vice? Geographical and chronological demarcation**

Sodomy is commonly considered an urban phenomenon. Even its etymological origins connect the term to a (biblical) city. Consequently, historiography has devoted much attention to the push- and pull-factors of the city for people with same-sex desires throughout history. Cities offered more chances to find same-sex partners than smaller villages, metropolitan crowds afforded a level of anonymity for city dwellers unimaginable within close-knit rural communities, and urban surroundings featured locations where same-sexual contacts could easily occur, such as taverns, brothels, public latrines, bath houses, etc.\textsuperscript{30} Although some studies have questioned the position of the

\textsuperscript{26}Valerie Traub, *Thinking Sex with the Early Moderns* (Philadelphia: University of Pennsylvania Press, 2016), 81.
city as the sole stage on which homoerotic desires could be expressed, cities remain the most privileged contexts in which to analyze ‘the unnatural vice’, as demonstrated by the many monographs focusing on queer life within a single town or metropolis.

On the one hand, my choice to examine sodomy on an urban level is a logical consequence of the fact that the Low Countries were renowned as one of the most densely urbanized regions in late medieval and early modern Europe. The period under scrutiny was a time when the cities and towns of the Low Countries were among the most important industrial centers and commercial hubs in Europe, as well as the focal point of many cultural developments. Hence, I have selected several cities from the Southern Netherlands, more specifically from the County of Flanders and the Duchy of Brabant, which were all of vital importance to the region in their own way: Antwerp, Bruges and the Liberty of Bruges, Brussels, Ghent, Leuven, Mechelen and Ypres.

In Flanders, Ghent, Ypres, Bruges and the Liberty of Bruges formed the Four Members, the most important voice in the States of Flanders, a representative institution the prince had to petition to in order to receive funding for extraordinary expenses. The de facto exclusive right to grant these requests gave these cities a lot of political power. The Liberty of Bruges then again was an independent castellany in Bruges’ rural hinterland. By including this castellany in my research, I have also incorporated a rural context to compare with the predominant urban framework of this study. The Brabantine cities were equally important as their Flemish counterparts. Leuven housed the first university in the Low Countries, while Antwerp evolved into the most populous and prosperous trading city of the time. Brussels in its turn gradually assumed the role of capital of the Habsburg Netherlands; a position previously taken by Mechelen. This city remained home to the Great Council of Mechelen, the highest court in the Burgundian Netherlands. Moreover, during the sixteenth century, the city would become the seat of the Archdiocese Mechelen. The cities under scrutiny were part of a flourishing socio-economic network with rich cultural traditions, which makes the way in which these


thriving cities dealt with a marginalized group such as sodomites an interesting topic of research.

On the other hand, my focus on urban communities stems from slight necessity, since, in the Southern Netherlands, capital crimes such as sodomy were predominantly prosecuted by civic courts. In other regions too, sodomy was predominantly an urban competence. Especially in Italy, France and the Holy Roman Empire, prosecuting this crime was the responsibility of the local magistracy.\textsuperscript{34} In England, on the other hand, sexual sins such as sodomy were irrefutably the domain of ecclesiastical courts.\textsuperscript{35} On the Iberian Peninsula then again, the legal situation was somewhat more complex; the power to prosecute sodomy differed from principality to principality. In Castile and Andalusia, secular courts were authorized to organize the persecution of sodomites. In Aragon, Valencia and Catalonia by contrast, this became the jurisdiction of the Inquisition during the sixteenth century. Soon after, the Portuguese Inquisition also obtained a papal fiat to do so.\textsuperscript{36} However, generally speaking, the Iberian Peninsula was an exception to the rule. Even in early modern Rome, the repression of sodomy was the authority of the governor’s secular tribunal, and not of the Papal Inquisition.\textsuperscript{37}

\textbf{Urban justice in the Southern Netherlands}

In the Southern Netherlands, the organization of criminal justice, and consequently the repression of sodomy, was the shared competence of two political levels: the urban and the princely authorities. The local aldermen, responsible for the daily government of a particular town, saw to it that the law was respected within their city walls. Most city councils of some significance held 'high justice', meaning that they were authorized to act as judge and render a verdict in trials concerning capital offenses. Although the aldermen determined the penalties during such a trial, they were not authorized to detect and prosecute criminals, which was the responsibility of the bailiff or “baljuw” (also called “schout”, “amman”, “drossaard” or “meier”). As the maintainer of public order, the bailiff represented the sovereign ruler in the city. After having traced and questioned


the criminal – often under torture, and in the presence of one or more aldermen – the city magistracy was assembled to conduct the actual trial and pronounce a verdict. Afterwards, the bailiff had to ensure that their judgment was executed correctly.\(^\text{38}\)

Jan van Rompaey pointed out that this situation in which bailiffs maintained civic order \textit{ex officio} was generally accepted.\(^\text{39}\) And yet, there was much to be desired in the way numerous bailiffs exercised their office. Even though the bailiff had the right to convene the city council and to requisition them to punish a criminal offence, he was not obliged to do so. In many cases, he preferred not to press charges in exchange for a certain sum of money called a ‘composition’, which was paid by the suspect in question. This technique was widely used, and, obviously, was the cause of widespread abuse and corruption.\(^\text{40}\) However, because of the supposed gravity of the unnatural vice, compositions only rarely occur in sodomy trials. Still, as we will see, whether or not they did was also influenced by the social background of the suspected sodomites.\(^\text{41}\)

Despite all its inherent faults and shortcomings, the persecution of sodomy in the Southern Netherlands was a collaboration between, on the one hand, the central authorities represented by the bailiff, and the urban authorities embodied by the


\(^{39}\) In Ghent, however, the bailiff could not prosecute anybody unless someone had filed a private complaint against this person. In this particular city, the bailiff was apparently seen first and foremost as a representative of the princely authority rather than as a judicial officer. As such, his power needed to be limited according to the aldermen of Ghent. Van Rompaey, \textit{Het graafelijk baljuwsambt in Vlaanderen}, 273-72; Marc Boone, \textit{Gent en de Bourgondische hertogen ca. 1384-ca. 1453. Een sociaal-politieke studie van een staatsvormingsproces} (Brussels: Paleis der Academiën, 1990), 182.


\(^{41}\) That it was not without risk to arrange financial settlements with sodomites, is illustrated by a trial in Lille from 1459. On July 12, a man in his fifties and a young tambourine player were burned for sodomy. Afterwards, “un sergeant du prevost de Lille” was discovered to have offered them a composition “à grans deniers”. For this fact, among others, he was executed himself. Jacques du Clercq “Les mémoires de Jacques du Clercq, escuyer, seigneur de Beauvoir en Ternois, commençantes l’an mil quatre cents quarante et huig, finissantes l’an mil quatre cents soixante et sept,” in \textit{Choix de chroniques et mémoires sur l’histoire de France}, vol. 8, ed. Jean Alexandre Buchon (Paris: Auguste Desrez, 1838), 131.
aldermen who acted as judges on the other hand. Of course, this does not mean that there were no other tribunals in the region. *Ratione materiae* or *ratione personae*, certain people could turn to a number of tribunals to plead their case.\(^{42}\) Clergymen accused of a crime, for example, had the privilege of being tried before an ecclesiastical court, while noblemen or members of centralized institutions could ensure that their case was treated by these institutions instead of an urban court. Yet, as we will see throughout this study, sodomy trials were uncommon in these tribunals. Although sodomy was a sin against the divine order, ecclesiastical tribunals hardly ever condemned sodomites. And if they did, they mainly focused on sodomite culprits within their own ranks. Centralized institutions such as the Great Council of Mechelen or the Council of Flanders only rarely intervened when same-sex acts were concerned. A rare example occurred on August 28, 1568, when the jailer of the *Gravensteen* in Ghent—the seat of the Council of Flanders—was accused of blasphemy, physically abusing the prisoners under his supervision, and committing sodomy. As a result, he was imprisoned in the *Chastelet*, Ghent’s civic prison. However, on December 4, he was absolved after paying a fine of one Flemish pound. He was deposed as jailer and forced to beg God and the Council of Flanders for forgiveness.\(^{43}\)

In some rare cases involving high profile individuals, the local magistracies sometimes asked the central government for advice, but generally speaking, it seems that this only started to become common during the eighteenth century.\(^{44}\) In previous centuries, neither the prince nor his governor intervened actively in the exercise of criminal justice on an urban level. What seems to have mattered most, was that they received their fair share of the revenues generated by criminal law enforcement. For example, when in 1445, Burgundian Duke Philip the Good created the function of collector of extraordinary ducal revenues (“receveur de tous noz drois et prouffis extraordinaires”), he made sure to explicitly mention that the possessions of convicted


\(^{43}\) Cornelis and Philip van Campene, *Dagboek van Cornelis en Philip van Campene: behelzende het verhaal der merkwaardigste gebeurtenissen, voorgevallen te Gent sedert het begin der godsdienstberoerten tot den Sen april 1571*, ed. Frans De Potter (Ghent: Annoot-Braeckman, 1870), 171-72; Philips De Kempenaere, *Vlaemsche kronijk, of dagregister van al het gene gedenkweerdig voorgevallen is, binnen de stad Gent, sedert 15 july 1566 tot 15 juny 1585* (Ghent: Hebbelynck,1839), Daniel Lievois, “Gevangen in het Gentse Gravensteen,” *Van Mensen en Dingen* 12, no. 2 (2014): 20. To my knowledge, the only other occasion in which the Council of Flanders intervened in a sodomy trial, was in the highly symbolic trial of 1578. Even then, the Council limited itself to providing legal advice on the matter. See chapters 4 and 8. Then again, the Council produced an extensive archive, of which not all sources have been disclosed yet. See: Jan Buntinx, *De audiëntie van de gravren van Vlaanderen: studie over het centraal graafelijk gerecht (c. 1330- c. 1409)* (Brussels: Standaard Boekhandel, 1949); Gilbert Rogiers, “Criminelle processen voor het hoogste gerechtsbouw in Vlaanderen, de Raad van Vlaanderen, eind zeventiende begin achttiende eeuw,” http://users.skynet.be/gilbert.rogiers/ consulted May 14, 2018.

\(^{44}\) During this period, attitudes towards sodomy changed and the central government attached more importance to secrecy. See: Elwin Hofman, “Achter gesloten deuren,” in *Verzwegen verlangen. Een geschiedenis van homoseksualiteit in België* (Antwerp: Uitgeverij Vrijdag, 2017), 94-95.
sodomites needed to be confiscated in his name, even though this practice was already well-established.\(^45\)

On festive occasions such as joyous entries, the prince occasionally chose to pardon criminals.\(^46\) Culprits who wanted to see their sentences revoked did not have to wait for such moments. They could take the initiative themselves by writing a letter to their prince, in which they requested to be pardoned.\(^47\) Yet, because of the severity of the sin against nature, actual pardons for sodomites were very rare. In France, for example, sodomy was formally excluded from crimes that could be pardoned.\(^48\) In 1510, Filips Wielant, a jurist from Ghent, stated that certain grave crimes, of which sodomy was one, could no longer be pardoned by the ordinary power of the prince, only by its extraordinary power.\(^49\) That the prince indeed was not inclined to grant pardon in such cases, was experienced firsthand by Arnoult vanden Driesche, who was arrested in 1592 “pour ses enormes delictes” and sentenced to the stake. Although vanden Driesche sent a lettre de remission to the Privy Council in Brussels, his request for clemency was rejected. Consequently, he was carried around Oudenaarde on a cart and tortured with a red-hot iron at several crossroads. The cart finally drove him to the stake where he was subsequently burned to death.\(^50\)

\(^{45}\) “(...) generalment toutes confiscations, forfaitures et amandes (...) de ceulx qui seront trouvez coulpables du pechié contre nature que l’en appelle le pechié de sodomie a nous justiciables (...)” Ghent, State Archives in Ghent (hereafter SAG), Raad van Vlaanderen, no. 2361 (Acten en sentencien), fols. 1r-2r. Many thanks to Jonas Braekevelt for drawing my attention to this source. On the ‘receveur-général’, see also: Jonas Braekevelt and Bart Lambert, “Bonnore Olivier, courtier ligurien de la fiscalité bourguignonne (1429-1466),” Revue belge de philologie et d’histoire 90, no. 4 (2012) : 1155-91.


\(^{50}\) Brussels, NAB, CA, 13619, fols. 11v-14v. A century before, in 1475, Jehan Cadron, a saddler from Bruges received a more fortunate response. The reply of Guillaume Hugonet, Chancellor of Burgundy, has been preserved in the margin of Cadron’s request. After Cadron paid an astonishing amount of 360 pounds, he was acquitted of charges and allowed to return to Bruges. Brussels, NAB, CA, 13780, fols. 59v-60; Brussels, NAB, 172/02 (Chamber of Accounts: Portefeuille de l’Acquits de Lille), no. 369, non-foliated; Marc Boone, “State Power and Illicit Sexuality: The Persecution of Sodomy in Late Medieval Bruges,” Journal of Medieval History 22, no. 2 (1996): 152. Cadron’s case will be discussed more elaborately in chapter three, when we discuss the importance of age, occupation and marital status as proxies of social status in sodomy trials.
In short, few sodomy cases were dealt with directly by the central government or by ecclesiastical tribunals. Furthermore, in rural areas too, sodomy was rarely brought before local seigneurial courts. In most cases, this was simply due to the fact that these local lords did not hold high justice, meaning that they could not prosecute capital offenses in their seigneury. Since the jurisdiction over sodomy was increasingly taken away from the hands of the local nobility, while at the same time the central government seldom intervened in sodomy trials, the majority of these trials was conducted before urban courts in collaboration with the bailiff representing the prince.51

Sources and methodology

A quantitative approach

Given the great importance of the bailiffs in the persecution of sodomy in the Southern Netherlands, my research largely relies on so-called bailiff accounts. As mentioned, bailiffs were notorious for their corruption. In an attempt to suppress this, the bailiff was required to present an annual account of the revenues and expenses of his judicial activities before the princely Chamber of Accounts.52 In many cases, these accounts are the only surviving sources of information about criminality in the Southern Netherlands. One of their many advantages is that they are serial sources with hardly any temporal lacunas. This allows us to examine the prosecution patterns of sodomy on a long-term basis. Moreover, their uniform layout and structure make it possible to compare the repression of criminality between different cities rather than just focusing on one single town. As such, they are perfect to help us achieve the first objective of this study: to chart the number of sodomy trials conducted in the Southern Netherlands and analyze the discourse used in these sources to describe these events. Therefore, I have analyzed every bailiff account of the aforementioned cities of Antwerp, Bruges (and the Liberty of Bruges), Brussels, Ghent, Leuven, Mechelen and Ypres between approximately 1400 (whenever late-fourteenth-century accounts were available, I have consulted these as well) and 1700.

I have opted for this chronological demarcation because, as we shall see in chapter two, in Northern Italy, a region that shows a lot of similarities with the Low Countries in

52 On the Chamber of Accounts in Lille, see: Dumolyn, De Raad van Vlaanderen en de Rekenkamer van Rijsel, 161; Jean-Baptiste Santamaria, La chambre des comptes de Lille de 1386 à 1419. Essor, organisation et fonctionnement d’une institution princiële (Turnhout: Brepols, 2012).
terms of urbanization, the repression of sodomy was on the rise from the fifteenth century. The turn of the seventeenth century is a logical end point of this study, since the existing historiography has stressed that things changed significantly from 1700 onwards, not only with regard to the persecution of sodomy, but also with regard to the self-perception of the group of persecuted sodomites themselves. This long-term approach offers the possibility to determine peaks and dips in the persecution of the crime, as well as geographical differences between cities. Moreover, the strength of this comparative research is that it allows us to verify whether the same type of ‘criminal’ behavior was persecuted with the same intensity in every city within the geographically limited space of the Southern Netherlands. As we will see, this was not the case at all. Therefore, my observations on sodomy can shed new light on the potential causes that stimulated the persecution of minority groups in late medieval and early modern cities in general.

Although these bailiff accounts are undoubtedly a valuable and indispensable source to study the repression of sodomy in the Southern Netherlands, they also pose some methodological difficulties. Like many other late medieval and early modern legal officials, bailiffs too seemed to be reluctant to discuss the ‘unmentionable vice’ in any great detail. They usually referred to same-sex acts in brief and cryptic sentences. Sometimes, they do not even mention sodomy at all, but use terms such as ‘horrible facts’, ‘unmentionable vices’ et cetera. In the course of this research, it was often frustrating to see how extensively ‘everyday’ thefts or fights were described in these sources, compared to the compelling brevity with which the repression of sodomites was described. As we have seen in the case of Gerart de Jonckher, sodomy cases were commonly described as follows: on this date, person X was burned to death for sodomy, followed by the amount to be paid to the executioner and, in some cases, a concise description of the costs of the execution. As much as I wanted to catch a glimpse of the lives of the victims of these persecutions, the bailiff accounts at my disposal did not even inform me about the most basic data about the accused sodomites: where did they grow up? How old were they? Did they have a family? What did they do for a living? What kind of forbidden sexual acts had they committed? Where they first-time offenders or had they engaged in these sexual acts many times? How did they feel about their ‘deviant’ desires? The scarce information provided by these accounts made it difficult to answer some of the many questions I had set out to answer, such as the question of what kind of people were prosecuted for sodomy in the Southern Netherlands, or whether or not their social background had an impact? Even though some bailiff accounts did contain more circumstantial information than the one referring to Gerart de Jonckher, it was necessary to broaden my scope and include other sources into my research.

Fortunately, the local city councils and aldermen, who acted as judges in criminal cases within their city, also produced numerous legal sources, ranging from testimonials, eyewitness reports to lists concerning the criminal cases they treated, such as the verluydboek in Bruges, the bouc vanden crime in Ghent or the vierschaarboek in Antwerp. These sources are a valuable addition to the bailiff accounts, especially when they are dealing with individuals who were also mentioned in the accounts. These court records allowed us to draw a more in-depth profile of the people concerned and the actual ‘crimes’ they were accused of. Consequently, the combination of these sources has led to a more detailed picture of the legal discourse on sodomy in the region, and resulted in a database of 406 individuals who were accused of sodomy in a total of 207 trials. Obviously, these numbers are not exhaustive, since not every city under scrutiny has produced similarly extensive source material. Moreover, there was not always a one-to-one relationship between the bailiff accounts and the other legal sources of a particular city, meaning that an individual sodomite mentioned in the bailiff accounts was not automatically mentioned in the documents produced by the aldermen and vice versa. Furthermore, many cases never made it into court, and numerous legal documents have gone missing, which implies that several cases that were indeed brought to court could not be uncovered. Consequently, the dark figure of acts of sodomy, in casu the amount of unreported or undiscovered cases of sodomy in the Southern Netherlands, is in all likelihood quite extensive. Nevertheless, this kind of shortcomings is inherent to any kind of study analyzing criminal phenomena in the past.

More important than the fact that not every committed act made it into the court records is the actual content of the records and the discursive strategies that were used. Court records are notoriously difficult to deal with, and historians should be on their guard to draw conclusions all too confidently from this source material. Even though legal records offer incomparable possibilities to examine social and cultural phenomena in the past, they present us with a lot of methodological difficulties. According to John Arnold, “they must be understood not as passive reflectors of events occurring ‘elsewhere’, but as sites of discourse that are inextricably part of the performance of power and authority.” Since these legal records were drawn up by the authorities, who in fact intended to penalize the sexual acts in question, it remains to be seen to what extent the sources effectively represent the attitudes of the illiterate masses. It is very

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54 Harald Deceulaer, “Early Modern Case Records as Historical Sources and Archival Challenges,” in From Case to File! Ancien Régime Case Files and their Prospects for Historical Research, ed. Harald Deceulaer, Sébastien Dubois and Laetizia Puccio (Brussels: Algemeen Rijksarchief, 2014), 14–15.
likely that, with a possible death sentence awaiting an accused, he or she tried to minimize his or her share in the crime. Or, by contrast, after having been gruesomely tortured, they might have admitted facts they had nothing to do with at all. Furthermore, these witness testimonies or confessions were written down by a clerk and molded into the bureaucratic official jargon aimed at coherence throughout the different cases, making the official discourse on deviant sexuality the dominant voice in the sources. Although we have to take a critical stance with respect to these sources (since the image they paint is undoubtedly fragmentary), this study nevertheless offers a glimpse of the everyday life of the men and women who were prosecuted for their deviant desires. Of some of them, we know where they met, whether their encounters took place just once or repeatedly, whether there was a strict role pattern during intercourse, et cetera. Their statements reveal a tip of the veil that hides the multitude of erotic possibilities in the context of sodomy.

A qualitative approach

The second objective of this study is to complement the discourse surrounding the actual repression of sodomy with the urban perception and representation of the sin against nature, i.e. the feelings aroused by sodomy in urban communities. To examine these sentiments, I have looked at urban chronicles, legal treatises, devotional texts, sermons, travel journals, pamphlets, demonological treatises, songs, various visual and narrative sources, et cetera. These sources, written for both a private and a public purposes, provided me with some interesting details which were hardly ever discussed in court records. As we will see, some of these sources had clear propagandistic purposes, which allowed me to examine how early modern mentalities towards deviant sexuality were employed in a variety of contexts.

Of course, these narrative sources come with their own methodological pitfalls. One of their main advantages is at the same time their greatest weakness: a lot of these sources have been published, often during the nineteenth century, and are available in print, which makes it easier to consult them. However, at a time when sodomy and homosexuality were still an absolute taboo in Catholic Belgium, it is not inconceivable that certain source fragments were censored by all too prudish editors who were, like the premodern authors who wrote about sodomy, concerned about the state of mind of their readers. In order to circumvent this problem, I used original manuscripts and early prints spread across various collections in Belgium and abroad whenever possible. Yet, as we will see, sometimes these original sources also became victims of censorship in their own

time. Perhaps even more so than with legal sources, the content of these narrative sources must be examined critically. In the positivist Zeitgeist of their time, nineteenth-century editors expected that they could use these edited chronicles and the like as a source of accurate information. When historians first became aware of the subjectivity of this type of source material, songs, pamphlets et cetera became discredited. Today, however, the very subjectivity of these texts makes them attractive source material for cultural historians, since they are able to reveal the attitudes of late medieval and early modern communities rather than their institutions.58 Hence, I am convinced that combining of a wide variety of different sources, ranging from legal, literary, artistic, medical, theological and other domains, offers us the best chance of painting an overall picture of sodomy during the late medieval and early modern Southern Low Countries.

**Structure**

I have tried to merge this wide variety of sources throughout this study. For example, legal sources will be used to trace the persecution of sodomite immigrants, while narrative sources demonstrate how common stereotypes on foreigners helped in creating a framework in which migrants were vulnerable for accusations of unnatural sexual crimes. The combined approach ensures that both research objectives are frequently treated together, even though certain chapters focus on the repression of sodomy rather than its perception or vice versa.

Consequently, this study is divided into three parts. The first draws a general discursive framework, which forms a useful context to understand the backgrounds of the persecution of sodomy in the Southern Low Countries, as well as the urban discourses generated by this persecution. The second part focusses on the actual sodomy trials that took place between 1400 and 1700, and the social profile of the accused individuals. Throughout the chapters in this part, we will look at several aspects that constituted one’s social status, but also at, among other things, age and gender. The aim is to discover to what extent these aspects had an impact during early modern sodomy trials. The chapters in part three, finally, are concerned with oral discourse, written discourse, and the differentiation between intellectual and popular discourse, respectively.

The first chapter describes the discourse on sodomy on a religious, legal and cultural level. As we will see, the religious discourse on the unnatural sin, particularly references to the biblical story of Sodom and Gomorrah, was predominant in the Southern Netherlands. It was not only influential in theological circles, but it also appeared

repeatedly in lay devotional texts. Furthermore, theological condemnations of sodomy had an important effect on the legal framework in the region. Since there was very little legislation regarding the penalization of sodomy, authorities depended on a number of legal treatises, all of which were inspired by religious discourse. The omnipresence of this discourse also had cultural consequences. The story of Sodom and Gomorrah was the subject of several song texts, and was also visually depicted in a variety of art works. This discursive framework shows that the Southern Netherlands were certainly not unfamiliar with the concept of sodomy, which provided a fertile basis for a thorough persecution.

This persecution is the focus of the second part of this study, in which I present a quantitative and numerical overview of the actual persecution in the region between circa 1400 and 1700. In chapter two, I will provide an outline of the peaks and dips in this persecution policy, and put them in a more general, European, perspective. Furthermore, I will compare the repression of sodomy with the persecution of other minority groups in the Southern Netherlands, and I will identify and substantiate its causes. As we shall see, the repression of sodomy culminated around the second half of the fifteenth century, possibly due to the emergence of a renewed urban identity in which the city was perceived as a civic body. Furthermore, I will also examine the geographical differences with respect to this persecution, and discuss some possible explanations for the exceptional number of sodomy trials in the city of Bruges.

In the subsequent chapters, I will elaborate on the individuals behind these persecution figures, in order to better understand the reasons behind these sodomy trials. In chapter three, I examine the social profile of the accused in order to verify to what extent social status played a role during late medieval and early modern sodomy trials. The convict’s social background will be determined based on, among other things, their marital and professional status. As it turns out, some people were more successful in evading justice than others. This was certainly the case for clergymen, who are discussed in chapter four. Although sodomy was perceived as the worst of sins against the divine order, sodomite clerics were usually treated rather mildly during the late middle ages; a situation that was changed radically during the sixteenth century, as a result of the Reformation and its political consequences in the Southern Low Countries. However, as we will see, the Counter-Reformation soon led to a restoration of clerical privileges with regard to the penalization of same-sex acts. Such privileges were not within reach of newcomers in the city. Since in the early modern period, sodomy was often presented as a foreign phenomenon, migrants across Europe were vulnerable to -often false- accusations of sodomy. Chapter five analyzes to what extent this was also the case in the Southern Netherlands, as the cities under scrutiny in this study remained relatively appealing to migrants throughout the entire late medieval and early modern period.

In order to further refine the social profile of the sodomites involved, chapter six examines the extent to which age played a mitigating role in the penalization of sodomy
in the region. It discusses whether the age-related hierarchical model of Mediterranean Europe was also present in the Southern Netherlands. Contemporary ideas about children and unnatural sexuality become explicit in this chapter through the seventeenth-century trial of Hiëronymus Duquesnoy, a famous sculptor in the region. Chapter seven focuses on another social category that can be found in the court records: female sodomites. Although the number of female sodomy cases still remains fairly modest in absolute figures, the remarkable willingness of the local authorities to penalize women for sodomy is in sharp contrast with their reluctance elsewhere in early modern Europe. This chapter argues that the social mobility of women in the urban fabric of the Southern Netherlands probably had an impact on the persecution of female sodomites.

The urban fabric also plays an important role in part three of this study, as we shift our view from the actual persecution of sodomy to the perception of this persecution within the urban community. Chapter eight demonstrates that the role of these communities should not be underestimated, since neighbors, family members, acquaintances and the like often reported sodomites to the authorities. The numerous rumors and false accusations on sodomy illustrate that the influence of the authorities on the persecution of this crime was not as all-pervasive as one might think, and that the impact of these common city dwellers should also be taken into account. These inhabitants also appear prominently in chapter nine, which shows how a series of infamous sodomy trials in 1578 involving mendicants from Bruges and Ghent had an impact on the remembrance culture of the Reformation and the emergence of an early modern urban memory. To a large extent, common citizens were responsible for this, as they used chronicles and memory books to keep the memory of these trials alive. The final chapter confronts the attitudes of the general public with contemporary intellectual opinions on sodomy by investigating a seventeenth-century trial of two female sodomites from Bruges. Since the entire court record is preserved, this offers us the opportunity to gain insight in the attitudes of authorities, witnesses and accused people alike. As it turns out, contemporary scholarly discussions on (female) sodomy did not necessarily have an effect on the general public, which aptly demonstrates the importance of incorporating the entire urban community in a historical analysis in order to get a complete picture of early modern sodomy.
Terminology

I would like to conclude this introduction with a short remark on terminology. The historiographical overview above has already made it clear that the use of particular terms has been the subject of many heated debates among historians in the field of gay and lesbian studies and queer theory. Throughout this study, I will mostly use contemporary terminology such as ‘sodomy’, ‘buggery’, ‘unnatural vice’, ‘silent sin’, or ‘peccatum mutum’, to describe the crime under scrutiny.

However, sodomy was an imprecise term used in the Southern Low Countries to denote a whole series of deviant sexual acts, ranging from masturbation, same-sex acts, bestiality, anal intercourse between men and women, child abuse, and even, according to one particular jurist, necrophilia. Added to the fact that most sources were reluctant to discuss the committed facts in great detail, it is impossible to know why certain individuals were penalized exactly. In this regard, I agree with Claude Summers’ argument that the term ‘sodomy’ is problematic on several fronts. Not only is it imprecise, it is also far from neutral. However, while I find Summer’s arguments in favor of the use of ‘homosexuality’ compelling in many respects, it is not appropriate to do so within the context of this study. Using the term ‘homosexual’ would obscure matters, not clarify them: while the fear of anachronisms should not hinder us from the employment of some particular terminology, neither should we use them willy-nilly. I have even refrained from using ‘same-sex acts’ in cases where it is impossible to determine whether these kinds of acts were the reason behind a particular trial, even though the overall majority of sodomy cases were about sexual encounters between men. On the other hand, I do prefer the more contemporary term ‘homoerotic’ over the term ‘homosocial’, which some scholars prefer. Whereas the term ‘homoerotic’ focusses on the sexual aspect of same-sex relationships, ‘homosocial’ refers to same-sex relationships that are not necessarily of a sexual or romantic nature, such as friendship or collegiality. However, in my opinion, the term ‘homoerotic’ is indeed appropriate for discussing the ‘homoerotic’ desires of the individuals under discussion, or the ‘homoerotic’ discourse used in literary sources to condemn sodomy. In fact, it is precisely the idea of ‘unnatural sexual acts’, not the notion of suspicious same-sex friendships, that triggered both the repression and perception of sodomy in the Southern Low Countries.

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Figure 2. Sodom and Gomorrah. Ghent, Archives of Saint Bavo’s Cathedral, MS. 10 (Biblia Figurata Raphaël de Mercatellis), fol. 24v.
Chapter 1

Sodomy in religion, law, and popular culture

1.1 Introduction

‘There is a great sin which is called the sin against nature. The teachers did not want to discuss this sin in public because it is so grave that one is forbidden to speak about it, and he who does mention it could get infected’.1 In 1463, a Dominican monk described sodomy in this enigmatic way during a sermon in Ghent. The teachers he referred to were in fact the Church Fathers, by which he meant to say that the veil of secrecy he propagated had a long history. This was indeed the case. Ecclesiastical opinions on sodomy had an extensive and very consistent history. From the earliest conciliar decrees to later Scholastic condemnations, religious discourse on the matter was characterized by a number of recurring elements in which silence and divine retaliation were of central importance.

Even before the specific sin of ‘sodomy’ was defined and delineated unequivocally, theologians emphasized the significance of the crime by stating explicitly that sodomy was a deadly sin that evoked fear and shame, and therefore had to be hushed up. Despite their call for silence, these authors had the loudest voice in the debate about sodomy for centuries. Ecclesiastical condemnations would put a lasting stamp on the discourse surrounding this sin throughout the late medieval and early modern period. The apocalyptic warnings about the possibility that God would yet again unleash his wrath upon sodomites, as He had done with the citizens of Sodom and Gomorrah, proved to be an irresistible source of inspiration for polemicists, artists and even legislators. Therefore, this first chapter focusses on the discursive framework surrounding sodomy from a religious, legal and cultural point of view. In doing so, we will try to unearth discursive elements that shaped the persecution of sodomy in early modern Europe in general and the Southern Low Countries in particular.

1 “(...) De leeraers en willen hopenbaer van dier sonde niet spreken want sou es so groet datmer niet af spreken en mach ende diere af sprake hij mochte besmet worden.” Ghent, Ghent University Library (hereafter GUL), MS. 2422, fol. 131v.
1.2 Religious views on sodomy

1.2.1 Defining a taboo

In his groundbreaking book, *Christianity, Social Tolerance, and Homosexuality*, John Boswell famously claimed that, until the twelfth century, the clerical elite was hardly interested in sodomy at all: “Neither Christian society nor Christian theology as a whole evinced or supported any particular hostility to homosexuality.” Since the publication of this thought-provoking study over 35 years ago, Boswell’s bold statement has been the subject of much criticism from historians, who claim that Boswell overestimated the ‘tolerance’ of the Catholic Church. For example, the sin against nature is condemned in several biblical passages (Genesis 13–19, Leviticus 18:22, Romans 1:24–6 and 1 Corinthians 9–11, among others, although Boswell attributed these supposed denunciations to mistranslations). Furthermore, numerous early theologians and Church Fathers, among others Augustine of Hippo, Ambrose of Milan, Jerome, Gregory the Great, and John Chrysostom, denounced the unnatural vice in their writings.

Moreover, even during its very first councils, the nascent Western Christian Church already expressed its disapproval of the unnatural vice. The Council of Ancyra of 314 AD, for example, already condemned bestiality and same-sex acts: people who had committed this ‘irrational behavior’ were to be excommunicated for an extended period, which could vary depending on their age and marital status. In the Carolingian era, several local councils and synods issued ordinances that condemned sex between men, as well as bestiality. In 829 AD, the Council of Paris reputedly stated that these sins resulted in floods, fires and defeat in combat. As a result, the Council recommended the death penalty for such offenses. Furthermore, Pierre Payer has pointed out that Boswell neglected the existence of so-called ‘penitentials’, written rules regarding penance which

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1 Boswell, *Christianity, Social Tolerance, and Homosexuality*, 333.
2 Boswell, *Christianity, Social Tolerance, and Homosexuality*, 99. Admittedly, the exact content of many of these passages is translated, interpreted, debated and contested in various ways by theologians to this day.
6 According to Louis Crompton, this strict condemnation was in all likelihood prompted by the political and military crises the Carolingian empire faced when raided by Saracens, Bulgarians and Vikings alike. Louis Crompton, *Homosexuality & Civilization* (Cambridge: The Belknap Press of Harvard University Press, 2003), 158.
were used during confession. Most penitentials were developed by Irish monks in the sixth century AD and featured a thematic division of sins, each with an accompanying punishment. This system gives us a good indication of what types of sin were considered grave, and also illustrates the early moral disapproval of same-sex acts.9

Around 1049, Peter Damian (ca. 1007-1072/73), an Italian monk who became cardinal and was later declared a Doctor of the Church, was the first to coin the word “sodomia”. Whereas earlier commentators had dubbed the unnatural vices of Sodom “contra naturam” or “luxuria”, Damian came up with a specific term for a specific kind of sin. In his Book of Gomorrah,10 a ‘book’ devoted to the subject and addressed to Pope Leo IX, Damian identified four kinds of ‘sodomy’: self-pollution, grabbing or rubbing each other’s masculinity, intercrural sex and anal intercourse. Damian repeatedly stressed the fact that the crime was an unmentionable vice and shameful to speak of. Needless to say, he too referred to the fate of Sodom and Gomorrah to stress its gravity. Peter Damian’s pungent pamphlet was a discursive tour de force, and provided medieval society with one of its most distinct condemnations of the sin that became increasingly known as sodomy.11

The disapproving writings of several early Church Fathers and theologians, the condematory canons promulgated at the first synods and councils, the penitentials and Peter Damian’s fierce comments undermine Boswell’s claim that early Christians were rather benevolent towards same-sex desires. However, he was right in drawing attention to the fact that the ferocity with which Christian society condemned sodomy increased remarkably during the twelfth and thirteenth century.12 In 1120, a council was held at Nablus, near Jerusalem, under the joint direction of the King and the Patriarch of Jerusalem. This council decreed that sodomites, regardless of whether they had taken an active or a passive role, should be burned.13 On the European continent, the Decretum

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10 Glenn Olsen objects the title Liber Gomorrhianus and refers to the text as Peter Damian’s Letter 31. He also claims that the word “sodomia” had been coined two centuries before Damian. Glenn Olsen, Of Sodomites, Effeminates, Hermaphrodites, and Androgynes. Sodomy in the Age of Peter Damian (Toronto: Pontifical Institute of Mediaeval Studies, 2011), 34, 204.


Gratianum, an early survey of canon law compiled by an Italian monk called Gratian, listed sexual sins in order of increasing gravity, and made it very clear that sins against nature were of the very worst kind. More importantly, similar condemnations can be found in the works of numerous twelfth- and thirteenth-century Scholastic theologians, such as Peter Cantor (d. 1197), Paulus Hungarus (1180-1241) and Albertus Magnus (ca. 1200-1280). Many of these written condemnations were disseminated widely across Europe. However, since it is beyond the scope of this study to discuss every single medieval scholar who has written on the subject, we will briefly focus on some authors whose works were particularly known and widespread in the late medieval Southern Netherlands.

The first is Alain de Lille (1128-1202/03), born in the County of Flanders, and professor of theology in Paris. In the opening lines of his famous De Planctu Naturae or ‘The Plaint of Nature’ (ca. 1160), the allegorical figure ‘Nature’ complains about the abuse of nature. Sodomy is targeted because when men engage in sodomy, one of them plays the inferior passive role in intercourse, despite the fact that no children are conceived (the natural aim of mankind). What is especially remarkable about this work is the way in which “Alain accomplishes his attack on homoerotic acts almost exclusively through tropes of unspeakability”. Although the term “nefandum” had been associated with same-sex acts since late antiquity, according to Larry Scanlon, no single author before Alain de Lille exploited it “anywhere near as systematically or self-consciously”. Although sodomy, “from its earliest codifications, has been the crime not to be named among Christians”, the systematic way in which Alain de Lille rendered sodomy unspeakable, had a profound and lasting influence on medieval and early modern society.

Even more emblematic than De Planctu Naturae was the Summa Theologiae of Thomas Aquinas (1225-1274), an Italian Dominican and Doctor of the Church. In his

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Aquinas gave a systematic survey of long-standing ecclesiastical opinions, which he justified by appealing to natural law. Of great importance to us, is the fact that Aquinas classified different types of sodomy according to their heinousness. First, he discussed the ‘solitary sin’ or masturbation, which he equated with effeminacy. The second type of unnatural sin was anal or oral intercourse between men and women. Thirdly, Aquinas discussed sexual encounters between people of the same sex. The final and most sinful type of sodomy was bestiality. According to Thomas Aquinas, sodomy defied the laws of nature because animals allegedly do not engage in same-sex behavior, and because these crimes were non-procreative, making it the worst kind of sexual sin. The *Summa Theologiae* would become an absolute authority in premodern Europe, and, as we shall see, also exerted quite some influence on theological and legal authors in the Southern Netherlands.

### 1.2.2 The religious discourse on sodomy in the Southern Netherlands

#### 1.2.2.1 Jean Gerson

In the ecclesiastical condemnations of the sin against nature we have encountered so far, there are a number of fixed discursive elements to be observed. Sodomy was increasingly considered the gravest of sins, since it was sure to provoke the wrath of God, as evidenced by the example of Sodom and Gomorrah. Hence, it was of utmost importance to remain silent about the unmentionable vice. These core elements can also be seen in the religious discourse in the Southern Netherlands, as displayed in the works of Jean Gerson (1363-1429). Although he is currently acknowledged most as a theologian and as the chancellor at the University of Paris, Duke Philip the Bold also appointed him dean of St Donatian’s chapter in Bruges from 1394 until 1411.

In the context of this study, Gerson is especially important for his particularly strict views on sodomy. Whereas most theologians considered masturbation as relatively minor unnatural offence, Gerson considered it so serious that only a bishop should have the authorization to pardon the culprit and prescribe punishments. He even wrote a special treatise on masturbation, focussing particularly on taking confession of people who

20. Even though in medieval society, it was often believed that male hyena’s indeed had intercourse with each other. Boswell, *Christianity, Social Tolerance, and Homosexuality*, 140-41.
engaged in this solitary sin: *De confessione mollitiei.* In it, he elaborated on the dangers of masturbation, suggested a few questions that the confessor could ask with regard to the subject, and called for a strict regulation of youths. Gerson feared that if young boys started masturbating, they would automatically become susceptible to sodomy at a later age. Therefore, Gerson urged that youths should be warned about this sin against nature. In doing so, he argued against the view that children should be spared similar warnings because they might learn something bad from them, according to Thomas Laqueur.

Although it seems that this plea went against the usual pursuance of silence regarding the *peccatum mutum*, Gerson stressed that sodomy was best discovered in confession, so that the pure and innocent should not be taught about these evil morals and urged to commit them too. Furthermore, the deterrent nature of sodomy was a central aspect of Gerson's writings and sermons. Some of these were translated into the vernacular and therefore made available for an audience of laymen in the Southern Netherlands at about the same time as the original text. One of these works was his *Opus tripartitum*, an internationally renowned guide for spiritual salvation which he, in all likelihood, wrote during his stay in Bruges. The first of the *Opus tripartitum*’s three texts is the *Miroir de l’ame* or ‘Mirror of the Soul’, a summary of what an exemplary Christian life should look like. In it, Gerson strictly condemned sodomy, understood as masturbation, same-sex acts and bestiality. According to Gerson, ‘those who commit this

25 That these recommended questions were actually disseminated, is illustrated by the fact that they appear in other manuscripts as well. For instance, the *Geraardberge handschrift*, a manuscript from around 1460 contained a copy of Gerson’s questionnaire and claims that he had it put up in every parish in Paris. One question asked whether the confessant had handled or carressed his genitals to achieve carnal pleasures. “Of ghi midts dien hebt ghedaen eenighe tastinghe of onheerelike streekinghe up u schamelheden tot den vulcummene vander vulheit vleescheliker ghenouchten ende in wat manieren.” Anonymous, *Het Geraardberge handschrift. Hs. Brussel, Koninklijke Bibliotheek Albert 1, 837-845*, eds. Marie-José Govers et al (Hilversum: Verloren, 1994), fol. 139r.
31 For the different versions of this text in Middle Dutch, see: Kees Schepers, “Het Opus tripartitum van Jean Gerson in het Middelnederlands,” *Ons Geestelijk Erf* 79, no. 2 (2008): 146-88.
sin shall never be saved, not even if they do every good deed in the world', because sodomy caused floods and resulted in the obliteration of Sodom and Gomorrah with divine fire, so that every citizen fell into hell alive. Furthermore, the divine wrath could also manifest itself through famine, warfare, mortality, destruction of landscapes and other plagues'.

1.2.2.2 The Ten Commandments

Gerson’s writings on sodomy show two somewhat contradictory characteristics that are also clearly present in similar works of his predecessors. On the one hand, sodomy was truly an unmentionable vice; a crime so heinous that every written or spoken word about it posed a potential hazard. On the other hand, this intrinsic danger of divine wrath provided plenty of ammunition for theologians who wanted to encourage their readers to live a virtuous life. These two features also characterized the religious discourse in the Southern Netherlands, more specifically in late medieval sermons and in treatises on the Ten Commandments and the Seven Deadly Sins, a particularly popular genre in the medieval Low Countries. We know of no less than forty Middle Dutch texts on the Ten Commandments, or Decalogue, dated between 1300 and 1420. According to Marta Bigus, several were written by urban dwellers, such as professional scribes, artisans, lay brethren, mendicants et cetera, who acted on their own initiative and had an audience of lay and (semi-)religious people in mind. As such, these texts and sermons on the Decalogue in the vernacular provide us with a good insight into how this religious discourse spread through urban society in the Southern Netherlands.

One of the earliest examples of these texts is the Nieuwe doctrinael of spieghel van onden (New Manual of Mirror of Sins), written around 1350 by Jan de Weerdt, a surgeon from Ypres. In his discussion on “luxuria”, de Weerdt repeated the ‘tenet’ that the “peccatum contra naturam” was above all a mortal sin that rendered God wrathful, since He had destroyed Sodom, Gomorrah and other cities. A similar treatise on the Ten

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32 Gerson “Miroir de l’ame,” 304. Gerson’s vision also influenced his successors, like Josse van Clichtove (1472-1543). This theologian, who originated from Nieuwpoort (a Flemish coastal village) latinized his name into Judocus Clichtoveus and became professor at the Sorbonne. Several of his sermons were printed in the Southern Netherlands. In one of them, van Clichtove discussed the sin against nature ‘of which one must speak soberly in public’. He literally referred to Gerson’s Opus tripartitum to stipulate that God would send floods, pestilence, infertile soil, war and the like to mankind if sodomy was tolerated. Judocus Clichtoveus, Hier beginnen seer schoone christelycke ende evangelische sermoonen ... (Antwerp: Ian Roelants, 1554), fol. 222v-223r.

33 A general introduction to the medieval treatment of the Ten Commandments and the Deadly Sins, can be found in Richard Newhauser, ed. In the Garden of Evil. The Vices and Culture in the Middle Ages (Toronto: Pontifical Institute of Mediaeval Studies, 2005).


Commandments, dated between 1380 and 1399, stressed the unspeakability of the sin. The anonymous author referred to Augustine of Hippo in saying that sodomy is the worst sin possible. Therefore, these acts are called silent sins because they are ‘so filthy that the mouth that speaks about this and the ears that hear about it become infected’.36

Labelling sodomy as unmentionable and advising readers and listeners not to talk about it altogether was something these devotional texts had in common. This is quite clear in Des coninx summe, a fifteenth-century translation of the Somme le roi by Jan van Brederode, a nobleman from Holland, who also served as a lay brother in a Carthusian monastery. This ‘Book of vices and virtues’ must have circulated widely in the Low Countries, since we know of at least twelve manuscripts.37 Here too, sodomy, the most evil and impure sin against nature, is called unmentionable, since it is inhuman to even hear about it.38 A similar way of reasoning can already be found in Tafel der kerstenen ghelove (‘Handbook of the Christian Faith’) by Dirck van Delf (ca. 1364–1404), a Dominican theologian who resided at the court of Holland.39 In elaborate wording, he described sodomy as ‘an inexpressible ugliness’. Saint Augustine himself, van Delf said, had warned people not to talk about sodomy, because he who does, ‘shall no longer find morning dew on his feet during a walk in the field’, as a visual marker of his sinfulness.40 Sodomy was a topic to avoid, because it ‘polluted the air and contaminated the water’. The crime was so evil that sodomites ‘did not even deserve to be buried or to rot on the gallows’.41 Like almost any other author of this kind of devotional texts, both Jan van Brederode and Dirck van Delf also referred to the ‘fires and stinking sulfur that rained down on Sodom and Gomorrah’ as a symbol of God’s wrath against the Sodomites.

36 “(…) Ende dit heten stomme sonden Want si alte vuyl sijn Also die mont dier af sprect Ende die oren diet horen werden daer besmet staet gescrev.” Vienna, Österreichische Nationalbibliothek, MS. 2725 (Theologische Sammelhandschrift), fol. 60v-61r.
38 “(…) die quaeste ende die onreynste, die lelic te nomen is, dats sonde teghen nature (…) die niet te nomen en sijn want die materie daer te dorper ende te onaersch sijn ende onmenschelic is te horen (…)” Jan van Brederode, Des coninx summe, ed. D.C. Tinbergen (Leiden: A.W. Sijthoff, 1907), 280. See also: Frits van Ostrom, Nobël streven. Het onwaarschijnlijke maar waarbeurde verhaal van ridder Jan van Brederode (Amsterdam: Prometheus, 2017).
41 van Delf, Tafel van den kerstenen ghelove, 226.
The destruction of Sodom and Gomorrah was an important leitmotif in all of these texts. The idea behind the constant repetition of this story was to remember people that God had already punished sodomites most virulently in the past, which meant that He could very well do it again in the future. According to the aforementioned fifteenth-century Dominican monk from Ghent, people should know that, if God would strike again, he would not distinguish between the guilty and the innocent. After all, He had not even spared the young children of Sodom ‘so that they could not follow in the footsteps of their sinful parents’. In his sermons on the Ten Commandments, this monk added another example of God’s vindictive nature. Allegedly, the Nativity of Christ was accompanied by all sorts of miracles, the most curious of which being the sudden death of all sodomites across the globe on Christmas Eve. According to the author of this sermon, the Incarnation of Christ would have happened sooner had it not been for the presence of sodomites, since the world needed to be pure to receive its Lord. Although the monk ascribed this remarkable story to the Church Fathers, as did other authors, it is nowhere to be found before the thirteenth century. This medieval legend reached a wide audience when Jacobus Voragine (ca. 1230-1298), chronicler and archbishop of Genoa, included it in his famous Legenda Aurea. This compilation of saints lives was immensely popular throughout Europa. Hence, the book was also translated in the vernacular and spread widely across the Southern Netherlands. Through these discussed texts, the idea that divine punishments could descend upon sodomites was widely embedded in late medieval urban society in the Southern Netherlands.

42 “(…) Als ons lieve heeren gheboren waert, om dat de weertl soe suuwer saude sijn, en dat storen alle de ghene die in die sonde besmet waeren, en dat waren de saudomiten die waren ghepuniert in christus gheboerte (...)” Ghent, GUL, MS. 2422, fol. 131v-132r.
46 Another example of divine wrath is found in Een nuttelijc boec den kerstenen menschen (‘A Useful Book for Christians’), a collection of sermons for each sunday of the year, preserved in 33 manuscripts. The anonymous author mentioned how, apart from the destruction of Sodom and Gomorrah, God had instructed Noah to build an ark and flooded the earth afterwards, because of the unnatural vice. “(…) ende dat God oec die diluvie liet gaen over al de werelt ende verdrencken alle menschen, sonder Noe ende dieghene die met hem waren in der arken.” Copenhagen, Det Kongelige Bibliothek, THOTT 70 folio (Sermones dominicales), fol. 173r. Many thanks to Daniël Ermens for sharing his transcription of this manuscript. For more information, see: Daniël Ermens,
Sermons about the Decalogue and the Seven Deadly Sins remained popular in the region throughout the early modern period, and many discursive aspects we have encountered in medieval examples, continued to occur. In the seventeenth century too, the language used in these texts was rather threatening towards its audience. Once again, the biblical example of Sodom was exploited to point out to both the individual and the community that, at all times, one could be struck by divine wrath if one went against the divine order.\footnote{Hans Storme, \textit{Preekboeken en prediking in de Mechelse kerkprovincie in de 17e en de 18e eeuw} (Brussels: Archief- en bibliotheekwezen in België, 1991), 193; Gerrit Vanden Bosch, \textit{Hemel, Hel en Vagevuur. Preken over het hiernamaals in de Zuidelijke Nederlanden tijdens de 17de en 18de eeuw} (Leuven: Davidsfonds, 1991), 79.} One particularly remarkable example, is Jan David’s \textit{Christeliicken waerseggher} (‘Christian Fortune Teller’), published in 1603.\footnote{On Jan David, see: Dries Vanysacker, “Jan David (1546-1613). Een Kortrijkse jezuïet en zijn praktische demonologie,” \textit{De Leiegouw} 54, no. 2 (2012): 355-62.} In this book, David did not refer to sodomy as a silent or unmentionable sin. In fact, he did quite the opposite: he called same-sex acts crying sins, because they cried out for God’s revenge. In spite of this particular discursive reversal, the basic idea withstood the test of time: sodomy was an inhuman sin against nature, resulting in severe penalties and plagues that would overtake society as a whole, much like an unexpected cloudburst.\footnote{Jan David, \textit{Christeliicken waerseggher} (Antwerp: Jan Moerentorf, 1603), 80.}

Unlike Jan David, other authors still described sodomy as the silent sin. Among them was Petrus Vanden Bossche, prior of the Dominicans in Mechelen, who wrote a catechism called \textit{Den catholyken pedagoge} (‘The Catholic Pedagogue’). It was printed in 1685 and reprinted numerous times during the eighteenth century.\footnote{Ingrid Marlies Weekhout, “Verboden, verbannen, begeerd, Den Catholycken Pedagoge van Petrus van den Bossche,” \textit{Ex Tempore} 16, no. 1 (1997): 5-19.} In this text, Vanden Bossche explained elaborately that he did not want to discuss carnal sins agains nature: ‘I do not want to elaborate on this subject, fearing that I might scandalize the pure reader of this book. I dare not mention, let alone explain these acts. Enough people as it is are being enticed by the devil, bad company or the evil passions of untamed nature. A situation that is to be pitied with bloody tears’.\footnote{“Ick en wil daer niet veel van spreken, vreesende daer door den suyveren lezer te ontstichten: Jae ick en wil die alleen niet noemen, veel min uyt-leggen, want soo door het in-gheven des Duyvels, als door het quaeet gheselschap, als oock door de boose en de onghetemde driften vande bedorven Natuere, worden sy (het welck met bloedighe traenen te beklaeghen is) ghenoech gheeleert (…)” Petrus Vanden Bossche, \textit{Den katholyken pedagoge, ofte Christelyken onderwyzer in den catechismus} (Antwerp: Widow of Bartholomeus Foppen, 1699), 348.} However, in a more remarkable passage, Vanden Bossche tried to explain the causes of sodomy, and listed quite a few other vices that could lead a person to commit the ultimate sin: abundance, gluttony, vanity (putting

on makeup for example), looking at dishonest paintings or reading dishonest literature, singing, drinking, dancing et cetera.\textsuperscript{52}

In fact, Vanden Bossche is one of the few authors in the Southern Netherlands who actually attempted to provide an explanation for sodomy. Although the prevailing religious discourse upheld that sodomy was a sinful, individual choice with serious consequences, a lot of other, medical, explanations were also in vogue in late medieval and early modern Europe. For example, the Persian physician and astronomer Avicenna (ca. 980–1037) regarded same-sex desire as “alubuati”: a “psychogenic sexual insufficiency manifesting itself in the inability to carry out ‘natural’ intercourse and the pursuit of same-sexual substitutes.” This explanation was introduced in fifteenth-century Europe by French physician Jacques Despars.\textsuperscript{53} The ancient Greek philosopher Aristotle (384–322 BC) discussed same-sex acts in his \textit{Problemata}. In between other issues, Aristotle tried to resolve the matter of why some men enjoy anal intercourse. As an early forerunner of the present-day nature versus nurture debate on the origins of homosexuality, Aristotle proposed both physical malfunction and learned habits as a solution. In any case, the \textit{Problemata} was widely discussed in many fourteenth- and fifteenth century texts throughout Europe. However, it is striking that in the extant manuscripts of the ‘Flemish’ \textit{Problemata}, preserved in Bruges, The Hague and Naples, the question of the origins of same-sex desires is simply missing.\textsuperscript{54} In later centuries, the Spanish physician Juan Huarte (1529–1588) wrote ‘The Examination of Wits for the Sciences’. In this book, he used humoral theory to explain medically why masculine women and feminine men were inclined to commit sodomy.\textsuperscript{55} The book was also printed in the Low Countries, including Amsterdam, Leiden and Antwerp.\textsuperscript{56}

In spite of these medical views, Vanden Bossche relied on the (semi-)religious theory of the downward spiral: committing sins was a slippery slope. Material abundance led to gluttony, gluttony led to sins such as card games, adultery and whoring, and ultimately to sodomy, the ultimate low point. This theory had been gaining ground during the seventeenth century, but was in fact based on a longer religious tradition.\textsuperscript{57} The fact that Vanden Bossche referred to numerous theologians in his

\textsuperscript{52} Vanden Bossche, \textit{Den katholyken pedagoge,} 350.
\textsuperscript{53} Derek Neal, “Disorder of Body, Mind, or Soul. Male Sexual Deviance in Jacques Despar’s Commentary on Avicenna,” in \textit{The Sciences of Homosexuality in Early Modern Europe}, eds. Kenneth Borris and George Rousseau (London: Routledge, 2008), 52. See also the other chapters in this edited volume on early modern medical views on sodomy.
\textsuperscript{54} Joan Cadden, \textit{Nothing Natural is Shameful. Sodomy and Science in Late Medieval Europe} (Philadelphia: University of Pennsylvania Press, 2014), 282.
\textsuperscript{56} This book was also printed in Amsterdam, Leiden and Antwerp in the sixteenth and seventeenth century. See: Juan Huarte, \textit{Examen de ingenios para las ciencias} (Antwerp: Plantijn, 1603).
\textsuperscript{57} Around 1400 for example, an anonymous Flemish priest wrote the \textit{Wech van Salicheit} (‘Way to Salvation’) in which he cited St. Paul to explain that \textit{luxuria} stemmed from gluttony. “Want also mijn heere sente Pauwels
discussion of sodomy illustrates further the omnipresence of the religious discourse on the matter in late medieval and early modern urban society.

In this religious discourse, both in the writings of theological scholars, and in the words of semi-religious laymen, there were a number of recurring elements. Sodomy was thought to be among the gravest of sins, since it could provoke God’s anger. Consequently, there was a continuous emphasis on the fact that sodomy should be silenced. This is actually rather contradictory, since, especially during the middle ages, the ecclesiastical sources that were calling for silence, were among the few who actually drew attention to sodomy. However, this religious discourse, with its emphasis on silence, divine wrath and potential danger was not limited to devotional sources. As we will see, it also exercised a lot of influence on secular lawmaking and cultural expression in the region.

1.3 Legal views on sodomy

1.3.1 A European perspective

The impact of the religious discourse on the repression of sodomy in premodern Europe can be assessed by pointing to the fact that the first medieval penalties imposed for sodomy can be found in the aforementioned religious penitentials. Not long after, in the seventh century AD, the first actual laws regarding the sin against nature came into being in Visigothic Spain. Around 650, a royal edict proclaimed that men who had committed same-sex acts were to be castrated.58 In later centuries too, the legal framework for the punishment of sodomy on the Iberian Peninsula was provided by royal legislation. Several royal decrees (1241, 1255, 1265) penalized sodomy with castration and added death penalties such as stoning or hanging. The most influential of these decrees, the Siete Partidas compiled on behalf of Alfonso X (1252-1284), already mentioned how sodomy evoked the wrath of God not only over individual sinners, but over the entire community in which the sin against nature took place. However, only in 1497 did the Catholic Monarchs Isabel of Castile and Ferdinand of Aragon issue a decree that condemned sodomites to be burnt at the stake as a warning to others.59 Similar royal laws were proclaimed in Portugal as well (1446, 1521, 1603).60

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58 Soyer, Ambiguous Gender in Early Modern Spain and Portugal, 29.
60 Soyer, Ambiguous Gender in Early Modern Spain and Portugal, 31.
Elsewhere in premodern Europe, there was no comparable royal legislation.\(^6\) As a result the civic authorities took the initiative to enact laws on sodomy.\(^6\) This was particularly the case in medieval Italy. In 1286, Pisan legislation stated that sodomites should be banned from the city.\(^6\) Already in 1288, the civic statutes of Bologna prescribed death by burning.\(^6\) The Perugian law code of 1342 provided fines for a first offense, but the stake for persistent recidivists.\(^6\) In Venice, sodomites were burned alive prior to 1450, after which a law stipulated that they should be beheaded before their bodies were burned. During the sixteenth century, they were usually sent to the galleys of the Venetian Fleet.\(^6\) Other Italian cities, did not apply the death penalty, but punishment was still severe. The Sienese code of 1270, for example, proclaimed that first offenders should be fined, while recidivists were to be hanged by their genitals.\(^6\) In 1308, the city council of Orvieto ordered that sodomites were to be publicly humiliated by parading them around the city with a cord tied to their genitals. Afterwards, they were banned from public office.\(^6\) In 1325 and 1365, Florentine law stipulated that men who sodomized boys should be castrated while sodomized boys were to be fined or flogged nude through the city. However, in 1415, it became explicitly forbidden to exile, mutilate or execute sodomites for a first conviction.\(^6\) Consequently, prosecution was infrequent and, as we shall see in the next chapter, by the fifteenth century, the Florentine Signoria altered the regulation of sodomy and installed the Officers of the Night to discipline sodomites with fines.

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\(^{61}\) Around 857, the monk Benedictus Levita, forged a series of capitularies, including one that stipulated the burning of sodomites, and ascribed them to Charlemagne himself, who already died in 814. However, there is no evidence that such legislation actually existed in the Carolingian era. Robert Mills, “Homosexuality: Specters of Sodom,” in A Cultural History of Sexuality in the Middle Ages, ed. Ruth Evans (Oxford: Berg, 2011), 64; Bernd-Ulrich Hergemöller, “The Middle Ages,” in Gay Life and Culture: A World History, ed. Robert Aldrich (London: Thames and Hudson, 2006), 61.


\(^{65}\) Other Italian cities followed suit, see: Michael Goodich, “Sodomy in Medieval Secular Law,” Journal of Homosexuality 1, no. 3 (1976): 300; Brundage, Law, Sex, and Christian Society in Medieval Europe, 534.


In medieval France, sodomy laws were mainly issued at the level of local territories. Hence, prosecution mostly followed customary law, which was based on local usage. In the Beauvais region, the coutumes of 1283 prescribed burning at the stake. The same punishment was also mentioned in the 1246 coutumes of the ancient province of Touraine-Anjou. In Orléans, a law code from ca. 1260 described the consecutive penalties for repeat offenders: castration, dismemberment, burning. Several of these coutumes were a source of inspiration for the so-called Établissements de Saint Louis, compiled around 1272 and wrongly attributed to King Louis IX (1214-1270), which also condemned sodomites to the stake at an early stage in history.

However, in other places such as England or Scandinavia, there was neither princely nor civil legislation for centuries. In the Holy Roman Empire too, there was no formal legislation regarding the penalization of sodomy in most cities, with the exception of Augsburg and Bamberg. In the former, a law code from 1276 declared that sodomites ought to be broken on the wheel. In contrast, the Constitutio Criminalis Bambergensis from 1507 prescribed that sodomites should be burned. Several years later, death at the stake would become the official standard punishment for sodomy throughout the Holy Roman Empire. In 1532, Emperor Charles V (1500-1558) promulgated his Constitutio Criminalis Carolina, which was aimed at reforming and unifying criminal court procedures throughout the Habsburg territories. Its punishment for sodomy was literally copied from the Bamberg law code. Consequently, article 116 of the Carolina declared that men and women found guilty of sodomy were to be burned. With this law code, sodomy trials

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71 Boswell, Christianity, Social Tolerance, and Homosexuality, 290; Crompton, Homosexuality & Civilization, 198; Goodich, “Sodomy in Medieval Secular Law,” 297.
72 Before the implementation of the ‘Buggery Act’ of 1533, no formal legislation regarding sodomy existed in England. This law was repealed in 1547 by Edward VI, but re-established a year later. The Catholic Queen Mary I repealed it again in 1553, because she wanted to restore the authority of the ecclesiastical tribunals. Queen Elisabeth I re-enacted the law once more in 1563. Crompton, Homosexuality & Civilization, 365-66.
73 Although Norwegian law already mentioned sodomy in 1164, this passage was erased in 1277 only to reappear in 1687, when the 1683 law promulgated by the Danish King Christian V was also introduced in Norway. In Sweden, sodomy was punishable since 1608, whereas in Finland, no sodomy laws existed before the nineteenth century. Martin Halsos, “Norway 1842-1972: When Public Interest Demands,” in Criminally Queer. Homosexuality and Criminal Law in Scandinavia, 1842-1999, eds. Jens Rydström and Kati Mustola (Amsterdam: Aksant, 2007), 92; Michael Sibalís, “Male Homosexuality in the Age of Enlightenment and Revolution, 1680-1850,” in Gay Life and Culture: A World History, ed. Robert Aldrich (London: Thames and Hudson, 2006), 113.
75 “Straff der unkeusch, so wider die natur beschicht. 116. Item so eyn mensch mit eynem vihe, mann mit mann, weib mit weib, unkeusch treiben, die haben auch das leben verwürckt, und man soll sie der gemeynen gewonheyt nach mit dem fewer vom leben zum todt richten.” Die Peinliche Gerichtsordnung Karls V. Von 1532 (Carolina), ed. Gustav Radbruch (Stuttgart: Reclam, 1978), 78. On the Imperial Penal Code, see: Joy Wiltenburg
“for the first time gained an unmistakably clear legal basis in the German empire”.76

Apparently, in certain parts of premodern Europe, the legal framework for the repression of sodomy relied on royal legislation, while in others civil laws—often based on customary rules—formed its legal backbone for this repression. Nevertheless, a great deal of uniformity can be found in this lawmaking. From an early stage onwards, death at the stake was the standard penalty for sodomites in large parts of Europe. The predominance of the religious discourse on sodomy during the period in which these laws came into being was clearly of a decisive influence on the rhetoric and finality of sodomy laws across Europe.

1.3.2 Sodomy legislation in the Southern Netherlands

1.2.2.1 Customary law

The legal framework in the Southern Low Countries included different elements of premodern lawmaking and combined customary laws with royal decrees and influential legal tracts. During the medieval period, several lords, such as the Count of Flanders or the Duke of Brabant, issued statutes that applied to a specific town within their principality. These statutes, generally known as ‘laws, customs and privileges’, mostly listed the political and economic privileges of the city, but also contained provisions regarding criminality.77 Nevertheless, they were almost never written down systematically by contemporaries. Some early exceptions were the Facet from Sint-Amand, (ca. 1265), the Livre Roisin (ca. 1267) from Lille, the Wettelijkheden (ca. 1330) and the Tale ende Wedertale (ca. 1340) from Aardenburg, the coutumier brabançon (1337) by Willem vanden Mortre and the Antwerpse rechtsaantekeningen by Willem de Moelhère (1405).78 However, the majority of these statutes were mostly occupied with private law.79 By the time customary laws were systematically collected and written down (i.e. during the sixteenth and seventeenth centuries by the Habsburg authorities), few provisions on

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76 Puff, Sodomy in Reformation Germany and Switzerland, 29.
criminal law were included. According to Jos Monballyu, this simplified the unification of criminal law in the Southern Netherlands from the sixteenth century onwards.\(^{80}\)

Consequently, sodomy is mentioned in hardly any of these local law codes.\(^{81}\) The scarce references to sodomy in local customs are very brief and served mainly to emphasize the privileged position of the city towards the central authorities. In Lille for instance, the city had obtained a “privilège de non-confiscation”, which means that when a criminal was convicted in the city, the bailiff was not allowed to confiscate the convict’s goods on behalf of the central authorities. When this privilege was confirmed by Duchess Mary of Burgundy (1457-1482), it was mentioned explicitly that this also applied to sodomy, suicide, counterfeiting and other crimes.\(^{82}\) In the coutumes of Ghent from 1563, the aldermen insisted that they retained the power to punish crimes such as adultery, rape, sodomy, witchcraft and heresy, even after Emperor Charles V had deprived them of this authority in favor of the Council of Flanders in 1540, following the Concessio Carolina.\(^{83}\) As we have already seen, the penalization of sodomy was part of high justice, or the right to impose capital punishments, a prized privilege for local lords as a symbol of their authority. Apparently, certain city councils also liked to accentuate that they held high justice. As such, the authority to penalize sodomy might function as a symbol of the particularistic attitudes prevalent among late medieval and early modern cities in the Low Countries, even if the extent to which sodomy was actually prosecuted depended on a variety of factors.

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\(^{81}\) In 1867, Edmond Poullet claimed that this was due to the fact that ecclesiastical tribunals were responsible for the repression of sodomy. Yet, as we will see in chapter 4, officialities hardly ever prosecuted sodomites. Edmond Poullet, *Histoire du droit pénal dans le duché de Brabant, des origines au XVIIe siècle* (Brussels: Hayez, 1867), 327. In any case, no mentions were made in the coutumes of Bruges, the Liberty of Bruges, Brussels, Leuven, Mechelen, Ypres and several other smaller localities: *Coutume de la prévôté de Bruges*, ed. Louis Gilliodts-Van Severen (Brussels: Gobbaerts, 1887); *Coutume de la ville de Bruges*, ed. Louis Gilliodts-Van Severen (Brussels: Gobbaerts, 1874-1875); *Coutume du Frant de Bruges*, ed. Louis Gilliodts-Van Severen (Brussels: Gobbaerts, 1879-1880); *Coutumes de la ville de Bruxelles*, ed. Albert De Cuyper (Brussels: Gobbaerts, 1869); *Coutumes du pays et duché de Brabant : Quartier de Bruxelles*, ed. Albert De Cuyper (Brussels: Gobbaerts, 1869-1873); Anonymous, *Costuymen der stad van Loven ende van haeren ressorte* (Brussels: Simon t’Serstevens, 1728); *Coutumes de la ville de Malines*, ed. Philémon De Longé (Brussels: Gobbaerts, 1879); *Coutumes des pays et comté de Flandre: Quartier d’Ypres*, ed. Louis Gilliodts-Van Severen (Brussels: Goemaere, 1911); *Coutume de la salle et chatellenie d’Ypres*, ed. Louis Gilliodts-Van Severen (Brussels: Goemaere, 1911); *Coutume des petites villes et seigneuries enclavées*, ed. Louis Gilliodts-Van Severen (Brussels: Gobbaerts,1890-1893).

\(^{82}\) Jules Houdoy, *Chapîtres de l’histoire de Lille: le livre Roisin, le privilège de non-confiscation, les comptes de la ville* (Lille: Danel, 1872), 43-44, 110.

\(^{83}\) When the city of Ghent revolted against the tax policy of Charles V, the Emperor deprived the city of much of its autonomy in a charter called the Concessio Carolina. “Lesdits de la keure connaissent aussi d’adultère, défloration, sans plainte ou querelle, par prévention, de sodomie, de sorcellerie, de tous excès, et même d’hérésie, en vertu de certaine déclaration obtenue de Sa Majesté par ceux du conseil en Flandres, depuis et nonobstant ladite concession Caroline d’après laquelle ladite connaissance leur était enlevée et réservée à sa Majesté ou à sondit conseil en Flandres.” *Coutume de la ville de Gand*, eds. Albert Gheldof (Brussels: Gobbaerts, 1868-1887), 216-217.
The coutumes of Antwerp from 1582 are the only ones to provide us with a limited-insight into the concrete course of a local sodomy trial. In the provisions on torture, the coutumes state that an accused who confessed under torture should repeat his confession in the presence of the aldermen, ‘underneath the blue sky and free from torture’ to make sure that it was actually valid.\textsuperscript{84} However, this procedure was to be canceled if the crime committed was the ‘crime of luxuriating against nature’.\textsuperscript{85} The fact that local legislators apparently did not find it opportune to have the details about sodomy repeated in the open air, where the general public could hear them, is telling about the early modern taboo surrounding the sin against nature, especially given the fact that it was the only crime for which such measures were taken. In spite of the fact that convicted sodomites were often executed publicly, the Antwerp authorities preferred to keep the specific characteristics of same-sex acts secret to the urban community, which is in line with the prevailing religious mentality that sodomy was a silent sin that should not be mentioned in public.

Coutumes are not the only source for urban legislation in the Low Countries. City magistracies could also issue urban ordinances, which usually contained laws regarding to public order, trade and the labor market. Accompanied by bell chimes, these ordinances were read aloud in public places, such as the balcony of the belfry in Bruges for example. Copies of the announced texts were often posted at public buildings. Still, none of the so-called hallegeboden from Bruges (preserved for the period between 1490 and 1796), referred to the unmentionable vice.\textsuperscript{86} In contrast, similar urban legislation against prostitution, was announced publicly in Bruges.\textsuperscript{87} In all probability, the local aldermen considered sodomy too delicate a subject to be shouted about from the rooftops.

1.3.2.2 Princely legislation

This similar desire for discretion is also present in the princely legislation regarding criminal law in the Southern Netherlands.\textsuperscript{88} One of the most explicit royal law codes was

\textsuperscript{84} Wim Meewis, \textit{De vierschaar. De criminele rechtspraak in het Oude Antwerpen} (Kapellen: DNB/Pelckmans, 1992), 80.

\textsuperscript{85} “(...) wtgenomen int criem van luxurie teghens nature.” Anonymous, \textit{Rechten, ende costume van Antwerpen} (Christoffel Plantijn, 1582), 34.

\textsuperscript{86} See: Bruges, CAB, Series 120 (Hallegeboden), nos. 1-28. The same is true for the Voorgeboden from Ghent, although I have not examined this source in its totality. For the medieval period, I relied on the work of Napoleon the Pauw and for the period between 1576 and 1584, I could count on a summary transcription, kindly provided to me by prof. Anne-Laure Van Bruaene. See also: Napoleon De Pauw, ed. \textit{De voorgeboden der stad Gent in de XIVe eeuw} (1337-1382) (Ghent: Annoot-Braeckman, 1885).


\textsuperscript{88} This is no surprise, since urban law has been a great source of inspiration for the princely legislation promulgated in the Low Countries. Philippe Godding, \textit{Les ordonnances des autorités urbaines au Moyen Âge.}
the aforementioned *Constitutio Criminalis Carolina* from 1532, but its official impact was rather limited. Although the *Carolina* was proclaimed in the entire Holy Roman Empire, to which the Low Countries officially belonged, it was only applicable in the Prince-Bishopric of Liège. Officiously, however, the *Carolina* exerted a lot of influence on the entire Low Countries. In 1570, Charles V’s successor, Philip II, issued three decrees concerning respectively, the duties of prison warders, the administration of criminal justice and the procedure that was to be followed in criminal cases. In these ordinances, the king proclaimed stricter sentences for certain crimes. What is particularly fascinating for us is that the majority of these crimes were sex offences: adultery, rape, incest, sex with nuns, seducing young girls, coupling, inducing children to unchastity and bigamy, but also sorcery, fortune-telling, falsely accusing someone, usury and other crimes. Remarkably enough sodomy is missing from this particular list, and does not occur elsewhere in these ordinances as well. The same is true for the *Eternal Edict* of 1611, issued by Archdukes Albrecht and Isabella. Articles 38 up to 47 of this edict updated the criminal procedures in the Southern Netherlands, but sodomy remained unmentioned.

### Juridical treatises

The lack of instructions regarding sodomy in princely legislation was compensated by several legal treatises written by local jurists, who did pay attention to the matter. One of the first jurists to write such legal treatise was the fifteenth-century Willem van der Tanerijen, an alderman in Antwerp who was appointed to the Council of Brabant around 1474. In his *Boec van der loopender practijken der raidtcameren van Brabant* (ca. 1496), van der Tanerijen provided a complete overview of secular law in the Duchy of Brabant at the end of the fifteenth century. In the 43rd article of this treatise, sodomy is called the ‘sin against nature’ and the ‘sin of buggery’. Consequently, van der Tanerijen categorized sodomy as a capital crime and declared that sodomites should be burned at the stake.

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92 “Item de XXVIe maniere van criesme capitael is sodomiae; ende is die sunde die men doet tegen natuere, geheeten die sunde van buggerijen, als te doen dwerc tegen natueren (...) ende dese misdag is men scul dich te bernen aen eenen staek.” Willem van der Tanerijen, *Boec van der loopender practijken der raidtcameren van Brabant*, ed. Egied Strubbe (Brussels: Koninklijke commissie voor de uitgave der oude wetten en verordeningen van België, 1952), vol. I, 189-190.
His Flemish counterpart, Filips Wielant (1441-1520), was somewhat more elaborate in his description of the unmentionable vice. In 1510, Wielant, a jurist from Ghent who had also been mayor of the Liberty of Bruges, councilor in the Council of Flanders and in the Great Council of Mechelen, wrote his Corte instructie in materie criminele, a systematic inventory of criminal law in the County of Flanders. Wielant wanted to increase local knowledge about Roman law, or the *ius commune*, among non-scholars through an accessible book in the vernacular. His Corte instructie was quite a necessity, since in most cases, criminal justice was the responsibility of local aldermen without formal education, who learned the job on the floor. In 1515-1516, Wielant edited and expanded his manual. In chapter 96, sodomy is once again called the ‘sin against nature’: it was an ‘abominable, injurious and infamous crime that should be punished by death’. Wielant distinguished three types of sodomy: with men, with animals and with oneself. While the first two types were to be punished by burning, the latter (dubbed “mollicies”) ought to be punished by banishment, although Wielant was worldly enough to realize that this crime was rarely reported ‘except perhaps in confession’.

Even though Wielant mainly wanted to increase knowledge on Roman Law among his readers, he was clearly influenced by Catholic teaching. The fact that he described masturbation as “mollicies”, is a reference to St Paul who used the term in his first letter to the Corinthians, presumably as an allusion to sexual acts that were committed solely for pleasure. The term was also linked to effeminacy and lived on throughout the early modern period. In eighteenth-century London for instance, taverns and coffee houses that served as meeting places for men with same-sex desires were labeled molly houses.

The influence of the predominant religious discourse on sodomy is even more clearly present in the work of Joos de Damhouder (1507-1581), a sixteenth-century jurist from Bruges who started his career as a lawyer and alderman in his native city. In 1551, he finished his first book on criminal law: Praxis Rerum Criminalium, which became a standard reference across early modern Europe. In 1555, de Damhouder reworked his book into Dutch, and published it as Practycke ende handbouck in criminele zaeken. There is a general assumption that de Damhouder blatantly plagiarized Wielant. Yet, while it is true that he relied heavily on the structure of Wielant’s manuscript, there are several important differences. Among others, de Damhouder’s description of sodomy and its accompanying punishments is much more extensive than Wielant’s. Furthermore, he

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94 Wielant, Corte instructie in materie criminele, 91, 222.
95 Jean Stengers and Anne van Neck, Masturbation. The History of a Great Terror (Houndmills: Palgrave, 2001), 22.
98 For instance, de Damhouder raised the question whether or not a person convicted for sodomy should be allowed to draw up a will, and whether or not sodomy was a valid reason to obtain a legal separation. He did not
also expanded his discussion on sodomy with a moral hierarchy concerning sexual sins, which was lacking in the work of his Ghent counterpart. Wielant listed moral sins in a rather arbitrary manner, without stating whether or not his division indicated an increasing gravity of the respective crimes. In contrast, in the work of de Damhouder, there was a strong moral indignation about sodomy. He explicitly called sodomy ‘much graver’ than incest, elopement or rape, although these facts were in themselves ‘much larger and more serious crimes than many others’. Nevertheless, according to de Damhouder, these sex crimes were still motivated by the rules of nature. Sodomy, on the other hand, was the most fatal crime of all, since it openly opposed and violated natural laws. Just like Wielant, de Damhouder distinguished three types of sodomy. Unlike Wielant, however, he placed them in a different order, and again attached a moral judgment to it. According to the Bruges’ jurist, man could commit sodomy with oneself, with people (men, women, or children) and with animals. The latter crime was the most serious one. Whereas masturbation had to be punished with banishment, the other two categories deserved the stake. With his ranking, de Damhouder fitted in with the Scholastic tradition of Thomas Aquinas, who made a similar distinction between different types of sodomy.

Moreover, de Damhouder unambiguously acknowledged his religious source of inspiration by referring to masturbation as a crime ‘that Saint Paul has called mollicies’. He even referred implicitly to the biblical tale of Sodom and Gomorrah as he foretold the tragic fate of cities that were benevolent towards sodomites: ‘for this horrible and atrocious sins mankind was haunted by pestilence, war, earthquakes, flooding and other similar plagues’.


99 Wielant listed adultery, tolerating adultery, pimping, deflowering, fornication, incest, sodomy (“vuijle faicten”), rape and elopement.

100 de Damhouder, Pracycke ende handbouck in criminele zaeken, 166.

101 de Damhouder, Pracycke ende handbouck in criminele zaeken, 168.

102 “Ende om dese horrible ende afgriselicke zonden worden den menschen ghesonden hoghere pestilencien, orloghen, eertbeynghe, inondacien ende diere ghelycke meer andere plaeghen.” de Damhouder, Pracycke ende handbouck in criminele zaeken, 169. This fear for divine retaliation was strongly present in early modern Europe. For instance, Venetians feared that their fleet would be destroyed due to the many sodomites in the city. When Naples was hit by an earthquake in 1446, the ambassador of Siena wrote to the city of Bruges that this tragedy was caused by sodomites, “car ledit péchié et énorme crieme règne fort” in Naples. Even in the eighteenth-century, when the Dutch dikes were plagued by some kind of sea worm, people thought that God punished the Republic for its lenient treatment of sodomites. Guido Ruggiero, The Boundaries of Eros. Sex Crime and Sexuality in Renaissance Venice (New York: Oxford University Press, 1985), 111; J.J. Desmet, Receuil des chroniques de Flandre, vol. III: Chroniques des Pays-Bas, de France, d’Angleterre et de Tournai (Brussels: Hayez, 1856), 553; Raingard Eber, “Fear of Water and Floods in the Low Countries,” Fear in Early Modern Society, eds. William Naphy and Penny Roberts (Manchester: Manchester University Press, 1997), 62-77; Mouthaan, José. “The Appearance of a Strange Kind of Sea Worm at the Dutch Coast, 1731-1735,” Dutch Crossing 27, no. 1 (2003): 3-22.
Another key aspect of the premodern religious discourse regarding sodomy, the prohibition to speak about the crime, is again clearly present in de Damhouder’s work. That the jurist considered sodomy to be a *peccatum mutum* (‘a most unspeakable sin that one should neither mention nor talk about among Christians because its enormity’), can be derived from the fact that he defended the execution of animals involved in bestiality cases, even though he admitted that they were not capable of intentionally committing sin. Still, because they had served as an instrument to commit the unmentionable vice, they should be punished alongside the perpetrators. It would be ‘unworthy and odious’ to let such an ‘unreasonable’ animal live in full sight of the community, since it might frighten people. Moreover, animals infected with such a grave crime should be killed to ‘abolish the unworthy memory’ of the committed facts.

During the late sixteenth and seventeenth century, there were no legal treatises like the ones written by Wielant and de Damhouder, but the writings of several foreign jurists were often consulted. One of these early influential works was the often reprinted *Somme rural* by Jean Boutillier (ca. 1340-1396), which combined customary law with Roman law. However, in the 1479 version printed in Bruges by Colard Mansion, sodomy is only described briefly as ‘all facts against nature, contrary to how a man and a woman naturally behave’. Another widely used book was *Het Rooms-Hollands-Regt* by Simon van...

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103 *dald’onsprekelicst zonde (die men noch en behoort te nomene noch te vertellene omme haer enormiteit onder de keerstenen)*, de Damhouder, *Practycke ende handbouck in criminele zaeken*, 168.

104 “(...) Boven dien dat zulcke eenen beeste besmet met zulcke een uutenemende groot en zwaer misdaet niet langhere en zouden donweerdighe memorie vernieuwen die men behoort stappans tannicheleren ende te nieten te doene, zo eist dat den rechten heeft goet ghedocht ende hebben gheordonneert zulck en dier of beeste stappans metter misdaedegher en zodeghe menschen te nieten te doene, ende doodene om datter naer de punitie van zulck een groot en ontsprekelick quaet gheene memorie meer blijven en zoude.” de Damhouder, *Practycke ende handbouck in criminele zaeken*, 168.

105 “Si comme de faire contre tout fait de nature humaine et que a homme na femme naturellement appartient a faire.” Jean Boutillier, *La somme rural* (Bruges: Mansion Colard, 1479), fol. 45r. See also a manuscript version of the text, probably written in Northern France or Flanders during the fifteenth century: Ghent, GUL, MS. 79, fol. 56r. On *La somme rural*, see: Georges Martyn, “Boutillier, Rural summary,” in *The Formation and Transmission of Western Legal Culture. 150 Books that Made the Law in the Age of Printing*, edited by Serge Dauchy, Georges Martyn, Anthony Musson, Heikki Pihlajamäki and Alain Wijffels. Cham: Springer, 2016, 47.
Leeuwen (1626-1682) from Holland. This volume too stated that the ‘wrong and inhuman mixing of men’ should be punished by burning them at the stake, although van Leeuwen noted that some authorities punished this crime more ‘softly’ by hanging the sodomite in question before burning his body. Undoubtedly, there were many other legal treatises written by foreign lawyers that circulated in the late medieval and early modern Low Countries, where printing and selling books was an important aspect of commercial life.

There are several possible explanations for the fact that sodomy was hardly ever mentioned in customary and princely legislation in the Southern Netherlands. Sodomy might have remained an unmentionable taboo, even among lawmakers, who were influenced by the prevailing religious discourse at the time. Another possibility is that the penalties for sodomy were so widely known through different channels, such as the treatises we described earlier, that it was considered unnecessary to include them in coutumes or princely decrees. In any case, it is clear that the void was filled by legal-theoretical works written by jurists such as van der Tanerijen, Wielant and de Damhouder. Nevertheless, it is still remarkable how these educated lawyers were indebted to religious condemnations of the unmentionable vice. All three authors mention sodomy not only as a crime, but also explicitly as a sin.

Furthermore, the exquisitely styled *Practycke criminele* by de Damhouder, symolizes the unmentionable nature of sodomy in a more subtle way. In fact, sodomy is the only crime mentioned in this survey, that is accompanied by a woodcut which does not depict the crime itself (which is indeed the case for other sexual crimes such as prostitution or incest); it shows the biblical story of Sodom and Gomorrah (fig. 3). Once again, this timid refusal to portray the actual crime illustrates that, even in a legal context, sodomy was still a sensitive issue in which religiously imposed silence prevailed.

### 1.4 Cultural views on sodomy

#### 1.4.1 Sodom and Gomorrah in popular culture

It only seems logical that a crime shrouded in silence was no suitable subject for cultural expressions. Yet, as the example of de Damhouder’s *Practycke criminele* shows, the biblical origin of the crime was indeed depicted. A particularly beautiful example can be found in the *Biblia Figurata* commissioned by Raphael de Mercatellis (1437-1508), a bibliophile bastard son of Burgundian Duke Philip the Good. As the Abbot of Saint Bavo’s Abbey in Ghent, de Mercatellis provided the Abbey library with numerous sumptuously illustrated

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manuscripts. One of these manuscripts, the *Biblia Figurata*, contains a full-page representation of the destruction of Sodom, which is depicted in a contemporary fashion as a typically Burgundian city (fig. 2); A visual reminder of the fact that God’s wrath did not belong to a distant past, but could still strike today?

Similar depictions did not only appear in the private libraries of wealthy abbots. In fact, the apocalyptic image of Sodom and Gomorrah was firmly embedded in the early modern collective imagination. This is illustrated by the fact that the story was represented in the works of various renowned painters in the Southern Netherlands, including Joachim Patinir (1480-1524) or Peter Paul Rubens (1570-1640). Whereas the latter focused on Lot and his family, and consequently moved the actual story of the divine destruction of Sodom to the background, the former showed the ruined cities amidst an overwhelming landscape with a red-hot sky, black clouds, scorching flames, and people raising their hands in fear, trying to escape the devastated city (fig. 4).

Furthermore, Maarten van Heemskerck (1498-1574) from Haarlem also produced several dramatic images of Sodom and Gomorrah (fig. 22). According to Marco Folin and Monica Preti, the depiction of these biblical calamities conveyed a concealed message about the moral desolation of van Heemskercke’s own era.

![Figure 4. Joachim Patinir, Landscape with the Destruction of Sodom and Gomorrah (ca. 1520). Rotterdam, Museum Boymans Van Beuningen](image)

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108 Ghent, Archive of Saint Bavo’s Cathedral, MS. 10 (Biblia Figurata), fol. 24v.


Moral recuperation of the biblical story was not limited to painting. The two doomed cities even appeared in late medieval journals of pilgrims travelling to the Holy Land. It was believed that the ruins of Sodom and Gomorrah could be found at the bottom of the Dead Sea. According to these authors, the harsh and barren environment of the place symbolized God's eternal punishment, and the wickedness of the Sodomites.111 There were even some plays about the destruction of the two sinful cities.112 In 1615, Jacob Cornelis Lummenaeus a Marcia (1570-1629), a poet and playwright from Ghent, wrote "Bustum Sodomae," 'a sacred tragedy' about the divine wrath that was brought upon the Sodomites.113 Nevertheless, this play was written in Latin, and was intended for private reading rather than for public performance.114

Sodom and Gomorrah also appeared in several songs in the Southern Netherlands.115 Some were used to comment on current events, such as city fires. One example of the latter can be found in several songs describing the great fire of 1665 in Roermond in the Dutch Republic.116 According to Penny Roberts, preachers often

111 H.G. Cocks, Visions of Sodom. Religion, Homoerotic Desire, and the End of the World in England, c. 1550-1850 (Chicago: University of Chicago Press, 2017), 91-92; Tom Linkinen, Same-Sex Sexuality in Later Medieval English Culture (Amsterdam: Amsterdam University Press, 2015), 174. For Middle Dutch examples, see the travel journal written by Rombout de Doppere (1432-1505) from Bruges, which was in fact an adaption of the journal by fellow citizen Jan Adornes. Bruges, Archive of the Public Center for Social Welfare, Register van stukken met onbekende herkomst, Rombout de Doppere "Vademecum", fol. 23r; or the Middle Dutch translation of the very popular travel journal by Jean de Mandeville, a fourteenth-century author who might have been born in Ypres. Johannes de Mandeville, Reysen int heilighe lant (Antwerp: Willem Vorsterman, 1530), fol 29v.

112 However, these moralizing plays can hardly be compared to some early modern Italian comedies that made fun of, for example, a sodomite husband and his frustrated wife. Laura Giannetti, Lellia’s Kiss. Imagining Gender, Sex, and Marriage in Italian Renaissance Comedy (Toronto: University of Toronto Press, 2009), esp. 153-92; Neil Cartlidge, “Homosexuality and Marriage in a Fifteenth-Century Italian Humanist Comedy: The Debate between Cavichiolus and his Wife,” Journal of Medieval Latin 15 (2005): 25-66.

113 Jacobus Cornelius Lummenaeus à Marca, Bvstvm Sodomae tragoedia sacra (Ghent: Cornelis van der Meeren, 1615).

114 Jan Bloemendal, “Senecan Drama from the Northern and Southern Netherlands: Paganization and Christianization,” Dutch Review of Church History 81, no. 1 (2001): 39; Ron Gruijters, “An Eloquent Enigma: The Dramas of Jacobus Cornelius Lummenaeus à Marca (c. 1580- c. 1628) and their contexts,” (Unpublished dissertation University of Amsterdam, 2010), 54. In the eighteenth century, this theme was picked up in two plays written by the rhetorician Joannes Petrus Verreecken. His plays were actually performed several times during 1770 by one of the chambers of rhetoric in Oudenarde, near Ghent: "D’ootmoedige, ook waere, ende volcomen gehoorsaemheyt van den patriarch Abraham, mitsgaeders de goddelycke verwoestinge ende ondergank van Sodoma ende Gommora om de boosheyt der sonden door ’t hemels vier.” Oudenarde, City Archive Oudenaarde, Oud Archief, 1006/54 (Argumenten Rederijkers), nos. 02-06 and 24-04.

115 Most of the songs discussed were collected using liederenbank.nl, an online Dutch song database containing more than 150,000 songs in Dutch and Flemish dialects, dating from the Middle Ages through the twentieth century. For a more elaborate discussion of sodomy in early modern songs, see, Jonas Roelens, “Songs of Sodom. Singing About the Unmentionable Vice in the Early Modern Low Countries,” Journal of Homosexuality (DOI 10.1080/00918369.2018.1495977); Annemieke Houben, Vieze liedjes uit de 17e en 18e eeuw (Nijmegen: Vantilt, 2015), 153-55.

“exploited incidents of urban devastation by fire as a prompt to call for moral reform and spiritual reflection.”117 Songs about disasters were the perfect way to encourage listeners “to interpret negative events as a warning of divine retribution and as an opportunity to repent for one’s sins.”118 Hence, several songs also interpreted the Roermond fire as a moral judgment from heaven. They mentioned how a divine wind drove thunderclouds towards the city, and brought lightning, which supposedly fueled the flames. Biblical parallels were drawn explicitly: God punished the city with fire, as a new Sodom.119 The disruptive events in Roermond must have left a strong impression in the Low Countries, since its destruction became the subject of more than just some local songs. One year later, Denijs Bauwens from Kalken, a small village near Ghent, compiled a songbook that was comprised of secular songs performed by market singers. His songbook also contains a song about Roermond which mentions fire as God’s weapon of choice. The text explicitly mentions how Sodom and Gomorrah were devoured by fire in the same way as Roermond and its quite clear about its moralizing intentions.120

And there were more songs that referred to Sodom and Gomorrah. Many seventeenth-century spiritual songs warned their listeners about the gravity and horror of sins. Spiritual songs in the vernacular were very popular in the Post-Tridentine era and although they were not part of the official liturgy, they were often sung during processions, pilgrimages and other religious events, and as read during moments of private contemplation.121 In their descriptions of Sodom and Gomorrah, there is one common feature that stands out in particular: despite the fact that the burning of Sodom was described elaborately, listeners were mostly left in the dark about the actual sins committed by its inhabitants.122 Most songs focused on the moral message behind the


120 “Isser wreeder ellement/ Van u grote hant geschapen?/ Ach het is U gramschap wapen,/ Dat vernielende torment./ Sodoma sal dit verconden,/ En Gomora heeft ghevoel/ Hoe so syn daer door verslonden,/ En verkeert in eenen poel.” Ghent, GUL, MS. 1485, fols. 49r-52r.


122 However, some exceptions to this rule can be found in the Dutch Republic. A song entitled ‘When Lot sat at Sodom’s gate’ (“Als Loth in Sodoms poorte sat”) describes how the Sodomites ‘lustfully swarmed in front of Lot’s house’ and how they tried to grab the two male angels sent by God to warn Lot about the forthcoming destruction of his city. This was also the case in the late-sixteenth century songbook De Harpe by the famous art theoretician and poet Karel van Mander (1548-1606). In the song ‘Two angels came to Sodom’ (“Twee engelen quamen tot Sodoma voort”), he explicitly stated that the Sodomites ‘wanted to have their way’ with the two
story: everyone had to pay for such sins with their lives as an example to other sinners against nature, and God’s wrath could be unleashed again at any time. Various seventeenth-century texts hinted at the possibility of God Himself taking immediate revenge against sinners. In one of his song texts, Benedictus van Haeften, the seventeenth-century Provost of Affligem Abbey, asked the readers of his song book rather grimly: ‘If Sodom was burnt to the ground for its sins, why do you think you would be spared?’123 Yet, while Sodom and Gomorrah are omnipresent, the cause of their horrific fate is rarely ever mentioned. Hence, the image of the burning cities thus became a hollowed metaphor that could be applied to a wide variety of cases.124

1.4.2 Sodomy in an artistic context

During the early modern period, the portrayal of Sodom and Gomorrah had a clear moral significance. Consequently, the sexual element in the story gradually disappeared into the background. Nevertheless, there were several other themes in early modern art, such as some classical myths, that had a clearer homoerotic component, which has led art historians to pay considerable attention to the presumed same-sex desires of early modern artists. However, when we try to take a closer look at ‘sodomite artists’, we end up on thin ice.125 Although Renaissance artists have traditionally been associated with sodomy, they appear in only 2.7 percent of the Florentine sodomy trials of the fifteenth century.126 In the absence of any hard evidence, the sexual preference of a particular artist or his audience is often conjectured on the basis of stylistic characteristics. For instance, some art historians have interpreted Caravaggio’s androgynous models as homo-erotic symbols.127

124 One seventeenth-century professor from Utrecht even complained that his students smoking tobacco resembled the flames of Sodom and Gomorrah, while the preacher and poet Willem Sluyter (1627-1673) compared public drunks with the inhabitants of Sodom, who did not hide their sins either. Benjamin Roberts, Sex and Drugs before Rock ‘n’ Roll. Youth Culture and Masculinity during Holland’s Golden Age (Amsterdam: Amsterdam University Press, 2012) 173; Willem, Sluyter, Psalmen, lof-sangen, ende geestelike liedekens (Deventer: Jan Colomp, 1661), 115.
126 Rocke, Forbidden Friendships, 139.
Then again, contemporary viewers had strong opinions about the alleged sexual escapades of famous artists as well. For example, the painter Giovanni Bazzi (1477-1549) received the dubious sobriquet of *Il Sodoma* by his contemporaries. Donatello (1386-1466) reputedly chose his pupils more for their looks than their talent. Leonardo da Vinci (1452-1519) was also deeply attached to one of his pupils, a boy called Salai. Although the boy was a known thief, Leonardo allowed Salai to live with him for years and indulged him with expensive gifts. In 1476, Leonardo was arrested by the ‘Ufficiali di Notte’ on the accusation of having had sexual relations with seventeen-year-old Jacopo Saltarelli, but eventually, the case was dropped. In 1502, Botticelli (1445-1510) was also reported to the Night Officers, on the grounds that ‘Sandro di Botticelli keeps a boy’. The passionate love of Michelangelo (1475-1564) for Tomasso de' Cavalieri was notorious as well. He immortalized the young nobleman in verse and gave him several drawings, including one of Ganymede, the beautiful youth Jupiter fell in love with and who became the cupbearer of the gods after having been abducted to Mount Olympus by Jupiter, disguised as an eagle. And although Benvenuto Cellini (1500-1571) was known as a womanizer, in his famous autobiography he nonetheless described sodomy as a noble art (“una così nobile arte”) practiced by gods, emperors and kings. In 1548, he was accused of having had sexual relations with Vincenzo, one of his models, and in 1556, he was in fact convicted for abusing his apprentice Fernando: ‘he had used him carnally many times in the vile vice of sodomy, keeping him in bed as if he was his wife’. For this, Cellini faced...
four years in prison, but thanks to the intercession of Cosimo de Medici, his punishment was reduced to four years’ house arrest and a lifelong ban on holding public office.\textsuperscript{134}

North of the Alps, such examples were much rarer.\textsuperscript{135} The emotional bond between Albrecht Dürer (1471-1528) and Willibald Pirckheimer (1470-1530) was the cause of some speculation about the exact nature of their friendship.\textsuperscript{136} Recently, Aaron Hyman drew attention to the “latent erotic potential within the homosocial spaces of artistic workshops” such as Karel van Mander’s Haarlem Academy, a group of collaborating artists from the end of the sixteenth century.\textsuperscript{137} In the Southern Netherlands very few artists were convicted of sodomy. We know of two examples from Bruges: around 1475, “ung nommé Jacques de jonghe peintre crimineux” was executed for having committed sodomy some 25 years earlier. As an apprentice, Jacques lived and worked in the workshop of painter Reynault van Overtvelt, where he apparently touched other men, among others Jacques Caudron, who had to share the bed with him in his master’s house.\textsuperscript{138} The second case is that of a certain Hanskin who worked as a painter in Bruges (“estoit pointre”). In 1522, he stood on the scaffold for an hour, after which the hangman flogged him and burned off his hair for having committed sodomy with Jan Noudts.\textsuperscript{139}

\textsuperscript{134} Margaret Gallucci, \textit{Benvenuto Cellini: Sexuality, Masculinity, and Artistic Identity in Renaissance Italy} (New York: Palgrave Macmillan, 2003), 153-4.


\textsuperscript{138} “(…) ledit Jaques demourant avec ung nommé Reynault van Overtvelt avec lequel il aprinst son mestier (…)” Brussels, NAB, CA, 13780, fols. 59v. Although no record of his trial has been preserved and his name appears among the board members of the painters guild in 1468, a case in 1475 refers to “dudit Jaques, qui pour le cas dessudit fut executé (…)” Brussels, NAB, CA, 13780, 60r.

\textsuperscript{139} “A maistre Wijssel, maistre de haulte ouvre de la ville de Bruges pour son saillaire de avoir eschavoté ung huere de loing devant la maison dela ville, de batu de verghes et brulé les cheveulx a Jan Noudts de sodomie (…)”
However, the example that appeals most to the imagination, is that of seventeenth-century sculptor Hiëronymus Duquesnoy, a leading artist who was executed in Ghent after having abused two young boys in the cathedral where he was working.  

### 1.4.3 Depictions of same-sex desire in the Southern Netherlands

Although the Italian Renaissance was by far the most important source of artistic representations of sodomy in early modern Europe, there were also a limited number of visual representations related to sodomy to be found in the Low Countries. For instance, the myth of Jupiter falling in love with the handsome Ganymede, a popular theme for various Italian artists, was portrayed by several artists from the Low Countries as well. The sodomite sculptor Hiëronymus Duquesnoy made his own version, but also artists whose sexual reputation was far less charged, depicted this mythological scene. Dutch painter Rembrandt (1606-1669) was one of them and, in the Southern Netherlands, Peter Paul Rubens even portrayed the story twice. However, it is very unlikely that Northern artists such as Rembrandt and Rubens actually intended to convey a homoerotic message through their paintings. Early modern Humanists tended to interpret the myth along Neo-Platonic lines, in this way depriving it of its same-sex connotations. Ganymede’s ‘assumption’ was explained as an allegoric rejection of the worldly

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**Figure 5. Peter Paul Rubens, The Rape of Ganymede (1636-1638). Madrid, Museo del Prado**
corporeality in an attempt to gain immortality in the kingdom of heaven by the pure and innocent human soul. In Rembrandt’s representation of the theme, there is little same-sex attraction to be discerned since Ganymede is depicted as a contemporary toddler who is crying and wetting himself out of fear of the stark-looking eagle. Rubens too portrayed Ganymede in a rather neutral way (fig. 5). On the one hand, James Saslow has pointed out the daring positioning of the quiver with which the divine eagle seems to penetrate Ganymede in the Prado version of the story, but on the other hand he also interprets both versions as “fundamentally unsympathetic to the myth’s erotic significance.”

Sixteenth-century painter Michiel Coxcie (1492-1599) took more inspiration from Italian examples in his depiction of the myth of Ganymede. The ‘Flemish Raphael’ made an exceptional adaptation of an original drawing by Michelangelo, which was later distributed as a print (fig. 6). In Coxcie’s drawing, the disguised Jupiter intimately embraces Ganymede while two people and some dogs watch this dramatic abduction in disbelief, a narrative element that is not present in Michelangelo’s drawing from 1532-1533. Furthermore, Coxcie’s contemporary Pieter Coecke van Aelst (1502-1550) was probably responsible for the cartoon design of a tapestry depicting the story, that

![Figure 6. Michiel Coxcie, The Rape of Ganymede (1544-1566). London, The British Museum](image-url)

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was also inspired by Michelangelo’s motive.149

Although the subject was clearly not completely unknown in the Low Countries, art theoreticians were rather ambivalent about portraying this particular myth. Karel van Mander (1548-1606), a Flemish painter and art theoretician who had moved to the Dutch Republic, wrote about Ganymede in his famous Schilder-boeck, in which he described the life and work of about 250 painters, alongside reflections on art theory. Karel van Mander acknowledged the beauty of Ganymede, but he adhered to the Neo-Platonic view which saw Ganymede as ‘the human soul that is hardly stained by the carnal impurity of evil lusts’.150 While van Mander remained close to the Humanistic interpretation of the myth, others were more concerned about the homoerotic potential of the abduction scene. Seventeenth-century painter and author Samuel van Hoogstraten (1627-1678) wrote that ‘one should not display in paintings those subjects that are not decent’. Sins should not set an example, since the story was in conflict with the decorum, as it enticed youths to commit indecent acts themselves. He mentioned how a young man, moved by seeing paintings with the stories of Ganymede and Appolo and Hyacinth, allegedly asserted that it was ‘no mistake to follow the Gods’.151 Despite the sublimations of the Ganymede myth, its homoerotic character never disappeared in the Low Countries, making it a somewhat daring subject for early modern artists.152

And yet, the story of Ganymede was not the only Greek myth hinting at same-sex desires that inspired artists in the Low Countries. In fifteenth-century Bruges, printer Colard Mansion (before 1457-after 1484) incorporated a woodcut of Orpheus in his edition of Ovid’s Métamorphose (fig. 1).153 According to Ovid’s version of the myth, Orpheus rejected the love of women altogether after the death of Eurydice. From that point on, he devoted himself to the love of young men. He had to pay for this choice with his life, since

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150 “By Ganymedes wort verstaen de menschlijke Siele, de ghene die alderweynichst met de lichaemlijcke onreynicheden der quade lusten is bevleckt: dese wort van Gode vercozen ne tot hem ghetrocken.” Karel van Mander, Het Schilder-boeck… (Harlem: Passchier van Wesbusch, 1604), fol. 87r.
151 “Gy en moet in geen Schilderye brengen ‘t geene niet behoorlijk is gezien te worden; en veele zaken zult gy voor den oogen verbergen, die d’omstandicheden genoeg zullen te kennen geeven. (...) het geene onstichtlijk is, behoort men te verbergen, de beschedenheit laet niet toe, de zonden ten voorbeelt te stellen: want den voorgang der ouden stelt den koers aen de jeugt. Een jongeling, zeytmen, wiert door ‘t zien van de Schilderyen, daer Ganymedes ontschaekt wiert, van d’onbeschaemde Nais, die Hylas troetelde, van Apollo en Hyacint, zoo ontroert, dat hy uitberste: Ten is geen dooling de Goden te volgen.” Samuel van Hoogstraten, Inleyding tot de Hooge Schoole Der Schilderkonst (Rotterdam: Francois van Hoogstraten, 1678), 94.
this was the reason why he was stoned to death by the Ciconian women. In Mansion’s woodcut, designed by an anonymous artist, Orpheus is holding a young male in his arms. He consciously steps towards the object of his desire, puts one arm around the boy, and the other on the boy’s chest. On the right-hand side of the background, Orpheus’ execution is displayed alongside a dragon looking over his corpse. According to Robert Mills, the dragon symbolized the fact Orpheus’ death was not the mere result of the vengeance by the Ciconian women, but a just punishment for sodomites, since the dragon alluded to hell, Orpheus’ final destination.

Although the image clearly conveys moral disapproval with regard to the depicted acts, the woodcut nevertheless holds a unique position in the Low Countries. The image is by far the most ‘explicit’ visual representation of sexual desires between men in the region. However, in which this print appeared was not subversive at all. According to Evelien Hauwaerts, “Mansion’s edition of Ovid’s Métamorphoses is the printed embodiment of aristocratic bibliophile taste in the Burgundian Low Countries.” The luxurious images were tailored to the luscious taste of the elite. Moreover, by portraying Orpheus and his lover in the attire of contemporary Burgundian city dwellers, with a typical urban panorama consisting of stone structures and towers looming in the background, the woodcut is deeply embedded in the urban culture of the Burgundian Netherlands. This local intertwining makes Mansion’s choice to portray Orpheus’ sexual desires so openly all the more striking. When the Métamorphose came onto the market in Bruges in 1484, the zeitgeist was anything but benevolent towards same-sex acts. As we will see in the next chapter, Bruges witnessed an exceptionally severe repression of sodomy during the last decades of the fifteenth century.

156 The text too leaves no doubt about its disapproval of Orpheus’ desires, which are said to be “oultre mesure cruel et contre nature”. Publius Ovidius Naso, Métamorphose (Bruges: Mansion Colard, 1484), livre X, non-foliated. The two prints used in this research are: Paris, Bibliothèque nationale de France (hereafter BnF), département Réserve des livres rares, RES G-YC 1002 and Bruges, Public Library, Incunabula 3877, non-foliated.
157 Mansion also included an explicit account of the myth of Iphis and Ianthe, including an anecdote in which Iphis was said to have used a dildo during intercourse with Ianthe. See chapter six, note 68.
159 Andrea Pearson even somewhat prematurely claims that the twenty-three-year-old and unmarried Maarten van Nieuwenhove -who would later become mayor of Bruges- conciously chose to be portrayed in the company of the “infant Jesus –the Incarnate Christ who had yet to experience sexual stirrings of any kind, rather than the adult, suffering Savior onto whose body all modes of homoerotic responses could readily be grafted-“ to avoid homoerotic implications in his life and his devotional diptych painted by Hans Memling in 1487. Andrea Pearson, Evisoning Gender in Burgundian Devotional Art, 1350-1530. Experience, Authority, Resistance (Aldershot: Ashgate, 2006), 124.
Contemporary images depicting same-sex desire were far more subtle than Mansion’s woodcut, and, in many cases, the homoerotic potential of a specific image was largely dependent on the willfulness of the observer to perceive it in this particular way. For example, Andrea Pearson interprets a series of paintings from the sixteenth-century Antwerp painter Joos van Cleve (1485-1541) and his workshop, in which the Infants Christ and Saint John the Baptist are embracing and kissing each other intimately as suggestive representations of same-sex desires (fig. 13). She claims that, for certain observers, “the paintings perhaps comfortingly challenged not only the norms of marriage and reproduction (…) but also the presumed damnation of same-sex practitioners.”

Furthermore, Diane Wolfthal, identifies the depiction of the Falconer and his companion (fig. 9) by the Housebook Master (dated between 1483 and 1487) as neutral or even sympathetic towards homoeroticism. In this drawing, two courtiers appear to have been portrayed as lovers surrounded by affirmative symbols of love.

However, similar positive attitudes are rare in Netherlandish art. Allusions to sodomy were commonly moralizing in nature. Among others, this was the case for another sodomite falconer and his companion, who were reflected in a mirror in Petrus Christus’ Couple in a Goldsmith’s Shop from 1449. While the falcon they are holding “signals the erotic nature of the couple’s relation”, the cracks in the mirror would then serve as a means to criticize the couple’s sinful behavior. They represent “a negative model that contrasts with the ideal bridal couple”. Since the Bruges’ painter Petrus Christus (ca. 1415-1476) presented sodomy as the negative counterpart of holy matrimony, he reinforced the image of sodomy as a threat to society.

Sodomy also had a clear moral connotation in the works of Hiëronymus Bosch (ca. 1450-1516) who included several suggestive references to same-sex acts in his oeuvre. The most obvious ones are to be found in his triptych The Garden of Earthly Delights, where he depicted several sodomites among the sinful crowds: one man is inserting flowers in the anus of another man (fig. 21), while others are drinking from phallus-shaped vessels. In the panel depicting hell, Bosch also included a man with musical notation on his buttocks, and another being played like a harp, among other tuneful allusions to sodomy. Bosch was probably inspired by similar condemning miniatures in the many luxurious manuscripts and

early prints that were produced in the Low Countries.\textsuperscript{164} Surprisingly enough, apart from two news prints made by Frans Hogenberg (1535–1590) in 1578,\textsuperscript{165} outright condemnations of sodomy in the form of execution scenes are virtually absent from the late medieval and early modern art from the Southern Low Countries. This obviously does not mean that this was the case for execution scenes in general,\textsuperscript{166} but it seems that artists in the region preferred referring to sodomy in a more veiled way.\textsuperscript{167}

1.5 Conclusion

The discursive framework regarding sodomy in the Southern Netherlands is dominated by a deep pursuit of silence and discretion. This is aptly illustrated by the fact that there was no actual legislation on the unnatural sin in the region. Of course, it is possible that certain local ordinances are lost, but from the preserved coutumes it seems that the urban level, which was responsible for the conviction of sodomites, hardly ever issued laws with regard to this crime. And neither did the central government, with the exception of the homologized criminal laws in the Carolina, which unofficially influenced court practice in the Southern Netherlands. Certain jurists, such as Wielant and de Damhouder, did write about sodomy. It is possible that their authority was so indisputable that it seemed unnecessary to convert their guidelines into actual laws.

Nevertheless, despite their large impact on legal practice in the region, and despite the fact that they were the ones who defined the crime of sodomy and prescribed penalties, there is also a strong emphasis on silence in their treatises. Furthermore, as shown by references to biblical passages, church fathers, and theologians, these works are heavily influenced by religious discourse. In short, the aspects of sodomy that were discussed in these treatises were also core elements of religious texts dealing with the matter, both theological texts aimed at scholars and devotional ones that focussed on an

\textsuperscript{164} Michael Camille, “‘For Our Devotion and Pleasure’: The Sexual Objects of Jean, Duc de Berry,” Art History 24, no. 2 (2001): 181; Paul Durrieu Livre de prières pour Charles le Téméraire par son enlumineur en titre Philippe de Mazerolles (le maître de la “Conuête de la Toison d’or”) (Paris : Leroux, 1916), 130-D.

\textsuperscript{165} These prints will be discussed more elaborately in chapter nine.


\textsuperscript{167} However, elsewhere in late medieval Europe too, execution scenes of sodomites were a rarity. An exceptional example is Die Grosse Burgunder-Chronik, depicting two sodomites burning at the stake in Zürich in 1482. In the eighteenth-century Dutch Republic then again, numerous leaflets containing song texts and woodcuts about sodomy executions were printed. See: James Saslow, Pictures and Passions. A History of Homosexuality in the Visual Arts (New York: Penguin Books, 1999), 76-77; Roelens, “Songs of Sodom.”
urban lay audience. These texts emphasized that sodomy was the gravest of all sins and that God’s wrath would descend upon societies who tolerated the sin against nature. Obviously, the prime example of this divine punishment was the biblical story of Sodom and Gomorrah, which appears time and time again in numerous sources.

The imaginative language used to describe the stinking sulfur, the rains of fire and the pits of hell, made Sodom and Gomorrah an ideal subject for various artistic genres, among others music and the visual arts. Consequently, the silent sin was perhaps discussed more often than certain moralists might have liked. However, while these cultural expressions accentuated the didactic part of the story by focussing on Sodom’s destruction, their audience was mostly left in the dark about the actual sins committed by its inhabitants. Furthermore, aside from the moralizing story of the two biblical cities, the act of sodomy was far less common as a theme in the cultural life of the Southern Netherlands. Hence, in the end, silence prevailed. Of course, the fact that sodomy was unsuitable to talk, write or sing about among the general public did not imply that such acts did not take place. Neither did the existence of this climate of silence mean that legal authorities or concerned neighbors turned a blind eye when confronted with ‘unnatural’ same-sex acts. In fact, the continuous apocalyptic warnings about divine wrath and the accompanying fear that the entire urban community would suffer from the sinful behavior of some individuals might have played an important role in the willingness to prosecute these sexual acts. In the next chapter, we will focus on the actual persecution of sodomy. We will also examine when this persecution peaked and whether there were any geographical differences within the region regarding this repression.
Part II  URBAN PROSECUTIONS

“A minority is only thought of as one when it constitutes some kind of threat to the majority, a real threat or an imagined one. And therein lights the fear. If that minority is somehow invisible, than the fear is much greater. And that fear is why the minority is persecuted and so you see there always is a cause. The cause is fear. Minorities are just people. People like us.”

*George Falconer (Colin Firth) in ‘A Single Man’ (Tom Ford, 2009).*
Figure 1. Frans Hogenberg, Mendicants at the stake in Bruges (1578). Bruges, City Archives Bruges, Collectie G. Michiels, 54
Chapter 2.

Cycles in the urban prosecution policy

2.1 Introduction

On August 25, 1292, a knife maker by the name of Jean de Wettre was to be executed for the crime of sodomy. He would be one of the first people in medieval Europe to be tried for such an offense.\(^1\) He was put on the stake near the gallows of St. Peter’s village, south of the medieval city center of Ghent.\(^2\) His execution marked the cautious start of a centuries-long persecution of so-called unnatural sexual desires in the Southern Low Countries. As far as we know, the last victim of this persecution died in 1667. In Arlon, a city in the Duchy of Luxemburg, a young man was burned to death as he confessed having had carnal conversation with ‘cows, mares, sows and other similar animals.’ Furthermore, the hangman was ordered to strangle and burn every animal that the accused had ‘known against nature.’\(^3\) In the period between these two executions, hundreds of people would be arrested on suspicion of sodomy. Men and women from all ranks and positions, youths and elders, locals and newcomers had to answer questions about their unnatural sexual encounters. The answers they gave determined whether they would live or die.

This chapter will investigate the actual scale of the sodomy prosecution in the Southern Netherlands by tracing the number of trials that took place in Antwerp, Bruges (and the Liberty of Bruges), Brussels, Ghent, Leuven, Mechelen and Ypres between ca. 1400 and 1700. Although the number of people sentenced for sodomy should not be

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\(^1\) To my knowledge, Jean de Wettre was preceded by Dominus de Haspisperch, who was sentenced to the stake by the German King Rudolf I of Habsburg in 1277. In Medieval Navarre, a Moor and two Jews were killed for sodomy in 1290. Puff, *Sodomy in Reformation Germany and Switzerland*, 17; Monter, *Frontiers of heresy*, 280.


\(^3\) Brussels, National Archives of Belgium (hereafter NAB), Chambers of Account (hereafter CA), 13197, non-foliated. Mary-Sylvie Dupont-Bouchat, *La Belgique criminelle. Droit, justice, société (XIV\(^{-}\)-XX \(^{-}\) siècles)* (Louvain-la-Neuve: Presses universitaires de Louvain, 2006), 70.
underestimated, prosecuting same-sex acts was not a continuous priority for the authorities in the Southern Low Countries. During the course of more than three centuries, there were large fluctuations in the number of convictions, and there were significant geographical differences in the intensity with which sodomy was punished.

As we will see, there was a peak in the number of convictions for sodomy during the second half of the fifteenth and the first quarter of the sixteenth century. Through a comparative overview of the prosecution policies in early modern Europe we can examine to what extent the situation in the Southern Netherlands was exceptional or not. Furthermore, this chapter will also provide some possible explanations for the temporary intensification of the search for sodomites by the early modern authorities, as well as for the harsh persecution climate in several specific cities.

2.2 Sodomy in the Southern Netherlands: facts and figures

Up until recently, sodomy has been more or less neglected in the historiography of the Southern Netherlands. Hence, quantitative data on the persecution of this crime is scarce. However, some figures have appeared in general studies on the history of criminality in the Low Countries. Already in 1947, Louis-Theo Maes noted seven executions for sodomy in late medieval Mechelen.4 Fernand Vanhemelryck discovered that 33 people were found guilty of sodomy in Brussels between 1400 and 1600.5 However, his figures should be treated with caution, as Vanhemelryck also cites examples from other cities such as Antwerp in his study on Brussels. In 1996, Marc Boone published a meticulous study on sodomy in late medieval Bruges in which he discussed the execution of 90 individuals between 1385 and 1515. In doing so, he drew attention to Bruges’ exceptional position in international historiography. Although Boone offered his results as a “starting point for further inquiry on ‘sodomy’ and the marginalization of homosexuals in general in the Burgundian Low Countries,”6 few historians have investigated same-sex acts in this region ever since. Nevertheless, Mariann Naessens has discovered that six men were convicted for sodomy in late medieval Kortrijk,7 a medium-sized Flemish town with about 5300 inhabitants in the fifteenth century.8 She also noted that 27 individuals were

5 Fernand Vanhemelryck, De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het Ancien Régime (1404-1789) (Brussels: Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten, 1981), 159.
penalized in Ghent.\textsuperscript{9} However, up until now, no one has carried out a systematic study of sodomy, or has attempted a comparison between the results from several cities in the Southern Netherlands.\textsuperscript{10}

<table>
<thead>
<tr>
<th>City</th>
<th>Trials</th>
<th>Accusations</th>
<th>Executions</th>
<th>Mortality rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruges</td>
<td>75</td>
<td>179</td>
<td>113</td>
<td>63.12%</td>
</tr>
<tr>
<td>Ghent</td>
<td>37</td>
<td>70</td>
<td>35</td>
<td>50.00%</td>
</tr>
<tr>
<td>Liberty of Bruges</td>
<td>21</td>
<td>43</td>
<td>31</td>
<td>72.09%</td>
</tr>
<tr>
<td>Brussels</td>
<td>25</td>
<td>36</td>
<td>28</td>
<td>77.77%</td>
</tr>
<tr>
<td>Antwerp</td>
<td>19</td>
<td>23</td>
<td>16</td>
<td>69.56%</td>
</tr>
<tr>
<td>Leuven</td>
<td>15</td>
<td>18</td>
<td>15</td>
<td>83.33%</td>
</tr>
<tr>
<td>Ypres</td>
<td>9</td>
<td>13</td>
<td>7</td>
<td>53.84%</td>
</tr>
<tr>
<td>Mechelen</td>
<td>6</td>
<td>24</td>
<td>7</td>
<td>29.16%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>207</td>
<td>406</td>
<td>252</td>
<td>62.06%</td>
</tr>
</tbody>
</table>

Source: bailiff accounts and urban legal records (see Appendix 1)

This is remarkable given that such a comparison of the repression policy of different cities is facilitated by the fact that there is a uniform source at our disposal that was drawn up by all urban governments under scrutiny in this study: bailiff accounts. As mentioned before, these accounts were concise records of the expenses and revenues of justice in a particular town. Since the structure of this source material is similar for all the analyzed cities and because there are barely any temporal gaps in the accounts, this source allows us to chart the ups and downs in the punishment of a particular crime in a larger geographical area. However, we should not forget that bailiff accounts are not without methodological difficulties. Several bailiffs were notorious for their corruption and obscured revenues on a regular basis. Obviously, their accounts do not mention this type of income and the crimes associated with it. Moreover, it is very likely that a large number of crimes never came to their attention, especially since there were many sodomy cases in which there was a lack of incriminating evidence. Hence, we must assume that the figures presented in table 1 are only approximate minimums.\textsuperscript{11}


\textsuperscript{10} Several other individual cases have been described in unpublished Master’s or doctoral theses, and publications focussing on local history. These cases were included in Appendix 1.

\textsuperscript{11} It is important to note that the graphs and tables used in this chapter only contain data from sodomy trials found in the studied bailiff accounts or legal documents of the relevant city archives. As no systematic analysis of ecclesiastical and central tribunals took place within the framework of this research, data from these court documents were not included in the statistical analysis. Entries on sodomy trials in chronicles that were not corroborated by the judicial sources were also omitted from this statistical analysis, although they are occasionally mentioned throughout this study and are also included in appendix 1.
What is particularly striking about the figures in table 1 is the exceptionally high mortality rate related to these trials. Out of 406 accused individuals no less than 252 men and women were executed. These high numbers indicate that the prescribed punishment, death at the stake, was applied rigorously and that there was little room for leniency when the sin against nature was involved. This does not mean that it was impossible to be acquitted, nor that an accusation would always result in a sentence overnight. Nevertheless, the average mortality rate was around sixty percent: for the majority of the indicted individuals, their accusation ended at the stake. The deadly outcome of these sodomy trials becomes all the more striking when compared with the situation abroad where accused sodomites had a much greater chance of staying alive. For example, the mortality rate in trials conducted by the notorious Spanish inquisition was much lower than that in the Southern Netherlands, in spite of the bloody reputation of the infamous ecclesiastical tribunal. In early modern Barcelona, the Inquisition executed only three percent of the defendants, while those in Valencia and Zaragoza sentenced around fifteen percent of the accused sodomites to death. In Portugal too, the Holy Office executed only eight percent of those denounced for sodomy.

12 Jehan le Jaghere for example, who was “soupechonnez d’estre bouggre,” was released by the bailiff of Kortrijk in 1501 because “riens ne fu attains par justice” after an investigation was initiated “de la vie et gouvernemert de Jehan.” Brussels, CAB, CA 13820, fol. 277r. See also: Naessens, “Seksuele delicten in Kortrijk,” 30.

13 Jeorge Tamis from the Castellany Land van Waas who was accused of “l’abominable pesché de sodomie,” was in custody for no less than 308 days. Taking his long detention into consideration, he was ‘merely’ condemned to be whipped, to blister his hair and to be banned from the County of Flanders for eternity (“avoir prins regars sur sa longue détention, de le justigue de verges et etre brulé sur la teste avecq destrain, ensemble banny de sa vie durant hors le pays et conté de Flandres,” Brussels, NAB, CA, 14479, fols. 12v-13r.

14 Other ways of executing the death penalty were extremely rare when sodomy was concerned. In 1381-1382, Hannen le Sot was buried alive in Valenciennes. He was privately executed “pour ce qu’il avoit grace”. Lille, Archives départementales du Nord (hereafter ADN), Série B, no. 11707 (Valenciennes 1381-1382), fol. 29v; Nathalie Demaret “Le bourreau : icône de la haute justice. Le maître des hautes œuvres, la torture et les exécutions criminelles dans deux principautés en mutation: Hainaut et Brabant (ca. 1350- ca. 1570),” (Unpublished PhD dissertation, Université Catholique de Louvain-La-Neuve, 2016), 281. A certain Jehan from Namur was drowned in the river Meuse for bestiality during 1534. Namur, State Archives in Namur (SAN), T07 (haute Cour de Namur), no. 1237 (Informations, sentences criminelles 1517-1541), fols. 42v-43r; Françoise Jacquet-Ladrier, “Aspects de la criminalité à Namur au début du XVIe siècle,” Cahiers de Sambre et Meuse 2015, no. 2: 68. Several men were beheaded: Anonymous (Halen, 1427), Corneille Vander Poorten (Tournai, 1494); Jacques Kint (Kortrijk, 1523), Hans van Hoey (Zoutleeuw, 1552), Jacomo dy Rossy (Antwerp, 1557). Bruges, CAB, Series 192, no. 1 (fol. 11v); Brussels, NAB, CA, 13821, fol. 161v; CA, 12679, non-foliated; CA, 12683, non-foliated; CA, 12906, fol. 209v; Naessens, “Seksuele delicten in Kortrijk in de late Middeleeuwen,” 32; Koen Vandevenne, “De criminaliteit in de hoofdmeierij van Tienen van 1404 tot 1555” (Unpublished MA Thesis KU Leuven, 2005), 163.

15 Berco, Sexual Hierarchies, Public Status, 76.

2.2.1 A persecution with ups and downs

Although the urban authorities in the Southern Netherlands were clearly not inclined to show compassion in sodomy trials, the persecution of the unmentionable vice was not a constant priority. This was also the case in Bruges, the city with the most distinct prosecution figures in the region. We will discuss the reasons for this exceptional situation in detail later on. For now it is clear that even in a city with high prosecution rates, the number of sodomy accusations showed ups and downs. This becomes clear when we take a look at the Verluydboek, a civic register in which were recorded all criminal cases where corporal punishments or the death penalty were imposed.\textsuperscript{17} Unfortunately the Verluydboek is only available from 1490 onwards. Still, the information it provides is quite revealing. Between 1490 and 1515—a relatively short period of 25 years—sodomy was the second most prosecuted crime in the city, second only to theft, and it constituted over 15 percent of all punished offenses, as can be seen in table 2. Given these high numbers, sodomy appears to have been a crime which troubled both locals and officials.

\begin{table}[h]
\begin{center}
\begin{tabular}{lrrrrrr}
\hline
Crime & TOTAL & % & Total & Foreigners & Total & Foreigners \\
\hline
Theft & 63 & 46.30 & 33 & 18 & 30 & 22 \\
Sodomy & 21 & 15.40 & 5 & 1 & 16 & 6 \\
Homicide & 12 & 8.80 & 0 & 0 & 12 & 8 \\
Fraud & 7 & 5.20 & 7 & 6 & 0 & 0 \\
Rape & 6 & 4.40 & 0 & 0 & 6 & 4 \\
Prostitution & 4 & 3.00 & 4 & 2 & 0 & 0 \\
Arson & 3 & 2.20 & 0 & 0 & 3 & 1 \\
Breaking of ban & 3 & 2.20 & 0 & 0 & 3 & 0 \\
Vagabondage & 3 & 2.20 & 3 & 3 & 0 & 0 \\
Threat of violence & 3 & 2.20 & 3 & 0 & 0 & 0 \\
Violence & 3 & 2.20 & 3 & 1 & 0 & 0 \\
Rebellion & 2 & 1.50 & 0 & 0 & 2 & 0 \\
False accusation & 2 & 1.50 & 2 & 0 & 0 & 0 \\
Criminal assault & 1 & 1.50 & 0 & 0 & 1 & 0 \\
Sexual abuse & 1 & 0.80 & 1 & 1 & 0 & 0 \\
Counterfeit & 1 & 0.80 & 0 & 0 & 1 & 1 \\
Blasphemy & 1 & 0.80 & 1 & 1 & 0 & 0 \\
\hline
TOTAL & 136 & 100.30 & 62 & 33 & 74 & 42 \\
\hline
\end{tabular}
\end{center}
\textit{Source: Boone, “State Power and Illicit Sexuality,” 143}
\end{table}

As a result, repression of sodomy was distinctly on the rise during this period, an evolution which becomes clear when looking at the data in table 3, retrieved from the fifteenth-century bailiff accounts from Bruges. A small decline in the second quarter of the century notwithstanding, the number of prosecutions was rather constant and shows a considerable rise in the third quarter of the fifteenth century. Although a large number

\textsuperscript{17} André Vandewalle, \textit{Beknopte inventaris van het stadsarchief van Brugge. Deel I: oud archief} (Brugge: Gemeentebestuur, 1979), 90-93.
of sodomites were condemned in Bruges during the sixteenth century too, this persecution was not a constant phenomenon. The second volume of the Verluydboek covers the period between 1537 and 1555, during which we see a significant shift in priorities. As shown in table 4, theft remained crime number one by a large margin, yet sodomy fell back and was only the eleventh most persecuted crime in Bruges between 1537 and 1555.

Table 3. Bruges, 1400-1499. Types of punishment for sodomy per decade

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1400-1409</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>1410-1419</td>
<td>8</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>1420-1429</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>1430-1439</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>1440-1449</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1450-1459</td>
<td>17</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td>1460-1469</td>
<td>15</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
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<td>9</td>
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<tr>
<td>1490-1499</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>TOTAL</td>
<td>75</td>
<td>3</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>86</td>
</tr>
</tbody>
</table>

Source: NAB, CA 13675-13689, 13769-13783

Table 4. Bruges, 1537-1555. Executions and bodily punishments pro type of crime

<table>
<thead>
<tr>
<th>Crime</th>
<th>Corporal punishment</th>
<th>Execution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL</td>
<td>%</td>
</tr>
<tr>
<td>Theft</td>
<td>78</td>
<td>29.00</td>
</tr>
<tr>
<td>Violence</td>
<td>34</td>
<td>12.64</td>
</tr>
<tr>
<td>Breaking of ban</td>
<td>22</td>
<td>8.17</td>
</tr>
<tr>
<td>Adultery</td>
<td>21</td>
<td>7.80</td>
</tr>
<tr>
<td>Heresy</td>
<td>20</td>
<td>7.43</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>18</td>
<td>6.69</td>
</tr>
<tr>
<td>Fraud</td>
<td>17</td>
<td>6.31</td>
</tr>
<tr>
<td>Vagabondage</td>
<td>13</td>
<td>4.83</td>
</tr>
<tr>
<td>Homicide</td>
<td>10</td>
<td>3.71</td>
</tr>
<tr>
<td>Prostitution</td>
<td>9</td>
<td>3.34</td>
</tr>
<tr>
<td>Sodomy</td>
<td>6</td>
<td>2.23</td>
</tr>
<tr>
<td>Child abandonment</td>
<td>5</td>
<td>1.80</td>
</tr>
<tr>
<td>Gambling</td>
<td>4</td>
<td>1.48</td>
</tr>
<tr>
<td>Counterfeit</td>
<td>3</td>
<td>1.11</td>
</tr>
<tr>
<td>Rape</td>
<td>3</td>
<td>1.11</td>
</tr>
<tr>
<td>Blasphemy</td>
<td>2</td>
<td>0.74</td>
</tr>
<tr>
<td>False accusation</td>
<td>2</td>
<td>0.74</td>
</tr>
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<td>Witchcraft</td>
<td>1</td>
<td>0.37</td>
</tr>
<tr>
<td>Infanticide</td>
<td>1</td>
<td>0.37</td>
</tr>
<tr>
<td>TOTAL</td>
<td>269</td>
<td>100</td>
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</tbody>
</table>

Source: CAB, Series 192, no. 2

Unfortunately, there is a gap in the Verluydboek until 1611, making it impossible to verify whether this evolution continues throughout the late sixteenth century. However, the fact that priority apparently was given to other crimes, does not mean that same-sex
acts were condoned in sixteenth-century Bruges. As table 5 shows, no less than 83 people were accused of sodomy between 1500 and 1599. Nevertheless, the majority of these convictions took place during the first quarter of the sixteenth century. The sixteenth-century figures are slightly distorted because a significant number of individuals was arrested in the context of an anti-clerical show trial in 1578 (cf. infra). Nevertheless, it is clear that the number of trials reached its zenith between approximately 1450 and 1525 and slowly declined since then.

Consequently, even in a city with a pronounced prosecution policy such as Bruges, the number of actual trials was subject to ebbs and flows. This was also the case throughout the Southern Netherlands. While the figures of the other cities may be less pronounced, they do follow the same pattern: in other places too, the number of trials peaks between approximately 1450 and 1525, after which they fall back and almost completely disappear from 1600 onwards as can be seen in the chronological overview offered in appendix 2. No cases were found in the seventeenth-century bailiff accounts of Ypres, Mechelen, Brussels or the Liberty of Bruges, and only a handful of accused sodomites appear in the accounts of Antwerp, Leuven, Ghent and Bruges.18

<table>
<thead>
<tr>
<th>Years</th>
<th>Executions</th>
<th>Fines</th>
<th>Releases</th>
<th>Corp. pun.</th>
<th>Ban.</th>
<th>Corp. pun. + Ban.</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1500-1509</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>1510-1519</td>
<td>17</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>21</td>
</tr>
<tr>
<td>1520-1529</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<td>7</td>
</tr>
<tr>
<td>1530-1539</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1540-1549</td>
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<td>0</td>
</tr>
<tr>
<td>1570-1579</td>
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<td>5</td>
<td>10</td>
<td>8</td>
<td>3</td>
<td>3</td>
<td>32</td>
</tr>
<tr>
<td>1580-1589</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1590-1599</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
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<td>0</td>
<td>6</td>
<td>18</td>
<td>9</td>
<td>10</td>
<td>7</td>
<td>83</td>
</tr>
</tbody>
</table>

Source: NAB, CA 13783-13790

Could the decrease in the number of sodomy trials in the bailiff accounts be the result of the fact that another tribunal increasingly accounted for the persecution of the unnatural vice? Officialities, or diocesan ecclesiastical courts, for example, could have played this role, especially since these courts, in the aftermath of the council of Trent (1545-1563), were increasingly responsible for the treatment of sexual sins such as adultery.19 However, based on the studies by Jozef De Brouwer, Tom Bervoets, Marc

18 The other legal sources consulted, for example the Bouc vanden crime or the Criminele processtukken from Ghent affirm this trend. See also: Anne-Marie Roets, “Rudessen, dieften en andere crimen’. Misdadigheid te Gent in de zeventiende en achtste eeuw: een kwantitatieve en kwalitatieve analyse,” (Unpublished PhD Dissertation, Ghent University, 1987), 35.

19 This was especially the case in the seventeenth century. Under Austrian rule, ecclesiastical jurisdiction was increasingly curtailed in the Southern Netherlands. See Tom Bervoets, “Caught between Compromise and
Carnier and Sébastien Dubois on the officialities of Ghent, Antwerp, Mechelen and Liège during the seventeenth and eighteenth century, there seems to have been no significant increase in the amount of sodomy cases dealt with by these ecclesiastical courts. Just as in the previous centuries, the number of sodomites convicted by the officialities remained remarkably low. Consequently, there was no shift in power between secular and ecclesiastical tribunals when sodomy was concerned. Hence, we must conclude that same-sex acts were simply less prosecuted during the seventeenth century than in the previous period, as is also displayed in figure 8, which shows the evolution of the number of sodomy trials throughout the region.

![Figure 8. Number of sodomy trials in the Southern Netherlands (1400-1700).](image)

The fact that fewer sodomites came to court from 1600 onwards, does not mean that the authorities were no longer worried about sodomy. Temptation still lurked around every corner. In a public announcement of 1679, for example, the mayor of Antwerp emphasized the danger of unrestrained nudity in public. Although the announcement was meant to address the issue of prostitution, the local magistracy used an example of male-male seduction to reinforce its argument by claiming that the Romans forbade their soldiers to bathe naked in the river in the vicinity of their military camp. Instead, they

Conflict. The Establishment and Institutional Development of the Ecclesiastical Court(s) in the Early Modern Archdiocese of Malines,” in Church, Censorship and Reform in the Early Modern Habsburg Netherlands, eds. Violet Soen, Dries Vanysacker and Wim François (Turnhout: Brepols, 2017), 233.

20 Although technically, the Prince-Bishopric of Liège never belonged to the Seventeen Provinces, the Burgundian-Habsburg dynasty unofficially controlled the Principality.

were urged to do this out of everyone’s sight so that their fellow legions would not be incited to unchastity.\textsuperscript{22} In a discursive \textit{tour de force}, the Antwerp aldermen made it clear to its male population that homoeroticism was still unacceptable in the baroque age, and that sodomy was a pagan practice that belonged in a distant past. However, that this crime was all but extinct, is clear from the prosecution figures in other European regions. A comparative overview of the early modern persecution of same-sex acts will show how the situation in the Southern Netherlands relates to that in the rest of the European continent.

\section*{2.3 Cycles in early modern Europe}

The fact that sodomy was such a broad concept in early modern Europe implies that very few patterns on the subject can be detected throughout the continent. Among contemporaries, there was even some ambiguity about what type of physical actions exactly constituted sodomy. In contrast to the Southern Netherlands for instance, masturbation was not considered as a vice against nature in early modern Venice. As a result, it was seldom penalized; even group masturbation that did not involve physical contact, though not approved, remained unpunished.\textsuperscript{23} Bestiality was hardly ever mentioned in the sources in metropolitan cities, whereas in rural areas it accounted for the major part of the sodomy trials. In certain regions, age and sexual role had a larger impact on the penalty than elsewhere. Yet in spite of these differences, it remains interesting and necessary to investigate how and when sodomy became a priority for the local authorities throughout Europe. Temporal differences in the repression of sodomy can highlight the factors that stimulated a decisive prosecution policy, both in the Southern Netherlands as elsewhere.

\subsection*{2.3.1 Italy}

The obvious starting point for our comparative analysis is (Northern) Italy, which was one of the regions that was most closely related to the Southern Netherlands. Both areas were densely urbanized, and had a decentralized political structure in which rich merchant cities were particularly dominant. Nevertheless, early modern Italy is a specific case when it comes to sodomy because of the exceptionally high number of prosecutions. Florence, for example, was notorious for its sodomite reputation throughout Europe. As

\begin{footnotesize}
\textsuperscript{22} “(…) Waer by expresselijck is verboden, dat niemandt van hunne soldaten hem en soude vervoorderen sijn selven naeckt zijnde te wasschen inde riviere, in het aensien van hun-nen legher: maer dat het selve soude hebben te doen buyten het ghesicht van een ieghelijck, op dat de soldaten daer door niet en souden verweckt worden tot onkuyscheyt; sulckx dat aen ons Christenen het exempel der heydenen ghenoechsaem behoorde te overtuughen onse ongeregelt-heyt ende lichteerdigheyt, al waer ’t saecken dat het selve nicht een wierde geinterdiceert (…)” Antwerp, Felixarchief, V 1840 (Brothels 15th-19th century), non-foliated.

\textsuperscript{23} Ruggiero, \textit{The Boundaries of Eros}, 114-15.
\end{footnotesize}
a result, in 1432 the city council of Florence therefore started actively discouraging same-
sex acts between men by establishing a special court, the so-called *Ufficiali di Notte* or
Officers of the Night. Michael Rocke discovered that in this city, with a relative stable
population of about 40,000 inhabitants, an average of 400 men were arrested on a yearly
basis and that between 55 and 60 of them were effectively convicted for same-sex acts.
This means that, between 1432 and 1502, the Officers of the Night have arrested about
17,000 people, of whom 3,000 were convicted. According to Rocke, the majority of the
adult men in fifteenth-century Florence were officially arrested at least once during their
lifetime because of *il nefando vizio della sodomia*, which was part and parcel of everyday life
in this Tuscan city. The light penalties are at least part of the explanation for this
situation. As already mentioned, Florence was one of the few cities in early modern Italy
where sodomites were not sentenced to death but were simply fined. These mild punitive
measures possibly lowered the threshold for effective prosecution. When in 1502 the city
abolished the *Ufficiali di Notte*, sodomy remained a priority for the Florentine republic
throughout the sixteenth century.

The city council of Venice also showed a remarkable persistence in the persecution
of sodomy. Unlike in Florence, however, Venetians could in fact be burned alive for
sodomy, which occurred for the first time in 1342. Nicholas Davidson found no less than
771 sodomy trials dating from the fifteenth to the early seventeenth century in the
archives of the *Collegio dei sodomiti* (a special tribunal established by the Council of Ten in
1418), and Guido Ruggiero analyzed 314 cases from 1326 to 1500. These large numbers
illustrate the vigor with which Venice tried to root out the crime against nature.
Nevertheless, this does not mean that they stay constant throughout the years. There are
significant ups and downs. Just like in the Southern Netherlands, the number of
individuals tried for sodomy grew significantly during the fifteenth century: Ruggiero
reports a tenfold increase between mid-fourteenth and mid-fifteenth century. This
evolution continued during the sixteenth century, yet from 1600 onwards, the scale of
prosecution declined again. We can see a similar trend in Florence. Although Venice and
Florence had an opposite view on the phenomenon of sodomy (whereas the magistracy
of the Lagoon city considered sodomy a threat to the very existence of Venice that needed
to be eradicated, the Florentine *Signoria* generally thought of sodomy as a youthful
peccadillo that should be punished leniently), the number of accusations and convictions
rose simultaneously during the fifteenth century, just as was the case in the Southern
Netherlands.

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University Press, 1996), 4, 112.

25 Nicholas Davidson, “Sodomy in Early modern Venice,” in Sodomy in Early Modern Europe, ed. Tom Betteridge
(Manchester: Manchester University Press, 2000), 69.

In 1448, the city of Lucca created a special tribunal to systematically punish sodomites, just like Venice and Florence: l’Offizio sopra l’Onestà (Office of Decency). No fifteen-century records survive, but between 1551 and 1599 alone, 368 people were convicted for sodomy. Death penalties were occasionally pronounced, but depended on matters such as the age of the culprit and him being a recidivist or not. However, special sodomy tribunals such as these remained an exception, although, as Trevor Dean rightly points out, in the historiography of sodomy, Venice and Florence have come to stand for Renaissance Italy as a whole. In other cities on the Italian Peninsula, such as Rome, Milan, Mantua, Spoleto among others, sodomy trials were very rare during the fifteenth century. Nevertheless, in his own research Dean also reported how in Bologna as well, sodomy trials became more frequent during this era: the number of trials rose from nine during the fourteenth century to 30 during the Quattrocento. Dean characterizes sodomy as a “big-city problem”. Thanks to its university, Bologna was a city which, like Venice and Florence, attracted many immigrants, of which a large part consisted of young unmarried men.

Although the degree of urbanization unmistakably had an impact on the repression of sodomy in European regions such as Northern Italy and the Low Countries, it cannot be the sole explanation behind the intensification of the Italian repression of sodomy during the fifteenth century. After all, the number of sodomy trials increased in several cities outside these specific regions as well. In some of these, however, this did not occur until the sixteenth or even eighteenth century.

2.3.2 The Iberian Peninsula

In Valencia, tribunals appear “to have been virtually inactive against sodomy before 1570”. As we have seen earlier, comparing the amount of sodomy trials within the Spanish kingdoms is complicated, because the pecado nefando was brought under the jurisdiction of different institutions during the sixteenth century. In Castile and Andalusia sodomy was sanctioned by secular authorities, but in Aragon, Valencia and Catalonia, it was the infamous Spanish Inquisition that was responsible for the punishing...

27 Knowing that Lucca had a population of about 20,000 inhabitants, the impact of these numbers on Lucchese society should not be underestimated. Umberto Grassi, L’Offizio sopra l’Onestà: il controllo della sodomia nella Lucca del Cinquecento (Milan: Mimesis, 2014), 40.

28 Some fifteenth-century cases outside Florence and Venice can be found in: Trevor Dean, Crime and Justice in Late Medieval Italy (Cambridge: Cambridge University Press, 2007), 143. Between 1600 and 1666, however, 114 trials for the vizio nefando were conducted in Rome. Marina Baldassari, Bande giovanili e “vizio nefando.” Violenza e sessualità nella Roma barocca (Milan: Viella, 2005), 15.


of sodomites. The complexity of this judicial framework is also reflected in the fact that several historians who have examined sodomy in early modern Spain actually present different figures on the number of prosecutions. Nevertheless, despite these differences, the general trend is clear. Although sodomy trials were already being conducted sporadically during the fifteenth century, the prosecution of same-sex acts only reached its peak during the mid-sixteenth and early seventeenth centuries (c. 1550-c. 1630). This applies to both secular and Inquisitorial tribunals. During this period, the Inquisition in the Crown of Aragon presumably sentenced over 150 men to death. The secular courts in Madrid were responsible for the deaths of over 100 sodomites and those in Seville burned at least 71 men. The courts in Palermo, which was then under Spanish dominion, executed 77 individuals. During the later seventeenth century, the unspeakable sin was treated more mildly in the Spanish realm.

The same dynamics are present in the kingdom of Portugal as well. Although the law provided the death penalty for sodomites since 1446, there is no proof of any such execution actually taking place in fifteenth-century Portugal. The situation changed after the Inquisition was gradually established in the 1530s. Between 1547 and 1768, some 394 accused sodomites were put on trial, 30 of whom would die at the stake. However, it was in the seventeenth century that most Portuguese sodomites were arrested, tortured and punished. This growing intolerance can be explained by political interference from Spain, whose monarchs ruled over Portugal in a personal union from 1580 to 1640. In

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31 For instance, William Monter provides the following figures for cases conducted between 1570 and 1630: Saragossa (553), Valencia (224), Barcelona (156). Mary Elizabeth Perry cites Spanish studies that show the number of people tried from 1540 to 1700: Saragossa (791), Valencia (379), Barcelona (453), while André Fernandez gives the following number of cases, from 1560 to 1700: Saragossa (640), Valencia (301), Barcelona (242). Based on the trial summaries written by local tribunals to the Supreme Council of the Inquisition in Madrid between 1540 and 1776, Cristian Berco provides the following number of people tried: Saragossa (248), Valencia (217), Barcelona (161). Monter, Frontiers of Heresy, 288; Mary Elizabeth Perry, “The “Nefarious Sin” in Early Modern Seville,” in The Pursuit of Sodomy. Male Homosexuality in Renaissance and Enlightenment Europe, eds. Kent Gerard and Gert Hekma (New York: The Haworth Press, 1989), 71; André Fernandez, “The Repression of Sexual Behavior by the Aragonese Inquisition between 1560 and 1700,” Journal of the History of Sexuality 7, no. 4 (1997): 483; Berco, Sexual Hierarchies. Public Status, 76.


36 Soyer, Ambiguous Gender in Early Modern Spain and Portugal, 34; Mott, “Justitia et Misericórdia,” 91.


38 Ironically enough, the Portuguese succession crisis which created this Iberian Union was caused by a sodomitical incident, at least if we were to believe Harold Johnson. He rather anachronistically claims that the
1592, King Philip II issued a decree that made it easier to prosecute sodomites: from then on, a single witness’ testimony was considered enough to convict a suspect, which meant that prosecutions where no longer thwarted by contradictory evidence.\textsuperscript{39}

The increase in the number of prosecutions by the Inquisition fitted into the ideology of the Spanish Habsburgs, who saw this tribunal as a binding element between their Iberian principalities.\textsuperscript{40} The religious climate stimulated further the powerful repression of the ‘sin against nature’. Deeply influenced by Counter Reformation ideals about sexual puritanism, Spanish society deeply resented sodomy. A staggering number of ordinary citizens reported sodomites from their own neighborhood to the authorities,\textsuperscript{41} hereby stimulated by a religious zeal which aimed to root out sexual and religious orthodoxy on the peninsula and the associated colonies in the New World.\textsuperscript{42}

2.3.3 The Holy Roman Empire

In early modern Switzerland, religious zeal of a different nature caused a similar effect. Convictions for sodomy in Geneva increased significantly at a time when Calvin’s political allies took control of the magistracy. Moreover, the frequency of sodomy trials during 1550-1570 coincides with the most extensive activity of the Genevan Consistory, the infamous tribunal consisting of elders and pastors that was in charge of maintaining order in the Genevan congregation.\textsuperscript{43} The same dynamics were also present in Catholic Fribourg, where sodomy trials clustered during the first half of the seventeenth century following the implantation of post-Tridentine institutions such as the transferal of the Bishopric of Lausanne to Fribourg.\textsuperscript{44}

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last Portuguese king of the Aviz dynasty, Sebastian I, developed “a homosexual orientation” after he was sexually abused by his tutor in his youth. Harold Johnson, “A Pedophile in the Palace or The Sexual Abuse of King Sebastian of Portugal (1554-1578) and Its Consequences,” in Pelo Vaso Traseiro. Sodomy and Sodomites in Luso-Brazilian History, eds. Harold Johnson and Francis Dutra (Tuscon: Fenestra Books, 2006), 209.

\textsuperscript{39} Soyer, Ambiguous Gender in Early Modern Spain and Portugal, 31.

\textsuperscript{40} Crompton, Homosexuality and Civilization, 299.

\textsuperscript{41} Berco, Sexual Hierarchies, Public Status, 95.


\textsuperscript{44} Monter, “Sodomy and Heresy in Early Modern Switzerland,” 47.
Elsewhere, however, the religious impact was less distinctive. In Protestant Basel, the bulk of sodomy trials occurred during the seventeenth and eighteenth century, when the dust of the Reformation disputes had settled. When Helmut Puff compared the prosecution of same-sex acts in Protestant Zürich and Catholic Lucerne, he found no significant differences. In the actual Holy Roman Empire (the Swiss Confederacy was de facto independent from the Empire since 1499) the number of cases for ketzerrei, as sodomy was often called in contemporary German, was small compared to other crimes. For example, Susanne Hehenberger discovered 53 trials in early modern Austria. In the German city of Frankfurt, only two men were sentenced between 1562 and 1696 while four cases are known from sixteenth-century Nuremberg. In other German cities too, the Reformation had a stronger influence on the propagandistic discourse on sodomy in various inflammatory pamphlets than on the actual persecution of people with homoerotic desires. In the following centuries, there was a handful of trials in Hamburg, and 40 people were tried in eighteenth-century Prussia.

### 2.3.4 France and England

Up until now, research on early modern same-sex acts in France and England has mainly been limited to both countries’ capitals, Paris and London, which leads to a rather distorted picture. These case studies indicate that sodomy was mainly penalized in the eighteenth century, a time when sodomy trials became a rare fact in the Southern Low Countries. Our knowledge about previous centuries remains vague, although Claude Courouve did find 53 French sodomy trials between 1317 and 1783, including...

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46 Puff, *Sodomy in Reformation Germany and Switzerland*, 91.

47 Susanne Hehenberger, *Unkeusch wider die Natur. Sodomieprozesse im frühneuzeitlichen Österreich* (Vienna: Locker, 2006), 159. A chronological overview of these trials can be found on pages 214-17.


executions.\footnote{Claude Courouve, “Sodomy Trials in France,” \textit{Gay Books Bulletin} 1 (1979): 22-23. See also: Maurice Lever, \textit{Les bûchers de Sodome} (Paris: Fayard, 1985), 50-52.} However, these numbers are incomplete, since most historical research has been focusing on \textit{le Parlement de Paris}, the highest law court for half of France. From 1564 to 1640, this court heard 176 sodomy appeals and confirmed 77 of 121 death sentences imposed by lower courts.\footnote{Alfred Soman, “The Parlement of Paris and the Great Witch Hunt,” \textit{The Sixteenth Century Journal} 9, no. 2 (1978): 36; Michael Sibalis, “Homosexuality in Early Modern France,” in Katherine O’Donnell and Michael O’Rourke, \textit{Queer Masculinities (1550-1800): Siting Same-Sex Desire in the Early Modern World} (New York: Palgrave Macmillan, 2006), 227. Several of these trial documents are edited. See: Jeffrey Merrick and Bryant Ragan, eds. \textit{Homosexuality in Early Modern France: A Documentary Collection} (Oxford: Oxford University Press, 2001), esp. 33-51; Ludovico Hernandez, \textit{Les procès de sodomie au XVI\textsc{e}, XVII\textsc{e} et XVIII\textsc{e} siècles} (Paris: Bibliothèque des curieux, 1920); Ludovico Hernandez, \textit{Les procès de bestialité au XVI\textsc{e} et XVII\textsc{e} siècles} (Paris: Bibliothèque des curieux, 1920).} In other parts of France, only scattered evidence remains for the late medieval period. During the Avignon Papacy for instance, there was no systematic persecution in Avignon itself.\footnote{Jacques Chiffoleau, \textit{Les justices du pape. Délinquance et criminalité dans la région d’Avignon au quatorzième siècle} (Paris: Publications de la Sorbonne, 1984), 195.} Furthermore, details about most trials remain sketchy. This might have something to do with the fact that later adaptations of Jean Boutillier’s \textit{Somme rural} recommended that sodomites be burned along with their trial records in order to abolish the memory of their detestable crime,\footnote{“ceux convaincus d’un tel crime furent condamnez à estre pendus & estranglez & leurs corps bruslez avec leur proces, à fin d’en abolir la détestable mémoire.” Jean Boutillier, \textit{La somme rural} (Paris: Barthélemy Macé, 1613), 179.} although it is not sure whether or not this recommendation was actually followed by local French authorities. In any case, the prosecution rate in early modern France appears to have been relatively low compared to other countries.

During \textit{le grand siècle} of Louis XIV, numerous homoerotic scandals among noblemen, courtiers, clerics and officers saw the light of day, but \textit{le beau vice} did not lead to prosecutions when it occurred among the privileged classes. With a few exceptions, sodomy was prosecuted only sporadically in seventeenth-century France.\footnote{For example, Louis’ own brother Philippe, better known as \textit{Monsieur}, was able to openly pursue his effeminate behavior and his same-sex desires without fear of persecution whatsoever. Jeffrey Merrick, “Chaussons in the Streets: Sodomy in Seventeenth-Century Paris,” \textit{Journal of the History of Sexuality} 15, no. 2 (2006): 168; James Farr, \textit{Authority and Sexuality in Early Modern Burgundy} (1550-1730) (Oxford: Oxford University Press, 1995), 80; Philippe-Joseph Salazar, “Philippe, Duc d’Orléans,” in \textit{Who’s Who in Gay and Lesbian History: From Antiquity to World War II}, eds. Robert Aldrich and Gary Wotherspoon (London: Routledge, 2002), 346-48.} Sodomy does appear increasingly in eighteenth-century police sources, notably those of Paris, but with lower penalties: the death penalty was replaced by prison sentences.\footnote{‘Only’ seven Parisian sodomites were burned during the eighteenth century. Michael Sibalis, “Paris,” in \textit{Queer Sites Gay Urban Histories Since 1600}, ed David Higgs (London: Routledge, 1999), 13.} The Paris police department tried to keep the ‘sodomy networks’ under control through undercover agents, but they did not assume that the crime could be eradicated. First and foremost,
these police patrols were aimed at prevention, so that the French youth would be spared from such sins.⁵⁸

Lighter penalties for sodomy were out of the question in eighteenth-century England. Although same-sex acts were seldom (or never) punished in previous centuries, public opinion changed around 1700.⁵⁹ Numerous citizens’ initiatives were created to actively detect sodomites and transfer them to the courts.⁶⁰ Although several English sodomites were merely condemned to the pillory, many of them lost their lives after being stoned to death by furious mobs.⁶¹ This punishment was, remarkably, even more severe than what medieval English sodomites had to undergo. Only a handful of isolated cases are known, but some of them particularly appeal to the imagination, such as the story of John Rykener, who was caught in London dressed as a woman in 1394. Rykener called himself Eleanor and regularly had sex with men for money after some women had taught him how to cross-dress. Unfortunately, the outcome of the trial is unknown.⁶² Besides this case, a fifteenth-century individual was expelled from Oxford for abusing several youths and some contemporary Italian sailors had to pay a fine for having sex with boys in the port of Southampton.⁶³ Before the Buggery Act of 1533, sodomy was in fact a matter for the church courts, but apparently, cases were extremely rare before these

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Two bestiality cases came before the church courts of Kent between 1460 and 1560, two cases were treated in York, while only one case came before the London courts. But even after the matter was transferred to the secular courts, sodomy laws were hardly enforced at all in sixteenth- and seventeenth-century England. Even though sodomy was considered an unmentionable vice throughout late medieval and early modern continental Europe, it has been argued that this was even more the case on the British Isles. It is possible that this climate of silence resulted an unexpected side effect that manifested itself in particularly low prosecution numbers before the eighteenth century. Nevertheless, the harsh repression of homoerotic desires on British soil would last well into the nineteenth century.

2.3.5 The Northern Netherlands

Closer to the Southern Low Countries, a similar situation can be observed. Sodomy was a crime rarely punished in the northern region of the Low Countries between 1400 and 1600. The number of sodomy trials in cities such as Utrecht, Haarlem and Amsterdam was remarkably low. After the split of the Low Countries, this trend persisted throughout

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67 Between 1470 and 1516, 21,000 trials were analyzed. The only accused sodomite was simply excommunicated in absentia. Richard Wunderli, *London Church Courts and Society on the Eve of the Reformation* (Cambridge: Medieval Academy of America, 1981), 83.  
the seventeenth century, the so-called Dutch Golden Age. The late medieval contrast with the Southern Netherlands is remarkable, given the fact that both neighboring regions belonged to the Burgundian-Habsburg state complex and were similar in socio-economic and demographic terms. Just as the Southern Netherlands, the Northern Netherlands were densely urbanized: the size of seventeenth-century Dutch cities such as Delft and Amsterdam varied from 20,000 to 200,000 inhabitants respectively, so these Northern cities definitely rivalled, and in some cases indeed exceeded, the grandeur of their Southern counterparts. Nevertheless, the way in which sodomy was persecuted in these cities was nothing like the thorough manner in which some Southern Netherlandish cities penalized homoerotic desires. This low prosecution rate at an urban level is probably influenced by the fact that the High Court of Holland, the most important court in the Northern Netherlands and the main appellate court in Holland (including Zeeland and West-Friesland), treated a significant number of sodomy cases, whereas in the Southern Netherlands, the Councils of Flanders or Brabant seldom intervened in sodomy trials. Throughout the Northern Netherlands, Dirk-Jaap Noordam counted about 71 sodomy convictions between 1233 and 1679, 29 of which resulted in a public execution. These numbers differ somewhat from those presented by Theo van der Meer, who concluded that 56 individuals were tried between 1352 and 1692, 20 of whom were sentenced to death. Although both estimates should perhaps slightly be adjusted in the light of more recent research on the history of criminality in the Low Countries, the general observation that sodomy was rarely penalized in the Northern Netherlands compared to the south remains intact.

_straft in Amsterdam. Een onderzoek naar de strafrechtspleging van de Amsterdamse schepenbank 1490-1552_ (Zwolle: Waanders, 1992), 123.


75 van der Meer, _Sodoms zaad in Nederland_, 459-61.
However, this is only the case if we leave aside the prosecution dynamics in the Dutch Republic during the eighteenth century. Like England, the Republic was confronted with an intense wave of prosecutions exceptionally late in its history. In January 1730, Joshua Wils, sexton of the Dom Church in Utrecht, reported two men who had had sexual encounters in the Egmond chapel, situated in the characteristic tower of the Dom church.\(^\text{76}\) His testimony marked the beginning of a true witch-hunt in the Republic. The two indicted men were arrested and it did not take them long to accuse a series of men of similar sexual crimes. Some 140 men were identified and not before long, several courts in Amsterdam, The Hague, Rotterdam, Leiden and Haarlem cooperated to trace these so-called ‘networks of sodomites’ which caused a wave of panic throughout society. This snowball effect eventually reached even smaller provincial villages,\(^\text{77}\) resulting in a total of approximately 350 convictions. Dozens of accused men fled the country and were permanently banned. On a somewhat more modest scale, this mass persecution was repeated in 1764-1765, 1776-1779 and 1795-1811. In total, about 800 sodomy trials took place between 1730 and 1811.\(^\text{78}\)

### 2.3.6 Scandinavia

Even though Pope Alexander III (ca. 1105-1181) already wrote a concerned letter to the archbishop of Uppsala in the 1170s, following rumors that bestiality flourished in Sweden, there are hardly any known Swedish lawsuits for sodomy during the late medieval period.\(^\text{79}\) During the seventeenth and eighteenth century, only twenty cases of male same-sex acts came to court. Just as in the Southern Netherlands around 1700, public penalties were abandoned and replaced by more discrete punishments to avoid any inclination among the general public to experiment with same-sex acts.\(^\text{80}\) The same cannot be said about bestiality. Prosecution of this type of deviant sexuality did not reach its peak until the eighteenth century, and it continued to involve public punishment. As late as 1778, a man accused of bestiality was beheaded and burned at the stake, sharing the same fate of approximately six to seven hundred Swedes who were sentenced to death by the royal superior court from the end of the seventeenth century onwards.\(^\text{81}\)

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76 Leo Boon, ‘Dien godlozen hoop van menschen’. Vervolging van sodomie in de Republiek in de jaren dertig van de achttiende eeuw (Amsterdam: De Bataafsche Leeuw, 1997), 37.


78 van der Meer, Sodoms zaad in Nederland, 83-89.


81 Jonas Liliequist, “Peasants against Nature: Crossing the Boundaries between Man and Animal in Seventeenth-and Eighteenth-Century Sweden,” Journal of the History of Sexuality 1, no. 3 (1991): 394. In Estonia and Latvia, which then formed the historic region of Livland, a dominion of the Swedish Empire during some of this period,
trend can be seen on a much more modest scale in early modern Denmark. Not a single case was brought to court during the sixteenth century. Through the seventeenth and eighteenth century, six trials for male-male sexual acts are known. Two of these had a fatal outcome, with a priest and two Scotsmen ending up at the stake. Furthermore, a number of executions for sodomy with animals were carried out during the first half of the seventeenth century.

### 2.3.7 Russia

Early modern Russian society, on the other hand, did not know widespread prosecutions of sodomy whatsoever. Some historians even argued that early modern Muscovite society was characterized by “the greatest visibility and tolerance for male homosexuality (...) since the days of ancient Greece and Rome”. Since the Middle Ages, Slavic churchmen were less hostile to same-sex acts than their counterparts in Western Europe, “regarding it as the equivalent of heterosexual adultery, at worst”. During the fifteenth and sixteenth centuries, several clerics lamented the moral state of Russian society and demanded stricter punishment for the vice against nature. Nevertheless, Marianna Muravyeva was only able to trace only 58 cases from state and church courts of the seventeenth and eighteenth centuries. According to her, the death penalty was not applied when consensual same-sex relations were concerned. Not a single case of burning can be found. Russian sodomites were usually subjected to corporal punishment.

This tradition of indulgence ended with the westernizing rule of Peter the Great (1689-1725). His renewed military code of 1716, which was clearly based on European examples, penalized sex between soldiers: consensual same-sex acts were punished with torture. Homosexual rape, however, could result in a death penalty. However, it was not another 78 trials for bestiality were conducted. Ken Ird, “Sozialdisziplinierung im frühneuzeitlichen Livland: Fälle von Sodomie vor dem Landgericht Pernau im 17. bis 19. Jahrhundert,” Forschungen zur Baltischen Geschichte 9, no. 1 (2014): 70.

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86 Marianna Muravyeva, “Personalizing Homosexuality and Masculinity in Early Modern Russia,” in Gender in Late Medieval and Early Modern Europe, eds. Marianna Muravyeva and Raisa María Toivo (New York: Routledge, 2015), 208, 216.
until 1835, before sodomy was formally criminalized for all parts of Russian society;\textsuperscript{87} an era in which the criminalization of sodomy had been a thing of the past for decades in the Southern Netherlands.\textsuperscript{88}

2.3.8 The Southern Netherlands: a northern precursor

Looking back at this overview, we can certainly conclude that the Southern Netherlands were one of the most active regions in late medieval Europe when it came to penalizing sodomy. Although the number of accused was more modest compared to certain Italian towns, cities like Ghent and definitely Bruges had no equal north of the Alps with regard to repressing homoerotic desires. There was no other place in Northern Europe where this many trials took place within one region between 1400 and 1700. The strict penalties, ensuring that the overwhelming majority of the sodomites involved ended at the stake, make these figures all the more impressive.

A second conclusion to be drawn from this geographical comparison, is that there was a strict division between Northern and Southern Europe with regard to early modern persecution of sodomy. In several Italian city-states, same-sex acts were regarded as such a problem during the fifteenth century that special courts were founded to combat this unnatural sin. As a result, prosecution rates rose spectacularly. The pressure on sodomites also increased on the Iberian Peninsula, especially during the sixteenth and seventeenth centuries. In Northern Europe on the other hand, it took longer for the punishment of sodomites to reach its peak. In large parts of the Holy Roman Empire, the prosecution rate remained relatively low throughout the studied period. In France, England, Scandinavia and the neighboring Dutch Republic, the oppression of sodomites predominantly took place during the (late) eighteenth century. The Southern Netherlands, however, actually seem to belong in the first category, with high prosecution rates between 1400 and 1600 and a decreasing number of convictions at the turn of the seventeenth century. It is intriguing to note that the number of trials decreases during this period, whereas the persecution was distinctly on the rise on the Iberian Peninsula. Even though the Southern Netherlands fell under the authority of the Spanish Monarchy, which made sodomy a felony more easy to prosecute during that period, and the Counter-Reformation also played a decisive role in the Southern Low Countries, prosecution in Spain and the Spanish Netherlands did not follow the same course, which once again points to the specific nature of the sodomy persecution of the Southern Netherlands.


2.4 The sodomite as scapegoat

2.4.1 Sodomy and the persecuting society

In order to help us explain the increase in the number of sodomy cases in the Southern Netherlands during the fifteenth century, Robert Moore’s theory about the so-called ‘persecuting society’ might prove useful. Moore’s research focuses on the history of ‘dissent’ and heresy in medieval Europe. In 1987, he published The Formation of a Persecuting Society, in which he examined how medieval authorities created mechanisms to demonize the ‘other’. Moore argues that the formation of stereotypes that could be used as scapegoats to channel social unrests was stimulated by worldly and religious institutions. This theory is much influenced by sociologist Emile Durkheim (1858-1917) and anthropologist Mary Douglas (1921-2007). Durkheim claimed that society defines the concept of ‘deviance’ as types of behavior that harm the values of that particular community, which allows society to exclude deviant individuals or groups. According to Durkheim, this mechanism of exclusion strengthens the unity of the community.\(^89\) Douglas then claimed that social boundaries originate from a fear of pollution. In her book Purity and Danger, she states that privileged groups often fear that the less fortunate will try to undermine the disparity of status within a society by polluting that same society and subverting the social structure.\(^90\) Moore transposed these social dynamics to medieval Europe. By imposing negative characteristics on marginal groups such as heretics, lepers, Jews, vagabonds, sodomites and the like, society was encouraged to uphold Christian values against a perceived collective enemy.\(^91\)

We must treat this theory with the necessary caution. In my view, Moore overestimates the collaboration between church and state, and his classic top down perspective gives too much importance to the feudal rulers as the sole agents behind the described sociological mechanisms. As will be discussed in more detail in the following chapters, urban communities played a vital yet nuanced role in the persecution of sodomy in the Southern Low Countries. Be that as it may, The Formation of a Persecuting Society remains a seminal work that continues to inspire medieval scholarship.\(^92\) The

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notion that social cohesion within a society functions better if there is a group of outsiders that can be collectively marginalized by that same society (regardless of who exactly initiates this marginalization and to what extent this process takes place consciously) can also be applied to the Southern Netherlands. Nevertheless, the social groups eligible to serve as scapegoats changed dramatically during the middle ages and early modern period. Attention gradually shifted from one group of marginalized to another.

2.4.2 Jews

One of the first identifiable groups of marginalized people in the Southern Netherlands were the Jews. In the fourteenth century, the Southern Netherlands were characterized by a wave of virulent anti-Semitism. Elsewhere in Western Europe, Jews had been exposed to hostility and persecution much earlier, but archival sources report only relatively late about the first presence of Jewish communities in the Southern Netherlands. From the thirteenth century onwards, they are mentioned in Brabantine cities such as Zoutleeuw, Brussels, Leuven, Antwerp et cetera. It seems that small groups settled mainly in places near the trade route from Cologne to Bruges, although no Jewish communities in the County of Flanders are known during this period. In 1309, Jews were targeted for the first time in the Southern Netherlands, following stories about a Christian woman from Tienen who allegedly had been killed by Jews. Some crusaders from Cologne, on their way to Avignon, forced Jews in Leuven, Brussels, Sint-Truiden and other places to convert to Christianity; those who refused were executed. A few years later, in 1326, a converted Jew in the County of Hainaut was accused of having damaged and dishonored an image of the Virgin Mary with a lance, a blasphemous crime for which he was sentenced to the stake.

The arrival of the Black Death in Europe caused a new wave of anti-Semitism. Rumors circulated that this dreadful disease was spread by Jews who had poisoned water sources in order to eradicate Christianity. These stories also reached the Southern Netherlands and numerous Jews were executed in the principalities of Liège, Hainaut and...
However, the definitive end of a Jewish presence in the Southern Netherlands was caused by an alleged host desecration. In 1370, Jews were accused of stabbing sacred hosts with a dagger at the Brussels synagogue, which led to a series of denunciations and arrests in Brussels and Leuven. Several Jews ended up at the stake for their supposed heretical crimes. The event was commemorated in the Brussels’ collegiate church of St. Michael as the ‘Sacrament of Miracle’, as it was popularly believed that the desecrated hosts had miraculously shed blood.

As a result of this repression, the Jewish community in the Southern Netherlands was as good as non-existent in the following century, the period in which sodomites were punished most frequently. At the beginning of the sixteenth century however, new Jewish families, on the run from the Iberian Peninsula, where the persecution of so-called ‘Marranos’ – Jews who had converted to Christianity but remained faithful to the Jewish beliefs- knew new heights, settled in the region. Although these new settlers were often mistrusted by the central authorities, local city councils often took on their defense because of the great importance of their Jewish residents for the local economy. However, during the fourteenth century anti-Jewish stories were eagerly shared among urban society. These stories contained various stereotypical elements, such as the fact that Jews were responsible for the death of Jesus, or that they ritually murdered Christians, poisoned wells or desecrated hosts. They were disseminated through literature, the visual arts, plays, satire and the like and they continued to foster the hatred against Jews throughout the century. However, virtual absence of Jews in the Southern Netherlands during the fifteenth century opened the door for a new scapegoat: the sodomite.

2.4.3 Heretics

As shown earlier, the prosecution of sodomy declined during the second half of the sixteenth century. It is perhaps not a coincidence that this occurred at a time when heresy became a much higher priority for those in power (although the following chapters will show that accusations of sodomy played a vital role during the Reformation). Of course, individuals or groups opposing the official doctrine of the

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97 C.M. Cluse, “De jodenvervolging ten tijde van de pest (1349-1350) in de Zuidoewijderenlanden,” in De pest in de Nederlanden: medisch historische beschouwingen 650 jaar na de Zwarte Dood (Brussels: Koninklijke academie voor geneeskunde van België, 1999), 47.


100 Ephraim Schmidt, Geschiedenis van de joden in Antwerpen in woord en beeld (Antwerp: de Vries-Brouwers, 1994), 39-40

Church were already active in the Southern Netherlands before the Reformation, but, at the time, their presence did not lead to systematic persecutions.\(^{102}\) The first known heresy trial in the region took place in Arras in 1025, be it without a fatal outcome. However, in the following decades the first pyres were lit in the region of Walloon Flanders. A tentative peak occurred around 1235, when Robert le Petit, remarkably enough nicknamed “le Bougre” was appointed inquisitor-general of France by the pope. Robert le Bougre was responsible for the death of twenty heretics in Douai and ten people in Cambrai.\(^{103}\)

It should be noted that during this period, heresy and sodomy were increasingly linked to each other. In France during the twelfth century, for example, the Cathars, who believed that marriage and procreation stood in the way of a pure and ascetic life, were often accused of unnatural sexual desires. Similar allegations started to lead a life of their own.\(^{104}\) In early modern German, ‘ein Ketzer’ meant both heretic and sodomite, while in the Southern Netherlands, the popular term “bugger” was derived from the Latin “Bulgarus”, referring to Bulgaria as the cradle of heresy.\(^{105}\) In spite of this discursive intertwining, heresy was never explicitly raised as an issue in sodomy trials in the Southern Netherlands. Nevertheless, the Southern Netherlands also saw some persecutions for heresy during the fifteenth century. In 1413 for instance, two Italian Franciscans were burned for heresy in Mons.\(^{106}\) In the following years, several cities would convict heretics, especially Hussites, Waldensians and Brothers of the Free Spirit.\(^{107}\) However, these isolated trials were nothing compared to the wave of prosecution in the Southern Low Countries during the sixteenth century that was the result of the Reformation and the Eighty Years’ War (1568-1648).

Already early in the sixteenth century, Protestant ideas found their way into the humanistic milieu of cities such as Ghent, Bruges and Antwerp. However, from the very

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\(^{105}\) Puff, *Sodomy in Reformation Germany and Switzerland*, 14. In the Southern Netherlands, the link between heresy and sodomy was also made in sermons. For instance, in a sermon by Jacobo de Voragine, which was printed in the vernacular in the fifteenth century. “Ende alremeeste alsmen oncuyscheyt doet teghen den lope ende insettinghe der naturen daer kettere ende onghelovighe lude mede ommeegaen die gheheten zijn sodomite.” Jacobo de Voragine, *Dit zijn die sermoenen op die euangelien vanden zonnedaghen doer dat gehele iaer* (Zwolle: Peter van Os, 1489), fol. F i. The same vision is also expressed by Willem de Biechtvader: “alse men oncuusscheit doet tieghen den lope ende omme ghelse der naturen, daer kettere ende onghelovighe lude mede ommeegaen di geheheten zijn sodomite.” Copenhagen, Det Kongelige Bibliothek, THOTT 70 folio, fol. 173r.


\(^{107}\) Cambrai (1403, 1491), Lille (1418, 1429, 1448, 1459), Douai (1420), Valenciennes (1430, 1447), Tournai (1430), Bruges (1478), Saint Omer (1484). See: van Mingroot, “Middeleeuwse ketterij en inquisitie in de Franse Nederlanden,” 71-76; Vanhemelryck, *Marginalen in de geschiedenis*, 105;
start, the Reformation was consistently and systematically opposed by various authorities within the Southern Netherlands. In several cities, Lutheran literature was publicly burned during the 1520s.\textsuperscript{108} However, the religious movement that the government feared most was not Lutheranism, but Anabaptism, because of its revolutionary potential. After the attempt by radical Anabaptists to establish a sectarian government in the German city of Münster during 1534-1535, Anabaptists were persecuted intensely in the Low Countries. Within years, Anabaptism was wiped out of the region.\textsuperscript{109} From 1550 onwards, however, a new Anabaptist movement centering around Menno Simons (1496-1561) became quite popular in the region.\textsuperscript{110} At the same time, Calvinistic communities arose at a rapid pace throughout the Netherlands. Emperor Charles V decreed ordinances proclaiming that even the mere possession of heretical books was punishable by death, a new Inquisitorial tribunal was established and other central authorities did everything within their power to hunt down Protestants.\textsuperscript{111} In Ghent for example, 252 people were executed for heresy between 1530 and 1595.\textsuperscript{112} In 1566, the so-called Beeldenstorm, or infamous iconoclastic movement in which riotous crowds destroyed Catholic art and church fittings throughout the Netherlands,\textsuperscript{113} only sharpened the confessional contradictions. A special tribunal, the so-called Council of Troubles, was instituted on the orders of King Philip II to punish those involved in the religious and political troubles leading to the Beeldenstorm.\textsuperscript{114} This tribunal, also known as the Council of Blood, brought the persecution of Protestants to a pinnacle.\textsuperscript{115} In addition,
other institutions, local courts for example, also penalized iconoclasts.\textsuperscript{116} This repression was also an important impetus for the Eighty Years’ War which de facto plunged the Low Countries in a civil war. In this tumultuous religious climate, sodomy was not a constant priority for the urban authorities, apart from a few trials with a high symbolic value. In large parts of these war-torn Low Countries, all energy was put into the persecution of heresy. As a result, sodomy must have receded into the background.

\textbf{2.4.4 Witches}

After the split of the Low Countries in 1585, the Southern Netherlands again fell under the authority of the Spanish crown, which meant that the region homogeneously adhered to the Catholic faith. Archdukes Albert and Isabella, who had inherited the reign over the Southern Netherlands from Isabella’s father Philip II in 1598, ardently supported the Counter Reformation. This meant that Protestants got less of a foothold in the Southern Netherlands and that, consequently, heresy trials petered out at the turn of the seventeenth century. However, a new scapegoat was soon found: the witch. Nevertheless, people had been accused of witchcraft in the Southern Netherlands sporadically before.\textsuperscript{117} The so-called vauderie d’Arras, a sorcery and heresy trial against the Waldensians in Arras during 1459, especially speaks to the imagination. Twelve people ended up at the stake after they confessed to have participated in obscene Sabbaths where they also paid tribute to a black goat.\textsuperscript{118} In fact, sodomy played a role in the margins of this remarkable trial.\textsuperscript{119} During the sixteenth century, isolated cases of witchcraft persecution did occur, but scholars still label this era as a period of relative tranquility.\textsuperscript{120}

The early modern ‘witch craze’ only really came into being during the seventeenth century, after Philip II had sent an open letter dated July 20, 1592 to the authorities of the


\textsuperscript{119} Chronicler Jacques du Clercq, who gave a vivid account of the witch craze in Arras mentions how suspects were also accused of sodomy. “(…)Et mesme illecq commectoient le pechié de sodomie, de bougrerie et tant d’aultres crimes sy très fort puant et énormes, tant contre Dieu que contre nature, que ledict inquisiteur dict qu’il ne les oseroit nommer.” Jacques du Clercq, “Les mémoires du Jacques du Clercq, escuyer, seigneur de Beauvoir en Ternois, commençantes l’an mil quatre cens quarante et huitu, finissant l’an mil quatre cents soixante et sept,” in Choix de chroniques et mémoires sur l’histoire de France, vol. 8, ed. Jean Alexandre Buchon (Paris: Auguste Desrez, 1838), 141.

\textsuperscript{120} Dries Vanysacker, “Het aandeel van de Zuidelijke Nederlanden in de Europese heksenvervolging (1450-1685),” Trajecta 9, no. 4 (2000): 341.
Low Countries. In it, he pointed to the various forms of witchcraft and the horrors they brought about. He therefore asked ecclesiastical and secular authorities to detect all cases and punish them inexorably. Several ordinances of Albert and Isabella confirmed the importance of a strict repression of witchcraft. These calls for justice were not without consequences: from 1596 onwards, almost everywhere in the Southern Low Countries, witches were burned at the stake. Despite local differences, the death toll was high. According to the most recent estimates, 202 witches were executed in the County of Flanders between 1450 and 1685, while 57 were sentenced to death in the Duchy of Brabant during the same period. When other principalities such as Hainaut, Namur, Luxembourg and others are taken into account, the number of executions in the Southern Netherlands increases to at least 2800 and maybe even 3900.

Contrary to sodomy, witchcraft turned out to be mainly a rural phenomenon. The largest waves of prosecution took place outside the cities, that were less inclined to follow the implacability imposed by the central institutions. All the same, no less than thirteen women were executed for witchcraft in the city of Bruges between 1589 and 1634. These numbers suggest that, in addition to Central Europe, the Southern Netherlands were also one of the core areas of the witchcraft persecution in Europe from around 1600 onwards. Although a one-to-one relation would be impossible to establish, the intense witch craze during the seventeenth century might have influenced the decreasing number of sodomy trials in the region during that time. Dietegen Guggenbühl remarks a surprisingly long gap in the proceedings for sodomy in early modern Basel. From 1441 to 1581, no trial was conducted in which sodomy was the main accusation. During this period, almost all Basel trials for witchcraft took place. And so, it seems as if ‘the persecuting society’ was always in need of a new scapegoat, which could change shape depending on new socio-cultural developments.

2.4.5 Civic morality in the fifteenth century

This overview of consecutive scapegoats is, of course, schematic and somewhat ignores the complex social and cultural dynamics during the late middle ages and early modern period. For instance, one could argue that legislation against heresy and witchcraft was largely directed by the central authorities, and often disregarded by the local

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magistracy. In contrast, there were no formal legal rules regarding sodomy and persecution was mainly an urban matter. However, research increasingly emphasizes that the persecution of heretics and witches relied to a considerable extent on the participation of the local community, which was also the case for sodomy. Nevertheless, it remains an indisputable fact that the persecution of sodomy in the Southern Low Countries was subject to peaks and dips, and did not follow a consistent course. Social developments throughout the medieval and early modern period ensured that society regularly shifted its focus to a new minority group. This was also the case in the Southern Netherlands where both Jews, sodomites, heretics and witches were victimized alternately.

Proving beyond any reasonable doubt why sodomy stirred up the emotions during the fifteenth and early sixteenth century in particular is of course an impossible task. Nevertheless, the lion’s share of the sodomy persecution seems to have coincided with the emergence of a ‘new moral climate’ that emphasized the importance of social order and social cohesion within the city. Some historians, Herman Pleij for example, have linked this shift in mentality to a civilization movement in which the urban elite tried to control and transform the behavior of its fellow citizens through various forms of literary propaganda. Norms and self-control were paramount in ‘educating’ urban society. Pleij’s theory leads back to the work of Norbert Elias (1897–1990) on the so-called civilizing process, according to which early modern elites became increasingly prudent and desires and natural needs were transferred to the private sphere. This went hand in hand with the so-called centralizing process in which governments became more powerful and citizens were increasingly regulated, which in turn led to the internalization of the rules aimed at pacifying society.

This theory is endorsed by Pieter Spierenburg and Robert Muchembled. The latter studied criminal behavior in the late medieval and early modern County of Artois. According to Muchembled, punishment of crimes changed thoroughly during the fifteenth century under the influence of the centralized state. In previous centuries, “la république urbaine” stressed pacification and reconciliation. From the twelfth century onwards for instance, crimes such as murder, rape, fights and the like were preferably solved during rituals in which the aldermen or specialized “paisierders” forced

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conflicting parties to reconcile through an oath. Breaking this ‘legal peace’ was punishable.\textsuperscript{129} On other occasions, local authorities chose reversible punishments such as forcing culprits to go on a judicial pilgrimage: the temporary absence of a criminal allowed the social peace to return.\textsuperscript{130} This practice flourished between approximately 1350 and 1450, after which it quickly decreased. According to Muchembled, this kind of punishment was made possible by fifteenth-century state organization, as crime control became a means to demonstrate the state’s absolute power.\textsuperscript{131} According to Pieter Spierenburg, the ‘chronic insecurity’ about the chances of survival of the centralized state forced the authorities to subject its subjects to mutilation and capital punishment. Consequently, legal punishment started to focus more on mutilation and execution.\textsuperscript{132}

However, Artois, the principality Muchembled analyzed, came under the authority of the French monarchy during the early modern period. Therefore, his conclusions can not simply be transposed to the Southern Netherlands in its entirety.\textsuperscript{133} Since urban authorities retained a large degree of autonomy in the execution of criminal law, the influence of the state-formation process was relatively small in the Southern Netherlands.\textsuperscript{134} In spite of the claims made by Pleij and Muchembled, the prime mover behind the ‘new morality’ in the fifteenth-century Southern Netherlands was not the prince or the elite, but the urban ‘middle class’, which increasingly adopted a civic identity. Urbanization was anything but a recent phenomenon in the region. Still, the fourteenth-century city differed fundamentally from that of the fifteenth century. Whereas the former was still intensely divided through factional conflicts,\textsuperscript{135} the latter

\textsuperscript{130} Jan van Herwaarden, \textit{Opgelegde bedevaarten: een studie over de praktijk van opgelegde bedevaarten (met name in de stedelijke rechtspraak) in de Nederlanden gedurende de late Middeleeuwen (ca. 1300-ca. 1550) (Assen: Van Gorcum, 1978).
\textsuperscript{132} Pieter Spierenburg, \textit{The Spectacle of Suffering. Exeuctions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience} (Cambridge: Cambridge University Press, 1984), 44
\textsuperscript{133} Marc Boone, \textit{À la recherche d’une modernité civique. La société urbaine des anciens Pays-Bas au bas Moyen Age} (Brussels: Éditions de l’Université de Bruxelles, 2010), 83.
was increasingly seen as a symbolic unity by its inhabitants. The city was perceived as a ‘civic body’ in which le bien commun, the general well-being of the city, was of primary importance. This unity took shape through religious symbols and collective rituals, which served as a bonding factor. André Vauchez defined this process as ‘civic religion’, a concept in which urban authorities appropriated values that were inextricably linked with religion, such as public processions, the cult of saints et cetera, to legitimize and sacralize civic community.136

In the Southern Netherlands, this evolution was spurred to a lesser extent by the urban authorities, but even more so by the urban middle class, in casu by religious orders, confraternities,137 chambers of rhetoric and craft guilds.138 The latter for example repeatedly insisted on the moral aspects of guild membership and the ‘honor of the city’, a notion for which each guild member was responsible. In spite of the religious discourse used to stress the importance of social unity, the idea of the city as a civic body was first and foremost a means to preserve economic prosperity.139 These artisans were also often members of the local chambers of rhetoric. These chambers contributed to the formation of a civic religion to a great extent, partly because of their strong involvement in the tradition of public processions, which facilitated the religious and cultural reveil of the fifteenth century.140

The ideal of the bien commun and the civic body was also expressed materially through a variety of monumental and epigraphic texts advocating fair justice and civic unity.141 These ideals drove the middle class to write texts that criticized the lack of moral standards of their rulers and fellow citizens. To increase their own power, middle class institutions used morality as a weapon to direct their anger at corrupt politicians who did not serve the interest of the middle social groups. At the same time, they also complained

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140 Anne-Laure Van Bruaene, Om beters wille. Rederijkerskamers en de stedelijke cultuur in de Zuidelijke Nederlanden (1400-1650) (Amsterdam: Amsterdam University Press, 2008), 205-6.
about the obnoxious behavior of the ‘common man’ in order to give the city a kick in the consciousness. Rhetoricians advocated maintaining social order to the greater glory of the urban community and propagated civic virtues. At the same time, the literary and iconographical representation of allegorical ‘urban virgins’, strongly related to the Marian devotion, was clearly on the rise. The allegorical urban maiden became a symbol for the city itself along with urban values such as peace and unity, but also the protection of purity and the integrity of the civic ‘body’. Hence, it should not come as a surprise that the repression of sodomy peaked exactly during this burgeoning ideal of civic unity. If there was one crime that threatened social cohesion and the idea of a civic body, it was the unnatural sin of sodomy, which turned the divine hierarchy upside down and posed a severe threat not just to guilty individuals but to the community as a whole.

The hypothesis that civic religion and the renewed ideals of communal identity provided a background that made urban communities more susceptible to the persecution of sodomy seems all the more likely when we take into account that the same tendencies can also be witnessed in Quattrocento Italy. In Florence in particular, the sacred was a fundamental part of civic identity, and according to Edward Muir, Venetians fostered civic patriotism by sacralizing political rituals. In Renaissance Bologna and Treviso, lay institutions such as confraternities and hospitals shaped the religious cult of the city.

Hence, emphasizing a pronounced urban identity through civic religion seems fully compatible with a more intense persecution of sodomy as the latter was the crime par excellence that could endanger the former. In the fifteenth-century Low Countries, the city was really imagined as a political, economical and religious unit: it was literally

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148 Nicholas Terpstra, Lay Confraternities and Civic Religion in Renaissance Bologna (Cambridge: Cambridge University Press, 1995), 17; David D’Andrea, Civic Christianity in Renaissance Italy. The Hospital of Treviso, 1400-1530 (Rochester : University of Rochester Press, 2007), 4-5.
represented as a body, an organic whole composed of different members. With their unnatural behavior, sodomites defiled and dishonored this body. When some Bruges’ Franciscan monks were accused of sodomy in 1578, the city council lamented that they were ‘infected with sodomy to great dishonor and scandal of the city’. Their counterparts in Ghent had also brought the city in ‘great danger’. The intrinsic belief that entire societies could be punished for the sexual sins of individuals paired with the renewed belief in the city as a sacral unity and culminated in the unprecedented repression of the unnatural vice. It is, of course, impossible to attribute the ups and downs of the persecution of sodomy in the Southern Netherlands to a single motive. But it seems that, for now, the idea of a persecuting society in the process of developing a distinct civic identity was the perfect breeding ground for one of the first major persecutions of sodomy in northwestern Europe.

2.5 Bruges: Sodom of the North

This civic identity and a sense of sacred unity was also strongly present in late medieval Bruges, a city with a pronounced persecution policy of sodomy. In fact, if we take a look at the number of sodomy trials in the Southern Netherlands, there is another striking feature that comes to mind, aside from the high mortality rates and the periodic fluctuations: namely the exceptionally high number of people that were condemned in Bruges. Boone already showed how “firmly fears of sodomy had taken hold of the collective imagination in Bruges” during the Burgundian era, and it seems that the city retained its exceptional position as the center of the persecution of sodomy in the Low Countries throughout the studied period. No city in the Low Countries, indeed no city north of the Alps, convicted as many sodomites as Bruges did between ca. 1400 and 1700: 75 trials took place in which no fewer than 179 people were accused of ‘the shameful sin

150 “(...) diversche broeders vanden convente van Sinte Francoys waren gheynfecteert van de vicie van sodomie ende buggherye tot grooter oneere vande stede ende schandael vande ghemeente (...)” Bruges, CAB, Series 118 (Resolutieboek), no. 5 (1575-1585), fol. 132v.
151 “zekere leelicke stucken, delicten ende mesusen (...) ghecauseert hebben zorgen ende groote alteratien binnen deser stede die oock de zelve in grooten dangure ende pericle ghestelt hebben, dat oock nu (...) by henlieden diverssche schandaleuse ende dangereuse acten gecomitteert zyn (...) Ghent, CAG, Series 93/29EE (Voorgeboden 1572-1582), fol. 225v.
152 In many German cities for example, a strong correlation between between religion and civic identity existed, even though the repression of sodomy was not exceptionally high. Olivier Richard, “Fondations pieuses et religion civique dans l’Empire à la fin du Moyen Âge,” Histoire urbaine 27 (2010): 6.
of sodomy’. Furthermore, 43 people were also charged with this crime in the Liberty of Bruges, a large castellany in Bruges’ hinterland. Although the city and the castellany were separated since 1127 and the Liberty of Bruges was considered as a separate jurisdiction ever since, the latter’s verdicts were still carried out in Bruges’ city center. As a result another 31 men received a merciless final verdict and died in flames. Executions for sodomy were a lugubrious yet common sight in Bruges’ late medieval cityscape.

The situation in Bruges clearly differed from comparable cities, such as Ghent. While the population in Bruges fluctuated between 25,000 and 45,000 inhabitants during the late medieval and early modern period, Ghent had between 40,000 and 50,000, which made it the largest city in Flanders for centuries. Aside from this, it was also the seat of the highest court of the County of Flanders and an important trade hub in the Netherlands. Nevertheless, the number of convicted sodomites in Ghent is much less spectacular. In a period of about three hundred years, ‘only’ 68 sodomites were taken to court, half of whom were sentenced to death. In Brussels—which became the administrative capital under the Habsburg dynasty—36 people were accused of the unnatural vice, 28 of whom were burned. In Mechelen, on the other hand, the city council judged relatively ‘mildly’. Although 24 people were suspected of “bouggherye”, and the aldermen burned only seven people. In Leuven, the magistrate was stricter. Of the seventeen people who were arrested by the local bailiff, fourteen had to pay for their sins with their lives. In Ypres too, a charge for sodomy usually resulted in a heavy sentence: eight people were burned to ashes on a total of eleven convicted persons.

The relative low number of convictions in certain cities is striking. Of course, Leuven, Mechelen and Ypres were smaller cities that never really competed with Bruges in terms of demographic or economic importance. Yet, despite the difference in scale, the contrast between the harsh, strict prosecution policy in Bruges and the sporadic executions in other cities remains striking. The contrast with Bruges is most remarkable in Antwerp, the largest city in the Duchy of Brabant. During the course of the sixteenth century, Antwerp became the commercial and financial capital of Northwest Europe, with a population exceeding 100,000 inhabitants (although that number shrank dramatically

156 The intertwining between city and castellany is also reflected in the fact that it was only from 1414 onwards that the bailiff made up separate accounts. In previous decades, the accounts of the Liberty of Bruges and the city were rendered together in the same volume. On a more abstract level, hardly any differences between the repression on the urban and rural level can be discerned, apart from the fact that a larger part of the found cases in the Liberty of Bruges consisted of bestiality cases, which indicates the greater proximity of animals in the castellany than in the city.  
after the fall of Antwerp in 1585). The number of persecuted sodomites was nothing compared to the demographic composition of the city: only 23 people were brought to justice for sodomy, sixteen of whom were executed. One might be tempted to think that the difference in absolute figures can be explained by the demographic predominance of fifteenth-century Bruges compared to smaller towns. Nevertheless, if we look at the prosecution rate per 1000 inhabitants between 1400 and 1499, the figures speak volumes. As table 6 shows, the average rate was well below 1. Fifteenth-century Antwerp even had a persecution rate of no more than 0.09. Bruges on the other hand was once more an outlier with a rate of 2.45.

<table>
<thead>
<tr>
<th>City</th>
<th>Accusations</th>
<th>Inhabitants</th>
<th>Prosecution rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruges</td>
<td>86</td>
<td>35,000</td>
<td>2.45</td>
</tr>
<tr>
<td>Brussels</td>
<td>26</td>
<td>30,000</td>
<td>0.86</td>
</tr>
<tr>
<td>Ypres</td>
<td>8</td>
<td>9687</td>
<td>0.82</td>
</tr>
<tr>
<td>Ghent</td>
<td>27</td>
<td>45,000</td>
<td>0.60</td>
</tr>
<tr>
<td>Leuven</td>
<td>6</td>
<td>19,700</td>
<td>0.30</td>
</tr>
<tr>
<td>Mechelen</td>
<td>5</td>
<td>20,000</td>
<td>0.25</td>
</tr>
<tr>
<td>Antwerp</td>
<td>3</td>
<td>31,000</td>
<td>0.09</td>
</tr>
</tbody>
</table>

Source: bailiff accounts and urban legal records (see Appendix 1)

It is therefore not surprising that Bruges, just as Florence for instance, was even notorious among contemporaries because of the many homoerotic bonds that, allegedly, were ubiquitous within the city. Supposedly, the ‘debauchery of the inhabitants had become so great that the aldermen could no longer restrain them’ according to one chronicle. Because they wanted to prevent public scandal they even had to proclaim a *hallegebod*, a civic ordinance announced from the balcony of the belfry, on the matter on April 2 1490: ‘from now on, all those who got caught...’

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159 These figures are indicative because the population size at a given year is used to compare with the persecution figures of a period of hundred years. Since the large population fluctuations that can be observed during the sixteenth century are not yet in order in the fifteenth-century Southern Low Countries, this mortality rate is nevertheless a valuable indicator of the differences between the cities studied.

commiting unchaste actions on the market, near the city crane or on the streets, would forfeit their robes. Charles-François Custis, an eighteenth-century historian who reports this event, referred to the *Excellente Chronyke*, yet pointed out that the author was probably mistaken and that the aldermen wanted to limit the dumping of waste. Indeed, the only hallegeboden from 1490 that can be related to this story deal with the illegal dumping of waste or manure. Yet, the *Excellente Chronyke* printed in 1531 does not cover the period between February and July 1490, so it is not clear to which chronicle exactly Custis was referring to.

Yet Bruges was not only infamous among chroniclers, but also among common city dwellers. On January 25, 1598, two messengers from Bruges stopped at a tavern in Ghent where they ran into a soldier from Bruges. The three fellow-citizens raised their glasses together, but were interrupted by Noë Van Damme, a notorious drunkard from Ghent. When the soldier joked that all citizens from Ghent were ‘noose-bearers’, Van Damme quickly replied: ‘if we from Ghent are noose-bearers, then all those from Bruges are buggers’. These mutual insults lead to a fight and, as a result, Van Damme was sentenced to an amende honorable. He had to beg God and Justice for forgiveness, and was imprisoned for two weeks while being put on bread and water. This pub quarrel reveals an intriguing aspect of the perception of sodomy in the Southern Netherlands. After Charles V publicly humiliated Ghent in 1540 because the city had revolted against its sovereign, the citizens of Ghent were commonly known as noose-bearers, a sobriquet that is still honored to this day. The fact that a common pub goer like Van Damme equated the widespread nickname of Ghent’s citizens with the presumed homoerotic reputation of Bruges is significant in itself: it means that Bruges

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161 “Daer-en-tusschen was de ongebondentheyt der inwoonders van dese stadt soo groot geworden dat de Wethouders, de selve geensints konnende intoomen en nochtans willende eenigszins het publyck schandael voorkomen, op den 2. April by Halle-gebode verkondigt hebben, dat alle de gene, die men in het toekomende bevinden souden eenighe onkuysheyt te bedryven op de marckt, de Craene, ofte langs de straeten, verbeuren souden hun opperste kleedt.” Charles-François Custis, Jaer-boecken der stad Brugge, behelsende de gedenckweerdigste geschiedenissen, de welcke soo binnen de selve stadt, als daer onternyt voorgevallen zyn, sedert haere eerste beginselen, tot den jegenwoordigen tydt toe (Brugge: Joseph van Praet, 1765), vol. 2, 463-64.


163 Bruges, CAB, Series 120 (Hallegeboden), no. 1 (1490-1499), fols. 47r-v, 50r, 51r, 52v, 56v.

164 Anthonis De Roovere, *Dits die excellente cronike van Vlaenderen...* (Antwerp: Willem Vorsterman, 1531), fol. 264r-65r.

165 “(…) syn wy stropdragers, ghylieden Brughelynghen syt buggers (…)” Ghent, City Archives Ghent (CAG), Series 214 (Boucen vanden crime), no. 14 (1593-1598), fol. 120v.


167 Ghent CAG, Series 214, no. 14, fol. 124r.

was still thoroughly associated with the unnatural vice, even though the absolute heyday of the sodomite persecutions took place almost a century before the incident.\textsuperscript{169}

2.6 **Bruges and its reputation: some possible explanations**

The figures presented above show that Bruges' reputation was not entirely unjustified. Although it is impossible to determine exactly how this macabre tradition has arisen, it is clear that the city of Bruges attached great importance to the punishment of the unnatural vice. This concern extends over a long time in history and transcends the persecution zeal of individual bailiffs: between 1385 and 1700, no less than 43 different individuals occupied the office of \textit{écoutète}.\textsuperscript{170} It was customary for them to be assigned a new post every few years to guarantee their impartiality as much as possible. Furthermore, there was a legal rule that said that the bailiff should not be stationed in the city in which he was born, and should not be allowed to acquire its citizenship.\textsuperscript{171} Hence, the intense persecution of sodomy in Bruges could not have been the work of a single ardent individual. Consequently, the phenomenon should be explained by more structural factors, such as demographic, political, economic or religious features that were specific to Bruges' urban fabric.

2.6.1 **The Black Death**

2.6.1.1 **Associations between sodomy and the plague**

Could the severe repression of sodomy in Bruges be the result of an infectious disease? Some scholars have suggested that there is a connection between the demographic crisis in late medieval Europe that was the result of the Black Death and the way certain urban authorities responded to the occurrence of sodomy. Not only was the plague often seen as a divine retaliation for societies that had been all too lenient towards sodomites in the past, sodomites and their sexual preferences were also thought to prevent these societies from recovering from the dramatic depopulation once the plague had disappeared. As such, the Black Death not only caused a collective trauma in Europe that continues to capture the imagination until today, but also, in late medieval times, reinforced the need for a strong persecution policy of the ‘unnatural crime’.

\textsuperscript{169} This reputation was even known to Spanish soldiers who yelled at some citizens ‘Thou buggers from Bruges’, during a dispute in 1591: “Ghy buggers van Brugge (...)” Bruges, SAB, TBO 119 (Collections of the City of Bruges), no. 661 (Register van juridische onderzoeken ingesteld door de schepenen van Brugge, 1585-1596), fol. 109v. See also: Bruges, SAB, TBO 119, no. 661, fol. 46v.

\textsuperscript{170} Louis-Prosper Gachard, \textit{Inventaire des archives de chambres des comptes, précédé d'une notice historique sur ces anciennes institutions} (Brussels: Hayez, 1845), vol. 2, 358-9, 362-3.

\textsuperscript{171} Jan Van Rompaey, \textit{Het graafelijk baljuwsambt}, 111-14.
This seems to have been particularly the case in Italy, where sodomites were often used as scapegoats for the population decline associated with the plague. The link between sodomites and catastrophic depopulation can largely be attributed to Bernardino of Siena, who preached that sodomites were to blame for the dramatic loss of population throughout Tuscany. By choosing not to have procreative sex, they were “killers of their own children”. In one of his sermons, Bernardino reminded his audience that sodomy was “the reason why you have lost half of your population in the last twenty-five years”. Consequently, it was an act of patriotism to establish a family, repopulate the state and abstain from any form of unnatural vices. Late medieval Italians were not only reminded of this idea through the polemic speeches of the Florentine monk, but also through visual aids, such as the fresco cycle in the Sienese Hall of the Nine, painted by Ambrogio Lorenzetti (c. 1290-1348). This cycle contains the so-called ‘Allegory of Good and Bad Government’ in which Lorenzetti visually represented sodomy as one of the causes of population decline, and as a threat to civil society.

Recurrent outbreaks of the plague in Renaissance Venice stimulated this connection between sodomy and population decline. One Venetian law explicitly stated that sodomy was “against the propagation of the human race”, or as Patricia Labalme formulated it: “sodomy and a healthy birth-rate were self-contradictory”. Other Italian cities also took measures after having been hit by the Black Death. For instance, it is striking that nearly every fifteenth-century Florentine law against sodomy, as well as most of Bernardino’s sermons came about during or shortly after outbreaks of plague. Although Michael Rocke warns us that it is impossible to prove the existence of a causal relationship between both phenomena, the very same pattern can be found in other


countries as well.\textsuperscript{179} Waves of sodomy prosecutions appeared quickly after plague epidemics in Spanish cities such as Barcelona and Seville,\textsuperscript{180} and an anti-sodomy law from 1534 issued by the authorities in Dubrovnik stated that sodomy should be prevented, because the city had suffered so much from the past plague.\textsuperscript{181} In fifteenth-century Sweden, the matter of bestiality was increasingly transferred from the ecclesiastical to the secular court, where it could be punished more severely. Fear of the Black Death played a role in this legal modification.\textsuperscript{182} Furthermore, it is no coincidence that the number of sodomy trials in Lucca diminished significantly from 1630 onwards, since this was when the plague ceased to decimate the population of the Tuscan city.\textsuperscript{183}

Apparently, the disastrous demographic outcome of consecutive bubonic plague epidemics did indeed influence the perception of sodomy in early modern Europe which might be a partial explanation for the rise in sodomy prosecutions witnessed in certain regions during the fifteenth century. To find out if the Black Death could also be a sufficient justification for the high number of trials in Bruges, we need to take a closer look at the scale on which this illustrious disease raged in the early modern Southern Low Countries.

\subsection*{2.6.1.2 The plague in the Low Countries}

This is easier said than done however. As a matter of fact, the question of whether or not the Southern Low Countries were hit by the plague during the (late) Middle Ages has been the subject of a long historiographical debate ever since the 1950s, when Hans Van Werveke put forward the idea that the County of Flanders was largely spared by the Black Death in the fourteenth century. Van Werveke came to this conclusion because, on the one hand, he could not find a single explicit reference to the plague in contemporary sources, and on the other, he did notice some stability in the recruitment figures of urban militias in Ghent, as well as in the tax revenues of certain cities between 1346 and 1357. He claimed that, although cities like Ypres, Tournai and Lille suffered mildly from plague epidemics, others such as Ghent and Bruges remained unaffected.\textsuperscript{184} If this were indeed

\begin{itemize}
  \item Already in 544 AD, emperor Justinian issued new laws against sodomy following a serious plague epidemic in Constantinople the year before: Boswell, \textit{Christianity, Social Tolerance, and Homosexuality}, 171.
  \item Monter, \textit{Frontiers of Heresy}, 280; Perry, “The “Nefarious Sin” in Early Modern Seville,” 77.
\end{itemize}
the case, this would mean that there is no correlation between the number of plague victims and the urge for an efficient prosecution of sodomy in the city.

Nevertheless, the idea of Bruges as a healthy island amidst a plagued Europe was almost immediately challenged by Paul Rogghé, who drew attention to the important presence of the Flagellant movement in Bruges, as well as to the fact that, in 1349, Lodewijk van Male, Count of Flanders, allowed the urban authorities to construct two new cemeteries outside the city walls. He also criticized the source material used by Van Werveke. The latter replied: these new graveyards and processions of Flagellants only pointed out to the existence of a fear that the Black Death would reach the city, not that the disease actually made many victims in Bruges. Although Van Werveke’s thesis was criticized almost immediately, the idea that Bruges in particular and the Southern Netherlands in general were not too badly affected by the plague remained popular in historiography, even to date. This, of course, has a lot to do with the fact that, for a long time, historians were not very much interested in studying the the plague in the Low Countries.

In 1980 however, Griet Maréchal was able to show the clear demographic effect of the plague on fourteenth-century Bruges, by studying the accounts of the Hospital of Our Lady of the Pottery and Saint John’s Hospital. The entire staff of the first institution died during August and September of 1349, while that of the latter shows a sharp decline. She concluded that at least ten percent of the urban population died during the plague epidemic of 1349, twice as much as the year before. This effect was short-lived however, due to the positive economic climate and the related migration flows. Nevertheless, the impact of the plague on the city that should not be underestimated. Looking at economic indicators, such as food prices for example, Wim Blockmans also acknowledged that Bruges must have been struck by the Black Death during this period. After each plague epidemic, the city had to deal with severe price increases for commodities such as grain and rye, caused by a large population decline. In a more recent article, Jan Vandeburie even estimates that the average mortality rate during the first plague epidemic in Bruges

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187 In 2010 for instance, Bas van Bavel stated that Flanders was not hit hard by the plague and that it was “difficult to find any evidence of the plague there...” Bas van Bavel, *Manors and Markets: Economy and Society in the Low Countries, 500–1600* (Oxford: Oxford University Press, 2010), 279.
(1349-1351) was around 30.5 percent,\(^{191}\) much higher than the initial estimations of Maréchal (around 10 percent). These new results clearly show that Bruges was indeed affected by the disastrous disease in the fourteenth century. Moreover, in addition to this first outbreak, the city had to endure several other plague epidemics during the early modern period.\(^{192}\)

Although it is clear that the idea that Bruges somehow evaded the Black Death and its catastrophic consequences should be abandoned, we should still wonder whether the city was an isolated case in the Southern Netherlands. To verify whether the exceptional number of sodomy trials in the city has something to do with the plague, it is necessary to find out whether Bruges has suffered disproportionally from the illustrious disease. An extreme population decline surpassing that of other plagued cities could have resulted in a demographic crisis and a sense of urgency, which in turn could have been a justification for the harsh prosecution policy.

But as it turns out, the situation in Bruges was not very different from the rest of the Low Countries throughout the early modern period. Several studies show how the County of Hainaut, the Prince-Bishopric of Liège and certain parts of the Duchy of Brabant were not spared from the Black Death as well.\(^{193}\) The same holds true for most of the major cities in Holland,\(^{194}\) and for more rural areas in the Southern Netherlands.\(^{195}\) Recent research by Daniel Curtis and Joris Roosen positively eradicates the idea that the Southern Low Countries were only “lightly touched” by the Black Death.\(^{196}\) Interestingly enough, they state that from, 1349 to 1450, the majority of the plague victims in the County of Hainaut were women.\(^{197}\) It remains to be seen if contemporaries were aware of


\(^{194}\) Leo Noordegraaf and Gerrit Valk, De Gave Gods: de pest in Holland vanaf de late middeleeuwen (Amsterdam: Bert Bakker, 1996).


\(^{197}\) Daniel Curtis and Joris Roosen, “The Sex-Selective Impact of the Black Death and Recurring Plagues in the Southern Netherlands, 1349-1450,” American Journal of Physical Anthropology 164, no. 2 (2017): 251. This article also contains a comprehensive database of outbreaks of the plague in the Low Countries until 1500, which can
this phenomenon, which perhaps would have made it more difficult for them to make a connection between possible demographic crises and the ‘unnatural’ sexual acts committed mainly by men. On the other hand, when confronted with this fact, certain theologians might have seen it as evidence that, when it came to sodomy, the divine wrath punished both the guilty and the innocent.

Hence, since there was nothing extraordinary about the impact of the plague in Bruges, it seems unlikely that the Black Death is the sole culprit for the thoroughness with which sodomy was penalized in the ‘Sodom of the North’. The fact that outbreaks of the plague continued to occur up until the seventeenth century, a period in which public sodomy trials with a fatal outcome were very rare, only adds more weight to this conclusion.

2.6.2 State authority

2.6.2.1 Bruges and the Burgundian theatre-state

Was the high number of sodomy trials in Bruges a consequence of the growing need to impose state authority? According to Marc Boone, the repression of sodomy was an instrument of princely centralization in the Burgundian Netherlands. In the course of the fifteenth century, consecutive Valois Dukes of Burgundy, especially Philip the Good and Charles the Bold, sought to increase central authority within the patchwork of territories over which they ruled. To reach this ambitious goal, they undertook systematic attempts to restrict the power and autonomy of the mighty cities under their rule. One way of legitimizing this increasing state authority was to put up grand public rituals and civic ceremonies that confirmed the political power of the duke. This use of spectacle for political ends is usually referred to as ‘the Burgundian theatre-state’.

Bruges was an important scene for the emerging Burgundian theatre-state on numerous occasions, precisely because of its political importance. Since the fourteenth century, the city dominated the so-called ‘Four Members of Flanders’, a consultative body formed by Ghent, Ypres, Bruges and the Liberty of Bruges. It had an important voice in

matters such as taxation, legislation and justice. Hence, the Burgundian dynasty indeed attached great importance to displaying their power in Bruges: Philip the Good married Isabel of Portugal and established the illustrious Order of the Golden Fleece in the city in 1430, and he was buried there with much splendor in 1467. A year later, Charles the Bold and Margaret of York came to Bruges to get married with the characteristic Burgundian pomp and circumstance. Furthermore, the last Valois Duke of Burgundy also used religious ceremonies in his state-building efforts. Peter Arnade states that the Burgundian princes used these public rituals to “craft well-honed statements about privilege, power, and clientage aimed at townspeople divided over their state-building ambitions”.

These ambitions were met with considerable resistance in Bruges. In 1407, for instance, Duke John the Fearless curtailed Bruges’ autonomy by installing a pro-ducal bench of aldermen and by proclaiming the so-called ‘calfvel’, a list of measures aimed at minimizing the influence of the craft guilds in urban politics. Furthermore, he also imposed an annual tax, forcing the city to pay him one-seventh of all its revenues. With his centralizing actions, John the Fearless incurred the wrath of the craft guilds, who continued to defy the duke until 1411, when they obtained the revocation of the ‘calfvel’. On other occasions, the city refused to abide by the international politics of the Burgundian dukes whenever it contradicted Bruges’ own political or economic interests. When Philip the Good signed the Treaty of Arras in 1435, the Burgundian Netherlands were forced to switch sides in the Hundred Years War and form an allegiance with the French instead of the English, which resulted in a major economic setback for Bruges. Discontent within the city increased further when Bruges was forced to supply troops for an unsuccessful Burgundian attack on the French city of Calais in 1436. During a popular uprising, Bruges’ bailiff, a symbol of princely authority, was murdered and new magistrates were appointed. This act of violence marked the start of a two-year

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200 Nuyttens and Zoete, “De Vier Leden en de Staten van Vlaanderen,” 67-78.
201 Wim Blockmans and Esther Donckers, “Self-Representation of Court and City in Flanders and Brabant in the Fifteenth and Early Sixteenth Centuries,” in Showing Status: Representation of Social Positions in the Late Middle Ages, eds. Wim Blockmans and Antheun Janse (Turnhout: Brepols, 1999), 89.
rebellion during which the craft-guilds took over power, several noblemen were exiled, the duke nearly got killed by rebels and a “quasi-guerilla war” swept Bruges’ hinterland.207 In 1438, due to an economic blockade and the resulting shortage of food, the city surrendered to Philip the Good, who repealed several of the city’s privileges.208

Aside from this open rebellion, Bruges also did not hesitate to make its mark at moments of princely succession. When Charles the Bold died on the battlefield of Nancy in 1477, many cities, including Bruges, did everything in their power to reduce Charles’ centralization policy.209 A few years later, when Duchess Mary of Burgundy died unexpectedly in 1482, the County of Flanders refused to accept the regency of her husband, Maximilian of Austria (the later Holy Roman Emperor), who acted as guardian of their son Philip the Fair. Instead, the Flemish cities wanted to form a regency council to rule on behalf of the infant. Several years of popular uprising and open warfare culminated in Maximilian’s imprisonment in Bruges in 1488. In the following years, the Flemish cities continued to challenge central authority, in a succession of periods of pacification and sparks of renewed rebellion. Ultimately, the uprising was crushed in 1492, and the Flemish cities were forced to accept Maximilian as regent.210

2.6.2.2 Sodomy and the state

Could the rebellious nature of Bruges have had an influence on the way in which sodomy was treated in the city? According to Marc Boone, there is a direct link between sodomy and state-making. The strict punishment of sodomy was a means for the Burgundian dukes to demonstrate to wayward cities such as Bruges who held the reins of power: “If the authority of the prince and his role as guarantor of the divine order was to be secured in any city, it had to be in Bruges. It certainly could not be challenged by the behavior of individuals”.211 It is true that early modern society believed there was a connection between sodomy and the crime of treason, or lèse-majesté. As such, it was not only a sin against the divine order, but also against the common good and princely authority.212

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208 A more detailed description of the 1436-1438 rebellion can be found in: Jan Dumolyn, De Brugse opstand van 1436-1438 (Kortrijk: UGA, 1997).


Therefore, punishing the crime of sodomy might help affirm the position of those in charge, especially if that position was under pressure. According to Jacques Chiffoleau, Italian city states such as Florence or Venice were so zealous in their pursuit of sodomy precisely because state-authority was so often defied. In 1407 and 1418 for example, the Venetian authority for punishing sodomy gradually moved from the Signori di Notte, which was a lesser judicial body, to the almighty Council of Ten, responsible for the safety of the state and offences that were considered threatening to the government. In 1532, shortly after the fall of the Florentine Republic and the establishment of a Medicean duchy, Duke Cosimo de’ Medici made the penalties for sodomy considerably harsher. Whereas sodomites were usually only forced to pay a fine during the Quattrocento, they could be sentenced to the galleys for life during Duke Cosimo’s reign. Michael Rocke interprets this repressive revision as a way of consolidating the new princely state and to legitimize Cosimo’s absolutist pretensions.

Furthermore, Christine Reinle believes that the prosecution of sodomy in fifteenth-century Regensburg was influenced by the military threat of the Ottomans, who had besieged Belgrade in 1456. Moreover, P.G. Maxwell-Stuart sees a clear connection between a series of sodomy trials in Scotland and the fragile political situation around 1650. He analyzed 75 trials for bestiality between 1570 and 1734. Nearly 50 percent of these cases occurred between 1654 and 1659, a period in which Scotland was under military occupation and belonged to Oliver Cromwell’s ‘Protectorate’. According to Maxwell-Stuart, it is no coincidence that a country under military occupation was more inclined to try social deviants in an attempt to restore state authority. We can see the same dynamics up until the nineteenth-century. During the Napoleonic Wars, “a time of trial for England”, there was a significant increase in the number of sodomy trials in London.

These examples seem to indicate that, in early modern society, the repression of sodomy was used to reinforce (princely) authority when it was challenged. At certain times, this was also the case in the Southern Netherlands. In 1578, a series of anticlerical

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sodomy trials in Ghent and Bruges aimed at reinforcing the recently installed Calvinist
city councils.\textsuperscript{219} On certain occasions in fifteenth-century Bruges, sodomy was also
explicitly linked to lèse-majesté, and to restoring and strengthening princely power.
During the revolt against Maximilian, both parties eagerly printed pamphlets in which
they justified their claim to power.\textsuperscript{220} In one of these anonymous pamphlets called the
Correptorium Flamingorum, the author condemns the imprisonment of Maximilian of
Austria by which the ungrateful citizens of Bruges had challenged the divine order.
Furthermore, the author fully supported the collective excommunication called for by
the Archbishop of Cologne after the “crimen laesae maiestatis” committed by Bruges.
Interestingly enough, the author uses the example of Sodom and Gomorrah to reflect on
this “excommunicatio major” and show how the wrath of God always affects both the
guilty as the innocent: ‘many examples can be given that often an entire family is
punished for someone’s sin. For instance, for the sin of the inhabitants of Sodom, their
children, who did not know of their father’s disgraceful acts, were consumed by heavenly
fire, as [is stated] in Genesis 19’.\textsuperscript{221} This exhortation towards the insurgent city was printed
in Antwerp by Gerard Leeu (ca. 1445-1492),\textsuperscript{222} and must have appeared between the 16th
of May 1488, the date on which Maximilian was released, and the 3rd of November of the
same year. On that day, a papal bull annulled the general excommunication of the citizens
of Bruges.

However apart from this pamphlet, the connection between princely
centralization and the persecution of sodomy is not so clear as far as Bruges is concerned.
From 1407 until 1411, the period of the revolt against John the Fearless, three trials were
held, and six persons were sentenced to the stake.\textsuperscript{223} As can be seen in table 3 however,
seventeen people were punished for sodomy during the first quarter of the fifteenth
century. Hence, it seems that the troubled years of the ‘calfvel’ in any case had no major
effect on the number of prosecutions during this era. The same is true for the revolt of
1436-1438. Although the number of trials in Bruges was higher than the average in the
other cities studied between 1400 and 1500, there was a decline in the second quarter of
the fifteenth century. From 1426 until 1450, only eight persons were tried, which stands

\textsuperscript{219} See chapters four and nine.
\textsuperscript{220} Susie Speakman-Sutch, “Politics and Print at the Time of Philip the Fair,” in Books in Transition at the Time of
Philip the Fair, ed. Hanno Wijsman (Turnhout: Brepols, 2010), 234-45; Valerie Vrancken, “Papieren munitie. Een
pamflet over verraad tijdens de Brusselse opstand tegen Maximiliaan van Oostenrijk (1488-1489),” Handelingen
\textsuperscript{221} Many thanks to Arjan van Dixhoorn and Verena Demoed for providing me with a translation of this pamphlet.
For more information on the ‘Correptorium’, see: W.P.C. Knuttell, Catalogus van de pamfletten-verzameling
berustende in de koninklijke bibliotheek. Eerste deel. Eerste stuk 1486-1620 (The Hague: Algemeene Landsdrukkerij,
1889), 1-2.
\textsuperscript{222} On Leeu, see: Koen Goudriaan, Een drukker zoekt publiek: Gheraert Leeu te Gouda 1477-1484 (Delft: Eburon, 1993).
\textsuperscript{223} In 1407, Andrieu Vander Heeke, Coppin de Bonte, Pieter de le Bussche and Bertram Bortoen were burned
(“justicié de feu de bouguerie”). A year later Huwet Heron was sentenced in a similar way (“qui fu ars du fait de
bouguerie”) and in 1410 Heine de Bassevelde was burned (“lequel du fait de bouguerie fu justicié de feu”).
Brussels, NAB, CA, 13684, fol. 51r; CA, 13685, fol. 55r; CA, 13686, fol. 56r-v.
in stark contrast with the 40 individuals who were brought to court between 1451 and 1475. In fact, during the revolt of 1436-1438, one person, Jacque de le Vaghenier, was sentenced to death for the “villain fait”, while in the decade following the revolt, only one other man was sentenced for sodomy. We can observe more or less the same dynamics during the Flemish Revolt against Maximilian. Admittedly, twenty people were accused of sodomy during the last quarter of the fifteenth century, but only nine of those individuals were prosecuted during the rebellious decade of 1482-1492, seven of whom were convicted during a group trial occurring during 1482-1483. A year later, two other sodomites were penalized: a Greek man named Jehan was burned while Hannekin Storm was whipped with rods and had his hair burned off. This means that both trials took place in the early phase of the revolt, before Bruges became the epicenter of resistance by taking Maximilian into custody. Another six people were accused of the sin against nature in the decade following the revolt, so there seems to be no great difference in the intensity of prosecution between periods of social stability and times of social unrest.

Furthermore, Bruges was by no means the only city within the Southern Netherlands where the Burgundian theatre-state manifested itself. And it was also not the only city that challenged princely authority on a regular basis. Already in the thirteenth century, the county of Flanders was characterized by the so-called ‘great and little tradition of urban revolt’ in which citizens opposed their urban authorities and civic elites and interest groups revolted against the central authorities at numerous occasions.

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224 “Au pendeur pour avoir fait la justice de Jacque de le Vaghenier, lequelz fu ars a une estaque du villain fait (...)” Brussels, NAB, CA, 13773, fol. 9r.
225 In 1443, the aldermen of the Liberty of Bruges accused Casin Jooseps of entering the house of his brother Jacque Casisjs, “qui fu executé a Bruges de sodomie” in an attempt to steal some of the belongings of his executed brother, although they had to be confiscated. Brussels, NAB, CA 13700, fol. 74r.
226 Brussels, NAB, CA, 13781, fol. 47v. This case will be discussed more elaborately in chapter seven.
227 “A luy payé pour avoir brulé les cheveux de Hannekin Storm, filz Anthoiné Larmoyeux, et en aprez batu de verges pour ce qu’il fut trouvé coupable en plusieurs esceez du pechié de zodomie (...)” Brussels, NAB, CA, 13781, fol. 80r-v; Anonymous, Het boeck van al ′t gene datter geschiedt is binnen Brugge sichtent jaer 1477, 14 februarii, tot 1491, ed. Charles Louis Carton (Ghent: Annoot-Braeckman, 1859), 102-3.
229 As early as 1127-1128, revolts occured against William Clito, pretender to the throne after the murder of Count Charles the Good. During the thirteenth century, craft guilds were responsible for several urban revolts such as the Cockerelle revolt in Ypres during 1280 and the Moerlemaye revolt in Bruges during 1288-1282. From 1323 until 1328, peasants revolted against the heavy taxations levied by Count Louis I of Flanders. Under the leadership of James van Artevelde, Ghent opposed the Counts of Flanders and their pro-French politics during the Hundred Years War. Between 1379 and 1385, Ghent rebelled against Count Louis II, because he had allowed Bruges to create a new channel. Jan Dumolyn and Jelle Haemers, “Patterns of Urban Rebellion in Medieval Flanders,” Journal of Medieval History 31, no. 4 (2005): 369-93; Marc Boone and Maarten Prak, “Rulers, Patricians and Burghers: The Great and the Little Traditions of Urban Revolt in the Low Countries,” in A Miracle Mirrored:
prosecutions, rebellions took place in other cities too. In Ypres, for instance, riots broke out in 1428 when a ducal ordonnance prohibited the manufacture of drapery in the castellany of Ypres. And throughout the fifteenth century, the city of Ghent also clashed often with the Valois dynasty. Finally, Bruges was not the only city revolting against the regency of Maximilian. Ghent and Ypres were also intensely involved in this revolution, which even got a foothold in the neighboring duchy of Brabant, where cities such as Brussels, Louvain, Zoutleeuw and others joined the Flemish revolt along with the county of Namur. So it seems that the need for a strong sodomy repression in late medieval Bruges was not necessarily the result of the rebellious climate in the Flemish city.

2.6.3 Economic crisis

2.6.3.1 The economic logic of sodomy

Was Bruges’ intense sodomy prosecution caused by an economic crisis? To answer this question, we need to look beyond Bruges’ city borders. The case of seventeenth-century Spain, provides an interesting comparison. At the turn of the seventeenth century, Spain lost its dominant position on the world stage after a series of military and economic calamities. The Eighty Year’s War in the Netherlands proved to be a long-lasting and costly conflict, suppressing of various domestic revolutions weighed heavily on the


Spanish Treasury, and trade imbalances and price inflation caused a lot of turmoil and further weakened the waning economy of a country that was virtually broke.\textsuperscript{234}

Contemporary critics did not fail to notice the accumulation of economic setbacks that indisputably marked the end of Spain's Golden Age. Several seventeenth-century authors tackled the overall sense of crisis on the Iberian Peninsula in their writings; a crisis which according to them, could be reduced to a crisis of masculinity. Spain’s decline was allegedly the result of the effeminate behavior of its male population.\textsuperscript{235} Moral texts contrasted the ideal nobleman with soft and woman-like men characterized by idleness, lasciviousness and no sense of duty.\textsuperscript{236} The feminized self-image of Spain and its effeminate male subjects gave meaning to the gradual loss of financial and political dominance in the European playing field.\textsuperscript{237} Hence, it is no coincidence that Spain's economic decline and its self-representation as an emasculated nation collided with a renewed interest of local authorities in the masculinity of their subjects.\textsuperscript{238} As we have seen, the number of sodomy trials peaked throughout the bankrupt Iberian Peninsula during the seventeenth century.

We can see the same dynamics at work in the eighteenth-century Dutch Republic as well. For the Dutch, the previous century had been a Golden Age: their trade fleet ruled the international waves and Amsterdam was the financial center of the world, home to merchants, artists and some of the most exotic luxury goods to be found on the market.\textsuperscript{239} Around 1700 however, Dutch society was in distress. The turn of the century marked the end of the Republic’s superiority as a mercantile nation. The Amsterdam stock exchange was in stark decline, and commerce withered away, which called for contemplation.\textsuperscript{240} As in Spain, the explanation was obvious: luxury and debauchery had emasculated the nation.\textsuperscript{241}

\textsuperscript{234} A general introduction to the multitude of challenges facing the Spanish Empire during the seventeenth-century can be found in I.A.A. Thompson and Bartolomé Yun Casalilla, eds. The Castilian Crisis of the Seventeenth Century. New Perspectives on the Economic and Social History of Seventeenth-Century Spain (Cambridge: Cambridge University Press, 1994).

\textsuperscript{235} Edward Behrend-Martínez, “‘Taming Don Juan’: Limiting Masculine Sexuality in Counter-Reformation Spain,” \textit{Gender & History} 24, no. 2 (2012): 334.


Hence, it is not surprising that the Dutch solutions for this economic crisis of masculinity were similar to Spain’s. The repression of sodomy reached unprecedented heights throughout the Republic. As we saw earlier in this chapter, sodomy was rarely tried in the Northern Netherlands during the later medieval period. And while there is a slight increase of the number of trials during the seventeenth century, it is telling that the pursuit of sodomy in the Republic culminated during a period of economic collapse. Between 1730 and 1732, almost 350 men were prosecuted. About 100 of them were sentenced to death. If economic recessions had an impact on the prosecution pattern of sodomy in early modern Spain and the Northern Netherlands, then this may also have been the case in fifteenth-century Bruges, which lost much of its economic splendor during this period.

2.6.3.2 The economic ups and downs of a medieval metropole

Medieval Bruges owed much of its allure to its exceptional economic status. From the mid-twelfth century onwards, the city functioned as the primary financial and commercial hub of northwestern Europe and enjoyed economic prosperity and abundance. Through its outports in Damme and Sluis, Bruges had direct access to the North Sea and was able to establish itself as an internationally renowned distribution center of commodities. The import of English wool and the export of the acclaimed Flemish cloth raised substantial revenues, and artisanal luxury goods were produced abundantly in the city as well. Merchants from across Europe flocked to Bruges to sell their wares. At the crossroads of Hanseatic and Mediterranean trading routes, Bruges eagerly welcomed merchants from the most important Baltic and Italian cities, the Iberian Peninsula, England, Scotland and so on, who were organized in so-called nations or foreign merchant guilds. The city council stimulated them to set up trade in Bruges by adopting flexible commercial legislation and investments in public infrastructure,


(such as commercial halls or the Bourse, probably the first stock exchange in the world) in order to facilitate every aspect of international commerce on their territory.244

However, during the course of the fifteenth century, Bruges lost much of its economic appeal due to interurban competition. The Antwerp magistrature, for instance, was also able to adapt institutional arrangements beneficial for the international trade, and merchants increasingly started broadening their horizon. The fifteenth-century revolts and the additional punishments discussed above of course caused a lot of economic turmoil, which further undermined Bruges position as a trading center. During the last decades of the fifteenth century, Bruges was thus dethroned by the Brabantine port city of Antwerp, which became the new European gateway.245 The English set up their cloth trade in Antwerp, and so did the south Germans, who came to the city to sell silver. Finally, in the 1490s, the Portuguese spice trade also moved from Bruges to Antwerp.246 As early as the 1430s, Italian bankers had already found their way to Antwerp,247 while the Hanse factory had moved from Bruges to Antwerp, which indicates that the decline of Bruges might have begun earlier than previously assumed.248

The economic downturn of the city was aggravated by the ever-deteriorating accessibility of Bruges by means of waterways. Around the middle of the twelfth century, Bruges had a direct connection to the sea some fifteen kilometers away through the Zwin, a vast inlet of the sea created by a series of storms.249 Although this estuary started to silt up almost immediately, Bruges secured its naval accessibility thanks to a series of channels and outports. In spite of all these efforts, the silting up of the Zwin turned out to be inevitable, which increasingly hindered naval traffic towards the city.250

course of the fifteenth century, only small ships were still able to navigate along the sandbanks. Although the city did its utmost to uphold the image of being easily accessible by using visual representations, foreign and local merchants alike cut their losses and Bruges lost its dominant position as the main port of the European continent, an evolution which more or less coincided with the rise in the number of sodomy trials in the city.

2.6.3.3 A sexual economy

It is interesting to note that the economic decline of the city did not only have an impact on the daily existence of sodomites, but also on that of other individuals who did not comply with the prescribed moral codes of late medieval urban society. Adultery, for example, remained unpunished for decades, but the bailiff accounts contain numerous mentions of this crime in the first half of the sixteenth century. Although Mariann Naessens somewhat bombastically declared that there was ‘ethical revival’ around 1500, she also sees economic reasons for the renewed official attention for adultery in Bruges: the weakened economic situation made broken families more vulnerable to poverty. As a result, adulterers were punished more severely than in times of economic prosperity.

Prostitution too was increasingly prosecuted towards the end of the fifteenth century. In the preceding period, tolerance had prevailed and commercial sex was readily available within Bruges’ city walls. Although brothel keepers were regularly fined, the size of the fines and the collection pattern of this ‘revenue’ indicate that these fines functioned as a form of taxation rather than as a punitive measure. It appeals to the imagination that, precisely in a town such as Florence, where there was a clear concern over sodomy during the fifteenth century, prostitution was also tolerated as well. In fact, commercial sex was actually institutionalized and even encouraged during that period. The idea was that it was better to provide the many single men in the city with women


where they could indulge their sexual lusts than to let them experiment with unnatural desires. As a result, official brothels were installed and female prostitutes were licensed.255

The same is true for late medieval Venice, which established an official city brothel in 1358. However, this brothel was mostly aimed at the many foreign merchants visiting the city rather than the local male community.256 According to Guy Dupont, this also applied to fifteenth-century Bruges: prostitution was tolerated because it could serve as a source of entertainment for the many foreign merchants and wealthy travelers. The economic potential of this group was probably an additional incentive for the city council to tolerate prostitution.257 The withdrawal of these foreign merchants thereby undermined the raison d’être for the policy of tolerance towards prostitution. Consequently, brothel keepers were penalized more severely, not just with fines but also with dishonoring punishments. Still, during the seventeenth century, only a handful of brothel keepers and prostitutes were prosecuted in Bruges, just as was the case with sodomites.258

2.7 Conclusion

At first sight, one might think that the quantitative analysis in this chapter tells us little about the actual lives of the men and women with same-sex desires in the late medieval and early modern Southern Netherlands. Nevertheless, the figures presented here do give an insight into the everyday reality of sodomites in the region. For example, it seems that someone with homoerotic feelings was much more likely to be caught and punished around 1400 than around 1600. In general, the number of trials peaked between 1450 and 1525 in the cities in this study. In contrast, from the seventeenth century onwards, public sodomy trials became a rare event. As such, the Southern Netherlands differed thoroughly from surrounding territories such as France, England or the Northern Low Countries, where the prosecution of sodomy was at a low level during the fifteenth and sixteenth century and only intensified from 1700 onwards. The reason why sodomites were considered such a threat during a specific period should be found in the idea that

255 However, this could not prevent the existence of a flourishing network of young male prostitutes in fifteenth-century Florence. Michael Rocke, ““Whoorish Boyes”: Male Prostitution in Early Modern Italy and the Spurious “Second Part”,” in Power, Gender, and Ritual in Europe and the Americas. Essays in Memory of Richard C. Trexler, eds. Peter Arnade and Michael Rocke (Toronto: Centre for Reformation and Renaissance Studies, 2008), 118-19.
257 Dupont, Maagdenverleidsters, 124.
premodern societies needed a common scapegoat on which social disturbances could be averted in order to strengthen social cohesion. As such, sodomites preceded heretics and witches as the despised minority that provoked fear and anger among early modern society. The formation of a distinct civic identity in the Southern Netherlands seems to have bolstered the urge to repress this particular marginal group between ca. 1450 and 1525.

However, not only the century in which one was born, but also the place where one lived played a role in the possibility of being condemned for sodomy. Late medieval Bruges in particular proved to be a dangerous place for people who committed same-sex acts. Of course, Bruges was one of the largest cities in the region, and remained popular for migrants throughout the early modern period. But even if we leave aside their difference in scale, when compared to other cities in the Southern Low Countries, the repression of sodomy was remarkably severe in Bruges. The exact reason why this was the case remains unclear. The city of Bruges was not hit worse by the Black Death—a disease that was often associated with sodomy in the late middle ages—than other cities in the region. Although the need to impose state authority may have played a role in the punishment of same-sex crimes, Bruges was not more rebellious against the Burgundian-Habsburg centralizing aspirations than, for instance, early modern Ghent. It is true that the city experienced a phase of economic decline that deteriorated its general importance. This may have been an incentive to intensify the persecution of marginalized groups within the urban fabric. But Antwerp for example experienced a similar economic downturn in 1585, when the city fell back into Spanish hands during the Eighty Year’s War. Numerous wealthy citizens, along with several members of the artistic and intellectual elite, fled the city towards Holland, which partly heralded the beginning of the Dutch Golden Age. Yet this economic crisis did not start a manhunt for sodomites. Consequently, an economic explanation for the exceptional position of Bruges is no panacea either, and it seems, for the time being, there is no all-encompassing explanation to be given.259

That the question why exactly these people were prosecuted cannot be fully answered, does not mean we cannot elaborate on who they actually were. In the following chapters, I will delineate the social profile of the convicted sodomites. The information gained from this analysis provides a diversified picture of the sodomy persecution in the

259 Especially since Remi van Schaïk demonstrated that economic crises followed by famines were a recurrent phenomenon in the entire Low Countries during the fifteenth century, especially during 1437-1439, 1481-1482 and 1491-1492. Food prices skyrocketed in Bruges, Ghent, Antwerp, Leuven and other cities in the Low Countries. Parts of France and the Holy Roman Empire were affected too. Although the economic setbacks were the ideal breeding ground for a rigorous persecution of sodomites, clearly not every city responded to these crises in the same way. Remi van Schaïk, “Drie vijftiende-eeuwse crises in de Nederlanden: oorzaken, kenmerken en gevolgen,” Leidschrift 28, no. 2 (2013): 71. See also: Wim Blockmans, Metropolen aan de Noordzee. De geschiedenis van Nederland, 1100-1560 (Amsterdam: Bert Bakker, 2010), 560.
Southern Netherlands. Moreover, looking at the varying treatment of foreigners, youths, clerics, women and other social categories is also quite revealing of the motives behind the persecution.
Figure 9. Housebook Master, Falconer and his Companion (1483-1487). Amsterdam, Rijksmuseum
Chapter 3. Social profiles

3.1 Introduction

As shown in the previous chapter, one of the main advantages of bailiff accounts is the fact that this uniform source allows us to compare the persecution of a particular crime in different cities over a long period of time. However, we must not lose sight of the fact that this source served a specific purpose: to inform the central authorities of the costs and revenues of justice within a particular city, and to put a limit to the bailiff’s corruption. Hence the finality of this type of source was, first and foremost, financial. For the Chambre des Comptes the correct registration of the price of a horse and cart was more important than the person being transported to his final destination on that cart. In this respect, bailiff accounts are not the most ideal of sources to gain insight into the social world of the convicted sodomites. Nevertheless, these accounts, consisting mainly of the price of poles, chains and bales of straw along with the wages of executioners, confessors and messengers, still provide an –implicit- insight into the social profile of the men and women who had to answer for their unnatural sexual desires.

On some rare occasions, the social background of suspected sodomites was designated quite clearly. If someone was explicitly referred to as a bastard, or accused of other crimes, this reveals something about how that individual was regarded by society.\(^1\) Although the overall majority of convicted sodomites were penalized for sodomy alone, there were also people whose sexual activities were only brought to the court’s attention after being arrested for other crimes such as begging, stealing, counterfeiting, arson, domestic violence, murder or heresy; activities that do not exactly point out to a prominent position in society. However, the majority of the trial records, only sketches a succinct social profile of the accused in question. Nevertheless, there is a lot of information to be drawn from fragmentary data about the social environment of the convicted sodomites. Statements about burghership, marital status, whereabouts and

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\(^1\) Although late medieval bastard children in the Southern Netherlands were discriminated legally and socially, most of them were not marginal outcasts in society. According to Myriam Carlier, the positive attitude towards bastard children was unique in the Burgundian Netherlands, compared to other European regions. Myriam Carlier, *Kinderen van de minne? Bastaarden in vijftiende-eeuws Vlaanderen* (Brussels: Paleis der Academiën, 2001), 271-82.
professional activities are highly significant with regard to the extent to which an individual was included or excluded in urban society. The variety of the ‘crime scenes’ that were mentioned reveals when and where people with same-sex desires met each other. Even the mere mentioning of a person’s age may indicate possible patterns, for example whether or not homoerotic encounters were hierarchically organized based on maturity. As will become abundantly clear in this and the next chapters, the problem is not that the bailiff accounts and other legal records contain no information about the parties involved at all, but that these sources do not reveal these facts in a systematic way. This severely limits the possibilities for a quantitative analysis.

One might be tempted to think that the large number of stakes throughout the Southern Netherlands suggests that the death penalty was pronounced on sodomites from all walks of life. In reality, however, things were much clear-cut. The social profile of the accused in question did play a role in determining the punishment. That the clergy and nobility largely escaped persecution may perhaps not be surprising, but, sometimes, people with a more modest background could also invoke privileges in order to avoid punishment. The following chapters will try to determine whether the suspected sodomites formed a homogeneous group or if they came from all walks of life, and to what extent varying social backgrounds led to varying punishments.

3.2 The bourgeois sodomite

3.2.1 Citizenship

Although a thirteenth-century coutumier containing the customary laws from Aardenburg proclaimed that men who committed sodomy lost their burghership and would be treated like any other non-resident, it seems highly unlikely that this coutume was actually followed widely in the Low Countries. By contrast, an early group trial conducted in 1391 in Mechelen illustrates the importance of the social position of the defendants. Although Jan Stoelkin implicated no less than seventeen of his fellow citizens, he was the only one sentenced to death. All others were released due to lack of sufficient evidence, since no one wanted to confess. The account mentions that the bailiff could do nothing to stop this course of events, since the remaining accused were all “bourgoys de la ville”. In other words, they were poorters or citizens and had either paid a certain amount to obtain the legal status of burgher, married a poorter, or inherited this privilege. Burghership offered important economic and legal advantages: according to the customs

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2 Vorsterman van Oyen, Rechtsbronnen der stad Aardenburg, 222.
3 “Item jann Stoelkin justiciet (…) acause qu’il confessa de boughernie qu’il avoit fait bien sur XVII personnes demorant a Malines lequels lesconfoute dessusdyt ne puet rien faire de justice sur les dessusdyt només pour che qu’il sont bourgoys de la ville et les met en escript en ches dites comptes pour cause que mes singuers deu conseil puevent ordoner luer plessier (…)” Brussels, NAB, CA, 15660, non-foliated
of Mechelen, written down in 1533, the bailiff could not even enter the house of a poorter without the authorization of the mayor and two aldermen, nor could he confiscate the goods of a burgher without the aldermen’s permission, unless the poorter had fled the city.

Hence, the mentioning of citizenship in a trial record was not without obligation. In sixteenth-century Spain, even the briefest Inquisitorial report mentioned the social class of the accused sodomite. Unfortunately, it is not clear whether the legal sources in the Southern Netherlands documented systematically whether an accused individual had attained citizenship or not.

The civic authorities in the Southern Netherlands also did not keep comprehensive lists of their poorters. Consequently, it is impossible to know the exact number of these privileged burghers. Peter Stabel estimates the yearly number of new poorters in early modern cities in the Southern Netherlands at 3 to 3.5 per 1000 inhabitants: in fifteenth-century Lille, an average of only 32 people obtained citizenship ever year. In Bruges, the number amounted to an average of 145, while in sixteenth-century Antwerp, a projection suggests a yearly average of 300 new citizens. These estimations are based on the so-called poortersboeken, lists of new citizens who had paid the required amount of money to obtain citizenship. Consequently, people who received this status because they were born or married into a family of poorters were consequently not included in these lists. In spite of these methodological difficulties, poortersboeken are among the few sources that allow us to verify whether a convicted sodomite might have enjoyed the privilege of citizenship. Based upon Bruges’ poortersboeken, this seems to have been the case only rarely: only four individuals persecuted for sodomy in Bruges have a name that corresponds with an individual mentioned in the local poortersboeken. Additionally,
there are two accused women of whom either the father or the husband appears as a poorter in this list of new citizens. Three other sodomites might have had a father who was registered as a burgher in Bruges. This indicates that poorters could indeed be executed for the sin against nature, but first and foremost that this social category hardly ever shows up in the sources, and that other social groups were presumably much more vulnerable to accusations.

It is important to note that these findings remain hypothetical, as it is impossible to ascertain whether the identity of a sodomite in the bailiff account actually coincides with that of a burgher in the poortersboeken. In fact, names could occur in a range of variations in late medieval and early modern official documents, which makes it very difficult to identify and track individuals over an extended period of time. Moreover, in the late medieval Low Countries, there was a limited amount of names that were extremely popular, which only increases the possibility of mistaken identities. For example, Pierkin de Rycke, who was burned in Bruges on May 13, 1513, also appears as Pieter de Rycke, born near Oudenaarde and registered as poorter on January 14, 1494. A different Pieter de Rycke, however, was born in Tielt and registered as poorter in 1483, while a third Pieter de Rycke, originally from Aardenburg, attained citizenship in 1476.

3.2.2 Occupation

Nevertheless, full citizenship was not the only measure of urban integration: “however important to one’s political or economic position, it was membership of a guild or professional association that did the most to define identity in late-medieval Bruges as in

have been preserved from 1418 until 1794, although the series has a void for the years 1496-1530. The choice to only check the Bruges' lists was a pragmatic one, motivated by the fact that Bruges knew the highest number of convicted sodomites, which considerably increases the possibility that someone from this group also appeared in the poortersboeken. Moreover, these list can be consulted digitally in Bruges’ city archive. Since this is not the case for the other towns, the labor-intensive character of such research makes it impossible to examine the complete poortersboeken of every city under scrutiny in this study.

11 Bruges, CAB, Series 130, 1434-1450, fol 53r; 1418-1434, fol. 129r.
12 Bruges, CAB, Series 130, 1479-1496, fol. 19v ; 28r ; 67r.
15 Brussels, NAB, CA, 13783, fol. 114v ; Bruges, CAB, Series 192, no. 1, fol. 75r.
16 Bruges, CAB, Series 130, 1454-1478, fol. 141r ; Series 130 , 1479-1496, fols. 22v, 66v.
most medieval cities”. Hence, another way of gaining more insight into the social background of the people accused of sodomy is by looking at their professional activities. The late medieval and early modern economy of the Low Countries was largely regulated by craft guilds. In the Southern Low Countries, these corporative institutions were a fundamental part of the socio-economic urban fabric. Craft guilds controlled the production of goods, the organization of the market and the training of new members, while also protecting the collective interests of their members. As such, they frequently influenced political decision-making. Furthermore, they also often fulfilled cultural and religious functions. During the later middle ages, “membership of a craft guild was one of the primary channels for ‘the middling sort of people’ to acquire and realize social and cultural capital as well as economic capital”. Hence, the (in)frequent occurrence of guild members among the convicted sodomites is a valuable parameter for identifying the social diversity of this group.

In several early modern cities, we can indeed observe a pattern in the occupations of the convicted sodomites. Once again, the wealth of the Italian trial records is illustrated by the fact that a trade was recorded for 63 percent of all the accused Florentine individuals between 1478 and 1502. The majority of these indicted men were artisans and tradesmen involved in textile production and the making of clothing. In Renaissance Lucca as well, textile workers were predominant among convicted sodomites, a situation that was representative for the actual division of labor in the Italian city. Then again, in early modern Venice, sodomy was associated particularly with teachers, barber-surgeons and pastry makers. This was also the case in sixteenth-century Bologna, where barbers and tailors featured prominently in several trials.

Unfortunately, the conciseness of the source material north of the Alps makes similar quantifications in the Southern Netherlands infeasible. However, as a witness report from 1632 shows, this does not mean that legal records never reveal any relevant information at all about the occupations of the accused sodomites. On September 3, 1632, Catelyne de Neckere, a twenty-one-year-old girl working in a shop in Bruges, witnessed a conflict between Maerten Oste, the dean of the used clothing sellers, and the dean of the tailors

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17 Murray, Bruges, Cradle of Capitalism, 110.
20 Rocke, Forbidden Friendships, 137.
21 Grassi, L’Offizio sopra l’Onestà, 50.
getting out of hand. When Catelyne heard Maerten scream in his shop across the street, she went to take a look, only to see how Maerten was being pushed to the floor while a man sitting on top of him, tried, with great force, to put his hand in Maerten’s pants. Ashamed, she turned away, but when Maerten’s crying continued, she went back to his shop. This time the dean of the tailors tried to grab Maerten’s penis through his trouser leg, shouting: ‘if I can’t get it out from above, I will do it from below.’ When Maerten’s aggressor noticed Catelyne, he yelled at her ‘that she would better wash her dishes’. Unfortunately, Catelyne took this domestic advice to heart. Hence, she was not able to tell how this sexually charged confrontation ended. And, since the two deans did not appear in the sources again, neither can we.

In spite of this enigmatic denouement, this seventeenth-century witness report does show that, in certain judicial sources, the occupation of charged sodomites was indeed mentioned. Unfortunately, however, this was not a standard procedure in the Southern Netherlands. The livelihood of only 45 out of 406 suspected sodomites was indicated explicitly in the trial record, while that of the convict’s father was mentioned in five other records. Based upon the punishments these individuals received, it seems that the fact that their occupation was mentioned was not to their disadvantage: 11 out of 45 ‘working sodomites’ were sentenced to death, whereas twenty others were simply released or fined. Five men got whipped with rods, two got banned, and in seven other cases the outcome is unknown. With a mortality rate of 24.44 percent, these individuals were better off than the majority of the convicted sodomites, where the average mortality rate (62.06 percent) was more than twice as high.

Although some of the mentioned professions, such as soldier, laundry woman or servant, were not necessarily associated with much social prestige, the majority of convicts were artisans and tradesmen. This was especially the case in trials concerning people who were the victim of a false accusations, or who were allowed to pay a composition to redeem their punishment. Consequently, an established guild member had a much better chance of leaving the courtroom as a free man than someone not

25 “(…) danof den eenen knielde ofte lachte het lijf van zelven Maerten den welcken met sijn aensichte lach nederwaert ter aerden met syn handen an syn brouck om den anderen, den welcken ghewelt dede om sijn hant in syn voorbrouck te steken te beletten (…) zecht voorts ghesien thebben dat dezelen deken vande cleercoopers quaet syn hand stack diepe van onder ande kniene vande brouck vanden selven Maerten, zegghende indien ick van boven niet en can uyt haelen, ick zalt van onder doen (…)” Bruges, SAB, TB0 119, no. 665 (Registers van criminele informatie van de stad Brugge, 1626-1632), fols. 424v-425r.
26 This chapter deals only with laymen. The punishment of religious sodomites will be discussed in a next chapter.
27 Among them tailor Pieter Vander Eeck: “A luy pour battu de verges sur ung eschapfault au bourg, Pieter Vander Eeck, parmetier, a cause d’une grande especie de zodomie par luy commis.” Brussels, NAB, CA, 13784, non-foliated; Bruges, CAB, Series 192, no. 2, fols. 170v-171r.
belonging to these powerful institutions. If we return to the mass trial in Mechelen that took place in 1391, the privileged position of guild members becomes even more clear. 8 of the 17 people accused of same-sex acts by Jan Stoelkin were members of the weavers' guild (“tisserans”), a fact that was mentioned explicitly in the trial record stating that these accused could not be prosecuted. In Mechelen, customs stated that the aldermen had no jurisdiction over matters concerning the weavers’ guild, despite the fact that they had authority over every inhabitant of the city in civil and criminal matters. While this provision is telling with respect to the powerful position of craft guilds in the late medieval city, this does not mean that impunity among guild members was absolute.28

Affiliated artisans were sentenced to death on several occasions, despite the fact that this does not seem to be the case at first sight. The reason for the latter is that the trial records do not mention professions in a systematic manner. However, these legal sources’ selective silence can be circumvented by looking at other sources, such as city chronicles. Although the Antwerp bailiff account of 1531-1532 does not mention that Mathys Guser, who was burned for ‘dirty affairs’,29 was a baker at the Dominican monastery, two local chronicles do.30 In a similar way, the author of a fifteenth-century city chronicle from Bruges reveals to us that a cook working in the Carthusian monastery, a weaver’s journeyman, and a bagpipe-playing fortuneteller were executed because of ‘things that are better kept quiet than mentioned’.31

28 “Inden iersten, de twelfve scepenen der stadt van Mechelen, daeraff de sesse zijn vander porterie, ende sesse vanden ambachten, zijn ordinaris rechteren, ende hebben kennisse, judicature ende berecht, ter maninghe vanden schoutet, over allen de porters ende andere inwoenders der stadt ende vryheyt van Mechelen, in allen saken, reelle, personele ende mixte, civile ende criminele, ter kennisse van ordinaris rechtere behorende. Wtgenomen de saken den wollewercke aangaende, also wel van wullen als lijnen laken, de welcke ter ierster instantie behoiren ter kennisse ende judicature van dekenen ende ghesworen vanden wollewercke (...)” Coutumes de la ville de Malines, 6. On the political power of weaver's guilds in the Low Countries, see: Jeroen Deploigne and Peter Stabel, “Textile Entrepreneurs and Textile Workers in the Medieval City,” in Golden Times. Wealth and Status in the Middle Ages, eds. Véronique Lambert and Peter Stabel (Tielt: Lannoo, 2016), 240-81.
29 “Van Mathys Guser die verwesen synde van vyulen saken gebrant es geweest dair om hier nyet.” Brussels, NAB, CA, 12905, fol. 133v.
30 “In 't selve jaer den 24. May, doen wirdt allhier buyten de Stadt verbrant tot dat hy doot was, ende alsoo liet men hem geheel staen aen de staeck, en dat om boggheryen, ende was den Backer van de Predicheeren allhier t'Antwerpen.” Anonymous, Antwerpisch Cronykje, in het welk zeer veele ende elders te vergeefs gezoge geschidenissen, sedert den jare 1500 tot het jaar 1574... (Leiden: Pieter vander Eijk, 1743), 33. See also: Geeraard Bertrijn, Chronyck der stadt Antwerpen, toegeschreven aen den notaris Geeraard Bertrijn, ed. Gust van Havre (Antwerp: P. Kockx, 1879), 78.
31 “Item up den zelven dach, doe was houtgevoerd, eenen man ter Cruuspoorte huut ende dien hiet Anthuenis, ende hy was vermaerd voor eenen waersegghere, ende hy plochte te pypen metter zacpype, ende hy was overghedaen by justicyen ter cause van zaken, die beter ghesewegen zijn dan ghenoomd.” Anonymous, Het boeck van al 't gene datter geschiedt is binnen Brugge, 20, 24, 165-6. Unfortunately, not all of these individuals described by this chronicle could be traced in the legal records. As the writer of this chronicle was very well informed about criminal trials, he was probably a clerk of the criminal court. See: Lisa Demets and Jan Dumolyn, “Urban Chronicle Writing in Late Medieval Flanders: the Case of Bruges during het Flemish Revolt of 1482-90,” Urban History 43, no. 1 (2016): 31.
Moreover, these craft guilds have also generated administrative sources themselves. In Bruges, the local guilds kept lists of the annual composition of their boards, which usually consisted of a dean and a jury of three to five assessors or “vinders”\(^{32}\) Hence, these lists focus solely on the board members of the local guilds, and not on all of their actual members. This means that it is easy to overlook a lot of potential sodomites belonging to a guild. Nevertheless, these lists contain eighteen names that correspond to convicted sodomites in the city, which implies that a vague description in the bailiff account does not necessarily mean that the individual in question did not have a noteworthy social background.\(^{33}\) Furthermore, two male sodomites had a father who possibly belonged to one of the local craft guilds, while the husband of one female sodomite also appears in these annual renewals written down by the local guilds. It is not possible to single out a dominant trade among the convicted sodomites who presumably held a board function within their craft guild. They came from all parts of economic life in the early modern city. Among them we find members of the retail market, the dairy market, potters, weapon makers, shoemakers, chair makers, hat makers, purse makers, rope makers, tinsmiths, gold- and silversmiths, furriers, grocers, painters, saddlers, cooperers, sawyers, weavers, fish sellers and a wine meters. This multitude of professions reflects the versatility of Bruges’ economic fabric at a time during which the textile sector no longer held a predominant position.\(^{34}\)

Only four of the individuals found in these guild registers were also explicitly mentioned as artisans in the tribunal records. Not coincidentally, all four cases concerned false accusations. Hence, the main point of a reference to guild membership in legal sources was to underline the honest reputation of a person. This is also apparent when we look at the penalties applied to those convicted artisans from Bruges whose professional status was not mentioned in the bailiff accounts. Each of these fifteen supposed artisans were sentenced to death, which contrasts immensely with the low mortality rate among the guild members who were explicitly mentioned as such in the legal sources. On the one hand, this could mean that these people were not craftsmen at all, but merely less fortunate namesakes without a professional background to hide

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\(^{32}\) Jan Dumolyn, “De Brugse ambachtsbesturen tijdens de late middeleeuwen: enkele institutionele en rechtshistorische aspecten,” *Handelingen van het Genootschap voor Geschiedenis te Brugge* 147, no. 2 (2010): 313. Similar to the *poortersboeken*, the renewals of the craft guild boards can be consulted digitally in Bruges’ city archive.

\(^{33}\) Thanks to the online database ‘Who is who in late medieval Brussels (“Wie is wie in laatmiddeleeuws Brussel”), which was compiled by Bram Vanniekenhuyze and can be consulted via the website of the National Archives of Belgium, I was able to detect another sodomite who might have been an artisan. In 1437, Heine de Vos was enrolled as an apprentice in the carpet craft affiliated with the craft of the wool weavers. See also: Joseph Cuvelier, “De tapijtwevers van Brussel in de XVe eeuw,” *Verslagen en Mededelingen der Koninklijke Vlaamse Academie voor Taal en Letterkunde* 1912, 394. In 1475 then, Hennen de Vos was burned at the Grand Place of Brussels. Brussels, NAB, CA, 12703, fol. 205v. On the burgeoning Brussels tapestry at the time, see: Guy Delmarcel, *Flemish Tapestry from the 15th to the 18th Century* (Tielt: Lannoo, 1999), 47.

behind. As is the case with the poortersboeken, there is a danger of confusing two people with the same name. On the other hand, this could mean that craftsmen could not count on a favorable treatment at all, and that they were punished as severely as any other city dweller. Nevertheless, the fact remains that artisans, whether explicitly or implicitly identified as such, rarely occur in legal sources, at least not in relation to their proportion in urban society in general. It seems that neither burghers nor craftsmen occurred frequently in the legal sources, which indicates that people with a more humble background ran a higher risk of being prosecuted.

3.2.3 Marriage

A third way to verify whether someone was well-integrated into the late medieval and early modern urban fabric is to look at his or her marital status. Given the late medieval desire to preserve social cohesion as much as possible, it would only make sense that a case of ‘unnatural’ sexual acts committed by a married individual led to greater consternation than one committed by a bachelor. After all, a married man’s deviant conduct endangered not only himself, but also the stability and survival of his family. In early modern discourse, marriage was an ordering institution that fostered social stability, whereas sodomy abnegated the divine and legal order. Luther, for example, juxtaposed rightful marriages between men and women with “abominable Italian weddings”. Consequently, the social scandal that arose when a respected housefather got caught in the act must have been many times larger than when a bachelor was. In Florence, however, the opposite was the case. Officials were reluctant to punish married men for sodomy, “perhaps in tacit recognition of the fulfillment of their social role as family providers and fathers of legitimate children”. When married men were discrete, the risk of being punished was relatively low.

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35 For instance, Thuenekin Balde is mentioned as Anthonis Balde in the weapon makers’ guild from 1402 onwards, yet he remains a board member until 1442, even though his namesake was executed for sodomy in 1418. Brussels, NAB, CA, 13769, fol. 73r. Jeorge Vanden Damme, executed in 1469, was a member of the rope makers, but was also found among the grauwwerkers, who were furriers specialised in grey squirrel furs. Brussels, NAB, CA, 13779, fol. 16r; Bruges, CAB, Series 216, 1468-1469, fol. 99r.

36 At the same time, however, we should not forget that although marriage was considered a sacrament, traditional matrimony was not the only option for people living together in long-term relationships as Ruth Mazo Karras has shown. Only after the Council of Trent (1545-1563), ecclesiastical regulations on matrimony were coming into effect in the Low Countries. Ruth Mazo Karras, Unmarriages: Women, Men, and Sexual Unions in the Middle Ages (Philadelphia: University of Pennsylvania Press, 2012). Jutta Sperling, “Marriage at the Time of the Council of Trent (1560-70): Clandestine Marriages, Kinship Prohibitions, and Dowry Exchange in European Comparison,” Journal of Early Modern History 8, nos. 1-2 (2004): 77.


38 In fact, sodomy was a fundamental part of the Protestant discourse that advocated clerical marriage and marital life in general. Puff, Sodomy in Reformation Germany and Switzerland, 137, 167-78.

39 Rocke, Forbidden Friendships, 131.
The Florentine sources make it possible to distinguish between bachelors and married men. Only 24 percent of the men who were suspected of sodomy in 1480 had a wife, compared to 51 percent of all Florentine males. Apparently, for most single Florentine males, sodomy was a way of getting sexual satisfaction during their bachelor period, a practice they abandoned once they got married. Could this same pattern have been present in the Southern Netherlands as well? Unfortunately, the legal sources of the Southern Netherlands live up to their taciturn reputation once again, as the accounts hardly ever specify whether a convicted sodomite was married or not. One might be tempted to think that the fact that wives were almost never mentioned in sodomy cases in the Southern Netherlands implies that most men were indeed single. This would fit the Southern European pattern in which sodomy was mainly a temporary outlet among singles.

Reality, however, is less clear-cut. From time to time, the source material does indeed mention the marital status of a suspect indirectly. In 1533 for example, Frans Back from Antwerp was accused of sodomy and heresy after having been seen in a local tavern in the presence of ‘one from Leuven who was infected with sodomy’. Ultimately, three more men were arrested, two of whom were burned. In the end, Frans Back himself was acquitted of sodomy, but condemned for heresy together with Jacob Gast, for which both men were hanged after their hair was scorched. In the bailiff account, Frans Back’s marital status is not mentioned in any way. Consequently, we could conclude that he drew his last breath as a bachelor. Yet, the Antwerp Vierschaarboek, which noted the criminal investigations of the city, mentioned how Frans’ wife got involved in a quarrel in which she accused a local brewer of being a ‘little bugger’ who had ‘buggered’ her husband, after which she tried to provoke him by asking him if he also ‘buggered his own wife’.

Although this anecdote offers a disconcerting insight into the social consequences that a sodomy indictment might entail, ranging from broken marriages to local enmities and shattered reputations, the actual question whether Frans was married or not seemed of little importance to the authorities, and it certainly did not seem to be an aggravating circumstance.

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40 Rocke, Forbidden Friendships, 120.
41 “(...) een van Loeven die van sodomie besmet was (...)” Antwerp, Felixarchief, V142 (Vierschaarboek 1520-1538), fol. 39r.
42 “Van Jan de Herpener ende Jorijs Verbiest van dat sy van sodomie verwezen zyn geweest ende mitten vier verbrant sonder enich goet achter gelaten te hebben, daeromme hier nyet.” Brussels, NAB, CA, 12905, fol. 214r-v.
43 “Van Frans Back ende Jacop Gast overmits sekere leelicke ende enorme saken die zy geperpetreert hadden zyn met vonnisse geduemppt te staene op schavot ende huer haer afgebrant te worden dwelck also gedaen is ende voirts ggebannen op den brant daeromme hyer niet.” Brussels, NAB, CA, 12905, fol. 214r-v.
44 “De schoutet persisteert int feyt dat Fransoys huysvrauwe op Sente Bartelemeus lestleden woorden gehad heeft jeghens den brouwer (...) ende dat over de selve desselfs Frans huysvrauwe heeft gesegd totten voorseiden brouwer dese oft ghelijck woorden in effecte: ghyl buggeren, ghyl hebt mynen man geucht ende gaet ghyl zoot u wijf van achter; van welcken feyte de schoutet ghewesen is tzyne thoove (...)” Antwerp, Felixarchief, V142, fol. 40r.
There were only 12 individuals whose marital status was explicitly mentioned in the trial record. Six of them were women, for whom it was more common to have their husbands mentioned in official documents.\(^{45}\) In only one of the six other cases, the information that the sodomite in question was in fact a married man met with additional moral objections.\(^{46}\) In most other cases, however, marriage does not seem to have been to the detriment of the accused. On the contrary, showing that you were married and had children even helped minimize one’s unnatural actions as a long forgotten juvenile sin. That saddler Jehan Caudron was granted remission in 1475 was partly due to the fact that the respected guild member “s’estmaryé et a femme et enfans et honneste mesnage”.\(^{47}\) Two centuries later, Louïjs Cleymans made use of the fact that he was married in an even more cunning way. When he was questioned by the officiality of Mechelen in 1685 for abusing several young boys, he repeatedly stressed that he was married to a woman from a very honest family, who had been suffering from ‘cancer’ for the past two years. Not only had she recently recovered, she was also with child. Cleymans feared that, if his wife heard that he was punished for this crime, she would die from sheer sadness. Moreover, after hearing this news, she would also undoubtedly have a miscarriage, which meant that the child, deprived from the holy baptism, would be forever lost. Consequently, Cleymans begged the promotor of the tribunal to order a *silentium* and fine him.\(^{48}\)

However, the question remains how the domestic situation of the sodomites that were involved should be interpreted. Does the fact that references to marriage were made only in a select number of cases automatically imply that the overall majority of the suspected sodomites were bachelors? But in the bailiff account of 1515-1516, issued by the sovereign-bailiff of Flanders, the situation is exactly the opposite. Seven men were

\(^{45}\) Furthermore, several cases indirectly reveal the marital status of the convicted: as the nobleman Jan van Lyere had a son, Marie Valmerbeke -executed in 1434- had a daughter and Jacques Caillie -banned in 1614- had a sister in law, it seems likely that they were married, or at the very least had been married at some point. Of the suspected clerics of course, the -supposed- celibate status was not explicitly mentioned.

\(^{46}\) Jan Vinck sinned against the divine, religious and worldly laws and had forgotten himself because he, being a married man, having carnal conversation with other women and sodomizing them. “(…) dat hy gevangene tegens de goddelicke, gestelycke ende werlijcke rechten hem niet aleenlijk vergeten heeft sijnde een getraut man met andere vrouwenpersoonen vleeschelijck te converseren maer daer en boven abominabelijck ende jeghens de nature sodomitise te misbruijken (…)” Antwerp, Felixarchief, V158 (Vierschaarboek 1671-1684), fols. 150r-v.

\(^{47}\) Bruges, NAB, CA, 13780, fol. 60r.

\(^{48}\)“(…) ende alsoo hij is hebbende eene huisvrouwe van seer eereelycke familie, de welcke naer een twee jaerighe sickte te bedde ghelegen hebbende vanden kancker, tegenwoordich is bevrucht, sulx dat te vresen is dat soo wanneer tot haere ooren come te gracken dat haeren man soodanichlyck worde geactioneert dat niet alleenelyck sy van droefheijt soude comen te sterven, maer daerenboven dat de vruchte lichtelyck een misval soude comen te lijden, ende alsoo in perijckel staen van bij manquementen van het heylich doopsel eeuwelijck verloren te gaan (…)” Mechelen, Archiepiscopal Archive Mechelen, Officiality, no. 1066, non-foliated.
arrested for sodomy: three of them were described explicitly as “non marié,” while we remain in the dark about the situation of the four others. Although three of these men were described as ‘beggars’, which makes it unlikely that they were married in the first place, this example shows that there seems to be little structure in the way the marital status of the accused individuals was described. At any rate, the impact of married life was perhaps less significant than is often assumed as a means to assess the social status of a suspected criminal, given the large population of bachelors in late medieval Europe. Premodern western European society was marked by a specific marriage pattern in which people tended to marry at a high age or remained celibate throughout their lives. One of the reasons is that economic independence was more or less a required precondition to marry. In Ypres in 1412, for example, more than one-fifth of the city’s households consisted of bachelors. In Bruges, an average of 14 percent of the households were headed by a single woman. Moreover, historiography has often assumed that premodern singles were marginalized, since they were more likely to have financial difficulties. However, research on fifteenth-century Bruges has shown that single men and women were not necessarily poor, and that their creditworthiness did not imply a low social status.

In any case, the marital status of the accused sodomites does not seem to have played a decisive role in the majority of these trials, in which the matter of marriage was rarely addressed. And even if this was the case, it was merely to testify to the good reputation of a suspect. Thus, in most trials, being married was more of a mitigating than an aggravating circumstance. Nevertheless, the fact that this argument was not used more often might indicate that a large part of the suspects was indeed single. This does not mean that these bachelors were aware of the present-day concept of a ‘sexual orientation’. While it might conceivably be so that for some, it was a conscious choice to avoid marriage because of their same-sex desires, for most late medieval and early modern people marriage was the consequence of an economic rationale. That most sodomites were bachelors could thus have a variety of explanations largely related to the general Western European marriage pattern prevailing at the time.

49 “(...confessa parreillement que jamais n’avoit prins aultre estat ne regle et que jamais n’avoit esté marrié, et ensievant ce confessa que commis le pechié de sodomie et contre nature, et pour ce ledit souverain le fist bruler a une estacque (...)” Brussels, NAB, CA, 48640, non-foliated.


53 Rocke, *Forbidden Friendships*, 120.
3.2.4 Locations

Given the large celibacy rate in the region, it seems likely that most convicted sodomites did not have to worry about being caught by their lawful partner. However, this does not necessarily mean that they could rely on sufficient privacy to freely experience their illicit desires. This is evident from the many cases in which sodomites were caught having sex in public spaces. That such behavior involved the necessary risks, is illustrated by the case of the nineteen-year-old Coppin de Coene, who ended up at the rack in Ghent’s communal prison, as a result of his public sexual escapades in a local tavern. Apparently, Coppin was rather reputed among locals, since no man wanted to share a bed with him. Rumor had it that ‘he wanted to know them and do his will with them’.54 After a wedding party, Coppin nevertheless ended up in a shared bed with a certain Willekin, a civic servant, in his favorite tavern, De noode Gods. In the middle of the night, Coppin allegedly woke up and noticed that Willekin grabbed his hand and brought it to his penis. Coppin claimed to have jumped out of bed while shouting: ‘what do you think you are doing?’ However, peace soon returned in De noode Gods, as soon as Willekin promised to buy Coppin two or three pints of beer.

In fact, it is hard to imagine that Coppin was as shocked by Willekin’s swift initiative as he would have his interrogators believe. Somewhat later, Coppin revealed that he had already had sex with his bedfellow on previous occasions. Two months earlier, they had shared a bed in St Jacob’s almshouse in the city. Once again, Willekin offered Coppin some pints of beer in order to persuade him, even though four or five other guests were sleeping in their room at the time as well. Despite the fact that he did not consent to have sex on this occasion, Coppin did confess that, in De noode Gods, Willekin had ‘known’ him until ‘some wetness appeared’.55 Moreover, Willekin was not his only bedfellow, as Coppin confessed that he had also sex with Andries van Ypre, also known as foolish Andries, on four occasions in a barn outside the city. Coppin again tried to minimize his part in the unmentionable vice; Andries, who allegedly had a series of other bed partners, had supposedly threatened to hit him if he did not want to have carnal conversation with him, after which he had used Coppin several times, both in the barn and in a chapel on the road to Antwerp. On each of these occasions, Andries penetrated Coppin until he ejaculated.56 In spite of the fact that Coppin’s sexual encounters tended to take place in

54 “seght ooc dat groote menichte van rabautten (...) by hem niet slapen en willen met dat men seght ende dat de fame gaet dat hy henlieden bekennen wilt ende zyne wille also van hen hebben (...)” Ghent, CAG, Series 214, no. 1 (1515-1523), fol. 277r. See also: Jonas Roelens, “Sodomie in Gent : de stomme zonde onderzocht,” Archieflink 17, no. 4 (2017): 6-8.
55 “(...) Gevraeght ten tyde vanden noodt Gods, oft voorseide Willeken by hem bekend ooc offer eenich nat af quam, zegt dat jaet (…)” Ghent, CAG, Series 214, no. 1, fol. 277r.
56 “(...) daer met hij de deposant dreechde tslaene omme dat hy met hem niet converseren en wilde (...) kent noch dat hij hem eens bekent heeft dies ontrent eene half jaer ontrent eendere capelcken zoë men gaet naer Andweerpen (...) ooc dat altijts van achter gebuerd dat hyt Andries hem dede ende dat in syn fondament zo
public, his interrogations do not specify whether he was caught red-handed or not. This seems unlikely, however, given the fact that his said bedpartners managed to escape justice. Consequently, Coppin was the only one to be burned.57

Coppin was not the only one, however, to commit sodomy in public places. The records mention an array of locations, ranging from the battlefield,58 monasteries, churches, hospitals,59 breweries, graveyards, meadows, stables, haylofts, shared beds,60 taverns and bathhouses. What can we derive from these public encounters? Could it be that the choice for a particular setting was motivated by a burgeoning subculture, complete with an early group consciousness? Jacop Dehondt from Bruges, for example, was accused of ‘having misled several people to come with him to the bathhouses or other places’. With some of these people, he allegedly ‘had been living infamously and dishonorably’.61 Michiel Weyns chatted up men in a tavern in order to have sexual intercourse with them. After a failed attempt to seduce Thiry Dijcman by grabbing him in the crotch, he got caught. Apparently, Weyns was more successful in his previous attempts, as he confessed that he had taken several men with him to the bathhouses in Bruges in order to touch their genitals.62
Apparently, there were some specific venues in fifteenth-century Bruges where sodomites went to seek erotic encounters. In early modern Venice, certain schools were notorious as meeting places for sodomites.\(^63\) The same was true for several taverns and public latrines in German cities such as Hamm and Regensburg.\(^64\) Although it is tempting to see these regular meeting places as signs of a nascent subculture, there is nothing in these men’s confessions that indicates that they actually identified themselves with the other men with whom they had sex, or that their sexual desires led to any kind of introspective reflection. If we would expect them to do so, we would fail to address the specificity of feelings of desire and their expressions during each historical period. Moreover, the choice for bathhouses as preferred scenes for an erotic rendezvous appears to have been motivated by other considerations, as these places were often known to be houses of ill repute, where prostitutes offered their services.\(^65\) Given the dubious reputation of these bathhouses, it is not surprising that people with forbidden desires chose these locations as their preferred setting.

In other cases, the choice to commit sodomy in a (semi-)public space appears to be the result of sheer necessity, which could be indicative of the social status of the involved parties. That Coppin and Willekin considered having intercourse in an almshouse with five other people present in the room, indicates that neither of them had the means to purchase his own house, or rent a private chamber in which they were less likely to be discovered. Did the lack of financial resources of the ‘culprits’ often play a role in the extent to which sodomy did or did not come to light? Then again, even fortunate homeowners were not safe from prying eyes, as was the case with Cornelis de Busere, a board member of the grocer’s guild in Bruges. He was mentioned as the owner of a house near the big city crane that was used for (un)loading ships, which entails that he lived in the very heart of Bruges’ economic activities. This means that de Busere did not lack the necessary financial resources.\(^66\) His wealth did not spare him from the stake, however. In

\(^63\) Ruggiero, The Boundaries of Eros, 138.
\(^64\) Hergemöller, Sodom and Gomorrah, 42-43.
\(^66\) In 1435, the widow of Maertin de Busere is mentioned as the owner of a house situated on the corner of the street nearby the “Cranebrughe”, after which Cornelis de Busere is mentioned as the owner, though his ownership is not dated. Presumably, he inherited the house from his parents. Bruges, Archives of the Public Centre for Social Welfare Bruges, Registers, no. 50 (Renteboek dis Sint-Jacobs, 1439). See also Sofie Baert, “Kraanplein 3, Huis de Cluuse,” in Brugge neoklasiek. Open Monumentendagen 2017, ed. Christophe Deschaumes (Bruges: Vanden Broele, 2017). Thanks to Bernard Schotte for drawing my attention to this source.
1469, Cornelis de Busere, Pieter Van Claren, Jehan Cnoop and Jeorge Vanden Damme were “tous quatre ars comme zodomiens”.  

Although this example shows that, in certain cases, the urban authorities did not spare their more prosperous citizens, we must not be blinded by our contemporary notion of privacy. Mary Crane has stated that, both for wealthy people (who were always surrounded by servants or apprentices) and for poorer households (who often had to rent shared rooms), there were no truly private spaces in the interior of the home. Consequently, illicit sexuality and other secret behavior often occurred outside because, paradoxically, public spaces were the only places where real privacy was possible. Cristian Berco, who described the public sphere in early modern Spanish cities as “an unofficial erotic theatre”, found that in sixteenth-century Aragon, 67.01 percent of the same-sex encounters that lead to prosecution occurred in (semi-)public areas.

### 3.2.5 Confiscations

If the place where men seduced one another is less indicative of their social status than is often assumed, perhaps looking at their financial situation offers a solution. In any case, it is clear that wealthy house owners such as Cornelis de Busere were a distinct minority among the group of convicted sodomites. In fact, most sodomites did not possess any goods whatsoever that could be confiscated by the bailiff. In some trials, this was because shrewd family members had taken precautions. Casin Joosseps, for example, was arrested for entering the house of his bastard brother, Jaque Casijs “qui fu executé a Bruges de sodomie”, and stealing the contents of his late brother’s money box. Yet, even without the intervention of greedy family members most sodomites seem to have died penniless, as is mentioned explicitly by the local bailiff in several accounts.

However, the confiscation policy of local bailiffs was anything but transparent. Many were reputed for their corruption, a situation which only deteriorated when, from 1439

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67 A man called Pieter van Claren, born in Dendermonde was registered as poorter on February 3 1456. Bruges, CAB, Series 130, 1454-1478, fol. 12v. 
68 A man called Joris Vanden Damme was mentioned as vinder of the ropemakers from 1410 until 1435, yet another Joris Vanden Damme was mentioned in the registers of the grauwerkers in 1434 and 1438. 
69 Brussels, NAB, CA, 13779, fol. 16r ; Bruges, CAB, Series 216, 1468-1469, fol. 99r. 
71 According to Berco, visibility and the risk of being discovered were less decisive than the level of consent from one of the partners during these public encounters. Berco, Sexual Hierarchies, Public Status, 40-41. 
72 Casin had to pay a fine of 70 pounds. Brussels, NAB, CA, 13700, fol. 74v. 
73 Jan Willemss in Antwerp during 1532 for example: “Jan Willemss die gevangen zynde van boggerien verwesen is geweest ende metten viere verbrandt sonder enich goet achter te laeten, dair om hier nyet.” Brussels, NAB, 12905, fol. 191r.
onwards, their office was increasingly leased, either by auction or by agreement.\textsuperscript{74} In fact, a bidder paid a sum to the prince to hold this office for a certain period. As a bailiff did not receive a wage and had to bear certain expenses, he depended on the income he himself could generate from law enforcement to sustain himself and pay off his debt to the prince. According to Jan van Rompaey, this resulted in an unheard-of rise in the misappropriation of money: although bailiffs were expected to include the completed forfeitures in their annual account, it ‘shows naivety to think that a bailiff would consistently do this’. After all, it was a piece of cake to mention forfeitures in an account followed immediately by the statement that he had not received anything at all.\textsuperscript{75}

Did the persecution of sodomy cut across social ranks, or were there particular groups that were punished more severely than others? Although the brevity of the source material requires caution, the persecution of sodomy in the Southern Netherlands seems to have been aimed mainly at people from the lower social strata. The fact that poorters, craftsmen and married people appear less often in the criminal records seems to confirm this hypothesis. People with a lower social status, on the other hand, were more vulnerable for accusations of the silent sin. This was probably the result of the fact that they could not count on a social network to the same extent as people with a higher social status could.

This may also explain the high mortality rate in sodomy trials conducted in the region. As seen in table 1, the average mortality rate was 62.22 percent, although in some cities there were peaks up to 83 percent. This was much higher than abroad. The notorious Inquisitorial tribunals on the Iberian Peninsula actually discharged suspects much more often than the courts in the Southern Netherlands. In Portugal for instance, only a little over 10 percent of people denounced for sodomy were incarcerated, and only 8 percent were burned to death.\textsuperscript{76} In Aragon, the death penalty was pronounced in only 10.37 percent of cases.\textsuperscript{77} What is also striking, is that there was a clear distinction according to the social class to which a convicted person belonged. Whereas slaves were sentenced to death in 25.53 percent of cases, this was true for only 4.17 percent of the sodomites that were part of the ‘upper class’ of Aragonese society.\textsuperscript{78} Furthermore, contrary to the Low Countries, sexual encounters between people from different social classes were perceived as a threat to social order.\textsuperscript{79} Not only do these low figures confirm the uniqueness of the

\textsuperscript{74} Although the introduction of this leasing practice coincided with the peak in sodomy prosecutions, there is no causal relationship between the two phenomena in my opinion. If anything, a bailiff who wanted to scrape the bottom of the barrel in terms of financial gain, would be inclined to ignore sodomy because this was an expensive crime to prosecute due to the costly stake that came with such a verdict.

\textsuperscript{75} Van Rompaey, Het graafelijk baljuwsambt in Vlaanderen, 374-75.

\textsuperscript{76} Mott, “Justitia et Misericórdia,” 71.

\textsuperscript{77} Although people were condemned to the galleys in 29.38 percent of the cases, which was a death sentence in disguise.

\textsuperscript{78} Berco, “Social Control and Its Limits,” 337.

\textsuperscript{79} Berco, Sexual Hierarchies, Public Status, 134.
repression of sodomy in the Southern Netherlands, they also indicate that the high mortality rate in the latter region might be the result of the fact that the majority of the victims were outcasts, people who were not wanted within the urban fabric. In cities that increasingly perceived themselves as ‘sacral unities’, undesirable individuals were targeted by either the authorities or the local city dwellers. Or, as Bernd-Ulrich Hergemöller puts it: sodomy was used to “exclude persons out of favour on an incontestable pretext”. 80

3.3 The noble sodomite

3.3.1 Privileged people and political victims

These people out of favor tended to belong to groups with a low social status. Although according to popular belief sodomy was a vice that particularly prospered among the nobility, few trials in which members of the upper class were actually punished for their presumed misdeeds have survived. 81 Perhaps the most notorious cause célèbre is that of Mervyn Tuchet, 2nd Earl of Castlehaven, who in 1630 was accused of having assisted his servant in raping his wife, and of having sodomized several of his other male servants. Castlehaven was convicted by his peers and beheaded for his crimes, yet his case was widely discussed among contemporaries, since he had insisted that he was innocent and that his wife and son conspired against him because they would gain materially by his death. 82

The notion that a member of the elite was actually sentenced to death for his sexual offenses was anything but self-evident. 83 In general, noblemen who were suspected of sodomy were treated very favorably compared to sodomites from lower grades of society. 84 This was also true for one of Castlehaven’s Portuguese contemporaries: Dom

80 Hergemöller, Sodom and Gomorrah, 33. See also : Bray, Homosexuality in Renaissance England, 72.
83 The German nobleman Richard Puller von Hohenburg, for example, was accused of sodomy for the first time in 1463. He used his social position to have each deposition nullified, however. Only in 1476, he was sentenced to death in the Swiss city of Zurich. Puff, Sodomy in Reformation Germany and Switzerland, 45-48.
84 Michael Rocke points out, however, that 214 out of the 417 dominant families who made up the Florentine ruling class had at least one member incriminated for same-sex acts. Even so, convictions for sodomy were still more common among people outside the ruling class in fifteenth-century Florence. Rocke, Forbidden Friendships, 141-3.
Filipe de Moura, one of Portugal’s most important military figures of the seventeenth century. Moura was a nobleman, a knight in the Order of Christ, a member of the Portuguese Overseas Council, but also a sodomite. In 1644, he voluntarily confessed to the Inquisition that he had committed sodomy on hundreds of occasions, both as an active and as a passive partner, with men as well as with women. Although the number of death sentences in Portugal peaked during that particular period, Moura was absolved without further ado, as was his brother Louis, a professor at the University of Coimbra, who had sodomized his former page. Unlike his brother, however, Filipe de Moura relapsed a few years later. This time, Moura was banished from Lisbon to Penacova, whereas his sexual partners were imprisoned, subjected to an auto-da-fé, or had to serve in the galleys.  

Another case illustrates even better how attempts were made to shield the nobility from prosecution. In 1651, none other than King John IV of Portugal tried to prevent a sodomy trial by alerting the Count of Vila Franca that he was about to be arrested by the inquisition. The Count was hesitant to flee the country, however, and he consequently got arrested. Nevertheless, he did not need to fear for his life, as he was merely confined to a monastery in the Algarve region for his remaining days. Many similar examples indicate that this was the common way of dealing with sodomy cases among the nobility. Although the nefarious sin was supposed to undermine the natural and divine order, in its punishment, social order was perpetuated by adhering properly to the unwritten rule that people from different stations in life were to be tried in different ways, or, as Francis Dutra puts it: “Wealth and status almost always trumped guilt and innocence.”

And yet, there were indeed cases in which noblemen, such as Castlehaven, or other high-ranking members of society, failed to escape justice. Nevertheless, even then, one still wonders whether sodomy was really the central issue. On the rare occasions that members of the nobility were effectively punished for sodomy, it seems that they were actually victims of a political retribution. One of the first cases of its kind happened in 1293, when Adenolfo IV, Count of Acerra in Sicily, was executed for sodomy. His downfall was brought about by the complex struggle for power over the medieval Kingdom of Sicily between the Angevin rulers and the kings of Aragon. In 1286, Adenolfo was arrested

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87 In 1484, the German town of Cologne established a special commission to investigate a sodomy complaint. The authorities put a stop to this large-scale investigation, however, when it became clear that the key figure was, Johan Greeffroide, a local councilman. Attempts were made to cover up this public scandal. Bernd-Ulrich Hergemöller, Sodom and Gomorrah. On the Everyday Reality and Persecution of Homosexuals in the Middle Ages (London: Free Associations Books, 2001), 86-126.
for treason, but he was granted a royal pardon by Charles II of Sicily a few years later. However, after the umpteenth twist in the War of the Sicilian Vespers, Adenolfo was again accused of rebellion. Remarkably enough, the charge was quickly changed to that of sodomy. Both he and his brother were found guilty and burned alive. Although sodomy charges were extremely rare at the time, according to Jean Dunbabin it was “an expedient accusation to bring against Adenolfo”. Sodomy was a capital crime in which it was difficult to prove one’s innocence. Hence, it was unnecessary to revive the charge of treason from which Adenolfo had been publicly absolved only a few months before.  

One of the more famous examples in which sodomy was used as an instrument of political power was the trial against the Knights Templar. In 1307, the French king Philip IV could not repay his debts to this infamous order. To avoid a financial scandal, the king accused the Templars of heresy and sodomy. As a result, many Templars were arrested, tortured and executed while their order was dissolved by Clement V. In a similar way, Count Pons Hugh IV of Ampurias was accused of sodomy by King James II of Aragon in 1311 in the midst of a quarrel about the rightful ownership of the spoils of a captured Venetian ship. Ultimately, the count had to pay a large indemnity to the king. In 1540 then, Henry VIII accused Lord Hungerford of treason and sodomy after the latter had allegedly sympathized with the Pilgrimage of Grace, a popular uprising against the king’s rupture with the Holy See and the dissolution of the English monasteries. Lord Hungerford was beheaded as a result. It seems that when a prince was personally involved in the persecution of sodomy during the middle ages or early modern period, his interest lay first and foremost in displaying the authority of the crown rather than punishing actual homoerotic acts.

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93 However, late medieval noblemen themselves did not hesitate to use sodomy in order to settle material disputes. In 1349, William V, Count of Jülich, was deposed by his own son, who accused him of sodomy in order to seize his county. In 1466, Konrad von Murach was forced to confess sodomy after a conflict with the Count Palatine over the property rights of the castle and district of Tännesberg in Germany. Reinle, “Das mittelalterliche Sodomiedelikt,” 37; Emma Mages, “Die Rücknahme der Pfandschaft Tännesberg 1466: Das Verfahren gegen Konrad van Murach wegen der ‘ungenannten Sünde’,” *Zeitschrift für bayerische Landesgeschichte* 62 (1999): 201-12.
3.3.2 Noble sodomites in the Southern Netherlands

In the Southern Netherlands too, there are several cases in which the accused party was part of society’s elite. For instance, in December 1441, the knight Jan van Uutkerke was arrested in Bruges for sodomy. Jan had successfully served in the Burgundian army, had performed several diplomatic missions to Liège and Cologne on behalf of the duke, and he had been governor of Gouda between 1428 and 1440. Jan was also the son of Roeland van Uutkerke, a knight of the Order of the Golden Fleece who had been chamberlain to both John the Fearless and Philip the Good as well as governor of the County of Holland. Hence, “Messire Jehan” belonged to the fine fleur of the Burgundian court. In fact, the duke himself was his godfather. However, his privileged background, could not indemnify him from prosecution.

On November 9, 1441, several officers and lawyers were summoned to Bruges, where Jan van Uutkerke was arrested for the “crime et peschié abominable de sodomie”. Apparently, the duke preferred van Uutkerke to be tried before the Great Council instead of the local court in Bruges. Both the ducal chancellor and secretary were involved in this matter, but the aldermen initially refused to extradite van Uutkerke, since they regarded this as a violation of Bruges’ privileges. Finally, Philip the Good sent a letter of non-prejudice to the aldermen, explaining that, as his ‘servant, table companion, councilor and chamberlain,’ van Uutkerke should be handed over to the duke who would see to it that he would be tried accordingly.

It might seem as if Philip the Good was doing his utmost in preventing that Jan van Uutkerke would be executed by the aldermen of Bruges. Admittedly, according to one chronicler, the duke had pardoned van Uutkerke twice before. In reality however, the Burgundian duke cared little for the fate of his former ‘servant and table companion’. In January 1442, van Uutkerke was found guilty by the Great Council and sentenced to death, together with two of his accomplices, in the castle of Saeftinghe. As a form of ‘grace’, he was beheaded before his corpse was burned. By a cruel twist of fate, the death sentence

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95 “Comme ceux-ci eussent naguaires detenu et fait prisonnier messire Jehan d’Utkerke chevalier acause du crisme et peschié abominable de sodomie; lequel messire Jehan, aprez ce que par aucun temps lesdz de Bruges leuren detenu en leurs prisons, nous eussions par noz gens et commis fait requerir et mandé nous estre rendu et mis en noz mains comme nostre seruiteur domestique et commensal, en estat de conseillier et chambellan et de lordonnanne de nostre hostel, pour en auoir la congnoissance et de par nous luj estre fait son proces selon qu’il appartendroit en bonne justice, ainsi que tant de droit (...)” Louis Gilliodts-Van Severen, Inventaire des archives de la Ville de Bruges. Section 1: Inventaire des chartes (Bruges: Gailliard, 1876), vol. 5, 254.
97 “Ende in die maent van lauwe, dede Mer. Colaert van der Clijte, die soovereyn van Vlaenderen, Jan van Uytkerke, wijlent capiteyn van Nieuopoor te Sastinghe, executeren metten zweerde, by laste van den prince (die der nochtans petere of was), omme dieswille dat hy (naer tweemael gracie vercregen thebbene) hem noch niet ghwachtende vermijt en hadde van meer jeghens nature te zondighen ende bysondere met twee
was executed by order of Colard de le Clite, who was the sovereign-bailiff of Flanders at the time, but also Jan’s uncle. The fact that the relationship between the duke and his servant went sour over the years will probably have influenced Philip’s judgement in this case: in 1430, as governor of Breda, Jan van Uutkerke got caught in an open conflict with the city’s inhabitants and its bailiff, a representative of the ducal power. A year prior to his arrest, van Uutkerke, in his capacity of captain of Nieuwpoort (a coastal village in Flanders) had opposed the extradition of a prisoner, thus opposing his sovereign as well.

A relation gone sour was also the cause of the downfall of another prominent Burgundian courtier a few years later. In 1445, the Flemish Goswijn de Wilde was appointed president of the Court of Holland, after having been president of the Council of Flanders for five years. In The Hague, however, de Wilde got into a conflict with the Attorney General of the Court, Bengaert Saey. De Wilde held Saey responsible for a murder committed by his servants and accused him of manslaughter in 1447. In turn, Saey promptly accused de Wilde of sodomy. The duke intervened and sent a new governor to Holland to conduct an investigation. On June 20, 1448, both men were removed from office and detained. The investigation took no less than one and a half years.

At the end of 1449, the long-awaited trial took place at Loevestein Castle in Guelders. Both men were found guilty, and Goswijn de Wilde was executed. According to one chronicler, a large fire was lit on one side of the castle’s courtyard, and a red carpet was spread on the other side. Goswijn de Wilde was forced to make a choice: if he admitted his guilt, he would be beheaded. If, however, he persisted in denying his crimes, he would be burned alive. The former president chose the first option and was beheaded with the sword. Bengaert Saey was forever banned and his goods were confiscated. In reality, he


101 “(…) ‘Siet meester Goeswijn, en wilt ons niet langer houden gesuspendeert noch twifelende: ghi siet u doot voer u ogen, want wi weten certeyn dat ghi sculdich sijt ende moet sterven. Also ghi een eerbaer persoen altijt geweest sijt, so willen wi u ghenade doen, dat ghi moecht kiesen enen doot dien u beliefet: want ist sake dat ghi
returned after three months and was able to keep some of his offices although his promising career had come to an end.\footnote{Nip, “Bengaert Saey,” 73.} Ironically enough, Bengaert Saey’s son - Philips Saey, another Burgundian official - was accused of sodomy 46 years later. In 1495, Saey the Younger was burned at the stake in the woods outside The Hague. According to Noordam, who claims that Philips Saey was the main witness against Gooswijn de Wilde at the time, this trial should be seen as some sort of revenge for the political trial of de Wilde half a century before.\footnote{Gerrit Kuijk and Renée Nip, “Saeye zonden,” Groniek 78 (1982): 17-21; Noordam, Riskante relaties, 21.}

The executions of neither van Uutkerke nor de Wilde are mentioned in the bailiff accounts, although the absence of the latter is to be expected, since he was tried in Holland. However, there is one case in which a nobleman was involved that we can trace in the analyzed bailiff accounts. Yet, this trial is shrouded in mystery and historiographic problems. According to the bailiff account drawn up in 1470 by Jan Vander Brugghen, Lord of Blaasveld and bailiff of Antwerp, a certain Jan van Lyere was ‘infamous for committing inhuman and unnatural acts’ with a certain Gheert de Jonckhere, for which he was executed that year. After his execution, the bailiff confiscated all his goods and chattels, including the manor of Berchem.\footnote{“Van Jan van Lyere die befaemt was van onmenscheliken feyten ende onnatuerliken gedaen te hebben met eenen geheyten Gheert de Jonckhere, daer om hy geexecuteert ende te brande gestelt wiert ende byden voorseide mercgrave scouthete alle zyne goeden, haven ende erve mitgaders den heerlicheyt van Berchem in handen genomen tot behoufs mijns genedichen heeren, met groeten zwaeren arbeyde ende kosten (...)” Brussels, NAB, CA, 12903, fol. 364.}

Since most sodomites mentioned in the bailiff accounts have humble backgrounds, the execution of a man of his stature, a proper Lord, is striking. The van Lyere family was certainly part of the Antwerp elite, but apparently, this high social status was not enough to protect one of its leading family members. On August 17, 1407, Jan I van Lyere took over possession of the manor of Berchem from Anthony of Burgundy, Duke of Brabant (1384-1415). He married Margriet Blondeel with whom he had four sons and one daughter.\footnote{Floris Prims, Geschiedenis van Berchem tot bij de aanvang der XXste eeuw (Berchem: De Vlijt, 1949), 74.} Jan the Elder was also Lord of Noorderwijk near Antwerp, and the owner of Doggenhout Castle in Ranst.\footnote{Paul de Win, “De adel in het hertogdom Brabant in de vijftiende eeuw (inzonderheid de periode 1430-1482),” (Unpublished MA. Thesis, Ghent University, 1979), 394; Frans Doperé and William Ubregts, De donjon in Vlaanderen: architectuur en wooncultuur (Leuven: Universitaire Pers Leuven, 1991), 217.} Apart from these facts, we do not know much about him or his government of Berchem. He died around October 18, 1455 and was succeeded by
his son, Jan II van Lyere, who became Lord of Berchem on January 17, 1456. Strangely enough, Jan the Younger was succeeded by his son, Hector van Lyere, shortly afterwards. Already on January 29, 1463, Hector van Lyere bought back the manor of Berchem after it had fallen to Philip the Good. He remained Lord of Berchem until his death in 1492.\(^{107}\) However, this short account of the rise of the van Lyere family during the fifteenth century, based on secondary literature, is problematic in relation to the record in the Antwerp bailiff account. The latter stated that the execution of Jan van Lyere and the confiscation of the manor of Berchem occurred only in 1470, seven years after Hector van Lyere had bought back the manor from the Burgundian Duke.

There are, in my view, two possible ways of explaining this remarkable passage in the bailiff accounts. The first hypothesis implies that the Jan van Lyere referred to in the Antwerp bailiff account of 1470 is Jan van Lyere the Elder, who presumably died in 1455.\(^{108}\) An argument for this identification can be found in the fact that Jan van Lyere was convicted for sodomy with a certain “Gheert de Jonckhere”. In the Antwerp bailiff account of 1453-1454, there is indeed mention of a man called “Gheert den Jonckheer”. He was a furrier from the city of Lier who was ‘infamous for having dishonestly grabbed young boys’ by their genitals.\(^ {109}\) Perhaps this ‘dishonest’ furrier had more black marks on his record than simply the harassment of youths? Would it be possible that he had also engaged in sexual encounters with Jan I van Lyere? We cannot completely exclude this hypothesis, but it seems unlikely. Gheert den Jonckheer, who claimed to be ashamed of his actions, called in the help of friends who apparently begged the bailiff not to bring den Jonckeer to court. As a result, Gheert den Jonckheer received a composition of 27 Rhenish guilders and was released.\(^ {110}\) As we have seen, sodomites of noble birth were generally well protected against prosecution in comparison to people of the lower classes. Hence, it seems strange that, in a case involving a craftsman and a nobleman, it was the

\(^{107}\) Hector van Lyere was also Lord of Kasterlee since 1458 and aldermen of Antwerp from 1468 until his death. In total, nine members of van Lyere family served in the city council between 1465 and 1550: Janna Everaert, City Government Antwerp 1394-1560, Access Database, information retrieved in March 2018; de Win, “De adel in het hertogdom Brabant,” 392; Floris Prims, “De van Liere’s in de XVde eeuw,” Antwerpiensia vol. 2 (1928), 281; Mario Damen, Prelaten, edelen en steden. De samenstelling van de Staten van Brabant in de vijftiende eeuw (Brussels: Koninklijke Commissie voor Geschiedenis, 2016), 157. The van Lyere family was widespread. More information on the Coelgheenszoon branch of the van Lyere family in Antwerp can be found in: Frederik Buylaert and Yves Huybrechts, “Blue Blood in the Red? Nobles on the Antwerp Annuity Market (1490-1493),” in Edad Media 19 (2018, forthcoming).

\(^{108}\) Floris Prims mentions that Jan I was not buried in the local St. Michael’s church, as was the custom for the Lords of Berchem. If Jan I is to be identified as the convicted Jan van Lyere this might explain the lack of an official grave. Prims, Geschiedenis van Berchem, 76.

\(^{109}\) “(…) ende de voorseide Gheert die schaeende hem, die samen aende lieterlike vriende mede gewerden die den mercque baden dat hy en te male niet verschenen en woude ende geloefden hem (…)” Brussels, ARA, NAB, 12903, fol. 64r.

\(^{110}\) “(...) ende de voorseide Gheert die schaeende hem, die samen aende lieterlike vriende mede gewerden die den mercque baden dat hy en te male niet verschenen en woude ende geloefden hem (…)” Brussels, ARA, NAB, CA, 12903, fol. 64r.
latter who found himself on the short end, facing execution, while the former was able to pay a fine to undo his sin. Moreover, it would be highly uncommon for a case to only appear in the bailiff accounts fifteen years after its implementation. Could it therefore be possible that the convicted Jan van Lyere was in fact Jan van Lyere the Younger?

Jan II van Lyere became Lord of Berchem in 1456 and was presumably succeeded by his son Hector just seven years later, in 1463. According to Floris Prims, “Hector van Liere wilen Janssone” had received the manor of Berchem from the duke for the sum of seventeen hundred Rhenish guilders on January 29 1463 (N.S.). However, we should be cautious about the source that mentions this succession. Prims states that this ‘somewhat wonderful piece’, is a copy of a copy of a copy of the original. Could it perhaps be possible that, during the frequent copying process of this document an error has crept into the dating? Technically, it is possible that a distracted scribe made a mistake and therefore situated the purchase ten years earlier. If Hector van Lyere had bought back the manor of Berchem from the duke in 1473 instead of 1463, for instance, this would match the chain of events in which his father was executed in 1470. Unfortunately, this theory is compromised by the fact that the charter refers to Philips the Good as the liege of Hector. Philips the Good was indeed duke of Burgundy in 1463, but in 1473, he was already dead for six years and had been succeeded by his son, Charles the Bold. Although it is theoretically possible that one of the scribes copying the original document wrote down both a wrong date and a wrong name, it seems much more likely that the transfer of the manor indeed took place in 1463.

According to Prims, historiography has exaggerated the importance of this purchase. He believed that Hector van Lyere did not have to buy back his manor, but only had to lend a large sum of money to the duke, who was eager to undertake a crusade to the Holy Land. In my opinion, however, Hector van Lyere effectively had to buy back his family estate, and with good reason: his father had been executed for sodomy, even though we remain in the dark as to when exactly the latter was convicted. While the bailiff account mentions that the confiscation of Jan van Lyere’s goods and chattels involved ‘great and heavy labor and costs’, this is not a sufficient explanation for the aberrant chronology of events. Unfortunately, the exact moment when Jan van Lyere was executed remains unclear. Nevertheless, his execution illustrates that local lords were not exempted from persecution themselves.

111 “(…) Want onse getrouwe man van leene Hector van Liere wilen Janssone tegen ons gechocht ende vercregen heeft die goede van Berchem (…) overmits de somme van seventienhondert rensche gulde (…)” Prims, Geschiedenis van Berchem, 80.
In certain cases, these local seigneurs were punished indirectly when sodomy was concerned. This stems from the fact that many of them dreamed of possessing high jurisdiction over their seigneury, meaning that they could prosecute capital offenses within their territory. This was out of the question for most lords, and in some cases, their inability to prosecute sodomites was explicitly mentioned in the bailiff accounts. In 1511 for example, Symoen Claes was arrested in Middelburg-in-Flanders, a city that had only been founded a few decades before by Pieter Bladelin (1409-1472), a high-profile courtier at the Burgundian court. Claes was handed over to the bailiff of the Liberty of Bruges because “le seigneur de Middelbourch” did not hold high justice. Nevertheless, sodomy appeared to have been a symbolically important crime to penalize, as displayed in a small number of fifteenth-century examples in which local lords were very eager to display their power by sentencing sodomites to death. Unfortunately for these power-hungry lords, their attempts often backfired as they lived in a time in which the Burgundian Duke tried to curtail the power of the local nobility by increasingly claiming authority over the so-called casus reservati. Around 1445, Boudewijn de Vos, lord of Zomergem, had Willem de Rike executed for sodomy (“den vulen faite”) and confiscated his goods on his own behalf. In doing so, he unjustly appropriated the ducal privilege of high justice, by which he hoped to strengthen his local power base. However, his act of hubris would nearly ruin his family, as it led to a lawsuit at the Burgundian court. In the end, Jan de Vos, his brother’s successor, had to pay a huge fine. In 1462, Roland de Pipe, a finances officer of the Count of Charolais, committed suicide, a fact that drove some local lords to file a complaint against the city of Bruges, which had confiscated de Pipe’s goods. One of the parties involved, Isabelle van der Douve, heiress of Meulebeke, supported her claims on these properties by citing an earlier execution at the stake for sodomy. However, this only resulted in an investigation into her claims on high justice.

However, contrary to what the examples above seem to suggest, it could not hurt to have powerful connections to the Burgundian court, as shown in the example of a boy named Philipot. In 1498, Philipot was denounced by Joos l’Evesque, who confessed having

113 “(…) veu que le seigneur de Middelbourch non peut fair execution et que monseigneur l’archiduc a reservé la justice de telz cas et aultres semblables a luy.” Brussels, NAB, CA, 13712. After building this newly founded city in 1452, Bladelin soon acquired high justice for Middelburg, except for cases of lese majesty, rebellion, counterfeiting, rape and cases for which ‘executions at the stake’ applied. Jonas Braekevelt, Pieter Bladelin, de Rijsselse Rekenkamer en de stichting van Middelburg-in-Vlaanderen (ca. 1444-1472): de ambities van een opgekomen hofambtenaar versus de bescherming van het vorstelijk domein (Brussels: Paleis der Academiën, 2012), LXXXVI.


115 In all likelihood, van der Douve referred to the fact that Roland van Halewijn, lord of Meulebeke, burned one of the inhabitants of his seigniory at the stake for sodomy in 1462. Lille, Archives Départementales du Nord, Série B (chambre de comptes de Lille), no. 17690 (lettres reçues et dépechées), portefeuille titled Halewin (Roger de), écuyer et de le Douve (Isabelle), seigneurie à Meulembeque, non foliated. Braekevelt, “Jean Coustain en de hoge rechtsmacht,” 95. On this suicide case, see also: Werner Paravicini, “Un suicide à la cour de Bourgogne: Roland Pipe,” Revue du Nord 91, no. 380 (2009) : 385-420.
committed the ‘inhuman sin of sodomy’. On March 24, Joos l'Evesque was burned for his crimes. Unfortunately for Philipot, l'Evesque had confessed to the aldermen that he and Philipot had ‘dishonestly touched each other’. Apparently, Philipot had little to fear from the authorities, since he was the son of master Jan Luylter, the secretary of Philip the Fair (1478-1506), King of Castile and Duke of Burgundy. The case was followed closely by the chancellor of Burgundy and Philip the Fair: shortly after the execution of Joos l'Evesque, Bruges’ magistracy received a letter in which the archduke personally intervened on behalf of Philipot, his godson. Philip the Fair urged the city council not to take any action with regards to the boy, who was ‘pure and innocent’ and also a ‘child with good inclinations and a good reputation’. And even if the boy was guilty, this was merely the result of his youthfulness. Therefore, the archduke wanted the boy to be granted total forgiveness.

In spite of examples such as van Uutkercke and van Liere, the punishment of sodomy largely depended on the socio-economic status of the accused individual. Penalties for people from the upper classes were usually much less severe than those imposed on marginalized individuals. According to Helmut Puff, the nobility “could manipulate court proceedings” in order to evade justice. That noblemen were indeed likely to be spared in certain cases is illustrated by a distinction made by de Damhouder. In his punishments for necrophilia, which he considered to be a form of sodomy, he believed that ‘those who give in to the horrible and searing kind of unchastity whereby someone has carnal knowledge with the dead body of a woman’, should be punished by death. However, when

116 “Joos l’Evesque f. Symoens heeft verkend ende verleyt by zynen vryen wille ende buten alle banden van pynen ende van ysere dat hy te meer stonden ghecommitteirt heift de onmenschelike zonde van sodomyen. Tsaterdaechs den XXIIIien dach van maerte XCII [o.s., sic] zo was by scepenen ghwyst ome den voorside Joos l’Evesque te rechtene metten stake ende metten brande ende hem also te bringhene vanden live ter doot (…)” Bruges, CAB, Series 192, no. 1, fol. 24r “(…) A luy pour avoir brulé ung nommé Josse Levesque de sodomie (…)” Brussels, NAB, CA, 13783, fol. 6r.

117 “Ende want de voornoemde Joos in eeneghe sticken van oneerbare tastinghe belast hadde eene jonghen gheheeten Philipot, de zuene van meester Jan Luylter, secretaris ons gheduchtes heeren.” Bruges, CAB, Series 192, no. 1 fol. 24r.

118 “nous ne voulons pas que faictes aucune poursieute en maniere que ce soit, a l’encontre du filz de maistre Jehan Luylter, nostre secretaire, nommé Phelipot, nostre premier filleul, dont le fait et sur main pardevant nostre chancellier et aussi combien que ledit Phelipot soit pur et innocent du cas et enfant de bonne inclination et rennomme, comme bien avons entendu. Neantmoins s’aucune offense y estoit trouvee vraye que par enfance ou jeunesse il y pouroit avoir commise, nous des maintenant pour lors enfant que mestier seroit luy avons pardonné et pardonnons entierement, (…) car tel est notre plaisir (…)” Bruges, CAB, Series 192, no. 1 fol. 24v. (Emphasis mine). See also : Boone, “State Power and Illicit Sexuality,” 151-52.


120 Although de Damhoudere candidly admits that one could have doubts about which category of unchastity this crime belongs to.
'honorable and notable persons' committed this crime, they should only be banned. The fact that one of the most influential jurists of his days advised to adjust the sentence according to the social category to which the culprit belonged, makes it likely that sodomites of noble birth were usually able to escape justice. The low number of 'noble sodomites' found in the urban legal records confirms this.

Of course, in theory noblemen could invoke the *privilegium fori*, meaning that they could demand that their trial was to be transferred to a specific court in accordance with their high status. This was especially the case for noblemen serving at the Burgundian court or belonging to the Order of the Golden Fleece, who could turn to the Great Council. Officials serving at the Council of Flanders or the Council of Brabant theoretically fell under the jurisdiction of these tribunals. To what extent this was customary, however, remains doubtful. It is also not clear whether this was possible at all for local lords such as Jan van Lyere. Although in many instances, customary law and jurists made a distinction between the punishment of a nobleman and a commoner, little research has been done into the actual implementation of the *privilegium fori* by late medieval noblemen who were tried in court in the Southern Netherlands.

This, admittedly, modest number of illustrious cases nevertheless illustrates that accusations of sodomy were not limited to the lower social strata. That the convictions of these noblemen all took place around the second half of the fifteenth century shows once again that the fear of sodomy had a firm grip on society at that time. During the height of the persecution of sodomy in the Southern Netherlands, no nobleman could commit the unnatural vice knowing that he would never be punished. This was especially true if the Burgundian Duke, *in casu* Philip the Good, had some personal interest in one’s trial. Whether he could gain financially, eliminate a contrary courtier, or resolve an institutional dispute, in all presented cases, it was the duke who benefitted most from the actual sentence. Hence, the mechanisms behind the persecution of noble sodomites in the region tell us a lot about the often anecdotal motivations that triggered sodomy trials in the Southern Netherlands.

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121 “(...) thorribele ende afgriselicke viericheit ende verhitticheit des oncuusheits daer by eeneghe vleeschelicke bekennen tdoot lichaeme van eender vrouwe (...) ende dit crime es in persoonen van vuyle conditien te puniere lyfvelick ende metter doot. In eerbaere ende notable persoonen by banne (...) de Damhouder, Pracyycke ende handbouck in criminelle zaeken, 169.


3.4 Conclusion

Although the scarcity of information that can be collected from the legal source material calls for caution, it seems that most of the persecuted sodomites in the Southern Netherlands belonged to the lower social strata of society. In spite of the biblical example of Sodom and Gomorrah, where the divine wrath descended over all inhabitants without making a distinction in rank and station, repression was more selective in the Southern Netherlands. Although several cases illustrate how convictions for sodomy occurred in various social categories, the extent to which different groups are represented among convicted sodomites in the region varies greatly. Even though married people, poorters, craftsmen and noblemen could not always count on leniency (certainly not during the fifteenth-century peak in prosecutions) the majority of the persecuted sodomites did not belong to these social categories. Many of them were perceived as social outcasts within society.

Of course, this perception can be the result of the inconsistent way in which the social status of accused sodomites was represented in the legal documents. Moreover, there are certain aspects mentioned in these sources that are less relevant in determining the status of a person concerned than one might expect. For instance, given the high number of bachelors throughout the different layers of early modern society, unmarried sodomites did not automatically belong to the outskirts of society. The low number of confiscations after sodomy trials can be explained by the shaky financial situation of those involved, but also by the infamous corruption of the bailiffs in question. Furthermore, the fact that a lot of sodomitic encounters took place in public was caused by contemporary views on privacy, rather than by the supposedly low standard of living of the people involved.

Aside these legal sources, we can retrieve additional data from sources such as poortersboeken or guild registers. These documents often offer us a more nuanced picture of the social background of the accused sodomites. Nevertheless, the scarcity of the information from the legal sources and bailiff accounts is also telling: the fact that citizenship is hardly ever mentioned explicitly indicates that full citizens escaped justice more often. Furthermore, it is significant that membership of a craft guild is consistently mentioned in cases in which an individual was falsely accused of sodomy. In these examples, social status was actively used to indicate innocence. However, the majority of people involved could not count on such status. The low-born origins of most accused sodomites might explain the high number of death sentences in late medieval and early modern sodomy trials in the Southern Low Countries.

Still, the supposed marginality of sodomites was more ambiguous than that of other minority groups in the urban fabric. Unlike Jews or gypsies, sodomites were not
marginalized based on their origin as such, nor were they, contrary to plague victims or lepers, immediately visually recognizable in public. Sodomites were marginalized as a consequence of their individual sexual behavior, not because they belonged to a distinct social group. Sodomy occurred in all grades of society, and yet, certain groups were more targeted than others. As such “the policing of sodomy helped to erect or reinforce other kinds of nonsexual margins”. This was also the case in the Southern Netherlands, were sodomy appears to have been used to remove unwanted individuals from society. Consequently, certain social groups were better protected against prosecution. As we have seen, this was particularly the case for noblemen. In the next chapter, we will show that this was true for clergymen as well.

Figure 10. Frans Hogenberg, Franciscans in Bruges accused of sodomy (1578). Antwerp, Felixarchief 12#147
Chapter 4. Clerical sodomy

4.1 Introduction

On June 30, 1653, Caerel Ryckaertsinne, a seventeen-year-old tailor’s apprentice from Brussels, accused Giulliêlmus Maes, the prior of the Augustinian monastery in his city, of the ‘abominable sin of sodomy’. Father Maes was said to have lured the boy into his cell to abuse him sexually. This accusation of a prominent member of the ecclesiastical community aroused a lot of controversy, not in the least because Caerel made his statements during a murder investigation that even caught the attention of Archduke Leopold Wilhelm of Austria. The outcome of this investigation is illustrative of the way sodomite clerics were often shielded from prosecution in early modern society.

Two weeks earlier, Caerel had met a ‘handsome young man’ who claimed to be a clerk by profession. With his ‘tall figure, long hear, beardless face and beautiful clothes’ he made quite an impression on Caerel. Apparently, the anonymous young man was seeing a girl from Holland, but her mother tried to end their relationship, since she would rather have her daughter enter a convent. The young clerk asked Caerel to help him in his search for this girl. In return, Caerel would receive a large sum of gold and silver coins, and on top of that, a brand-new set of clothes. In order to avoid suspicion, the handsome stranger decided that they should address one another as nephews during their search for the Dutch girl, who apparently was to be found in the nearby village of Laken.

However, in a local inn, the two men were told that the girl had already left for the village of Duffel. Caerel was not keen on the idea of following her, but his companion promised ‘to smarten him up like a prince’. Their journey continued towards Lier, where they discovered that the girl they were looking for was nowhere to be found. In Lier, they decided to spend the night in a nearby inn. The anonymous clerk dispatched a letter to Brussels and decided to wait for an answer in the tavern. Caerel was locked up in a room,

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1 The information about this case is completely derived from the case file kept in the State Archives in Brussels (hereafter SABR), Officie-Fiscaal van de Raad van Brabant – Portefeuilles (OFP), no. 860, non-foliated. For a more elaborate description of the interrogation, see: Jonas Roelens, “Geestelijk genot. Clerici en sodomie in de vroegmoderne Zuidelijke Nederlanden,” Tijdschrift 8, no. 2 (2018), 7-25. I would like to thank prof. Katlijne Van der Stichelen wholeheartedly for drawing my attention to this intriguing case.
and the clerk spent his time in the company of several local women. Three days later, a messenger came back with a letter addressed to the clerk, who decided to move on towards Tongerlo. According to Caerel, he paid his debts ostentatiously, with ‘hands full of coins’. When Caerel expressed his desire to return to Brussels, he was forced with a stick to carry on. Later that day, his mysterious companion changed strategies. He offered Caerel several jars of beer while he ‘caressed him, gave him roses and took him kindly by the hand’. The handsome young man decided that they should take a nap in the nearby cornfield but Caerel protested: they ought to read the Bible, since they had not gone to Mass for several days. When they were about to leave again, the situation changed dramatically. The handsome young man grabbed his pistol and fired a few shots at Caerel so that ‘the hair burned off his head and his ears and mouth were full of flames and smoke’. Furthermore, his attacker stabbed him repeatedly in the neck, but thanks to the ribs in his jerkin, Caerel survived. Bleeding heavily, he held his breath and played death, after which his aggressor left him behind. After a while, Caerel finally dared to leave the cornfield. He then found a man who gave him shelter and called for the drossaard, or bailiff, of Geel to investigate the matter.

When Caerel testified about the attempted murder on his person, the bailiff already had an interrogation of Franchois Claes at his disposal. Franchois was the messenger who had been sent to Brussels with a letter by the anonymous young man. Franchois described how he delivered this letter to the prior of the Augustinian monastery. If someone asked him where this letter came from, he was instructed to claim that the letter had been sent from Antwerp. In Brussels, he received instructions from Prior Maes himself to provide an answer to the anonymous clerk. The prior stressed that if one of his fellow monks had questions about this correspondence, he had to claim that the letter came from Germany. Clearly, both men wanted to keep their correspondence a secret. Since the bailiff was aware that Caerel’s fellow traveler had sent letters to the Augustinian monastery, he asked Caerel if he knew anyone in this monastery ‘who would have to be prosecuted’.

Caerel’s response to this question could not be clearer. Seven months earlier, he was lured with sweets and some pocket money to the cell of the prior where Father Maes took of his pants and had anal intercourse with him. Before Caerel was allowed to leave his cell, Father Maes made him swear to keep silent about what had happened. Three

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2 "(…) hebbene hem declarant wederom gecarresseert, blommekens ende roosen inde handt gegeven (…) hebbende hem declarant minnelick ende vrindelyck soo het schene met de hant genomen (…)" Brussels, SABR, OFP, no. 860, non-foliated.
3 "(…) oft hy in het voorseide clooster met yemanden yet vuystaende heeft, daeromme hy soude mogen vervolght worden." "(…)" Brussels, SABR, OFP, no. 860, non-foliated.
4 "(…) dat hy hem de broeck byden voorseiden pater heeft laeten los vinden ende afftrekken, hebbende syn mannelyckheyt van achter gebrocht in syns declarants vuyl fondament ende daer gedaen tgene hem lustte.” Brussels, SABR, OFP, no. 860, non-foliated.
similar encounters took place, but Caerel stopped visiting the monastery after his confessor refused to absolve him when he heard about the unnatural vice Caerel had committed. For spiritual guidance, however, he could still count on Catherine Murales, also known as Miss Catho, a kwezel or ‘spiritual daughter’ from Brussels. Spiritual daughters were unmarried women or widows who promised to live a religious and pious life, despite the fact that they did not belong to a particular monastic order. They could either live in small communities, or independently and provide for their own livelihood. Kwezels often provided religious education and took care of the poor.\(^5\) Catherine Murales would play an important role during this investigation. She told Caerel how ‘his sexual encounters with the prior had become public knowledge in the monastery, and that Maes had threatened him about this’.\(^6\)

With these words, Caerel ended his statement to the drossaard of Geel, who chose to hand over the investigation to the Council of Brabant on July 19.\(^7\) The Council of Brabant, the highest court in the Duchy, mainly dealt with so-called casus reservati, or cases in which the interests of the monarch, but also those of dignitaries and ecclesiastical institutions, were in jeopardy.\(^8\) The Augustinian monastery in Brussels fits the list perfectly. Since August 1589, the Augustinians had settled in Brussels, and, in the course of the seventeenth century, their importance to the city had grown steadily. This was for a large part due to one of their main activities: educating the urban youth and teaching them the ideals of the Counter Reformation. During that time, Brussels also saw a vast religious building campaign.\(^9\) Due to the active support of Archduchess Isabella (1566-1633), the Augustinian monastery grew into an impressive complex with a richly decorated monastery church.\(^10\) Hence, the prosecutor general was not inclined to let the accusation against the prior of the Brussels’ Augustinians rest. Caerel was arrested, and locked up and officially accused of the fact that ‘the prisoner had so far forgotten himself that in diverse places and times he had allowed Father Maes to abuse his body, committing the abominable sin of sodomy’.\(^11\)

\(^6\) “(…) dat het int clooster was gekomen tgene voors. is, ende dat pater Maes hem daerover was dreijgende (...)”Brussels, SABR, OFP, no. 860, non-foliated.
\(^7\) The drossaard’s argument was that it would be too expensive for him to investigate the matter, because Caerel was a citizen of Brussels.
\(^8\) Eddy Put, “Raad van Brabant,” in De gewestelijke en lokale overheidsinstellingen in Brabant en Mechelen tot 1795, eds. Raymond van Uytven (Brussels: Algemeen Rijksarchief, 2000), 158.
\(^9\) Roel Jacobs, Een geschiedenis van Brussel (Tielt: Lannoo, 2004), 192.
\(^11\) “dat den gevangene hem soe verre heeft vergeten dat hy in diverssche tyijden ende tot versclyeden reijsen syn lichaem heeft laeten misbruycken door pater Maes teghenwoordich prior vande augstijnen binnen deser
Jan Ryckaertsinne, a gardener and Caerel’s father, had no intention of letting the matter take its course. On August 2, he requested his notary, Van Stiphout, to question Caerel and draw up an official statement. Caerel suddenly claimed that his accusations were false and against the truth. He begged on his knees for forgiveness from Father Maes and declared himself willing to undergo an appropriate punishment. With ‘great signs of regret’ he declared how Miss Catho had urged him to spread his lies about the prior. Apparently, she had a good reason to do so, since several monks had spread slanderous rumors about her. Hence, she had every interest in defaming Father Maes, which is why she had convinced Caerel that Father Maes had had sex with several other boys in his cell, and that it would not hurt if he would state that this had happened to him as well. Van Stiphout emphasized again that Caerel had made these improbable statements out of pure innocence. Nevertheless, the Officie-Fiscaal advised to give Caerel an exemplary punishment. The plea of his lawyer also brought nothing new to the table: The Council was once again reminded of Caerel’s youthful innocence: he was only seventeen years old at the time, he lacked common sense and was instigated by bad advice from third parties.

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to defame Maes. On October 20, Catherine Morales was questioned about her share in this matter. She formally denied that she had urged Caerel to claim that ‘Maes had lured him to abuse his body’.  

On November 15, the Officie-Fiscaal formulated its final advice on the matter. There was no doubt about the importance of this investigation since serious accusations were directed against ‘an excellent and significant preacher’. The Attorney General considered it unlikely that Caerel had informed the court about the abuse of Father Maes at the instigation of Miss Catho. After all, ‘no one in the world’ could have suspected that Caerel would be shot by the unknown youth and that, as a result, he would be questioned by the authorities. Since Caerel had not discussed the incident with anyone before these dramatic events occurred, it seemed unlikely that he had made his slanderous statements on behalf of someone else. In the meantime, however, the matter had become a public scandal, not only within the city of Brussels, but also in several other cities. Therefore, it was impossible to condone Caerel’s actions. Instead, ‘truth had to be investigated further’, according to the Attorney General.

Finding the handsome young man who tried to kill Caerel was essential. The investigation quickly led to a certain Joos Vergal, who was said to have worked as a doorkeeper at the Augustinian monastery. Joos, however, had disappeared to Holland, leaving a pregnant girl to whom he was betrothed. Several people involved were interrogated: Caerel’s father, the secretary where Caerel’s traveling companion claimed to work and the innkeepers of the inns where the two young men had stayed during their trip. However, none of these interrogations resulted in a breakthrough.

The matter became even more complex when Archduke Leopold Wilhelm, governor of the Habsburg Netherlands, received an anonymous letter, which reported extensively on the great scandal caused by “pretre Maes Augustin”. According to the letter, the prior was a shame for the priesthood and the Augustinian community. He had lived in concubinage for a long time with a young girl, and had had sex with several boys, which, according to the letter, was an attack on both their body and their soul. Father Maes had piled up crime after crime by telling these boys that sodomy was not a sin, but rather a sacrifice to God. The anonymous writer therefore feared for the safety of the

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14 “(...) il lui faisoit croire non seulement qu’en semblable assassinat, n’estoit pas un peché, mais plustoit que c’estoit faire un sacrifice a Dieu, auquel effect il lui alligoit et faisoit lire dans les livres beaucoup des pentinents des docteurs et l’affectmontz en autr par diverses grandes abominables sermens que cela estoit permis de faire sans mesfaire ou offender aulcunement la conscience, abusant par ce moyen contre la verité lequelle il vouloit supprimer et estoufler d’une doctrine la practique de laquelle est fort chastouilleuse et mesme bien dangereuse (…)” Brussels, SABR, OFP, no. 860, non-foliated.
young people who took lessons with the Augustinians, and for the innocence of the young monks “qui ont la jeunesse en leur mains”.

From the correspondence between the Archduke and the Council of Brabant of January 5, 1654, we can conclude that Leopold Wilhelm had been informed about this “scandal public (...) etant venue jusque a noz oreilles.” Leopold Wilhelm stated that he was satisfied with the way in which the Council had handled this case. Although the attempts to trace the anonymous young man had proven fruitless, the Council had done everything within its power to reveal the truth, according to the Archduke. Regarding the accusations of the “crime enorme” committed by Father Maes, Leopold Wilhelm requested that all the necessary procedures were to be followed so that the prior would be dismissed from all blame to God and the community. One month earlier, the court had already made a decision that would certainly help suppress the scandal. On December 9, 1653, Caerel was banished from ‘all countries subject to His Majesty’ under penalty of the gallows for having falsely accused Father Maes of abusing his body on several occasions. As a result, the scandal eventually died a silent death. It is striking, for example, that Father Maes was never questioned during the entire investigation. At the very least, there are no records to be found that tell of such an interrogation. Looking at the list of priors of the Brussels Augustinian monastery, it seems that Maes performed his duties as a prior between 1652 and 1655, a term that is perfectly in line with those of his predecessors and successors. Hence, there is no indication that this affair has damaged Maes at all.

4.2 Clerical sodomy in context

However, many questions remain unanswered in this intriguing case, and it is tempting to speculate about the occurred events: was Caerel really sexually abused by Prior Maes? Did the attack on Caerel happen on behalf of the same Maes in an attempt to cover up the ensuing scandal? Or was Caerel incited by Miss Catho to make false statements because she had a bone to pick with the Augustinian monks? It seems that there is not much to learn from a criminal investigation which actually raises more questions than it answers. Still, the encompassing silence that dominates this case is actually very telling for the way sodomy trials involving clerics were handled in the Southern Low Countries.

As seen in chapter 1, the Catholic Church had developed a clear vision on sodomy since the High Middle Ages. Through various councils, it had made clear that the condemning position of the Church was not up for debate. However, this moral judgement was primarily aimed at laymen, while clergymen largely remained unaffected. Even the earliest penitentials already provided different punishments for clergymen and

laymen. The Catholic tendency to silently cover such cases with the cloak of charity in an attempt to prevent scandals has a long history, which is closely linked to the long-standing controversy surrounding clerical sexuality in general.\textsuperscript{16} Although debates about clerical marriage have been raging since the early Christian centuries, sacerdotal celibacy was not successfully imposed until the Lateran Councils of 1123 and 1139.\textsuperscript{17} And even then, rules about clerical celibacy were violated on a large scale for centuries to come.\textsuperscript{18} Early proponents of clerical marriage claimed that marrying was an excellent way to prevent clergy from indulging in the sin of sodomy;\textsuperscript{19} an argument that was also very popular during the Reformation.

Ecclesiastical doctrine was clear: clergymen who did commit sodomy, sinned on various fronts. Not only did they violate the vow of chastity, they also engaged in sexual acts solely to satisfy their carnal lusts - inconceivable as they were to contemporaries without the aim of reproduction, which was, after all, the sole purpose of intercourse according to Church teaching. Still, clerical sodomites remained relatively out of range when the Church condemned the unnatural vice in the fiercest wording. Although, from the twelfth century onwards, theologians such as Albertus Magnus and Thomas Aquinas increasingly demonized sodomy, priests were rarely targeted. Peter Damian was a notable exception to this rule. As mentioned, around 1049, he wrote his so-called Lib
er Gomorrhianus, a fierce indictment addressed to Pope Leo IX (1002-1054) about the many homoerotic practices that were common in many monasteries in his day and age. Although Damien called for a stricter punishment of clergymen who were guilty of the silent sin, his recommendations were hardly followed at all. In fact, his publication even provoked some enmity among other ecclesiastics who felt that such abuses should be solved in a more discrete way.

Consequently, Damian’s plea had little impact on the effective punishment of sodomite clergymen in the following centuries.\textsuperscript{20} For example, in the context of

\textsuperscript{17} Helen Paris, Clerical Celibacy in the West: c. 1100-1700 (Farnham: Ashgate, 2010), 103-4.
\textsuperscript{20} An early exception was the case of Arnaud de Verniolle, who was placed in iron chains and put on a lifelong diet of bread and water in 1323 by the papal inquisitor in southern France. However, de Verniolle – a subdeacon not only confessed having sex with men, he also had falsely posed as a parish priest who could hear confession. Goodich, The Unmentionable Vice, 89-123.
widespread sodomy persecutions in Florence, the sexual behaviour of the local clergy was, somewhat inexplicably, not a major source of concern for contemporaries.\textsuperscript{21} Although Aragonese clergymen seemed to have been the subject of a surprisingly large number of accusations, they received sentences that were pretty lenient compared to those of laymen.\textsuperscript{22} In rural Sicily, sodomite priests also managed to receive mild punishments, even though they constituted 40 percent of the total number of accused sodomites.\textsuperscript{23} In Venice, the Council of Ten considered clergymen as ‘instigators of sodomy’, and repeatedly lamented the fact that the ecclesiastical community was too compassionate towards sodomite clerics. It even sent a letter to the pope asking him that sodomite clergymen be degraded from the priesthood so that they could be tried.\textsuperscript{24} They could have saved themselves the trouble: sodomite priests appearing before the papal court “do not seem to have encountered serious difficulties in securing absolution”.\textsuperscript{25}

This leniency had everything to do with the fact that clergymen enjoyed a \textit{privilegium fori}. Although Michael Goodich claims that the Fourth Lateran Council of 1215 stipulated that condemned ecclesiastics were to be expelled from their orders and handed over to secular authorities, this occurred only rarely.\textsuperscript{26} According to Helmut Puff, the “well-functioning collaboration of spiritual and secular authorities in the prosecution of sodomy turns out to be a myth”.\textsuperscript{27} Through the principle of the \textit{privilegium fori}, clerics were protected from prosecution by a secular tribunal and could only stand trial before an ecclesiastical court, also known as officiality.\textsuperscript{28} If a cleric was summoned before a secular court, he could demand to plead his case before the officiality. According to Monique Vleeschouwer-Van Melkebeek, this privilege was judiciously followed in the Low Countries until the end of the fifteenth century, upon which it gradually became more and more restricted. Consequently, there were indeed certain early modern clerics

\begin{footnotes}
\footnote{Rocke, \textit{Forbidden Friendships}, 139.}
\footnote{Berco, “Social Control and its Limits,” 135.}
\footnote{Pizzolato, “La diavolo mi ingannao,” 464-65.}
\footnote{Ruggiero, \textit{The Boundaries of Eros}, 140-43. Nevertheless, they were not numerically overrepresented, according to Elizabeth Pavan, who states that sodomite clergymen represent about 1/11 or 1/12 of the total number of sodomites she found. Pavan, “Police des mœurs,” 279.}
\footnote{Goodich, \textit{The Unmentionable Vice}, 51.}
\footnote{R.H. Helmholz, \textit{The Canon Law and Ecclesiastical Jurisdiction from 587 to the 1640s} (Oxford: Oxford University Press, 2004), 511-14. Each diocese had its own officiality. Before the creation of several new dioceses in 1559, the Low Countries belonged to the dioceses of Thérouanne, Tournai, Cambrai and Liège. After 1559, they belonged to the dioceses of Ypres, Bruges, Tournai, Cambrai, Ghent, Mechelen, Antwerp, Namur and Lièges. See: Michel Diericxs, \textit{De oprichting der nieuwe bisdommen in de Nederlanden onder Filips II, 1559-1570} (Antwerp: De Standaard, 1950).}
\end{footnotes}
who were condemned by a secular judge, albeit not without accompanying discussions on which court exactly was competent to deal with the matter.29

### 4.3 Clerical sodomites in the Southern Netherlands

Although sodomy was often a point of conflict between ecclesiastical and civil authorities, it seems that priests accused of same-sex acts were extradited from secular courts to the ecclesiastical tribunal in the Southern Netherlands without much dispute. Several bailiff accounts indeed mention clerics who were transferred to the officiality because of same-sex acts. However, the number of cases in which this occurred was very limited. The accounts of Antwerp, Bruges, the Liberty of Bruges, Brussels or Mechelen did not yield a single example, while those of Ghent, Leuven and Ypres each contain one case in which a cleric was handed over to the officiality.30

In the example in Ypres’ accounts, the extradition of a sodomite priest resulted in a conflict, not between secular and religious authorities, but between a bailiff and a city council. In 1443-1444, a priest called Jehan Osterling was arrested by the bailiff of Ypres after having committed “le villain fait de bougre”, for which he was transferred to the officiality of Thérouanne. When the bailiff of Ypres took steps to confiscate the possessions of the accused priest, the aldermen of Thérouanne reacted indignantly to this violation of their privileges. They were convinced that the local bailiff could not “mist main a ses biens”, since Osterling was one of their citizens. Moreover, the aldermen of Thérouanne pointed out that the priest in fact was still alive (“lors il estoit encore en vie naturelle”). Nevertheless, Osterling seems to have died during the course of his trial (“ledit pretre en ladite court venu de vie atrespas”), after which his goods were sold by the aldermen of Thérouanne for the sum of 62 pounds. In the end, “ladite somme” was confiscated “au profit de mondit seigneur” by the bailiff of Ypres.31 Since Charles V razed Thérouanne to the ground in 1553, thereby completely destroying the episcopal

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29 Monique Vleeschouwers-Van Melkebeek, “Jurisdictie over criminele clerici. Vrije van Brugge vs. bisschop van Doornik voor de Raad van Vlaanderen (1481),” *Handelingen van de Koninklijke Commissie voor de Uitgave der Oude Wetten en Verordeningen van België* 45 (2004): 100; Monique Vleeschouwers-Van Melkebeek, “Conflits de juridiction au niveau diocésain dans les pays bourguignons de par deçà,” *Publication du Centre européen d’études bourguignonnes* 40 (2000): 33-47. Legal disputes were also often at play in several German cities. In 1409 for example, four Augsburg clerics were caught committing sodomy. Although the Bishop actively disputed the city council’s authority over these men, they were locked up in a cage, attached to the city tower where they starved to death. Puff, “Localizing Sodomy,” 187.

30 This was for instance the case for Lievin van Bassevelde from Ghent in 1462 and an anonymous priest from Leuven in 1502. Brussels, NAB, CA, 14116, fol. 223v; 12659, fol. 408r. In 1472, the cleric Hannekin van Malebusch from Kortrijk was accused of having sex with Josse Vanden Moortele, a Franciscan from Bruges. Brussels, NAB, CA, 13819, fol. 260v.

31 Brussels, NAB, CA 14548, fol. 253r.
archives,\textsuperscript{32} it is impossible to verify what happened exactly. In most other cases, we also remain in the dark as for the outcome of the concerned clergymen, but it is almost unthinkable that Osterling was in fact executed.

Nevertheless, there are several published inventories of officiality records at our disposal, and clerics show up regularly in these sources. Nevertheless, sodomy was almost never present. For example, the \textit{Liber sentenciarum} of the officiality of Brussels, does not contain a single reference to sodomy.\textsuperscript{33} In the few cases that can be found in these documents, punishments were surprisingly mild compared to those of laymen. This indicates that the repression of sodomy was of little importance to the ecclesiastical authorities. Nicolaus Beils, for example, whose sodomy trial lasted from 1465 until 1468, was a member of St. Donatian’s chapter in Bruges. Although he was imprisoned at Tournai’s officiality during the entire period, the outcome of his trial is unknown. Nevertheless, his sentence cannot have been too severe, since already in 1470, he asked permission to enter a monastery. In the meantime, thanks to a plea from his brother, he was allowed to attend Mass in St. Donatian’s church wearing a habit.\textsuperscript{34} Also in 1470, a priest called Adrianus de Clerc was arrested in Bruges for sodomy. He was transferred to the officiality of Tournai where he spent several months in prison. Although he was sentenced to go on a pilgrimage to Santiago de Compostella, he commuted his sentence by paying a mere 600 groten. Afterwards, de Clerc remained affiliated with St. Donatian’s church in Bruges.\textsuperscript{35} Adrianus de Clerc was not the only cleric to buy off his punishment.\textsuperscript{36} Pierre de Courcelles, a priest from Amiens, was arrested in 1520 for having committed the “nephandissimum crimen sodomiticum et contra naturam”, with several youths in a school in Tournai. He was sentenced to imprisonment in the dungeons of the officiality, on a regime of ‘bread of sadness and water of sorrow’, and subsequently banned forever.


\textsuperscript{33} See: Cyriel Vleeschouwers and Monique Van Melkebeek, \textit{Liber sentenciarum van de officialiteit van Brussel, 1448-1459} (Brussels : Ministerie van Justitie, 1982).


\textsuperscript{36} A few years later, Judocus Lekaert, not a priest but a minor cleric from Ghent, was also accused of sodomy. Even though he had sworn his innocence under oath, he had to pay a fine of 120 pound. In 1475, however, Lekaert appears in another account, where he payed a fine of ‘merely’ 96 pounds for having ‘illicit contacts’ with several youths. Brussels, NAB, CA, 14117, fol. 162r; Vleeschouwers-Van Melkebeek, \textit{Compotus sigilliferi curie Tornacensis}, rekening vol. 2, rec. 10654, 779.
However, although his banishment remained valid, he was able to buy off his imprisonment for the sum of eighty pounds.37

Clergymen were seemingly only punished more severely in cases that actually caused public scandal, as is clear in the case of Pierre de Courcelles. The fact that he seduced several youths in the school where he was teaching, must have provoked some public outrage. A similar pattern can be seen in the case of Joannes Burette, a cleric from the small deanery of Helkijn, who was accused of seducing a young boy in the school where he was a teacher. In 1476, he was sentenced to pay a fine of ten pounds, and was also imprisoned for a long time, forced to go on a pilgrimage to Cologne, and banned from his deanery. That Burette received such a harsh punishment may be the result of the fact that his illicit actions had caused great scandal in the deanery, a fact mentioned explicitly in the accounts of the officiality of Tournai.38

That public scandal was to be avoided at all times, becomes explicitly clear in the case of Nicaise des Gaukiers, prior of the priory of Our Lady of Val des Écoliers in Mons. On April 1, 1447, Nicaise had to answer for his administration of the priory. Apparently, he had granted one of his relatives, (Jacques de Hanchin) access to the priory to solicit the monks entrusted to his direction on a daily basis. Nicaise had made no attempt to deny him access, even though he had been aware for ten years that Jacques was publicly reputed for the “nephandissimo crimine indiciibili”. Moreover, when a monk complained to the prior that Jacques had tried to tempt him to commit sodomy and therefore ‘reasonably requested’ that Jacques should be denied entry, a disgruntled Nicaise was said to have refused. Allegedly, Nicaise defended Jacques by claiming that ‘the act had not been consumed’. He even punished the monk who complained about the ongoing solicitation by forbidding him to say Mass and threatened him with a knife. Even though Nicaise did his utmost to hide the ‘execrable crime’ because of the attachment towards his relative, this whole affair gave the priory a ‘scandalous reputation’. Consequently, Nicaise des Gaukiers was declared excommunicated and in need of absolution. He also had to pay ‘appropriate fines’ as well as the trial costs.39

37 Lille, Archives Départementales du Nord, 14 G 102 (draft account of the officiality’s revenues, July 1 1520–June 30 1521), fol. 27v. I would like to thank Monique Vleeschouwer-Van Melkebeek for drawing my attention to this source.
38 Vleeschouwers-Van Melkebeek, Compotus sigilliferi curie Tornacensis, vol. 2, 938, plus rekening 12863 (pagina opzoeken)
Nevertheless, even in cases that caused public scandal, and thus damaged the public image of the Catholic Church, punishments remained relatively mild. However, this all changed when a clergyman, usually for reasons unknown, remained in the hands of the secular court. Even though such cases are very rare, the difference in approach between secular and spiritual authorities could not be clearer. In 1471-1472, “frere” Jehan Vanden Hauwe was arrested together with Wouterkin le Dorpre. Both were “soupechonné d’avoir fait et perpétrer le péché contre nature”. Ultimately, both “malfacteurs estoient ars et brulez”. As an act of mercy, the two were strangled before their bodies were burned.  

A few years before, two men from Bruges, “frere” Pierre Dheict and “frere” Cornille vander Mast” were “ars comme sodomysens” together with Anthoine van Boitem in 1454. Did the fact that these men were not explicitly addressed as priests influence the fact that they failed to invoke the privilégium fori? Perhaps they belonged to the so-called clerici tonsurati, or clergymen who were tonsured as a child but did not proceed to the actual ordination? According to Hendrik Callewier, clerici tonsurati, who were often married and had children, were less able to rely on the privilégium fori than ordained clergymen.

This is clearly illustrated by one of the rare sodomy trials treated by the Great Council of Mechelen. In 1539, it came to a legal dispute between the aldermen of Lille and the judicial vicar of the officiality of Tournai, who were both convinced that they had the power to conduct the trial of Anthoine de Montigny, a fifty-year old man accused of sodomy, or ‘sins so villainous and detestable that it would be horror to repeat them’. Several of his accomplices had already been sentenced to the stake, but since Anthoine was tonsured, he could invoke his clerical privileges. Consequently, he was handed over to the officiality of Tournai. However, this was against the will of the aldermen of Lille, who brought the case before the Great Council of Mechelen. The court accentuated that Anthoine was a married man who did not respect the physical characteristics of his privileged group: he dressed in secular clothing and he had not been tonsured for a long period of time. Consequently, the court decided that Anthoine could not invoke the privilégium fori, and he was sent back to Lille to be tried by the secular authorities.

It seems that priests were indeed more successful in escaping secular justice. In 1558, two boys from Bruges, nineteen-year-old Fransois van Dale and fourteen-year-old

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40 Brussels, NAB, CA, 14417, fol. 140r.
41 Brussels, NAB, CA, 13776, fol. 63v.
43 Callewier, De papen van Brugge, 275.
44 “(...) qu’il avoit abusé de nature en formes et manieres si villaines et detestable que horreur seroit ledit reciter (...)” Brussels, NAB, A097 (Chronologische lijsten van de geëxenteerde sententies berustende in het archief van de Grote Raad van Mechelen (1531-1541)), no. 839.68, 612.
45 Brussels, NAB, A097, no. 839.68, 611-620.
Willem de Clerck were interrogated for having engaged in same-sex encounters with a certain priest called Ghleps. The priest had invited them separately to spend the night at his house; and sexual intercourse had taken place repeatedly: he masturbated and penetrated Fransois and Willem several times. Apparently, Father Ghleps had rather specific sexual desires, as both boys testified that he liked to insert a candle into their anus before he penetrated them. Both Fransois and Willem had spent the night several times with the priest who, during the day, often had to say mass. At one occasion, Ghleps committed sodomy with Willem, right before he had to carry out his priestly duties. He forbade Willem to come out of bed, went to church, and when he returned home, he had anal intercourse with the boy once more. Although his behavior can hardly be called as orthodox, the priest obviously did not have to justify himself to the secular authorities, as he does not appear anywhere in the trial record. Ghleps could not be traced in the religious records, but it is unlikely that he received the same punishment as the two boys who, despite their young age, were put on a scaffold, whipped with rods, had their hair off, and were banned from the county for fifty years.

As the previous examples have shown, church officials were rather reluctant to punish their peers for the sin of sodomy. More stringent measures were only taken in cases that caused public scandal. According to Dyan Elliott “any serious steps to punish the offender were only to be taken if non-clerics knew of the sin”. Yet, in the case of Father Ghleps, people were actually gossiping that he was living with boys ‘as with a woman’, although this public disgrace apparently did not curtail Ghleps’ protection from secular courts. In the long run, it was precisely this shielding attitude that would stimulate anticlerical attitudes, and therefore contribute to the success of the Reformation.

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46 Their statements were noted in the ‘Bouc vanden Steene’, a record with confessions made by suspects in the communal prison het Steen. Unfortunately, this insightful source is only available for 1554-1557 and 1558-1559.
47 “(...) ende nam de mannelickheid van hem confessant in zyn handt, de zelve heffende ende stryckende medt maninghe datter natticheyt wute quam ende datte wel vyf of zes reysen, onder tusschen slouch de priestere hem confessant up zyn ners (...)” Bruges, CAB, Series 193 (Bouc vanden Steene), no. 3 (1558-1559), 35r.
48 “(...) ende nam een hende van een kerse ende stack hem confessant dat in zyn fondament ende datte terstont wut treckende stack zyn mannelickheyt in zyn fondament maer en duurde niet langhe ende en ghevoelde gheen nattegheyt (...)” Bruges, CAB, Series 193, no. 3, fol. 36v.
49 Even though Ghleps had sex with Willem on numerous occasions, on which he routinely asked Willem to ‘open his buttocks (“doet uw billen open”), it appears that he was not exclusively attracted to young boys. One time, he failed to get an erection during intercourse with Willem, an occasion on which he lamented that he would not ‘get it standing even if I was surrounded by al the women in the world’. “(...) met zyn mannelickheede stack die in zyn fundament maer en wilde zyn mannelickhede niet staen ende gherocht niet voordere dan tusschen zyn billen ende zeyde ten wil niet staen, al ware ic tusschen alle de vrawe van de werelt, ic zoude niet staen (...)” Bruges, CAB, Series 193, no. 3, fol. 37r.
50 “A luy pour justiguez de verghes publicquement Franskin van Daele et Willekin de Clercq, sodomites (...)” Brussels, NAB, CA, 13784, non-foliated; Bruges, CAB, Series 193, no. 3 fol. 135r, 136r.
52 “(...) dat hy met hem confessant soude leeven of gheleeft hebben ghelick met een vrawe (...)”
4.4 Sodomy and the Reformation

On the eve of the Reformation, the clerical privilege in sodomy trials helped construct the image of a lawless, debauched clergy. Protestant theologians drew heavily on such popular views while fostering the evangelical movement in Germany. In doing so, the Protestant party merely adopted the identification of heresy with sodomy used by the Catholic Church the twelfth century to confront Catharism in France, the Lollard movement in England or other dissident religious minorities. Moreover, sixteenth-century Christian writers - Catholics and Protestants alike - repeatedly stigmatized the Muslim ‘other’ through sexually charged images. Early modern society clearly associated religious deviation with sexual deviation, and as a result, accusations of Papist sodomy became a key element in the dissemination of Reformed ideas throughout the continent.

Luther, for example, systematically defamed Catholic clergymen as sodomites and used polemical pamphlets and prints to legitimize the rupture with Rome, which he called a second Sodom. Wider das Papsttu zu Rom, vom Teufel gestiftet, is probably his most polemic publication. Luther staged the true evangelical message against the Roman curia, depicted as a college of sexual monsters. Both Julius II, Leo X, Clement VII, Paul III, Julius III and Paul IV were defamed as sodomites who engaged in sexual relations with the young men at their court. The pope was symbolized by the sexually depraved Antichrist. These publications were not only available in both Latin and the vernacular, but were often read out loud as well. Hence, their impact on society should not be underestimated.

Protestant ministers, for example, started growing long beards to distance themselves from the shaved and tonsured Catholic priests, whom Luther had

54 Barbezat, “Bodies of Spirit and Bodies of Flesh,” 390; Linkinen, Same-sex Sexuality in Later Medieval English Culture, 131.
55 See chapter five, 183. This worked both ways, as Muslim women in medieval Seville were forbidden to enter catholic churches, because the priests were considered ‘evil-doers, fornicators, and sodomites.’ Bernard Lewis, “Market Regulations in Muslim Seville. Ibn ‘Abdun, Hisba Manual (early twelfth century),” in Medieval Iberia. Readings from Christian, Muslim, and Jewish Sources, ed. Olivia Constable (Philadelphia: University of Pennsylvania Press, 1997), 178.
56 Bray, Homosexuality in Renaissance England, 19.
58 Puff, Sodomy in Reformation Germany and Switzerland, 135-50.

These accusations also influenced the view of the general public in the Southern Netherlands. For example, in his renowned and detailed account of the Iconoclastic Fury in Ghent during 1566, Marcus Van Vaernewijck (1516-1569), himself a moderate Catholic, describes how Calvinists believed that the large number of priests flocking to the Protestant banner were trying to escape the ‘sodomite impurity’ rife amongst the remaining clergymen.\footnote{“(…) zegghende, dat zulcke een deel uutghelopen broers zijn, kennen wij al ende zij zelve mede; maer dat hebben zij ghedaen om de groote boosheijt, die zij in haer religioenen zaghen regneeren, zoo dat zij als uut tmidden van Babiloen daar uut vlien wilden, vreesende besmet te zijne met hare onverzadighe ghiericheijt, met haer upgheblasen hooveerdije ende sodomijtsche onreijnicheijt (…)” Marcus Van Vaernewijck, Van die beroerlicke tijden in die Nederlanden en voornamelijk in Ghendt 1566-1568, ed. Ferdinand Vander Haeghen (Ghent: Annoot-Braeckman, 1872-1881), vol. I, 248.} Van Vaernewijck also informs us about an anonymous pamphlet mocking Pieter Titelmans (1501-1572), Dean of Ronse, who was a feared and hated Inquisitor in Flanders and Artois.\footnote{Johan van de Wiele, “De inquisitierechtbank van Pieter Titelmans in de zestiende eeuw in Vlaanderen,” BMGN/Low Countries Historical Review 97, no. 1 (1982): 19-63.} Titelmans was renowned for his intransigence as he was responsible for the execution of countless heretics in the region. The pamphlet, which was published around 1566, consisted of a lament put in the mouth of Titelmans, in which he allegedly complained about the downfall of his inquisitorial office. In the text, he also said goodbye to some of his supporters, the unchaste cardinals, bishops and abbots. In fact, the anonymous author referred repeatedly to the pope as the “Roman sodomite” or the “sodomite prelate”.\footnote{“(…) Ic was crachtich ontsien in dees vlaemsch landen/Duer papa den hantebay of Sodomijtschen prelaet (…)” Anonymous, De claghe vanden inquisiteur, meester Pieter Titelmanus, deken van Ronche (Ghent: Ghileyn Manilius, 1566), non-foliated.} It is clear that the Protestant discursive strategy to defame religious opponents as sodomites was also known and deployed in the Southern Low Countries, and adapted to the context of local religious discord.

That the general public was aware of these Protestant slurs and the papal association with sodomy is further illustrated by the following event in Bruges, on February 17, 1591.

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62 “(…) zegghende, dat zulcke een deel uutghelopen broers zijn, kennen wij al ende zij zelve mede; maer dat hebben zij ghedaen om de groote boosheijt, die zij in haer religioenen zaghen regneeren, zoo dat zij als uut tmidden van Babiloen daar uut vlien wilden, vreesende besmet te zijne met hare onverzadighe ghiericheijt, met haer upgheblasen hooveerdije ende sodomijtsche onreijnicheijt (…)” Marcus Van Vaernewijck, Van die beroerlicke tijden in die Nederlanden en voornamelijk in Ghendt 1566-1568, ed. Ferdinand Vander Haeghen (Ghent: Annoot-Braeckman, 1872-1881), vol. I, 248.


64 “(…) Ic was crachtich ontsien in dees vlaemsch landen/Duer papa den hantebay of Sodomijtschen prelaet (…)” Anonymous, De claghe vanden inquisiteur, meester Pieter Titelmanus, deken van Ronche (Ghent: Ghileyn Manilius, 1566), non-foliated.
That night, a wine merchant called Hendrik overheared a nightly conversation at the Donkey Gate of his town. A group of drinking companions loudly expressed their dissatisfaction about Lent. The talking men dreaded the forthcoming period of fasting, especially the temporary ban on eating meat. The person responsible for this ordeal was very clear according to them: none other than the pope was to blame. According to Philipe Teghels, the pope, who was a ‘bugger’ could provide his court with ‘whores’ thanks to financial support of other ‘bugger’ residing in the Vatican. François van Oost, a local soldier, dominated the conversation expressing his dismay about the ‘vicious Holy See’ through the power of laughter. He told his bystanders the following joke: when the pope died, he knocked on heaven’s gate and shouted: ‘let me in, I am the God of the earth’, upon which St. Peter replied: ‘We’ve got only one God in which we believe, we do not need new gods’. Consequently, the pope went to hell and repeated that they had to let him in because he was the God of the earth. The Devil in turn replied that there was only one God in heaven and this was more than enough for him. As such, the joke concluded that the pope was neither wanted in heaven nor in hell. The jokers further ridiculed the papacy by referring to ‘a woman who had been pope’, which is why every new pontiff was fondled by the ‘masculinity’.

The cultural references used by these common city dwellers is enlightening about the way learned discussions reached the general public. The female pope these men referred to was of course the notorious Pope Joan. Legend has it that in the mid-nineteenth century, a woman who was disguised as a man was elected as the new successor of St. Peter. This ‘betrayal’ would only be discovered when Pope Joan gave birth to a child during a procession. Although the myth was particularly doubtful, and probably fabricated during the thirteenth century, it was being ‘rediscovered’ by the Protestant reformers, as a symbol of the many abuses in the Roman Catholic Church. Even more fascinating is the origins of the joke about the knocking pontiff. In fact, this joke is inspired by *Julius Exclusus* or ‘Julius Excluded from Heaven’, a dialogue written around 1514 and commonly attributed to the Humanist author Desiderius Erasmus (1466-1536). Although he always denied authorship, Silvana Menchi is convinced that Erasmus was indeed the author of *Julius Exclusus*. In this text, the late Pope Julius II (1443-1513) is denied access to heaven by St. Peter because of his many sins, including sodomy. Julius II threatened to excommunicate St. Peter, justified his sins by claiming that he could excuse any sin and finally, the warlike pope planned to storm the pearly gates with an army of dead people. The manuscript of this text already circulated in London in 1514 and copies were

65 “daerwas eenen paus gestorfven ende ghaende cloppen anden hemel, zeyde laet my inne ic ben den godt vanden eerden, waerop dat Sente Pieter andwoorde wy en hebben maer eenen god inne wien wy ghelooven, wy en begheeren gheen goden meer, daernaer gaende den paus naer de helle zeyde inschelycx dat hy was den godt vande aerden, sine waer daerover verandwoort daer den duyjvel, wy hebben eenen godt inden hemel die ons dilync?, wy en begheeren gheen goden meer, zoo dat den paus noch inden hemel noch inden helle en conste gheraeken.” Bruges, SAB, TBO 119, no 661, fol. 118v.

spotted in Basel and Brussels. In 1517, the text was printed and disseminated across early modern Europe.\textsuperscript{67}

Evidently, the text was also read in the Low Countries, where it had a long-term impact. More than seventy years after the text first appeared in print, the book still offered inspiration for jokes. This timing is telling: when these men were laughing about the denied access of the pontiff, the Reformation was more or less on a dead end in their city. The Eighty Year’s War, a civil war in which both political traditions and confessional issues played a central role, had de facto ended in the Southern Netherlands six years earlier, when Antwerp was reconquered and put under Spanish authority once again. Moreover, in 1591, the Holy See was held by the pious Gregory XIV whose pontificate lasted for barely 315 days. His brief time in the Vatican is mainly remembered by his decision to forbid betting on the identity of the new pope or the duration of future pontificates.\textsuperscript{68}

And yet the jokers from Bruges chose sodomy as an argument to taunt the papacy, which illustrates that the sexual discourse of Luther and others did indeed have a profound and long-lasting impact. The message that the pope was ‘a human being like any other’, caused a stir in Bruges nevertheless. The conversation was subject of a legal investigation. Whether these men were effectively penalized for blasphemizing the pope is not sure, but their jokes offer a rare insight into the popular perception of religious discussions in the sixteenth century, and the central role same-sex acts had in this discourse.

### 4.5 The sodomy trials of 1578

This Protestant discourse in which Catholic clerics were systematically defamed as sodomites would have far-reaching consequences for a number of mendicants in Ghent and Bruges some ten years earlier. Dring the Eighty Years’ War, the balance of power shifted in some cities in the Southern Netherlands and Protestants deposed the predominantly Catholic city councils. Among these so-called ‘Calvinist Republics’, the Calvinist regime in Ghent was the most radical. In 1578, in order to spread Protestantism throughout the County of Flanders, Ghent installed several ‘revolutionary committees’ by military force in cities such as Bruges, Ypres, Kortrijk among others. In this anti-clerical climate, the Catholic clergy could obviously not rely on their traditional privileges; which would become clear soon enough for a number of Franciscan and Augustinian monks.


In Bruges, on Sunday, May 11, 1578, two Franciscan monks were caught taking part in a Protestant prayer meeting. François d’Astudillo, the guardian of the Franciscan monastery, had them whipped until they bled and sentenced them to lifelong imprisonment in the dungeon of the monastery. However, that night, a delegation of the Protestant city council, the so-called Eighteen Men, entered the monastery and ordered the community to let both apostate monks be. The next day, a special meeting of the city council discussed the incident and announced its dissatisfaction about the arrest of the monks, who were taken out of the residence of a poorter and brought back to their convent without the magistracy’s approval. Because the city’s privileges had been violated, the monks had to be released. On May 13, the two released monks were questioned on the state of affairs in their convent, upon which they made sensational statements about the excesses taking place in the monastic cells. As a result, several monks were accused of sodomy and arrested, while their companions were kept in custody. A few days later, the news of the tumultuous events was officially communicated to Archduke Mathias of Austria (1557-1619), the Governor-General who had been appointed by the rebel party, and to the States General.

About one month later, on June 18, the first interrogations took place. For this occasion, a criminal court was assembled, consisting of, among others, two councilors from the Council of Flanders (the highest tribunal of the County), the aldermen of the city, and representatives of the ecclesiastical court. During the first hearing, some novices made serious accusations against François Voughenaere. Nevertheless, he managed to get the novices to withdraw their testimonies: panic arose among the accused when the rumor went round that they would all be sentenced to death, despite their privilegium fori. Written notes even circulated among the arrested in which they denied their former statements.

As a result, on July 2, the tribunal decided to question the suspects under torture. The ecclesiastical representatives objected to this intention, and asked the aldermen to hand over the accused to the officiality, where they could be tried accordingly. Evidently,

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69 For a more detailed account of the events, see: Johan Decavele, “Brugse en Gentse mendicanten op de brandstapel in 1578,” in Beleid en bestuur in de oude Nederlanden. Liber amicorum Prof. Dr. M. Baelde, eds. Hugo Soly en René Vermeir (Ghent: Vakgroep Geschiedenis UGent, 1993), 73-93.

70 CAB, Series 118, no. 5, fol. 132r.

71 CAB, Series 118, no. 5, fol. 132v.

72 CAB, Series 118, no. 5, fol. 134v.

73 (…) Ghevraeght ten verzoucke van zeker briefvekes gheschreven ende onderteeckent by Fabri ende Tant ghestelt zijn, zecht dat Tant hadde gheweest bij Voughenaere dewelcke hem gheseyt hadde dat hij dandere jonghens anmaende zouden dat zy huenderlied conscientie quiiten zouden twelck hy ghedaen hebbende (…) Zecht noch boven dien dat Tant int persuaderen zulcx alst vooren daer by voughde dat zy zouden mede moeten sterven, waer deure hy mee ghehint was zulcx te loochen, vresende van te sterven. Bruges, SAB, TBO 119, 620BIS (Register onderzoeken door de schepenen van Brugge van criminele zaken ter torture, 1568-1596), fol. 65r-v.
the Calvinist city council refused to comply to this request, and on July 9, the accused monks were questioned on the rack. The testimonies taken during this occasion tell a fascinating story of fear, abuse of power, sexual awakening and lust. The monks François Voughenaere and Gillis Logghe had first ‘known each other sodomitically’ twenty years earlier. When they were both still novices, they had found a somewhat special way to make their card game more interesting: the winner could hit the loser on his buttocks. Apparently, this ‘punishment’ excited them so much that anal intercourse, as well as mutual penetration, followed soon.\(^74\) Throughout the years, they regularly had sex together, alternating as active and passive partner, even though there was no question of a monogamous ‘relationship’. Voughenaere also appeared to have had a soft spot for new novices. Whenever he had a glass too much, he entered their convent cell, forced them to lie on their beds, and penetrated them.\(^75\)

However, Voughenaere was not the only monk attracted to the young novices. Many other monks visited them at night and forced them to have anal intercourse.\(^76\) About Denijs Hocke, it was said that he ‘ran after the boys like dogs do’.\(^77\) The lures of the young monks even caused some jealousy among the older guard in the monastery. For example, as a newcomer, François Maertens was a source of fascination for various monks. Maertens and some other novices were abused by several monks at several occasions.\(^78\) Some of these friars were so violent that the novices still felt pain in their ‘masculinity’ three days later.\(^79\) This was not to the liking of Philips Ossaert, who wanted

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\(^74\) "Ghevraeght voorts wat hij Voughenaere met Logghe ghedaen heeft, kent dat gheleen achtien ofte twynitch iaeren dat Logghe ende hy elcanderen sodomitelick bekent hebben, twelcke quam by dat hij novitius taemen wezende altemets speelden met de chaerten ende die tverliesen soude, dat hij soude moeten up syn neerts hebben ende dat Logghe eerst verloren hebbende, heeft hij Voughenaere Logghe up sijn pillen ghesleighen ende daer naer sijne manelicheijt int fondament ghesteken zoo ooc doet Logghe hem Voughenaere." Bruges, SAB, TBO 119, 620BIS, fol. 68r.

\(^75\) "Fabri ooc gheconfronteert zijnde, secht in facien van Voughenaere, liggende up de banck dat Voughenaere tweemael sijne manelicheijt int fondament van hem Fabri ghesteken heeft, dat hij Fabri novitius wezende ende Voughenaere droncke wesende." Bruges, SAB, TBO 119, 620BIS, fol. 68r.

\(^76\) Some friars tried to minimize the facts by stating that they had only engaged in intercrural sex, receiving the penis of their bed partner between their thighs, instead of having anal sex. They clearly reasoned that non-penetrative sex would be considered less criminal. “(...) naer dat hy Querci hem van achter bekent hadde, weerleggende zijn voorgaende confessie, hy Querci van hem begheerende dat hij tzelve ooc hem doen soude ende wilde dat niet doen, segghende dat hy dat niet ghedaen en hadde, maer stack syne mannelickheit jeghens ende tusschen zijn beenen.” Bruges, SAB, TBO 119, 620BIS, fol. 66r.

\(^77\) “(...) dat hij Ocke achter de jonghers liep ghelijc d’honden doen (...)”Bruges, SAB, TBO 119, 620BIS, fol. 68v.

\(^78\) Similar stories can be found in monasteries elsewhere. In 1435 for example, the guardian of the Franciscan monastery in L’Isle-sur-la-Sorgue, near Avignon, admitted that he was being sexually abused by a friar ever since his time as a novice some fifteen years before. Chiffoleau, Les justices du pape, 192.

\(^79\) “(...) zegghende ic ben hu meetere, ic en mach u niet misdoen ende daer naer nemende zijne manelicheijt inde hand ende zoo zeere ruerende ende trekende dat hen tzelve noch rije daeghen zeer dede an hunne mannelichede (...)” Bruges, SAB, TBO 119, 620BIS, fol. 67r.
Maertens for himself: one day he secretly grabbed him by the genitals and whispered: ‘If only I had you to myself, I would do you something’.

Despite the competition, Ossaert was also well catered for. When he was nominated to take up the position of the person responsible for the novices, his notorious reputation regarding young men prevented him from actually taking the position of ‘master of the boys’. Despite this disciplinary measure, no one really intervened to put an end to the same-sex encounters of the friars. A lot of novices revealed the sexual abuse during confession, but they got ‘little comfort’. Indeed, their confessor, Adriaen Screywaetere, was not entirely on the take himself, and mainly used his position of trust to keep the boys silent. As a result, some of them were forced to come up with original solutions themselves to avoid unwanted intimacies. For example, contrary to most other monks, popular François Maertens often wore a pair of pants under his habit.

On July 26, the verdict against the Franciscan friars was pronounced. Although the ecclesiastical representatives in the tribunal had protested the day before against the stern course of events, they were left empty-handed. The Eighteen Men claimed that their judgement was based on the works of Martín de Azpilcueta (1491-1586), or Doctor Navarrus, an important Spanish theologian, who had written that the death sentence was the only correct punishment. Furthermore, in order to prevent the scandal from escalating, the city council was convinced that the trial could not be postponed any further. Moreover, the Governor-General himself had written them that the magistracy should not insist on applying canon law in this matter. Consequently, the punishments of the monks were extraordinarily severe according to ecclesiastical standards, even though they accorded with the unofficial rule that (young) passive sodomites were punished less heavily. Most young novices who had been sodomized passively were released. Twelve monks were exiled from the city; five of them had their hair burned off and were subsequently scourged. Three brothers who had anal sex with ejaculation...
("cum emissione seminis") had to pay the price for the sins of the monastery and were publicly strangled and burned. Because of their ‘priestly status’, they were, by exception, allowed to be buried in holy earth.

On August 7, the Franciscans were ordered to leave their monastery within ten days. Those who were citizens of Bruges were allowed to live with friends or relatives in the city. According to the city council, this was a necessary measure to erase the memory of the ‘abominable vice and sin against nature’. After all, the remaining friars had to have been aware of the sins within the monastery. Yet they had kept them secret without showing any sign of regret, which the city council thought was only to be expected from the clergy. When the guardian of the monastery petitioned to Archduke Matthias against this measure, the magistracy reacted sharply, on August 22, by revoking the exception for the monks native from Bruges: every single one, citizen or not, was forced to leave the city before sunset. A few weeks later, the monastery was made available for Calvinist worship.

The discoveries in the monastery of Bruges would also lead to a trial in the nearby city of Ghent; a swift prosecution in which sentences were pronounced even before the tribunal in Bruges came to an end. Already on May 16, 1578, the city council from Bruges sent a messenger to the Calvinist regime in Ghent - which had been responsible for Bruges having Protestant regime in the first place - to inform the Eighteen Men in Ghent that the Franciscans in Bruges had fallen into ‘the sin of sodomy’. The magistracy decided to intervene immediately. On May 18, two hundred soldiers stormed into all four mendicant monasteries - Dominicans, Franciscans, Augustinians and Carmelites - in the middle of a Pentecostal mass. While the soldiers pillaged the monasteries, several Franciscans and

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Augustinians were arrested and handed over to the bailiff.\textsuperscript{90} The remaining monks were placed under house arrest. Five days later, they were given permission to leave the city; an offer most of them willingly accepted. With the friars expelled from the city, some of their churches were completely demolished, others were adapted for Calvinist worship.\textsuperscript{91}

At the same time, the trial against the main suspects started. On June 3, the friars were interrogated under torture. One of them died during his interrogation on the rack, but the Calvinists spread the rumor that he committed suicide. In any case, he was posthumously convicted of sodomy, after which his intestines were thrown into the river and his body was burned on the gallows field.\textsuperscript{92} In the meantime, the partiality with which the aldermen treated this case was widely discussed. In order to suppress these rumors, the Calvinist regime asked for legal advice from the Council of Flanders. However, the counselors merely suggested that the perpetrators should receive an exemplary punishment.\textsuperscript{93} As a reply, Jan van Hembyze, leader of the Eighteen Men, proposed imposing different punishments for those who had committed the crime, both actively and passively, on the one hand, and those who had merely undergone the sexual acts on the other.\textsuperscript{94}

On Saturday, June 28, it became clear that Hembyze got his way. Two Franciscans and one Augustinian were accused of having repeatedly ‘luxuriated against nature’ and of ‘other horrendous wrongdoings’. Because they had only committed passive sodomy, they were whipped with rods and banned from the County of Flanders.\textsuperscript{95} Death sentences were pronounced for three Franciscans and two Augustinians. They were found guilty of having satisfied their ‘carnal and unreasonable desires to complete effect with each other’, meaning that they had also actively penetrated each other. As a result, they were burned at the stake.\textsuperscript{96} Their charred remains were tied to fresh stakes at the gallows

\textsuperscript{90} Ghent, CAG, Series 400, no. 87, fols. 161r-162; Ghent, CAG, Series 214, no. 8 (1574-1578), fol. 249v. Simultaneously, the guardian of the Franciscan monastery in Hulst, near Ghent, was also arrested and imprisoned in the Gravensteen. Ghent, SAG, Raad van Vlaanderen, 7.618 (Secret Camere, 1577-1579), fol. 210r.

\textsuperscript{91} Decavele, “Brugse en Gentse mendicanten op de brandstapel,” 78.

\textsuperscript{92} Ghent, CAG, Series 214, no. 8, fol. 255v; Ghent, CAG, Series 400, fols. 161v-162, 164v.

\textsuperscript{93} “(...) hemlieden by den hove gheandwoordt dat thof wel docht dat men vande mesdadighen behoore te doene exemplaire punitie (...)” Ghent, SAG, Raad van Vlaanderen, 7.618, fol. 209r.

\textsuperscript{94} “(...) verclaerde de voornoemde heere voorscepen vanden hem ende alle den anderen dat zy van advise waeren de gheene vande delincquanten van desen horrible faicte die actieve ende passieue mesdaen hadden souden doen exemplaire punitie metter doodt ende de andere die maer passief gheweest hadden souden doen gheesselen ende huerlieder haer versinghelen. De selve voorts te bannen, vytsgegghende vuyt deser stede ende den landen van Vlaenderen (...)” Ghent, SAG, Raad van Vlaanderen, 7.618, fol. 209v.

\textsuperscript{95} “(...) ulieder hebt vervoorst ten diverssche stonde te luxurierene jeghens nature met elckanderen ende andere religieusen van uwen convente (...) het sy dat dat by ulieden vleeschelick begheerten niet effectivelick vulcommen zijn gheweest, hebende bovendien noch diverssche andere afgrijsselie onnuchteden ende vyuyliecid bij ulieden vanden respectivelick ten ulieden vanden cloosters ghecommitteert zoot van als bij ulieden eyghen kennesse ende andersins souffissantelyk es gheblechen (...)” Ghent, CAG, Series 214, no. 8, fol. 258v.

\textsuperscript{96} “(...) ulieder vervoorder te houden vleeschelick conversatie, d’eenen met den anderen, polluerende ende luxurierende alsoe elck elcanderen jeghens nature in ulieden respectijfve cloosters tot vulbrijnghen van ulieden
outside the city for public display. The other suspects remained in prison. Some of them continued to revoke and alter their testimonies, which eventually led to their release on January 12, 1579. Two nineteen-year-old Augustinians were accused of having ‘abused each other’ and ‘letting themselves be abused against nature’. Considering their long detention, the Eighteen Men only banished them from the city for the duration of three years.

That the usual privileges of the clergy were violated so resolutely during the turbulent events of 1578, had everything to do with the religious crisis that divided the Low Countries at the time. Anti-monastic sentiments were very much present in the Low Countries. Moreover, the success of the Protestant coup remained very precarious. Rumor had it that the Walloon nobility and clergy were moving towards an understanding with Don John of Austria and the Spanish troops. Leuven opened its city gates for the conquering Spanish troops, and other cities in Brabant, Hainaut and Limburg followed suit. Moreover, it became known that the pope would grant full indulgence to the Spanish soldiers in the Netherlands. By demonstrating who held legal power in the city, the nascent Calvinist regime could valorize and legitimize themselves in times of military unrest. Anne-Laure Van Bruaene has shown how the same dynamics were at play during an animal trial in the same year in which the mendicants were burned. A cow that had trampled a child in Ghent was ‘executed’ and its head was put on a stake for public display; a way of demonstrating the “concern for justice of Ghent’s controversial Calvinist regime”. Mendicants, their main religious opponents, were an obvious target. The Ghent trial in particular was explicitly framed by the Calvinist regime as an example of

97 Ghent, CAG, Series 214, no. 9 (1578-1581), fol. 21v. On of them was Jan Taeye, guardian of the Franciscans in Hulst. Taeye was accused of sodomy by an apostate monk, Hans van Hove. Apparently, van Hove was pressured to denounce Taeye. In a written testimony, Taeye allegedly had claimed that he had taken van Hove ‘as his girl’ (“de gardiaen heeft ons selve ghescreven dat hy u ghehouden heeft voor zyn meysen”) upon which van Hove decided to pay back Taeye in his own coin (“waeromme en soude ick oick den gardiaen niet belasten, hy heeft my wel belast”). However, van Hove kept changing his testimony in an unconvincing fashion and consequently, Taeye was released in 1579. Ghent, SAG, Raad van Vlaanderen, 7.618, fols. 208v-214v.

98 “Omme dat ghylieden, broeders Anthonis Soetaert ende Heindrick Zeghers, beeden Augustynen gheweest hebbende binnen deser stat van Ghent, ulieden vervoorder t hebt ten diverschen stonden elcanderen te meshandelen ende ulieden ooc laten misbruycken jeghens nature (...) laste ghemaect nement op ulieden langhe detentie van vanghenesse zegghen ulieden vuyt desen voorseide stat den termijn van drie jaeren, zonder den zelve nyt gheduerende wederomme binnen deser stede te commene op peyne van arbitrairlycken gecorrigiert te zyne (...)” Ghent, CAG, Series 214, no. 9, fols. 21v-22r.


anti-clerical propaganda, a fact which generated much discontent among the Catholic community.\textsuperscript{101}

Hence, the Reformation not only had an important influence on the discursive ways in which sodomy was increasingly linked to the ecclesiastical community. The change of regimes that was the result of the religious conflict in the Low Countries also caused a temporary reversal of the punishment of clerical sodomites. Unable to rely on their prominent position, clergymen were subjected to penalties which, ironically, had been substantiated by their peers in theological writing. There is a clear parallel with the peak in sodomy trials during the fifteenth century. Civic religion influenced the new regime in the sense that they attached great importance to the notion of the city as a morally pure community. Several civic ordonnances were proclaimed to that purpose: inns were forced to respect Sunday rest, and prostitution, gambling, singing and dancing were restricted.\textsuperscript{102} Furthermore, the war-torn Low Countries once again needed a scapegoat. However, in contrast to the persecutions during the fifteenth century, the symbolic trials of 1578 were less widely supported by the urban society, since they were mainly stimulated by the city governments themselves as part of a general religious discontent. Even in these turbulent times, religious discourse played a key role in the persecution of sodomy.

4.6 Tridentine reforms and same-sex desires

Rome formulated its answer to the Reformation at the Council of Trent (1545-1563), at a time when Calvinist regimes in the Southern Netherlands were still unthinkable. However, it took quite a long time, before the Tridentine decisions actually had their effect in the Low Countries. Pierre Hurteau has formulated how, since the Counter-Reformation, the intentions and conscience of the sinful individual became increasingly important as factors in determining the gravity of the committed same-sex acts.\textsuperscript{103} If the “overall architecture of the erotic drive in the actor” was considered that important, it would only make sense to strongly condemn the sexual behavior of sodomite priests. Indeed, one of the pillars of these counter-reformative initiatives was the proper education of the clergy through recently established seminars, combined with a stricter monitoring of possible violations of celibacy.

In 1568, Pope Pius V (1504-1572) even issued the bull \textit{Horrendum illud scelus}, which stated that clerical sodomites were to be deprived of their office and degraded of clerical

\textsuperscript{101} The public responses to these trials will be dealt with more elaborately in chapter nine.

\textsuperscript{102} Ghent, CAG, Series 93 (Voorgeboden), 29EE (1572-1582), fols. 97v, 258v-259r, 322r ; 30FF (1582-1588), fol. 49v.

status so that they could be extradited to the secular government. 104 Theoretically, this decision marked a radical change in the thinking and acting in the way the Roman Catholic Church acted with regard to clerical sodomy. For centuries, the need to suppress scandal outweighed the need to penalize clergymen adequately. But in the light of Protestant criticism of clerical abuses, Rome decided to act more resolutely. Indeed, for some clerics, Pius’ decision had dramatic consequences: in sixteenth-century Venice, “a sterner dispensation is evident”, according to Patricia Labalme. 105 In Loreto, Luigi Fontino, a canon who had had sex with a minor choirboy, was removed from the priest’s office in 1570 and beheaded. 106 In 1573, two Trinitarians were sentenced to death in Valencia. 107 Several priests ended up at the stake in seventeenth-century Lisbon. 108 And yet, such cases still remained exceptional. Generally speaking, seventeenth-century clergymen were still punished mildly. 109

In the Southern Netherlands too, efforts were made to limit sins against morality among the clergy, as is reflected by the -sometimes- lively visitation reports of Matthias Hovius (1542-1620), Archbishop of Mechelen and Antonius Triest (1577-1657), Bishop of Ghent. 110 However, this Tridentine zeal seems to have had little impact on the punishment of religious sodomites in the region. The trial records running from the late sixteenth century up to and including the eighteenth century have been inventoried for the officialities of Antwerp, Ghent, Mechelen, Liège and Tournai. 111 Based on these inventories, sodomy still rarely, if ever, appeared in the officiality records. And even if it did, church officials preferred to deal with the case internally rather than handing over

107 Monter, Frontiers of Heresy, 137.
109 This was also true for Protestant clergics, although the rise of Puritanism resulted in a renewed emphasis on sexual morality in seventeenth-century England. In 1640, John Atherton, Bishop of Waterford and Lismore in Ireland was hanged in Dublin for sodomy. Though it seems that his trial was an orchestrated attack by the movement that wanted the abolition of bishops altogether in the Church of Ireland. Aidan Clarke, “A Woeful Sinner: John Atherton,” in Taking Sides? Colonial and Confessional Mentalities in Early Modern Ireland, eds. Vincent Carey and Ute Lotz-Heumann (Dublin: Four Courts, 2003), 138-49; Lacey, Terrible Queer Creatures, 92-99.
clergyman to secular tribunals, as ordered by Pius V. For example, Alexander Schoormans, a priest at Aarsele, was deprived of his priesthood in 1639 by the Ghent official and banned for 25 years from the diocese for having committed ‘lascivious acts’ with six boys. In 1651, an anonymous priest from Mechelen was questioned by the local ecclesiastical tribunal about having committed sodomy with two boys. The outcome of this trial is unknown, however. A few years later, in 1657, Alexandre Jacquet, priest in Liège, was accused of having sexually abused several boys in the sacristy of the local St. Andrew’s Church. However, the local confraternity took on the defense of the discredited priest, while the priest’s father even got into a fight with the father of one of the abused children. To my knowledge, there are no further seventeenth-century sodomy cases that involved clergymen. As late as 1741, the Bishop of Antwerp forbade priest Balthasar Rosselini to say Mass for having repeatedly tried to seduce young boys, and in 1781, priest Nicolaus-Franciscus Cauchois from the same diocese was imprisoned for seducing boys who took French lessons with him.

Nevertheless, it never came to dramatic executions of clergymen during the seventeenth century or later periods. Father Maes, with which this chapter began, did not even have to defend himself after Caerel Ryckaertsinne had accused him of sodomy in 1635. During the early modern period, the way in which the Catholic Church dealt with sodomy within its own ranks did not change much. Both before and after the Reformation, clerics were given fairly mild punishments for a crime that often took on biblical proportions. Clerical sodomy was perhaps not completely condoned by the ecclesiastical officials, but sinful clerics had to worry much less than laypeople who had committed the same sin against God and his natural order. Despite all Tridentine reforms, this approach stood the test of time in the Southern Netherlands. Although sodomites deserved an exemplary punishment, as a warning towards society, and although certain death awaited the majority of accused laymen, most clergymen succeeded in avoiding capital punishment.

However, in the post-Tridentine era, sodomite laymen were sentenced to the stake only rarely. Remarkably enough, the ecclesiastical silence seems to have inspired the worldly authorities in the Southern Netherlands. After two centuries of public prosecutions, local magistracies increasingly opted for a more discrete approach in which public punishments were omitted and silence prevailed. The attitude towards sodomy did not change, but the way of dealing with this crime did. Similar to the ecclesiastical authorities, secular courts more and more opted to avoid public scandal. This culture of silence, initiated by the Catholic Church, would survive many social developments and

112 De Brouwer, De kerkelijke rechtspraak, 639.
113 Mechelen, Aartsbisschoppelijk archief, Officialiteit, no. 594, non-foliated. Bervoets, Inventaris van het archief van de officialiteit van het aartsbisdom Mechelen, 91.
114 Liège, State Archives in Liège, Officialité de Liège, Procès, Première série, no. 142, non-foliated.
115 De Brouwer, De kerkelijke rechtspraak, 630, 632.
historical evolutions, and would even turn out to be a constitutive element of modern Belgian society.\footnote{Wannes Dupont, “Free-Floating Evils. A Genealogy of Homosexuality in Belgium,” (Unpublished PhD dissertation, Antwerp University, 2015), 78.}

### 4.7 Conclusion

Although, as a rule, clerics and religious institutions in the Southern Netherlands did not play an active role in the actual persecution of sodomy, they did exert significant discursive influence through, among other things, public sermons and theological treatises (cf. chapter one). The fact that they manifested themselves as avid proponents of severe punishments, legitimized by the biblical condemnation of the unnatural sin, had little or no effect on the way individuals with homoerotic desires were dealt with within their own ranks.

Evoking their religious privileges, clergymen generally succeeded in staying out of the hands of the secular court and were able to plead their case before the spiritual court. Among peers, they did not have to fear for their lives. Although the secular government’s approach was characterized by a certain uneasy straddle between public punishments with a symbolic character on the one hand and a tendency to silence sodomy in the sources on the other, there is no such ambiguity among the religious authorities. In their methodology, discretion clearly prevailed, which resulted in a surprisingly policy of lax punishment. Based on the large decline of the number of public sodomy trials from the seventeenth-century onwards, it almost seems as if the worldly authorities in the Southern Netherlands emulated this form of discretion.

Ironically enough, the ecclesiastical urge to avoid scandals was partly responsible for its particularly bad reputation among the general public regarding this matter; a reputation that was consciously highlighted during the Reformation. Time and time again, the general public was informed about how ubiquitous sodomy was present among the clergy, a fact that symbolized the depraved character of the Catholic Church as a whole. This anticlerical discourse thrived in the Low Countries, who were involved in a complex political struggle in which religion played an important role. The Calvinists’ assumption of power in several cities resulted in a temporary scaling back of the impunity among clerics, since sodomite priests were punished like laypeople. Moreover, they were used as scapegoats in much the same way as sodomites were in general during the Burgundian rule.

Although one of the side effects the Counter Reformation was the definitive abolition of the \textit{privilegium fori} for sodomite clergymen in 1568, this regulation was hardly ever applied in the Southern Netherlands. After the Calvinist interregnum, the Roman
Catholic Church soon reclaimed its time-honored dominant position once again. With the exception of the symbolic and high-profile trials of 1578, clerics remained the most privileged group among the convicted sodomites in the Southern Netherlands throughout the late medieval and early modern period, in stark contrast with the sodomite laymen among their flock.

Ultimately, church officials were discrete about priestly sodomy out of self-interest: if it were publicly known that priests, who were supposed to lead an exemplary life, committed the unspeakable sin, the ensuing scandal would reflect on the ecclesiastical community as a whole. In spite of Protestant denouncements and Tridentine countermeasures, the Church maintained this approach for centuries to come. This shows a –perhaps uncomfortable- link with our present-day society. The recent scandals on sexual abuse within the Catholic church, and the accompanying urge to conceal them, show a lot of striking similarities with the premodern silence about clerical sodomy. In the next chapter too, parallels can be drawn with the present, more specifically with regard to the –often negative- attitudes towards migrants and the role sodomy played in the formation of these attitudes in early modern Europe.


Figure 12. Balboa feeding Indian sodomites to the dogs. Theodore de Bry, *India Occidentalis. America*, vol. 4 (1594)
Chapter 5. Foreign sodomy

5.1 Introduction

In 1523, Franciscus Tercianus was arrested in Bruges because he had tried to rape a young boy. When tortured, Franciscus confessed that eleven years before, he had sodomized several people in several cities. Franciscus must have been an exotic appearance in late medieval Bruges, since he originated from the “royaulme de Perchie”. As Franciscus spoke neither French nor Flemish, the city administration took his confession in Italian. Consequently, Franciscus was burned at the stake outside the city for committing the “abominabile e nephandissimo peccato de sodomia dicto contra naturam”. Although it is impossible to verify whether Tercianus’ background had an impact on his trial in particular, sodomy was indeed often represented as an exotic and foreign phenomenon unknown to the local urban community. In his ground-breaking study of same-sex acts in Elizabethan England, Alan Bray notes that the “readiness, even eagerness, [of early modern society] to recognize homosexuality in an alien context is in marked contrast to its reluctance to do so within”. Sodomy was described in medical terms as a kind of contagious disease that invariably found its origin abroad and could infect the native culture, which was presented as inherently pure. As a result, foreigners, who were

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1 A shortened version of this chapter was previously published as: Jonas Roelens, “Fornicating Foreigners: Sodomy, Migration, and Urban Society in the Southern Low Countries (1400–1700), Dutch Crossing 41, no. 3 (2017): 229-46. Due to additional archival research and the discovery of a small number of new cases, the figures presented in this article have been slightly adjusted in this chapter.

2 “Franciscus Tercianus gheboren van Percyen heeft bekendt ende verleden by zynen vryen eyghenen wille ende buten allen banden van ysere ende van pynen dat hy binnen xi jaeren herwaerts ten diversschen stonden in diverschen steden ende plaetsen ende ooc met diverssche persoonen ghedaen ende vulmaeckelic vulcomen heeft, de groote ende orrible zonde van zodomye ende boven dien dat hy binnen xiii daghen haerwaerts de zelve zonde gehpooght ende ghepynt heeft te doene met een jongheskin binnen deser stede want zoude ooc die hedaen ende vulbrocht hebben, ten hadde gheweest dat tselve jongheskin hem dat gheweyghert ende zynder veerder gheloopen hadde (...)” Brussels, NAB, CA, 13783, fol. 178v.


4 Bray, Homosexuality in Renaissance England, 75.

5 Carvajal, Butterflies Will Burn, 60.
perceived as outsiders to the civic body, were vulnerable to accusations of sodomy, and were regularly overrepresented among the number of convicted sodomites.\(^6\)

This chapter will examine to what extent this was also the case in the Southern Netherlands. The analyzed bailiff accounts and court records have revealed that out of 406 accused individuals, 105 had migrated to the city where they were tried. It appears that roughly one out of four prosecuted sodomites in the Southern Low Countries was an ‘outsider’ to the urban community. Although these numbers should not be underestimated, they do seem to provide a realistic picture of the social composition of urban society in the Southern Netherlands, bearing in mind that the cities under scrutiny proved attractive to migrants throughout the late medieval and early modern period. This chapter suggests that foreigners were more vulnerable to sodomy accusations, not because of their origin in the strictest sense, but because of their fragile social position that complicated their successful integration into urban society.

### 5.2 Discursive constructions of sodomy

In the early modern period, allegations of sodomy were often used as a discursive weapon. Homoerotic desires were depicted, not as something present within the Christian world, but as something repulsive, imposed from without. In medieval Russia for instance, Orthodox didactic texts attributed sodomy to foreign, non-Christian influences.\(^7\) Early modern anti-Semitic writings frequently contained stereotypical images of the ‘buggering Jew’ who sodomized men to convert them to Judaism.\(^8\) From the thirteenth century onwards, sodomy was regularly described as a distinctive aspect of Muslim society in Western literature.\(^9\) Identifying the deviant sexual mores of Muslims was a

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\(^7\) Levin, *Sex and Society in the World of the Orthodox Slavs*, 199.


tactic in Crusade propaganda early onwards. In a plea for help from Byzantine emperor Aleksios I Komnenos to Robert I, Count of Flanders, horror stories are told about Muslims sodomizing Christians of every age and rank, including bishops. According to late fifteenth-century jurist Filips Wielant, even heterosexual activities between Christians and ‘Saracens, Turks, and Jews’ were considered sodomy.

Typical usages of this discursive strategy, meant to accentuate the heteronormativity of Christianity, can be found in many late medieval and early modern travel journals. These journals often contain detailed and perplexed accounts of sodomitical acts encountered by the authors in Muslim society. This was also the case in the work of Joos van Ghistele, a fifteenth-century nobleman from Ghent who went on a pilgrimage to the Holy Land between 1481 and 1485. When discussing the Islamic faith, van Ghistele mentioned that Muslims ‘do not prosecute the sin against nature, while this was permitted by a law proclaiming that everyone ought to do with his goods as he pleases, and may use them to their own will’. Bernhard von Breydenbach, treasurer of the archbishop of Mainz, had made the same journey a couple of years before, and in 1488, his travelogue was also printed in Dutch. He mentioned that Muhammad permitted the sin against nature because one should not have sex with women while they are ‘unclean’. Von Breydenbach added an alleged quote by Muhammad who purportedly stated that God gave man animals to ride, to eat and to do whatever the heart desires; furthermore, man is allowed to use his own body as it pleases him. Von Breydenbach hereby insinuated that Islam allowed male same-sex acts, bestiality and masturbation.


11 Filips Wielant, Corte instructie in materie crimele, 222.


15 Bernhard von Breydenbach, Bewaren tot dat heylighe graft (Utrecht: Eerhaut Rewich, 1488), non-foliated.

16 On the actual regulation of sodomy in medieval and early modern Islamic society, see: Khaled El-Rouayheb, Before Homosexuality in the Arab-Islamic World, 1500-1800 (Chicago: University of Chicago Press, 2005); Mohammed
The notion that sodomy prevailed in Muslim societies was prevalent throughout the seventeenth century, as the legend of Saint Pelagius of Cordoba shows. At age ten, Pelagius was held hostage by the Caliph of Al-Andalus. He was said to be so impressed by the boy’s beauty, that he offered to release Pelagius – if the youth agreed to have sex with him. Being a pious Christian, Pelagius refused, upon which the Caliph had the boy tortured and dismembered. The story of Pelagius was incorporated in Tieleman van Braght’s popular publication Martyrs Mirror. Van Braght, a seventeenth-century Anabaptist author from Holland, first published this collection of martyrdom tales in 1660 and many reprints, richly illustrated by the famous Dutch engraver Jan Luyken, followed and spread throughout the Low Countries.

Islam and Judaism were not the only religions under fire. When the Jesuits were allowed to set up missions in sixteenth-century Japan, elaborate comparisons between Western and Japanese culture followed soon. Several Portuguese Jesuits, including Francis Xaverius (1506-1552), wrote how Buddhist monks, contrary to Christian clerics, indulged in all ‘the nefarious sins from the flesh’. Allegedly, Japanese men and women were so used to Buddhist priests committing sodomy in plain sight, they could not be bothered anymore. During the same period, natives of the New World were also subject to virulent accusations of sodomy, which were used to denigrate the indigenous populations and confirm the moral superiority of the conquerors. These stories were also depicted by Theodore de Bry (1528-1598), a renowned illustrator from Liège. Contemporary travel accounts explicitly linked sodomy with the so-called barbarous nature of the described societies, which gave the reader the impression that such things were unknown in their own community. At the same time, early modern medical

18 Tieleman van Bracht, Het bloedig tooneel, of Martelaers spiegel der Doops-gesinde of weere Roose christenen... (Amsterdam: Hiëronymus Sweerts, 1685), vol. 1, p. 252.
21 Bray, Homosexuality in Renaissance England, 75.
depicted countries such as Egypt and Ethiopia as the cradle of so-called tribades, or women with a clitoris long enough to penetrate other women; a physical anomaly believed to be rare in Europe.22

Yet western societies also feared foreign infection closer to home. Aybert van Huerne, an eighteenth-century chronicler from Bruges mentions in his *Curieuse verzamelinge van merkwaardige geschiedenissen*, that sodomy was ‘unfortunately widespread in Turkey and in England’.23 Already in the twelfth century however, English chroniclers made it clear that sodomy had been imported into England, from France, as it was believed that many young English noblemen had become sodomites while pursuing their studies in Paris.24 This French connection lasted well into the eighteenth century, and was not limited to England. After the peace treaty of Utrecht of 1713, the Dutch Republic lost its leading commercial and maritime position. A convenient explanation for the decline of Dutch hegemony was found: unmanly French cultural influences had corrupted Dutch men and turned them into effeminate sodomites.25 During the Dutch Revolt over a century earlier however, the Spaniards were targeted instead of the French. Numerous pamphlets and song texts swarming with negative Spanish stereotypes were distributed. One of the most striking insults was the use of the term ‘buggers’ to describe the Spanish soldiers.26

However, if there was one specific region in Europe where the crime against nature was believed to have flourished, it was Italy. The city of Florence in particular was associated with sodomy. The unsavory sexual reputation of Florentine males was so widespread that in contemporary German a sodomite was popularly dubbed “ein Florenzer”.27 Portuguese settlers in Brazil in turn used the expression ‘to fornicate in the Italian manner’ as a euphemism for sodomy,28 as did the French, who referred to “le vice italien”. The Italians then again claimed that Swiss men preferred their cows over their

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The assumption that Italians systematically practiced sodomy was commonplace in the Low Countries as well. In 1412, Dirc Potter, bailiff in The Hague, travelled to Rome as an envoy of the count of Holland. In his book Der Minnen Loep, he claimed that Italian men publicly committed sodomy on a daily basis, without feeling any shame whatsoever. Whether or not the Italians deserved their reputation is debatable: as we have seen, historical evidence suggests that sodomitical activities were particularly widespread in Italian cities in the fourteenth and fifteenth centuries. Then again, it was a “perennial strategy of heteronormative discourse to posit sexual ‘deviance’ as belonging to the past or as coming from elsewhere”.

Moreover, Protestant leaders actively perpetuated the image of Italy as a nest of sodomites as an anti-Catholic statement during the Reformation (cfr. supra). These sexual slurs slandered the religious ‘other’ and breathed new life into the belief that sodomy was a foreign vice. However, sodomy was also strongly associated with Italy in Catholic France, where the dominant influence of Italians at court provoked fierce anti-Italian sentiment. They were accused of corrupting the country with foreign vices and were repeatedly portrayed as effeminate sodomites. In fact, the French court remained a hotbed of sodomy accusations against foreigners throughout the early modern period. Henry III and his Italian mignons, the Italian cardinal Mazarin, who had allegedly worked his way up by submitting sexually to men, and the Austrian Marie-Antoinette,

30 “(...) Nochter na doetmense alle daghe/ in Italyen openbaer/ ende en achten der schanden niet een haer (...)” The Hague, Royal Library, MS. 128 E6, fol. 172v. On Der Minnen Loep, see: Alphonsus Van Buuren, Der Minnen Loep van Dirc Potter. Studie over een Middeelnederlandse Ars Amandi (Utrecht HES Publishers, 1979). Apparently, his Italian journey inspired Potter to write more about virtues and vices. His second book ‘Blome der Doechden’ (1415-1416), is clearly inspired by an Italian text called ‘Fiore di Virtù’. This also becomes clear in his comments on the different kinds of unchastity: “die vierde is alsoe overdragende vuyl ende quaet dat sij niet en is te noemen want sij onnatuerlijck is”; “La quarta maniera di la luxuria si è lo peccato che se fa contra natura, lo quale no è da mençonare tanta lo soa gravitade,” see: Sabrina Corbellini, Italiaanse deugden en ondeugden. Dirc Potters Blome der doechden en de Italiaanse Fiore di virtù (Amsterdam: Prometheus, 2000), 231.
34 Among the many studies on Henry’s sexuality, see: Katherine Crawford, “Love, Sodomy, and Scandal: Controlling the Sexual Reputation of Henry III,” Journal of the History of Sexuality, 12 (2003), pp. 513-542. See also chapter eight of this study.
who was said to have infected the court with female sodomy— all were subjected to a compromising discourse combining the fear of sodomy with xenophobia.

Yet foreign rulers were not the only immigrants vulnerable to allegations of sodomy. Dirk-Jaap Noordam draws our attention to the—admittedly small number of—convicted sodomites during the late middle ages in the Northern Netherlands. Even in early modern Italy, which was widely considered a haven for sodomites, the citizens of Lucca “feared moral contamination from outside”, according to Mary Hewlett, who has found that citizens regularly accused so-called “forestieri” of sodomy. Indeed, foreigners constituted one fifth of the total number of sentenced sodomites in fifteenth-century Venice, and forty percent of the accused sodomites in Baroque Rome, while they even outnumbered local men accused of sodomy in Renaissance Bologna. In Geneva then, William Monter notes the high number of Italians accused of sodomy. Foreigners accounted for one quarter of all tried sodomites in early modern Aragon, and in Catalonia, immigrants were accused of sodomy so often, that Frenchmen outnumbered Catalans among those charged for bestiality between 1580 and 1630. Noticing the high number of foreign mariners accused of sodomy in the harbors of early modern Andalusia, Federico Garza Carvajal concludes: “One aspect was constant in all these cases— the belief that sodomy was an exclusive practice of the other—those from abroad, from other nations”. The existence of such prejudices is confirmed by Cristian Berco. In his study of sodomy in Spain’s golden age, he discovered that foreign men were vulnerable to accusations of same-sex acts by locals under false pretenses or doubtful evidence.

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37 Noordam, *Riskante relaties*, 43-44.


40 Baldassari, *Bande giovani e “vizio nefando,”* 84.


42 Monter, “Sodomy and Heresy in Early Modern Switzerland,” 45.


46 Berco, *Sexual Hierarchies, Public Status*, 123.
5.3 Migration in the Southern Netherlands

Yet, many early modern governments were also influenced by social and racial prejudices in how they dealt with sodomy.\textsuperscript{47} According to Helmut Puff, Swiss magistrates were “relatively seldom prepared to proceed against residents and citizens”.\textsuperscript{48} And at the same time, the persecution of sodomites was an ideal way for urban civic authorities to demonstrate their authority.\textsuperscript{49} In times of social malaise, the creation of a domestic adversary helped rulers to shape the collective mentality and to strengthen the social cohesion within a city, especially if the targeted victims were foreigners.\textsuperscript{50} Given the discursive strategies depicting sodomy as a foreign phenomenon and the consequential overrepresentation of foreigners among the condemned sodomites in many early modern European cities, this chapter wants to determine whether or not this kind of distrust towards foreigners was also present in the Southern Netherlands.

For the purpose of this study, I define a foreigner as someone who was not born in the city where he or she was tried. This broad definition results from the fact that the analyzed records of sodomy trials meticulously mention when a convicted criminal’s roots lay outside the city walls, regardless of whether the accused originated from another city in the principality or from the outskirts of the European continent. This reflects the self-image of early modern civic authorities in the Southern Low Countries, who liked to see themselves as guardians against sexual deviant elements imposed from without, and their cities as moral safe havens. Indeed, urban society was conceived as a moral space, in which brothels for insistance were forced to settle at the city gates, in order to create the illusion of moral integrity within the community.\textsuperscript{51}

As argued in chapter two, this was especially the case in the Low Countries, a loose grouping of territories with strong local identities and a highly-developed sense of urban particularism. Indeed, Bruges, Ghent, Ypres, Antwerp, Leuven, Mechelen and Brussels tried to safeguard their political and financial autonomy by repeatedly opposing princely


\textsuperscript{49} Crouzet-Pavan, “Police des mœurs,” 287; Lansing, “Gender and Civic Authority,” 35.

\textsuperscript{50} Hergemöller, Sodom and Gomorrah, 33.

centralization. This urban particularism is not only reflected in economic and political matters, but also in the strict division between insiders and outsiders within civic society. Even in France, a country with a much more centralized state structure than the Low Countries, the definition of a foreigner as someone born outside the kingdom was not commonly used until the sixteenth century. Hence, we should define the early modern concept of ‘foreigner’ along city borders rather than national ones.

Unfortunately, civic authorities did not keep comprehensive lists of immigrants, and consequently, it is difficult to estimate the exact number of foreigners in a specific city during the early modern period. Researchers largely rely on the previously mentioned poortersboeken, or lists of new citizens, along with their places of birth and their occupations. Yet poortersboeken only mention a minority of migrants, namely those who purchased the legal status of burghership. People usually decided to become proper citizens or poorters after they had already spent a couple of years in a particular town, which means that people included in the poortersboeken were generally not newcomers strictu sensu. So, while the sources provide some clarity about a select group of elite migrants, we are left in the dark where the masses of unskilled workers and short-term migrants are concerned.

Attitudes towards immigration where somewhat ambiguous in the Southern Netherlands. Although a clampdown on migrants was an easy way for civic rulers to demonstrate this power and authority, the extensive migration flows in the Low Countries offered too many economic opportunities to apply such strict measures. A considerable part of the wealth and riches in commercial centers like Bruges and Antwerp resulted from the presence of foreign merchants, and efforts were made to attract, accommodate and integrate these newcomers. In sixteenth-century Bruges for instance,

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several mixed marriages between Flemings and Spaniards occurred.\textsuperscript{55} However, such generosity was not extended to every immigrant, and civic authorities often made ad hoc decisions concerning migrant regulation.\textsuperscript{56} In many cities, innkeepers were even obliged to report any stranger they sheltered for the night to the local authorities, although this order was rarely obeyed.\textsuperscript{57}

Whether or not immigrants were actually wanted, mostly depended on their social status and economic contribution to the city.\textsuperscript{58} While stimulating the influx of skilled settlers, cities tried to discourage less potentially profitable immigrants from seeking their luck within the city walls.\textsuperscript{59} Such people were quite often excluded from burghership, or had to pay twice as much as natives in order to obtain this legal status.\textsuperscript{60} While this posed no problem for wealthy tradesmen, less fortunate migrants encountered greater difficulties in integrating into the fabric of urban society. And while these people did not have another ‘nationality’ in the modern sense, they were still perceived as strangers. According to Bert de Munck and Anne Winter, poor migrants were perceived as a potential threat to public order: “especially given their alleged proneness to engage in begging, vagrancy, prostitution, thieving, rioting and other dangerous or criminal behavior in the eyes of early modern elites and middling groups”.\textsuperscript{61} Consequently, it is no coincidence that foreigners accounted for the majority of sentenced thieves and vagabonds in early modern cities; 37 percent of the convicted thieves in Brussels between


1550 and 1600 came from outside the town, which was also the case for a stunning 97 percent of the vagabonds during the same period. Clearly, poor foreigners were often distrusted and preferably excluded.

This was especially true in a crisis. In times of economic downfall, cities tried to stem the incoming tide of poor and marginalized people fleeing the countryside in order to survive. During the religious turmoil that plagued the Low Countries on the eve of the Dutch Revolt, heresy was closely associated with foreigners. Civic authorities confronted with the Beeldenstorm in 1566, often blamed outsiders for the riots and emphasized “that none of their inhabitants were actually involved in any of the troubles.” In sixteenth-century Brussels, 93 out of 169 executed Protestants were foreigners; while in Antwerp, a mere 10 out of 118 convicted Protestants were local citizens, which shows that inhabitants were exempted from harsh prosecution by the city magistracy in comparison to immigrants.

5.4 Migrant sodomites in the Southern Netherlands

Were foreigners disadvantaged in a similar manner when sodomy was concerned? Marc Boone estimates that roughly one fifth of the ninety executed sodomites in Burgundian Bruges (1385-1515) was a foreigner. As table 7 shows, the number of foreigners sodomites accused in the Southern Netherlands could approach one out of four over the longue durée. Of 207 sodomy trials conducted in the studied cities of Bruges, Ghent, Ypres, Antwerp, Brussels, Leuven and Mechelen, 56 involved a total number of 105 foreigners. Differences between these towns occurred however; while Mechelen did not convict a single foreigner, the proportion of sentenced immigrants in other cities was as high as fifty per cent, as the example of Leuven shows.

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62 Vanhemelryck, De criminaliteit in de ammanie van Brussel, 330, 334.
65 On the association between heresy and foreigners, see: Monter, “Sodomy and Heresy in Early Modern Switzerland,” 41-55.
67 Fernand Vanhemelryck, De criminaliteit in de ammanie van Brussel, 81-82.
69 Boone, “State power and illicit Sexuality,” 146.
Table 7. Proportion of foreign sodomites convicted in the Southern Netherlands (ca. 1400-1700)

<table>
<thead>
<tr>
<th>City</th>
<th>Numbers</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antwerp</td>
<td>7 out of 23</td>
<td>30.43%</td>
</tr>
<tr>
<td>Bruges</td>
<td>28 out of 179</td>
<td>15.64%</td>
</tr>
<tr>
<td>Liberty of Bruges</td>
<td>23 out of 43</td>
<td>53.48%</td>
</tr>
<tr>
<td>Brussels</td>
<td>8 out of 36</td>
<td>22.22%</td>
</tr>
<tr>
<td>Ghent</td>
<td>26 out of 70</td>
<td>37.14%</td>
</tr>
<tr>
<td>Leuven</td>
<td>9 out of 18</td>
<td>50.00%</td>
</tr>
<tr>
<td>Mechelen</td>
<td>0 out of 24</td>
<td>0%</td>
</tr>
<tr>
<td>Ypres</td>
<td>4 out of 13</td>
<td>30.76%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>105 out of 406</td>
<td>25.86%</td>
</tr>
</tbody>
</table>

Source: bailiff accounts and urban legal records (see Appendix 1)

Of course, these figures only give an indication of the actual extent of homoerotic activities among foreign men. Quite a few managed to evade justice, such as Alfonso de Robles from Madrid and the Albanian boatsman Battista for instance. Battista was working in ‘Flandria’ as a shipbuilder while Robles ran a tavern. They had been denounced for sodomy twice during the mid-1560s, yet allegedly, Robles managed to ‘save Battista from the fire’ upon which they fled from Flanders, likely out of fear of discovery. In 1578 however, they got caught in Rome where they were hanged and their corpses were burned.70

And yet, while these numbers should not be underestimated, they do seem to parallel existing migration patterns. In her standard work on early modern European migration, Leslie Moch estimates that in German, French and English towns, usually half of the citizens were born in another place, while often two thirds of the non-citizens came from elsewhere.71 This was also the case in the Northern Netherlands. In cities such as Leiden, Haarlem, Rotterdam, The Hague and Delft, immigrants compromised 60 percent of the average population during the seventeenth century, while in Amsterdam only ten to forty percent of the marriageable population was actually born in the city.72 Fewer figures are available about the situation in the Southern Netherlands, yet it seems that

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70 Unfortunately, it is impossible to find out where exactly in ‘Flanders’ both men were living and if they indeed got accused of sodomy in the region. Battista claims that he was working on two ships being built for the Genovese on the island of ‘Vemures’ or perhaps ‘Remures,’ which seems to be a non-existing place in the Netherlands. Of course, it could be that the Italian scribe noting his statement, did not understand which place Battista meant and that he garbled when he wrote down the location. In fact, it is not even sure if they ever lived in the County of Flanders, since ‘Flandria’ was a generalized term often used by Southern Europeans to indicate a large geographical area. This information on the whereabouts of Battista and Robbles was kindly communicated to me via e-mail by Gary Ferguson in June 2017. On the Flemish connection with the Roman trial: Marcocci, “Is This Love? Same-Sex Marriages in Renaissance Rome,” 45; Ferguson, *Same-Sex Marriage in Renaissance Rome*, 91-92.


half of the population in sixteenth-century Antwerp was of foreign origin, while this was the case for over 30 percent of all adults in eighteenth-century Mechelen, and it is likely that these numbers also apply to other cities in the Southern Netherlands. This would mean that, in terms of their relative presence in the towns studied here, immigrants did not suffer a disproportionate number of sodomy denunciations. This contrasts with similar figures from other Southern European cities that do seem to indicate a pattern of discrimination against perceived outsiders.

Moreover, a closer look at these figures tells us something about the extent to which foreigners were integrated into their new environment. Out of 105 charged foreign sodomites, 33 were convicted individually. The 72 other men, however, were involved in a total of 23 group trials, half of which concerned foreigners who had committed sodomy with locals. It seems that foreign sodomites did not necessarily operate in an isolated sexual framework in which they only met other newcomers. Rather, many immigrated sodomites ‘successfully mingled’ with the local inhabitants and found resident sexual partners within their new urban environment.

While some of these ‘foreign’ convicted sodomites were individuals from other principalities in the Southern Netherlands, 65 percent of them were so-called ‘short-distance migrants’. Searching for work and attracted by the wealth of a larger nearby city, they had migrated from small towns like Lier, Lokeren, Aalst, Diksmuide et cetera. Again, these figures seem to be consistent with actual migration patterns in the Low Countries, where economic migrants often linked rural and urban regions. For instance, a considerable portion of the people who migrated to Bruges during the fifteenth century came from Courtrai, a small town nearby. Just seven percent of Mechelen’s migrants originated from the Northern Netherlands, while 30 to 40 percent came from the Mechelen region itself. These numbers are comparable to those of fifteenth-century Ypres where 33 percent of the new poorters came from within a ten-mile radius around

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74 Although temporary declines in the number of new immigrants sometimes occurred due to religious troubles and economic crises, many cities quickly bounced back. See inter alia: Geert Janssen, The Dutch Revolt and Catholic Exile in Reformation Europe (Cambridge: Cambridge University Press, 2014).
77 Myriam Carlier, “Immigration in Malines on the Basis of the Purchased Burgherships Between 1400 and 1600,” in Towns and Networks in Early Modern Europe, ed. Peter Clark (Leicester: Centre for Urban History, 1990), 34.
the city.\textsuperscript{78} In sixteenth-century Antwerp, the overwhelming majority of new inhabitants came primarily from the duchy of Brabant and other territories of the Low Countries, while only nine percent originated from countries such as France, Italy, and Spain.\textsuperscript{79}

<table>
<thead>
<tr>
<th>Origin</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside the Low Countries</td>
<td>14</td>
<td>13.33%</td>
</tr>
<tr>
<td>Italy</td>
<td>4</td>
<td>3.80%</td>
</tr>
<tr>
<td>Holy Roman Empire</td>
<td>3</td>
<td>2.85%</td>
</tr>
<tr>
<td>France</td>
<td>2</td>
<td>1.90%</td>
</tr>
<tr>
<td>England</td>
<td>1</td>
<td>0.95%</td>
</tr>
<tr>
<td>Spain</td>
<td>1</td>
<td>0.95%</td>
</tr>
<tr>
<td>Greece</td>
<td>1</td>
<td>0.95%</td>
</tr>
<tr>
<td>Poland</td>
<td>1</td>
<td>0.95%</td>
</tr>
<tr>
<td>Persia</td>
<td>1</td>
<td>0.95%</td>
</tr>
<tr>
<td>Other principalities in the Low Countries</td>
<td>22</td>
<td>20.95%</td>
</tr>
<tr>
<td>Same principality (other town/countryside)</td>
<td>69</td>
<td>65.71%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>105</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: bailiff accounts and urban legal records (see Appendix 1)

This appears to be in line with the number of foreigners convicted for sodomy in the Southern Netherlands: 13 percent of the convicted foreigners in the studied cities came from different countries, as can be seen in table 8. These immigrants originated from France, England, the Holy Roman Empire, Poland, Italy, Spain,\textsuperscript{80} and Greece.\textsuperscript{81} One exotic individual even travelled all the way from ‘the kingdom of Persia’. Perhaps


\textsuperscript{80} In 1570, a Spanish soldier was allegedly burned on a small island in the Scheldt in Ghent, according to several sixteenth-century chronicles. His accomplice, a twelve or thirteen-year-old ‘muchacho’ was spanked on the buttocks with a hot iron pan. Unfortunately, there is a gap in the juridical sources for this period. “Den 11 werd op het eilandeken in de Schelde recht over het Kasteel een spaensch soldaet verbrand over sodomie met eenen jongen die zy Muchachos noemen, bedreven, en de jongen met eene gloyende van aers geslagen”. See: Philips De Kempenaere, Vlaemsche kronijk, of dagregister van al het gene gedenkweerdig voorgevallen is, binnen de stad Gent, sedert 15 july 1566 tot 15 juny 1585 (Ghent: Hebbelynck, 1839), 81; Cornelis and Philip De Kempenaere, Dagboek van Cornelis en Philip van Campen: behelzende het verhaal der merkwaardigste gebeurtenissen, voorgevallen te Gent sedert het begin der godsdienstberoerten tot den Sen april 1571, ed. Frans De Potter (Ghent: Annoot-Braeckman, 1870), 256. Andreas van Heule, Memorieboek der stad Gent: van’t j. 1301 tot 1737 (Ghent: P.C. Vander Meersch, 1853), vol. 2, 373.

\textsuperscript{81} “A luy payé pour avoir brulé Jehan filz Jaques, natif de Grece, comme sodomien (…)” Brussels, NAB, CA 13781, fol. 81r-v. A Fifteenth-century chronicle dates this execution on February 27, 1486. “Item up den zelven dach voorzeyd, zo was den zelven Cornelis voorzeyd, gheleyt up euen wagh ene ghevonen at by schepehen ter vierschare, over te doen meten brande, buiten der Cruuspoorte, ter plecken ghecosteemed van zaken die beter ghezweeghen zyn dan vele daer of vermaendt”. See: Anonymous, Het boeck van al ’t gene datter gheschiedt is binnen Brugge sichtent jaer 1477, 14 februarii tot 1491, ed. Charles Louis Carton (Ghent: Annoot-Braeckman, 1859), 102-103.
surprisingly, given the fact that Italians were perceived as irredeemable culprits when it came to sodomy, only four of the foreign sodomites in the Southern Netherlands actually came from Italy.\(^82\) One of them, Jerome Andreo Bernardi of Venice, managed to evade justice for a while, but he literally paid a heavy price for it. Jerome was blackmailed by three men, among them another Italian from Piedmont, who had known about his sodomitical activities.\(^83\) When the bailiff of Bruges discovered these facts in 1493, Jerome was sentenced to death by burning, while his three blackmailers were whipped on the scaffold.\(^84\)

However, some Italians managed to save their skins, like master Jehan de Calabria, who was arrested by the bailiff of Ghent in 1411. Master Jehan was accused by a certain Jehan Levorins who had recently been executed as a sodomite in Ypres. Levorins claimed that the two had committed “la desnaturelle pechié que l’en dist sodomie”. However, since Jehan de Calabria denied everything, even when he was questioned under torture, the aldermen had no choice but to let him go.\(^85\) Others apparently did not fancy the idea of a torture session to start with, and so they paid huge sums to avoid a trial. In 1417, Gille Damerose, a merchant from Ancona, was accused of having made an ‘indecent proposal’ to an anonymous minor. Because Bruges’ bailiff was unable to prove the crime, and because the merchant had a good reputation (“aussi estoit le dit marchant de bonne renommez”) Damerose was allowed to pay a composition, or a fine to prevent the bailiff

\(^{82}\) Another Italian, François Sander, who was a Lucchese merchant, moved from Bruges to Middelburg, where he was acquitted of the charge of sodomy in 1457. J. De Stoppelaar, *Inventaris van het oud archief der stad Middelburg 1217-1581* (Middelburg: J. C. & W. Altorffer Stadsdrukkers, 1883), no. 223. According to a sixteenth-century Antwerp chronicle, an anonymous Italian was burned for sodomy after his hand was chopped off: “Op den 20 decembris ende was st. Thomas avont, wert tot Antwerpen in de lange nieuwe straete eenen Italiaen syn hant affgehouden, ende gevoert op de groote merckt voor het stadhuy in de lange nieuwe straete, daer hy verbrandt werdt, om syn buggerye willé”. F.G., ed. *Chronycke van Antwerpen, sedert het jaer 1500 tot 1575* (Antwerp: J.P. van Dieren & Co, 1843), 266. Since this person could not be traced in the Antwerp court records, he is not included among the number of sentenced foreigners.

\(^{83}\) “Jerome andreo Bernaerdi van Venegen heift verkent ende verlyet buten allen banden van yseren ende van pynen ende by zynen vyren eyghenene wilte dat hy te meer stonden ende met divers sensuen ghedaen ende ghecommitteirt heift de horrible ende abhomina ble zonde van zodomyen. Ghe wyst woensdachs xxx in octobre a” xciii to justicierne metten stake ende metten brande, ende hem alzo te bringhen vanden live ter doot”. Brussels, NAB, CA, 13782, fol. 44r; Boone, “State power and Illicit Sexuality,” 147.


\(^{85}\) Brussels, NAB, CA, 14109, fol. 330v.

195
from bringing the case to court. As we have seen, this was a common practice in the Southern Low Countries, yet the total amount of this fine was anything but routine for the bailiff: Damerose paid no less than 200 “nobles d’or” or 675 “livres parisis monnoye de Flandres”, the equivalent of ten years wages for an assistant in the building industry.

The fact that these accused Italians were targeted by dodgy blackmailers, addressed as master, or had the means to pay fines the like of which that most people could not have scraped together over the course of an entire lifetime, illustrates the presence of a wealthy community of Italian bankers, merchants and masters in the Southern Netherlands. Yet not every Italian was part of the international trade elite that migrated to the region to conduct business. When Jacomo dy Rossy was beheaded for the “peccatum sodomiticum” in Antwerp during 1556-1557, he was so poor he did not possess any goods that could be confiscated by the bailiff. Nor was he the only impoverished foreigner so convicted. The Spanish Alexandro Lauro Palma, accused of the ‘crime or sin of sodomy which is called the silent sin’ and subsequently strangled and burned in Antwerp in 1605, left behind an outstanding debt of 390 “philips daelders”, which was three times the amount raised by the public auction of his furniture.

As we have seen, early modern authorities were lenient towards sodomites of noble birth, whereas people of the lower classes were more likely to be tried. Since migrants who settled down in the cities studied here were often social outcasts, it comes as no surprise that they were vulnerable to sodomy accusations. Lamsin Le But from the small village of Woumen, for instance, had already been imprisoned for murder in Sluis, before he was burned as a sodomite in Ypres in 1416. Many had to take the road in order

86 “De Gille Damerose, merchant de la marque d’Ancoenne, prins et calengié par ledit escoutette a cause qu’il etoit soupeconnés d’avoir requis a ung jone valeton de qui ledit escoutette ne set le nom, du vilain cas sans y avoir aultre chose fait, lui de ce laisser composé a devant jugement veu que le dit escoutette ne povoit prouver la dite requeste et que bien savoit qu’il nient point de fait et sans clere presumption ne povoit par loy bonnement benit a la gehine et si se doubtoit que par loy il nensist riens (...)

87 Boone, “State power and Illicit Sexuality,” 147 n. 44.

88 “Van Jacomo dy Rossy Italiaen die overmits dyen hy bevonden is geweest gecommitteert te hebbene peccatum sodomiticum, alhier mitten sweerde geexecuteer is geweest, ende geen goeden hem toebehorende achtergelaten en heeft daer omme hier nyet”. Brussels, NAB, CA, 12906, fol. 209v.

89 “Mynen heere de schouteth notre officy aenleggere tegens Alexandro Laury Palma gevangene vermits de selve gevangene hem heeft vervoirdert tot verscheyde reysen te doene het misdaet of zonde van zodomie dewelck men noemt de stomme zonde (...)” Antwerp, Felixarchief, V153 (Vierschaarboek 1596-1608), fol. 114r

90 “(...)hebbende achtergelaten diversche meubele goeden die welcke dezen rendant by openbaeren oproepe heeft doen vercoopen, dan alzou ter zaecken vande penninghen vande voorseide meubele goeden geprocedeert tusschen desen rendant ende Vincentio patriarcchi proces is, die pretendeert dat de voorseide wylen Alexandro Lauro hem deughdelyck soude schuldhic zyn drye hondert ende tnegentich Philips daelders van geleenden gelde, wezen twelze meer als drymael zou vele als vande voorseide meubele goeden is geprocedeert ende ontfangen (...)


92 “Audit bailli pour avoir payé pour faire la justice de Lamsin Le But de Woumen estant sans loy pour ce qu’il avoit par avant esté bannis de la ville de l’escluse de muerdre a tousjours comme il dist, lequel sainsit estoit
to survive, like Jehan Holbj, an English beggar (“blittere Englez”) whose hair was burned off after he was whipped by Bruges’ bailiff in 1520. This was also the case with Adriaen de Molde and a man called Pauwels from Gdansk in Poland, whose story particularly appeals to the imagination. Apparently, they had met in the French town of Montpellier and decided to travel through the duchy of Brabant, where they stole some linen. At one point, Pauwels started doing his ‘dirty and dishonorable work against the will of Adriaen on several occasions’. Although Adriaen claimed that he was not pleased by Pauwels’ sexual advances, the two stayed compagnons de route nevertheless. They even made a journey to Gdansk to visit Pauwels’ parents, who gave them a sum of money. Adriaen and Pauwels used these funds to fabricate two hoods with red crosses on them, by which they disguised themselves as mendicants. They also forged licenses supposedly granted by the ecclesiastical court, permitting them to travel freely across the land without having to account for themselves to a superior. Their journey continued towards Flanders, where Adriaens’ father unsuccessfully tried to get them into the order of Paul of Thebes. When their cover was blown, they went to Leuven in the duchy of Brabant, where they were ultimately apprehended. In 1510, Adriaen and Pauwels were interrogated under torture twice and burned at the stake for their ‘evil and filthy offenses’. Needless to say, these two adventurous wanderers died penniless, as did the majority of the convicted foreigners. Most of the entries in the bailiff accounts concerning foreign sodomites either neglect to mention confiscations entirely, or repeat a more or less standard phrase indicating that the convicted individuals did not have any possessions whatsoever, as was the case with Niclaes Godtgast, who traveled from Brussels to Leuven. He would not enter the university city as a free man however.

souppeschonnez davor fait le villain fait quon dist bougerie pour lequel ledit baillit le mist a question tant qu’il le confessa (...)” Brussels, NAB, CA, 14547, fol. 57r.
93 “Le xiiié de juing xvc xx audit maistre wissel payé a cause de l’exame par torture fait sur ung blitere englez appelé Jehan Holbj dit le gheeselare, chargie de sodomie (...)” Brussels, NAB, CA, 13713, fol. 14r.
94 “(...)Van Adriaene de Molde die welcke comende van sint Jacops na die stad van Mompelien heeft aldaer gevonden eenen geheyten Pauwels geboren van Danswyck welcke Pauwels begheerde geselscap te hebben metten voorzeyden Adriaene (...)” Brussels, NAB, CA, 12660, non-foliated.
95 “(...) heeft die voorzeyde Pauwels metten voorzeyden Adriaene oneerbaere vyule wercken tegen zynt danck ende wille gedaen met noch in aender plaetse aldaer sy gelogeert waeren dede hy tselve vyule werck (...)” Brussels, NAB, CA, 12660, non-foliated.
96 “(...) zyn die voorzeyden misdadige alsoe voirs gegaen tot danswyck aldaer des voorzeyden Pauwels ouders woenachtich waeren ende heeft begheert van zynre moeder ende stiefvader eene ghifte die welcke hem gaven vi gouden gelde met welcken gelde sy elcker een cappe hebben doen maken als minderbroeders met eenen roode cruyce opte slincke zyde (...)” Brussels, NAB, CA, 12660, non-foliated.
97 “(...) binnen den voorzeyden tyde soe heeft die voorzeyden Pauwels mit Adriaene zyn geselle die voorzeyden vyule leelicke wercken dicwils gedaen welcke voorzeyden misdamiger na dien sy gecommen zyn inde stad van Loeven die voorzeyde meyer die heeft doen vangen ende mits den reden ende vyulen leelicke feyten voorzcreven die doen beyden scerpriechten executeren metten brande ende want sy egheen goet en hadden daer om hier nyet (...)” Brussels, NAB, CA, 12660, non-foliated. For more information on migration patterns of vagrants, see: Anne Winter, ““Vagrancy” as an Adaptive Strategy: The Duchy of Brabant, 1767-1776,” International Review of Social History 49, no. 2 (2004): 249-77.
Apparently, the aldermen of Leuven knew of his arrival, because Godtgast was ‘waited for’ and arrested on the road towards the city. After three interrogations under torture and an imprisonment of no less than eighty days he was strangled to death and his body was burned to ashes outside the city gates on August 21 1658, leaving ‘neither goods nor money’.  

The extent to which unwanted foreigners living at the fringes of society were vulnerable to such accusations becomes clearer in cases where sodomy appears to have been merely added to a list of other offenses. Hennen Merte, for instance, was arrested in 1504 by the bailiff of Brussels for his many thefts. When tortured, he confessed that apart from being a thief, he was also a sodomite, and denounced ‘about ten to twelve other persons for the same offense’. A similar set of circumstances befell Jehan Eyveraerd from Prussia, who was suspected of being a spy and a heretic after having been found carrying around suspicious books in German and Latin in the city of Ypres. During his interrogation, Eyveraerd also confessed that he had perpetrated ‘the filthy offense which is called buggery so many times, he could not put a number on it’ - a crime for which he was put to death in 1414 ‘par feu et par flame’. The fact that Eyveraerd was executed at a time when the theological impact of reformer John Hus reached its peak, shows the link between sexual nonconformity and religious unorthodoxy, both considered threatening to communal stability.

Clearly, we are dealing with a very differentiated social group when discussing foreign sodomites in the Southern Netherlands. Although a number of craftsmen, merchants and even one famous sculptor can be found among the convicted migrant sodomites, many of them lived on the margin. The fact that these foreign sodomites had very different social backgrounds, reveals that the persecution of sodomy in the Low Countries was dependent on a variety of factors, not just origin. This is also reflected in the severity of the penalties imposed upon them.

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98 Nevertheless, the hangman and five judicial officers were paid sixteen pennies each, and a meal was offered to the aldermen who were present. “Niclaes Godtgast is gevangen geworden den 3en junij 1658 als befaempt wesende van crimen sodomien, ende en is biem noch gelt noch goet bevonden, dus hier nyet (...)” Brussels, NAB, CA, 12665, non-foliated.

99 “(...) De welcke in zynen examinacien oft pynen na vele dieften die hy gedaen ende beleden hadde noch vercleert heeft dat hy was een bugger accuserende noch X of XII personen vanden selven fayte wesende (...)” Brussels, NAB, CA, 12704, fol. 431r; Vanhemelryck, De criminaliteit in de ammanie van Brussel, 160.

100 “Au dit bailli pour avoir payé pour faire la justice de Jehan Eyveraerd de Pruce en Aelmaegne, le quel fu pris en la dite ville pour ung espie et pour ce que sur lui furent trouvé diverses livres escriptes en aellemant et en latyn, pour le quel il fu mis a question en la presence des eschevins de la dite ville (...)” Brussels, NAB, CA, 14546, fol. 83r.

101 “(...) Qu’il avoit fait par tant de fois le villain fait que l’on appelle bouguerie qu’il non savoit le nombre (...)” Brussels, NAB, CA, 14546, fol. 83r.

Table 9. Punishments of foreign and local sodomites in the Southern Netherlands

<table>
<thead>
<tr>
<th>Punishments</th>
<th>Foreigners</th>
<th></th>
<th>Residents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Numbers</td>
<td>%</td>
<td>Numbers</td>
<td>%</td>
</tr>
<tr>
<td>Executions</td>
<td>77</td>
<td>73.33%</td>
<td>175</td>
<td>58.08%</td>
</tr>
<tr>
<td>Releases</td>
<td>16</td>
<td>15.23%</td>
<td>48</td>
<td>15.94%</td>
</tr>
<tr>
<td>Fines</td>
<td>3</td>
<td>2.85%</td>
<td>3</td>
<td>0.99%</td>
</tr>
<tr>
<td>Corporal punishments</td>
<td>3</td>
<td>2.85%</td>
<td>30</td>
<td>9.96%</td>
</tr>
<tr>
<td>Banishments</td>
<td>0</td>
<td>0%</td>
<td>18</td>
<td>5.98%</td>
</tr>
<tr>
<td>Corp. pun + Ban</td>
<td>4</td>
<td>3.80%</td>
<td>10</td>
<td>3.32%</td>
</tr>
<tr>
<td>Unknown</td>
<td>2</td>
<td>1.90%</td>
<td>17</td>
<td>5.64%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>105</strong></td>
<td><strong>100%</strong></td>
<td><strong>301</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: bailiff accounts and urban legal records (see Appendix 1)

On the whole, sodomy trials in the Southern Low Countries display a tension between ‘hard’ and ‘soft’ persecution of sodomites, which allowed a minority to buy their way out of trouble while most faced certain death. This was no different when foreigners were involved. Some foreign merchants were able to make a deal with the legal authorities, yet this was not an option for the majority of foreign sodomites because of their weak social position. In general, foreigners even received heavier penalties than their home-grown counterparts. Table 9 shows that alien sodomites were fifteen percent more likely to be executed for their crimes than settled residents of the Southern Netherlands.

At the same time, resident sodomites were banished far more often from the urban community than newcomers. Although the standard punishment for sodomy was death by burning, sentencing sodomites to exile more or less had the same effect: the unwanted criminal was removed from the city and the moral pureness of the community was secured.\(^{103}\) One might expect that it was easier for early modern civic authorities to expel recently arrived strangers from the urban environment than to dispel settled citizens, yet quite the opposite seems to have been the case in the Southern Netherlands. Perhaps early modern authorities felt that banishment was not a sufficient punishment for migrants who in many cases wandered around anyway, even if that meant that their own locale remained clear of sodomy.\(^{104}\) In fact, an accusation of sodomy did not stop at the borders of a particular principality. In 1464, Jannic Gielis was arrested in Tienen, a city in the Duchy of Brabant, after he was accused of sodomy by Herman Heyman, who was

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\(^{103}\) In early modern Portugal, for instance, foreigners were often banished to Angola. Isabella Drummond Braga, “Foreigners, Sodomy, and the Portuguese Inquisition,” in Pelo Vaso Traseizo. Sodomy and Sodomites in Luso-Brazilian History, ed. Harold Johnson and Francis Dutra (Tuscon: Fenestria Books, 2007), 157.

\(^{104}\) This was less the case when other crimes were concerned. Nathalie Demaret claims that capital punishment and perpetual banishment were often substituted for one another in late medieval Hainaut. Nathalie Demaret, “Du bannissement à la peine de mort, une même logique punitive? Hainaut (1464-1474)” in Amender, sanctionner et punir : recherches sur l’histoire de la peine, du Moyen Âge au XXe siècle, eds. Marie-Amélie Bourguignon, Bernard Dauven and Xavier Rousseaux (Louvain-la-Neuve: Presses universitaires de Louvain, 2012), 87-100.
burned in Bruges for this crime two years earlier. During 1569-1570, the margrave of Antwerp even sent a messenger to Brussels to inform the city council that an Italian who had committed ‘certain buggery in Antwerp’ now resided there, so that the Brussels’ bailiff would arrest him. In fact, a closer look at the data in table 10 shows that if foreign sodomites were banished at all, this occurred during the second half of the sixteenth century, a period in which the practice of banishing criminals was on the rise throughout early modern Europe.

<table>
<thead>
<tr>
<th>Years</th>
<th>Executions</th>
<th>Releases</th>
<th>Finances</th>
<th>Corp. Pun</th>
<th>Ban</th>
<th>Corp. Ban</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1400-1449</td>
<td>15</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>1450-1499</td>
<td>26</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>29</td>
</tr>
<tr>
<td>1500-1549</td>
<td>25</td>
<td>8</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>35</td>
</tr>
<tr>
<td>1550-1599</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td>1600-1649</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>1650-1699</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>77</td>
<td>16</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>4</td>
<td>105</td>
</tr>
</tbody>
</table>

Source: bailiff accounts and urban legal records (see Appendix 1)

### 5.5 Conclusion

During the early modern period, it was commonplace to represent sodomy as a phenomenon that festered abroad and could infect the native society through contact with foreigners. Immigrants therefore proved vulnerable to both local distrust and defamations, as illustrated by the high numbers of accused foreign sodomites in early modern court records in Southern Europe. The analysis of the court records and bailiff

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105 Jannic Gielis managed to receive a composition for his crime because he had only been fourteen years old when he had sex with Heyman and because he was now a married man with three or four children and a good reputation. “Van Jannic Gielis van Vorst van dat hy bedragen is geweest van Herman Heyman gevangen te Brugge van vuylen fayten bi hueren beeyden begaen in hueren jongen dagen, oudt synde XIII jaren ende want de voirsceide Jan Gielis in howelyken steye geseten heeft over menich jaer III oft IIII kyndre hebben ende ter goede famen ende namen altyt gestaen heeft zoe heeft de voirscreven jan Gielis den meyer doen bidden met vele goeden manen dat hy hem woude laten comoseren vanden fame ende vanden voirscreven saken om LX rins gulden (...)” Brussels, NAB, CA, 12680, non-foliated.

106 “(…) waerby mynen heere den amptman worde geadverteert, hoe dat hier binnen deser stadt was gaende eenen Italiaen, die tot Antwerpen zeker buggerie gecommitteert hadde, ten eynde men hem soude apprehenderen.” Brussels, NAB, CA, 12709, fol. 475v. Given the fact that this Italian has no further mention in either the accounts of Brussels nor Antwerp, we can assume he got off the hook and consequently, he is not included in the figures.

107 According to Joel Harrington, this was due to the fact that corporal punishments were gradually less applied and the development of prisons and houses of correction was still in its infancy. Harrington, The Faithful Executioner, 229-30. See also: Jason Coy, Strangers and Misfits. Banishment, Social Control, and Authority in Early Modern Germany (Leiden: Brill, 2008), 65. In the Southern Netherlands however, banishment was also often imposed during the fourteenth century, in order to silence the participants of urban revolts: Jan Dumolyn and Milan Pajic, “Enemies of the Count and the City. The Collective Exile of Rebels in Fourteenth-Century Flanders,” Tijdschrift voor Rechtsgeschiedenis 84, nos. 3-4 (2016): 461-501.
accounts of the cities analyzed in this study shows that this was also the case in the Southern Netherlands.

In general, one out of four convicted sodomites was not born in the city in which he was convicted. These numbers illustrate how the cities studied continued to lure new immigrants both from within and without the Southern Netherlands throughout the early modern period, yet they also demonstrate their particularistic tendencies. Because the origin of the convicted foreigners was precisely mentioned in the legal sources, we must assume that these individuals were perceived as outsiders rather than as full citizens. On the one hand, it seems that the idea of the urban community as a moral space, complete with a strict division between native-born citizens and migrating foreigners, paved the way for more severe persecution of same-sex acts when the latter were involved.

On the other hand, the number of accused foreigners did parallel the existing migration patterns to the Southern Low Countries, so it appears that merely being a migrant was not as stigmatizing as was the case in certain Spanish and Italian towns. The fact that the Low Countries were at the intersection of large migration flows and owed much of its prosperity to this influx played an important role in the perception of newcomers; while wealthy merchants were welcomed, civic authorities preferred to see the backs of poor fortune-hunters. Yet the foreigners convicted of sodomy constituted a very diverse group, including murderers, and heretics, thieves and vagrants, as well as merchants and guild masters who were fully integrated into the social fabric of their new hometown. It seems however that one’s social position also played an important role during a sodomy trial. Merchants, guild masters and other members of the urban elite could sometimes pay off the authorities, regardless of their origins. The fact that foreigners were more likely to be executed than resident sodomites, who often got away with lesser corporal punishments and banishments, highlights that the majority of them belonged to the lower social spheres.

This presumption is further underlined by the details regarding the poor financial situation of most foreign sodomites; they simply lacked the means to pay huge fines. Moreover, non-elite newcomers were associated with social unrest and criminality, and as a result, these immigrants easily fell prey to local gossip or became the subject of legal examinations, which can be derived from the high number of foreigners that was released, probably after false accusations by locals. Basically, the outcome of a sodomy trial in the early modern Low Countries was influenced more by the social position of the accused, than where he came from. Yet it was precisely an individual’s origin that determined to a great extent whether one could make it in society and thereby become less vulnerable to sodomy accusations.
Figure 13. Joos van Cleve, The Infants Christ and Saint John the Baptist Embracing and Kissing (detail) (ca. 1525-1530). The Hague, Mauritshuis
Chapter 6. The young sodomite

6.1 Introduction

In 1577, a group of eleven men and boys was interrogated under torture about a series of homoerotic encounters that had taken place in St. John’s hospital in Bruges. Their interrogation record is a tangle in which each individual denied his own actions and tried to frame the others. More telling than their denials, however, are the questions asked by their interrogators. As said, the group consisted of both adults (evident by the fact that they were said to be craftsmen), and boys. Some of the latter specified that they were fourteen or fifteen years old. Nevertheless, each of them was asked the same question in more or less similar terms: had he committed sodomy by inserting his ‘masculinity’ from behind in the ‘fundament’ of his accomplices, or by allowing the others to do the same to him? The fact that Laureins Valckaert and Michiel Laureins, fourteen- and fifteen-year-old boys in the company of adult men, also had to answer this question is revealing about the interrogators’ attitudes towards same-sex acts and the way in which age did or did not play a role in these acts. Apparently, the aldermen thought it not inconceivable that a young boy would take the active role during same-sex intercourse.

Elsewhere in early modern Europe—especially in the Mediterranean area—sodomy was mainly perceived as a cyclical phenomenon related to culturally constructed gender ideals about masculinity and status. As such, it was hierarchically organized based on age. The sexual role people took marked the transition from puberty to adulthood. In Florence for example, sodomy commonly occurred between an adult man taking the active role and a passive boy between 12 and 20 years of age. For the majority of the Florentine men involved, sodomy seemed to be an inherent part of a specific stage of life: the bachelor period in which one was supposed to acquire some sexual experience before starting a...

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1 “(...) ontkent met zyn complicen ghedaen thebbene de zonde jeghens de nature nochte zyne manelichede van achtere in huerlieden fondament ghesteken thebbene nochte tselve ghedoocht (...)” Bruges, SAB, TBO 119, 620BIS (Register onderzoeken door de schepenen van Brugge van criminele zaken ter torture, 1568-1596), fol. 60v. See also; Jonas Roelens “Brandende kwesties: sodomie in de vroegmoderne Zuidelijke Nederlanden,” Hermes 21, no. 62 (2017): 24.

2 Later on, the fourteen-year-old Laureins was actually accused by one of his peers of having penetrated another suspect. However, this suspect eventually withdrew his accusation.
family. In general, people married quite late in Quattrocento Italy. Hence, young men were more or less obliged to a long bachelor period in which sexual contact with women was taboo. Very often, boys satisfied each other’s needs by masturbating together, or by having sex with an older man. Sodomy was more or less tolerated as a transitional phase in Florentine society according to Michael Rocke, who considers sodomy as an integral part of daily life in fifteenth-century Florence.

The strong correlation between age and sexual role was also very much present in early modern Spain. Here too, the older partner would normally dominate the younger ‘receiver’, in accordance with cultural constructions on masculinity that considered passive sodomites as effeminate beings. According to Cristian Berco, 68.5 percent of men aged over twenty in early modern Aragon exclusively took the active role while 70.4 percent of men younger than twenty engaged exclusively in passive sex. Apparently, these youngsters often did not hesitate to report their bed partner to the authorities, especially when they were sodomized against their will, which seems to have happened quite frequently in early modern Aragon. In the Holy Roman Empire, the question of who penetrated whom was rarely asked. To assess the gravity of the crime, judges mainly wanted to know if ejaculation had occurred. Nevertheless, age still seems to have been a mitigating factor in German sodomy trials. Youths were regularly seen as victims, especially when they had not actively solicited sex. Consequently, they were often released without punishment. According to Helmut Puff, the rigid distinction between sex roles as found in early modern Southern Europe does not apply to Germany and Switzerland. He claims that the standard account on age oriented sexual hierarchies, risks “reducing the complexities that shaped the early modern culture of sex”.

The age-based organization of sodomy that was prevalent in Mediterranean Europe was also reflected in the penalties that were imposed. Although Florentine youths were perhaps convicted even more than middle-aged men, their punishments were relatively mild. In the sixteenth century for instance, fines were distinctly lower for people up to 25 years old. Youth was indeed considered a mitigating factor when sodomy was concerned throughout early modern Europe. For the sodomites of St. John’s hospital, however, this prevalent attitude had little effect. Eight out of eleven individuals, including a fourteen- and fifteen-year-old boy, where whipped with rods for their sexual crimes. The verdict

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5 Rocke, Forbidden Friendships, esp. 94-118.

6 Berco, Sexual Hierarchies, Public Status, 91-92.

7 Puff, Sodomy in Reformation Germany and Switzerland, 29.

8 Rocke, Forbidden Friendships, 118, 230.
for the three others is unknown. The 1577 trial raises the question if the attitudes towards young people and sodomy in the Southern Netherlands differed from elsewhere in (Southern) Europe. Therefore, this chapter examines how many young people were persecuted because of sodomy and explains the methodological difficulties of that search. As a result, we will be able to discern some underlying patterns regarding the multitude of homoerotic unions in the region. Despite, or perhaps because of, this flexibility, the boundaries between responsibility and abuse were not always very clear.

6.2 Recognizing youth

Did the pederastic paradigm, with its sexually dominant adults and submissive youths, also prevail in the Southern Netherlands, or were homoerotic desires bound by less rigid definitions? To find out if the Southern Netherlands mirrored Southern Europe in this regard, we need to determine both the number of minors involved in sodomy trials and the penalties they received. Unfortunately, the conciseness of the source material on sodomy in the Southern Low Countries rarely makes it possible to determine the exact age of the people involved. One potential way of finding out whether the sources are dealing with a minor is by looking at the first name of the accused. This is a risky method, however, and should be used with caution. In fact, it is remarkable to see just how easy names were modified in late medieval records. For instance, an individual could be named Jehan in one particular text, and Hannekin in another source, or a woman named Grietkin could reappear as Margriet a few years later. Some scholars explain the use of varying name forms as a functional way of distinguishing people with the same first name from each other, since the number of common first names was rather limited. This hypothesis would also explain the well-established system of nicknames in this period. Other scholars claim that these variations in name forms are the result of the age of the person in question. As such, the diminutive form, which adapts names through suffixes like –kin, –in, –et, –ot, or –chon, indicates youth. For example, a child would be named Copkin until he reached majority, after which he would henceforth be known as Jacob.

Following this logic, Marc Boone claims that 17 out of 90 executed individuals in Bruges between 1385 and 1515 were not adults, since their name was written down in the diminutive form. This would amount to 18.88 percent of the total number of executions.

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9 Brussels, NAB, CA, 13785, non-foliated.
during that period. As we can see in table 11, this percentage is more or less in line with the findings from other examined cities, where the number of executed persons with a name in the diminutive form varies from 5 to 15 percent. More telling, however, are the figures showing the mortality rate, or the ratio between the number of allegations and the number of executions, among this category of young sodomites. Based on these figures, it seems that adolescent sodomites were punished just as severely as their mature counterparts. This is quite remarkable, since it would mean that the treatment of adolescent sodomites in the Southern Netherlands differed thoroughly from that in other European regions, where minors were often punished less severe than adults.

<table>
<thead>
<tr>
<th>City</th>
<th>Accusations</th>
<th>Executions</th>
<th>Mortality Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Diminutive</td>
<td>%</td>
</tr>
<tr>
<td>Antwerp</td>
<td>23</td>
<td>2</td>
<td>8.69%</td>
</tr>
<tr>
<td>Bruges</td>
<td>179</td>
<td>25</td>
<td>13.96%</td>
</tr>
<tr>
<td>Liberty of Bruges</td>
<td>43</td>
<td>4</td>
<td>9.30%</td>
</tr>
<tr>
<td>Brussels</td>
<td>36</td>
<td>6</td>
<td>16.66%</td>
</tr>
<tr>
<td>Ghent</td>
<td>70</td>
<td>8</td>
<td>11.42%</td>
</tr>
<tr>
<td>Leuven</td>
<td>18</td>
<td>1</td>
<td>5.55%</td>
</tr>
<tr>
<td>Mechelen</td>
<td>24</td>
<td>3</td>
<td>12.50%</td>
</tr>
<tr>
<td>Ypres</td>
<td>13</td>
<td>4</td>
<td>33.76%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>406</strong></td>
<td><strong>62</strong></td>
<td><strong>15.27%</strong></td>
</tr>
</tbody>
</table>

*Source: bailiff accounts and legal records (see Appendix 1)*

However, this first impression must be nuanced. In my opinion, the use of the diminutive form is not the most appropriate method of analyzing whether or not an accused sodomite was under age. At a micro-level, this method can only give an indication of the degree of probability that an individual with a name in the diminutive form was under age.\(^{13}\) This becomes clear when we take a close look at the available sources from Bruges. Comparing the information from the bailiff accounts with the entries in Bruges’ *Verluydboek*, it seems unlikely that every sodomite with a name in the diminutive form was indeed a minor. In several cases, the supposedly juvenile delinquent mentioned in the bailiff account was given a mature name in the *Verluydboek* and vice versa. For instance, the *Verluydboek* mentions that, in 1507, a man named Pieter Provinchier confessed having committed the ‘horrible and abominable sin of sodomy with several

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persons’, but the bailiff account of that year mentions a certain Pierkin Provenciers who was burned to ashes.

Sometimes, the selective use of the diminutive form even occurred within one single account. In 1468-1469, Kaerel van den Eede, the hangman of Bruges and the Liberty of Bruges, was sent to the manor of Maldegem, where “ung nommé Jaques de Mulgere” was sentenced to death for bestiality with a cow. The next folio of the account states that the hangman was also paid for burning Jaques’ four-legged partner in crime, but this time, Jaques is referred to in the diminutive form as “ung Coppin de Mulgere qui fu brulé a Maldeghem”. In a rather spectacular trial from 1519 then, three men were arrested in Wezecappelle, in the Liberty of Bruges, and brought to the city to be examined. When interrogated, they accused other men, who in their turn were arrested and tortured until they started reporting sodomites. It took the bailiff and his servants as many as seven journeys from the city to several parishes in the Liberty of Bruges to dismantle this ‘network’ of fifteen men, nine of whom were burned afterwards. Interestingly enough, one of the sodomites in question was named Hannekin van Lokeren when he was arrested on June 22, but was mentioned as Jehan van Lokeren during the interrogations under torture on the 27th of the same month. Although judicial inquiries were conducted thoroughly and could often take a long time, it seems unlikely that suspects such as Jehan van Lokeren reached maturity overnight. Just as it seems improbable that ‘Jan or Hannekin de Meyere who had lived continuously in the city for 25 years’ was considered a minor when he was banned from the county for committing ‘certain kinds of sodomy’.

Or what to think of ‘Jan van Senct Gilles, nicknamed Hannekin de Pelgerin’ from Bruges, a 32-year old vagabond and beggar who had committed sodomy with ‘so many people that it would take too long to mention them all’, but who reported more than thirty others

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14 “Pietre Provinchier, f. Fransois, gheboren van Ypre, heeft verkend (...) dat hy binnen zekren tyd haerwaerts, ende met eenehe persoonen, ghedaen ende ghecommitteert heeft, de horrible ende abhominable zonde van zodomyen, ende ooc horrible ende onmeynschelike specien van dien (...)” Bruges, CAB, Series 192, no. 1, fol. 47v.

15 “Au maistre de la haulte œuvre pour avoir brulé et consommé en cendre (...) Pierkin Provengiers a cause du pechié de sodomie (...)” Brussels, NAB, CA, 13783, fol. 68v. The same is true for the aforementioned nineteen-year-old Fransois van Dale and fourteen-year-old Willem de Clerck who were abused by a priest called Ghleps. In the bailiff account they were referred to as Franskin and Willekin, whereas their interrogation in the ‘Bouc vanden Steene’ mentions ‘adult’ names even though their young age was explicitly written down.

16 “A Kaerel vanden Eede pendeur pour avoir examiné a Maldeghem ung nommé Jaques de Mulgere, lequel estoit soupchonné du pechié de sodomie et enaprez le bruler a une estaque avec une vache (...)” Brussels, NAB, CA, 13707, fol. 139v, 140v.

17 Brussels, NAB, CA, 13712, non-foliated.

18 “Jan of Hannekin de Meyere f. Jans heeft verkend en verleden (...) dat hy ten diversschen stonden ghedaen heeft zeker specyn van der groote orrible zonde van zodomye. Ten zelven daghe zo was de zelve Jan oft Hannekin al gecondempneert, zonder weder binden lande te commen voer [hole in the paper] ander stond dat hy gheweund zal hebben XXV jaer continuelic achter een biner stede (...)” CAB, Series 192, no. 2, fol. 121v-122r.
before being burned anyway. Despite the fact that his nickname was written in the diminutive form, Hannekin was anything but an innocent juvenile.\textsuperscript{19}

\begin{table}
\centering
\begin{tabular}{llll}
\hline
\textbf{City} & \textbf{Individual trials} & \textbf{Group trials} \\
& \textbf{2 individuals} & \textbf{>2 individuals} & \\
\hline
Antwerp & 17 & 1 & 1 \\
Bruges & 35 & 19 & 21 \\
Liberty of Bruges & 16 & 3 & 2 \\
Brussels & 18 & 4 & 3 \\
Ghent & 25 & 6 & 6 \\
Leuven & 13 & 2 & 0 \\
Mechelen & 4 & 1 & 0 \\
Ypres & 7 & 2 & 0 \\
\textbf{TOTAL} & 135 & 38 & 34 \\
\hline
\end{tabular}
\caption{The proportion of individual and group trials compared (ca. 1400-1700)}
\end{table}

Moreover, considering that certain trials mentioned in the bailiff accounts did not leave a written record in the Verluydboek and vice versa, it is difficult to ascertain in how many cases the suffix –kin was undeservedly added to a convict’s name. In other cases, ‘adult’ name forms were used to designate convicted sodomites who were explicitly described as very young. Since my research lacks the statistical basis to make general claims on the pros and cons of using the diminutive form as a means of determining the average age of a late-medieval research population, the figures presented in table 11 are nothing more than a general indication based on the conflicting information found in the studied source material.

Another possible method would be to compare the sentences passed during group trials. As Southern European examples have shown, the fact that adult active partners generally initiated the sin against nature, while minor, passive partners were merely subjected to it, often resulted in a lighter sentence for the latter.\textsuperscript{20} If it would be possible to discern a similar pattern of severely and leniently punished individuals in the studied trials, this could indicate an age-related hierarchical model and, correspondently, a more

\textsuperscript{19}“Pour la justice d’un nommez Jan van Senc Gilles dit Hannekin de Pelgherin blittre natif de la ville de Bruges, homme non mairié, daigie de XXXII ans ou environ (...) estoit cherchies savoir eu commis le pechié de sodomie et contre nature. Et confessa par tant de fois et tant de lieux et avecq tant de personnes avoir commis ledit pechié de sodomie que trop long seroit a reciter (...) et en accusa bien jusques au nombre de trent ou trenteaux personnes avecq lesquelz il disoit et confessoit avoir commis ledit pechié (...)” Brussels, NAB, CA, 4860, non-foliated.

\textsuperscript{20}Cristian Berco, however, has demonstrated that as opposed to this legal view, popular mentality in early modern Spain prized penetrative behavior, also among sodomites. Same-sex encounters rested on prevalent patriarchal assumptions that equated penetration with positive values such as masculinity, dominance and virility, while passivity was devaluated as a sign of weakness and femininity. Cristian Berco, “Producing Patriarchy: Male Sodomy and Gender in Early Modern Spain,” \textit{Journal of the History of Sexuality} 17, no. 3 (2008): 374-76.
lenient treatment of youngsters. Of course, we can only draw this comparison when two or more sodomites were punished simultaneously.

Table 12, however, indicates that the majority of the suspected sodomites were charged either individually or during a group trial in which more than two people were accused: out of 406 accused sodomites, only 76 were indicted in a trial involving exactly two people. Consequently, chances are that many adolescents will stay under the radar. Moreover, as we can see in table 13, in those cases where two individuals were indeed punished together, their sentences often do not correspond to the stereotype in which one sodomite is punished more severely than the other. There are only four cases in which one person was sentenced to death while the other was banned or given some other form of corporal punishment. One of these was Willem Vanden Berghe and Cornille Campus from Bruges for example. Willem was sentenced to death “a cause du grand peché de sodomie par luy pourfaict et commys”. On November 21, 1541, the hangman placed a sack of gunpowder on his chest to speed his death and lit the stake outside the city gates. Cornille on the other hand, who had only “commis quelque espeche de zodomije”, was tied to a stake and was forced to watch the execution of his suitor. Afterwards, the hangman whipped him and burned his hair. Finally, he was banned from the County for fifty years. That Willem, who had confessed that having committed ‘the great and abominable sin of sodomy’ with several people during a period of three years was punished more severely than Cornelis, who had only committed ‘a certain kind of sodomy’ forty days before the trial shows that, in certain cases, judges did assign a moral gradation to a series of sexual acts, and punished them accordingly.

If all group trials, comprising those with more than two persons, are included, a differentiation in punishments is noticeable in fifteen cases. Hence, in the majority of the analyzed trials, the accused sodomites were executed together. This indicates that the Mediterranean model was not widely followed in the Southern Netherlands, and that neither age nor role had a systematic impact on the severity of punishments. Similar to the Holy Roman Empire, judges in the Southern Netherlands attached more importance to the fact if emission of semen had occurred or not and the frequency of these sexual encounters.

21 “(...) Willem Vanden Berghe fs. Willems heeft verkend (...) dat hy binnen drie jaeren haerwaerts ten diverschen stonde ende met diversche personen ghedaen ende vulbrocht heeft de groote ende abhominable zonde van zodomy (...). Cornelis Campus heeft verkend (...) dat hy binnne veertich daghen haerwaerts met Willem vanden Berghe fs. Willems ghedaen heeft zekere specie van zodomye (...) Bruges, CAB, Series 192, no. 2, fols. 80v-81r; Brussels, NAB, CA, 13784, non-foliated.
22 Besides, that Willem is called Willekin in the bailiff account which once again shows that the diminutive name form is indicative only with regard to the actual age of the accused.
23 For example, it is no coincidence that every single sodomy case in the Ghent ballincboue, which registered criminals punished with banishment, concerned ‘imperfect’ sodomy (“zekere specie van zodomye”) in which the culprits had fondled or kissed (“tastene ende cussene”) each other without ejaculating. The individuals concerned probably escaped the strictest penalty because no emission of semen had occurred.
Table 13. Differentiation of penalties in trials concerning two individuals (ca. 1400-1700)

<table>
<thead>
<tr>
<th>City</th>
<th>Same pun.*</th>
<th>Cap. pun. + minor pun.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antwerp</td>
<td>1 (0)</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bruges</td>
<td>16 (11)</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td>Liberty of Bruges</td>
<td>3 (1)</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Brussels</td>
<td>4 (3)</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Ghent</td>
<td>5 (4)</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Leuven</td>
<td>2 (2)</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Mechelen</td>
<td>1 (1)</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Ypres</td>
<td>2 (1)</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>34</strong></td>
<td><strong>4</strong></td>
<td><strong>38</strong></td>
</tr>
</tbody>
</table>

*Numbers between brackets represent executions

6.3 Punishing youth

In the previous examples, the actual ages of the people involved remains speculative. Fortunately, in a number of rare cases, it is undeniable that the accused in question was still under age, either because this is mentioned explicitly or implicitly in the sources, because either their actual age is revealed, or because they are described as ‘young’. These occasional examples offer a possibility of discovering how juvenile sodomites were treated in the Southern Netherlands. In some examples, their punishments adhere to the early modern standard pattern in which minors were punished less severely, since they had taken the passive role. In 1504, for example, Heynen Merte was arrested for theft in Brussels. When questioned under torture, he confessed having also committed sodomy, and accused twelve of his bed partners, three of whom were subsequently arrested as well. Among them was Willekin Callens. While Heynen Merte and the two other men were sentenced to the stake, Willekin was ‘only’ lashed because of ‘the young age he had when the crime was committed on him’. 24 Clearly, Willekin was the juvenile and passive partner in this example. As such, he received a lighter sentence. A similar punishment was given on December 14, 1541, when Thoiny Bas was “exécuté par le feu” in Ypres for having had sex with “ung josne filz nommé Guillemet de l’Escrin dagie de XV ans ou environ”. Fifteen-year-old Guillemet was ‘merely’ questioned under torture while the executioner burned off his hair and flogged him afterwards. 25 Although in this case, the account does not provide specific information about the division of sexual roles between Thoiny and Guillemet, all indications are that the older man was executed for penetrating the younger boy, who consequently received a ‘lighter’ penalty.

The punishments of young Willekin and Guillemet were not isolated cases. Several youths accused of sodomy were indeed punished severely. In 1480, the twelve-year-old

24 “(...) den voerseiden Heynen Merte, Jacoppe Simons ende Machielle Tack bynnen der voorseiden stadt opt wellcendriesch alle heeft doen verbranden mitten viere ende de voerseiden Willekin Callens mits der joncheyt die hy hadde als tvorseide fayt by hem gedaen wierd te gheeselen (...)” Brussels, NAB, CA, 12704, fol. 431.

25 “Payé a l’officier criminel pour avoir mis a torture et apres sur ung hourt ledit Guillemet de L’Escrin et illecq bruslé ses cheveulx et battu de verges (...)” Brussels, NAB, CA, 14553, fol. 173r-v.
Hanneckin Olme from Ypres was whipped because he was suspected of sodomy.\(^26\) Others were even sentenced to death in spite of their age. Jean de Nivelles, after having committed the ‘gross crime or sin of sodomy, also called mute sin’, was sentenced to death in Antwerp in 1608. Although no suffix –kin was added to his name, Jean’s crime was not made public ‘out of respect for his youth’. Hence, he was hanged in prison instead of burned publicly.\(^27\) This questionable form of grace was not meant for everyone, however. In 1400, Matthijs De Houthackere from Bruges, explicitly described as “josne valeton”, was burned “du fait de bourgerie”.\(^28\) Half a century later, “deux joosnes hommes” were examined in the Liberty of Bruges for allegations of bestiality and burned together with three cows in 1461. Although the account defined them as ‘men’, the fact that they were labeled as ‘young’, makes it likely that they were still underage.\(^29\)

Since Hanneckin Olme, Matthijs De Houthackere and Jean de Nivelles were punished on their own and the two “joosnes hommes” were not punished for having sex with each other, these examples do not reveal whether the predominant model in which sexual hierarchy was age-related, so common in Southern Europe, was commonplace in the Southern Netherlands as well. Although the examples discussed above show that such hierarchic relationships certainly did occur, some sixteenth-century cases exemplify the multitude of erotic possibilities that existed besides the pederastic paradigm. In 1516, Jan Dekuenync and “ung josne garchon”, Hannekin, son of Jacop Alaerts were convicted for sodomy in Bruges. Assuming that we are dealing with the same person, ‘Jan de Kuennync, filius Huughe’, born in Bruges, was registered as burgher in the poortersboek on January 10 1490.\(^30\) The Verluydboek mentions that Jan Dekuenync was a blacksmith and that Hannekin was working with him as his apprentice (“apprentisant”). As was customary at the time, Hannekin lived with his master. During the period in which they shared the same roof, an erotic relationship must have unfolded. Remarkably enough, both were

\(^26\) “Audit bailli pour avoir fait battre de vergues hors ladite ville Hannecin Olme eage de XII ans ou environ pour ce qu’il estoit supchonné du pechié zodomitique. ” Brussels, NAB, CA, 14550, fol. 85v.

\(^27\) “Van dat Jan de Nivelles hem hadde vervoordert te commiteren het schroomelyck misdaet of sonde van sodomie, of stomme sonde, (...)is de voorseide Jean de Nivelles commen opden steen om sekere respecten van jonckheydt de voorseide sonde nyet kennelyck te maken aen eenen staecck mette coorde geexecuteert geweest sonder eenich goet achter gelaten te hebben (...)” Brussels, NAB, CA, 12908, non-foliated; Antwerp, Felix Archive, V153 (Vierscharboek 1596-1608), fol. 139v. In 1534, the ‘fifteen- or sixteen-year old’ Jehan was drowned in the river Meuse in Namur for bestiality with several horses. It is not sure, however, if this contrasting punishment was imposed because of his youth or not. “Eussant laquelle confession monsieur le maire contendit allencontre dudit Jehan qu’il avoist alstré a la voullunté de l’empereur et estre rué en la riviere tant que mort sensuyvist (...)” Namur, SAN, T07 (Haute Cour de Namur), no. 1327 (Informations, sentences criminelles 1514-1541), fols. 42v-43.

\(^28\) Brussels, NAB, CA, 13680, fol. 19r.

\(^29\) Brussels, NAB, CA, 13706, fol. 30r.

\(^30\) Bruges, CAB, Series 130, 1479-1496, fol. 55r.
accused of having committed 'perfectly accomplished' sodomy', which indicates that they both had taken the active, penetrating role during sexual intercourse until ejaculation took place. Consequently, both the master and his apprentice were burned to death on October 4, 1516.

References to sexual versatility are rare in early modern sodomy cases, even between two adult males. In Southern Europe in particular, sexual activity between men was structured according to age: while it was normal for the younger partner to let himself 'be sodomized', passive sodomy among adult males was considered an abomination. Consequently, the idea of adult men being penetrated by youths was absolutely inconceivable in Mediterranean Europe. Although these attitudes were less prevailing among sodomites in Northern Europe, cases in which an adult was penetrated by a younger lover are still very rare. Consequently, one could question the juvenile status of Hannekin, especially since apprentices working with a craftsman were not necessarily under age. In the sixteenth-century guild system, the age at which young men were apprenticed varied from one craft to another. However, there were some crafts that prescribed a minimum age. This could be as high as twenty years, as was the case with the Ghent tanner's guild. Nevertheless, the source material does suggest a significant age gap between both individuals. Not only had Dekuenynk been living as a burgher in the city for over 25 years, he also confessed having committed sodomy ‘for several years’, a detail that is not present in Hannekin’s confession, otherwise perfectly identical to that of his master. Added to the fact that Hannekin was explicitly described as a ‘young boy’, he was most likely considered as a minor. This case not only demonstrates the diversity

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31 “Hannekin Jacop Alaerts zuene doe wonende metten zelven Jan de Kuenync heeft insgelycx verkend ende gheleden buten allen banden van pynen dat hy ghecommitteert ende ghedaen heeft de groote ende orrible zonde van zodomy endie die vulcomelic volbrocht (...)” Bruges, CAB, Series 191, no. 1, fols. 96v-97r.
32 Brussels, NAB, CA, 13783, fol. 133v.
33 A surprisingly high number of similar cases can be found in the sixteenth-century bailiff accounts of Tienen, a small town in Brabant. Yet in these cases, it could just as well be that sexual versatility is merely suggested by the specific terminology used to describe sodomy, namely: ‘to buck each other’. In 1517-1518 for example, the eighteen or nineteen-year-old Anthonye Maesart, born in Saint-Omer, had slept in Leuven with the thirty-year-old Frans, who ‘bucked’ him two or three times after which Anthonye likewise ‘bucked’ Frans (“diewelcke Fransche den voerseiden Anthoenijse twee oft drie reysen gebuct heeft ende de selve Anthoenijse den voerseide Frans insgelijcx oic gebuct heeft”). In Mechelen, he slept with a certain Michiel and they also ‘bucked each other’ (“hebben malcanderen gebuuct twee of drie reysen”). In the end Anthonye was sentenced to the stake. Brussels, NAB, CA, 12680, non-foliated. Other examples can be found in 1516-1517 and 1523-1524: “(...) die welcke malcanderen menichwezne gebuuct hebben (...)” “(...) hij ende Jan vanden Leeuwen malcanderen gebuucht hadden (...)” Brussels, NAB, CA, 12682, non-foliated.
34 Rocke, Forbidden Friendships, 104-5; Ferguson, Same-sex Marriage in Renaissance Rome, 93.
35 Johan Dambruyne, Corporatieve middengroepen. Aspiraties, relaties en transformaties in de 16e-eeuwse Gentse ambachtswereld (Ghent: Academia Press, 2002), 183; During the fifteenth century, Ghent orphans were often between 19 and 29 years old when they started as apprentices. Peter Stabel, “Social Mobility and Apprenticeship in Late Medieval Flanders,” in Learning on the Shop Floor: Historical Perspectives on Apprenticeship, eds. Hugo Soly, Steven Kaplan and Bert De Munck (New York: Berghahn Books, 2007), 160; Marianne Danneel, Weduwen en wezen in het laat-middeleeuwse Gent (Leuven: Garant, 1996), 81.
of homoerotic practices in the Southern Netherlands, but also these practices could bring ‘young boys’ at the stake just as well as adult men.

The latter is also very clear in the case of ‘Jan or Hannekin de Poortre’ from Antwerp, who got arrested in Bruges in 1522. Although the Verluydhoek provides both versions of his name, the bailiff account explicitly describes Hannekin as “ung josne garchon”. Despite his youthful appearance, Hannekin confessed that, a year and a half ago outside Bruges, he had committed sodomy at different occasions and with different people. Moreover, he had ‘perfectly accomplished this great and horrible sin’ and had led three others into the sin as well. In Bruges, ultimately, he had ‘tried and done his utmost’ to commit sodomy with a young boy, but they were caught before he could ‘accomplish’ his sin.\(^\text{36}\) The anonymous “josne garchon” was subsequently accused of letting himself be touched dishonestly.\(^\text{37}\) The boy was flogged, while Hannekin de Poortre was burned at the stake on October 17, 1522. In this particular case, one youth was considered the active perpetrator, whereas the other was seen as the submissive victim. Both minors were punished accordingly.\(^\text{38}\)

**6.3.1 A European comparison**

But were these examples really so exceptional? In spite of the fact that youths across early modern Europe could count on favorable treatment, they were punished for sodomy outside the Southern Netherlands too. In Venice, from 1425 onwards, boys of ten and older convicted for sodomy could receive a sentence of at least three months’ imprisonment and between twelve and twenty lashes.\(^\text{39}\) In Geneva, an extraordinary trial took place in 1654. Three boys of eight and nine years old who were caught having sexual contact with each other. For this, they were beaten and made to throw a bundle of wood on a pyre to remind them of what awaited them if they committed the same sin again.

\(^{36}\) “(...) ten diversschen stonden ende met diversschen persoonen ghedaen ende vulmaeckelic vulbrocht heeft de groote ende orrible zonde van zodomye ende ooc drie andre persoonen gheleed ende also cause gheweest dat zy daermede mesdaen hebben, want boven dien (hole in the paper) binnen deser stede ghepoocht ende zyn beste ghedaen heeft (hole in the paper) zelve zo inde te doene met een jongheskin (hole in the paper) achterhaelt ende bevonden wierdt eer hy die vulbrynghen coste (...)” Bruges, CAB, Series 192, no. 1, fols. 132v-133r.

\(^{37}\) “Au maistre Wissel pour avoir batu de verghes ung josne garchon sur la prison de Bruges pour ce que il se avoir laissé mannier deshonnestement dudit hannekin de Poortre.” Brussels, NAB, CA, 13783, fol 177r.

\(^{38}\) The fact that Hannekin de Poortre was a migrant originating from Antwerp, while his young bed partner lived in Bruges, might also have influenced this outcome.

\(^{39}\) Labalme, “Sodomy and Venetian Justice,” 236. However, Joanne Ferraro has demonstrated that these measures were not always applied, as can be seen in the case of seventeen-year-old Andronico. In 1574, Andronico was sexually harassed by a man in his thirties upon which his mother mobilized the neighborhood to testify about the innocence of her son, who consequently, was treated as a victim despite of his age. Joanne Ferraro, “Youth in Peril in Early Modern Venice,” *Journal of Social History* 49, no. 4 (2016): 773-77.
Eventually they were exiled to the countryside. When in 1625, the Valencian Inquisition discovered a ‘network’ of indigent adolescents who allowed themselves to be used as passive partners by local Muslim slaves in exchange for a fee, one boy was executed, the rest were sentenced to the galleys. At the height of the seventeenth-century witch craze in Würzburg, as many as forty children, some of whom having confessed to having had sexual relations with the devil, were executed. Aboard the ships of the Dutch East India Company, children could be prosecuted for sodomy too, as we can learn from the travel account of Reynier Adriaensen of Antwerp, who served as a soldier for the ‘VOC’ in 1681. He tells us how a case of sodomy between a fifteen-year-old boy and an Italian was discovered on the ship on which he was sailing. Adriaensen felt he should speak upon behalf of the boy, maintaining that he was still only a child and that he had not known the evil he was doing. The intervention was to no avail. During the interrogation, the boy revealed that he had already committed sodomy during an earlier journey to Russia. Consequently, the perpetrators were sewn into a sack weighted with iron and thrown overboard. Consequently, the urban authorities in the Southern Low Countries were by no means the only ones to penalize minors for same-sex acts.

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6.4 Defining youth

These examples from the Southern Netherlands and beyond show that youngsters and children were often regarded as culprits, rather than as victims. On the one hand, the way in which accused juveniles were represented in late medieval and early modern sodomy trials illustrates the versatility of the concept sodomy at the time. On the other hand, it also shows how the concept of ‘innocence’ was conceived. This notion is determined to a large extent by the parameters that distinguished an innocent child from a responsible adult, and the prevailing restrictions that drew the line between abuse and consent. Although several people accused of sodomy said that the sexual acts they had engaged in actually happened against their will, the information derived from the bailiff accounts is too limited to verify whether this was a concern that was raised systematically. Hence, it is unclear whether this issue became more pertinent for the interrogators when children were involved.

This seeming lack of concern for the wellbeing of young people can partly be explained by the fact that, in premodern societies, who was considered a child and who was not was far from clear. Hence, it was never very clear when an individual became sexually mature, and therefore punishable for sexual crimes. Contemporary theoreticians distinguished specific stages in life. According to John Calvin (1509-1564), for example, every individual knew three phases of sexual development. Little children could not comprehend sexuality, and hence could not commit sexual acts. Adolescents, on the other hand, could have sex but they did not yet have sufficient reason to understand the consequences of their acts. An adult, on the other hand, was both physically and mentally able to have sex and be fully aware of the consequences of their actions. However, the exact moments when the transition between stages took place depended on various physical and social developments, and hence could differ considerably from one individual to another. In the Low Countries, ‘the age of criminal responsibility’ was determined according to customary law, which implied that it could vary from place to

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43 When saddler Jehan Caudron shared a bed with Jacques de Jonghe, the latter tried to seduce his bedfellow by touching his genitals. Although Jehan initially responded favorably to this initiative, he rejected Jacques’ further attempts when he realized what was going on. Caudron wrote an enquête to the Duke of Burgundy to convince him of his innocence. In this letter, Caudron stressed that de Jonghe’s attempt happened against his will and that he had loudly insulted his bedfellow, so that nothing else had happened between them. “le dit Jaques et Jehan chaudron ensemble dormans (...) le dit Jaques se avancha de taster et toucher le dit Jehan de sa verge et aussi de manyer la verge di cellui Jehan, comme icellui Jehan par simplesse et non pensant a aulcun mal, fist celle dudit Jaques tellement que icellui Jacques seschaulfoit tres fort, sur le dit Jehan de laquelle chose icellui Jehan se couroncha tres fort en demandant et disant au dit Jacques, cocquin, paillart, que veulz tu faire, sur quoy le dit Jaques lui respondit honteusement, riens. Et apres ce se retourna et se mis a dormir le dit Jehan jusques a lendemain sans jamais depuis avoir eu a feire ne touchié au dit Jaques en fait ne en parole.” Brussels, NAB, CA, 13780, 60r.


place. In practice, however, it fluctuated around fifteen years. In fifteenth-century Brussels, for example, boys reached legal maturity at the age of fourteen, and girls at twelve.⁴⁶

Jurists too were somewhat ambiguous about the judicial liability of children. Filips Wielant stated that ‘young children should be pardoned and not punished because they do not know what they are doing and cannot judge the possibly evil nature of their actions’.⁴⁷ Consequently, children under the age of fourteen were exempt from questioning under torture. Still, Wielant left the door ajar: children could be beaten with rods to elicit a confession.⁴⁸ Wielant’s later counterpart in Bruges, Joos de Damhouder, agreed that young children should be spared because ‘their innocence protects them from evil intentions’.⁴⁹ However, de Damhouder considered only children under the age of seven as ‘young’. Guy Dupont has pointed out that the age of criminal responsibility did not necessarily coincide with the age of civil majority, i.e. the age at which an individual was considered an economically independent adult, able to start a business or to marry. Usually, this age was around twenty-five years. Youngsters between fifteen and twenty-five sometimes enjoyed special legal protection.⁵⁰

On top of the fact that the official age at which children could be punished differed from place to place, it was not always easy to actually determine a person’s precise age during the early modern period. When asked in official early modern records, people appear rather insecure about their exact age, and so they were often inclined to come up with a nice round number, mostly ending on zero or five.⁵¹ This effect is commonly known as ‘age heaping’, and often poses difficulties for demographic historians. However, Tine de Moor and Jan Luiten van Zanden, discovered that this practice gradually disappeared in the Low Countries around 1500, which points to an early rise of numeracy.⁵²

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⁴⁶ Vanhemelryck, *De criminaliteit in de ammanie van Brussel*, 317.
⁴⁸ “Wie van den banc te excuserne es. (…) jonghe kinderen van onder de XJJJ jaeren die men noch castyt ende slaet met rooden (…)” Wielant, *Corte instructie*, 168.
⁴⁹ “de jonghe kinderen excuseert ende beschermt onnooselheydt van rade ende malitieuse deliberatie…” de Damhouder, *Practycke ende handbock in criminele zaeken*, 170.
⁵¹ When the sodomites of St. John’s hospital were asked about their age for example, several answered that they did not know how old they were (“niet wetende zyne oude”). Michiel Laureins did not know his exact age either, but answered ‘twelve and three, making fifteen’. Bruges, SAB, TBO119, 620BIS, fol. 60v.
⁵² Tine De Moor and Jan Luiten van Zanden, “Van fouten kan je leren. Een kritische benadering van de mogelijkheden van ‘leeftijdstapelen’ voor sociaal-economisch onderzoek naar gecijferdheid in het pre-industriële Vlaanderen en Nederland,” *Tijdschrift voor sociale en economische geschiedenis* 5, no. 4 (2008): 73-74. Similarly, a rather detailed time-awareness can also be witnessed in the Southern Netherlands, even when mantle clocks and pocket watches were still uncommon among the general public. Bruno Blondé and Gerrit
In any case, the early modern attitudes towards children and their sexuality were very different from today’s. 'Pedophilia', the present-day term with which we would describe several of these trials, cannot be applied unconditionally. If we would project our current conceptions of child abuse onto early modern society, we would misrepresent its historical specificities. For example, sexual abuse of boys was punished as sodomy, whereas the abuse of girls was regarded as rape. Furthermore, it is not entirely clear whether ‘child abuse’ was considered a distinct form of sodomy or not in the Southern Netherlands. Wielant wrote that those who sought to commit sodomy with little children should be punished in the same way as sodomites who had sex with adult men. As such, he seems to make an implicit distinction between age categories, but not between punishments. Joos de Damhouder in his turn confirmed that children should be punished when they were involved in sodomy: ‘if it is done with people, whether with a man’s own wife, a prostitute, with men, or with children, they will all be punished in the fire, both the one and the other’. This implies, at least according to de Damhouder, that children who were sodomized would also be sentenced to the stake.

This ambivalent attitude makes it difficult to determine whether child abuse was something that occurred frequently during the early modern period. We must assume that the figures from judicial sources give us an absolute minimum. Case studies show how perpetrators were often able to continue their activities undisturbedly for a considerable time. For example, when Joannes Baptiste Jacobs from Bruges was arrested in 1781, after ‘deceiving and dishonestly touching’ several young boys for several years, it became clear that his neighborhood had been aware of his conduct all the time and had never once interfered. Cases of incest were probably also under-reported, since many households would have found it hard to survive without a male breadwinner. In noble
families on the other hand, an abused child's chances on the marriage market were greatly reduced, which was also a powerful incentive to conceal any form of abuse.\textsuperscript{59} Moreover, case reports make it clear that children were often afraid to confess what had happened to their parents for fear of being physically punished. Perpetrators often threatened their victims with violence as they spoke out. Still, early modern society expected child abuse to be reported immediately. Indeed, a victim attempting to hide what had happened was often considered an accomplice.\textsuperscript{60} This is probably what happened in 1602, when François Christians and Sebastien Renaert were burned at the stake in Bruges. On the same day, Nicolas and François, children of Jehan de Ghispere, were hanged due to ‘complicity in luxuriating against nature’ with François Christians.\textsuperscript{61}

\section*{6.5 Hiëronymus Duquesnoy}

\subsection*{6.5.1 An influential baroque artist}

That early modern courts had to decide on an ad hoc basis whether children were guilty of willingly participating in same-sex acts is demonstrated by the case of the celebrated sculptor Hiëronymus Duquesnoy. In 1654, he was strangled and then burned at the stake in Ghent for the ‘crime of sodomy and other scurrilous acts’.\textsuperscript{62} While working on a sculpture in St. Bavo's Cathedral, he sexually abused two young boys. Because the trial records are preserved, this case offers a unique inside view on the authorities’ opinions on children involved in sodomy in the early modern period.

Born into a family of prominent architects and sculptors, Hiëronymus and his older brother François (1597-1643) were both sons of Hiëronymus Duquesnoy I (c. 1570-1641/2), a highly-regarded member of the Brussels stoneworkers’ guild and court sculptor of Albert and Isabella. It was this Hiëronymus who, on August 13, 1619, was commissioned to produce a fountain, referred to as “le plus ancien bourgeois de Bruxelles”, better known today as Manneken Pis, still one of Brussels’ main tourist attractions. After having earned special archducal patronage, his son François travelled to Rome in 1618, where he shared an apartment with the French painter Nicolas Poussin. A year later, Hiëronymus Duquesnoy II joined his brother in Rome. However, according

\textsuperscript{60} Naphy, “Under-Age Sexual Activity in Reformation Geneva,” 120.  
\textsuperscript{61} “A mr. Renault Bartermiere nouveau officier criminel pour avoir executé par la corde sur la prison Nicolas et Franchois, enfans de Jehan de Ghispere, pour avoir estez complices lui faict de luxure contre nature avecq le susdit Francois Christians.” Brussels, NAB, CA, 13790, non-foliated.  
\textsuperscript{62} A complete transcription of the trial records of this case can be found in: Van der Stighelen and Roelens, “Made in Heaven, Burned in Hell,” 101-38.
to historiographic sources, the two brothers were unable to get along, and quickly stopped sharing the same address.

François-known as ‘il Fiammingo’, or the Fleming- was considered a rising star in Rome: Pope Urban VIII even commissioned him to create a statue of St. Andrew for St. Peter’s Basilica. Nevertheless, in 1640, François accepted the offer to become ‘Sculpteur Royal’ to the French king Louis XIII (1601-1643). While getting ready for the journey he fell dangerously ill. It is not entirely clear where his brother Hiëronymus was at this point. He had probably been in Spain for a while, and spent nine months in Florence in 1641. When he learned of his brother’s illness, he left for Rome and accompanied his brother. On July 12, 1643, François succumbed to his illness and died in Livorno. The precise cause of death is unknown, but according to contemporary sources, there was a rumor going round that François was poisoned by his brother Hiëronymus. Although eyewitneses said that the relationship between the two brothers was by no means cordial, this accusation of fratricide must have been an unfounded rumor, which nevertheless spread easily in light of Duquesnoy’s later charge for sodomy.

Duquesnoy got back to Brussels sometime in 1643. From this year onwards, he made several statues for the Brussels Cathedral of St. Michael and St. Gudula. In 1651, Duquesnoy was appointed “architecte, statuaire et sculpteur de la Cour” of Archduke Leopold Wilhelm of Austria, then Governor of the Southern Netherlands under Philip IV of Spain. On August 8 1651, Duquesnoy also signed a contract with Bishop Antoon Triest for the latter’s tomb. 63 However, it took some time before work on this burial monument actually started. On July 6, 1654, Duquesnoy arrived in Ghent. He rented a room on the Reep, close to the cathedral where he began work. However, Duquesnoy would never finish the tomb. Shortly after his arrival in Ghent, he met Toussaint De Somere and

Jacobus De Clerck, eight and eleven years old respectively. For weeks, the sculptor abused the boys, both at his home and in the St. Anne Chapel where he was working. Eventually, a complaint was filed. Based on the surviving witness statements, we cannot be 100 percent certain whether Duquesnoy was caught in flagrante. The child abuse was either seen by a curious visitor to the chapel, or the crime came to light through the vigilance of the mother of one of the two boys.

6.5.2 Two young boys

The entire event can be reconstructed from the examination of the witnesses: the two abused boys, Toussaint De Somere and Jacobus de Clerck, Toussaint’s mother: Cathelijne Dammans, master Laureyns Maurissens, a surgeon, and Duquesnoy himself. The aldermen of Ghent heard the two boys’ give evidence first, on August 31, 1654. Toussaint de Somere, the eight-year-old son of a cobbler, had met Duquesnoy about three months earlier. He knew the sculptor as a man who was usually dressed in white stockings, wore a sword and spoke ‘good Flemish’. At first, Duquesnoy had simply asked the boy to pose for him. He took Toussaint to the chapel next to the St. Anne Chapel, where he removed the boy’s shirt, then drew the boy’s torso and arms from life, in pencil on paper. Duquesnoy asked Toussaint to return the following day, which he did. The sculptor led him into the same chapel, where he immediately began to press him. He placed the boy’s hand in the front of his breeches and instructed him to ‘feel and fondle the said sculptor’s thing’. Toussaint obeyed and, after that, Duquesnoy also fondled ‘the genitals or thingy’ of the boy. He then led Toussaint behind a curtain made of sheets of linen which he had fastened together with two large pins, and told him to take down his trousers, bend over and keep his head down. Thus, the boy was sodomized by the sculptor, which caused him ‘great distress and pain’.

Duquesnoy gave Toussaint three pennies to keep his mouth shut and told him to come back the next day, either at eight o’clock in the morning or two in the afternoon. Toussaint said that he went back to the chapel on at least twelve occasions, and that the sculptor abused him every single time. One time, Duquesnoy asked him to take off all his clothes except for his shoes and then sodomized him. Toussaint would usually receive some money. Once, Toussaint also visited the sculptor on a Saturday. On that occasion, he saw Jacobus, a choirboy from St. Nicholas’s Church, together with the sculptor for the first time. Toussaint stated during the hearing that, from where he was standing (behind

64 “(…) ende dat hij de hant vanden confessant stack in syne voorbroeck hemlieden bevelende dat hy met syn handeken saude tasten ende ketel het dyncxken vanden voornoemden beeltsnyder twelck hy aldan heft ghedaen ende dat den voornoemde beeltsnyder oock taste ende ketelde aen tculeken ofte dyncxken van hem confessant.” Ghent, CAG, Series 213 (Criminelle processtukken), no. 15 (1654-1655), fol. 91r.

65 “(…) dat den voornoemde beeltsnyder alsdan den confessant dede stuypen met het hooft om leeghe ended at hy alsdan stack int fundament van hem confessant syn dijncxken ofte kulleken het welcke hem seer wee ende pyne dede (…)” Ghent, CAG, Series 213, no. 15, fol. 91r.
the linen curtain) he could see the choirboy fondling the sculptor's genitals. On another occasion, Toussaint had to go to the sculptor's home. There, Duquesnoy made him take off his trousers, laid him on the bed and abused him yet again. The eight-year-old boy went on to say that, in the previous three weeks, he had been in the chapel with the choirboy, where both were again sodomized, one after the other. The choirboy also said that he had been in a lot of pain. Each boy received three pennies as compensation.66

Jacobus de Clerck, son of Pauwel, eleven years old, was examined on the same day as Toussaint. He told exactly the same tale. Over the previous three weeks, Jacobs had visited St. Bavo's Cathedral several times. Sometimes, Jacobus was alone with Duquesnoy, but on other occasions Toussaint was there as well. The sculptor made them both take off their trousers and abused them, which was always very painful. Apparently, Duquesnoy went even further in his sexual contact with the eleven-year-old choirboy, forcing him to perform fellatio, which made Jacobus sick from the 'wetness' in his mouth, which was very bitter-tasting.67 He went to see the sculptor on his own on three occasions, and thought he remembered being in the chapel with Toussaint some eight or ten times. He also said that once, he had to appear completely naked for the sculptor.68 At first, Jacobus claimed that he thought that Duquesnoy penetrated him with his finger, but later on he acknowledged that he knew that Duquesnoy had used his penis to abuse him.69 He even gave some more detailed information: the sculptor’s penis, which he wetted with saliva before he penetrated the boys, was allegedly as thick as Toussaint’s arm. That Duquesnoy was aware of the risks of his actions is clear from the fact that he swore the boys to silence, threatening to throw them in a dark pit, whip them on a scaffold or hang them from the gallows if they talked. Moreover, he shut the boys in a large wooden cupboard if he suspected that someone might enter the chapel.

66 “(...) ende dat den voornoemden beeltsnydere huerlieden bee de dede afdoen huerlieder broeccxkens, legghende hun op een banck met het hooft hellende om leeghe ende huerlieder poorte vergheven inde lucht, alswanneer den voornoemden beeltsnyder oock syn dyncxkken stack int fondament van hem confessant ende daernaer oock int fondament van tvoorseyde choraelcken, twelcke choraelcke tseekenen dede van groote pyne (...)” Ghent, CAG, Series 213, no. 15, fol. 92r.
67 “Seght bedt voorts dat den voornoemden beeldesyder diverschelick syn kulkeken heeft doen stroopen ende tselve ghesteken inden mont van hemlieden confessant mitsgaders them tselve met synen mont doen suygen tot dat vuyt tselve quam eenighe natticheyt die gheheel bitter was daervan dat den confessant gheheel ontstelt was.” Ghent, CAG, Series 213, no. 15, fol. 92v.
68 “(...) seght dat hij eens wesende aleene hy gheheel naect ontcleet gheweest is vanden voornoemden beeldesnyder ende dat hy alsdan lach mette poorte omhooghe mitsghaders dat den voornoemden beeldesnyder alsdan stack syn kulkeken in syn fondament.” Ghent, CAG, Series 213, no. 15, fol. 93r.
Thus, both boys immediately confessed all facts during their interrogation and did not seem to really grasp the consequences of their confession. The very same day, the boys were confronted with each other to determine whether their statements were consistent. During this new interrogation, they confirmed all the facts once more: in the last few weeks, they often went to the chapel where Duquesnoy was at work. In this chapel, they masturbated the sculptor or had anal intercourse with him. That such experiences were traumatic for the children need hardly be said, yet their testimony was both highly detailed and entirely consistent.

Hiëronymus Duquesnoy was called to give his own account on the same day the boys were heard. He was questioned at nine in the evening, in the prison where he was already being held. Stating that he was a fifty-two-year old sculptor and architect to the Governor of the Southern Netherlands, he acknowledged that he had been in Ghent for about two months in order to finish the bishop’s tomb next to the high altar in St. Bavo’s Cathedral. He then affirmed that he worked on the various sections of the tomb in a side chapel to the left of the altar, closed off with a piece of linen. He admitted that he had allowed the children into the chapel because he wanted to make pencil drawings of them, saying more specifically that he had once drawn the little boy’s face and once his bare chest from life. Beyond this, however, he categorically denied all the accusations, asserting that he had never asked them to undress, never sodomized them, and never touched their genitals. He did admit that he gave the boys a few coppers from time to time. And he confirmed that he was unmarried and had lived in Spain and Italy.

The Ghent court did everything it could to expedite the case. A surgeon had already been summoned to examine the boys’ ‘fundaments’ on the day of the hearing. Toussaint’s buttocks showed no obvious injury, but the doctor observed ‘rawness or abrasion’ on Jacobus’s. Although this is one of the few examples of such practices in the Southern Netherlands, similar physical investigations were common in early modern times. In fact, Venetian doctors were obliged to report every patient with anal injuries

70 “Ghevraeght oft ten tyde dat hy tvoornoemde kint heeft doen ontcleeden oft hy alsdan het selve niet en heeft misbruycdt ende syne mannelickheyt ghesteken van achter int fundament van tvoornoemde kint seght danof niet te weten (…) Ghevraeght oft voornoemde kint wesende in syn huys oft hy tselven syn broecken niet en heeft doen afdoen mitsgaders tselve gheleyt op het sponde van syn bedde ende tselve alsdan van achter misbruycyt, seght daervan niet te weten.” Ghent, CAG, Series 213, no. 15, fol. 95r.

71 “(…) dat hy behoorelick heeft ghevisiteert het fondament van Toussaint de Somere van aude van acht jaeren ofte bedt ende aen tselve niet bevonden te hebben eenighe merckelike contusien, fortserijnge ofte excuriatie nemaer verclaert vanden voornoemden Toussaint ten tyde van syne voornoemde visitatie ghehoort te hebben mitsgaders dat den selven aan hemlieden deposant te kennen gaf dat ten tyde den voornoemde Toussaint moeste doen syns ghevoech ofte noodt, dat hy alsdan hadde eenighe pyne in syn voornoemd fondament. Verclaerende den deposant bedt voorts waerachtich te wesen dat hy oock behoorelck ghevisiteert heeft het fondament van Jacobus de Clerck (…) ende bevonden te hebben dat aen tvoornoemde fondament gheweest is eeneghe rauwicheyt ofte excuriatien (…)” Ghent, CAG, Series 213, no. 15, fol. 95r-v.

in order to trace all potential sodomites. The next step in the investigation was to interview Toussaint’s mother: her testimony would turn out to be of particular importance. Cathelijne Dammans, aged forty-one, wife of Gheeraert de Somere and illiterate, testified that for six or seven weeks, her son had often brought home money that he had received from a sculptor in St. Bavo’s Cathedral in return for allowing himself to be drawn. She had examined the shirts Toussaint had worn in the last few weeks and observing that some of them had spots of ‘the seed of a man’ on the tail, she had kept the shirts aside to show as proof.

A day later, on September 1, 1654, there was a confrontation between the boys and Duquesnoy in the prison of Ghent. Toussaint immediately identified the arrested sculptor as his abuser, Jacobus de Clerck quickly followed. The choirboy also gave several further details that undoubtedly made his story more credible. He claimed, for example, that the sculptor had moistened his penis with saliva to help penetration and that it was as thick as his arm. At the magistrates’ request he gave a short demonstration of his abuse, bending over a chair from the courtroom. When the sculptor was re-examined, the latter admitted that one of the children had been to his home ‘so that he could portray him’. Nevertheless, ‘with great consternation and much gesticulation, he persisted in denying the accusations of abuse’.

6.5.3 A juridical tug-of-war

Realizing the highly precarious situation in which he now found himself, Duquesnoy questioned the court’s authority, asserting that, as royal architect and sculptor, only the prince’s Privy Council in Brussels had the right to summon him. Apparently, on September 2, he petitioned the Council. Duquesnoy’s social status caused considerable legal wrangling between the Ghent aldermen and the Privy Council in the capital. That very same day, the Ghent bailiff and aldermen were informed of Duquesnoy’s petition, and their advice was requested.
On September 3, 1654, Duquesnoy was still being held, and his interrogation continued. The magistrate tried to catch him out by pointing to contradictions in his testimony. He also wanted to know if it were the boys themselves who, out of their own ‘sensuality’, had taken the initiative to please the sculptor. In his defense, the sculptor said that Toussaint had often helped him in the chapel and that the boy had made the first move towards sexual contact, and of his own volition had touched the sculptor’s penis while he was working. Thus, through this additional information, which was partly extracted under torture, Duquesnoy finally admitted that he had had sexual contact with the boys.

Events then followed each other in quick succession. On September 4, several of Duquesnoy’s friends and admirers urged the president of the Great Council to pardon the sculptor. On September 7, the Privy Council again wrote to the aldermen, insisting on receiving a response to the request for advice with the utmost haste. On September 10, the Ghent aldermen sent an unfavorable opinion to the Privy Council. They were adamant that such a crime could not go unpunished: “ce que nous semble (sous treshumble correction) n’estre tollerable sans punition condique pour exampler aux aultres”. In turn, the Privy Council’s recommendation to the governor was unfavorable as well. The councilors found that, even though Duquesnoy had the right to reject Ghent’s jurisdiction, his crime was sufficient to render him forfeit and unworthy of the right to be tried in Brussels.

The council intended Duquesnoy’s punishment to serve as an example. Hence, it advised the governor to reject the appeal for clemency and to leave the entire matter in the hands of the Ghent magistrates. On September 17, Bishop Triest, the sculptor’s patron, sent a letter of remission to the Privy Council in which he stated that Duquesnoy’s death would be an irreparable loss to sculpture, as well as a source of public scandal. He therefore requested that the sentence be commuted to life imprisonment. In this way, the crime would remain secret but would not go unpunished, and Duquesnoy’s extraordinary talent would be saved and made available to the governor whenever he required it. Such appeals for clemency were not unusual. In 1556, the sculptor Benvenuto Cellini was sentenced to four years in prison, though as we have seen in chapter one, the intervention of Cosimo de Medici caused this to be reduced to house arrest. The Dutch painter and notorious libertine Johannes Symonis van der Beeck, better known as

76 Ghent, CAG, Series 211 (Crimineele briefwisselingen), no. 2 (1645-1654), unfoliated.
77 “Nous trouvons qu’icelluy du Quesnoy y est entierement convaincu dudit crime de sodomie accompagnié de tant de villaines et abominables circonstances et dependences, que quand il auroit eu droit de decliner la judicature desdits du magistrate de Gand, il y auroit matiere suffisante en termes de justice de l’en declarer descheu et indigne.” Brussels, NAB, Privy Council-Spanish Period, Registers 313 (Consultes du Conseil Privé), no. 15 (July 1653-December 1654), fol. 171r.
78 “Il convient de necessité d’en faire un chastoy exemplaire afin de couper ce mal qui se vat glissant et serpant parmy le monde.” Brussels, NAB, Privy Council-Spanish Period 313, no. 15, fol. 171v.
79 Gallucci, Benvenuto Cellini, 153-54.
Torrentius, was famed for his atheism, his pact with the devil, his corruption of youth, his interest in black magic and his promiscuity. In 1627, he was tortured and sentenced to twenty years imprisonment. He was saved from languishing behind bars through the intervention of Charles I of England, an admirer of his work, who had him brought to London. And in 1670 an intervention by none other than Christina of Sweden narrowly prevented Luigi Bernini, brother of the renowned Gian Lorenzo Bernini, from being condemned to death by the pope for sodomy with “un putto”.

On September 25, the Ghent aldermen received a letter from Archduke Leopold Wilhelm, written on September 22, in which he stated that there would be no mercy for Hiëronymus Duquesnoy. Apparently, he memorably commented ‘I am distressed by the unhappy lot of my friend, but let justice be done’. With archducal sanction secured, the Ghent aldermen then sought the opinion of qualified jurists. Messers Vanhamme, Pennemans and Pharmentier concluded that ‘for the crime of sodomy and other scurrilous acts’. Duquesnoy should first be strangled, then burned at the stake. Furthermore, all his possessions should be confiscated by the city and used to defray the cost of the trial and other juridical expenses, should such be required. Just three days later, on September 28, 1654, they pronounced their verdict:

‘Because you, Hiëronymus Duquesnoy (...) born in Brussels, fifty-two years old, have so far forgotten yourself that in diverse places and times you did commit the crime of sodomy and other scurrilous acts (...) as abundantly proven by your own and by others’ confessions you committed all kinds of unlawful acts that cannot be tolerated in a law-abiding city without condign punishment as an example to others’.

The sentence was carried out that very same afternoon on the Korenmarkt in the heart of the city in the presence of several aldermen, who rented the front room of a house called ‘The Elephant’ to have a good view of the spectacle. Afterwards, twelve Masses were held by the Recollects of the city for the redemption of the convicted sculptor. The speed with which this trial was conducted is noteworthy, and says something about the Gent aldermen’s determination to carry out matters high-handedly.
Duquesnoy’s close family was almost equally quick to act. They had always assumed that François Duquesnoy’s estate was safe in the custodianship of his unmarried brother. Now, with the sentence and the related seizure of Hiëronymus’ property, they saw his sizeable legacy slipping out of their hands. Attempts were still being made in the 1670s, sometimes successfully, to recover parts of that inheritance.\(^{85}\)

### 6.5.4 Child abuse in context

Duquesnoy’s case is truly exceptional, not only because it is one of the few early modern artists for whom there is clear-cut evidence of deviant sexuality, but also because the trial record is largely preserved. This allows us to actually trace the priorities and ways of reasoning of the interrogators during their investigation. What is striking, for example, is that the vague borders of the concept of ‘child’ in the early modern period also appears in this criminal investigation. In fact, Jacobus and Toussaint were frequently being addressed with the term “confessant” indicating someone who confesses a crime instead of the more neutral term “deposant”, which was used for a witness who makes an affidavit, such as the surgeon called upon during the interrogations. The use of the word “confessant” indicates that the aldermen considered them partially guilty, at least at the beginning of the interrogations. However, at the same time, the children were addressed with diminutives such as “joncelien”, “jongxken” or “knechtgen” which all pointed out the innocence of the young boys.

Although the Ghent city council ultimately found Toussaint and Jacobus innocent, the option of guilt was certainly on the table during the investigation: the boys were namely examined in order to assess ‘the competence of their mind’. After this examination, the judges decided not to question the children any further, since no noticeable evil could be found in them.\(^{86}\) If there would have been some sort of consent on behalf of the children, their reputation would have been compromised, which could have had serious consequences.\(^{87}\) Some historians have claimed that Toussaint was sent to Spain and Jacobus was banned from Flanders for six years. Gheraerdt de Somere, Toussaint’s father, would have received twelve pounds to this end. Geert Debeuckelaere supports this claim by referring to Edmond De Busscher, who in turn does not give any reference to a possible source in which this was mentioned.\(^{88}\) Both the official conviction,

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\(^{85}\) Buntinx, “Jeroom du Quesnoy en het praalgraf van Bisschop Triest,” 101-5.

\(^{86}\) “D’heeren ghecomitteerde van officie weghe de twee jonghens ontboden hebbende ende gheexamineert omme te connen jugeren op bequaemenheyt van haerlieder verstant hebben de voornoemde heeren merckelick gelugiert dat inde voornoemde kinders gheene merckelicke malitie en is ende bydien hebben goet ghevonden hemlieden niet voorder te examineren (...)” Ghent, CAG, Series 213, no. 15, fol. 100v.

\(^{87}\) Sarah Toulalan, “Child Victims of Rape and Sexual Assault. Compromised Chastity, Marginalized Lives?” in The Place of the Social Margins, 1350–1750, eds. Andrew Spicer and Jane Stevens Crawshaw (New York: Routledge, 2016), 182.

the Bouc vanden Crime, the bailiff accounts and the city accounts remain silent about the children or any punishment imposed on them. Hence, it seems unlikely that the boys were effectively exiled, since this would have been a heavy punishment for two children who had no harm in them, as was clearly established by the aldermen. The aldermen would only have banned the children from the country if they held the boys accountable for what had happened inside the Cathedral. However, if this would have been the case, it would be remarkable that they did not ask the boys why they had returned voluntarily to the Cathedral for weeks on end, even though they had said that the subsequent anal sex was painful. If Duquesnoy was to be believed, the children often initiated these sexual encounters, and he himself had refused to let them have their way on several occasions. Considering that the interrogators did not go into this aspect of the matter, our conclusion must be that the children were found too young and ignorant to punish them.

Nevertheless, the Ghent magistracy relied almost entirely on the story of the boys in order to punish the suspect sculptor, who was never caught red-handed. Hence, the boys and Duquesnoy were confronted with each other, and the former had to undergo medical examinations and were forced to carry out a reconstruction of the facts in the presence of the aldermen. Last but not least, the boys had to repeat their accusations confronted with Duquesnoy himself, who was also subjected to several questions.

Interestingly enough, the less trial records we find, the more detailed they become. Although sodomites were brought to court more sporadically from 1600 onwards, many local authorities seemed very eager to fathom the motivations of the sodomites they convicted, which resulted in detailed trial records. This ‘will to know’ probably found its origin in the Tridentine reforms. Rome encouraged the practice of confession, and parish priests were encouraged to ask detailed questions about the penitent sinner. Not only the sin itself, but also the intention behind that sin became a matter of importance.\(^{89}\) The secular governments seem to have adopted this approach as well. Sodomites were asked specific questions about their sexual encounters in an attempt to map the feelings and desires that had led them to commit the unnatural sin. Interrogators were looking for behavioral patterns to support their accusation. In several early modern trials, suspects were asked if they had been abused as a child themselves. In one Genevan case, a man confessed that, as a child, he had been abused several times by his cousins. The judges saw this as an explanation for his own desires.\(^{90}\) The Ghent magistracy, however, did not appear to have had an interest in this kind of questions.\(^{91}\)

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91 Possibly, the sculptor indeed had to answer these kinds of questions, but there is a chance that his statements on this were not handed down. The Bouc vanden Crime states explicitly that Duquesnoy was questioned under torture. Unfortunately, no written documents about this interrogation survive in the court records dealing with interrogations under torture: Ghent, CAG, Series 210 (Verbalen van de tortuur), no. 1 (1625-1711).
The child abuse committed by Duquesnoy did not elicit a special kind of indignation among the aldermen, nor in urban society as a whole. Only one seventeenth-century city chronicle mentions Duquesnoy’s trial, but the author confused Hiëronymus with his more famous brother, and claimed that “Francois Canoij” was executed.\(^{92}\) Although this confusion seems symbolic, it is impossible to ascertain the emotional impact of Duquesnoy’s trial on the vast majority of the population. However, based on the small amount of written texts on this case within urban society, Duquesnoy’s execution— in hindsight, the last sodomite to be burned at the stake in Ghent — does not seem to have made a great impression on the inhabitants of Ghent, despite the fact that this was a case with two very young children as victims, and with one of the most famous artists of his time involved.\(^{93}\)

### 6.6 Conclusion

How were youths involved in sodomy trials perceived in the early modern Southern Netherlands? The answer to that question is complicated by the ambiguous definition of ‘youth’ in the region, and by the fact that the exact age of the suspects was excluded from the source material more often than not. By looking at variations in name forms as a proxy for the age of the suspects, we can deduce that between five and fifteen percent of the accused sodomites was under age at the time of their trial. Although several examples illustrate that there is a certain margin of error to this method, treatment of juvenile sodomites appears to have been somewhat different from other European regions. Whereas in the rest of Europe, particularly in the Mediterranean area, sodomy committed by minors was often perceived as a sin of youth, in the Southern Netherlands youthful sodomites were often punished severely. This may be due to the fact that the age-structured hierarchical organization of homoerotic contacts was less dominant than in several Southern European regions. There are certain trials that seem to confirm the pederastic paradigm, in which an older partner actively penetrated the younger partner.

\(^{92}\) “Den XXVIIIen Septembre is oock ghejusticert recht vuer den Olifant den persoonen bij naame Francois Canoij den welcke men seyde te doene ghehadt hebben met twee knehtkens. Het eene is ontrent 8 jaeren ende het ander ontrent 12 jaeren. Ende justicie is gheschiet ontrent den XII uren voor noene ende deselve gheworcht ende daernaer ghebrant tot asschen,” Ghent, GUL, MS. 3696, fol. 176v. The name confusion was repeated in an eighteenth-century chronicle: “Den 28 september is binnen Ghendt op de Koornmarkt gejusticiert Françoi Cannoy, meester in het beeldhouwen om dat hij (…) sodomie bedreven hadde met twee knehtens sjinde coraellens van de selve kercke (...)” Ghent, GUL, MS. 59, 129. The following city chronicles contain notes about the year 1654 but do not mention Duquesnoy: Ghent, GUL, MS. 2339; MS. 2550; MS. 2554; MS. 2563; MS. 2646.

\(^{93}\) As will be shown in chapter nine, the young age of a group of monks sentenced to death in Ghent during a sodomy trial in 1578, indeed provoked a lot of outrage among the populace. However, this selective indignation resulted from the tumultuous religious context in which this trial took place.

\(^{94}\) This age-related model was not limited to Christian societies, since it also prevailed among the Jewish communities in the Ottoman empire. Yaron Ben-Naeh, “Moshko the Jew and his Gay Friends: Same-Sex Sexual Relations in Ottoman Jewish Society,” *Journal of Early Modern History* 9, nos. 1-2 (2005): 89.
and was punished more severely for doing so. Nevertheless, certain individuals did not seem to be limited by this pattern, as their trial records indicate a remarkable level of sexual versatility during homoerotic intercourse. The authorities in the Southern Netherlands also took into account that young partners did not necessarily take the passive role. As a result, several minors were considered fully responsible for the unnatural sins they had committed, and hence were punished accordingly.

However, in group trials in the Southern Netherlands, neither age nor sexual role systematically influenced the severity of the penalties. The majority of people convicted during a group trial received the same punishment, usually the death penalty. This limited differentiation in penalties executed is indicative of the severe prosecution policy that was implemented in the Southern Netherlands; a strict policy in which individual responsibility prevailed over sexual role or age. This pattern of persecution, developed in a context in which the Mediterranean model was less predominant, made it possible for children and young people to be considered perpetrators.
Figure 15. Hans Sebald Beham, Three women in the bath (1548). Amsterdam, Rijksmuseum
Chapter 7. Female sodomy

7.1 Introduction

Although the myth of ‘lesbian impunity’ has previously been challenged, court records seem to suggest that early modern women were hardly ever convicted for sodomy in most European cities. This was far from being the case in the Southern Netherlands, where nearly one out of ten accused sodomites was, in fact, a woman. Assuming that female same-sex activity was not a phenomenon exclusively restricted to the Southern Low Countries, this chapter argues that there was a greater willingness to prosecute women for this ‘crime against nature’ than in other European regions. The analyzed court records and bailiff accounts dating from ca. 1400 to ca. 1550 have rendered thirteen female sodomy trials, in which 25 women were tried. These documents not only uncover the testimonies of women condemned for same-sex activities, they also show that some women were accused of bestiality, cross-dressing, masturbating, and having sexual intercourse with Muslims. Moreover, they demonstrate that the penalties for sodomy were as strict for women as they were for men.

Close discursive analysis of the sources can uncover the reason for this apparent greater willingness to prosecute female sodomites in the Southern Netherlands. It could be the outcome of a legal framework that explicitly linked female same-sex desire with (male) sodomy, lesser tolerance for deviant sexuality, or the fact that these women were

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1 A shortened version of this chapter was previously published as: Jonas Roelens, “Visible Women. Female Sodomy in the Late Medieval and Early Modern Southern Netherlands (1400-1500),” BMGN/Low Countries Historical Review 130, no. 3 (2015): 3-24.
more visible in the public sphere due to the overall privileged social position of women in the region. This would make them more likely to come to the attention of the authorities and easier to prosecute for a crime that was predominately perceived as a masculine form of transgression in most parts of early modern Europe.

7.2 Female sodomy in theological and legal traditions

The notion that sodomy was solely a male crime, was part of a long intellectual tradition. Most pre-modern sources concerning the subject exhibit a phallocentric understanding of human sexuality, which means sex was comprehended only in terms of actual penetration.\(^4\) Women were considered to be incapable of having sex with one another without the active participation of a male or the use of artificial devices. While certain medieval medical writers pointed out that women could develop fleshly growths outside the vagina that could be used as a penis to have sexual intercourse with other women, this sexual irregularity was usually only attributed to exotic women from other continents. For instance, the Flemish Ogier de Busbecq (c. 1522-1592), ambassador to the Ottoman Empire in Constantinople for the Habsburg monarchy, described Turkish women visiting the bath house “falling in love with one another at these baths, in much the same fashion as young men fall in love with maidens in our own country.”\(^5\) During de Busbecq’s lifetime though, fears arose that European women too were able to penetrate other women due to the sixteenth-century anatomical ‘rediscovery of the clitoris’.\(^6\) Prior to this however, the possibility that female sodomy could actually occur was not taken very seriously and therefore did not attract much attention from pre-modern lawmakers and theologians.\(^7\)


\(^5\) “(...) The women become deeply attached to each other, and the baths supply them with opportunities of meeting.” Charles Thornton Forster and Francis Blackburne Daniell, eds. *The Life and Letters of Ogier Ghiselin de Busbecq* (London: C.K. Paul, 1881), vol. 1, 231.


For instance, Paul was one of the few early Christian authors who explicitly addressed female homoeroticism in his writings. In the centuries that followed, the topic of unnatural sex between women was treated by only a limited number of penitentials. Even the eleventh-century Italian theologian Peter Damian, who actually coined the term ‘sodomy’, did not include female same-sex acts in his notorious Book of Gomorrah. Although the infamous preacher Bernardino of Siena made three brief remarks on female sodomy, this cannot be compared to his manifold and ruthless condemnations of male sodomy.

Scholastic scholars like Peter Abelard, Albertus Magnus and Thomas Aquinas did include female-female sex briefly in their comments on sodomy. In the Low Countries, the fifteenth-century Carmelite Willem de Biechtvader casually mentioned female sodomy in his book Een nuttelijke boec den kerstenen menschen, but the phenomenon remained largely neglected by most ecclesiastical writers.

According to Jacqueline Murray, this lack of concern was reflected in secular law: “Indeed, lesbian sexual activity was virtually ignored in medieval secular law codes.” Only a few cities, like the French town of Orléans (ca. 1260) and Treviso near Venice (1574) had laws condemning female sodomy. In 1499, the Portuguese king Manuel I promulgated an edict in which he sentenced female sodomites to the stake. In the Holy Roman Empire, only one imperial city code (Bamberg, 1507) addressed the issue of same-sex acts between women, before the Constitutio Criminalis Carolina was promulgated in 1532. This criminal code, instituted by Emperor Charles V, imposed the death penalty on women who had sex with each other, while the Buggery Act of 1533, which made male

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10 Mormando, The Preachers’s Demons, 117.
11 “Et is natuerlike een man behoerlike bi een wijn te wesen ende een wijn bi eenen man te wesen, mar et is onnatuerlichen alse een man ofte een wijn aen hemselves, ofte ofte een man aen enen man, ofte een wijn aen een wijn (my emphasis), ofte ofte een man aen beesten hore ghenoechte soeken, want dese senden sijn also groot dat daeromme steden sijn verseden, alse Sodoma ende Gomorra ende vele lantscape sijn verderft ende geheplaghet (...)” Copenhagen, Det Kongelige Bibliothek, THOTT 70 folio, fol. 173r.
13 Murray, “Twice Marginal,” 201.
14 Crompton, “The Myth of Lesbian Impunity,” 13, 18; Boswell, Christianity, Social Tolerance, and Homosexuality, 290; Friedland, Seeing Justice Done, 60.
15 Soyer, Ambiguous Gender in Early Modern Spain and Portugal, 41.
16 Helmut Puff, Sodomy in Reformation Germany and Switzerland, 47.
sodomy a capital crime in the realm of Henry VIII, did not mention women at all. In other regions too, the subject of female sodomy remained more or less neglected by law and theology throughout the early modern period.

As a consequence, only a handful of female sodomites actually came to trial between 1400 and 1550: “Among the hundreds if not thousands of cases of homosexuality tried by lay and ecclesiastical courts in medieval and early modern Europe only a few involved sexual relations between women”. Mary Elizabeth Perry discovered that female-female sex was not prosecuted at all in early modern Seville, Guido Ruggiero drew the same conclusion for fifteenth-century Venice, and Michael Rocke found “not a single case of sexual relations between women”, after analyzing thousands of Florentine sodomy cases from a period of almost two centuries. Based upon surviving court records from the fifteenth and sixteenth centuries, it seems that female same-sex offenders at the time were tried neither in England, nor in the region that later on would become the Dutch Republic. In other parts of Europe, we only find isolated trials against female sodomites during the period studied, namely Jehanne and Laurence from France, imprisoned in 1405; a recluse named Katharina Güldin and an anonymous lay woman from Rottweil, brought to court in 1444; Katherina Hetzeldorfer, drowned in Speyer in 1555.

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20 Perry, Gender and Disorder in Early Modern Seville, 123.
22 Michael Rocke, Forbidden Friendships, 258.
23 Randolph Trumbach, “London’s Sapphists: From Three Sexes to Four Genders in the Making of Modern Culture,” in Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History, ed. Gilbert Herdt (New York: Zone Books, 1994),126; Crompton, Homosexuality & Civilization, 472. Although Martin Ingram reports a case from 1555 in which two young girls where accused of having put “theyr fyngers one into another privyties” when they were alone in a pigsty. Martin Ingram, Carnal Knowledge: Regulating Sex in England, 1470-1600 (Cambridge: Cambridge University Press, 2016), 33.
24 van der Meer, Sodoms zaad in Nederland, 459-460.
25 Joan Cadden, Meanings of Sex Difference in the Middle Ages: Medicine, Science, and Culture (Cambridge: Cambridge University Press, 1995), 224.
26 Because of their different legal status, both the city authorities and the episcopal court became involved. The outcome of the trial however remains unknown. Puff, “Localizing Sodomy,” 182-83.
1477,27 Catalina de Belunçe, banished from the Basque Country in 1503, but acquitted in the same year;28 Agatha Dietschi, banned from Freiburg in 1547;29 Branca Freire and Joana Fernandes from Lisbon, respectively fined and possibly burned in 1551 (although this was not explicitly mentioned);30 Clara Fernandes from Lisbon, imprisoned for life in 1555;31 Jaquema Gonet and Françoise Morel from Geneva, respectively drowned in 1559 and 1568;32 the Portuguese Isabel Álvares and Maria Gonçalves, absolved in 1570;33 and Esperanza de Rojas exiled from Valencia in 1597.34 Other trials are only briefly mentioned in chronicles, such as the cases of Greta from Gutenstein (1514), Françoise de l’Étage and Catherine de la Manière from Bordeaux (1533) and anonymous women from Spain (1409, 1502), Fontaines (1535), Grenzach on the Rhine (1537), and Italy (1580).35

Although Helmut Puff concludes that “northern European powers were more active than Mediterranean societies in penalizing female homoeroticism”,36 the small number of actual court cases nevertheless implies that female sodomites surfaced but rarely, rather than being subjected to systematic prosecution. On the other hand, we must take into account the fact that early modern authorities regularly used a veiled vocabulary to describe female sodomy. This opaque terminology was clearly marked by the “unwillingness of early modern leaders to make the reality of lesbianism more explicitly known”.37 Most authorities refused to announce that they sentenced women for having intercourse with members of their own sex; in the Genevan case of Françoise Morel for example, legal advisors strongly recommended that the public statement concerning the trial be vaguely phrased.38 Since women were thought to be more lustful

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33 Soyer, *Ambiguous Gender in Early Modern Spain and Portugal*, 44.
34 Velasco, *Lesbians*, 50-53. For the seventeenth century however, André Fernandez traced three accused women in Barcelona, one in Valencia, and five in Saragossa, yet only one of them was actually punished. Fernandez, “The Repression of Sexual Behavior,” 494.
than men and easily susceptible to debauchery, early modern authorities did not want to make information about female homoeroticism public, assuming that it could lead women to experiment.39 This means that such sex acts may have been prosecuted more often than has been believed.

### 7.3 Female sodomy prosecution in the Southern Netherlands

The remarkably low level of apparent prosecution throughout early modern Europe sharply contrasts with the situation in the Southern Low Countries during the fifteenth and sixteenth centuries. Thirteen trials conducted between ca. 1400 and ca. 1550 involved women, comprising a total number of 25 female individuals charged of sodomy. This surprisingly high number of individuals accounts for 7.66 percent of the 326 sodomites accused between ca. 1400 and ca. 1550 in the aforementioned cities, which were among the major urban centers of the region.

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<tr>
<td>Bruges</td>
<td>13 out of 130</td>
<td>10%</td>
</tr>
<tr>
<td>Liberty of Bruges</td>
<td>0 out of 41</td>
<td>0%</td>
</tr>
<tr>
<td>Brussels</td>
<td>3 out of 35</td>
<td>8.57%</td>
</tr>
<tr>
<td>Ghent</td>
<td>5 out of 52</td>
<td>9.61%</td>
</tr>
<tr>
<td>Leuven</td>
<td>1 out of 15</td>
<td>6.66%</td>
</tr>
<tr>
<td>Mechelen</td>
<td>2 out of 24</td>
<td>8.33%</td>
</tr>
<tr>
<td>Ypres</td>
<td>1 out of 11</td>
<td>9.09%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>25 out of 326</td>
<td>7.66%</td>
</tr>
</tbody>
</table>

*Table 14. Proportion of female sodomites convicted in the S. Netherlands*

The majority of these trials was recorded in bailiff accounts, whose methodological pitfalls – namely their concise nature – have already been discussed extensively in previous chapters. Yet in spite of these disadvantages, the sources contain a wealth of information on female sodomites, forcing us to reconsider contemporary perceptions of female homoeroticism. For instance, the early modern reluctance to speak of female sodomy is at odds with the straightforward approach of the urban authorities in the Southern Netherlands. Each verdict about female same-sexuality states very clearly what exactly was at stake by using terms as ‘buggery’, ‘unnatural sin’, ‘sin against nature’ or ‘sodomy’.40 This implies that the legal system in the Southern Netherlands had a very broad, yet well-defined understanding of the concept of sodomy, which was narrowly

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40 “buggerie”, “onnatuerlike zonde van zodomye”, “le villain peché contre nature”, “zodomie”.

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conceived as an unnatural act of masculine penetration in other parts of Europe. Because of this phallocentric vision on sexuality, many early modern courts found it difficult to determine precisely what crime was committed by women who had sex with other women. Contrary to the Northern Netherlands for instance, where “general ignorance on the subject” prevailed, the authorities in the Southern Netherlands were well aware of the range of sexual activities possible among female sodomites. They even made a distinction between offenders who were found guilty of actual sodomy and others who had only committed ‘a certain kind of sodomy’.

This was the case with Maertyne van Keyschote, daughter of Adriaen who was a fuller in Bruges. Maertyne confessed she had committed ‘a certain great kind of the unnatural sin of sodomy with several young girls whom she had instigated and deceived’. On Saturday the 10th of June 1514, at dawn, Maertyne was scourged, her hair was burned off and she was banished from the county of Flanders for a hundred years. One of her accomplices was Jeanne vanden Steene. Notwithstanding the fact that her father Jan was a law enforcer (“scadebeletter”), she received the same penalty as Maertyne. The account further mentions that Jeanne received this ‘mild’ sanction because of her ‘innocence’. Finally, two female minors, Grietkin van Bomele and Grietkin van Assenede were punished for being ‘misled to commit some kind of sodomy with others’. Because of their youth, they were only flogged.

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43 Boone, “State Power and Illicit Sexuality,” 143.
44 “(…) zekere groote specien vanden onnatuerlike zonde van zodomye ende datte met diverssche jonghe meyskins die zoe deertoe ghebrocht ende mesleed heeft.” Bruges, CAB Series 192, no. 1, fols. 81rv.
45 “Tsanderdaechse den xen dach van wedemaent int zelve jaer xvc xiii, zo was de zelve Martyne by vonnesse van scepenen snuchtens vrouch gheheesselt inde loove, haer haer vanden hoofd ghezynghelt ende ghebannen hondert jaeren vten lande van Vlaenderen upden pit.” Bruges, CAB, Series 192, no. 1, fols. 81r-v; “audit pour avoir batus de verges et en après bruslé les cheveauxx fus de la teste de Martine van Keyschote de sodomye (…)” Brussels, NAB, CA 13783, fol. 122r.
46 “Ten zelven zaterdaghe xen wedemaent anno xvc xiii, zo was Jeanne Jans vanden Steene dochtre tscadebeletters tyghelixer gheheesseltthaer vanden hoofdt ghezynghelt ende ghebannen hondert jaer up huer lyf of anders criminelic ghecorrigiert te zyne ter desrecie vander wet mids huerer innocencie, Omme dat zoe ooc verkend hadde by huer vryen wille ende zonder eenich bedwanc van ysere of pyne dat zoe met eeneghe personen binnen drie weken haerwaerts ghaedan ende ghecommitteert heeft zekre specyen vander onnatuerlike zonde van zodomye.” Bruges, CAB, Series 192, no. 1, fol. 81v; Brussels, NAB, CA, 13783, fol. 122r.
47 “Ten zelven daghe, zo waeren Grietkin Pieters van Bomele dochterts cadebeletters tyghelixer en Grietkin Willems van Assele dochtere suldersnape noch onder huere jaren zwynde, beede ghecommpneerdt inde loove ghecastyet te zyne met roeden up huere, lioot llyf som al datzy haerlieden hadden laten vertweefelen ende misleeden met andre te doene eeneghe specyen van zodomye.” Bruges, CAB, Series 192, no. 1, fol. 81v; Brussels, NAB, CA, 13783, fol. 122r.
The trial against Maertyne and her accomplices also clearly shows that, as was often the case with male sodomites, women who initiated the ‘sin against nature’ were usually punished more harshly than those who submitted to the crime. Indeed, these passive women frequently presented themselves as innocent victims who did not fully understand the impact of their misdeeds. This strategy was probably also used by Margarete Scoucx, who was questioned under torture together with Marie de Valmerbeke and her daughter Belle W asbiers in Ghent in 1434. Marie and Belle were both “justicié au feu” for committing “le villain pechié contre nature.” Yet Margarete, who worked as a servant girl for Marie and Belle, was merely exiled for ten years. The court apparently decided that mother and daughter took advantage of their maid, who had no choice but to participate in the crime, and therefore received a more lenient sanction.

Still, what is particularly striking about these female sodomy trials, is the fact that unlike Margarete Scoucx—most women were not spared, but rather had to take full responsibility for their actions. The unusually high number of executions, shown in table 15, illustrates the relentless repression of female sodomy in this region. This willingness to impose the severest of punishments on female sodomites is quite unique in pre-modern Europe. According to André Fernandez, “penalties to women remained far milder than those punishing male sexuality” in early modern Spain as well.

In eighteenth-century Amsterdam “the criminal court seems to have considered tribadism as a less serious crime than sodomy,” since women’s penalties included fewer years of confinement compared to men.

<table>
<thead>
<tr>
<th>Years</th>
<th>Executions</th>
<th>Corp. pun</th>
<th>Bans</th>
<th>Corp.pun+bann</th>
<th>Releases</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ca. 1400-1425</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1426-1450</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>1451-1475</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1476-1500</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>1501-1525</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1526-ca. 1550</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>15</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>25</td>
</tr>
</tbody>
</table>

Source: bailiff accounts and urban legal records (see Appendix 1)

48 “Audit pour avoir examiné par trois fois Marie de Valmerbeke et Belle W asbiers, sa fille, soupechonnez d’avoir fait le vilain pechié contre nature (...) Item pour avoir ars et justicié au feu lesdites deux femmes (...)” Brussels, NAB, CA, 14114, non-foliated.

49 “Audit pour avoir examiné par deux foiz Margarete Scoucx soupechonnez dudit vilain pechié, femme servante desdites deux justiciers laquelle fu bany X ans (...)” Ghent, City Archive, Series 414bis, no. 1 (Baillage du Vieux-Bourg, 1388-1636), non-foliated.


51 van der Meer, “Tribades,” 437.
This forbearance was not shown to the accused women in the Southern Netherlands. Already during the fourteenth century, five trials against female sodomites were conducted in the region, all but one with a fatal outcome. During the period analyzed (1400-1550) no less than 15 out of 25 female defendants were executed. This mortality rate of 60 percent largely corresponds with of the total numbers of individuals tried (62.06 percent, cfr. supra). Moreover, no gender based distinction was made when deciding the appropriate penalty. Degrading punishments such as being buried alive or drowning were usually imposed on women who committed capital crimes, but female sodomites in the Southern Netherlands received the same sentence male sodomites usually received; death by burning. The public nature of this penalty suggests that the urban authorities of the Southern Low Countries did not necessarily want to keep these offences a secret from the public. This tendency is further underscored by the high number of women executed simultaneously. On November 19, 1482, Bruges’ executioner, burned no less than six female sodomites on the same day. According to an anonymous chronicler, this group of female sodomites originally consisted of seven members. One woman, Margriet, managed to buy some time by claiming that she was expecting a child. To clarify the matter, the aldermen ordered four doctors from Leuven to subject Margriet to a physical examination. They even sought advice from the Council of Flanders.

52 All of these fourteenth-century women were executed in Ghent: an anonymous women in 1307, oude Kalle van der Roemporten in 1364, five women in 1374 and Celle Elwouds in 1375. Julius Vuylsteke and Alfons van Werveke, Gentse stads- en baljuwsrekeningen 1280-1336 (Ghent: Meyer van Loo, 1900-1908), 37; Julius Vuylsteke and Hans van Werveke, eds. Gentse stads- en baljuwsrekeningen: 1351-1364 (Brussels: Koninklijke Commissie voor Geschiedenis, 1970), 680-81; David Nicholas and Walter Prevenier, eds. Gentse stads-en baljuwsrekeningen (1365-1376) (Brussels: Paleis der Academiën, 1999), 346.


54 Although in one case, the aldermen of Brussels paid the hangman to bury the corpse of a female sodomite after her execution so that ‘no memory of her crime would remain’ (“Item betaelt den scerp rechter van het geraempte van den staeck tot inden put onder de justiticie te trecken ten eynde dat vanden delicte der voerseide kathelynen egheen memorie meer blyven en soude…”) Brussels, NAB, CA 12708, fol. 54r.


56 “(…) maer zoe was negen maenden over gehouden ter cause om datse zeyde bevrucht was (…)” Anonymous, Het boeck van al ’t gene dater geschiedt is binnen Brughe, 57.

57 “Item betaelt (…) IIII docteurs van Luevne omme van hemlieden consultacie thebbene upde materie angaende zekere vrouwe personen hier ghevanghen van cryme (…)” Bruges, CAB, Series 216 (City Accounts), 1483-1484, fol. 153v.

58 “Item betaelt (…) eenighge practisienen vander camere vande rade te Ghent voor de consultacie (…) of men de vrouwe personen hier ghevanghen van cryme justicieren zoude of niet.” Bruges, CAB, Series 216, 1483-1484, fol. 155r.
Margriet must have appeared pregnant, because she was incarcerated for four months, albeit in the local madhouse. On August 18, 1483 however, not coincidentally nine months after the burning of her companions, Margriet suffered the same fate. In 1468-1469, Bruges’ hangman again burned several women at the stake simultaneously. A century before, in 1374, the bailiff of Ghent already immolated five women at the same time; dramatic events likely to have caused quite a stir among the urban community. The fourteenth-century account does not indicate why these women were executed, yet the method of their demise makes it likely that they were in fact sodomites.

These group executions are highly intriguing, and as a matter of fact, only seven trials concerned individuals. One of them was Jozyne Quetieborne who had committed “le pechié de zodomy” while she was imprisoned in Bruges’ jail for an unrelated crime during 1541-1542. Since no cellmates were involved in her trial, Jozyne might very well have been punished for masturbating, the least serious kind of sodomy according to contemporary legal experts. In all other cases though, several women were penalized...

59 “Item betaelt (…) Philips Perrin groot bewarer vanden dullen ende vondelinghen vor zijn kosten vor zijn kosten, moyte ende arbeyt van dat hy te zinen huuse ende in zinnen cost ghehouden ende bewaert heeft eene Maergriete vander Beke die daer naer bijer wet an deser stede ghejusticiert es gheweest (…)” Bruges, CAB, Series 216 (City Accounts), 1483-1484, fol. 174r.

60 The bailiff account mentions a Margriet, widow of Kaerels Swulfs (“Magriete Kaerels Swulfs weduwe”), while the anonymous chronicler writes about the daughter of a dyer called Loy van der Beke (“de dochter van eenen verwer ende heet Loy van der Beke”). The city accounts then again mention a certain Maergriete vander Beke. Since all three sources confirm that the woman in question got burned and both the bailiff account and the chronicle mention sodomy, it seems logical that Loy’s daughter and Kaerel’s widow are one and the same person. This implies that her husband had either died fairly recently or that she claimed to be pregnant outside wedlock in order for her claim to be credible.

61 “(…) Item, broeder Lauwereins ten Jacoppinen by ordonnancie van den camere ouer de visentacie die hy dede an diverssche vruawen die ghejusticiert waren metten brande (…)” Louis Gilliodts-Van Severen, Inventaire des archives de la Ville de Bruges. Section 1: Inventaire des chartes (Bruges: Gailliard, 1876), vol. 6, 111. Since this account mentions neither the exact crime nor the number of women accused, these women are ommitted from the analysis.

62 Lijsbette Pijlysers, Amele sMuelneeren, Kalle sLathouwers, Marie van Gheeraerdsberghe and Meerin van der Haghe, all originating from Vrasene, a small village two days removed from Ghent. Nicholas and Prevenier, eds. Gentse stads-en baljuwsrekeningen, 346.

63 Another chronicle mentions how three women ‘of loose morals’ from Ghent were put in the pillory for public display on November 24, 1459 for crimes against the Christian faith, a word choice that seems to imply sodomy. Since the crime was not mentioned in the source and no legal sources confirming the story were found, these women were omitted from the analysis. Ghent, SAG, Fonds Gent, no. 158 (Dagboek van Gent van 1447 tot 1470), fol. 196r. For more information on this chronicle, see: Tineke van Gassen, “Het documentaire geheugen van een middeleeuwse grootstad: ontwikkeling en betekenis van de Gentse archieven: te vindene tghuent dat men gheerne ghevonden hadde” (PhD dissertation, Ghent University, 2017), esp. 309-54.

64 “A maistre Hans Chyret maistre du hault oeuvre a Bruges pour avoir mis a torture un Jozyne Quesieborne, accusee davoir sur la prison de Bruges illecq estant prisonnier commis le pechié de zodomy (…)” Brussels, NAB, CA 13715, non-foliated.

65 Stengers and Van Neck, Masturbation, 25; Laqueur, Solitary Sex, 140. In certain regions, the standard procedure was to lock up sodomites separately, precisely to avoid that sodomy was committed again inside the prison walls. See: Mott, “Justitia et Misericórdia,” 72;
together. Nevertheless, the sources contain too little information on the nature of the relationships between these women to speculate about the potential existence of a pre-modern lesbian subculture in the early modern Low Countries.

Rather than revealing details regarding the individual agency of these women, the sources offer valuable insights into the perception of female sodomy, and the willingness of the urban authorities to persecute this offence in particular. Not only were the women in question explicitly labeled sodomites, they also received the same harsh punishments as their male equivalents. Moreover, a surprisingly high number of women were brought to trial for sodomy. This was partly a consequence of the broad understanding of female sodomy prevalent in the early modern Southern Netherlands, as is clearly demonstrated by the trial against Kathelyne Dominicle held in Brussels during 1555-1556. Kathelyne was ‘a poor laundress living in a small room with the Alexian Brothers’ who was accused of ‘having committed buggerry with her dog’; a crime for which both she and her pet ended up at the stake. As a result of the phallocentric vision of sexuality in Western Christian tradition, bestiality was usually considered a crime committed exclusively by men, since only men were able to violate the divine order by actively penetrating an animal. Therefore, early modern courts rarely tried women for bestiality. Yet it seems that in the Southern Netherlands, women were indeed considered capable of having sexual intercourse with animals, and as a consequence could be prosecuted for bestiality.

Literary sources across the Low Countries confirm this broad conception of sodomy. In his fifteenth-century book Der Minnen Loep, Dirc Potter elaborates on the

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66 "Van Kathelyne Dominicle de welcke met eenen hueren hont buggerie hadde ghecommitteert gelyck zy bekende ende oock by informatie precederende was gebleken, der selver daeromme metten honde op slotssenberch metten viere geexecuteert (...)” Brussels, NAB, CA 12709, fol. 27v; Vanhemelryck, De criminaliteit in de ammanie van Brussel, 162.


69 The aforementioned Bruges’ printer Colard Mansion included an explicit account of the myth of Iphis and Ianthe in his 1484 Ovid’s Métamorphose. Because Iphis’ father was desperate for a male heir, he pledged Iphis’ mother that if her newborn child turned out to be a girl, he would have her slaughtered. To protect her daughter, Iphis’ mother raised her as a boy. Several years later, Iphis was to be engaged with the girl Ianthe, and they fell in love. Prior to their wedding, Iphis was transformed into a man by the goddess Isis. Before this transformation, however, Iphis extensively lamented the incomprehensibility of her unnatural desires for a woman. In many versions of the story, Iphis’ metamorphosis was Christianized and described as a spiritual transformation of the soul. Other versions, however, claimed that Iphis used an artificial instrument to penetrate Ianthe. According to Robert Mills, Mansion presented both interpretations “as competing alternatives, rather than assigning one interpretation priority over the other”. Mansion concluded his anecdote about Iphis’ dildo by praying that no one henceforth would have “envie” of “ceste euvre” because it is “trop est vilaine et vituperable et vers Dieu et le monde”. The fact that Mansion incorporates the sexual possibilities
myth of Pashiphaë who fell in love with a white bull sent by Poseidon. According to this myth, Pasiphaë had a wooden cow made for her in which she could hide in order to mate with her animal lover. The offspring of this unnatural liaison was the monstrous Minotaur. Unnatural offspring also appears in a series of rather graphic stories compiled by an anonymous seventeenth-century jurist from Arras. In one of these stories, a beautiful virgin was abducted by a bear who had fallen in love with her. Eventually, the bear was killed by hunters, yet the girl gave birth to a son who combined a human appearance with the ferocity of a bear. Ultimately, the son revenged his father and became king. A similar story tells how a Portuguese woman was punished for her crimes by being banned to the exotic ‘Serpent’s Island’, where she encountered a giant monkey who abducted her. This unnatural couple raised two children. One day however, a Portuguese ship sailed past the island upon which the woman decided to elope. Although an army of monkeys tried to thwart her escape, she managed to reach the ship. When her ape lover saw this, he flew into an anger and killed their children. Back in Portugal, the woman was initially condemned to the stake for her unnatural crimes, yet thanks to the intervention of a compassionate cardinal, she was allowed to enter a convent to do penance for her sins. It is impossible to know whether or not the aldermen in Brussels, who had to decide on the fate of Kathelyne Dominicle and her dog, were aware of these tales but clearly, they did consider sexual encounters between a woman and an animal to be a realistic possibility. The unusual case of Kathelyne Dominicle thus once again

between women in his text, again points out the encompassing views on female sodomy in the Southern Netherlands. See: Mills, Seeing Sodomy in the Middle Ages, 114.

70 “(...) Pasypeus, dese creature/ was van menscheliker natuer/ so onghetempert ende blindt/ dat sy enen stier heeft ghesint/ daer sy hoer gheneuchte mede dreef/ (...) so onnatuerlic was dat wijff/ dat si hoer menschelike lijff/ voechde tot eens bestes vrede (...)” The Hague, Royal Library, MS. 128 E6, fol. 172v-73r. On early modern adaptations of the story, see: Carolyn Williams, “Bestiality in Eighteenth-Century English Literature: ‘The Dev’l himself is in that Mare’,” British Journal for Eighteenth-Century Studies 20 (2006): 279.

71 “(...) Or nature laquelle fait aucunes fois des choses merveilleuses & contre l’ordre naturel, amassa tellement la semence de ceste beste, & la lia en forte, que se sentant enceinte, comme l’on s’attendoit qu’elle deust enfanter quel que notable monstre, elle enfahta un fils, lequel tenuoit aucune chose de son pere, éxcepté, qu’il estoit un peu plus velu par tout le corps (...)” Lille, Médiathèque Municipale Jean Lévy, MS. 380 (“Matières criminelles”), 279-80. The story dates back to early medieval English sources, see : Carl-Martin Edsman, “The Story of the Bear Wife in Nordic Tradition,” Ethnos 21, nos. 1-2 (1956): 36-56. The story was also included in the famous ‘Garden of peculiar flowers’ (1570) by the Spanish writer Antonio de Torquemada. This book contained numerous monstrous and supernatural tales and was translated to Italian and French a few years after its original publication, making it most likely that the jurist from Arras got his inspiration from this book. Antonio de Torquemada, Histoires en forme de dialogues sérieux, de trois philosophes contenant plusieurs doctes discours en diverses sciences, aussi admirables que mémorables, qui n’ont encore esté mises en lumière, le tout réduit en siue journées (Rouen : Jean Roger, 1625), 113-16.

72 “(...) La femme fut prinse incontinent, & ayant confessé le tout, elle fut condamnée a estre bruslée, attendu qu’elle auoit enfrint sa sentence de bannissement, & qu’en outre elle auoit commis un acte tant &norme avec le Singe (...)” Lille, Médiathèque Municipale Jean Lévy, MS. 380, 281-3. See also: de Torquemada, Histoires en forme de dialogues sérieux, 116-20.
illustrates that the Southern Netherlands were among Europe’s core regions for the repression of female sodomy.\textsuperscript{73}

This exceptional state of affairs is further underlined by the fact that even women who, at first glance, had not committed any crimes against nature, but had crossed sexual boundaries in other ways were also perceived as sodomites sometimes. For instance, on April 14, 1550, Lysken Jans and Johanne Silversmeets were publicly beaten with rods in front of Brussels’ city hall for having ‘carnal conversation with Turks lodged before the Béguinage’.\textsuperscript{74} Although no same-sex acts were involved in this particular case, Lysken and Johanne were still punished for sodomy.\textsuperscript{75} In his manual on criminal law, sixteenth-century jurist Joos de Damhouder, explained why having sex with Turks, Saracens and Jews was considered sodomy and therefore forbidden. Although de Damhouder acknowledged that, intrinsically, this type of sexual intercourse differed significantly from what was usually regarded as sodomy, he advised punishing these ‘wrongdoers’ as sodomites too since Turks, Saracens and Jews were considered ‘animals because of the persistent anger they showed in disputing the Christian faith’.\textsuperscript{76}

As the case of Lysken and Johanne shows, it appears that society in the Southern Low Countries saw any transgression of traditional sexual boundaries as a serious threat. Moreover, at least five women were accused of cross-dressing during the fifteenth and sixteenth centuries;\textsuperscript{77} although, in only one of these cases actual accusations of sodomy

\begin{flushright}
\begin{itemize}
\item \textsuperscript{73} Yet Henri Estienne, a sixteenth-century scholar, mentions an remarkably similar case in Toulouse: “Toutefois, il est aduenu une chose de nostre temps, qui fer d’un exemple beacoup plus estrange que tous autres qu’on pourrait alleguer: c’est d’une femme qui fut brulee à Thoulouze (comme on m’a asseuré), il y a environ vingt-sept ans, pour s’estre prostituee à un chien, lequel aussi fut brulé avec elle.” Estienne, Apologie pour Hérodot, vol. 1, 162.
\item \textsuperscript{74} “Item xiii Aprilis van Lysken Jans meensten ende Johanne Silversmeets upde cleyn poye voer stadhuus te stellene midts dat zy metten turcken die voer tbegynhoff logeerden carnæle conversatie gehouden hadden vande selve met roeden te geeseselen (...)” Brussels, NAB, CA 12708, fol. 389v; Vanhemelryck, De criminaliteit in de annanie van Brussel, 162.
\item \textsuperscript{75} See also the Austrian case of Magdalena Gallin, who was accused of sodomy for having sexual intercourse with the Jewish Isaak Löbl in 1780. Magdalena had to serve a sentence in the local house of correction, while Isaak was sentenced to forced labour. Hehenberger, Unkeusch wider die Natur, 83-102. On interracial relationships in early modern literature, see: Miranda Kaufmann, “Making the Beast with two Backs” – Interracial Relationships in Early Modern England, Literature Compass 12, no. 1 (2015): 22-37.
\item \textsuperscript{76} “(…) te wetene de ghuene die te doene hebben met Turcken, Saracinen of Jueden want alle dese de rechter ende onsen kersten ghelove die niet anders en houden dan voor beesten, niet by nature of by usancie van redene, maer om huerlieder hardnecke quaethet byde welcke zij het kersten ghelooove (zonder twelcke nyemant salicheit belooft en wert) opelick bestryden ende es den kerstenen verboden met hemlieden te wuene ene conversere nee zo veel meer by hemlieden te sleape ende vleeschelick te converseren.” de Damhouder, Practycke ende handbouck in criminele zaeken, 169. This idea already appeared in the writings of the fourteenth-century French jurist Jean Le Coq, who was quoted on the subject up until the eighteenth century. Jean le Coq, Quaestiones Johannis Galli, ed. Marguerie Boulet (Paris: Boccard, 1945), 482.
\item \textsuperscript{77} For a general overview, see: Rudolf Dekker and Lotte van de Pol, The Tradition of Female Transvestism in Early Modern Europe (London: Macmillan, 1989). On two cases of female cross-dressing in Bruges, see: Bruges, CAG,
were made. In 1422, Jehanne Seraes confessed to the bailiff of Ghent that she had committed “le detestable fait de boggerie avoir alé habitué en habit dhomme,” for which she was “condempné de ardoir.”

In the three other cases the sources do not mention anything about same-sex acts, and so the women involved are not included in our set of convicted female sodomites. Indeed, a connection between female sodomy and cross-dressing cannot always be clearly made. While Rudolf Dekker and Lotte Van de Pol have demonstrated that early modern women who were accused of cross-dressing had economical rather than sexual motives for their actions in most cases, Judith Bennett and Shannon McSheffrey recently stressed that male dress held erotic potential for early modern women. Regardless, there is no doubt that urban authorities in the Southern Netherlands were particularly concerned with women who actively undermined traditional hierarchies between men and women.

This would explain why women who ‘consciously’ chose to engage in ‘unnatural’ sexual acts were condemned as sodomites, whereas women sodomized by their own husbands were let off by the authorities. The court records examined mention two cases in which men were punished for having anal intercourse with their wife. One involved an anonymous man from Nieuwpoort, a small town on the Flemish coast, who was banished in 1525. The other concerned Dominicus Potsel from Bonn, who was burned by the bailiff of Louvain in 1532. After being imprisoned for a week and tortured twice, Dominicus confessed that he ‘had committed buggery with several persons, including his own spouse’. Thanks to the testimonies of their husbands, we know for a fact that their wives were accomplices to the crime of sodomy, yet remarkably no indication was found in the sources that they were punished or even questioned. This is all the more remarkable given the fact that jurist Filips Wielant recommends that when a married

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78 To my knowledge, the trial against Jehanne is the earliest conviction of female transvestism in the Southern Netherlands. In any case, Jehanne’s example is considerably older than the known cases from neighboring countries.


81 For an Austrian example of a ‘heterosexual’ sodomy trial, see: Hehenberger, Unkeusch wider die Natur, 81-82. In Venice however, the patterns of persecution suggest that ‘heterosexual sodomy’ was considered more as a form of birth control than an unnatural sexual activity. Ruggiero, The Boundaries, 118-121.

82 Brussels, NAB, CA, 14286, non-foliated; Cynthia Van der Meeren, “De criminaliteit te Nieuwpoort van 1400 tot 1594,” Unpublished MA Thesis (KULeuven, 1997), 121

83 “Van Domincusse Potsel geboren van Bon die hem verleden heeft in zyn examen van bouggheryen gedaen te hebben met diverse persoonen ende oock met zynen eyghenen huysvrouw waer omme hy metten brande geexecuteert es geweest ende by hem gheen goet bevonden.” Brussels, NAB, CA, 12662, non-foliated.
couple commits a crime, wives should be tortured first during an interrogation, while their husbands should be forced to attend the questioning.\footnote{\textit{"Ende esser een vader ende een zone, hy beghint an den zone in de presencie van den vadere, want natuerlic den vadere vreest meer voir den zone dan voir hemselfen. Ende esser man ende wyf, hy beghint an twyf als an de crancxste (...)}" Wielant, \textit{Corte instructie in materie criminele}, cap. 26.}

The rather benevolent treatment of the two married women forms an intriguing contrast with the rigid attitude of urban authorities towards unwed female deviants. It is not known if these married women testified against their husbands in order to receive a reduced sentence, but the fact that they got away unpunished remains striking nevertheless. Although sodomy was a comprehensive crime that was condemned in early modern society as a violation of natural law regardless of the circumstances, distinctions were made depending upon the context in which it occurred. Women who sinned against nature within the moral sanctity of marriage could count on far more goodwill from the authorities than women who transgressed against the existing gender hierarchy outside of this traditional framework.\footnote{However, over a century later- in 1683- Jan Vinck from Antwerp was indicted for having ‘abused against nature’ ("abominabelijck ende jegens nature sodomitise te misbruijcken") Barbara van Burck and Marie vande Sijl. Because of flawed evidence, Vinck was merely imprisoned. Four years later, he was released on behalf of Francisco Antonio de Agurto, governor of the Southern Netherlands. Since both women were not mentioned in the sources, we must assume they were considered innocent. Antwerp, Felixarchief, V158 (Vierschaarboek 1671-1684), fo. 150-151; VS 159 (Vierschaarboek 1684-1698), non-foliated.}

Some scholars have pointed out that in the late medieval period, it was often the case that when a married couple committed an offense, only the husband was punished since he was legally responsible for his wife.\footnote{Ruth Mazo Karras, \textit{Common Women: Prostitution and Sexuality in Medieval England} (Oxford: Oxford University Press 1996), 519.} According to Joan Cadden, women were thus easily overlooked in court.\footnote{Cadden, \textit{Meanings of Sex Difference}, 224.} Yet this only seems applicable to wives who were sodomized by their husbands, and not to women who engaged in same-sex acts. Four of the executed female sodomites in the early modern Southern Netherlands are known to have been married; all of them ended up at the stake while their consorts were not blamed for the misdeeds of their wives at all and were left unpunished.

\section*{7.4 Female visibility as an explanation?}

In order to explain why female sodomy was penalized more frequently in the early modern Southern Netherlands than in other parts of Europe, it is important to verify whether the legal framework acknowledged the possibility of female same-sex desire. As mentioned before, female homoeroticism was practically ignored by most lawmakers in early modern Europe, and indeed the prosecution of female sodomy had no legal basis whatsoever in the Southern Netherlands. At least, not until the \textit{Constitutio Criminalis}
Carolina—which did actually mention female sodomites—was promulgated in 1532. This imperial penal code aimed to unify criminal law throughout the Holy Roman Empire, yet because most urban centers in the Southern Netherlands went on using their own legislation, the Carolina had no major impact on the persecution of female sodomites in the region, where no specific laws or civic ordinances regarding the matter existed.

Nor did sodomite women appear in the writings of some of the most influential contemporary legal experts. Fifteenth-century jurist Willem van der Tanerijen from Brabant cryptically described sodomy as ‘the sin against nature [...] and things other than those that a man ought to do with his wife’, phrasing that automatically negated the fact that women could have mutual sexual relationships as well. Others, like Filips Wielant, who lived and worked at the end of the fifteenth century, followed suit. Wielant’s magnum opus, Corte instructie in materie criminele only refers to sodomites in the masculine form: ‘The sin of nature consists of three types: with men, with animals and with himself’. When recommending appropriate punishments for sodomy, Wielant claimed: ‘If it is done with people, albeit with his own wife, with women of easy virtue, with men or with children, those people shall be punished with fire’. Joos de Damhouder, a sixteenth-century jurist from Bruges, who was strongly influenced by the work of Wielant, followed his role model’s wording and also neglected to mention female homoeroticism in his jurists’ manual, Practijcke ende handbouck in criminele zaeken. The first edition of this handbook appeared in 1551, which means that the Carolina was already in force for nearly twenty years, albeit with little practical effect. All of these authors evidently assumed that sodomy was a crime that could be committed by men only, which is surprising, given the fact they lived and worked in a region with what was probably the highest rate of female sodomy trials in early modern Europe.

It appears that the threefold division of sodomy (i.e. masturbation, same-sex acts, and bestiality) proposed by Wielant and others, was rigorously applied by civic authorities both to men and women. Nevertheless, the discussed lawmakers provided no stimuli for the persecution of female homoeroticism in particular. Could the harsh treatment of female sodomites be symptomatic of the social position of women in general? While this exceptional repression does look like a logical byproduct of a society that systematically subordinated women, this was far from being the case in the Southern Netherlands. Compared to other areas in early modern Europe, women were well integrated in society. For instance, young girls went to school and received the same

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88 “(...) werc tegen natueren, ende anders dan den manne met zijne wijve natuerlijc behoirt ende betaemt te doen.” van der Tanerijen, Boec van der loopender practijken, 189-190.
89 Wielant, Corte instructie in materie criminele, 222.
90 de Damhouder, Practijcke, 166.
elementary education as boys, at least up until a certain age. As a consequence, women in this region were much more literate than in other parts of pre-modern Europe. Some of them managed to pursue successful careers as writers, like Anna Bijns, a schoolmistress who lived in sixteenth-century Antwerp. Bijns was renowned for her poetry, in which she often advised women to stay single. Other women were active as publishers, some of whom weren’t scared to print religiously heterodox texts. Women were also allowed to join local chambers of rhetoric, although it must be said that their role was mostly limited to devotional activities. Furthermore, in their study on numeracy in the early modern Low Countries, Tine de Moor and Jan Luiten van Zanden conclude that early modern Flemish women “were able to count and reckon just as well as men.”

Women not only had access to the classroom, they could also apply to the courts to act as a witness or to settle legal affairs. Both sons and daughters inherited an equal share from their parents, and matrimonial legislation made it clear that a woman retained some individual belongings apart from the communal property she and her husband brought into the marriage. Furthermore, it was possible for a widow to become

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98 Tine de Moor and Jan Luiten van Zanden, “Every Woman Counts”: A Gender-Analysis of Numeracy in the Low Countries during the Early Modern Period,” *Journal of Interdisciplinary History* 41, no. 2 (2010): 207

99 Although it must be said that this was also often the case in the Northern Netherlands. Nathan van Kleij, “Ende dat jonckwijff heeft geseit': De deelname van vrouwen aan criminele rechtspraak in Gouda, ca. 1450-1530,” *Historica* 39, no. 1 (2016): 3-7.
the head of her household and possess property in her own name. And many women in the Southern Netherlands were economically independent without having inherited from their husbands. Some, for instance, achieved important roles in manufacturing and retailing activities. According to Peter Stabel, the flexibility of the guild-regulated economy in the early modern Southern Netherlands allowed women “to participate, and even to some extent dominate, market exchange”. Such entrepreneurs often had classic female occupations, but in some cases they worked in atypical industries. In Brussels, for example, the guild of painters and goldsmiths accepted female members without restrictions. In Malines, nine women were members of the guild of blacksmiths at the end of the fourteenth century. By 1480, one fourth of the members of the Bruges’ painters guild were women. In fact, the Southern Netherlands knew several internationally renowned female painters, such as Agnes van


den Bossche, Catharina van Hemessen, Susanne Horenbout, Clara Peeters and Michaelina Wautier. Others, like Barbara Smets, worked as cartographer. In Ghent, women often earned a living as moneylenders and innkeepers. Moreover, women’s wages were relatively high and “the increased participation of women in the workforce allowed women more independence and control over their lives”. Although some moralists could not accept this situation and certain towns imposed regulations limiting female access to the market, enterprising women must not have been an uncommon sight within urban communities, as they were depicted by numerous artists in the Southern Netherlands.

Women also enjoyed a lot of freedom in other spheres, as illustrated by the success of beguine communities in the southern Low Countries. The concept of women living communally in such informal religious groups was generally regarded with suspicion because beguines had no male supervision. Yet in the Southern Netherlands, the beguine movement flourished, with over twenty communities across the region. Likewise, women were allowed to enter confraternities, where they were “active agents

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110 Elizabeth Honig, Painting and the Market in Early Modern Antwerp (Yale: Yale University Press, 1998), 91. This was particularly the case in the works by the Antwerp painter Joachim Beuckelaer (c. 1533-c. 1574) who painted numerous ‘market and kitchen scenes’ in which independent women feature prominently (fig. 16). Jan Muylle, Joachim Beuckelaer: het markt- en keukenstuk in de Nederlanden 1550-1650 (Ghent: Gemeentekrediet van België, 1986).

111 Merry Wiesner-Hanks, Women and Gender in Early Modern Europe (Cambridge: Cambridge University Press 2008), 211.

in their own spiritual lives”. At court, noblewomen were not restricted to the private realm, but were easily visible; the joyous entry of a Burgundian duchess was celebrated in the same way as that of a duke. Some women even played an active role in international politics, while others participated in urban political conflicts. In other words, women were well integrated at virtually all levels of society. This was even noticed with much surprise by foreign visitors like Ludovico Guicciardini (1521-1589), a Florentine merchant who lived in Antwerp. In his Description of the Low Countries Guicciardini extensively wrote about the liberties women enjoyed in the region. Even the travel account of canon Antonio de Beatis from 1517 - a treasure trove for art historians- remarks the equal position between men and women in the Southern Netherlands. Although “women’s roles in the society of the southern Low countries appear to have entered in a period of constriction in the fifteenth and sixteenth centuries, women never lost their essential capacity to move about and work in public spaces”.

The ubiquitousness role of women was partly the result of prevalent marriage patterns. Whereas women in Mediterranean societies got married at a young age, women in the Southern Low Countries usually waited until their early twenties to take a

114 Peter Arnade, Realms of Ritual, 24.
117 “(...) car elles commencent dés leur enfance, selon la coutume du pays, à converser librement avec un chacun (...) allans bien souuent seuls à leurs affaires, non seulement par la ville, mais aussi souuent seuls par le pays d’une ville à aultre, avec bien petite compaignie, & sans aucun basme. Elles sont certes fort sobres & moult actiues: traictans non seulement des choses familières, desquelles bien peu se meslent les hommes, mais se meslent aussi d’acheter, é vendre marchandises, & biens, & de mettre main & bouche à tout aultre affaire viril (...) Ludovico Guicciardini, Description de tout le Païs-Bas, autrement dict la Germanie inferieure, ou Basse Allemagne (Antwerp: Guillaume Silvius, 1567), 38. This influential account was republished 33 times during the sixteenth century and was translated into German, French, Dutch, English, Spanish and Latin.
118 “Die Wirtschaften gelten als die besten, und die Frauen sind so tüchig, dass sie anordnen, Rechnung führen und alles machen; auch (...) in der öffentlichen Ausübung aller Gewerbe sind Männer wie Frauen in gleicher Weise tätig.” Antonio de Beatis, Die Reise des Kardinals Luigi d’Aragona durch Deutschland, die Niederlande, Frankreich und Oberitalien, 1517-1518, beschrieben von Antonio de Beatis, ed. Ludwig Pastor (Freiburg im Breisgau: Herder, 1905), 73.
husband. This interlude between childhood and marital life strongly encouraged the economic independence of women in urban society. Yet marriage patterns that resulted in late marriages and a large proportion of singles also created favorable conditions in which (male) sodomy could thrive, as Michael Rocke showed in his study on fifteenth-century Florence. In a similar fashion, the late marriage age of women in the Netherlands could have provided a window of opportunity for those who wanted to experience female homoeroticism or it may have forced others into having same-sex activities because of limited sexual access to men. In fact, only four of the 25 accused women were definitely married at some point. Six female sodomites were described in the sources as someone’s -underage- daughter, making it unlikely that they were already wed, while the remaining women appeared in the records unaccompanied by a man, and so presumably the majority of them were single.

This of course does not imply that female sodomy was accepted in the Southern Netherlands as some kind of rite the passage. The relative independence of women in the Southern Low Countries had its limits, especially when it came to sexual behavior, which was a central aspect of female identity. Early modern women were vulnerable to accusations of dishonorable sexual conduct. For instance, raped women had to prove that they were assaulted against their will, adulterous women were punished more severely than men, and ‘whore’ was a common cant among slanderers. Women in the Southern Netherlands thus had to pay a price for their considerable freedom of

121 de Moor, Luiten van Zanden, “Girl Power,” 1-33. However, economic factors also had adverse side effects in the form of the abduction of women, see: Chanelle Delameillieure. “Partly with and Partly against Her Will”: Female Consent, Elopement, and Abduction in Late Medieval Brabant,” Journal of Family History 42, no. 4 (2017): 351-68.
122 Rocke, Forbidden Friendships, esp. 119-122.
123 A certain Magriete is mentioned as a widow and Marie Valmerbeke had a daughter so it is likely that she was married or that she was a widow.
124 On the other hand, trial documents in the Southern Netherlands often do not include details about the domestic situation of women. Kittell, “Reconciliation,” 5.
movement, and were encouraged to conform to the ideal of the honorable woman and to restrain from any sexual irregularity whatsoever.

The strong repression of female deviant sexuality in the Southern Netherlands could therefore paradoxically be the result of the relatively high level of liberty and visibility women enjoyed in urban communities. The deviant sexual activities of women confined to the private sphere were hardly ever discovered and consequently rarely punished, whereas female same-sex acts were more likely to come to light in urban communities that allowed women to fully participate in all aspects of daily life. In his discussion of homosociability in Renaissance Nuremberg, Puff states that: “viewed from the outside, female spaces spawned erotic suspicions”. In the Southern Netherlands however, women were not restricted to a potentially suspicious secluded female environment, which made deviant sexual activities among them more visible to the neighborhood and the authorities. Of course, the Southern Netherlands were not the only region in early modern Europe that offered women certain liberties. Many girls went to school in Italian city-states as well, and female entrepreneurs can also be found among German and Italian towns. The Southern Low Countries had no monopoly on female governesses or beguinages, nor were they the only region with late marriages for women. And yet, it is difficult to find a region in early modern Europe that allowed women to play a public role in so many different domains.

However, female involvement in public life and the economy gradually decreased over the course of the early modern period. According to Lyndal Roper, the Reformation marked a transition towards “a newly resurgent patriarchalism in society”, which was paralleled in most seventeenth-century Catholic areas. Over time, it became more difficult for women to maintain the legal privileges that granted them property rights or the ability to conduct business. Even the image of female sanctity evolved during this

128 According to Manon van der Heijden, the “combination of vulnerability and independence” accounted for the high female crime rates in the early modern Northern Netherlands: Manon van der Heijden, Women and Crime in Early Modern Holland (Leiden: Brill, 2016), 23.
135 Martha Howell, Women, Production, and Patriarchy in Late Medieval Cities (Chicago: University of Chicago Press, 1986), 177. On the other hand, recent research indicates that the trade capacity of Antwerp women did not diminish during the seventeenth century. Ben Suykens and Lise Van Hout, “Vrouwen voor het gerecht. Over de
period. Medieval female saints were powerful women who offered spiritual guidance, whereas their seventeenth-century colleagues were preferably ensconced within the walls of their convent.\textsuperscript{136} Even as we observe greater emphasis on the confinement of women to the private sphere, we see a downturn in the number of female sodomy persecutions in the Southern Netherlands. During the seventeenth century for example, only two female sodomites, Mayken and Magdaleene, were banished, which is a marked contrast with the previous centuries.\textsuperscript{137} This evolution is of course part of the overall decline in sodomy trials in the region at the time. Yet as we will see in chapter ten, in the only recorded seventeenth-century trial against female sodomites, both the witnesses and the aldermen of Bruges were deeply puzzled by the same-sex acts committed by the two women involved; a situation that sharply contrasts with the well-defined understanding of female sodomy in the previous centuries. Meanwhile, the Northern Netherlands took the lead in prosecuting female homoeroticism during the 17th and 18th centuries.\textsuperscript{138} This peak in prosecutions occurred at a moment when shipping played a major role in the Dutch economy and male mariners were often absent for long periods.\textsuperscript{139} Port cities like Amsterdam were characterized by a so-called ‘female surplus’, and the freedom and opportunities of women in the Republic increased substantially.\textsuperscript{140} Clearly, the greater the visibility of women in society, the greater the risk of discovery and punishment for women attracted to their own sex.


\textsuperscript{137} The bailiff accounts of the studied cities mention no other examples of female sodomites during the seventeenth century. The case of Mayken and Magdaleene will be extensively dealt with in chapter ten of this dissertation.

\textsuperscript{138} Noordam, Riskante relaties, 58-60; van der Meer, “Tribades,” 424-445.


7.5 Conclusion

Because of the male perspective of theologians, authors and lawmakers, same-sex relations between men show up far more often in pre-modern sources than those involving women. Contemporary commentators could not imagine sex without penetration, and therefore the notion of two women having sex was essentially ignored in religious, medical and legal writings. As a result, trials involving female-female sex were extremely rare during the early modern period. In the Southern Netherlands however, nearly one out of ten people accused of sodomy was a woman. A systematic analysis of bailiff accounts of the cities of Bruges (and the Liberty of Bruges), Ghent, Ypres, Antwerp, Brussels, Louvain and Malines revealed that out of 326 individuals tried for sodomy between ca. 1400 and ca. 1550, 25 were women, which means that women represent no less than 7.66 percent of the people accused of sodomy in the Southern Netherlands. This level of female same-sex persecution is truly exceptional when compared to the rest of Europe, from which there is only scattered evidence of female sodomy trials.

Moreover, those responsible for this repression were not afraid to call a spade a spade where female sodomy was concerned. Judges in other European regions urged secrecy and tried to conceal the true crime of the female offenders as much as possible, whereas urban authorities in the Southern Netherlands explicitly labeled female-female sexual activities sodomy. The aldermen in this region also had a different and straightforward approach when it came to the actual sentencing of female sodomites. Examples elsewhere show that this crime was usually punished by drowning, since female sodomy was classed as a lesser sin. In the Southern Low Countries on the other hand, sodomite women were sentenced to the stake in most cases, just like their male counterparts. The public nature of this punishment also indicates that the urban authorities in the Southern Netherlands did not try to hide the misdeeds of the convicted women, as was common at the time.

Apparently, authorities in the Southern Netherlands also had a broad understanding of female sodomy, since they considered women caught cross-dressing, masturbating, committing bestiality or having sex with heretics to be sodomites too. What these women had in common, is the fact that they crossed the existing sexual boundaries and, as a consequence, were severely penalized. Women who passively submitted to the crime however, could count on a reduced sentence. This was especially true for married women sodomized by their husbands, who were left completely unpunished.

This unequal treatment obviously illustrates that the primary concern of early modern judges in the region was not to implement a harsh prosecution policy against deviant women at all costs, but rather to secure social and sexual hierarchies within the
urban community, to preserve traditional gender roles, and to protect the purity of the urban community. Women were supposed to behave in a particular manner. And although women in the Southern Netherlands enjoyed a relatively privileged position in society, even they were not allowed to violate the divine order and commit sins against nature. Indeed, perhaps it was precisely because of this high level of socio-economic independence and visibility, that female same-sex acts were more likely to come to the attention of the authorities.
PART III URBAN DISCOURSES

“Waar veel wordt gevreeën gaan de nieuwtjes snel van mond tot mond, dus zeker in Sodom”

*Dimitri Verhulst* 'Bloedboek' (2015)
Figure 17. Albrecht Dürer, The men's bath (das Männerbad) (1496-1497). Amsterdam, Rijksmuseum
Chapter 8  Gossip, defamation, and sodomy

8.1 Introduction

One early morning in 1494, Corneille Vander Poorten sent a shockwave through the city of Bruges. Under the cover of darkness, he posted an anonymous pamphlet on the doors of Bruges’ stock exchange in which he accused the entire city of rampant sodomy. Corneille was a jack of all trades, master of none. Although a native of Brussels, Corneille had moved to Rome, where he worked as a cook for over a decade. Upon his return to the Netherlands, he found a new employer in Antwerp; yet shortly afterwards, Corneille was fired for thieving. He left Antwerp and decided to try his luck in Bruges, serving in the household of Corneille Pieters. Barely six weeks later, however, Corneille abandoned Pieters because he only gave him ‘crap’ to drink. His new master, Rolland de Vos, then dismissed him after two months without salary. Luckily, Corneille found a new job in the tavern of Jehan Camelle. Yet only a few days later he was accused of theft and imprisoned. Due to his time in jail and the fact that his former employers had apparently spread the word that Corneille was a dishonest man, he failed to find another job. At that point, it seems that Corneille decided to revenge himself upon the inhospitable citizens of Bruges. In three handwritten letters, attached to the entrance of the commercial heart of the city, he accused several public officers and notables along with “le commun peuple de ladite ville de Bruges” of the “villain pechié et criesme de zodomye”.

Corneille’s defaming message caused a “grand perturbacion”. Corneille not only insulted his former employers, he also implicated all citizens in his written indictment by claiming that sodomy predominated in Bruges, both clandestinely and openly. Naturally, the civic authorities were furious, but Corneille had anticipated their anger by fleeing for Tournai, a French enclave nearby the County of Flanders. The aldermen of Bruges notified their French colleagues, however, and Corneille was arrested. When it turned out that Corneille’s handwriting matched the original libels, he was thoroughly interrogated. Corneille confessed to several thefts and explicitly withdrew his accusations against the

1 A shortened version of this chapter was previously published as : Jonas Roelens, “Gossip, Defamation and Sodomy in the Early Modern Southern Netherlands,” Renaissance Studies 32, no. 2 (2018): 236-52.

2 Bruges, CAB, Series 192 no. 1, fol. 10r; Boone, “State Power and Illicit Sexuality,” 137-38.
citizens of Bruges. Interestingly, Corneille suddenly confessed that he himself had committed ‘buggery’. While he was a teenager, he had engaged in sexual intercourse with a calf, and during his time in Rome he had had sex with several men. Consequently, the writer of the “diffamatoires libelles et lettres sédicieuses” was sentenced to death by beheading. As Corneille mounted the scaffold on the Grand Place of Tournai, he recanted, a fact noted at length in the criminal records of the city of Bruges, which even had sent a delegation to attend the execution. In this intriguing case, the authorities had acted decisively, doing their utmost to put a stop to a rumor about deviant sexuality. At the same time, however, city councils often heavily depended upon similar forms of urban communication to discover actual instances of sodomy; a crime so horrible, it should not be mentioned among Christians.

In spite of this imposed silence, this chapter argues that the unspeakable sin was a popular subject among slanderers. As the case of Vander Poorten shows, people often went to great lengths to defame fellow city dwellers as sexual deviants. Consequently, denunciation was a common way of identifying sodomites, and the authorities were often forced to take action because of local gossip. By analyzing the different ways in which rumors about sodomy were disseminated in early modern urban society, this chapter aims to nuance the idea that the political elites were the main engine behind the persecution of sodomites and reveals the important role urban gossip and sexual slander played in early modern sodomy trials. As will be demonstrated, the trial records analysed cannot always be taken at face-value, although this makes them no less valuable as a source for studying social history, since they offer us the opportunity to analyze the discourses and strategies that repeatedly appear in early sodomy trials.

This chapter scrutinizes several related oral practices such as rumor, gossip and slander, although historiography has drawn considerable attention to the distinctions between these forms of communication. Gossip is generally considered a confidential form of communication between specific individuals, whereas rumors had a wider impact

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1 Bruges, CAB, Series 192 no. 1 fols. 10r-12r.
4 Corneille Vander Poorten’s case is unique in the region, but elsewhere supposed sodomites were occasionally defamed in public notes. In fifteenth-century Cologne, anonymous letters charging the aforementioned councilman Johann Greeffroide of sodomy were distributed publicly. In Florence, the authorities installed so-called tambura boxes affixed in churches and official buildings in which citizens could drop written accusations. Between 1452 and 1502 roughly 4750 people were denounced in this way. In 1476, none other than Leonardo da Vinci was accused of sexual relations with a boy through such a note. Because the anonymous informant never revealed himself, however, the charges were eventually dropped. Hergemöller, Sodom and Gomorrah, 97; Rocke, Forbidden Friendships, 49; Saslow, Ganymede in the Renaissance, 85; Reed, Art and Homosexuality, 46.
because they were aimed at a larger public and were anonymously spread throughout urban society. However, the differences between rumor, slander and gossip are not always easy to distinguish and their functions often overlapped. This was also the case in the Low Countries, where many cities had specific customary laws about deviant speech. Yet these laws did not necessarily make a distinction between anonymous gossip or direct insults. According to the fifteenth-century Brabantine jurist Willem van der Tanerijen for instance, both insult, defamation, gossip and hearsay warranted similar punishment. In the legal records analyzed too, no clear distinction was made between anonymous rumors or identified gossipers. As such, this chapter discusses these phenomena in a similar manner.

8.2 Rumors and gossip in the early modern city

Theoretically, gossiping was strongly condemned by early modern moralists. In Bruges, rhetorician plays were even performed in which the allegorical figure of gossip was strongly condemned. The fifteenth-century Flemish jurist Filips Wielant compared gossip, or ‘injuries by words’ to physical injuries and stated that it should be punished as such. In reality, the streets and squares in any given European city perpetually reverberated with numerous rumors on a variety of subjects. While gossiping was perceived as a typical female phenomenon in the early modern period, research has shown that this social activity was less strictly gendered and that early modern men also knew how to benefit from spreading rumors. Moreover, gossiping proved popular at every level of society. Not just the lower classes used defamations during quarrels, also urban elites and courtiers alike did not hesitate to gossip in order to make a political

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8 van der Tanerijen, Boec der loopender practijken, 129.
This was especially true in the Southern Netherlands, where rumors played a significant role in the numerous urban uprisings that marked the region during the late Middle Ages. Subversive speech had the power to mobilize large groups within society. Consequently, urban governments were especially sensitive to rumors that criticized the functioning of the city administration.

Civic authorities went to great lengths to suppress such rumors, often to no avail. After all, slandering messages were not only dispersed orally as the case of Corneille Vander Poorten illustrates. Particularly in times of popular rebellion, numerous politically charged pamphlets and handwritten libels circulated in the public domain, usually in the proximity of governmental or public buildings of symbolic significance, where they could be read by anyone. These written defamations were highly provocative because of their aggressive tone and the fact that the government’s monopoly on public messages was broken by anonymous perpetrators.

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vigorously attempted to identify these slanderers, including in depth analyses of the handwriting of such written libels.\textsuperscript{20}

Although the civic authorities themselves were happy to know any new titbits and even dispatched messengers to this end,\textsuperscript{21} local citizens who were caught gossiping could be severely punished. In the Southern Netherlands, slanderers were often forced to undergo an \textit{amende honorable}, a public ceremony in which they had to beg for forgiveness barefooted and holding burning candles.\textsuperscript{22} During this pacifying ritual, the slanderer was humiliated while the honor or authority of his victim was restored and, thereby, public peace was assured.\textsuperscript{23} Others were publicly exposed on the scaffold, fined, banned or forced to go on a pilgrimage.\textsuperscript{24} In some cases, the authorities felt that physical punishments were more appropriate, and so slanderers were sometimes mutilated too. In 1555, for instance, the executioner of Valenciennes, then part of the County of Hainaut, used a hot iron rod to pierce the tongue of a man who had been giving insults about “l’exécrable mot de bougrerye”.\textsuperscript{25} Others were even executed, as we have already seen in the case of Vander Poorten, who was decapitated after the Bruges’ aldermen successfully petitioned their colleagues in Tournai for a severe penalty.\textsuperscript{26}


\textsuperscript{26} In Switzerland too, several people were executed because of false sodomy accusations. Laura Stokes, \textit{Demons of Urban Reform. Early European Witch Trials and Criminal Justice, 1430-1530} (New York: Palgrave Macmillan, 2011), 158.
8.3 Gossiping about sodomy

However, the deterrent effect of this strict approach must have been minimal, as many people continued gossiping about their acquaintances, including their deviant sexual habits.\(^ {27} \) This was especially the case when women were concerned, who were more likely to be the victim of sexual defamation, whereas male insults generally focused on financial issues and dishonesty.\(^ {28} \) In some examples, however, slander involved the so-called unmentionable vice, a practice that occurred at all levels of society. Indeed, defaming political opponents as sodomites had become a well-established practice since the fourteenth century.\(^ {29} \) We already saw how king Philip IV of France denounced the Knights Templar as sodomites in 1307 because he could no longer pay his debts to the order.\(^ {30} \) The French king repeated this trick in 1310 when he posthumously charged Pope Boniface VIII with sodomy following a lifetime of conflict.\(^ {31} \) In fourteenth-century England on the other hand, the prince himself was the victim of gossip. The affectionate bond between Edward II (1284-1327) and his favorites Piers Gaveston and Hugh Despenser was the subject of many rumors at court. As a result of these rumors, the king was allegedly murdered by inserting a red-hot poker in his anus.\(^ {32} \) When the Lancastrian King Henry IV usurped the throne of Richard II in 1399, this coup was justified by portraying the deposed king as a tyrant and a sodomite.\(^ {33} \) The English kings were not the only victims of this

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\(^ {30} \) See chapter three, page 138.


political strategy. In the 1350s, the Swedish King Magnus Eriksson was deposed after St. Birgitta of Sweden had accused him of sodomy with his favorite courtier.\(^{34}\) In Castile then, both Juan II and his successor Enrique IV were subject to rumors about their alleged homoerotic desires.\(^{35}\) In later centuries too, sodomy remained omnipresent during political quarrels,\(^{36}\) and early modern kings such as James I of England (1566-1625),\(^{37}\) or William III of England (1650-1702) were repeatedly denounced as sodomites.\(^{38}\) In France, Henry III (1551-1589)\(^{39}\) and Louis XIII (1601-1643),\(^{40}\) would also be libeled as sodomites.\(^{41}\)

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\(^{41}\) Rumors of same-sex desire remained omnipresent throughout the early modern period at the French court. In 1478, two women unfairly accused a servant of Olivier Le-Dain, barber and valet to Louis XI. They did so at the request of political enemies of Le-Dain. Eventually, both women were banned. Jean de Troyes, “Livre de faits advenus au temps du roy Louis XI,” in *Choix de chroniques et mémoires sur l’histoire de France*, vol. 7, ed. Jean Alexandre Buchon (Paris: Auguste Desrez, 1838), 336. On court gossip during later centuries, see: Nicholas
Female ruler Christina of Sweden (1626-1689) would share the same fate. 42

In the Southern Netherlands too, courtiers knew the power of sodomite slurs. It was whispered that Louis II, Count of Flanders (1330-1384), repeatedly ignored the advice of his councilors and was instead greatly influenced by the ‘merry young men’ at his court. Chroniclers mentioned how these youths regularly played music for the Count who favored them with many gifts. 43 Similar concerns were voiced about one of Louis’ fifteenth-century successors. Charles the Bold, Duke of Burgundy (1433-1477), was praised for his bravery on the battlefield, yet his virility was sometimes questioned due to the fact that he fathered only one legitimate daughter. Jurist Filips Wielant explicitly compared Charles’ attitude towards women with that of his predecessor, Philip the Good, who was known to be a ladies’ man and the father of countless illegitimate offspring. 44 According to Wielant, Charles always lodged his wife far away from him, because he did not want his court encumbered with women. 45

Yet while Count Louis’ supposed excessive attention for young men was only vaguely frowned upon, Charles the Bold was bluntly accused of sodomy. His dubious


reputation played directly into the hands of his half-brother, Baudouin of Burgundy, who was a central figure in a plot to murder Charles the Bold. When this plan prematurely unraveled in December 1470, Baudouin fled to the French court. To justify his sudden departure from the Burgundian Netherlands, he wrote a letter to the region’s noblemen and dignitaries in which he accused Charles “soy disant de Bourgogne” of ‘gruesome abominations that directly went against God, law and the order of nature’. Baudouin continued by claiming that Charles had made him many indecent proposals and had even attempted to harass him. Because he refused to submit to Charles’ unnatural advances, Baudouin feared that the duke would take revenge on him, so he fled. Simultaneously, Jean de Chassa, another Burgundian nobleman who was also involved in the murder plot, wrote a similar letter. According to Jean, Charles’ sexual sins were ‘so huge that a single word about them would pollute the air’. The Duke of Burgundy regularly sinned against nature and wanted to involve Jean, so he saw no other option than to leave everything behind and escape to Paris. For Baudoin and Jean, as for many others who opposed early modern authorities, sodomy was a particularly useful political tool because the target’s sexual sins symbolized how far they had transgressed the law in general, which legitimized possible rebellious actions.

Although gossiping about sodomy proved a useful tactic for dealing with political enemies, sexual intrigue was by no means limited to court circles. Even within some monastic walls rumors about the ungodly sin were deliberately spread during worldly disputes. In 1568, the Cistercian Abbey of Ter Duinen in the coastal region of Flanders was the setting of a contested abbot election. A number of monks opposed the newly elected Robert Holman as their abbot and spread word that Holman was a sodomite. An investigation was conducted under the leadership of the abbots of Ter Doest Abbey near Bruges and St. Peter’s Abbey in Ghent. Confronted with these imposing ecclesiastical

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47 “(…) à ledit Charles soy disant de Bourgogne frequente tres viles detestables et deshonnestes contre Dieu notre creator, contre notre loy et tout ordre de nature que pour honnesteté sont plus a taire que a dire entres lesquelles il ne vouloye et ne povoit ne devoye licitement converser sans grant offense de Dieu de notre loy, danger de ma conscience et de mon honneur.” Paris, BNF, Manuscrit Français 5041, fol. 185r; Jean-Marie Cauchies, “Baudouin de Bourgogne (v. 1446-1508), bâtard, militaire et diplomate. Une carrière exemplaire?” Revue du Nord 77, no. 310 (1995): 263.
48 “(…) en cette si tresdetestable et deshonneste vie, dont l’enormité est si grande que par la seule parole l’air en et infect (…)”Paris, BNF, MS. 5041, fols. 180v-181r.
49 “pour les tresviles, tresenormes et deshonnestes choses que ledit Charles de Bourgogne lors que jestoye devers luy frequentoit et commettoit contre Dieu notre creator, contre nature et contre notre loy, enqouy il ma voulu attraire et faire condescendre den user avecques luy (…)”Paris, BNF, MS. 5041, fol. 180v.
50 During the Burgundian Wars against the Swiss Confederacy (1474-1477), Charles the Bold was again defamed as a sodomite, as were his Lombard mercenaries. Puff, Sodomy in Reformation Germany and Switzerland, 43-44.
figures, almost none of the gossiping monks dared to repeat their original accusations, limiting themselves to the supposed financial upheavals that afflicted the monastery during Holman’s time as treasurer. A number of them told an unlikely story in which Holman conceived a child with ‘une morienne ou nègre blanche’. Unsurprisingly, the inquiry concluded that Holman had been unjustly accused. Finally, Holman was officially installed as the new abbot and the five or six monks who were the originators of the rumor were expelled from the monastery. Rumors of such deviant sexuality plagued many convents during the Reformation in the Low Countries, which was characterized by a strong anti-monastic sentiment. And yet, a remarkable facet of the era is that Catholic friars spread sodomite stories about individuals among their own ranks while the religious turmoil in the Low Countries was at its peak. This intriguing phenomenon illustrates that false accusations of sodomy were well ingrained in the Southern Netherlands.

Apart from any political or religious motives, a number of ordinary city dwellers had their own reasons to gossip about the unnatural sin. After all, sodomy was a capital offence that left behind few traces and, as such, it was an ideal way to damage one’s reputation. Sometimes sodomy was even used as an escape route from an unhappy marriage, as a sixteenth-century case from Ath in the County of Hainaut shows. In 1552, Jullyenne Lebevere accused her son-in-law, Michiel Berthe, of committing “le detestable crime de sodomie” with his wife Marie. She was allegedly taken against her will “par la partie posterieure”. Michiel was arrested while Marie was examined by a physician and midwives who found physical evidence of the abuse. Michiel confessed under torture to

54 Of course, these tactics were by no means limited to the Southern Netherlands. In 1491, the Jewish community of Mantua turned to the local authorities to settle their dispute with the Jewish goldsmith Salomone da Sessa, whose behaviour supposedly endangered the Mantuese Jews. Salomone was falsely accused of sodomy, which forced him to convert to Christianity in order to be pardoned. The Jewish community of Mantua thus unfairly labeled an unwanted coreligionist as a sodomite to effectively exclude him from Jewish society. Tamar Herzig, “The Prosecution of Jews and the Repression of Sodomy in Fifteenth-Century Italy,” in L’inquisizione romana, i giudici e gli eretici. Studi in onore di John Tedeschi, eds. Andrea Del Col and Anne Jacobson Schutte (Rome: Viella, 2017), 59-74.
55 An actual divorce was of course out of the question at the time, but the procedure of ‘legal separation’ could provide a solution in limited cases, see: Monique van Melkebeek, “Marital Breakdown Before the Consistory courts of Brussels, Cambrai and Tournai: Judicial Separation a Mensa e Thoro,” Tijdschrift voor Rechtsgeschiedenis 72, no. 1 (2004): 81-89.
56 “Lesquels chirurgiens et saige femme averoient par serment fait rapport avoir trove ladite marylle fort foulee en ladite partie posterieure (…)” Brussels, NAB, CA 14951, fol. 40r.
having engaged in anal intercourse with his wife four times. Following the advice of the city council of Mons, Michiel was sentenced to burn at the stake. Luckily for Michiel, the local hangman had left the region to carry out another execution, which gave Michiel’s parents enough time to call the proceedings into question. They claimed that the testimony of Julyenne, Michiel’s mother-in-law, was anything but reliable because she had previously solicited several people to kill Michiel. Furthermore, Michiel’s parents accused her of sorcery. It is interesting to note how the defendants in this case retorted with the same tactic, slandering the accusers, and thus completely undermining their credibility. With this new information, mother and daughter were arrested too and, after a lot of bickering, a conspiracy was exposed. Apparently, Marie had a secret lover, Victor, and in order to be rid of her husband, she accused him of sodomy. To make her lie more convincing, she even went so far as to “torment herself with a stick in the bottom”.\(^57\) In the end, the cuckolded Michiel was released without further ado. His mother-in-law, however, was burned at the stake, while his wife and her secret lover were hanged.\(^58\) Apparently, the authorities did not trifle with false sodomy accusations either.\(^59\)

And yet, the case of Michiel Berthe was not unique.\(^60\) Nearly a century earlier, some women in Bruges unsuccessfully tried the same strategy. In 1473-1474, Katherine accused her merchant husband, Jehan vanden Leene, of sodomy with his servant ‘out of malice, great hatred and envy, and because she wanted to destroy her husband totally’.\(^61\) Apparently, she told several people that Jehan and his servant both deserved to end up at the stake. Shortly afterwards, Jehan was arrested by the bailiff. Confronted with her husband, the bailiff reminded Katherine of her statements, which she now denied. Katherine claimed that she had not really known what “le grant mal” that she had accused Jehan of meant. She made her false accusations ‘out of anger because they could

\(^{57}\) “(...)par ses propres confessions et depositions avoir chargé et accusé icelluy sondit mary avoir ce fait a tresgrant tort ayante fauselment menty et que elle mesme par moyen d’un baston de bois se seroit a l’invention dudit Victor ainsi froisie audit lieu posteriorie et que dudit cryeme sondit mary en estoit pour ynocent et sans coulpe declarant la cause que le averoint ainsment de tel enorme crème acuse sondit mary par lemort dudit Victor, lequel tant au paravant quelle fuist maryl comme et depuis le averoit congneu charnellement le inichitant trover moyens a celle fin destre quicte d’icelluy sondit mary qu’il le prenderoit en mariaige (...)” Brussels, NAB, CA 14951, fol. 43r.


\(^{59}\) False accusations of sodomy were a severe crime in Aragon and Castile too: “especially considering that the false accuser could suffer the same penalty his victim would have suffered had he been found guilty”. Berco, Sexual Hierarchies, Public Status, 136.

\(^{60}\) In 1530, Joozyne, wife of Gillis van Hulle, was banished from the County of Flanders for fifty years because she had dishonestly claimed that Gillis sodomized their seven-year-old son and three-year-old daughter “(...)omme dat zoe haer vervoordert den zelven haren man contrarie der waerheit ende orbeschudelic te diffameren openbaerlic ende boven dien te gaen aenzeghenne voor justicie dat hy huercieder beeden kinderen deen vanden oudde van vii jaren, ende den meysken vanden oude van gheen drie jaeren bedorven ende jeghens naturen sodomitelic bekent zoudte hebben (...)” Ghent, CAG, Series 212, no. 1 (Ballincbouc 1473-1537), fol. 215r.

\(^{61}\) “(...) a cause que par malice et grande haynne et envye quelle avoit et portoi sur le dit son mary et pour destruire totalement son dit mary elle avoit soupceonné son dit mary du peché et enhorme cas de sodomie (...)” Brussels, NAB, CA, 13780, fol. 40r; Boone, “State Power and Illicit Sexuality,” 148.
not live together peacefully, and because her husband had also said that she deserved to end up at the stake’. Because of Katherine’s good reputation in her neighborhood, and the fact that it was public knowledge that Jehan insulted her on a daily basis, the bailiff decided to let her off with a mild fine. Whether or not Katherine exactly knew what sodomy entailed, she must have been well aware of the potential consequences of the ‘unmentionable vice’, since she explicitly referred to the stake. Katherine may have followed the example of Jehanne, wife of Arnoulf Sey, who had also unjustly accused her husband of sodomy in the same year. Jehanne, in turn, may have been inspired by the execution of a family member a few years before. In 1466, Antoine Sey and two other men were executed as sodomites. Unlike Katherine however, Jehanne was publicly exposed on the scaffold for two days because of her deceit.

However, it was not just women looking for a clean marital slate who defamed others as sodomites. Although the reasons for these sexual slurs are not always clear, in some cases people were driven by utter resentment to spread false rumors. During a quarrel at an inn, Jacques Caillie publicly defamed his sister-in-law Marie as a witch, upon which she promptly claimed that Jacques was a “bouggre ou fouteur de vaches”, and that she had caught him several times red-handed with his pants to his knees standing on a stool behind his cow. Both were arrested because of the rumors they had been spreading about each other. Several interrogations later, both maintained their positions even though no evidence could be found for any of the allegations. On Christmas Eve 1614, both


63 “(…) a cause quelle accusa sondit mary du pechié de sodomie pour ce quelle l’avoit en grant haynne cuidant par ce faire prendre par justice deshonnestement la vie de son dit mary (…)” Brussels, NAB, CA, 13780, fol. 20r; Boone, “State Power and Illicit Sexuality,” 148. When Maria Steigerin from Basel accused her nineteen-year-old husband of ‘heterosexual’ sodomy because he turned out to be a ‘mother’s boy,’ both she and her husband were banished while their children were housed elsewhere. Guggenbühl, Mit Tieren und Teufeln, 100-5. For other examples of sodomy accusations used in domestic conflicts: Joanne Ferraro, Marriage Wars in Late Renaissance Venice (Oxford: Oxford University Press, 2001), 85; Joanne Ferraro, Nefarious Crimes, Contested Justice. Illicit Sex and Infanticide in the Republic of Venice, 1557-1789 (Baltimore: The Johns Hopkins University Press, 2008), 74, 93; Dean, “Sodomy in Renaissance Bologna,” 440; Soyer, Ambiguous Gender in Early Modern Spain and Portugal, 98.

64 In 1375, Amele sMoors was accused of sodomy (“den vulen werke”) by her sister, because she refused to help her (“twelke hare zuster up hare Rede gant ommmedat Amele hare niet en helpen wilde…”). Instead of help, the sister got an enormous fine of 100 pounds. Nicholas and Prevenier, eds. Gentse stads-en baljuwsrekeningen, 366. In 1459, a certain Cateline defamed Pierkin de Naghele as a sodomite in Ypres. Neither Cateline’s relation to Pierkin nor the reason for her false accusation is known, yet this case too led to a high fine of 60 pounds. Brussels, NAB, CA, 14549, fol. 165r.

65 “(…) et appercoit que ledite jacques frappa de ses mains sur les fesses de ladite genisse la frottant aussi sur le dos puis ayant (…) le pan de sa chemise roullle il mona sur ladite chaire et se joignuyt contre le deriere de ladite genisse, dict que elle rencontre ledite jacque la premiere jour en face et la seconde jour de costé et que le lieu ou elle estoit est separé des forse et que la beste estoit lié, dict que l’ayant veu la seconde fois elle cria: ‘vous voyla fouteur de vaches’, et qu’il tenoit les deux mains sur la genisse (…)”Bruges, SAB, INV16 (Archives of the Liberty of Bruges), no. 17042 (Registers van vervolgingen en invrijheidsstellingen, 1609-1614): fols. 228r-36v.
were released from prison but ordered to immediately leave the Liberty of Bruges, never to return.\footnote{Bruges, SAB, INV16, no. 17042, 236v; Jos Monballyu, ‘‘Van vuylle faycten ieghens de nature’. Bestialiteitsprocessen in het graafschap Vlaanderen op het einde van de 16de en het begin van de 17de eeuw,’’ Biekorf 100 (2000): 164-66.}

Although the previous examples mainly featured women, men also used false sodomy accusations to ruin the reputation of others. In 1499, Pierre Lancedonc from Ghent for instance, accused Jehan Haneman of bestiality with a mare. Although Jehan was interrogated three times, he insisted that he was innocent, after which Pierre was banished for fifty years.\footnote{‘A lui pour avoir mis a question et examine une fois Pierre Lancedonc pour cause qu’il mist subz a Jehan Haneman qu’il avoit esté naturellement avec une jument don’t ledit Jehan estoit trouvé innocent et pour ce fu ledit Pierre bannis L ans hors du pays de Flandre.’’ Brussels, NAB, CA, 14115, non-foliated.} Lowijs van Maert from Bruges was accused of sodomy with his servant. The person responsible for this rumor was put on the scaffold for two days in 1465.\footnote{‘Audit pendeur pour avoir mis Roegekin van Munten, filz Daniel le Bastard par jugement des eschevins par deux fois sur le pellory pour ce qu’il avoit accusé sans cause Lowijs van Maert, filz Ernoul le mersenier et ung nommé Guillaume Heindricx, son serviteur, de pechié de sodomie (…)’’ Brussels, NAB, CA, 13778, fol. 45v.} While it is not always clear how such local gossip ended up the subject of legal proceedings, in some cases the accused themselves went to court to clarify the matter.\footnote{Bariša Krekić, ‘‘Abominandum Crimen,’’ 342.} This was exactly what carpenter Jan Zeleman did in 1509 when Pierre Werrin, who was a weaver, told several people that Jan had engaged in several ‘dishonorable and impure sorts of enormous things unworthy of public mention’.\footnote{‘(…)ter causen van dat devoorseyde heeschere den voornoemde verweere, ter presentie van diverssche persoonen endc voor scepenen inde teghewoordichede van mynen heer den scoutheeren ende burchmeestere vanden courpspe der voors(eyde) stede, ghelast ende ghéaccusterd hadden van zekre onheerbare ende onrtnen speciën van inhoorne zaken niet weerlich omme openbaerlic te vermondene (…)’’ Bruges, CAB, Series 192, no. 1, fol. 53v.} Some even went to the highest legal authorities to plead their case. In 1475, Adrien Jacobszoon was arrested by the bailiff of Antwerp for having ‘‘commis et perpetré le tresbas et detestable pechié de sodomie sodomy’’. When it turned out that Jacobszoon was falsely accused by two men, he was released. To fully clear his name, he went to the Great Council of Mechelen, that opened an investigation into the conduct of the particular bailiff.\footnote{‘(…) et au surplus que le dit Jacob Wielant seroit interrogié aquelle poursuite il avoit constitué prisonnier le dit Adrien (…)’’ Brussels, NAB, 095 (Chronologische lijsten van de geëxenteerde sententies berustende in het archief van de Grote Raad van Mechelen (1465-1475)), no. 793.126, fol. 319r.}

The fact that sodomy appears to have been a popular slur in the Southern Netherlands is actually rather surprising. For instance, Martin Ingram notes the paucity of slander suits featuring accusations of sodomy in early modern London: “Even in the most heated slanging matches in alehouses or on the open streets, it would seem that people did not raise accusations of same-sex acts or predilections”.\footnote{Ingram, Carnal Knowledge, 36; See also: Mario DiGangi, “How Queer was the Renaissance?” in Love, Sex, Intimacy, and Friendship Between Men, 1550-1800, eds. Katherine O’Donnell and Michael O’Rourke (New York: Palgrave} Defamations were
usually more or less gendered in the Southern Netherlands too, but it seems that men were often the subject of sexual slurs too. During verbal disputes, ‘buggery’ was regularly invoked among antagonists. We already saw how Noë Van Damme from Ghent insulted a soldier from Bruges in 1598 by calling all those from Bruges ‘buggers,’ but Van Damme was not the only one to use the term ‘bugger’ during quarrels. In the night of June 3 1633, a drunk Germain Peeters pounded on the door of Gheert Six in Leuven. Peeters threatened to shoot Six while calling him an ‘old bugger’ and a ‘cuckoo’ among other injuries. The term ‘bugger’ also proved to be a popular insult when drunken Spanish soldiers came to blows with local citizens in the Southern Netherlands. In one exceptional seventeenth-century quarrel, a woman was called a ‘witch’ and a “bougeresse.” Such incidents indicate that sodomy was a popular insult during early modern disagreements, which likely contributed to the ease with which someone could be falsely indicted for sodomy.

These false accusations and rumors are revealing in several ways. On the one hand, they force us to reconsider the veracity of early modern trial records in general. They are not to be understood as literal representations of the actual truth. What early modern people said in and outside court was influenced by particular circumstances. As the previous cases show, some putative witnesses had hidden agendas that influenced their testimonies. Furthermore, not everyone who was falsely accused was resilient enough to undergo interrogation under torture without confessing to crimes they did not commit. If the executioner had not been absent in the case of Michiel Berthe, for instance, his parents would not have had time to bring the conspiracy against their son to light and Michiel -who had confessed under torture- would have been classified in the sources as a sodomite. Indeed, a certain number of people must have achieved their goal by wrongfully –yet successfully– accusing someone of sodomy.

On the other hand, these pieces of gossip are very revealing in the sense that they illustrate how familiar urban communities in the Southern Netherlands were with the

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Macmillan, 2003), 128-47. Then again, in eighteenth-century Canada, a French colony at the time, “bougre” was a common insult used during disputes. Though according to Peter Moogk it had evolved into a general insult with “only a hint of sexual perversion.” Peter Moogk,” “Thieving Buggers” and “Stupid Sluts”: Insults and Popular Culture in New France,” The William and Mary Quarterly 36, no. 4 (1979): 539


74 Chapter two, page 98.

75 “(...) denselven diverschelik noemende ghy ouden boughere, ghy coekoeck met meer diergelicke injurien ende bovendiem hem dreyghende te doorschieten met eene pistoole (...) Leuven City Archives, register 9747 (criminele processen 1600-1685), non-foliated

76 Ghent, CAG, Series 207 (register van criminele informatien), no. 2, non-foliated; Ghent, CAG, Series 213 (criminele processtukken), no. 1, non-foliated; Ghent, CAG, Series 213, no. 11, non-foliated.

77 Bruges, SAB, TBO 119no. 665 (Registers van criminele informatie van de stad Brugge, 1626-1632), fol. 41r.

concept of sodomy. According to Alan Bray, the theological status of sodomy as a cosmic sin and unmentionable vice made it difficult for early modern individuals to recognize specific same-sex acts as sodomy. Indeed, it is rather doubtful that every city dweller had mastered the theological subtleties surrounding the complex concept of sodomy. Yet based on the sodomy allegations discussed above, it seems that urban society was well aware of the potential consequences of such a charge. In many cases, people actively used sodomy allegations to make life difficult for their political enemies, economic rivals or hated husbands. Furthermore, these false accusations suggest that the input of urban society was a key factor during sodomy trials and that denouncing people for unnatural acts was a common practice in the Southern Netherlands. Consequently, rumors about sodomy can provide information about who exactly demanded the strict persecution of deviant sexual acts in early modern urban society.

8.4 Suspicious communities or severe authorities?

Once the authorities established that an individual was wrongfully accused of sodomy, the slanderer concerned was heavily punished and the victim was rehabilitated. Sometimes the accused even received financial compensation for the stain of sodomy left on his reputation. In 1457, Loij Fockedeys received no less than six ‘golden lions’ from Bruges’ city council as a compensation for the damages caused by false accusations of ‘buggery’. Having determined that Jehan Claeis from Melsele had been imprisoned for 24 days on suspicion of sodomy in 1572 “sur falses accusations et rapports”, he was recompensed with eight shillings for every day he was jailed. Remarkably enough, this compensation was even higher than the expenses resulting from his imprisonment, which mounted to six shillings per day. Clearly, civic rulers were committed to restoring the honor of victims of spurious sodomy accusations. By adequately punishing the gossiping perpetrators, the authorities made it clear that falsely defaming others as sodomites was simply unacceptable.

At the same time, however, early modern authorities across Europe often encouraged individuals to turn in sodomites, because of their supposed danger to the social fabric. Portuguese law offered people who denounced sodomites a part of their

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80 In 1509, Werrin had to beg Zeleman for forgiveness on his knees and was whipped with rods and banished for three years afterwards. Bruges, CAB, Series 192, no 1, fol. 53v.
82 Brussels, NAB, CA, 14480, fol. 10v.
confiscated property in recompense,\textsuperscript{83} while Florentine informers were rewarded with one-fourth of the convicted sodomite’s fine.\textsuperscript{84} At one point, the Venetian Council of Ten even granted immunity to active sodomites who informed against their passive partner.\textsuperscript{85} In the Southern Netherlands too, people were sometimes actively encouraged to come forward with stories about unnatural sexual desires. During \textit{doorgaande waerheden}, the bailiff went from parish to parish with a questionnaire to assess which crimes had remained unpunished that year, offering members of urban communities a perfect opportunity to blacken each other.\textsuperscript{86} In the city of Kortrijk, sodomy figured high on local bailiff’s list of priorities. His questionnaire contained 36 questions on crimes ranging from illegal dumping to witchcraft, and prominently in second place was the question: ‘who is infamous for buggery?’\textsuperscript{87} This indicates that the authorities considered it quite likely that someone in the local community would accuse an acquaintance of sodomy. Unfortunately, the majority of these question lists have not survived, making it difficult to ascertain whether the situation in Kortrijk was exceptional or not.\textsuperscript{88}

Due to a lack of sources, it is equally difficult to determine if the population actually responded to such appeals.\textsuperscript{89} In early modern Aragon, for instance, they did: no less than 96 per cent of all sodomy cases tried by the Inquisition were the result of accusations made by locals.\textsuperscript{90} In the Southern Netherlands, denouncing neighbors were responsible for the bulk of witchcraft and heresy accusations - crimes, not coincidentally,

\textsuperscript{84} Rocke, Forbidden Friendships, 49.
\textsuperscript{87} “Wie berucht es van bogghernien (…)” Thierry De Limburg-Stirum, Ville de Courtrai (Brussels: Goemaere, 1905), 303.
\textsuperscript{89} In the preserved statements made during \textit{doorgaande waerheden} from 1474 until 1517 in ‘het Oostproosse,’ the part of the ecclesiastical manor of ‘het Proosse’ that lay within Bruges’ city walls, sodomy was never discussed. These data are further discussed in Dupont, “Van Copkin over Coppin naar Jacob,” 137-39. In the Northern Netherlands however, several cases survive in which the urban community handed over sodomites to the authorities at their request. During episcopal visitations, the local priest appointed certain parishioners who had to denounce people violating church regulations, a ritual known as the \textit{seend} or synod. In 1454 for example, a man from Utrecht was sentenced to the stake together with his partner, Jan Bellewamboys, who originated from the Southern Netherlands city of Mechelen. A.J.A. Bijsterveld, “De kerk in het midden. De parochiekerk als centrum van de middeleeuwse dorpsgemeenschap,” Noordbrabants Historisch Jaarboek 17-18 (2000-2001): 107; Regnerus Post, Kerkelijke verhoudingen in Nederland vóór de Reformatie van ±1500 tot ±1580 (Utrecht: Spectrum, 1954), 438; Dodt van Flensburg, Archief voor kerkelijke en weredsche geschiedenissen inzonderheid van Utrecht (Utrecht: N. Van der Monde, 1846), vol. 5, 103.
for which the burden of proof rested on testimonial evidence. Sodomy, on the other hand was hardly ever discussed in great detail in early modern trial records, and it is generally not known how sodomy cases came to court in the Southern Netherlands. Several accounts refer to men who were sexually harassed by other men. They went to court to charge the initiators of the deviant desires and to establish their own innocence of such matters. However, same-sex acts between consenting partners rarely came to light and thus the authorities had to rely on the vigilance of the urban community to uncover when sodomy was committed. Yet even when lurking neighbors came across ‘unnatural’ sexual acts, this did not necessarily mean they felt that handing over the perpetrators to the authorities was the best way to deal with the matter.

On January 11, 1590 for example, Jan Scarry became the talk of the town in Bruges. That night, it was revealed that Scarry had ‘forgotten himself and misbehaved towards a boy’ whose penis he had been fondling while the boy was asleep until he released semen. His crime became known that night and was widely discussed by the night watch at the Blacksmith’s Gate. One of these men was Jooris Cools, a twenty-two-year-old basket maker who confessed that two years before, Scarry had done the same thing with him while he was sleeping. When Cools woke up and noticed what was happening, he hit him in the face with his blade. Nothing indicates that Scarry thought it necessary to report this event to the authorities. Although a series of other watchmen revealed that it was public knowledge that Scarry also had ‘dishonest conversation’ with a young tambourine player, no one had apparently informed the authorities about this fact. Perhaps, Scarry’s latest act of sexual harassment was the straw that broke the camel’s back, which led to an official investigation. In spite of the many witness records, it is not known what happened to Scarry.

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91 For instance, a miller from Tielt near Bruges even summoned the bailiff to his death bed in order to charge a woman next door of sorcery in 1596, Jos Monballyu, Van heksersij beschuldigd. Heksenprocessen in Vlaanderen tijdens de 16e en 17e eeuw (Kortrijk: UGA, 1996), 21. Even relatives who tried to conceal that their loved ones had committed suicide were sometimes given away to the legal authorities. Hannes Lowagie, “Bij desperatien.’ Zelfmoord in het graafschap Vlaanderen tijdens de Bourgondische periode (1384-1500),” Jaarboek voor middeleeuwse geschiedenis 11 (2008): 129-30.


93 “eenen jonghen van Pieter Verhaghe riep ende sciemde scietende vuyt zynen slaep, hem becaleghende daernaer dat Jan Scarry neffens hem liggende, met zyne mannelickheyt inne handen gheden hadde, ende zoo vele ghedaen dat zyne nature vuytquam, waerdeur de jonghen wacker wiert hoorende de voorseide jan Scarry zegghen binnen smonts zwyght, zwyght, hem voorts niet verantwoordende (…)” Bruges, SAB, TBO 119, no. 661, register van criminelle onderzoeken ingesteld door de schepenen van Brugge, 1585-1596, fol. 99v-r.

94 “Zecht voorts dat over twee jaeren den zelven Scarry aen hem deposant telve ghedaen heft, zoo hy was slaepende waerof hy hem beclaechde ende slouch hem int anzichte met zyne rapiere (…)” Bruges, SAB, TBO 119, no. 661, fol. 99v.
In other cases, bystanders reacted less passively, yet they also reveal a willingness within urban communities to punish sexual scandals without the official intervention of the city council. In 1620, Cornelis Cornelis drove a manure cart pulled by a grey mare into Denderhoutem, a small village near Ghent. Thinking he was unobserved, he committed ‘the detestable and abominable offense called the crime against nature’ with the said mare. Cornelis was caught in flagrante delicto by two men however. They immediately ordered him to move away from the horse, scolded him for being a knave and beat Cornelis with sticks. The resultant turmoil brought the case to the court’s attention. Yet we must assume that the two men who caught Cornelis thought that a good trashing was preferable to handing Cornelis over to the authorities. Neighbors often perceived community sanctions as the most appropriate mode of correction for sodomites. According to Theo van der Meer, many early modern sodomites had to deal with people’s tribunals and were physically punished because the general public felt that the authorities did not act upon their complaints.

Perhaps this lack of confidence was not entirely unjustified. Historiography has drawn much attention to the traditional view of early modern state formation in which central governments vigorously asserted their authority over the moral behavior of their subjects. Since sodomy was supposed to unleash all kinds of heavenly punishments upon society, it provided local authorities with an excellent means to emphasize their good governance. These authorities allegedly sought to control the sexual morality of their community in the process of medieval state-building, according to Carol Lansing. In the Southern Netherlands, however, the princely authorities were less successful in controlling urban jurisdictions which retained a large degree of independence, and unlike the central government, these local authorities preferred reconciliation over punishment. Consequently, they were probably less keen to implement a strict

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96 “…(…) heeft gheseyt ende bekent als datter gecommen zyn twee mannen persoonen (…) den welcken hebbende den stock ende hant zeyde: ‘gaet an dat peert met uwen kul’, ende alsoo dat niet doen wilde zeght dat sy hem wilden smijten ende slacken metten stocke (…)’ Ghent, SAG, AR152 (Land van Rotselaar), no. 73, non-foliated.
97 Theo van der Meer, Sodoms zaad in Nederland, 329.
100 See also: Amanda Capern, “Rumour and Reputation in the Early Modern English Family,” in Fama and her Sisters: Gossip and Rumour in Early Modern Europe, eds. Heather Kerr and Claire Walker (Turnhout: Brepols: 2015),
persecution policy towards sodomites than we might assume. This could come as a surprise given the fact that in the early modern period sodomy was considered to be a heinous crime against nature, which could provoke God’s wrath over entire cities through plagues, war, famines, floods, earthquakes and so on. Since it was widely believed that society as a whole could be punished for the sexual sins of individuals, civic authorities were responsible for the protection of the moral integrity of a community. Many city councils, however, had little interest in an overly harsh moral repression as they felt that it was their primary task to preserve social cohesion within urban society. Consequently, it was possible that a crime such as sodomy was strongly condemned in theory, without the government taking effective punitive measures. Since sodomy was a matter of public order, it only caught the attention of the authorities when it became a scandal and, therefore, a threat to public order.

In any case, it seems that most early modern civic authorities in the Southern Netherlands lacked an adequate approach for repressing sodomy. Even in Bruges, a city which Marc Boone rightfully categorized “among Europe’s most important centres for the repression of sodomy”102, the juridical system appears to have procrastinated somewhat. The Verluydboek, which listed the criminal sentences handed down by the city’s aldermen, contains numerous entries regarding sodomy cases that were committed many years before (“zekeren jaren haerwaerts”103), they were actually brought to trial; Anthuenis Camelin, for instance, was executed in 1504 for ‘several horrible kinds of the inhuman sin of sodomy’ which he had committed no fewer than twelve years before.104 Such facts seem to indicate that the civic authorities in the region were lagging behind events rather than setting up systematic persecution.

Something similar occurred in early modern Frankfurt, where people were tried for same-sex acts they had committed several years earlier. According to Maria Boes, this was not the result of an ineffective prosecution policy, however, but the outcome of communal toleration. Local witnesses indicated in their testimonies that they did not find it necessary to inform the officials, even though they had been aware of the same-sex activities of the accused for quite a while. Boes concludes that “popular mentality served as a protective shield against judicial intrusion”.105 In the Southern Netherlands, on the

108. In some cases, however, the central authorities intervened to temper overzealous prosecutions of certain crimes, like witchcraft. Vanhemelryck, Het gevecht met de duivel, 292-93.
101 Puff, Sodomy in Reformation Germany and Switzerland, 170.
103 Bruges, CAB, Series 192, no. 1, fol. 16r.
104 “Anthuenis camelin heift verkend buten banden van pynen ende van yseren dat hy binnen xii jaren haerwaerds met diversche persoonen ende ter meer stonden ghedaen ende ghecomiteerdt heift diversche orrible specien vander onmeynschelicker zonde van zodomyen ende noch onlanx ghepoocht andre daer toe te brynhene ende te mesleedene.” Bruges, CAB, Series 192, no. 1, fol. 38v; Brussels, NAB, CA, 13783, fols. 56v-57r.
other hand, there is little evidence of early modern ‘sexual tolerance’ or tacit consent.106 Contrary to Boes, I think that if a sodomy case eventually did make it to court years after the date, it is precisely because locals decided to inform the authorities about the sexual conduct of their acquaintances after all. In this regard, it is interesting to note that according to customary law in the Duchy of Brabant, to start a criminal investigation based upon hearsay was time-barred after a period of twenty years, except when the investigation concerned lese majesty, patricide, incest, and sodomy.107 In that sense, it is possible that certain trials concerning crimes committed many years “haerwaerts” were the result of doorgaande waerheden or other local initiatives that have not been preserved in the archives.

That the power of rumors cannot be underestimated, is clearly demonstrated in the case of the aforementioned Jehan Caudron, a saddler from Bruges. In 1475, rumors (“les paroles”) about how Caudron had committed sodomy with a fellow guild member (the painter Jacques de Jonghe) had caused him to flee the city. Allegedly, both men had shared a bed for the night some 25 years earlier, during which they ‘touched each other’s manliness without semen being discharged’.108 That a rumor about an event taking place a quarter of a century earlier was sufficient for a man with an honorable reputation – only a year earlier, Caudron had been re-appointed as assessor of his guild109 - to abandon his home and possessions, illustrates the discursive power of sodomite slurs and the ubiquitous fear of subsequent persecution. Indeed, his fellow guild member and bedfellow Jaques was executed for his crimes.110 Soon enough, however, Caudron wanted to return to his “femme, enffans et mesnaige”. In his enquête to the Duke of Burgundy, he stressed his social position as a married man and respected guild member, and pointed to the fact that he was very young when the crime supposedly had happened. After Caudron paid an astonishing amount of 360 pounds, he was acquitted of charges and allowed to return to

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107 Edmond Poullet, Histoire du droit pénal dans l’ancien duché de Brabant, des origines au XIVe siècle (Brussels: Hayez, 1867), 198.
108 “Et eulx ensemble couchans en ung lit, tasterent et maniyerent chacun la verge de l’autre par trois ou quatre foix sans ce que le dit Jaques estoit recois que aucun deulx jetta sa semence.” Brussels, NAB, CA, 13780, fol. 59v.
109 The annual renewals of the craft guild boards can be consulted digitally in Bruges’ city archive.
110 His execution is only mentioned laterally in the sources concerning Caudron. An actual date for de Jonghe’s trial is therefore lacking. Marc Boone has concluded that he was executed some 25 years before, right after the sexual encounters between Jacques and Jehan had taken place. However, in 1468, a painter called Jacques de Jonghe is still mentioned as assessor of his guild in the guild renewals kept in Bruges’ city archives. Consequently, it appears that the 25-year-old facts only had become public knowledge in 1475. Perhaps de Jonghe got caught with another man and testified about his previous encounters? In any case, shortly afterwards, de Jonghe was arrested and executed; an event that caused Caudron to flee the city. See: Boone, “State Power and Illicit Sexuality,” 152.
Bruges. As his name is included in the register of deceased members of his guild, we can conclude that Caudron spent the rest of his life in peace and quiet.

Moreover, even though it took a long time before some sodomites were actually punished, the ‘crimes’ were often the talk of the town. Many trial records mention how people were notorious or infamous (‘berucht’ or ‘befaempt’) for their unnatural sexual acts. In 1514, for instance, Pieter Roesbot was questioned under torture twice by the hangman of Leuven because he was ‘befaempt’ for the crime of sodomy. As he refused to confess, Pieter was released. In 1590, Jan Scarry came to the attention of the authorities because his ‘dishonest conversations’ with several young men ‘caused disturbance among the public’ which resulted in much gossip. This indicates that suspects were arrested based on hearsay rather than on solid evidence and illustrates the importance of rumours, gossip and the participation of the urban community during early modern sodomy trials. People often policed each other’s behaviour and gossiped about deviant sexuality to maintain the good reputation of the local community. Consequently, passive authorities were often forced to intervene because of collective concerns about deviant sexuality.

This was literally the case on the night of 26 July 1559. When Nicolas de Pas got up to go to the lavatory in his backyard, he witnessed Pieter Coppen Jans having ‘enormous and infamous affairs’ with a dog. Nicolas informed his roommate Andries de Navarette from Toledo, who immediately jumped out of the window to assist Nicolas. In his haste to get to the crime scene, Andries even ripped the sleeves of his jerkin. Nicolas and Andries immediately gathered a large crowd, forced their way into Pieter’s house, rescued the dog and handed Pieter over to the bailiff of Ghent. Following the decisive action of the local community, it appears that Pieter Coppen Jans was whipped with rods and branded on the back. The case of Pieter Coppen Jans thus once more demonstrates how much civic

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111 Brussels, NAB, CA, 13780, fols. 59v-60r; Brussels, NAB, A172/02 (Chambres des Comptes, Portefeuille de l’Acquits de Lille), no. 369, non-foliated.
112 Bruges, CAB, Series 314 (Beeldemakers), no. 3 (Memorielijst-Obituarium), 16.
113 “Den scerpcock van dat hy geexamineert heeft ter scherper examinatien Peeter Roesbot van Aelst om dat hy befaempt was van cryme sodomie tot twee diversen reysen ende nyet geleden (…)” Brussels, NAB, CA, 12660, non-foliated.
114 “(…) heeft ghewaere geworden tusschen XII ende I hueren, beroerten onder het volck, hoorende daernaer dat het was de oorzaecke dat eenen Jan Scarry hem leelick vergheten ende misdreghen hadde (…) verstaende ooc dat hy sodometilick ghebruyct zoude hebben den zuene van Joos Pieters zoo de mare gaat onder het volck (…)” (emphasis mine). Bruges, SAB, TBO 119, no. 660 (register van juridische onderzoeken ingesteld door de schepenen van Brugge, 1585-1596), fol. 99r.
115 Puff, Sodomy in Reformation Germany and Switzerland, 87.
116 “(…) zeyde dat hy was ziende eene enorme ende infame zake, te wetene eene man te doene hebbende met eender hondt (…)” Ghent, CAG, Series 214, no. 3, fol. 139r-v.
117 The bailiff account dating from 1557 to 1562 mentions a certain Copkin Janssz who can in all probability be identified with Pieter Coppen Jans: (“A lui pour avoir justigué de verges et marqué sur le dos Copkin Janssz (…)” Brussels, NAB, CA 14123, fol. 12r.
authorities relied on their citizens to take action, and the willingness of urban society to do so by vigorously reporting sodomites to court.

The active participation of citizens in sodomy trials did not always imply a negative outcome for those involved. In the early modern period, verdicts depended to a large extent on the social reputation or fama of the accused. Local witnesses could therefore save lives when they were asked to testify about the reputation of the suspect in question. We already saw how Katherine vanden Leene, who defamed her husband as a sodomite, received just a mild fine because of her good reputation. In 1392, an anonymous surgeon from Namur also benefitted from his respectable repute when accused of sodomy by a young Augustinian with whom he had shared a bed in a tavern during his travels. The surgeon was questioned two times by the local aldermen of Maubeuge, yet it was an enquiry among the residents of his hometown Namur that ‘revealed his honesty’ and ultimately acquitted him from all charges. In 1523, Loys du Molin, a “josne compagnon” from Amiens was accused in the castellany Land van Waas of having committed “le peché contre nature que l’on dit sodomie” with an anonymous page, native from Valenciennes. The local bailiff sent messengers to both Amiens and Valenciennes “pour tenir informacion” on Loys and the page. In the end, Loys was released while a messenger was sent to look for the page, who had apparently fled to Cambrai. The same goes for Jannic Gielis from Vorst, who was falsely accused of sodomy in 1464 by a man arrested in Bruges for the same crime. Allegedly, they had engaged in same-sex acts when they were fourteen years old. Yet because Jannic was a respected man—married for many years and father to four children—who could count on the support of many good men,’ he was released.

118 Dean, “Sodomy in Renaissance Bologna,” 442.
122 Brussels, NAB, CA, 14463, non-foliated.
123 “Van Jannic Gielis van Vorst van dat hy bedragen is geweest van Herman Heyman gevangen te Brugge van vuylef fayten bij hueren beeyden begaen in hueren jongen dagen oudt synde xiii jaren (…)” Brussels, NAB, CA, 12680, non-foliated.
124 “(...)want de voirseide Jan Gielis in howelyken staye geseten heeft over menich jaer iii oft iiiii kyndre hebben ende ter goede famen ende name altyt gestaen heeft voe heeft de voirscreven Jan Gielis den meyer doen bidden
Even when friends could not prevent the inevitable, they could still play a conciliatory role. After Cornelis van Woensdrecht was burned in Antwerp during 1532, he was allowed to be buried in the cemetery thanks to the plea of his friends.\textsuperscript{125} This was an astonishing concession to a man who had supposedly defied the divine hierarchy. That the execution of Cornelis was the first ever for Willem van de Werve, the new bailiff of Antwerp, may have played a role in his compliance, but it is significant in itself that Cornelis’ relatives dared to ask for such dispensation. Consequently, local citizens played a key role during early modern sodomy trials. Whether it was by gossiping about suspicious encounters in their neighbourhood or by personally arresting and punishing sodomites, they often brought forbidden actions to the attention of the aldermen who indeed preferred not to take the initiative until popular demand forced them to do so.

8.5 Conclusion

The early modern legal status of fama suggests that a person’s reputation was crucial evidence throughout Europe for centuries. That certain innocent people became the victim of slanderers as a result of this should not surprise. What is particularly surprising, however, is the fact that early modern gossips in the Southern Netherlands did not hesitate to use the unspeakable sin to defame others, especially given the overall commitment to silencing talk of sodomy altogether in early modern society. Although sodomy was considered such a heinous crime it should not be mentioned among Christians, it turned out to be a popular topic in early modern rumors. Sodomite slurs were exploited politically or used during religious disputes. Gossiping about sodomy was no prerogative of the elite, however. Sodomite slurs were voiced throughout the Southern Netherlands for a variety of reasons. Ordinary citizens used them to get rid of an unwanted husband, to take revenge on an old enemy or to express their moral anxieties.

Early modern authorities took an ambiguous stance towards these rumors. False slander was punished almost as severely as the crime of sodomy itself, and yet, locals were sometimes encouraged to inform against sodomites. Despite these appeals, the cautious attitude of some city councils towards sodomy is particularly striking. Many sodomites were able to commit their ‘crimes against nature’ for many years before they were caught. That such cases still came to court after such a long period resulted from the fact that rumors about sodomy eventually reached the ears of the aldermen, who depended on the

\textsuperscript{125} “(…) die den selven de voorzicde schoutet doer beeden van zynen vrienden ende overmits dat des schoutet yerste justicie was den zelven gegunt het kerkhof.” Brussels, NAB, CA, 12905, fol. 200v; Josse De Weert, “Chronyke van Nederland, besonderlyck der stadt Antwerpen sedert den jaere 1097 tot den jaere 1565,” in Chroniques de Brabant et de Flandre, ed. Charles Piot (Brussels: Hayez, 1897), 99.
participation of the urban community to find out when and where ‘the silent sin’ was committed.

Early modern gossip can thus shed new light on the persecution of sodomy in several ways. On the one hand, false accusations force us to reconsider the potentially misleading character of early modern trial records. On the other hand, the fact that several people were punished for falsely accusing people of ‘buggery’, indicates that denouncing sodomites to the authorities was indeed a common practice in the Southern Netherlands. Slanderers must have followed the example of other accusations, whether justified or not, knowing that their rumors would sooner or later lead to a court case with a possibly fatal outcome. And while sodomy was unmentionable, many citizens made public their concerns about deviant sexual acts. In fact, the demand for a rigorous approach towards sodomy often came from within urban society, rather than from the proper officials. While some witnesses preferred to take the law into their own hands and punish sodomites personally, other bystanders physically intervened and made sure that sodomites caught in the act were handed over to the authorities. Moreover, many individuals were punished based on their reputation as sodomites rather than on hard proof. In other words, civic authorities often relied on their citizens to take action when sodomy was concerned. By taking a closer look at early modern gossip, it becomes clear that urban discourses on sodomy did indeed have a major impact on the repression of the ‘unmentionable vice’.
Figure 18. Frans Hogenberg, Ghent mendicants at the stake (1578). Anwerp, Felixarchief 12149
Chapter 9

Sodomy, religious conflict, and urban memory

9.1 Introduction¹

On the 28th of June 1578, at noon, three mendicant friars were carried on a cart towards the town hall of Ghent. A huge crowd had gathered to see how the hangman burned off their hair and whipped them with rods until they bled, before they were banned from the county for fifty years. A few hours later, the public witnessed how five other monks were tied on a scaffold and burned alive. The monks in question had been sentenced by the city council of the recently established Calvinist government. In a politically motivated, anticlerical show trial, the new Protestant regime had accused the mendicant friars of rampant sodomy.

As seen in chapter four, early modern reformers routinely represented their religious opponents as sodomites to validate Protestantism, yet most Church officials ignored these accusations altogether. Instead, they chose to direct their energies inwards, praising Catholicism in Latin texts intended for clerical consumption. The deliberate exclusion of the laity from this internal dialogue has led to the assumption that early modern Catholics in the Low Countries were passive in their reaction to the Reformation, at least in terms of their own cultural production. Perhaps that is why the opinions of contemporary Catholic laymen regarding Protestant sodomite slurs have never been fully explored.

This chapter not only aims to fill this lacuna but also wants to contribute to the field of memory studies. An analysis of the discourse surrounding the Ghent sodomy trial of 1578, could not only uncover urban attitudes towards sexual deviancy, but may also help us to understand how religion shaped such perceptions. Ghent’s Protestants and Catholics were directly pitted against each other, when Catholic authors criticized the trial and execution in their city chronicles, the so-called memorieboeken. This popular narrative genre originated in the fourteenth century. Memorieboeken were originally just

¹ A shortened version of this chapter was previously published as: Jonas Roelens, “From Slurs to Silence? Sodomy and Mendicants in the Writings of Catholic Laymen in Early Modern Ghent,” The Sixteenth Century Journal 46, no. 3 (2015): 629-49.
annually updated records of aldermen’s elections kept by town officials. However, from the fifteenth century onwards, private citizens made copies of these lists for personal use, annotating them as they went along. By the sixteenth century, the memorieboeken had evolved into real urban chronicles with observations on all aspects of city life. In turn, these books were compiled and copied during the seventeenth and eighteenth century.

Contrary to expectations, Ghent’s Catholics did not react passively to the allegations of the Calvinist city council at all. In their memorieboeken, the authors, who were nearly all laymen, proclaimed the innocence of the mendicants, who they cast as the young, pious victims of unscrupulous Protestants. Furthermore, it appears that some Catholics took pains to expurgate texts that so much as hinted otherwise. These attempts to rehabilitate the friars clearly demonstrate that a significant number of individuals still sympathized with the mendicant orders, despite their being the preferred scapegoats of the Reformation.

Remarkably enough, chroniclers were still writing about the trial more than a century after the fall of the Calvinist regime. By that time, Ghent was once again a homogeneous Catholic city. This next generation of authors was still writing compassionately about the fate of the mendicants and the Calvinists were once more condemned for their politically motivated accusations. Unlike their forerunners however, these chroniclers were not eyewitnesses to the trial. Yet this doesn’t mean that there is nothing to be gained by an in-depth examination of the texts they produced; indeed, they provide us with much needed counterview to the official discourse presented in the legal documentation. Because they illustrate how these events were perceived by both contemporaries and later generations, memorieboeken shed light on the perception of sexual deviancy by broad sections of the early modern society over an extensive period of time and demonstrate how historical consciousness formed within urban communities.

9.2 Anti-monasticism and the Ghent sodomy trial of 1578

Anti-mendicant sentiments were widespread in the Netherlands well before the Reformation, when they reached a fever pitch. For instance, as early as 1450, a woman was banned from Mechelen for singing scabrous songs about the mendicants. Although


4 Mechelen, City Archive, J: Gerechtszaken, Serie II Correctieboek, no. 1 (1441-1569), fol. 7ov.
a great number of Catholics continued to sympathize with the mendicants, a change in the intellectual climate of the early sixteenth century had caused their popularity to wane. Local governments became reluctant to harbour these tax-exempt groups in their cities, while educated citizens found the orders’ pastoral and communication methods out-dated. They preferred a more Erasmian style instead, complete with the mockery of mendicant life that this entailed. The mendicants also met with opposition from other clergy. When the mendicant orders settled in the county of Flanders during the thirteenth and fourteenth century, they developed an impressive monastic network through which they exerted a great deal of influence on urban religious life, and competed with parish priests. This led to centuries of jurisdictional conflict, especially as regarded the performance of funeral rites. In 1511, the highest legal authorities of the land even had to force a Ghent parish priest to relinquish the remains of a congregant whose final wish was to be buried in the Dominican monastery. In Bruges, mendicants had become unpopular following continual quarrels regarding charity and education with the city’s aldermen. In 1525, people began rioting against the Franciscan and Dominican communities in ’s Hertogenbosch and Leiden. The position of the mendicants further deteriorated during the period of the Dutch Revolt. In 1578, all mendicants were banned from Amsterdam and their monasteries were pillaged because they refused to take an oath of allegiance to the Governor-General Matthias of Austria. When Calvinists seized power in Mechelen in 1580, five mendicant friars were murdered and their monasteries were plundered and destroyed. In spite of considerable Catholic protests, all priests and monks were forced to leave the town of Brussels in April 1581.

Accusations of sodomy were part of the criticism of the mendicant orders from the beginning. According to one chronicler, Emanuel van Meteren, Italian monks had already introduced sodomy in the monasteries of Bruges during the reign of Emperor Maximilian,

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4 Decavele, De dageraad van de reformatie in Vlaanderen, 137-50.
5 Duke, Reformation and Revolt, 35.
6 Pieter Bor Christinaensoon, Oorsprong, begin, en vervolgh der Nederlandsche oorlogen, beroerten, en borgelyke oneenigheden (Amsterdam: Widow of Joannes van Someren, 1679-1684), 953.
7 Guido Marnef, Het Calvinistisch bewind te Mechelen. 1580-1585 (Kortrijk: UGA, 1987), 227-229; Put and Harline, A Bishop’s Tale, 4-8.
upon which many monks had been accused of sodomy and expelled from their city. In 1534, two Franciscan monks were suspected of sodomy in Amsterdam. Then, in 1578, when mendicants were expelled from that city, monasteries such as those located in Haarlem and Utrecht were sacked as accusations of sodomy spread from town to town. According to chronicler Philips de Kempenaere, ‘it was popularly believed that the mendicant friars of Brussels, Antwerp and Malines were infected with the unnatural sin of sodomy as well’. This usage of Protestant polemical strategy was not limited to the Low Countries. Early modern authorities across Europe used allusions to sodomy to validate their change in attitude towards mendicant orders; who, ironically, were among those responsible for creating theological justifications for the severe persecution of this crime contra naturam.

These on-going reports on sodomite friars across the Low Countries directly played into the hands of the newly installed ‘Calvinist Republic’ in Ghent (1577-1584). The establishment of this regime is considered to be one of the more momentous episodes of the Dutch Revolt (1568-1648). Over a decade of political and religious upheaval – including the Iconoclastic Fury of 1566 and internecine warfare, spurred François van

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13 “(...) gehoor te heben, dat eenige Italiaansche Monniken zulke afgryzelyke zonden in hunne Kloosters gebracht hadden. Om dergelyke vuile zonden zyn’er voormaals, ten tyde van Keizer Maximiliaan, mede zeer veele Monniken verdreven geweest (...)” Emanuel van Meteren, Historie van de oorlogen en geschiedenissen der Nederlanden, en der zelver naburen: beginnende met de jare 1315, en eindigende met den jare 1611 (Amsterdam: s.n., 1663), vol. 3, 127. At least one Franciscan monk from Bruges was accused of sodomy at the time, see chapter four, note 30.

14 They were suspected of the “crimine pessimo,” which probably meant sodomy. Boomgaard, Misdad en straf in Amsterdam, 276; van der Meer, Sodoms zaad in Nederland, 460.

15 Pieter Corneliszoon Hooft, “Nederlandsche Historiën,” in Pieter Corneliszoon Hooft, Alle gedrukte werken, 1611-1738, ed. Wytze Hellinga and Pierre Tyunman (Amsterdam: University Press Amsterdam, 1972), 575. This wave of sodomy accusations has some remarkable similarities with the sodomy panics of 1730, when rumors about an underground homosexual network generated a wave of sodomy trials throughout the Dutch Republic.

16 “(...)Daer werd veel gesproken van de Minderbroeders van Brugge, beschuldigd van onnatuerlycke onttuchtigheid, aen welke vuiligheid, zy zeiden, ook besmet te wezen de Minderbroeders van Brussel, Mechelen, Antwerpen, van deze en andere steden (...)”De Kempenaere, Vlaemsche kronijk, 197-198.

17 For instance, it is no coincidence that in 1533, sodomy became a felony in England under Henry VIII, after the king had ordered the dissolution of the monasteries and the secularization of a mountain of church property. See: Smith, Homosexual Desire in Shakespeare’s England, 41-53; Stewart, Close Readers, 44-52.

18 Richards, Sex, Dissidence and Damnation, 145-148; Goodich, “Sodomy in Medieval Secular Law,” 295. This was especially true in Italy, whereas mendicant writings from the Southern Low Countries contain far fewer mentions of sodomy. See: Boone, “State power and illicit sexuality,” 140.

de Kethulle, Lord of Ryhove, to stage a Protestant coup in the County of Flanders’ largest city in October of 1577. Shortly afterwards, a council was installed under the leadership of a Ghent patrician, Jan van Hembyze. The so-called ‘Eighteen Men’ had two primary goals: first, they wanted to restore the city’s medieval privileges, which had been declared null and void by Emperor Charles V in 1539. Second, they wished to spread Calvinism throughout the entirety of Flanders.21

Ghent’s four mendicant orders,23 heavily opposed to these reform based initiatives, responded with a torrent of anti-heretical preaching, supplemented by the production of anti-Reformation treatises and the censorship of suspect literature.24 As will be discussed below, this direct approach was atypical, since most Church officials chose to exclude laypeople from the debates on heresy altogether. Yet, it made the mendicants very popular among those tired of the clergy’s passivity.25 For example, the Dominican Joannes Van der Haeghen, who preached from 1566 to 1568 in Ghent’s parish churches as well as that of the Dominican monastery, attracted large audiences. Crowds would gather two hours in advance to be sure to hear his provocative, anti-Protestant sermons and many people were forced to stand outside.26 Also, mendicant life remained enticing to many city dwellers. In spite of religious perils, the number of novices entering Ghent’s Dominican monastery remained more or less stable during the sixteenth century. Although there was a dramatic decline in new novices following the Iconoclastic Fury of 1566, the monastery began to regain its footing in the period immediately preceding the Calvinist regime, admitting its prior average number of new members.27 This means that the mendicants managed to hold on, thanks to the passion of their devotees. Yet, the mendicant outspokenness against Protestantism fueled anti-clerical sentiments among other segments of society. Particularly artisans abandoned their traditional beliefs, gradually turning the city into one of the most radical strongholds of Calvinism in the

23 Ghent played host to communities of Dominicans, Franciscans, Carmelites and Augustinians.
27 Based on his analysis of novices entering the Dominican monastery between 1508 and 1577, Jan Verdée, claims that the mendicants had some ardent supporters during the entire sixteenth. Verdée, “De betekenis en de rol van de Gentse dominicanen,” 285.
Mendicant denunciations of Reformed leaders and ideals, as well their association with the Papal Inquisition eventually made the mendicant orders the primary targets of Protestant attacks.

The newly installed Calvinist city council made no secret of its loathing for Ghent’s mendicant orders. In February 1578, the Calvinistic city council placed soldiers in each of the four monasteries, ‘both to spy on the brothers and to empty their treasures into the town hall’s coffers’. Some suspected that this was done because the mendicants had secretly lodged Catholic soldiers and artillery in their monasteries. Others then again suspected that this measure was taken to prevent the monks from secretly selling their jewels. A few days later, on February 21, soldiers actually began to confiscate the church treasures such as incense vessels, basins, chandeliers and the lake of several churches in the city. Apparently, the city council feared that the clergy would finance the Catholic Reconquista of the Southern Netherlands with their treasures. In most churches and monasteries, this confiscation occurred without too much trouble. The Dominicans however, initially refused to cooperate, upon which they were locked up in a room by soldiers who had entered their monastery. After an overnight detention, the monks eventually revealed the house where they had hidden their treasures.

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28 Marcel Delmotte claims that by 1566, the year of the Iconoclastic Fury, 13% of the population had already converted to Calvinism. According to Despretz, this number rose to as much as 30% under the Calvinist Republic. See: Marcel Delmotte, “Het calvinisme in de verschillende bevolkingslagen te Gent (1566-1567),” Tijdschrift voor Geschiedenis en Oudheidkunde te Gent 17 (1963), 163; Despretz, De instauratie, 73; Dambruyn, Corporatieve middengroepen, 657-60.

29 Verdée “De betekenis en de rol van de Gentse dominicanen,” 277-78.

30 “(…) Dit was tbegin om middel te vindene om wederom met valscheyt ende leugen ende geusen gesaigert omme alsoo onder tdecksel van eenen eerlycken deckmantel te moghen rooven ende de selve te verjaghen (…)” Ghent, GUL, MS. 2543, 529; MS. 159, fol. 329v. See also: GUL, MS. 2453, 529; GUL, MS. 2562, fol. 32r; GUL, MS. 3344, fol. 33r; GUL, 3646, fol. 18v; GUL, MS. 3696, fol. 66v; GUL, MS. 3814, fol. 27v; Bernardus de Jonghe, Gendsche geschiedenissen ofte kronyke van de beroerten en letterye binnen en ontrent de stad van Gent sedert het jaer 1566 tot het jaer 1585, ed. Frans Marten de Mulié (Ghent: Widow of Michiel de Goesin, 1782), vol. 2, 5.

31 “(…)men presomde dat was om dat gheen juweelen uit doen noch vercoopen sauden ghelyc die van Sente Pieters (…) Ghent, GUL, MS. 159, fol. 329v.

32 “(…) Item den XXIIen, XXIIIen ende XXIIIen zo zach men te Ghendt anders niet dan dat de XVIII notabele anders niet besich en waren dan henlieden bedelen in diversche partijen inde kercken ende inde cloosters uyt halende alle de relycken, seborien, monstranssen, alle de juweelen vander kercken, wesende gaut ofte selvere (…)” Ghent, GUL, MS. 159, fol. 333v. See also: GUL, MS. 531, fol. 242v; GUL, MS. 2543, 530; GUL, MS. 2547, fol. 421; GUL, MS. 2339, fol. 119v; GUL, MS. 2553, fol. 272r; GUL, MS. 2554, fol. 96v; GUL, MS. 2562, fol. 32v; GUL, MS. 3344, fol. 34v; GUL, MS. 3646, fol. 19v; GUL, MS. 6186, fol. 52v; Andreas Van Heule, Memorieboek der stad Ghent: van ’t j. 1301 tot 1737 (Ghent: Annoot-Braeckman,1852-1861), vol. 3, 39.

33 “die oorsae was dat men presomde ende vreese hadde datse met huer schathen don Jehan te goe omen zouden ende zyn oorloghe te voeren jeghens onslieden (…)” Ghent, GUL, MS. 159, fol. 333r.

34 “(…) 22 sporkele 1578 trocken een hoop soldaeten inde Jacoppijnen clooster ende stacken mest alle de broers in een camere om dat sy al haerlieder schat weggedaen hadden ende wilden niet seghgen waer hy was (…)” Ghent, GUL, MS. 2543, 530. See also: GUL, MS. 2562, fol. 32v; GUL, MS. 3344, fol. 34v; GUL, MS. 3696, fol. 67v; GUL, MS. 3814, fol. 28r; de Jonghe, Gendsche geschiedenissen, vol. 2, 8.
The following weeks, the hostility of the Eighteen Men towards the mendicants grew hand over fist. This became clear once more when a mendicant was brought before the city council on the charge that he would have bought poison to kill the soldiers quartered in his monastery. When it turned out that the monk had bought alabaster to make sculptures, the Eighteen Men let him go reluctantly.\textsuperscript{35} Starting in April, the monasteries were prohibited to ring their church bells, processions were forbidden and Calvinists began disrupting services the following month.\textsuperscript{36} This hostile attitude of the Protestant aldermen undoubtedly resulted from the precarious military situation in the Low Countries at the time. Therefore, on April 22, the city council demanded that the clergy took an oath of loyalty to the landlord appointed by the States-General, Matthias of Austria (the later Holy Roman Emperor) and against the official royal landlord, Don John. Many clergymen, the mendicants in particular, refused to take this oath out of protest against the actions of the Calvinists, which invigorated the anti-Catholic party. Once again, soldiers were quartered in the monasteries and the mendicants were locked up without food or drink and were forbidden to celebrate mass or to speak Latin.\textsuperscript{37}

Then, on the 16\textsuperscript{th} of May, rumors reached the city council that mendicant friars in Bruges had been arrested for sodomy.\textsuperscript{38} A couple of days later, two hundred soldiers stormed into the monasteries in the middle of a Pentecostal mass where – according to Catholic chronicles - they behaved themselves like ‘hellish devils’.\textsuperscript{39} Drunken soldiers
mocked the Eucharist while others turned the place upside down, tearing apart books, tossing furniture through the windows and into the river, smashing sculptures, burning paintings, et cetera. At the same time, women and children looted everything not nailed down. \(^{40}\) The next morning at 8 o’clock, the city council declared by drumbeat that all robbed goods had to be brought to the town hall, on penalty of immediate execution on the gallows. \(^{41}\) In the weeks that followed, a new series of iconoclastic incidents had to erase all remaining traces of the mendicants. A big fire was lit in the Franciscan monastery church and several wooden sculptures and paintings were burned. \(^{42}\) At the end of May, the churches of the Dominicans and Carmelites were whitewashed and converted for Calvinist use. From June 1, the first officially authorized Calvinist sermons were delivered there. \(^{43}\) The Franciscan church however, became an artillery warehouse while the church of the Augustinians was completely demolished. \(^{44}\) The monasteries’ remaining possessions were auctioned off. \(^{45}\) With their houses confiscated by the city council, most of the mendicants left town, devastated. \(^{46}\)

\(^{40}\) “(…) Men sach veel van haerlieder meubelen ofte catheylen in stucken smyten ende breken ende alsoo ter veynsteren vuyt werpen inde rivier (…)” Ghent, GUL, MS. 2543, 536. See also: GUL, MS. 131, fol. 175r; GUL, MS 159, fol. 338v; GUL, MS. 2339, fol. 119v; GUL, MS 2547, fol. 421v; GUL, MS. 2553, fol. 273r; GUL, MS. 2554, fol. 96v; “(…) met veel andere saken die de soldaten deden als op den orghel spelende, processie draeghende ende veel ander diversche sotternyen bedrijvende ter schimpinghe vande catholycke (…)” GUL, MS. 2562, fol. 34v, GUL, MS. 2563, 238; GUL, MS. 3344, fol. 39v; GUL, MS. 3636, fol. 24v; GUL, MS. 3373, 137; GUL. 3814, fol. 29v; “ende de priesters die sij ande aultaren vonden, trocken sy de casuiffels ende alben af ende sij deden de selve anne dus mollende ende spottende met den catholijckens roomschen dienst (…)” GUL, MS. G.6185, fol. 6r-v; GUL, MS. G.6186, fol. 53v. \(^{41}\) Ghent, CAG, Series 93, 29EE, fol. 195v. However, this threat made little impression according to one chronicler, because ‘the godless soldiers were in charge now’: “(…) maer dit veurghebodt wiert seer luttel gheobserveert, wandt de goddeloose soldaeten waeren nu meestere (…)” Ghent, GUL, MS. G.6185, fol. 7v. \(^{42}\) “(…)
In the meantime, fifteen monks had been arrested and handed over to the bailiff. One of them, Jan d’Hamere, died during interrogation under torture, although Calvinists claimed it was suicide. In any case, he was posthumously convicted of sodomy upon which his intestines were trown into the river and his body was burned on the gallow.

The other verdicts conformed to the early modern judicial distinction between the participants in same-sex acts: the active, generally older participants were executed, and the passive, usually younger partners tended to receive lighter penalties. On the 28th of June, two Franciscans and one Augustinian were convicted of passive sodomy; their hair was publicly burned off, they were whipped until they bled and then banished for fifty years. In contrast, the three Franciscans and two Augustinians found guilty of both active and passive sodomy were sentenced to death by burning at the stake.

By January 1579, the enthusiasm for punishing sexual deviancy seems to have petered out. Another two Augustinians were found guilty of passive sodomy, but the council took into consideration their imprisonment since May 1578 and only banished them for three years. That same month, four Franciscan friars, one of which being the prior of the Franciscans in Hulst, were cleared and released. Eighteenth-century Dominican chronicler Bernardus de Jonghe was convinced that the city council had no choice but to let them go, ‘as no torture could make them falsely confess’. However, as far as we know, the Eighteen Men didn’t obtain confessions from the executed friars either. A more decisive factor in their release was probably the treaty brokered by William of Orange and signed by the city just a few days previously, granting Catholics and Protestants equal rights throughout the Netherlands. And so ended one of the most turbulent sodomy trials of the sixteenth century.

In the years following the trial, the Calvinist city council continued to propagate Protestantism and even attracted internationally renowned professors to lecture at the theological faculty which was established during 1578 in the former Carmelite monastery. The Spanish Reconquista of the Southern Netherlands was so successful

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47 Ghent, CAG, Series 400, no. 87, fol. 161v.
48 Ghent, GUL, MS. 2555, fol. 273r.
49 CAG, Series 214, no. 8 (1574-1578), fol. 258v-59r. To my deepest regret, I have made a mistake in my article “From Slurs to Silence?” published in The Sixteenth Century Journal, on which this chapter is based. In this article, I incorrectly state that the convicted monks were Augustinians and Dominicans, although they were in fact Augustinians and Franciscans.
50 CAG, Series 214, no. 9 (1578-1581), fol. 21v-22r.
51 “(...)maer geene pynen ofte tormenten hadden bequaem geweest, om hun eenigerhande valscheyd te doen kennen, waerom zy nu als onschuldig wierden uytgelaten (...)” de Jonghe, Gendsche geschiedenissen, vol. 2, 29.
52 Unfortunately, the interrogations from the Ghent case have disappeared..
54 In 1580, this theological faculty moved to the Dominican monastery. Johan Decavele, “Calvinistisch onderwijs,” in Het eind van een rebelse droom: opstellen over het calvinistische bewind te Gent (1577-1584) en de terugkeer
however that in 1583, Hembyze had to start secret peace negotiations with Alexander Farnese. For this ‘treason’, Hembyze was decapitated in August 1584. The isolated ‘Calvinist Republic’ managed to hold out a few more weeks but capitulated on the 17th of September 1584. Catholic religion was reinstalled in all its former glory and Calvinists were given the option to leave the city or to convert to Catholicism within two years.\textsuperscript{55}

\section*{9.3 Catholic rehabilitation in city-chronicles}

Given the fact that the local mendicants were the primary opponents of the nascent Calvinist regime’s religious program, it should come as no surprise that the Ghent city council was keen to convict the friars. Furthermore, Calvinist ministers in desperate need of places of public worship in the city probably added some fuel to the fire. The consistory of Calvinist preachers wrote to their London colleagues that ‘with the four mendicant orders driven out of their monasteries for their gruesome crimes against nature, we are hoping that we can use their churches to preach the word of God some time soon’.\textsuperscript{56} The need for churches might help explain why the city magistracy was so determined to put on an anti-clerical show trial.

That they succeeded is exemplified by the fact that Frans Hogenberg, one of the most famous engravers of the era, created news prints depicting the executions.\textsuperscript{57} Hogenberg, himself a Protestant, left the troubled Low Countries during the 1560s and set up a successful workshop in Cologne, where he produced numerous news prints about recent events taking place across Europe.\textsuperscript{58} Hogenberg produced three news prints about the sodomy trials in 1578. Two depict the events in Bruges: the first shows a procession of arrested monks who had to leave their monastery under the watchful eye of several soldiers (fig. 10).\textsuperscript{59} The second print illustrates the sentences being executed on July 26.

\textsuperscript{55} Herman Vanderlinden, “Het beleg en de val van Gent,” in \textit{Het eind van een rebelse droom: opstellen over het calvinistische bewind te Gent (1577-1584) en de terugkeer van de stad onder de gehoorzaamheid van de koning van Spanje (17 september 1584)}, ed. Johan Decavele (Ghent, city council, 1984), 105-12.

\textsuperscript{56} Decavele, “Brugse en Gentse mendicanten,” 91-92.

\textsuperscript{57} The sixteenth century saw a huge expansion of similar narratives on crimes and executions, see: Joy Wiltenburg, \textit{Crime and Culture in Early Modern Germany} (Charlottesville: University of Virginia Press, 2012), esp. 65-87.


\textsuperscript{59} The accompanying text reveals that the ‘ungodliness’ of the monks became known after the two monks who had attended a protestant meeting denounced their fellow friars: “Wie zween munch in einer predig gefangen zu Brug im Flanderen haben sodomitische gottlosigkeit des closters, der obrigkeitkeit angegeben. Wunder hatt sich zugedragen/Zu Brugk in kurz verruckten dagen/ Das zwehen Minnenbroder/ Gefangen in Calvini leher/ Seind zugestalt irm Gwardian/ Der seie mit rutten hat laßen schlan/ Demnach dor Rhat seie Examinirt/ Da seie wunder han deponiert/ Von Sodomi in irm orden/ Damitt ihr viel beschmitzet worden/ Der Rhatt ins Closter bald gesand/ Vnd als die Munch sulch han bekhart/ Sind seie gefangen all geleidt/ Zum thor umb yhr gottlosighet. Zu Brug im Flandern/ Anno domini MDLXXVIII 18 Meij.”
In the foreground, two monks are whipped at the scaffold, while others are banned. In the background, three monks can be seen mounting the stake (fig. 7). The third news print, depicting the events in Ghent, focusses on the execution of the five monks as witnessed by a large crowd (fig. 18).

The texts accompanying the prints indicate that Hogenberg must have been well informed about the sodomy trials in Bruges and Ghent. Nevertheless, many early modern prints were a subjective expression of norms and values, and this was also true of the Protestant Hogenberg’s 1578 compositions. An accompanying rhyme describes the monks as ‘godless sodomites’ and “Buben”, a slightly ambiguous German term that generally referred to a ‘young boy’, but could just as easily mean ‘sodomite’. This word choice illustrates that Hogenberg wanted to place his prints within the wider context of Calvinist critiques of the mendicants rather than simply depict a local event. It is therefore likely that he did not produce these prints on commission, but on his own initiative with an international audience in mind. His prints proved popular and were often compiled and reprinted in Dutch, French and Latin during the seventeenth century, although it should not come as a surprise that the prints about the sodomy trials were excluded from Catholic reprints.

And yet, in spite of the commercial success of these prints, the Ghent sodomy trial of 1578 was rarely employed by other Protestants in anti-Catholic polemics during the sixteenth and seventeenth centuries. The events are not even mentioned in the chronicle of Everhard van Reyd, secretary of John VI, Count of Nassau, and a devout Calvinist with a great sympathy for the Ghent Calvinists. Others, like Pieter Cornelisz Hooft and Pieter Christiaensz Bor, two Dutch historians who wrote their accounts of the Eighty Year’s War

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60 The accompanying text attests that many of the monks involved were young boys who were seduced by the elder friars in the monastery. “Execution uber sodomitische Gottlosigkeit in der statt Brug/ Zu Brug in Flandren woll bekhannt/ Seindt drei Minnenbroder verbrant/ Auch zween mitt ruten wogelgestreichen/ Vnd zween haben aus mußen weichen/ Dan sei vast jung und nitt erfarn/ Und von den Alten verfurt warn/ Daß seie unzucht an iren leib/ Geubtt zur ungerechtighkeitt/ Anno Domini MDLXXVIII 26 julij.”

61 The text describing this image, focusses on the consequences of the trial and the expulsion of the mendicant orders from the city. “Execution uber Sodomitiscshe Buben binnen der Statt Gendt/ Funff munch al hie werden verbrendt/ In Flandren binnen der statt Gendt. Der minnenbruder weren vehe/ und der funfft ein Augusteiner/ Auch dreij mit ruten gestreichen seindt/ Auff dem marckt wie fullig gheschwindt/ Um ire unzuchtt uber groß/ Daß die obrigkeit seher verdroß/ Drum ietz die vier Bettel orden/ auß Gendt all sein verdieben worden/ Anno Domini MDXXVIII junij.


63 Puff, Sodomy in Reformation Germany and Switzerland, 217.

In the seventeenth century, describe the trial in a most impartial manner. In the same period, the Calvinist lawyer and writer Hugo Grotius even claimed that the Ghent city council did not care about the Calvinist faith, but that the Aldermen had condemned the ‘handful of monks out of self-interest’.

In spite of the lack of Protestant propaganda, it seems that, in the aftermath of the trials, the Southern Netherlands had built up a reputation with regard to sodomite clergy. In 1601, a pamphlet was printed in Paris which claimed that a Jesuit called père Henri had recently been burned in Antwerp because of sodomy. The pamphlet described this execution and its inducement in lively detail: père Henri would have sodomized sixty children at the college in Antwerp where he taught, one of which even died as a result of the injuries he sustained during the sexual assault. The anonymous author, likely Daniel Chamier (1564–1621), a Huguenot minister from Montpellier, seized the opportunity to once again denounce the abuses within the Roman Catholic Church. In spite of all the numerous details in the Histoire notable de père Henri, Jésuite sodomite, the story is invented from scratch. Not a single Jesuit was burned at the time, a fact that was even officially confirmed in two open letters from the Antwerp bishop and aldermen. Yet the author clearly assumed that a city in the Southern Low Countries was a credible location to stage this fabricated execution. This reputation likely resulted from the controversial executions a few years earlier.

The lack of anti-Catholic polemics within the Southern Netherlands in the aftermath of the actual executions of 1578 is all the more remarkable, because, elsewhere at the end of the sixteenth century, some Catholics began to use allegations of sodomy in as inflammatory a manner as their Reformed counterparts. In 1577, Jerome Bolsec, a French Carmelite who had flirted with Protestantism for some years while propagating controversial ideas, before reconverting to Catholicism, wrote a fictional biography of Calvin. In this story he claimed that Calvin had been caught red-handed engaging in

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67 The latter even claimed that they had went through the legal records of the city only to find that, to their recollection, no man had ever been penalized for such an ‘abominable crime’. However, as can be seen in Appendix 2, some individuals were indeed sentenced for sodomy in Antwerp during the first decade of the seventeenth century. “(…) Certifions que pendant ces deux années nulle personne laïque ou Ecclésiastique n’a été exécutée à mort par feux, étant néanmoins chez nous seuls en la qualité que dessus, la judicature et exécution criminelle pour toute cette ville. Mêmement avons pris inspection de nos registres des causes criminelles, et ne s’est pas trouvé qu’en cette ville, de mémoire d’homme, ait été fait punition d’un crime si abominable. (...)” Louis Richeome, “Attestation de l’Evêque et des Magistrats d’Anvers. Traduction latine produite par Louis Richeome (1602),” Albineana, Cahiers d’Aubigné 23 (2011): 201.


69 Irena Backus, Life Writing in Reformation Europe. Lives of Reformers by Friends, Disciples and Foes (Farnham: Ashgate,2008), 153-70.
sodomy but that intervention by the compassionate bishop of Noyon resulted in his death sentence being reduced to a brand on his shoulder (fig. 19).70

An intriguing broadsheet preserved in Ghent University Library’s manuscript collection, contains a song about this alleged trial. In the Ghent song, calling Calvin ‘notorious heretic and sodomite’, the bishop of Noyons was replaced by the French king, but the song otherwise follows the same storyline. Calvin is characterized as an impostor who now resides in hell, because he often committed both simony and sodomy, and the song directly called upon Protestants to expose their leaders as deceivers. After all ‘only when pigs can speak Latin, and camels fly through the sky, will Protestants be saved’, as the text concluded.71

Unfortunately, the broadsheet is undated and the different song texts on it were compiled by the anonymous ‘M.H.L. d’H,’ we can only speculate as to the song’s exact date. However, the same sheet contains a lamentation over de death of Charles II of Spain. Since Charles ‘the Bewitched died heirless in November 1700,72 his demise must be used as a terminus post quem for the dating of this particular broadsheet. This indicates that the lifespan of sodomite slurs regarding religious foes was longer than what might otherwise be expected.73

Calvin’s successor, Théodore de Bèze, was also ridiculed because of a poem he had written in his youth. In this poem, de Bèze is allegedly torn between the love for a young man and a young woman, but he chooses for his male lover. Bolsec also accused Huldrych Zwingli of bestiality, a calumny that was then repeated by other authors who claimed Zwingli had lain with – depending upon the source - a mule, a cow, or a mare.74 This discursive reversal also played a role in the French Wars of Religion. Huguenots accused

70 Elwood, “A Singular Example,” 86.
71 “En een Vercken wilt bemercken/ Eens kan spreken goedt Latyn/ En als een Kemel vliegh door den hemel/ Sullen de Geusen saligh zijn” Ghent, GUL, MS. 006767/-9 (verzamelband liedekens), non-foliated.
73 Other sheets in the volume contain song texts written by Petrus Coens, a seventeenth-century canon of Saint-Mary’s in Antwerp, where they were printed during the second quarter of the seventeenth century. This could indicate that the song of ‘Calvin the sodomite’ may have circulated prior to 1700. On the volume, see: Willy Braekman, “Early Flemish Broadside Ballads in the University Library in Ghent,” Quaerendo 2, no. 1 (1972): 120-21.
Catholic priests of being sodomites on a regular basis, but the Catholic League didn’t hesitate to use the same tactics against Henry III. Catholic authors accused their king of being an effeminate sodomite who neglected his wife, favored his mignons and jeopardized his country. And even though sixteenth-century Catholics in the Low Countries may have been “reluctant to use print to spread polemical songs”, at the height of the Counter Reformation, the ungodliness of the Sodomites was juxtaposed with the unconditional obedience of Lot in several Catholic songs praising the veneration of saints—one of the devotional practices that especially drew the ire of Protestant reformers. Consequently, the Protestants were equated with the lustful Sodomites who disobeyed God. In these songs, the image of Sodom and Gomorrah, omnipresent in early modern society, was used to defend Catholic rituals, and as such, the story of sexual sin contributed to the formation of a renewed Catholic identity.

Although these examples show that denigrating your competitors as sodomites wasn’t an exclusively Protestant tactic, most historians treat such Catholic invective as isolated incidents, rather than common practice, and not entirely without reason. If Catholic pamphleteers did use sexual allegations to vilify the Protestants, they usually criticized Luther’s excessive heterosexual lust. Furthermore, the avalanche of sexual accusations elicited little in the way of response from Catholic theologians, who dismissed them as sheer desperation on the part of the Protestants. As far as Church officials were concerned, these defamations could easily be ignored because most of them came in the form of ephemera such as songs, prints, broadsheets, et cetera.

In fact, what appears to be passivity on the part of Catholics in this matter actually reflects a general policy on the part of the Church in the Low Countries. Reform, in the eyes of many clerics, was an internal matter, and the less laypeople knew about it, the

76 Judith Pollmann, “‘Hey Ho Let the Cup Go Round!’ Singing for Reformation in the Sixteenth Century,” in Religion and Cultural Exchange in Europe, 1400-1700, eds. Heinz Schilling and István Tóth (Cambridge: Cambridge University Press), 308.
77 Anonymous, Leysen-boeck der catholycken... (Leuven: François Fabri, 1605), 149-52; Anonymous, Een nieuw Geestelijck Liedt-boeckken... (Leuven: Jan Maes, 1618), fols. 82v-84r.
78 This dynamic is also illustrated by chronicler and merchant Zegher van Male (ca. 1510-1601). In his well-known ‘lamentation on the religious troubles’, he compared the fate of Sodom and Gomorrah with the Iconoclastic Fury that destroyed many religious images in his hometown Bruges in 1566. Zegher van Male, Lamentatie behelzende wat datter aenmerkensweerdig geschiet is ten tyde van de Geuserie ende de Beeldenstormerie binnen ende omtrent de stad van Brugge, ed. Charles Louis Carton (Ghent: Vanderhaeghen-Hullin, 1859), 84.
80 Puff, Sodomy in Reformation Germany & Switzerland, 155-56.
better. Heresy was considered God's punishment for society’s immorality, and rather than mobilizing Catholics to fight the Protestants, priests offered a penitential solution to the problem by encouraging Catholics to contemplate their own sins. When the clergy did bother to respond to charges of sexual deviancy, they did so almost exclusively in Latin, while addressing other clerics – not the laity. It wasn’t even until the end of the sixteenth century that Netherlandish clergymen felt compelled to warn the general public of the dangers of Protestantism by writing in the vernacular. As a result, they lagged far behind their Protestant counterparts in the production of pamphlets and prints.

Although Church authorities did little to respond to Protestant accusations of sodomy, in some exceptional cases, the laity did. Following the 1578 trial, several lay Catholics actively refuted the Calvinist charges. Thus, we are provided with an opportunity to gauge the view of the laity on an issue that the clergy tended to ignore. A remarkable example of these laymen’s writings, is the so-called Adieu of Jan van Hembyze. This pamphlet was written by an anonymous opponent of the Calvinist leader right after Hembyze had to leave Ghent in 1579. In this polemical poem, Hembyze allegedly wished goodbye to his partisans and his adversaries. Hembyze lamented his many wrongdoings, and in doing so, he condemned many of the individuals involved in the Calvinist regime. The text must have circulated in Ghent, for it was incorporated in several sixteenth- and seventeenth-century manuscripts, and was discussed by people in the streets of Ghent. The text also referred to the 1578 sodomy trial and suggests that Hembyze took pleasure in the fate of the convicted monks, who were described as poor children who had to pay the price with their lives because of Hembyze’s loathing of the mendicant orders.

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86 Scribner, For the Sake of Simple Folk, 229.
87 Although Catholics in the Low Countries are often regarded as being rather passive bystanders in the event of this period, the case of Ghent illustrates that Catholics took various actions when faced with the threat of iconoclasm and the subsequent destruction: Michal Bauwens, “Under Construction. The Catholic Community in Ghent after the Beeldenstorm,” BMGN/Low Countries Historical Review 131, no. 1 (2016): 81-98.
89 “(…) Die Rijcke Catolyke hebbe ic zeer vermindert/ die cloosters verhindered op den senxen dach/ doen breken Raseren in stucken gheplundert/ Rooven ende pillieren daert elc ansach/ de muncken doen claeghen met angheschal/ duer openbare feyten van mij bedreven/ kinders met den brande betaelden tgelach/ ende andre in vanghenesse duer mij gheleghen/ naer huerlieder doot was ic ghenelegen/ soeckende hemlieden te bringhen in scade/ want bloet te sturtene ic vooren hadde (…)” Ghent, GUL, MS. 159, pamphlet attached beteen folios 430 and 431. Many thanks to Anne-Laure Van Bruaene for providing me with a transcript of the Adieu
However, rather than writing pamphlets, most Catholic laymen who expressed their opinions on the 1578 trial did so by deploying a popular narrative genre: the *memorieboek*. Over twenty Catholic chroniclers, nearly all laypeople, felt compelled to counter the city council’s anti-clerical measures and propaganda in their city-chronicles or *memorieboeken*, now kept in the Manuscript Collection of the Ghent University Library. This collection possesses twenty-seven original *memorieboeken* containing information on the Ghent Calvinist regime; twenty of which mention the sodomy trial of 1578. Another four similar manuscripts who talk about the accused friars have been edited and published.\(^90\)

Some of the authors made a point of expressing their dismay with the on-going trial. None of them believed the rumor regarding widespread sodomy within Bruges and Ghent’s monasteries – neither then, nor later. Justus Billet, a seventeenth-century merchant and aldermen who wrote several chronicles,\(^91\) denounced the story as ‘a false, invented and devilish message’.\(^92\) Indeed, the consensus was that the Eighteen Men were motivated by avarice. As one anonymous sixteenth-century author eloquently put it, ‘the Protestants now had ‘as a good a cover as they had ever dreamed of’ for attacking the monasteries and robbing their treasuries’,\(^93\) the proceeds of which according to the sixteenth-century chronicler Christoffel van Huerne, they intended to use to help fund the States-General’s war against Catholic Spain.\(^94\) Moreover, Jan d’Hamere’s supposed suicide hinted of darker goings-on, and one anonymous sixteenth-century chronicler questioned the official story, demanding to know how d’Hamere had obtained poison when ‘nobody was allowed to visit him in prison’.\(^95\)


\(^92\) “Den XVIII\(^{96}\) Mei 1578 quaemen van Brugghe de duijvelsche geinventeerde valsche tijdingen hier tot Gent hoe dat men deer bevonden waeren in dordre van Sinte Franchois, gheseidt graubroers ofte Fremineuren, eenighe broers ghevallen te sijn inde groote abominable zonde van sodomije (...)” Ghent, GUL, MS. G. 6185, fol. 6v. (Emphasis mine).

\(^93\) “(...)Ende opden eersten dach van haerlieder gevangenisse wasser VI ofte VII Freremenierin int weerlycke gevangenisse geleedt ende nu hadden de geusen eenen goeden deckmantel geprakticeert als sy langhe genouch daeromme hadden ligghen droomen, want de voorgaende deckmantels soo hiervoren geseyt is, en waeren niet bestandt genoch om haerlieder innye te bedecken die sy hadden opt gheestelyck, ende men presumeerde dat sy ditte practicheerd en omme dieswille datter binnen Ghendt veel goede catholicq waeren, daer de geusen predicanten groote devote ren deden omme de sulcke te verlereen ende af te trecken van haerlieder oude geloove (...)” Ghent, GUL, MS. G. 6185, fol. 6v. (Emphasis mine).

\(^94\) Ghent, GUL, MS. 3646, fol. 19v.

\(^95\) “(...) maer oft het al waer was dat men van hem seyde is Godt den heere al bekendt. Eimmers men mach wel peynsen de opjinie vande chattolyken was dat hy ghestorfuen was van Armoede ende droefheyt Godt ghedincke
At the same time, the authors denounced the council’s brutality. According to Bernardus de Jonghe, himself a Dominican, terrified monks were driven into the cloisters where their vestments were ripped to shreds.96 During the ‘Pentecostal Storm’ on the 18th of May, several so-called ‘chiefs of the heretics’ came to inspect the Dominican monastery. They had sent for some instruments from the torture chamber to force the youngest brothers to confess the unnatural crimes that had taken place among the friars.97 According to de Jonghe, this display of power only served to legitimize the excessive vandalism earlier that day. When the evening fell, they left the monastery empty-handed, but around midnight a new company of some 60 soldiers stormed in again because word got around that certain Catholics were planning an armed intervention. Consequently, the monks, assembled in the refectory, were threatened to be shot dead. A man who presented himself as the hangman allegedly ordered the prior to kneel before him and raised his sword in the air to behead the prior. At the very last moment, he was stopped by a soldier who secretly whispered something in his ear. According to the eye-witness on which de Jonghe relies, this morbid ritual took place up to four times as some sort of farce in order to find out if the mendicants would face death steadfast or not.98

The executions themselves are also described with a pronounced sense of drama. According to the chroniclers, Catholics turned out en masse to show their support for the friars and the crowd was awash in tears as the five men were bound at the stake. Jan van den Vivere, a sixteenth-century burgher, wrote ‘even the Protestant preacher, who had been appointed to console them in their last moments, began to shout from the scaffold that the men were innocent’.99 A commotion ensued as the executioner set the friars ablaze and they began to scream that they weren’t guilty, with observers yelling that the mendicants were too young to be executed.100

96 However, de Jonghe’s writings have to be read critically, as he merely compiled sixteenth-century chronicles into his own eighteenth-century works, see: Tom Verschaffel, “Bernardus de Jonghe (1676-1749) en de Opstand. De geschiedenis van de Gendtsche Geschiedenissen;” Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent 43 (1989): 159-71; de Jonghe, Gendsche geschiedenissen. vol. 2, 18-19.
97 “(...) Ja zy hebben ook doen brengen eenige Instrumenten van de Pyn-Bank, op dat zy op die maniere zommige zouden doen bekennen, dat het waer was, ’t gene zy van hun vraegden (...)” de Jonghe, Gendsche geschiedenissen, vol. 2, 24.
98 “(...) Dat is tot dry ofte vier mael dezen nacht geschied; maer daer naer hebben wy gehoort, dat dit maer een geveynsde zaek ofte Klucht-spel en was, om te ondervinden met wat standvastighedyd wy de dood zouden onderstaen (...)” de Jonghe, Gendsche geschiedenissen, vol. 2, 24.
99 “(...) Ende den predicant, die bij hemlieden was om hemlieden te troosten, staende up tschavaut, riep overluyt, segghende dat men voor hemlieden zoude bidden, want zij onnoosel waeren, twelcke menich mensche hoorende, huerlieder proffijt mede deden ende daeromme zeer murmureerden dat mense doode, aenghesien dat den minister zelve kende dat zij onnoosel waeren (...)” Jan Van den Vivere, Chronijcke van Ghendt, 270. See also: Ghent, GUL, MS. 531, fol. 243v; MS. 3373, 138; De Jonghe, Gendsche geschiedenissen, vol. 2, 29.
100 Ghent, GUL, MS. 3646, fol. 26v. See also: De Jonghe, Gendsche geschiedenissen vol. 2, 29; Van den Vivere, Chronijcke van Ghendt, 270
In fact, nearly all of the Memorieboeken emphasized the youth of the condemned.\textsuperscript{101} Local chronicler Gillis de Vooght claimed that the accused were harmless children and that ‘the eldest was but sixteen years old’.\textsuperscript{102} Since de Vooght’s seventeenth-century chronicle often contains rather improbable entries, this is probably another exaggeration on his part; certainly, most of the other commentators estimated that the boys were between the ages of seventeen and twenty. Nevertheless, the chroniclers used the friars’ youthfulness as an argument in favor of their innocence. In an illustration of their naivety, Van de Vivere told the story of Clays Danneels, the youngest friar and the godson of Jan van Hembyze, leader of the Eighteen Men. Hembyze had apparently deceived the boy, promising that he would be released if he just confessed. When ‘this innocent sheep’ realized he had been tricked, he became enraged and cried: ‘is this what you promised me, godfather?’\textsuperscript{103} Thus the Catholics depicted the Calvinists as cruel and merciless fanatics who would stop at nothing, not even at burning blameless children at the stake.

The execution was the talk of the town for days. According to chronicler Philips de Kempenaere, a lawyer for the Council of Flanders, the mere thought of the displayed remains brought many to tears.\textsuperscript{104} That is, many Catholics wept. According to some of the accounts, Calvinists not only taunted Catholics with rude jeers regarding the mendicants, they even taught children sordid ditties about the sodomite friars.\textsuperscript{105} Verbal altercations broke out between the two groups, according to Justus Billet, in which ‘some stated that the mendicants would burn in hell, and others declared that the brothers were true martyrs of the Holy Church’.\textsuperscript{106} Catholic writers made their disapproval of what they felt was a sectarian attack clear. In his account, Gillis de Vooght referred to Calvinists as the ‘evil ones’ – and Catholics as the ‘wise ones’ – while an eighteenth-century writer denounced Calvinism as ‘a pretend religion’.\textsuperscript{107}

\textsuperscript{101} See particularly Ghent, GUL, MS. 2547, fol. 423r; MS. 2553, fol. 273; MS. 3373, 138; de Kempenaere, Vlaamsche kronijk, 200.
\textsuperscript{102} MS. 531, fol. 243r, Ghent University Library.
\textsuperscript{103} Van den Vivere, Chronijcke van Ghendt, 270. See also: Ghent, GUL, MS. 531, fol. 243r; MS. 3373, 138.
\textsuperscript{104} De Kempenaere, Vlaemsche kronijk, 6, 200.
\textsuperscript{105} Ghent, GUL, MS. 3696, fol. 71r. See also: Ghent, GUL, MS. 3344, fol. 40r; MS. 2562, fols. 34v-35r; MS. 3696, fol. 71r; MS. G. 6185, fol. 8v. Singing was an omnipresent part of pre-industrial society and songs played an important role in conveying the central tenets of these new, evangelical teachings. Alongside hymns, there also emerged a genre of overtly polemical Protestant tunes. In some Flemish cities, they stirred up so much trouble that the civic authorities banned singing in the market square. But Catholics also relied on the power of music in their dispute with the Calvinists, and created their own songs regarding the events in Ghent’s monasteries. However, here sodomy went unmentioned, and the brutality of the Calvinist soldiers emphasised. See: Alexander Fisher, “Song, confession, and Criminality: Trial Records as Sources for Popular Musical Culture in Early Modern Europe,” The Journal of Musicology 28, no. 4 (2001): 616-57; Pettegree, Reformation, 40-75; Decavele, De dageraad, 220; Tine Mannaerts, “Hoort hoe ‘t gaet te Ghendt: De mentaliteit van de katholieke bevolking onder calvinistisch bewind (1577-1584).” Onderzoek aan de hand van de politieke en religieuze balladen en refreinen, UB Gent, hs. 583,” (Unpublished MA thesis, Ghent University, 2009), 168-71.
\textsuperscript{106} Ghent, GUL, MS. G. 6185, fol. 8v.
\textsuperscript{107} Ghent, GUL, MS. 531, fol. 234v; MS. 2563, 238.
a seventeenth-century monk and librarian from the Ghent St. Peter’s Abbey, mentions of the sodomy charges are consistently followed by according to the new religion’.108

The last is particularly noteworthy since sodomy was supposed to be a sin so deviant it should not be mentioned among Christians. Some of these authors were reluctant indeed to put a name to the crime, essentially giving no reason for the mendicants’ executions. Others then again simply mentioned that ‘people spoke ill’ of the accused.109 Yet in spite of the traditional cautiousness to put a name to the crime, half of the studied manuscripts do explicitly mention sodomy or ‘buggery’; This is the case for nine out of twenty original manuscripts and three out of four edited volumes. Moreover, two other original manuscripts use the term ‘abominable sin’, which was used exclusively to indicate sodomy. Yet the remarkable frankness in the majority of the city-chronicles does not imply that the Catholics tolerated other versions of the events, who were possibly more critical about the monks. This is likely the reason why some of the city-chronicles were later expurgated. The folios relating to May and June, the months during which the trial took place, were ripped out of manuscript 159 in the Ghent University Library collection, one of the most detailed of these city-chronicles; its author, Gillis Coppens, was a cloth-seller who identified with the Dutch troops and so presumably reported – and supported – the Calvinists’ accusations. The very same happened to manuscript 3696. Although the anonymous author clearly sympathized with the friars - he hopes that ‘God himself will console the monks, whose despair cannot be described’110 - the folio describing the arrest of the monks has disappeared nevertheless. The chronicle of Christoffel van Huerne was also censored; Van Huerne, himself a doctor in canon law, emphasized the mendicants’ youth and described the Catholic commotion at the executions, but he also refers to his brother-in-law, the Calvinist leader Jan van Hembyze, as ‘that noble lord’.111 Van Huerne alluded to the reason for the monks’ convictions twice, but it was blotted out each time. Other Catholics expressed their disapproval in a less violent fashion. In manuscript 2547, the anonymous author frankly stated on a few occasions that the mendicants were convicted of buggery, and a seventeenth-century reader added ‘but unfairly’ or ‘but were innocent’ in the margins.112

These decisive attempts to restore the reputation of the friars contrasted sharply with the reaction of the clerical authorities, who remained shrouded in silence. In order to contradict the on-going speculation on the prejudiced role the city council was playing in this trial, the court records had been submitted to a delegation of clergymen, who were invited to give their advice on the matter. None of them, however, did protest against the

108 Van Heule, Memorieboek der stad Gent 43; Van Bruaene, De Gentse memorieboeken als spiegel voor stedelijk bewustzijn (14de tot 16de eeuw) (Ghent: Maatschappij voor Geschiedenis en Oudheidkunde te Gent, 1998), 91-92
109 Ghent, GUL, MS 2562, fol. 36v.
110 Ghent, GUL, MS. 3696, fol. 71v.
111 Hembyze was married to Anna van Heurne, Christoffel’s sister. Ghent, GUL, MS. 3646, fol. 2r.
112 Ghent, GUL, MS. 2547, fol. 423r; Van Bruaene, De Gentse memorieboeken, 266.
Then again, knowing that the bishops of Bruges and Ypres had been imprisoned during the coup of 1577, it is not surprising at all that the church officials chose not to stand in the way of the Calvinist authorities.\textsuperscript{114}

\section*{9.4 Sodomy and urban memory}

Although narrative texts such as memorieboeken definitely earn a place in the study of early modern sodomy, they have their own methodological difficulties. The value of each individual memorieboek depends on the detail and timeliness of their annotations. And while these notes become more and more extensive during the sixteenth century, some of the facts presented in the Ghent chronicles and memorieboeken are clearly inaccurate since the authors confuse names, dates and regions. In all likelihood, much of their information derived from second-hand sources, or the notes were written well after the time of the events described.\textsuperscript{115} Indeed, while more than half of these memorieboeken and city-chronicles originate from the sixteenth century, almost one third of them date from the seventeenth century, and the remainder weren’t written until the eighteenth century. The latter texts were based on older manuscripts that must have circulated quite widely.

As regards the original sources, many sixteenth-century authors, particularly those who wrote in a rather clipped style, started to copy certain stock phrases from other memorieboeken in order to describe certain aspects of daily life in the city. This copy-paste practice sometimes caused errors, in the same way that a game of Chinese whispers leads to garbled messages. For instance, Willem Weydts, a sixteenth century tailor from Bruges, was convinced that there were only three accused friars\textsuperscript{116}, while Gillis de Voocht, who wrote his memorieboek between 1601 and 1610, wrongly mentioned four mendicants,\textsuperscript{117} as did the anonymous author of manuscript 3696, who added that the friars were hanged, not burned.\textsuperscript{118} Joannes Baptista d’Obercourt, the eighteenth-century author of manuscript 3773 then repeated these errors, and he did admit in the title of his work that it was ‘a copy of a certain old book’.\textsuperscript{119} While it would be interesting to analyze the intertextuality of these writings, there are simply too many missing links and drafting a reliable genealogy of these manuscripts seems an impossible task.\textsuperscript{120}

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\textsuperscript{113} Ghent, SAG, Raad van Vlaanderen, 7.618 (Secrete Camere 1577-1579), fol. 206r.
\textsuperscript{114} Despretz, De instauratie, 10.
\textsuperscript{116} Willem Weydts, Chronique Flamande (Ghent: Hoste, 1869), 4.
\textsuperscript{117} Ghent, GUL, MS. 531, fol. 243r-44v.
\textsuperscript{118} Ghent, GUL, MS. 3696, fol. 73r.
\textsuperscript{119} Ghent, Gul, MS. 3773, 137.
\textsuperscript{120} Van Bruaene, De Gentse memorieboeken, 69.
\end{flushleft}
Despite these problems, remarkable insights on the perception of sodomy in early modern society can be gained by looking beyond institutional sources. Court records tend to illustrate the internal dynamics of prosecution in rather simple terms. Using the correct, legal formulations, early modern clerks registered what the accused was supposed to have done, and how he got punished for his crime, providing the court with a record of its own procedure. Yet, as we have seen throughout this study, most early modern juridical officials were reluctant to discuss the ‘unmentionable vice’ in any great detail. Ghent officials too, rarely mentioned sodomy, but preferred phrases such as ‘carnal lusts’, ‘pollution against nature’ or ‘atrocious and useless filth’. Referring to the fate of the biblical cities Sodom and Gomorrah, the city magistracy claimed that the friars ‘had caused dismay and brought the city in great danger’. However, they do not give us information about how the conviction of the friars was perceived outside the judicial system, as there was little room for emotions in the surviving legal documents.

Memorieboeken, on the other hand, were written in a more emotive and engaging fashion, and provide us with interesting details hardly ever discussed in normative and legal sources. Although each of these authors was convinced that he wasn’t setting down opinions, so much as recording objective facts, what makes these texts so fascinating and useful is their partiality and emotional commitment to the rehabilitation of ‘their’ mendicant friars. Not only do they allow us to catch a glimpse of how laypeople responded to the repression of sexual crimes in times of religious turmoil, they also show how these events were perceived across time. From the start of the troubles, to when the Eighteen Men had been overthrown, and after the dust had settled following Farnese’s Reconquista of the Southern Netherlands, memorieboeken kept the 1578 sodomy trial alive, and influenced the perception of contemporary readers as well as of future generations. Sodomy, usually considered an unmentionable vice in the early modern period, was thus not only used as a convenient weapon in political and religious conflicts, it also proved to be useful in the formation of urban historical awareness.

122 Ghent, CAG, Series 214, no. 8, fol. 258v-259r.
123 Ghent, CAG, Series 93/29EE, fol. 225v.
126 Van Bruaene, *De Gentse memorieboeken*, 267.
This historical awareness influenced all levels of early modern society. Claims about the past were used frequently in early modern narrative sources in order to shape the public opinion. Noblemen often used diaries, chronicles and legal documents to manipulate the perception of their families' noble ancestry, and middle groups too voiced their preoccupations, or expressed their worldview through literary sources. Fifteenth-century Ghent craft guilds legitimized their frequent rebellions against the princely government through songs, stories and texts, and thereby framed contemporary politics within a long historical tradition. Craftsman Jan de Rouck, for instance, wrote an account of the Ghent uprising of 1477 against the Burgundian dynasty from an urban perspective, in which he basically maintained a kind of ‘counter-memory’ about the events. Opposing the official historiography, “the conscious purpose of the ‘books of memory’ was to endow the following generations with a ‘social memory’, in the sense of a specific interpretation of the past by a particular social group”. Just as noblemen and artisans used historical claims to defend their particular interests, so did the Catholic Church in the wake of Trent often stimulate memorial practices that reinforced confessional identities.

Yet in this particular case, it were Catholic lay authors who felt the need to provide an alternative for the Calvinist legal actions. Indeed, some of these laymen were so committed to the rehabilitation of the mendicant orders, they even overcame the usual reticence about sodomy to actually mention it explicitly in their criticism of the trial. Over time, this ‘counter-memory’ and the official historiography became part and parcel

of each other. In the fullness of time, Ghent returned to homogenous Catholicism, and direct confrontations between the two religious confessions gradually vanished. As the Calvinists disappeared from the political spectrum, their representation of the events faded away into oblivion. Yet the Catholic restoration was accompanied by the stigmatization of old enemies and the glorification of the so-called martyrs of the Reformation. Seventeenth and eighteenth-century chroniclers therefore continued to discuss the trial as a way of recalling the harsh nature of the Calvinist regime, and praising the fortitude of the Catholic faith as illustrated by the perseverance of the condemned monks. As a result, the Calvinist regime, which lasted only seven years, was demonized even in seventeenth and eighteenth-century Memorieboeken. The formation of a collective urban memory, including the Catholic interpretation of the 1578 trial, thus served the unity of the city. In many cases this unity is achieved by “declaring some part of the past over and done with”, yet this example shows that the opposite was also possible: the continuous mentions of monk’s fate created a sense of unity among the Catholic community.

The attempt to rehabilitate the mendicants’ reputations perhaps offers us an explanation for the many references to the sodomy trial in these texts; nevertheless, it remains remarkable that the chroniclers did not try to conceal the accusations of sodomy altogether, which was exactly what Church officials did at the time. Instead, the story of the friars was handed down from generation to generation, eventually becoming part of the urban memory and leading a life of its own. Nineteenth-century Catholic historiography defended the brothers in a manner quite similar to that of the early modern city-ch chroniclers. A 1903 play even dramatized the fate of the mendicant friars, calling them the ‘Martyrs of the Iconoclastic Fury’. Hence, the memorieboeken not only show how religion could influence responses to deviant sexuality, they also reflect the formation of an urban historical consciousness – a state of affairs that should encourage historians studying early modern sodomy to reconsider the role played by the general public.

135 For instance, around 1600, the mayor of Mechelen wrote a chronicle that revised the sixteenth-century history of his town. The chronicle stressed how Mechelen sided with the catholic princely authorities, in spite of the Calvinist regime that ruled the city from 1580 until 1585. See: Bram Caers, ““In fide constans”? Politiek van herinnering in het Mechelse stadsbestuur,” De Zeventiende Eeuw 29, no. 2 (2013): 228-46.


137 Olivier Richard, Mémoires bourgeoises. Memoria et identité urbaine à Ratisbonne à la fin du Moyen Âge (Rennes: Presses universitaires de Rennes, 2009), 274.


9.5 Conclusion

Several studies have highlighted the impact that religious and theological developments had on the early modern discourse surrounding sodomy, showing how Protestants used the stereotype of the Papist sodomite to slander their opponents and validate the Reformation, and that while some Catholic authors later began to retaliate by using the same polemical strategy, the Church’s general policy was to ignore such allegations. However, the lack of official response by the clergy has led to the assumption that the laity also remained silent in the face of such attacks.

My analysis of city-chronicles proves these notions wrong, at least for early modern Ghent. The laity did not necessarily respond to Protestant allegations of clerical sodomy the same way that contemporary Church officials did. Indeed, rather than simply ignoring the assertions of the city’s Calvinist regime, a considerable number of Catholic laymen passionately attempted to rehabilitate the convicted mendicant friars in their memorieboeken, even though sodomy was theoretically a ‘peccatum mutum’: an unmentionable sin. They depicted the accused monks as children, the innocent martyrs of the one true faith, and portrayed the Calvinists as implacable fanatics who sacrificed the naïve friars for political and pecuniary reasons. At the same time, given the great lengths to which the city council went in putting on this show trial, it is equally remarkable that Protestants then made little or no use of it in anti-Catholic polemics from the sixteenth and seventeenth centuries onwards.

Despite this intriguing silence, it is clear that religious discord had a demonstrable effect upon the urban discourse surrounding sodomy in early modern Ghent. The fact that lay Catholics responded to these charges while the Church chose to remain silent, demonstrates the loyalty towards the mendicants of a determined group of devotees. Furthermore, both the censorship of certain versions of the story and its continual reprise in Catholic writings for centuries afterwards illustrate the long-lasting impact of the Counter-Reformation on the city. New generations of Catholic authors consistently presented the seven-year Calvinist regime as nothing short of tyrannical, and they used the tragic fate of the mendicants to prove it. In this fashion, these events became a symbol of the city’s turbulent religious past and an integral part of its urban memory.
Figure 20. Albrecht Durer, The four witches (1497). Amsterdam, Rijksmuseum
Chapter 10
Sodomy, witchcraft, and public discourse

10.1 Introduction

At the end of the sixteenth century, early modern Europe became more and more preoccupied with female same-sex acts. As we have seen in chapter two, this crime had previously been somewhat disregarded by the authorities due to the prevailing attitudes towards sexuality, which was comprehended only in terms of actual penetration. Consequently, sodomy was considered as a masculine form of transgression and female sodomy attracted little attention in early modern writings. Around 1600 however, female homoeroticism was increasingly commented upon in medical treatises. The recent ‘rediscovery’ of the clitoris caused an upsurge in spectacular stories about sudden sex changes and medical studies in which female sodomites were linked to hermaphrodites. In the context of the seventeenth-century witch craze, (female) sodomy was also mentioned in the writings of several demonologists, who wondered if the devil might have a hand in these unnatural desires.

Despite the increase in descriptions and representations of female sodomites during this period, it remains extremely difficult to uncover traces of actual women talking about their own same-sex experiences. A remarkable exception to this rule is the case of Mayken and Magdaleene, who were arrested in Bruges during 1618 because they had engaged in a sexual relationship while wandering through the Low Countries for over a year. During their trial, both women were intensely interrogated; occasions on which

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1 A shortened version of this chapter was previously published as: Jonas Roelens, “A Woman Like Any Other. Female Sodomy, Hermaphroditism, and Witchcraft in Seventeenth-Century Bruges,” Journal of Women’s History 29, no. 4 (2017): 11-34.
5 The trial was previously mentioned, albeit fragmentarily, in several studies focusing on local history: Germain Vandepitte, “Van Heksen en de Boze Vijand. Sappho in 1618: Mayken de Brauwere en Magdaleene van Steene,” Rond de poldertorens 24, no. 4 (1982): 127-37, Geert Debeuckelaere, “Mayken en Leene. Een lesbische geschiedenis
the aldermen of Bruges were able to elicit many statements from Mayken and Magdaleene on their homoerotic feelings. Although early modern legal records are notoriously challenging to work with and should be handled with caution, they provide unusual access to "informal, ephemeral, but critical everyday transactions" in early modern life. As such, the testimonies of these two women enable us to move the discussion on early modern female sodomy beyond the framework of literary representations.

During the trial, Mayken and Magdaleene displayed an exceptional self-awareness regarding their sexual preferences. While I do not want to portray Mayken and Magdaleene as 'premodern lesbians', I do want to highlight that there have always been individuals who preferred same-sex relations over 'heterosexual' ones and were very much aware of this even long before the 'homosexual as a species', to use Michel Foucault’s resonant phrase, came into existence. The self-conscious attitude of Mayken and Magdaleene sharply contrasts with that of the witnesses who testified during the trial. They were deeply puzzled by the women's accounts on female-female sexuality; some of them even described Magdaleene as a hermaphrodite or a sorceress possessed by the devil. The questions and doubts raised by both the bystanders and the authorities demonstrate the omnipresence of a phallocentric sexual discourse and the difficulties early modern society had in perceiving sex between women without resorting to images of monstrous bodies and demonic witchcraft.

Therefore, this chapter will focus on the divergent responses towards female same-sex acts that were expressed during the interrogations. A close reading of the trial records shows how medical, theological and demonological discourses on female sodomy entered the social world of early modern judges and city dwellers alike, albeit with different outcomes. Particularly striking is the fact that the same-sex acts these women committed were not necessarily recognized as such by many of the people involved in the 1618 sodomy trial. Although Magdaleene provides an exceptional insight into the self-

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7 This was also the case with Jacques Stassin, who worked in a tavern in Waulsort, a small village in the County of Namur. In 1638, he was publicly defamed as a sodomite and polygamist because he had seduced several young boys in the tavern. During the subsequent interrogation, he boldly stated that he took as much pleasure in it as having sex with a woman. Namur, SAN, I50 (L’office fiscal et du procureur général), no. 4117, non-foliated; Namur, SAN, I48 (Conseil provincial de Namur), sentences, no. 2772, 46-47; Martin Lipszyc, “Jugez ce crime, que je ne saurais voir! Analyses d’un procès pour crime de sodomie à Namur au XVIIe siècle” (Unpublished MA Thesis, Université de Liège, 2018), 48. In eighteenth-century trials, this type of self-assured statements is more common. Hofman, “Achter gesloten deuren,” 113.

consciousness of early modern women attracted to women, she was portrayed by the civic community as a hermaphrodite or a creature that was both man and woman due to the devil, in order to make sense of her transgressions. As such, the case of Mayken and Magdaleene shows that, in order to fully understand the perception of female same-sex desire in early modern Europe, historiography should not only pay attention to scholarly and literary representations of female sodomy, but should also scrutinize public responses to those representations.

10.2 The remarkable romance of Mayken and Magdaleene

On August 18, 1618, a routine investigation of a horse theft took an unexpected turn when Maerten van Ghewelde accused his wife of having a relationship with a hermaphrodite. When Maerten confessed his trafficking in stolen horses, the authorities sentenced him to the gallows. Caught in a hopeless situation, Maerten van Ghewelde apparently decided to report his wife, Mayken de Brauwere, and told the aldermen that Mayken had abandoned him for over a year now after she had been seduced by a certain woman named Magdaleene, who was said to be a hermaphrodite (“wesende hermaphrodite”).

Determined to retrieve his missing wife, Maerten even turned to sorcery. A certain Pieter Duivele had performed a ritual in which he drew a square on the floor whilst beseeching the four corners of the world in order to trace Maerten’s wife. Duivele assured Maerten that he would find Mayken in a certain tavern in Oudenaarde, yet by the time he got there Mayken and Magdaleene had already fled. According to the cuckolded husband, Magdaleene was not a first-time offender since she had deceived several housewives before, a crime for which she was allegedly banned from Tielt, a small town between Ghent and Bruges.

On the 25th of August, immediate ante executionem, Maerten was asked if he wanted to add anything else to his statement so that he could relieve his conscience. Facing death, Maerten appeared determined to drag Mayken down with him in his fall, as he revealed a detailed account of the misdeeds committed by the two women. One day in May the year before, Maerten heard loud panting in the attic of the estate where both he and his wife worked as day laborers. Wanting to know what caused this noise, he took a quick peek, only to find his wife lying with Magdaleene, who said that they were merely jesting by tickling each other. Maerten, suspicious of this explanation, gave his wife a reprimand and warned her to stay away from ‘that whore who was banned from Tielt for similar filthy offenses’. Obviously Maerten’s warning did not leave a lasting impression, as

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9 Brussels, NAB, CA, no. 13790, non-foliated; Bruges, CAB, Series 192, no. 3 (Verluydboek 1611-1676), fol. 51r-v.
10 Bruges, SAB, TBO 119, no. 622 (Book of Criminal Examinations 1617-1626), fol. 18r.
11 “Zeght dat de voorschreven hermaphrodite verleet heeft zyn huysvrauwe zoo zy ghedaen heeft diversche andere, zynde ter dier oirsaecke te Thielt vuyt ghezeyt.” Bruges, SAB, no. 622, fols. 18r-19v.
shortly afterwards, Mayken and Magdaleene were seen running around naked through the manor and bathing together in the ditch surrounding the estate. A few days later both disappeared without a trace. Last but not least, Maerten mentioned that Magdaleene had given his wife several potions, and he suspected that these concoctions had induced a miscarriage in Mayken. In the end, Maerten van Ghewelde was executed for his thefts, yet he left his interrogators with a compelling confession. Not only did he accuse his wife of sodomy, he also claimed that Magdaleene was both a hermaphrodite and a poisoning witch. These were serious allegations, leaving the authorities no option but to respond. The aldermen took the matter seriously, since they started gathering testimonies about the two women on the day of Maerten’s execution.

One of these witnesses was parish priest Tobias de Mey, who was sent to a farm in Pittem - a small village in Bruges’ hinterland - six years earlier because ‘strange things were happening there’. He discovered Magdaleene and a certain spinster ‘lying in bed and playing’. Shortly afterwards, Passchyne, wife of Pieter Hoonnaert, came to him and confessed that she and Magdaleene had had carnal conversation on several occasions. During these moments, Magdaleene ‘had shown great affection and lust’. Passchyne told in great detail about her encounters with Magdaleene, whose ‘virgula was as sharp as a needle, with such an abundance of semen as if it was derived from four male persons, and that this semen was cold on one occasion’. Although Passchyne showed great remorse and attended Mass on a daily basis, she became ill and feeble-minded shortly after her confession. Thobias de Mey called in the help of a specialized priest who initiated an exorcism, yet it was to no avail since Passchyne died a few days later.

The spectacular charges against Magdaleene now piled up rapidly. Not only was she said to be a sodomite, a hermaphrodite and an abortionist, according to Tobias de Mey, she was none other than the devil in person. In the early modern period, it was commonly believed that coitus with the devil was very painful and that his semen was extremely cold to the touch. In this stage of the trial, we witness for the first time how people came up with divergent explanations to make sense of female same-sex desire. Whereas Maerten attributed Magdaleene’s sexual misconduct to a physical cause by calling her a hermaphrodite, the local priest used a diabolical discourse to condemn the whole matter.

12 Bruges, SAB, no. 622, fol. 20r-v.
13 “Hoe dat sy tot diversche stonden met de voornoemde vruwe ghebouleert ende vleeschelie geconverseert hadde, ende dat met groote affectie ende begeerte van de voornoemde Magdaleene.” Bruges, SAB, TBO 119, no. 664 (Register of Criminal Information of the City of Bruges, 1617-1626), fols. 27v-28r.
14 “Weesende haerer virgula scherp als een spelle, ende met sulcke overvloedigen van saede al haddet van vier manspersoonen geweest, dan telse ontfangen hebbende was teenenmael coudt.” Bruges, SAB, 664, fols. 27v-28r.
Whether or not the authorities believed that Magdaleene was possessed by “the Evil One (den boosen),” they started a feverish search for Mayken and Magdaleene, who were arrested on the 19th of September, one month after their case first came to light. The aldermen began the interrogations by drawing up a profile of their main suspect. Magdaleene, widow and mother to an adult son, had been using different cover names and was constantly on the move because of her lingering bad reputation, the scope of which would gradually become clearer during her hearing. The aldermen confronted her with several testimonies claiming that she had ‘acted dishonestly’ with numerous women and young girls. These statements made little impression however, as Magdaleene denied everything.16

The interrogators then turned to Mayken, who claimed that she had left her husband because she was tired of being accused of living from the proceeds of his thefts, and because Maerten had threatened to kill her. Mayken maintained that she was not familiar with the “evil reputation” of Magdaleene when they left together. At the time of their departure however, she did know that her companion was a “dishonest woman (eene oneerlicke vrouw)” who had committed adultery with Mayken’s own husband; a fact that Maerten van Ghewelde conveniently concealed when he was libeling his wife to the aldermen. Nevertheless, the women had left the estate where they both worked and set out on a journey across the Low Countries. When they arrived in the province of Zeeland, their relationship reached a low-point: encouraged by a man who accused Magdaleene of being a “sorceress (een tooveresse)”, Mayken decided to move on separately. Their split-up was short lived however, as they met again in a tavern in Vlissingen and travelled to Dunkirk, where they were presumably caught.17

When asked about Mayken’s pregnancy, Magdaleene refuted the assertion that she would have helped Mayken to commit abortion, claiming that Mayken had never been with child and that hence, she could not have had a miscarriage. Magdaleene admitted that she had given a potion to Mayken, but this was merely to relieve a fever. This story was confirmed by Mayken, who claimed that she had only been pregnant once in her life but that her child had unfortunately died when it was five or six weeks old.18 After this confession, the Bruges’ aldermen decided to focus on the other transgressions committed by both women.

A week later, they questioned Mayken about her relationship with Magdaleene. She mentioned on-going rumors about Magdaleene being a sorceress “who was both man and woman due to the devil (duer den duivel man ende vrouwe beede)”. Moreover, it was said

16 “Ontkendt met eenighe jonghe meyskens ghebouleert thebben.” Bruges, SAB, no. 622, fol. 21r-v.
17 Bruges, SAB, no. 622, fol. 21r-v.
18 Bruges, SAB, no. 622, fol. 22v.
that Magdaleene had ‘bewitched’ the wife of Pieter Hoornaert.\textsuperscript{19} Apparently, the rumor that she was a hermaphrodite widely circulated. Yet many people interpreted Magdaleene’s purported physical aberration in a religious way by claiming that the devil had something to do with it. In spite of these stories however, Mayken claimed that she never noticed anything peculiar about her co-defendant, who she considered to be a ‘woman like any other’\textsuperscript{20}. The image of Magdaleene as an ordinary woman took a severe blow however, when Mayken started to describe the sexual preferences of Magdaleene, who allegedly had claimed that ‘she would rather do such things than to have carnal conversation with seven men, and that other women were begging her for it’\textsuperscript{21}. When Mayken sometimes expressed her astonishment about this distinctive desire, Magdaleene replied that ‘she found contentment in it and that there were more similar women’ who experienced the same feelings\textsuperscript{22}.

Mayken claimed that these other women were often ‘more willing’ than herself, as Magdaleene ‘desired to use her daily which she often did not consent to’.\textsuperscript{23} At one point, ‘Magdaleene even pitied herself because she had not left with another woman named Lyve, who was more willing than Mayken’. Despite her reticence however, Mayken was able to tell her questioners quite a few details about her love life: on several occasions Magdaleene had ‘lain on her and had carnal conversation with her as if she was a man’. Magdaleene used Mayken as a woman ‘doing her duty with great force’\textsuperscript{24}. Mayken’s questioners must have asked her more about the manly characteristics of the so-called hermaphrodite Magdaleene, because later on she ‘denied ever having felt something that would have been male. She had indeed occasionally felt some wetness, although not in large quantities. When this arrived Magdaleene stopped lying on her’. She could not answer the question ‘whether this wetness coming from Magdaleene was cold or hot’\textsuperscript{25}.

This last remark clearly indicates that the Bruges’ aldermen still considered evil forces at work in Magdaleene’s deviant sexual behavior. Rumors of witchcraft echoed

\textsuperscript{19} “Kent ghehoort thebben te Pittem [...] dat Magdaleene duer den duivel man ende vrouwe beede was, ende Pieter Hoornaerts vrouwe daerdeure betooverd heeft.” Bruges, SAB, no. 622, fol. 23r.
\textsuperscript{20} “Dat sy es een vrouwe gelyc een ander. Bruges, SAB, no. 622, fol. 23r.
\textsuperscript{21} “Segt dat sy seide sulx liever te doen dan met seven mans te converseren, ende dat andere haer daerom waren bidende.” Bruges, SAB, no. 622, fol. 24r.
\textsuperscript{22} “Zecht haer somwylen ghezeyt thebben dat zy verwondert was dat zy Magdaleene haer met sulcx moijde ende dat zy daer up antwoorde dat zy daerinne haer contentement hadde ende datter noch meer dierghelycke waeren.” Bruges, SAB, no. 622, fol. 25r.
\textsuperscript{23} “Sulx sy daegelicx an haer begeerde, hoe wel sy deposante tselve an haer telckerwars niet en heeft gheconsteert.” Bruges, SAB, no. 622, fol. 24r.
\textsuperscript{24} “Willende up haer liggen ende converseren als een man [...] Seght dat Magdaleene up haer liggende haer devoir dede, met forte vanden lichaeme.” Bruges, SAB, no. 622, fol. 23r-v.
\textsuperscript{25} “Ontkent yet an Magdaleene gevoelt thebben dat mannelic soude wesen, ofte yet daervan gewaere gheworden thebben, seght somwylen wel wat natteichet gevoelt thebben, maer niet in eenige abundantie, ende dat sy Magdaleene dan uphielt, liggende somwylen up haer tot dat sy nat weesende. Seght niet te connen weten of seggen of de natteichet die van haer quam coute ofte eet was.” Bruges, SAB, no. 662, fol. 23v.
throughout the interrogation, but it seems that at this point, not only the local witnesses, but also the judicial authorities suspected Magdaleene of consorting with the ‘Evil One’, as they started asking pointed and insinuating questions during the interrogation on the 11th of October. They wanted to know more details about her ‘dishonest conversation’ with Mayken, Passchyne, and ‘many more women and daughters’, but also about the superstitions she would have used against some people, or the fact that she allegedly threatened people that she would play tricks on them. Although Magdaleene claimed ‘she did not know anything about sorcery, let alone that she would have practiced it’, the aldermen were convinced that she owned several suspicious books. Furthermore, Magdaleene had to answer for some oranges she allegedly had poisoned and distributed, and that she had claimed she could cure cattle. Lastly, she reportedly threatened a whole series of people and predicted their forthcoming death.

At the same time, however, it is notable that the questioners were open to other interpretations of her crimes; they even tried to gain more insight into the origins of Magdaleene’s same-sexual desires. She revealed that she was only nine when she was first confronted with female same-sex acts, when she saw several girls having intercourse in a brewery. Confronted with Mayken, Magdaleene- who had up until now denied every charge- finally admitted that she had had carnal conversation with Mayken on several occasions. When she was drunk, she had ‘shed her nature on Mayken’s body, but not in the way as men would communicate with women’. The interrogators also demanded to know whether Magaleene had used any instruments to have sex with other women and they inquired about the positions in which they had intercourse. These rather technical questions indicate that the aldermen not only considered the idea of witchcraft but also focused on more earthly motivations behind the sexual ‘excesses’ of Mayken and Magdaleene.

In order to remove any remaining doubts however, the aldermen transferred Magdaleene to the torture-chamber on the 28th of November. Subjected to the screws and the rack, she admitted having slept with Passchyne three times in the absence of Passchyne’s husband. She had ‘tasted’ her on those occasions, but she could not go any further due to Passchyne’s illness. She also confessed that she had taken another woman –who had also asked her whether she was male or female- to a field and had carnal conversation with this woman twice, after she was convinced that Magdaleene was

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27 Bruges, SAB, no. 662, fol. 26r-v.
28 Bruges, SAB, no. 662, fol. 25v.
29 “Daermede kendt dat zy haer nature mach gestort hebben op het lichaem van het zelve Mayken, dan niet inder voughen zo den man de zyne communicquert aenden vrawue.” Bruges, SAB, no. 662, fol. 25v.
indeed female. After being tortured for an hour, Magdaleene acknowledged her same-
sexual activities but persisted into denying any accusation of witchcraft.30

Her determination must have convinced the aldermen, who concluded the
interrogation after this torture session. On the 14th of December 1618, Mayken was
ordered to pray to God and Justice for forgiveness behind closed doors. Afterwards she
was to be banned from the city of Bruges for ten years under penalty of torture.
Magdaleene on the other hand remained in jail until the 12th of May 1620. The official
sentence accused her of several crimes: first of all, Magdaleene had injured and left her
husband. Furthermore, she had ‘wandered around the country, seducing several women
by pulling them away from their husbands. She had taught these women, including some
young daughters, nothing but dishonor by committing various libidinous acts, which
lasted many long years’. On top of that, ‘several indications of witchcraft’ were imputed
to her, yet admittedly she continued to deny these indications even under torture on the
rack. Therefore, the aldermen condemned her to be banned for life from the county of
Flanders. She had to leave the territory within three days under penalty of the gallows.31
Almost two years after the Bruges’ aldermen had become aware of the ‘dishonest actions’
of Mayken and Magdaleene, the remarkable trial against these deviant women came to
an end.

10.3 Female sodomy in seventeenth-century Europe

The trial of Mayken and Magdaleene is one of the few early modern examples that does
not merely come with a sentence, but also offers the rare opportunity to investigate the
mechanisms behind the persecution of (female) sodomy.32 The difficulties encountered
by the city council in dealing with this case deserve particular attention. Especially since
the Southern Netherlands took the lead in persecuting female sodomy during the
fifteenth and sixteenth centuries. As we have seen in chapter seven, nearly one out of ten
convicted sodomites at the time was a woman. A situation unparalleled in early modern
Europe, where only scattered evidence of isolated trials against female sodomites has
survived. Moreover, female sodomites received the same harsh punishment as their male
counterparts, which was generally death by fire, whereas female sodomites in other parts
of Europe were punished more leniently because their crimes were considered less
harmful than male sodomy. The high prosecution rate was partly the result of the broad
yet well-defined understanding of female sodomy in the region.

As the number of female convictions in the region fell sharply at the end of the
sixteenth century, it looks like this knowledge of sexual possibilities between women was
gradually lost. For example, it is noteworthy that the term ‘sodomy’ was never explicitly

30 Bruges, SAB, no. 662, fol. 29r.
31 Bruges, CAB, Series 192, no. 3, fol. 62v.
32 On the exceptionality of such cases: van der Meer, “Tribades on Trial,” 430.
mentioned during the procedure. This was not unusual in similar cases elsewhere in Europe, since most officials feared that openly naming female sodomy would encourage more women to commit the crime against nature themselves. Between 1400 and 1550 however, the urban authorities in the Southern Netherlands saw no problem in publicly labelling female same-sex acts as sodomy. Yet it seems that by 1618, Bruges’ aldermen seemed incapable of imagining what exactly had been going on between the two women. What reasons account for this is not clear, yet it reminds us that, even within a specific region, attitudes towards deviant sexuality were subject to changes through time.

These seventeenth-century aldermen were not the only people in early modern society who found female sodomy a puzzling concept. In both theological and legal writings female-female sexuality perceived far less attention than male sodomy, due to the fact that actual penetration was considered an essential element when sexuality was concerned. As a result of this omnipresent phallocentric vision on sexuality, contemporary commentators could not imagine that two women were able to please each other without relying on artificial accessories such as dildos. Phallus-shaped objects then played an important role in many of the recorded cases against early modern female sodomites, like the German Catharina Linck (1721), who made a dildo of leather complete with two stuffed testicles, which she could make stiff or limp. Early modern judges probably attached so much importance to the potential use of dildos because it allowed them to situate deviant sexual practices among women against the comprehensible background of heterosexual activities, which did involve penetration. Yet by using artificial devices, female sodomites were considered even more debauched, as they challenged traditional gender hierarchies in which women were supposed to submit passively to an active male penetrator.

The potential use of dildos was not the only aspect of female homoeroticism that was considered threatening to the social order: cross-dressing turned out to be a common

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33 Jonas Liliequist, however, points out that in early modern Sweden, “female same-sex acts were probably far more conceivable to ordinary people than sexual acts between males”, Jonas Liliequist, “Cross-Dressing and the Perception of Female Same-Sex Desire in Early Modern Sweden,” in *Sex, State and Society: Comparative Perspectives on the History of Sexuality*, ed. Lars-Göran Tedebrand (Umeå: Almqvist & Wiksell International, 2000), 349.


feature in many trials against female sodomites too. Of course, early modern women had a wide range of reasons to put on male attire, and sexual desire appeared to be just one of the possible motives to do so. Many of them dressed in a masculine fashion to escape poverty by gaining access to specific settings ruled out for women, such as the army or overseas trading. Others possibly disguised themselves as men to feel safer while traveling. In the course of the seventeenth century, a great deal of female transvestites evolved into local legends, ranging from Catalina de Erauso, or the ‘lieutenant-nun’ who assumed a male identity and distinguished herself as a soldier in the New World, to Anne Bonny and Mary Read, two notorious pirates who made the Caribbean unsafe.

Others did dress up as men because they were attracted to women, even if this meant that in some cases they had to deceive the objects of their affection. The Northern Netherlands in particular were well acquainted with the phenomenon. Although cross-dressing offered certain women the ability to express their same-sex desires, this was not without danger. Whereas transvestite women were sometimes celebrated as brave

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39 Rudolf Dekker and Lotte van de Pol, Daar was laatst een meisje loos. Nederlandse vrouwen als matrozen en soldaten. Een historisch onderzoek (Baarn: Uitgeverij Ambo, 1981). This also occurred in Bruges in 1704. Cathelijne Roose was a poor widow who, out of need for money, disguised herself as a soldier and tried to join the army. She was soon discovered, yet released without further ado. Bruges, SAB, TBO 119, no. 632 (Information books of the Mayor and Aldermen of the City of Bruges, 1700-1706), non-foliated.

40 In 1583, Mayken Parys wanted to go from Antwerp to Lier, a smaller town in the Duchy of Brabant, in men’s clothing. She got caught however and sent into exile for three years. “Van dat Mayken Parys gebooren van Iperen in mans cleederen bevonden wesende opten steenwech buyten Antwerpe ende alsoo gesuspecteert van te willen quene na Liere is daeromme opten XVIIIen juny XVLC LXXXIII vuytgeseght geweest drye jaeren op arbitrale correctie Brussel.” Brussels, NAB, CA, 12908, non-foliated.


heroines or pious virgins in late medieval and early modern literature, female sodomites who pretended to be men were seen as a threat to society. According to Lilian Faderman, women who both claimed male prerogative and committed same-sex acts aroused “extreme societal anger.”

During the trial of 1618 however, Magdaleene denied ever having used an instrument to practice her ‘uselessness’. Furthermore, nothing suggested that she ever disguised herself as a man to seduce women, nor did she at any point during the trial express the desire to be a man. Yet the court records repeatedly draw attention to her masculine character; she is portrayed as a strong personality with a high libido, who actively initiated carnal conversation with women on a daily basis ‘as if she was a man’, using ‘great force’ while doing so. Mayken then again is described as submissive and somewhat naïve. This dichotomy between the strong, independent and sexually active woman and her passive counterpart was a recurring theme in early modern descriptions of female sodomy. On the one hand, officials cast female homoeroticism in male terms as a way of dealing with the matter, on the other hand many accused ‘passive’ women applied this discursive strategy to receive a reduced sentence.

Whether or not Mayken consciously defended herself like this remains to be seen. She did recall her unhappy marriage and her earlier miscarriage to the aldermen through which she highlighted her ability to engage in heterosexual activities. Furthermore, she limited her part in the crime as she, in her own words, merely ‘endured’ Magdaleene’s requests for sex and often did not consent while other women were far more eager to sleep with Magdaleene. Yet Mayken also categorically denied ever having sensed anything manly about her companion and claimed that she was a woman like any other. If this had not been the case, Mayken might have got away with mere adultery. Unlike many contemporary women claiming they were tricked into marriage without being aware of the actual sex of their partner, she never presented herself as a victim, which, consequently, made her an accomplice.

46 However, society was even more hostile toward men who cross dressed as women. Vern Bullough, “Cross Dressing and Gender Role Change in the Middle Ages,” in Handbook of Medieval Sexuality, eds. Vern Bullough and James Brundage (New York: Garland, 1996), 232.
47 Faderman, Surpassing the Love of Men, 52.
48 Although sexual insatiability was traditionally attributed to women, it became gradually seen as a typically masculine characteristic. Allison Coudert, “From the Clitoris to the Breast: The Eclipse of Female Libido in Early Modern Art, Literature, and Philosophy,” in Sexuality in the Middle Ages and Early Modern Times. New Approaches to a Fundamental Cultural-Historical and Literary-Anthropological Theme, ed. Albrecht Classen (Berlin: Walter de Gruyter GmbH & Co, 2008), 837-78.
49 The subject of masculine men attracted particular attention during the seventeenth century: Sandra Clark, “‘Hic Mulier,’ ‘Haec Vir,’ and the Controversy over Masculine Women,” Studies in Philology 82, no. 2 (1985): 158.
50 Puff, “Female Sodomy,” 43.
10.4 Female sodomy and hermaphrodites

Although Mayken herself never doubted that she was dealing with an actual woman, the authorities and witnesses were less convinced about Magdaleene’s anatomy; some of them even suspected her of being a hermaphrodite, or ‘both man and woman at the same time’. The fact that the sexual identity of female sodomites was often disputed in the early modern period once again illustrates the prevailing uncertainties surrounding female-female sexuality. Given the fact that satisfying intercourse between women was considered impossible at the time, it should come as no surprise that women who did engage in same-sexual activities were often suspected of not being full-fledged women at all. Following the sixteenth-century ‘rediscovery’ of the clitoris for instance, female sodomites were often called ‘tribades’, or women with enlarged genitals that enabled them to have penetrative intercourse with other women.51 Gradually, the figure of the ‘tribade’ or ‘fricatrice’ started to show more and more similarities with another subject widely discussed in early modern medical, literary and erotic contexts, namely that of the hermaphrodite.52 Andreas Vesalius (1514–1564), the Southern-Netherlandish physician and acclaimed founder of modern human anatomy, even described the clitoris as a malformation only present in female hermaphrodites.53 Just as sodomites, hermaphrodites embodied social disorder and gender inversion.54 Because of this alignment between two concepts of sexual deviance, “women who desired women could


be explained away as that half-mythical anomaly, a hermaphrodite.”

Physical examinations were therefore becoming a more or less standard element in sodomy trials involving women. Some of these examinations were described in detail by distinguished physicians, like Hendrikje van der Schuur who was called a tribade in the writings of Nicolaes Tulp, the Amsterdam physician and mayor immortalized by Rembrandt. This was also the case with Marie/Marin le Marcis, who was examined in 1601 by Jacques Duval, a well-educated surgeon working in Rouen and Paris. Le Marcis was already examined by several medical commissions who declared she was a woman, and therefore guilty of sodomy, by the time Duval subjected her to a more thorough investigation. After inserting a finger into her vagina, Duval allegedly discovered a hidden penis and concluded that Marie/Marin had substantial masculine features, which saved le Marcis from the stake. This experience would inspire Duval to write his famous *Traité des Hermaphrodits* (1612).

Although hermaphrodites could count on a lot of medical and literary interest from the sixteenth century onwards, there was no consensus whatsoever regarding their biological origins. Some authors favored the Galenic teaching, which claimed that female genitals were nothing but inverted male genitals, and that the sex of a fetus depended on the dominant position taken during intercourse by either the male or the female semen. Consequently, a number of combinations could occur, ranging from perfect men and women to effeminate men and masculine women. In the unlikely event that the male and female seed were in balance, even hermaphrodites could arise, subdivided in predominantly male or female, and perfect hermaphrodites; a theory endorsed by the influential French court physician Ambroise Paré, whose collected works—including the treatise *Des monstres et prodiges* (1573) discussing hermaphrodites—were published in Dutch shortly after his death.

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58 Jacques Duval, *Traité des hermaphrodits, parties génitales, accouchemens des femmes, etc.* (Rouen: David Geuffroy, 1612).
63 Ambroise Paré, *De chirurgie, ende alle de opera, ofte werken van Mr. Ambrosius Paré* (Dordrecht: Jan Canin, 1592), 949-50.
Not everyone acknowledged the Galenic one-sex model and its hermaphroditic consequences however.64 Followers of Aristotelian thought did not present male and female as points on a spectrum, but rather as “polar opposites admitting no meaningful mediation.”65 They believed that hermaphrodites originated in the excess of matter produced by a woman during intercourse, which would normally lead to twins, yet in some cases resulted in a hermaphrodite.66 Aristotelians therefore did not believe in the existence of a so-called ‘perfect hermaphrodite’ with two working sets of genitals, but rather looked upon them as monsters with a redundant set of genitals resembling a tumor.67 Jean Riolan (1539-1605), professor at Sorbonne’s medical faculty, even described hermaphrodites as lustful women that could be healed “par l’amputation des parties superflues”.68 This early modern tendency to equalize female sodomites, or tribades, and hermaphrodites is yet another demonstration of the phallocentric view on sexuality and the instability of gender identities prevalent at the time.

10.5 Sodomy and witchcraft

In spite of the multitude of opinions on the origins of hermaphroditism, physicians rarely considered witchcraft as a potential cause. Even Caspar Bauhin, a Swiss professor of anatomy and botany, who addressed issues such as demonic causes of monstrous births at length in his treatise De Hermaphroditorum (1600), acknowledged that hermaphrodites were an unusual yet natural phenomenon.69 But while the possibility of demonic intervention was out of the question for most physicians discussing hermaphroditism, the general public was strongly convinced that the devil had the power to change the gender of an individual. Marvelous stories about sudden sex changes flourished during this period,70 including in the Southern Netherlands where an anonymous seventeenth-century jurist from Arras produced a whole litany of examples “fabuleuse mais veritable” from abroad.71 It was popularly believed that if sex changes could occur spontaneously, it was a small step for the devil to interfere with this natural process. According to François Soyer, a great deal of urban society was “prepared to believe that an individual could

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66 Alice Dreger, Hermaphrodites and the Medical Invention of Sex (Cambridge: Harvard University Press, 2009), 32.
67 Gilbert, Early Modern Hermaphrodites, 40.
71 Lille, Médiathèque Municipale Jean Lévy, ms. 380 (“Matières Criminelles”), 286-90.
make a pact with the Devil in order to alter his or her gender.”

Consequently, a number of early modern hermaphrodites were actually accused of witchcraft. Elena de Céspedes for instance, was condemned by the Spanish Inquisition in 1588. Several physical examinations notwithstanding, the doctors could not come to a consensus regarding Elena’s actual sex. As a result, the Inquisitors accused her of having used witchcraft to create confusion about her genitals, for which she was ridiculed during a public auto-da-fé while receiving two hundred lashes. In 1741, novice Maria Duran was arrested by the Portuguese Inquisition. She was suspected of having made a pact with the devil that granted her a secret penis she used to have sexual relations with several nuns. Some critical inquisitors wanted to absolve Maria, because they believed that the devil was not able to grant a penis to a woman. In the end however, Maria Duran was sentenced to a public flogging and an auto-da-fé in the streets of Lisbon. Apparently, the accusation of hermaphroditism regularly coincided with that of witchcraft on the Iberian Peninsula. In Northern Europe, however, the story of Magdaleene seems unique.

The exceptionality of Magdaleene’s case lies in the fact that the trial unites some contradictory contemporary notions. According to some witnesses, Magdaleene had been able to alter her gender with the help of a demonic benefactor. Others even suggested that she was the devil in disguise. Yet ultimately, she was convicted for a crime that was said to be disgusted by the very same devil. The question of whether or not the devil actually stimulated same-sex activities was indeed much debated among early modern demonologists. Italian philosopher Gianfrancesco Pico della Mirandola argued in his treatise Strix (1523) that the devil did engage in sodomy with humans in order to bring

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75 In the Spanish colonies then again, demonic intercourse was considered more natural compared to contemporary European attitudes. Jacqueline Holler, “The Devil or Nature Itself? Desire, Doubt, and Diabolical Sex among Colonial Mexican Women,” in *Sexuality and the Unnatural in Colonial Latin America*, ed. Zeb Tortorici (Oakland: University of California Press, 2016), 73.

76 In 1460, a man was arrested in Lille who claimed to be both man and woman and to belong to both sexes. Apparently, his judges decided that he was not a hermaphrodite but a man who disguised himself as a woman to have sex with several young men. On March 16 1460, he was consequently burned. As far as is known, no accusations of witchcraft were made. “Le dix-septiesme jour dudict mois de mars, feut ards en la ville de Lille, ung homme, lequel se disoit estrre homme et femme et avoir les deux sexes, mais il n’en estoit riens; et estoit homme combien qu’il feust habillé en habit de femme. Ainsy s’haibilloit pour coucher avec des josnes hommes, avecq lesquels il commectoit le peché de sodomie.” Jacques du Clercq, “Les mémoires de Jacques du Clercq...” in *Choix de chroniques et mémoires sur l’histoire de France*, ed. Jean Alexandre Buchon (Paris: Auguste Desrez, 1838), 139.
about the destruction of mankind. His theory was supported by Pierre de Lancre - a French magistrate under Henry IV- who published a tract Tableau de l'inconstance des mauvais anges et démons (1612), in which he provided one of the most encompassing portrayals of the witches' Sabbath during the seventeenth century. Describing the devil's sexual preferences, de Lancre stated that “one should not doubt that he takes more pleasure in receiving sexual relations from the back than from the front [...] he also takes more pleasure in sodomy than in most regulated and the most natural voluptuoussness”. In this way, sodomy was a “medieval catch-all” used to describe many forms of deviant sexual acts that took place during the witches' Sabbath. In Colonial Latin America too, several missionaries believed that the devil infected the native population with sodomy.

Yet other demonologists and theologians assumed that demons, although known for their unrestrained lust, were disgusted by same-sex acts. Heinrich Kramer - author of the most influential early modern treatise on the persecution of witches, the Malleus Malleficarum (1486)- wrote that all demons of any rank considered it shameful. According to Bernardino of Siena, sodomy was so repulsive 'to sight, smell, and moral sensibility that even the Devil flees in horror from this vice”. While it was popularly believed in seventeenth-century England that the offspring of a witch and the devil would automatically be a sodomite, it was also thought that the devil would flee his own child abhorrently. Throughout early modern Europe, the idea that the devil was horrified by sodomy was visually supported by images of sodomites who were cruelly punished by demons because of their sins against nature.

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79 Roper, Oedipus and the Devil, 25. Moreover, in certain witch trials, the accused claimed that the devil himself had stimulated them to commit bestiality. See: Monter, “Sodomy and Heresy in Early Modern Switzerland,” 48; Lillequist, “Peasants against Nature,” 401.
84 Gilbert, Early Modern Hermaphrodites, 89.
85 Mills, Seeing Sodomy in the Middle Ages, 286-88; Linkinen, Same-Sex Sexuality in Later Medieval English Culture, 193-95.
In the Low Countries too, the devil was supposedly repelled by sodomy in all its forms. Fourteenth-century surgeon Jan de Weert from Ypres, already remarked that the devil was ashamed by the “peccatum contra naturam” and did not want to see it.\textsuperscript{86} Dirck van Delf, a fourteenth-century Dominican wrote that no devil wanted to tempt men in committing this sin because of the great unnaturalness of it.\textsuperscript{87} Although fifteenth-century chronicler Jacques du Clercq, mentions how sodomy had taken place during the infamous vauderie d’Arras, he emphasizes how the devil took a female form to have sex with men and vice versa.\textsuperscript{88} In his Catechism \textit{Den catholycken pedagoge} (1685), Petrus Vanden Bossche – prior of the Dominicans in Mechelen- reaffirmed the dominant opinion by telling the story of a woman who got an unexpected visit from the devil while she was masturbating. The devil told her that he was despised by such filth and that ‘she soon would have to pay the price for her foolish lust’.\textsuperscript{89} A century before, the famous physician and demonologist Johann Weyer discussed the link between female sodomy and diabolic devotion.\textsuperscript{90} In his \textit{De praestigiis daemonum} (1583), he mentions tribades who pretended they were the devil by altering their voice, in order to gain sexual access to women. These deceived women were under the impression that they obeyed this demon by sleeping with him, yet they actually were having same-sex relations; a practice the devil had nothing to do with,

\textsuperscript{86}“(…) Dats dootsonde boven al/ ende der zielen den swaersten val/ ende scamenisse elker creaturen/ Ja, die duvel ende sin naturen/ scamens hem en willens niet sien (…)”de Weert, \textit{Nieuwe doctrinael}, 237. This vision is mirrored in an anonymous fifteenth-century confessional manual commissioned by Philip the Bold: “(…)Die duvel selfe scaemt hem, als hi enen mensche daer toe brenghet, dat hi dese sonde doet, also onreyne is si (…)”van Brederode, \textit{Des conincx summe}, 280.

\textsuperscript{87}“(…) Ende om hoorre groter onnatuerlicheit willen, so en wil ghien duvel enige mensche daer of becoren, noch hi en mach daer niet bi wisen, als si gescien (…)”van Delf, \textit{Tafel van den kersten ghelove}, 225.

\textsuperscript{88}“(…) ils prenoient habitation charnelle toute ensemble; et mesme le diable se mectoit en forme d’homme et de femme; et prenoient habitation, les hommesavecq le diable en forme de femme, et le diable en forme d’homme avec les femmes.” du Clercq. “Les mémoires de Jacques du Clercq…,” 141.


\textsuperscript{90}Weyer was exceptionally critical about contemporary witch theories, witch trials and the Catholic Church. In his writings he often took up the defense of people accused of witchcraft. Vera Hoorens, “Why did Johann Weyer write \textit{De praestigiis daemonum}? How Anti-Catholicism inspired the Landmark Plea for the Witches,” \textit{BMGN/Low Countries Historical Review} 129, no. 1 (2014): 3-24; Vera Hoorens, \textit{Een ketterse arts voor de heksen: Jan Wier (1515-1588)} (Amsterdam: Bert Bakker, 2011).
according to Weyer.91 Remarkably enough, Martin Delrio92 — the most influential demonologist from the Southern Netherlands— took an intermediate position on the subject in his extremely popular *Disquisitionum Magicarum Libri Sex* (1599–1600). On the one hand, he recounted the anecdote about a ‘Belgian’ man who was instigated by the devil to commit bestiality with a cow.93 On the other hand, Delrio did not explicitly mention same-sex acts. Indeed, he emphasized the heterosexual aspect of demonic intercourse by demonstrating that offspring could be born from such sexual contacts.94 These learned views were sometimes opposed in popular culture. A seventeenth-century songbook from Antwerp for instance endorses the idea that the devil stimulated sodomy. The songbook contains a text in which the devil supposedly sums up his many crimes, among them that he had instigated the inhabitants of Sodom to commit the sin against nature.95

Despite these conflicting views, witchcraft played a role in several early modern sodomy trials.96 Some women were accused of using sorcery to seduce other women.97 Other indicted sodomites claimed to be cursed, which made them commit sodomy against their free will.98 This was also the case in 1530 when Hans Fritschi and Hans Räs were brought to court in Switzerland. Fritschi declared he had received a magical pair of pants from Räs, through which Räs held power over him and was able to persuade him to commit such depraved behavior. Agatha Dietschi, who was tried in Fribourg during 1547 for marrying a woman while posing as a man, claimed that another woman had put a spell on her. As a consequence, she could no longer live as a woman or love a man.99 In 1596, Franciscus Rouiere defended himself by saying that he was possessed by the “Evil Enemy”

91 “(...)If on occasion attractive women come to them, the witches are inflamed with love just as young men are for girls, and in the guise of the demon, they ask that the women lie with them as payment. And so it happens that while the women think they have obeyed the words of demon’s, they have actually had relations with witches (...) Thus one scheme is out-schemed by another. But see how the poor Devil is wronged in the meantime, in word and in deed, when they put the blame on him for something that he does not do, and when themselves experience the sensual pleasure in which they claim that he is a participant (...)” George Mora, ed. *Witches, Devils, and Doctors in the Renaissance: Johann Weyer, De praestigiis daemonum* (Temple: Medieval & Renaissance Texts & Studies, 1991), 248-49.


99 Puff, “The Sodomite’s Clothes,” 251-53. For other Swiss cases in which sodomy was linked to witchcraft, see: Monter, “Sodomy and Heresy in Early Modern Switzerland,” 48.
who had urged him to act against nature. The link between sexual and spiritual deviance is also clearly present in the story of Benedetta Carlini, one of the most well-known early modern female sodomites. Benedetta was a seventeenth-century Italian nun who claimed to have mystical visions upon which she was elected abbess of her convent. As her authority grew rapidly within the community of Pescia, an ecclesiastical tribunal was established in 1619 to verify whether Benedetta spoke the truth. During this interrogation, it turned out that Benedetta pretended to be possessed by an angelic spirit named Splenditello, who supposedly used her body to have sexual relations with Bartolomea Crivelli, a younger nun. As a result, Benedetta Carlini was condemned to life imprisonment.

In the Southern Netherlands too, witchcraft and sodomy coincided. In 1610 for example, Remy le Berger claimed that he had repeatedly committed bestiality in the presence of a mysterious man dressed in black, who incited him to commit this crime. Afterwards, Remy allegedly accompanied this man to nocturnal dances. Moreover, recent estimations show that between 1450 and 1685 at least 2800 and maybe even 3900 witches were tried throughout the region, including 140 in Bruges. A great many of these witches were accused of demonic intercourse. While only some of them explicitly claimed to be sodomized by the devil, the majority confirmed that having sex with the devil was painful due to his deformed penis and cold sperm. Yet except for the

102 Just as was the case with Mayken and Magdaleene, the authorities were curious to find out more about these witchcraft allegations, but ultimately, Remy le Berger was solely convicted for sodomy. Consequently, he was strangled and his body was burned afterwards. Namur, SAN, I50, no. 3989, non-foliated; Namur, SAN, I48, sentences, no. 2766, 37; Lipszyc, “Jugez ce crime, que je ne saurais voir!”52–103.
103 Aerts and Vanysacker, “Hekserijbestraffing met twee snelheden,” 322-23.
104 Vanysacker, Hekserij in Brugge, 69-70.
106 See for instance, the cases of Catheline Tancré and Betkin de Gruutere from Ghent who were executed in 1603 and 1604. Both women had had carnal conversation with the devil, upon which they were convicted for ‘apostasy, sodomy and more malicious, harmful and terrible facts’. Ghent, CAG, Series 214, no. 17 (1603), fol. 46r; CAG, Series 214, no. 18 (1604), fol. 27v; Brussels, NAB, CA, 14124, non-foliated.
unfortunate Passchyne Hoornaert, none of them ever claimed that the devil came to them as a hermaphrodite, complete with a needle-sharp “virgula”.

As we have already seen, witchcraft played an important role in the trial against Mayken and Magdaleene from the very beginning. Yet it is notable how the witnesses mentioned Magdaleene’s dealings with the devil early on in the hearings, while the authorities did not find it necessary to call Magdaleene to account about this in the initial stage of their investigation. The 1618 case thus illustrates how accusations of witchcraft were not simply imposed from above, but in many instances stemmed from a concerned community.107 This does not mean that the authorities did not suspect Magdaleene of any witchcraft whatsoever. One of the first questions she had to answer concerned Mayken’s self-induced miscarriage. Abortion was a rare phenomenon in early modern judicial sources since most cases were only admitted in the sacred space of the confessional.108 Nevertheless, the crime was widely discussed among jurists as well as theologians, who were particularly concerned with the timing of the so-called animation of the unborn fetus.109 Following the Constitutio Criminalis Carolina or Imperial Law Code proclaimed by Charles V in 1532, the official punishment for abortion was the same throughout the Habsburg territories, including the Southern Netherlands. Women who caused abortion with potions were put to death when the child was viable and banned if the child was not. Early modern society linked abortion to poison, witchcraft and magic, yet the interrogators did not give the matter of Magdaleene’s abortive potions much thought as they quickly moved on to her sexual activities. Only at the end of the interrogations did the aldermen return to the issue of witchcraft by confronting Magdaleene with accusations of poisoned oranges, suspicious books and fortune telling; charges that were dropped when even torture could not make her confess.

At the same time, the authorities did record the assertion that Magdaleene released as much sperm as four men, and wanted to know if Mayken could confirm this claim. Although it was widely believed that women released seed during sexual intercourse,110 the effusion of body fluids was represented as an assertive male act during the early modern period.111 Given the relative importance that the aldermen attached to

this aspect of Magdaleene’s corporeality, it appears that they did consider the possibility that Magdaleene was an actual hermaphrodite. Although Magdaleene’s anatomy was probably scrutinized while she was laid naked on the rack, no record mentions a physical examination, which was more or less a standard practice when hermaphrodites appeared in court.\footnote{Of course, it is equally possible that such an investigation was indeed conducted but that the report was not preserved.} Moreover, the cuckolded Maerten was the only person to actually mention the medical term “hermaphrodite” during the hearings. Since other witnesses endorsed his claim without using this specific word, but using a religious discourse instead, we must assume that the word hermaphrodite did not come out the pen of a scribe, and that Maerten indeed was familiar with it. It would be fascinating to find out how a simple horse thief was the only one in his neighborhood to become acquainted with such terminology. Although we have no information about the literature Maerten might have read—or indeed if he could read at all—it seems that the term hermaphrodite was also known outside the world of scholarly debate.\footnote{It would be fascinating to check, by analogy with Carlo Ginzburg, which books have precisely influenced Maerten’s ideas about sex and corporeality, but unfortunately the trial records are not detailed enough for such an enterprise. See: Carlo Ginzburg, The Cheese and the Worms. The Cosmos of a Sixteenth-Century Miller (Baltimore: The Johns Hopkins University Press, 1980).} For instance, the word “hermaphrodiet” is mentioned in a popular seventeenth-century tune from Brussels which describes a topsy-turvy marriage in which a woman aggressively gains the upper hand and is called a hermaphrodite.\footnote{“Ik ben getrouwt met een quay Griet/ Griet die’ heeft myn beste Broeck aen/ En sy doet my haren doeck aen/ Myn Vrouw is Hermaphrodiet (…)” Maartje de Wilde, Ik ben getrouwd met een kwaaie Griet. Lief en leed in Brusselse liederen uit de 17de eeuw (Leuven: Davidsfonds, 2011), 19.} Apparently, scholarly discussions about hermaphrodites gradually infiltrated the world of the general public, although this process took place at different speeds.

Even Bruges’ civic authorities, which included many protagonists of the humanistic movement in the Southern Netherlands,\footnote{Dries Vanysacker, “The Impact of Humanists on Witchcraft Prosecutions in 16th and 17th-Century Bruges,” Humanistica Lovaniensia 50 (2001): 393-434.} were in doubt about Magdaleene’s case.\footnote{On theoretical doubts about witchcraft among early modern contemporaries, see: Matteo Duni, “Doubting Witchcraft: Theologians, Jurists, Inquisitors during the Fifteenth and Sixteenth Centuries,” Studies in Church History 52 (2016): 203-31.} Mayken was asked about any masculine features present in Magdaleene, yet Magdaleene herself never had to answer specific questions about her genitalia. Questions about the use of a dildo by contrast were explicitly raised. If the authorities genuinely believed Magdaleene was a hermaphrodite with a full-grown penis, they would not suspect her of using an artificial substitute. So it seems that the presumption of Magdaleene being a hermaphrodite was mainly accepted among the heard witnesses, without ever really catching on among the city council who indeed saw her, at least physically, as a woman like any other. While there may not have been a “gulf in attitudes” between the elite and the populace over their response to deviant sexuality and...
ambiguous gender,\textsuperscript{117} each party concerned eventually came to a different conclusion about the nature of Mayken and Magaleene’s crimes.\textsuperscript{118}

\subsection*{10.6 Conclusion}

The questions raised during the trial of 1618 reveal much about the attitudes towards female sodomy in seventeenth-century society. At the time, sodomy was perceived as a predominantly male concept. Since penetration was a sine qua non in early modern definitions of sexuality, satisfactory sex between women seemed impossible to most lawmakers and theologians at the time. Therefore, women were hardly ever tried for same-sex acts in early modern Europe. While the Southern Netherlands were among Europe’s core regions when it came to the repression of female sodomy during the fifteenth and sixteenth centuries, the trial against Mayken and Magdaleene is until further notice the sole surviving seventeenth-century case from this region. When the Bruges’ aldermen were confronted with Mayken and Magdaleene, it took them a while to fully grasp the meaning of their confessions.

This was even more the case for the bystanders involved. Shortly after the arrest of Mayken and Magdaleene, allegations of sorcery on their part followed. In the stratified social world of early modern priests and horse thieves, day laborers and pub-goers, female same-sex acts only made sense when embedded within diabolic discourses. According to several witnesses, Magdaleene was both man and woman. Women who engaged in sexual relationships with each other were often perceived as an anomaly that could only be explained through a corporeal deviation. In the case of Magdaleene, her alleged abnormal physical state was given meaning through the pact she supposedly made with the devil, others even alluded that she was the devil in person, disguised as a woman.

The origin of these ideas remains uncertain. Although many physicians disagreed about the causes of hermaphroditism, in their opinion witchcraft was not regarded as a valid option. It is not entirely clear why the interrogated witnesses by contrast did assume that the devil deceived women by posing as a woman, or incited women to commit sins against nature. Many early modern demonologists stressed how demons loathed same-sex acts as much as everyone else. This scholarly vision is not mirrored in daily practices however. The reasoning apparent in the interrogation records clearly shows that the


\textsuperscript{118} Several other early modern cases reveal a contradiction between the institutional discourse on ‘natural’ behavior of women and popular customary norms. On two eighteenth-century cases in colonial Spanish America, see: Chad Thomas Black, “Prosecuting Female-Female Sex in Bourbon Quito,” in \textit{Sexuality and the Unnatural in Colonial Latin America}, ed. Zeb Tortorici (Oakland: University of California Press, 2016), 136.
much studied early modern demonological texts did not necessarily infiltrate the hearts and minds of urban society. Accordingly, it was possible for the witnesses in the 1618 trial to come up with an explanation of their own for the inconceivable conduct of Mayken and Magdaleene. While sexuality and corporeality was a much-discussed topic among early modern scholars, historians have to take a closer look at the urban discourse in order to fully comprehend the ways in which deviant sexuality and deviating bodies were construed in early modern society.

Yet, what makes the case of Mayken and Magdaleene truly exceptional is the fact that it can also teach us a great deal about how early modern women attracted to other women regarded themselves. Although caution is required when working with early modern trial records, the confessions of Mayken and Magdaleene contain much information about their feelings towards each other. Magdaleene was particularly conscious of her sexual preference for women. Although she had been married in the past, she now deliberately engaged in sexual relations with other women as she preferred sex with women over men. Moreover, she was aware of the existence of other women with similar feelings. While the evidence provided by Magdaleene's statements is insufficient to settle the debate about the social construction of (homo)sexuality, her testimony does indicate that certain individuals were aware of their sexual preferences before modern construction of such mental frameworks. The surprising self-awareness of both convicted female sodomites makes them anything but women like any other.
Figure 21. Jheronimus Bosch, The garden of earthly delights (1490-1510). Madrid, Museo del Prado
Conclusion

This study had two main objectives: to map out the persecution of sodomy in the Southern Netherlands between 1400 and 1700, and to analyze the urban perception of the act behind this persecution. In fact, these two aims, and their associated methodology, are actually very different. Hence, it should not come as a surprise that a great deal of past historical research into deviant sexuality has focused either on the punishment of such prohibited acts, or on their representation in art, literature or propaganda. This study, however, combines both perspectives, making possible a broad cultural history of sodomy in the early modern Southern Low Countries.

In order to meet the first, quantitative, objective, I made use of legal documents, the most important of which being bailiff accounts. This serial source is particularly suitable for comparative research on a long-term basis. The data retrieved from this source was supplemented with information from a variety of legal records produced by urban authorities in the region. Combining this source material resulted in a broad picture of the repression of the unmentionable vice in the Southern Netherlands. My second, qualitative, objective was to look at a wide range of non-legal sources in order to find out how broad sections of the urban community, i.e. aldermen, jurists, clergymen, surgeons, artists, travelers... thought about sodomy and how these attitudes influenced the prosecution of this crime.

However, in many cases, identifying these attitudes was no easy task. The first part of this study, which outlines the discursive framework on sodomy in the Southern Netherlands, shows that this discourse was dominated by a desire for silence. Again and again, the sources emphasized that sodomy was a subject that should not be discussed. In some sources, this seemed to have been more of a figure of style that did not stop the author in question from describing the sin. After all, the religious discourse on sodomy was widespread in the region. Hence, the nature of this urban discourse has become a leitmotiv throughout this PhD, as it forms a common thread that can be found throughout the source material.

The religious condemnation of sodomy obviously came from the story of Sodom and Gomorrah, the biblical example par excellence to show how deviant sexual desires
could affect an entire urban community. This rhetoric was expressed through regular
channels, such as theological treatises, devotional texts, sermons, religious songs et
cetera, but also in less obvious texts. Most notably, legal discourse in the Southern Low
Countries was embedded in the religious belief that sodomy was not only a crime, but
first and foremost a sin. This was also the case for the legal treatises written by influential
jurists in the Southern Low Countries, such as Wielant and de Damhouder. The fact that
they referred to sodomy as a sin contrasted sharply with their description of many other
crimes such as murder or theft, which after all were also violations of the Ten
Commandments. The notion of sodomy as a sinful crime can also be found in the actual
court records themselves. As such, late medieval and early modern urban society was
steeped in religious discourse, and this embeddedness was expressed culturally in song
texts, prints, paintings, travel journals, chronicles et cetera.

The second part of this study dealt with the actual persecution of sodomy in
Antwerp, Bruges, the Liberty of Bruges, Brussels, Ghent, Leuven, Mechelen, and Ypres
between ca. 1400 and 1700. Although this persecution started early (as far as we know, in
1292 the first sodomite in the Low Countries was executed), it only really gained traction
in the late fourteenth and early fifteenth century. Still, the penalization of sodomy was
certainly not a constant priority for the local authorities between 1400 and 1700. There is
a distinct growth in the number of convictions from the second half of the fifteenth
century onwards; a growth that lasted until the first quarter of the sixteenth century.
Since ca. 1525, in turn, the number of accused sodomites declined, aside from a few
exceptional trials conducted in the context of the sixteenth-century religious troubles.
Especially during the seventeenth century, the last century under scrutiny in this study,
sodomy trials became a rare occasion in the region. This shows that even the prosecution
of a sin as horrible as sodomy was subject to ups and downs. Since several studies on
ecclesiastical tribunals in the Southern Netherlands do not indicate a rise in sodomy trials
before these courts from 1600 onwards, it does not seem that the sudden silence in the
legal records can be explained by the an increasing number of punishments by other legal
authorities. Hence, the reason behind the decreasing number of convicted sodomites
during the seventeenth century must be sought elsewhere.

I have attempted to explain the fluctuation in the persecution of sodomy in the
Southern Low Countries by using Robert Moore’s ‘scapegoat theory’, which is based on
sociological and anthropological research by Émile Durkheim and Mary Douglas. In their
view, societies develop mechanisms to marginalize and demonize socially undesirable
categories. This creates an outlet for social disturbances; a dynamic that is beneficial for
social cohesion. This theory is certainly also applicable to the medieval and early modern
Southern Netherlands, as we see an endless shift of marginalized groups that were
targeted as scapegoats. For example, during the fourteenth century, it was mainly the
Jewish community that was persecuted. This resulted in the fact that, from the fifteenth
century onwards, there was hardly any Jewish presence worth mentioning in the region.
From 1400 onwards, but mainly between 1450 and 1525, the persecution of sodomy witnessed a significant peak. Sixteenth-century religious developments caused the priorities of the local authorities to shift again. Around 1550, the persecution of Protestants, who were considered heretics, reached a climax. This persecution faded away during the seventeenth century, in view of the successful impact of the Counter Reformation, which ensured that the Low Countries became homogeneously Catholic once more. However, from the late sixteenth century onwards, a new targeted minority soon emerged: witches. Like sodomites and heretics before, they too were put on the stake at numerous occasions. It should be noted that the numbers of heresy trials and witchcraft trials in the Southern Low Countries greatly exceed the number of sodomy trials in the same region. Nevertheless, while the former phenomena have been the focus of historical research for decades and have been studied in a variety of urban and rural areas within the Low Countries, this study is the first in its kind to systematically trace the repression of sodomy in the region.

This overview of consecutive scapegoats in no way explains why sodomy caused such a stir precisely during the fifteenth century. Some historians, influenced by Norbert Elias’ civilization theory, have concluded that the late fifteenth century was characterized by a dynamic in which social behavior was increasingly regulated by the authorities, a phenomenon sustained by the centralization of the state. The visible exercise of justice, more and more focused on punishment than on reconciliation, supposedly supported the formation of this centralized state. However, in the cities under scrutiny in this study, particularistic sentiments remained strong throughout the late medieval and early modern period. In this sense, it is likely that princely ambitions had less of an impact on the exercise of justice in powerful cities such Bruges or Ghent.

However, this does not mean that there was no new moral climate in the fifteenth-century cities analyzed in this study. This climate thrived under the impetus of the urban ‘middle class’, consisting of guild members, shopkeepers, rhetoricians, merchants and the like, who increasingly assumed an urban identity in which le bien commun was principal to the civic body. This civic ideology stressed unity, and was given shape through the phenomenon of civic religion, which implied that religious customs and values were appropriated in order to sacralize the city. That the heyday of this civic ideology was accompanied by the culmination of the sodomy persecution is therefore no coincidence. Because of the ungodly nature of the acts that sodomites committed, they not only disturbed social cohesion, but also dishonored the civic body, putting the entire urban community at risk. As a result of the dominant religious discourse on sodomy, it was conceivable that divine wrath would strike again if sodomy was not punished severely enough. Analogous to the biblical example of Sodom, it was assumed that, on such an occasion, God would once again not distinguish between the guilty and the innocent, and wipe out the entire urban community. In order to preserve the purity of the city, sodomy had to be dealt with harshly.
Therefore, the civic community is a particularly important concept in this study. Not only is the urban environment important as a research context in which historians are more likely to find a larger number of sodomy trials than in more rural environments, the city and the urban community were also an important stimulant for the creation of the preconditions that facilitated the persistent persecution of sexual deviancy. Therefore, this study aimed to draw attention to the role of common city dwellers during early modern sodomy trials. Since sodomy was a crime that left few tangible traces, the authorities strongly encouraged the urban community to bring sodomy cases to light. In many examples, the aldermen had to take action after concerned residents forced them to do so. Hence, the attention for the urban perception of sodomy significantly nuances the applicability of the top-down discourse that is still prevalent in many studies on crime in general and forbidden sexual acts in particular.

The focus on the urban community also allowed us to highlight the differences between the various cities under study. After all, the quantitative long-term overview of sodomy persecution not only illustrated the substantial peaks and dips in this persecution, but also the significant geographical differences with regard to the intensity with which these sexual acts were tried. Undoubtedly, the city of Bruges occupied an exceptional position: the number of convicted sodomites in Bruges was unseen in the rest of the Southern Netherlands, and indeed in any other city north of the Alps. The fact that the city faced demographic, political as well as economic crises during the fifteenth century may partly explain the need to scapegoat a minority and persecute it accordingly. Still, Bruges was not the only city in the Southern Low Countries that occasionally had to deal with epidemics, revolts or economic stagnation.

The great advantage of comparative research such as this is that it allows us to draw a layered image of prosecution practices throughout the region. Compared to cities such as Leuven or Mechelen, the exceptional character of the repression of sodomy in late medieval Bruges is much more evident than if it would have been studied as an isolated case. This comparison illustrates that a comparable socio-economic framework did not necessarily result in a comparable attitude towards sodomy. The complex matter of the exclusion and repression of minority groups in the past depended on countless factors. This forces us to take into account the specificity of the studied context, which makes it almost impossible to develop a watertight explanation for phenomena such as the exceptionally harsh persecution of sodomy in Bruges. Hence, this study does not pretend to say everything there is to be said about the motivations for the intense prosecution of unnatural sexual deviance in this specific period, but it does aim to posit some workable hypotheses.

To explain this persecution further, we have also closely examined the social background of the individuals that were accused of sodomy. To determine this
background, we relied on categories such as social status, age and gender. We have noted that the vast majority of accused sodomites were individuals who were considered undesirable within the urban fabric. For instance, it is striking that people with a higher social profile are disproportionally underrepresented in the court records. In the late medieval and early modern Southern Netherlands, social status was mainly linked to poorterschap or citizenship. Poorters had the legal status of burgher, which had many advantages. Consequently, urban identity certainly played a role in the administration of justice. Furthermore, we have also linked social status to the professional and marital situation of the individuals involved. Although the brevity of the source material does not always make it obvious to determine whether or not a person was employed or married, persons whose professional and marital state was explicitly mentioned could count on milder penalties: the mortality rate of this category was twice as low as the mortality rate of the total number of convicted sodomites. Hence, membership of a guild or the fact that a person was married were used to underline the honest reputation of the individual concerned. Many trials illustrate that the local community also played an important role in determining the social status of a suspect. However, the majority of suspects could not count on a wide social network to attest their honest reputation. That the majority of the convicted sodomites belonged to the lower social strata is also evident from the low income generated by confiscations during these trials.

We have clarified this distinction between honorable and dishonorable sodomites by further examining a number of specific social groups. For example, it is hardly surprising that sodomite noblemen and clerics rarely if ever had to answer to the local aldermen for their unnatural sexual behavior. Of course, ratione personae, many were protected from prosecution before an urban court. Nevertheless, we have found some examples of noblemen, notably Jan van Uutkerke and Jan van Lyere, who show that the victims of this persecution did not exclusively belong to the lower social classes. However, in these cases the motivation to prosecute was questionable, since the Duke of Burgundy probably took a personal interest in their trial. Then again, in this respect, the political elite was hardly any different from the ordinary city dweller, who also often had personal motives to bring a neighbor, family member, acquaintance or competitor to justice. A second group that was well protected against worldly persecution was the clergy. Despite the fact that the Church was responsible for the theological condemnation of sodomy, most sodomite clergymen themselves received only mild punishments from their ecclesiastical superiors.

On the other side of the spectrum, there were the social outcasts who could not count on such privileged treatment. A group that was particularly vulnerable for sodomy accusations were newcomers within the urban fabric. The origin of people who were not born in the city where they were tried was meticulously noted in the bailiff accounts and urban court records. The need to preserve the purity of the civic body seems to have paved the way for a strict persecution of sodomy when immigrants were involved.
However, social background was still very important. Successful migrants, wealthy merchants for example, could count on much more leniency than vagabonds. Apparently, some sodomite migrants integrated more easily into the urban fabric, which also had an impact on the course of their trial.

However, an advantageous position in the urban community could in fact turn out for the worse. This was the case for late medieval women accused of sodomy in the Southern Netherlands. The exceptional social mobility women in the region enjoyed also ensured that unnatural sexual acts committed by women came to light more quickly than abroad. The willingness to punish women for a crime that late medieval theologians and jurists generally considered to be exclusive to men, was once again the result of the urban ideology of civic religion and renewed civic identity to which the purity of the community was of paramount importance.

Although the urban community has been of vital importance throughout our analysis of the persecution of sodomy in the Southern Low Countries, the third part of this study focused explicitly on the urban community and its perception of sodomy. To this end, we examined the discourse used by citizens on three levels: oral, written, and the hybrid forms of communication that are somewhere between intellectual and popular discourse. The analysis of the first level revealed that the ‘unmentionable’ vice was a much-discussed topic in the early modern city. Sodomy was used during pub quarrels as a means to insult each other, and people came up with false accusations and rumors to defame rivals, acquaintances, or even family members. These practices show how the urban community verbally expressed its concerns about the crime, and often urged the authorities to take action.

It is striking how the urban community often deviated from the official discourse of the authorities, which is usually studied much more thoroughly by historians. Urban authorities were inclined to intervene only when sodomy cases threatened to disrupt social cohesion. The many rumors and gossip voiced by common citizens illustrates that they were often concerned about the reputation of their city and encouraged the aldermen to take action. For example, in the aftermath of the sodomy trials of 1578 against several mendicants in Ghent and Bruges, the Catholic authorities remained silent, whereas ordinary people tried to rehabilitate the convicted monks by writing their version of the story in their chronicles and memory books. Then again, at other times, written discourse did follow the official approach to sodomy. For example, in devotional texts written by laymen we can clearly see how theological condemnations of the silent sin could find their way to a general audience. However, we should not assume that this learned discourse always infiltrated the hearts and minds of the broad public. For example, although, generally speaking, the local authorities had a pretty good idea of what female sodomy enticed, the urban bystanders of a seventeenth-century trial involving two women did not. In this case, we can see how the aldermen on the one hand,
and the witnesses on the other, each come up with their own explanation to give meaning to this ‘unnatural’ phenomenon. By linking the actual data on the uncovered sodomy trials to the urban responses to these prosecution practices, this study has tried to counter the dichotomy between persecution and perception that is usually maintained in similar studies.

What do these results mean within a broader perspective? Now that we are at the end of this study, we should look back and determine how these findings on the persecution and perception of sodomy in the Southern Low Countries relate to similar phenomena in other European regions. On the one hand, our results do not seem to be unique. Elsewhere in late medieval and early modern Europe too, the persecution of the unnatural sin was theologically justified, and religious attitudes were strongly represented in legal practice. Furthermore, the cities discussed were also not the only ones in which the social status of an individual was taken into account during his or her trial. Consequently, it was not exceptional that clerics and noblemen often managed to evade justice, whereas strangers were distrusted and were overrepresented among convicted sodomites.

Nevertheless, it is clear that the sodomy persecution in the Southern Low Countries had its own dynamics. In Northwestern Europe, the penalization of sodomy only really took off from 1700 onwards. In England, France and the Northern Netherlands, hardly any sodomites were prosecuted during the later middle ages, while there were quite a lot of trials during the course of the eighteenth century. In contrast, the Southern Netherlands was the only region in Northwestern Europe where the chronological evolution of the persecution of sodomy seemed to mirror that of Mediterranean Europe. Especially in Italian cities such as Florence and Venice, the penalization of same-sex acts was of the utmost importance. The Iberian Peninsula followed somewhat later: sodomy trials took place mainly during the second half of the sixteenth and the seventeenth century. Similarly, the number of sodomy trials in the Southern Netherlands peaked during the fifteenth and sixteenth centuries. Although, unlike Italian cities, the cities under scrutiny did not set up special courts to penalize sodomites, there was no region north of the Alps that prosecuted more sodomites than the Southern Netherlands during this period.

This research has uncovered 207 sodomy trials, in which 406 individuals were involved. Although the persecution figures from the Southern Netherlands are still relatively low when compared with certain Italian cities in absolute terms, they are nevertheless impressive when the punishments that were pronounced are taken into account. Florence is a notorious example of the ambiguous treatment of same-sex acts in Mediterranean Europe. Although the city regarded sodomy as a serious social problem, same-sex acts were embedded in the social fabric of the city, and, consequently, the vast majority of accused men were merely fined. Elsewhere in Southern Europe, sodomites
were indeed sentenced to death, but the mortality rate in these regions was considerably lower than in the Southern Netherlands, where more than sixty percent of the accused individuals were sentenced to death. This severity is also clear in the proportion of women who were condemned for sodomy. Moreover, the latter were punished in the same, strict way as male sodomites; a practice that was truly exceptional in other parts of early modern Europe.

The harsh treatment of sodomy is also reflected in the punishments that were pronounced when two men were condemned together for same-sex acts. In this respect, the region differed strongly from Mediterranean Europe, where the pederastic paradigm was predominant. In many Southern European cities, sexual encounters between men were hierarchically organized, based on age. In most cases, the older man was the penetrator, while the passive partner was usually a (minor) boy. Although such constellations certainly also occurred in the Southern Netherlands, and age certainly did play a role in determining the level of penalties pronounced, sex between men seems to have been less adherent to such conventions. In the vast majority of the trials in which two individuals were tried together, they received exactly the same punishment, and the role they had taken during intercourse was often not taken into account. In most cases, they were burnt at the stake. In this sense, the Southern Netherlands seemed to have been more in line with early modern Germany, where the question whether or not ejaculation had occurred during intercourse was more important than the question of who had penetrated whom. This also shows that people in the Southern Netherlands were well aware of the many erotic possibilities offered by same-sex encounters: it was not inconceivable that young people or minors took the active role. As a result, minors were often also held accountable for their unnatural sins, and punished accordingly.

Consequently, on a few essential points, the persecution of sodomy in the region differed from the established narrative on the subject. Hence, it is all the more striking that, up until now, the Southern Low Countries were only mentioned briefly in the international historiography of late medieval and early modern sodomy; especially since, between 1400 and 1600, the region was one of the most active in Northwestern Europe in persecuting sodomites. This study has tried to rectify this lack of attention. However, it also tried to do something more than simply erase a blind spot: in my opinion, the combined approach employed in this study also adds more depth to the general familiar image.

Finally, does this study also add any new arguments to the never-ending historical debates in gay and lesbian studies and queer theory? The majority of the sources consulted in this study were too brief to verify any statements on the self-awareness of the individuals involved. Apart from the notion of a number of regular meeting places where men repeatedly met each other for sex, I did not find any traces of a ‘burgeoning subculture’ pointing to a sense of connection between individuals who were attracted to
people of their own sex. On a general level, this study confirms the obvious and established thesis that the concept of a sexual orientation and sexual identity are fairly recent notions in our mental framework. On an individual level, however, the seventeenth-century case of Mayken and Magdaleene appeals to the imagination. The remarkable self-assurance with which Magdaleene in particular was able to describe her desires for other women shows that the all too rigid division between sexual acts and sexual desires should be nuanced. Obviously, I want to make it clear that I do not want to endorse any activist quest for homosexual precursors in order to legitimize the contemporary struggle for LGBT rights. But I do want to show that, as historians, we not only need to pay attention to large historical structures, but also to the individual experiences of the historical actors behind the phenomena we study.
Figure 22. Philips Galle (after Maarten van Heemskerck), Lot and his family leaving Sodom (1569). Amsterdam, Rijksmuseum
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Appendices

Appendix 1   Sodomy trials in the Southern Low Countries

The following appendix offers a chronological list of the sodomy trials conducted in the Southern Low Countries from the thirteenth to the eighteenth century. Insofar as the sources permit, dates, locations, names of the offenders and sentences are listed, followed by a source reference. Please note that this list, although the result of years of archival research, is not exhaustive. Many city archives in the Southern Netherlands have remained unexamined for the purpose if this research. Consequently, the legal records kept in these depositories are likely to yield several other sodomy cases.

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   Vuylsteke (1900), 37.
   Vuylsteke (1900), 1021.
   de Pelsmaeker (1914), 258.
   Nicholas & Prevenier (1999), 197.
   Goris (1927), 203.
   NAB, CA 2151, non-foliated.
   Cullus (1986), 247; ADN, Série B, 11699, fol. 47v.
   NAB, CA 13682, fol. 72v.

   NAB, CA 12653, fol. 139v.

   NAB, CA 12700, fol. 70r.

   NAB, CA 13684, fol. 51r.

   NAB, CA 13685, fol. 55r.

   NAB, CA 12700, fol. 124r.

   NAB, CA 13686, fol. 56r-v.

   Stabel (1989), 158.

   NAB, CA 14109, fol. 330v.

   NAB, CA 12700, fol. 205r.

   NAB, CA 14546, fol. 80r.

   NAB, CA 15662, fol. 76v.

   NAB, CA 14547, fol. 57r.

   NAB, CA 12974, fol. 404.

   NAB, CA 13769, fol. 46r.

1418. Bruges. Godevarde le Carmere, Thuenekin Balde, Jehan Boye and Gheert, son of Willem: burned
   NAB, CA 13769, fol. 61v.

   NAB, CA 13769, fol. 73r.

   NAB, CA 12700, fol. 442r.

   Musin (2008), 281; NAB, CA 15013, fol. 279v.
   NAB, CA 14111, fol. 222r.

   NAB, CA 14112, fol. 5r.

   NAB, CA 13695, fol. 6v.

   Culus (1986), 268; NAB, CA 14864, fol. 28v.

   NAB, CA 12701, fol. 152r.

   NAB, CA 14113, non-foliated.

   Vandevenne (2005), 163; NAB, CA 12679, non-foliated.

   NAB, CA 13772, fol. 54v.

   NAB, CA 12701, fol. 266r.

   NAB, CA 12701, fol. 327v.

   NAB, CA 12701, fol. 332v.

   NAB, CA 13722, fol. 88r.

   Willeken Reyns: unknown.
   Vandevenne (2005), 163; NAB, CA 12679, non-foliated.
Despars (1839-40), vol. 3, 421; Kervyn de Lettenhove (1870-76), vol. 1, 259.
NAB, CA 12702, fol. 369v.
NAB, CA 13700, fol. 67r.
NAB, CA 13700, fol. 74.
Braekevelt (2010), 88; NAB, CA 14158, fol. 37r-38v.
NAB, CA 14115, non-foliated.
1444. Ypres. Jehan Osterling (priest): transferred to the officiality of Thérouanne
NAB, CA 14548, fol. 253r.
NAB, CA 14115, non-foliated.
NAB, CA 14115, non-foliated.
NAB, CA 12702, fol. 477r.
NAB, CA 13702, fols 90v, 104v.
NAB, CA 14115, non-foliated.
NAB, CA 13775, fol. 92r.
NAB, CA 13776, fol. 24v; ADN, Série B, 5912, non-foliated.
NAB, CA 13703, fol. 57v.
Houdoy (1872), 108.
NAB, CA12903, fol. 64r.
NAB, 13776, fol. 63v.
NAB, 13776, fol. 69v-70r.
NAB, CA 13777, fol. 6r.
NAB, CA 13777, fol. 6r.

De Witte (2001), 288; CAB, Series 157, no. 2, fol. 167

NAB, CA 13777, fol. 30r.

NAB, CA 12656, fol. 445v.

du Clercq (1838), 112.

du Clercq (1838), 127.

1458. Hesdin. Anonymous man: burned
du Clercq (1838), 128.

NAB, CA 14549, fol. 165r.

De Croos (1878), 160.

du Clercq (1838), 139.

1459. Ghent. Three anonymous women: stood in the pillory and banned.
SAG, Collection of the city of Ghent, MS. 158, fol. 196r.

NAB, CA 15664, non-foliated.

NAB, CA 12656, fol. 521v.

du Clercq (1838), 139.

NAB, CA 12657, fol. 18v.

NAB, CA 13706, fol. 30r.

Braekevelt (2010), 95; ADN, Série B, 17690, farde Halewin (Roger de).

NAB, CA 12657, fol. 35r.

NAB, CA 13777, fol. 95v.

NAB, CA 13778, fol. 10r.
1462. Ghent. Lievin van Bassevelde (cleric): transferred to the officiality of Tournai.
   NAB, CA 14116, fol. 223v.
   Vandevenne (2005), 163; NAB, CA 12680, non-foliated.
   NAB, CA 15160, fol. 26r.
   NAB, CA 13778, fol. 45v.
   NAB, CA 13778, fol. 46r.
   NAB, CA 14549, fol. 272v.
   Demaret (2016), 286; NAB, CA 12814, fol. 86v.
   NAB, CA 13778, fol. 55v.
   NAB, CA 13778, fol. 87v.
   NAB, CA 13707, fol. 118r.
   NAB, CA 14549, fol. 301v.
   Naessens (2002), 32; NAB, CA 13819, fol. 203v.
   NAB, CA 12703, fol. 23-r-v.
1469. Liberty of Bruges. Jacques Labaen, Jehan de Keye, Cornille Corts, Loykin de Vildere,
   Jehan Clements: burned.
   NAB, CA 13707, fol. 137r.
   NAB, CA 13779, fol. 16r; CAB, Series 216, 1468-1469, fol. 99r.
   NAB, CA 13779, fol. 22v.
   NAB, CA 13707, fol. 139v.
   NAB, CA 14117, fol. 113v-14r.
   NAB, CA 14117, fol. 126r-v; CA 14159, fol. 2v.
    Naessens (2002), 30; NAB, CA 13819, fol. 242r.
    NAB, CA 13779, fol. 35v.
    NAB, CA 13708, fol. 10r.
    Geert de Jonckhere: acquitted?
    NAB, CA 12903, fol. 364r.
    NAB 14117, fol. 140r.
    NAB, CA 14117 fol. 144v.
1472. Kortrijk. Hannekin van Malebusch (cleric) : transferred to the officiality of Tournai. Josse Vanden Moortele (mendicant): unknown
    Naessens (2002), 20; NAB, CA 13819, fol. 260v.
    Van der Meeren (1997), 121; NAB, CA 14285, non-foliated.
1473. Bruges. Anthoine de Coulogne: burned
    NAB, CA 13780, fol. 19v.
    NAB, CA 13780, fol. 20r.
    CAG, Series 212, no. 1, fol. 2r.
    NAB, CA 13709, fol. 47r.
    NAB, CA 13780, fol. 40r.
    Jehan Caudron: fined.
    NAB, CA 13780, fol. 59v-60r; NAB Acquits de Lille, no. 369.
    NAB, CA 12703, fol. 171v.
    NAB, CA 12703, fol. 205v.
    NAB, Great Council of Mechelen, no. 793, fol. 319r.


Demaret (2016), 212; NAB, CA 15169, fol. 4v.

NAB, CA 13781, fol. 8v.

NAB, CA 13781, fol. 31v-32r.

Carton (1859), 18-19.

NAB, CA 14550, fol. 85v.

Carton (1859), 20.

Carton (1859), 24.

NAB, CA 12794, fol. 356v.

NAB, CA 13710, non-foliated.

1482. Bruges. Ampluenie (wife of Josse van Halle), wife of Jehan Bettins, Hester de Witte,
NAB, CA 13781, fol. 47v; Carton (1859), 47.

NAB, CA 13781, fol. 57r; Carton (1859), 47.

NAB, CA 14118, fol. 46v-47r.

Vandevenne (2005), 163; NAB, CA 12680, non-foliated.

Hanekin Storm: whipped with rods and hair burned off.
NAB, CA 13781, fol. 80r-v; Carton (1859), 102-3.

NAB, CA 14118, fol. 53v.

Carton (1859), 71.

NAB, CA 14118, fol. 63v.
Carton (1859), 165-66.

Vandevenne (2005), 163; NAB, CA 12680, non-foliated.

CAG, Series 212, no. 1, fol. 103v.

NAB, CA 12704, fol. 99v.

Demaret (2016), 169; ADN, Série B 10457, fol. 31v-32r.

1493. Bruges. Jerome Andreo Bernaerdi (also known as Jerome Lombaert): burned  
NAB, CA 13782, fol. 43v; CAB, Series 192, no. 1, fol. 9v.

NAB, CA 13782, fol. 69v; CAB, Series 192, no. 1, fol. 15v-16r.

CAB, Series 192, no. 1 fol. 10r-11v.

Philipot, son of Jan Luylier: acquitted.  
NAB, CA 13783, fol. 6v; CAB, Series 192, no. 1 fol. 24r.

NAB, CA 13783, fol. 23v; CAB, Series 192, no. 1 fol. 25r.

NAB, CA 12681, fol. 3.

NAB, CA 12704, fol. 296v.

Bankin Vierendal: hair burned off.  
NAB, CA 14120, fol. 7v.

Paschier Goykin and two anonymous children from Aalst: acquitted.  
NAB, CA 14120, fol. 8r-v.

Naessens (2002), 30; NAB, CA 13820, fol. 277r.

1502. Leuven. Anonymous priest: transferred to the officiality of Cambrai  
NAB, CA 12659, fol. 408r.

Demaret (2016), 286; NAB, CA 12813, fol. 82r.

Willekin Callens: whipped with rods.  
NAB, CA 12704, fol. 431r.

1504. Bruges. Anthuenis Camelin and Coppin vanden Berghe: burned  
NAB, CA 13783, fol. 56v; CAB, Series 192, no. 1, fol. 38v.
   NAB, CA 13783, fol. 57r.
   NAB, CA 13711, non-foliated.
   NAB, CA 12904, fol. 336r.
   NAB, CA 12904, fol. 349v.
   NAB, CA 13783, fol. 68v; CAB, Series 192, no. 1, fol. 47r.
   CAB, Series 192, no. 1, fol. 47v.
   NAB, CA 12660, non-foliated.
   NAB, CA 14121, non-foliated.
   CAB, Series 192, no. 1, fol. 53v.
   NAB, CA 12660, non-foliated.
   NAB, CA 13712, non-foliated.
   NAB, 13783, fol. 95r; CAB, Series 192, no. 1, fol. 65v.
   NAB, 13783, fol. 114v; CAB, Series 192, no. 1, fol. 75r.
   CAB, Series 192, no. 1, fol. 77v-78r.
   CAG, Series 212, no. 1, fol. 169v.
   NAB, 13783, fol. 121r.
1514. Bruges. Martine van Kyschote and Jeanne Jans vanden Steene (women): whipped with rods, hair burned off and banned.
   Grietkin Pieters and Grietkin Willems (women): whipped with rods.
   NAB, CA 13783, fol. 122; CAB, Series 192, no. 1, fol. 81r-v.
   NAB, CA 12660, non-foliated.
   NAB, CA 48640, non-foliated.
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     NAB, CA 48640, non-foliated.
     NAB, CA 13783, fol. 133v; CAB, Series 192, no. 1, fol. 96v-97r.
     NAB, CA 12680, non-foliated.
     NAB, CA 12681, non-foliated.
     NAB, A 12706, fol. 63r-v.
     NAB, CA 48640: non-foliated.
     NAB, CA 12661, non-foliated.
1519. Liberty of Bruges. Claes van Elsmorte, Claes Paes Pierre Kethele, Pierre Theyt,
     Hannekin van Lokere, Jehan vanden Bussche, Cornille Volckaert, Bastien son of
     Andries Wouters, Matheq Zeelandois, Gheerkin Mathys: burned.
     Jacques van Cassele, Pierre Stasins, Anthoine Jacobsz, Jehan son of
     Thomas Diericx, Claes de Vos, Adriaen, Matheq Oliviers: acquitted.
     NAB, CA 13712, non-foliated.
1520. Tournai. Pierre de Courcelles (priest): 5 years imprisoned and banned. Pays fine to
     avoid punishment. 
     Van Melkebeek (1989), 54.
1520. Liberty of Bruges. Jehan Holbi and Thomas Doublet: whipped with rods and hair
     burned off.
     Hannekin de Meyere: banned.
     NAB, CA 13783, fol. 170v; CAB, Series 192, no. 1, fol. 121v-22r.
     NAB, CA 13783, fol. 177r; CAB, Series 192, no. 1, fol. 132v-33r.
     NAB, 13783, fol. 177r.
Naessens (2002), 32; NAB, CA 13821, fol. 161v.
NAB, CA 12706, fol. 284v.
1523. Franciscus Tercianus: burned.  
NAB, 13783, fol. 178v; CAB, Series 192, no. 1 fol. 137r-v.
Willekin Coppins and Andries van Ypre: unknown  
NAB, CA 14121, non-foliated; CAG, Series 212, no. 1, fol. 277r-v.
1523. Rupelmonde. Loys Dumolin: acquitted.  
Magherman (1997), 90; NAB, CA 14463, fol. 21v.
Vandevenne (2005), 163; NAB, CA 12682, non-foliated.
NAB, 13713, fol. 69v–70r.
NAB, 13783, fol. 195r; CAB, Series 192, no. 1, fol. 171r.
Van der Meeren (1997), 121; NAB, CA 14286, non-foliated.
CAG, Series 212, no. 1, fol. 206v.
NAB, CA 14286, non-foliated.
NAB, CA 12661, non-foliated.
NAB, CA 12905, fol. 133v.
CAG, Series 212, no. 1, fol. 215r.
NAB, CA 12905, fol. 160v.
Van der Meeren (1997), 121; NAB, CA 14286, non-foliated.
NAB, CA 12905, fol. 191r.
NAB, CA 12905, fol. 204v.
NAB, CA 12905, fol. 204v.
NAB, CA 12662, non-foliated.
NAB, CA 12662, non-foliated.

Frans Back and Jacop Gast: hair burned off  
NAB, CA 12905, fol. 214r; FA, V142, fols. 39r-v; 58v-59r.

FA, V142, fol. 68r.

Jacquet-Ladrier (2016), 85; SAN, Haute Cour de Namur, no. 1237, fol. 43v.

Naessens (1998), 118; NAB, Ca 13822, fol. 75r.

1539. Mechelen. Anthoine de Montigny: transferred to the aldermen of Lille.  
NAB, Great Council of Mechelen, no. 839.68.

Grigoire de Fontaine: unknown.  
Jacquet-Ladrier (2016), 90; SAN, Haute Cour de Namur, no. 1237, fol. 94r-95r.

NAB, CA 13784, non-foliated; CAB, Series 192, no. 2, fol. 79r-v.

Cornelis Campus: whipped with rods, hair burned off and banned.  
NAB, CA 13784, non-foliated; CAB, Series 192, no. 2, fol. 80v-81r.

NAB, CA 14553, fol. 173r-v.

NAB, CA 13715, non-foliated.

1543. Liberty of Bruges. Gillis Winne (bestiality): whipped with rods and hair burned off.  
NAB, CA 13716, non-foliated.

Vandevenne (2005), 163; NAB, CA 12682, non-foliated.

Gillis Cools: whipped with rods.  
NAB, CA 13784, non-foliated; CAB, Series 192, no. 2, fol. 170v-71r.

NAB, CA 13784, non-foliated; CAB, Series 192, no. 2, fol. 172r-v.

NAB, CA 12708, fol. 363v.

NAB, CA 12708, fol. 389v.

Vandevenne (2005), 163; NAB, CA 12683, non-foliated.

Demaret (2016), 169-70; NAB, CA 14951, fol. 39r-46v.
NAB, CA 12709, fol. 27v.  
Dupont-Bouchat (2006), 70; NAB, CA 13195, non-foliated.  
NAB, CA 12906, fol. 209v.  
NAB, CA 13784, non-foliated; CAB, Series 193, no. 2, fol. 35r-38v.  
NAB, CA 14123, fol. 12r; CAG, Series 214, no. 3, fol. 139r-v.  
Dupont (1999), 168; NAB, Papiers d’État et de L’Audience, no. 903, fol. 178r-84r.  
Lievois (2014), 20; Cornelis and Philip van Campene (1870), 171-72, 198-99; De Kempenaere (1839), 58, 63.  
Anonymous young man: beaten on the buttocks with a hot pan.  
Cornelis and Philip van Campene (1870), 256; De Kempenaere (1839), 81.  
NAB, CA 12728, fol. 37v-38r.  
Magherman (1997), 90; NAB, CA, 14479, fol. 12.  
Magherman (1997), 91; NAB, CA 14480, fol. 10v.  
Chronyccke van Antwerpen (1843), 266.  
NAB, CA 13729, fol. 40r.  
NAB, CA 12664, non-foliated.  
Hoste Cant, Dominic Draels, Frans van Ryet: unknown.  
SAB, TBO 119, no. 620bis, fol. 61r-v: NAB, CA 13785, non-foliated.
    Jan Vyncke, Rogier Vlamijnck and Lieven Luck: whipped with rods, hair burned off and banned.
    Vincent Ijsert, Vincent Hoflant, Ghelein Boije, Joos van Dijcke and Clays Danneels: burned.
    CAG, Series 214, no. 8, fols 249v-259r.

    Jan Fabri, Jacob Speelman, Jacob Prumbout: whipped with rods, hair burned off and banned.
    Denijs Hocke, Adolf Clauwaert: whipped with rods and hair burned off.
    Adriaen Screywatere, Philips Ossaert, Gillis Logghe, Allaert Francaert, Denis Busco, Gillis Marcelis, Jacob Tant and Anthone Fevers: banned, Jan de Smit, Baseye, Mareschal, Quecchi, Verleye: acquitted.
    NAB, CA 13785, non-foliated; SAB, TBO 119, no. 620bis, fol. 65r-68v.

    Anthonis Soetaert and Heindrick Zeghers: banned.
    CAG, Series 214, no. 9, fol. 21v.

    Hanneken, son of Jacob Housbrouc: whipped with rods and banned.
    NAB, A 14576, fol. 9r-v.

    SAB, TBO 119, no. 661, fol. 99r-v.

    Monballyu (2000), 163; ADN, Série B, 5953, fol. 8v-9r.

    NAB, CA 12664, non-foliated.

    Monballyu (2000), 163; NAB, CA 13619, fol. 11v-14v; CAO, 1496/15, fol. 67v-68r.

    Monballyu (2000), 163; ADN, Série B, 5883, fol. 35r-36r.

    Nicolas de Ghispere and Frangois de Ghispere: hanged.
    NAB, CA 13790, non-foliated.

    Monballyu (2000), 164.

    NAB, CA 12908, non-foliated; FA, V153, fol. 114r-v.

    NAB, CA 12908, non-foliated; FA, V153, fol 139v.

    Lipszyc (2018), 52-109; SAN, L’office fiscal et du procureur général, no. 3989; SAN, Conseil provincial de Namur, sentences, no. 2766, 37.


1620. Denderhoutem. Cornelis Cornelis (bestiality): banned. SAG, AR152, no. 73, non-foliated.


1632. Bruges. Maerten Oste, the dean of the tailors and other men: unknown SAB, TBO 119, no. 665, fol. 425r.


CAG, Series 213, no. 15, fol. 90v-100v; CAG, Series 215, no. 2, non-foliated.

SAL, T45, no. 142.

NAB, CA 12665, non-foliated.

Dupont-Bouchat (2006), 70; NAB, CA 13197, non-foliated.

NAB, CA 12910, non-foliated.

FA, V158, fol. 150r-51r; FA, V159, non-foliated.

AAM, Officiality Mechelen, no. 1106, non-foliated.

SAG, Council of Flanders, no. 2248.

1728. Ghent. François van Pruijssen and Pieter d’Uttery: acquitted  
Joannes de Mijter: banned in absentia  
Joannes vanden Hautte: escaped  

1733. Tournai. Maximilien Cambier: acquitted  
Hofman (2017b), 91.

SAB, BVO box 2101.

Dirk Bom, and Matthijs Roechout: unknown.  
FA, V96, non-foliated.

de Brouwer (1972), vol. 1, 630.

SAL, D2/110, no. 132.

FA, no. 731#1514, non-foliated.

1770. Antwerp. Joannes Josephus Sechelé and Jan Baptist Claessens: unknown:  
FA, V107, non-foliated.

Hofman (2017d), 371.
   Joannes Deplancke, Joseph Deplancke, Pieter Deplancke, Frans Norre, Joseph
   Decorte, Frans Decorte, Joseph Vyncke, Bernaert Denolf, Theodor Koninck, Michiel
   Kegels, Bernaert Torreborre, Carel Wessinck, Pieter Wessinck, Guillaume
   Fonteyne and Benedictus Laba: acquitted.
   SAB, TBO119, no. 716, cahier 6 II, 1-17.

   Philippus Maijnard, Henricus Vandoren, Antonius de Blinder and Josephus Hengs:
   acquitted.
   NAB, Privy Council, Austrian Period, no. 567B, non-foliated; FA, no. 731#1514, non-
   Foliated; FA, V164, pp. 68-79.

   de Brouwer (1972), vol. 1, 632.

   Hofman (2017d), 339; CABR, Historical Archive, Proces file no. 8209, non-foliated.

   Hofman (2017d), 102; FA, V116, non-foliated.

1782. Mechelen. Geeraert Minne (bestiality): obliged to fast for three months, to live on
   water and bread for three years, to go to Confession every Friday for one year, to
   go to Mass every Sunday, to beg his priest and his wife for forgiveness. Forbidden
   to visit taverns.
   Bervoets (2015), 111; AAM, Officiality Mechelen, no. 808, non-foliated.

   NAB, Privy Council, Austrian Period, no. 567B, non-foliated.

   Jean Bicodeme de Huysser: acquitted.
   NAB, Privy Council, Austrian Period, no. 567B, non-foliated.
Appendix 2  Chronological overview per city

Antwerp

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Summary

This dissertation investigates the repression and perception of sodomy in the late medieval and early modern Southern Netherlands between ca. 1400 and 1700. Etymologically, the term ‘sodomy’ is derived from the biblical story about Sodom and Gomorrah. Both sinful cities were swept away from the face of the earth by God because the male inhabitants had committed unnatural acts with each other. During the Middle Ages, the concept evolved into an umbrella term to refer to a series of prohibited sexual acts, ranging from masturbation, bestiality, anal intercourse and child abuse to same-sex acts, the most common association of the term. Because of the supposed ungodly character of these sins, they were punishable by law. In the Southern Netherlands, sodomites were usually condemned to the stake. Up until now, in contrast with many other European regions, there has not been a study that has systematically analyzed the repression and perception of sodomy in the Southern Netherlands.

This research has two central objectives: to quantify the actual persecution of sodomy by using quantitative methods, and to contextualize the urban perception of that persecution through qualitative methods. The first part of this study outlines the discursive framework on sodomy in the late medieval and early modern Southern Netherlands. Through a wide range of narrative sources, it becomes clear that the religious discourse about these ‘unnatural acts’ was predominant in the region. The biblical story of Sodom and Gomorrah was used in theological tracts, devotional lay texts, songs and the like to condemn these deviant sexual acts. These texts also advocated silence regarding the so-called ‘unmentionable vice’. Similar attitudes were present in legal discourse as well. For example, in the writings of many important jurists in the region sodomy was not just a crime, but a sin as well. Religious condemnations of these sexual acts were also emphasized in popular discourse and the visual arts. This discursive framework provided an optimal breeding ground for a severe repression of sodomy in the region.

The second part of this study examines this repression actually took place at an urban level. This was an obvious choice, given that the Southern Low Countries were
densely urbanized, and given the fact that the existing historiography usually characterizes sodomy as an urban phenomenon in historiography. In this research, I focused on a number of cities from the County of Flanders and the Duchy of Brabant: Antwerp, Bruges, Brussels, Ghent, Leuven, Mechelen and Ypres. To integrate the urban context in this study, the castellany of the Liberty of Bruges was also included. In order to locate the number of sodomy trials between ca. 1400 and 1700, I used bailiff accounts: accounts that the bailiff, or the royal official responsible for maintaining public order on an urban level on behalf of the princely authority, had to submit annually to the princely chamber of accounts. These provide a clear overview of the income and expenses generated by the exercise of criminal justice in a particular city. In many cases, they are the most important source for the investigation of criminality in the late medieval and early modern Southern Netherlands. Since this serial source has barely any chronological gaps, and since the structure of the text is similar across different cities, these accounts offer the perfect context for a comparative research on a specific type of crime. The data drawn from this source were supplemented by a series of legal sources drawn up by the urban authorities, such as city accounts, witness reports, interrogation files, court records and sentences. In the end, I discovered 207 trials, in which a total of 406 individuals were accused of sodomy.

This quantitative research revealed that the persecution of sodomy was not a constant priority for local authorities. We can observe a lot of peaks and dips in the prosecution policy in the region. In general, sodomy was most strongly persecuted throughout the Southern Netherlands between ca. 1450 and 1525. During the sixteenth century, the number of trials systematically decreased, and from 1600 onwards, sodomy trials became a rarity. In order to explain this evolution, I made use of sociological and anthropological insights on the ‘scapegoat theory’, which states that societies often look for a minority group to marginalize in order to counter social unrest. The reason why sodomites were specifically targeted during the fifteenth century should be sought in the emergence of a renewed civic identity in the Southern Netherlands during this period. Since sodomy was a sin that supposedly not only affected the guilty individuals, but the entire urban community, the purity of the ‘civic community’ needed to be preserved through strict persecution of these unnatural sexual acts.

In addition to chronological peaks and dips in the persecution policy, this quantitative overview also brings to light significant geographical differences regarding the penalization of sodomy within the region. The situation in the city of Bruges was especially exceptional: no city north of the Alps punished as many people for ‘unnatural sins’ between 1400 and 1600 as Bruges did. A comprehensive explanation for this phenomenon is difficult to find, but one possibility is that demographic political and economic crises lay at the basis of the need for a strict persecution policy.
The second part of this research offers a more detailed account of the social profile of the convicted sodomites. Wherever the sources allowed it, I have sketched a social profile of the convicted individuals, based on their profession, their marital status and their (lack of) citizenship. It seems that certain social groups were better protected against prosecution than others. Members of the nobility and the clergy in particular are disproportionately rare in the analyzed sources. People with less extensive social networks, migrants for example, were more vulnerable to accusations of sodomy. Women also appear surprisingly often in the studied court records, especially given the fact that sodomy was perceived as a predominantly male crime. Consequently, hardly any women were convicted for same-sex acts abroad. Young age played a less decisive role in sodomy trials in the Southern Netherlands. In other European regions, homoerotic acts between men were primarily organized hierarchically, based on age. The older partner was usually the active penetrator, while the younger (often minor) partner assumed the passive role. This pederastic paradigm, which was predominant in Mediterranean Europe, does not seem to be applicable to the Southern Netherlands. Although pederastic constellations certainly occurred in the region, homoerotic possibilities between men turned out to be more versatile and diverse. Moreover, the local authorities appeared to attach more importance to whether or not ejaculation had occurred during same-sex acts than to who had penetrated whom. This attitude implied that young people and minors, which in premodern societies was an ambiguous and vaguely defined social category, were less regarded as mere victims, and more as accountable perpetrators.

The third part of this study investigates the urban perception of sodomy and its repression at various levels. At an oral level, I emphasized the role of the urban community in the penalization of sodomy by showing the impact of rumors and gossip in late medieval and early modern criminal trials. On a written level, I have used a sixteenth-century case study to examine how sodomy was sometimes used by the civic community to help shape urban memory and urban identity. Finally, I investigated how the popular discourse on (female) sodomy often differed from contemporary scholarly discussions and from the official attitudes adopted by the authorities. In this sense, this study was meant to do more than merely fill in a geographical blind spot within the research into sodomy in late medieval and early modern Europe. The combination of quantitative and qualitative methods used to examine both the persecution and perception of sodomy at an urban level has resulted in a more layered picture of sexual deviancy and the exclusion of minority groups in premodern societies.
Samenvatting


Dit onderzoek heeft twee centrale doelstellingen: via kwantitatieve methodes de eigenlijke vervolging van sodomie in kaart brengen en aan de hand van kwalitatieve methodes de stedelijke perceptie op die vervolging contextualiseren. In het eerste deel van deze studie wordt het discursive kader rond sodomie in de laatmiddeleeuwse en vroegmoderne Zuidelijke Nederlanden geschetst. Uit een brede waai van narratief bronnenmateriaal wordt duidelijk dat het religieuze discours omtrent de ‘tegen natuurlijke zonde’ dominant aanwezig was. Het Bijbelse verhaal van Sodom en Gomorra wordt aangegrepen in theologische traktaten, devotionele lekenteksten, liederen en dergelijke meer om deze deviante seksuele handelingen te veroordelen. Tevens roepen deze teksten op om zoveel mogelijk de stilte rond deze zonde te bewaren. Dergelijke attitudes sijpelden ook door in het juridische discours. Belangrijke juristen in de regio behandelde sodomie bijvoorbeeld niet enkel als een misdrijf maar als een zonde. Ook in de beeldende kunsten werden religieuze veroordelingen van het misdrijf beklemt. Dit discursive kader bood een optimale voedingsbodem voor een strenge repressie in de regio.

In het tweede deel van dit onderzoek werd deze repressie onderzocht op stedelijk niveau, gezien het sterk verstedelijkte karakter van de regio en het feit dat sodomie in de historiografie doorgaans als een stedelijk fenomeen gekarakteriseerd wordt. In deze studie heb ik mij gefocust op een aantal steden uit het graafschap Vlaanderen en het
hertogdom Brabant: Antwerpen, Brugge, Brussel, Gent, Ieper, Leuven en Mechelen. Om de rurale context ook te integreren in deze studie werd de kasselrij van het Brugse Vrije ook in het onderzoek opgenomen. Om het aantal sodomieprocessen tussen ca. 1400 en 1700 te lokaliseren, maakte ik gebruik van baljuwrekeningen. Dit zijn rekeningen die de baljuw, de vorstelijke ambtenaar die op stedelijk niveau belast was met de ordehandhaving in naam van het centrale gezag, jaarlijks moest opmaken ten behoeve van de vorstelijke rekenkamer. Deze rekeningen bieden een overzichtelijke weergave van de inkomsten en uitgaven die gegenereerd werden door de strafrechtspleging in een bepaalde stad. In heel wat gevallen vormen deze baljuwrekeningen de belangrijkste bron voor het onderzoek naar criminaliteit in de laatmiddeleeuwse en Zuidelijke Nederlanden. Aangezien deze seriële bron amper chronologische hiaten heeft en de structuur van de tekst gelijkaardig is doorheen verschillende steden, biedt deze bron zich uitstekend voor een comparatief onderzoek met betrekking tot een specifiek soort misdrijf. De data uit deze baljuwrekeningen werden aangevuld met een reeks juridische bronnen opgemaakt door de stedelijke autoriteiten, zoals stadsrekeningen, getuigenverslagen, ondervragingen, vonnissen en dergelijke meer. Op die manier ontdekte ik 207 processen waarin in totaal 406 individuen beschuldigd werden van sodomie.

Dit kwantitatieve onderzoek bracht aan het licht dat de vervolging van sodomie geen constante prioriteit was voor de lokale overheden. We zien dan ook heel wat pieken en dalen in het vervolgingsbeleid. In het algemeen kunnen we vaststellen dat sodomie doorheen de regio het sterkst vervolgd werd vanaf ca. 1450 tot ca. 1525. Gedurende de zestiende eeuw nam het aantal processen stelselmatig af en vanaf 1600 werden publieke sodomieprocessen een zeldzaamheid in de regio. Om dit te verklaren, maakte ik gebruik van sociologische en antropologische inzichten omtrent de ‘zondeboktheorie’, die stelt dat samenlevingen vaak op zoek gaan naar een minderheidsgroep die gemarginaliseerd wordt om zo sociale onlusten af te wentelen. De reden waarom precies sodomieten geveild werden tijdens de vijftiende eeuw, kan gelinkt worden aan de opkomst van een hernieuwde stedelijke identiteit in de Zuidelijke Nederlanden. Gezien sodomie een zonde was die niet enkel Gods toorn opwekte over de schuldige individuen maar over de voltallige gemeenschap, moest de zuiverheid van het ‘stedelijke lichaam’ bewaard worden door een strenge vervolging van tegennatuurlijke seksuele handelingen.

Behalve chronologische pieken en dalen, illustreert dit kwantitatieve overzicht ook de significante geografische verschillen met betrekking tot de bestraffing van sodomie binnen de regio. Met name de situatie in Brugge was uitzonderlijk. In geen enkele stad benoorden de Alpen werden tussen 1400 en 1600 evenveel personen bestraft wegens ‘tegennatuurlijke zonden’. Een alomvattende verklaring voor dit fenomeen is moeilijk te vinden, maar mogelijks liggen demografische, politieke en economische crisisen mee aan de basis van deze strenge vervolging.
In het tweede deel van dit onderzoek wordt ook dieper ingegaan op het sociale profiel van de veroordeelde sodomieten. Waar mogelijk, is dit profiel gebaseerd op het al dan niet bezitten van burgerschap, de huwelijksstatus en professionele situatie van de betrokkene. We stellen vast dat bepaalde sociale groepen beter beschermd waren tegen de bestraffing voor sodomie, met name de adel en de geestelijkheid komen disproportioneel weinig voor in de bronnen. Mensen met een minder uitgebreid sociaal netwerk, migranten in het bijzonder, waren dan weer kwetsbaarder voor veroordelingen wegens deze seksuele handelingen. Ook vrouwen komen verrassend vaak voor in het onderzochte bronnenmateriaal, zeker gezien het feit dat sodomie voornamelijk als een mannelijk misdrijf gepercipieerd werd en er bijgevolg amper vrouwen voor dit ‘misdrijf’ veroordeeld werden in het buitenland. De parameter ‘jeugd’ speelde dan weer een minder doorslaggebende rol in sodomieprocessen in de Zuidelijke Nederlanden. In andere Europese regio’s waren homo-erotische handelingen tussen mannen voornamelijk hiërarchisch georganiseerd op basis van leeftijd. De oudere partner trad doorgaans op als actieve penetrator, terwijl de jongere (vaak minderjarige) partner de passieve rol opnam. Dit model, dat voornamelijk in Zuid-Europa dominant was, blijkt niet zomaar toepasbaar op de Zuidelijke Nederlanden. Hoewel dergelijke constellaties zeker voorkwamen, bleken de homo-erotische mogelijkheden tussen mannen onderling veelzijdiger en diverser. Bovendien bleken de lokale autoriteiten meer belang te hechten aan het feit of seksuele handelingen tussen mannen al dan niet tot ejaculatie geleid hadden dan aan het feit wie wie gepenetrerd had. Dit impliceerde dat jongeren en minderjarigen, een ambigue en vaag gedefinieerde categorie in premoderne samenlevingen, minder vaak als slachtoffers beschouwd werden maar ook als daders verantwoordelijk voor hun daden.

In het derde deel van deze studie werd de stedelijke perceptie op deze sodomievervolging onderzocht op verschillende niveaus. Op mondeling niveau werd de rol van de stedelijke gemeenschap in de vervolging en bestraffing van sodomie benadrukt door de impact van geruchten en roddels in laatmiddeleeuwse en vroegmoderne strafrechtelijke processen aan te tonen. Op schriftelijk niveau onderzochten we aan de hand van een zestiende-eeuwse case study hoe sodomie soms door de stedelijke gemeenschap ingeschakeld werd om het stedelijk geheugen en de stedelijke identiteit mee vorm te geven. Ten slotte onderzochten we hoe het populaire discours omtrent (vrouwelijke) sodomie vaak afweek van toenmalige geleerde discussies die over hetzelfde fenomeen gevoerd werden. Rode draad doorheen het derde deel van deze studie is dat het populaire discours over sodomie dat in de brede samenleving gevoerd werd vaak afweek van het officiële standpunt dat door de autoriteiten aangenomen werd. In die zin heeft deze studie meer verwezenlijkt dan het louter opvullen van een blinde geografische vlek binnen het onderzoek naar sodomie in laatmiddeleeuws en vroegmodern Europa. De combinatie van kwantitatieve en kwalitatieve methodes die zowel de repressie als perceptie van sodomie op stedelijk niveau onderzochten, heeft geresulteerd in een gelaagder beeld van seksuele deviantie en exclusie van minderheidsgroepen in premoderne samenlevingen.