

# History and film: a roundtable discussion of *Proteus*

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The discussion which follows was recorded in Cape Town on 23 September 2004. Its subject is the feature film *Proteus*, directed by Jack Lewis (South Africa) and John Greyson (Canada) and released in 2003.<sup>1</sup> The film script was based on the records of a trial conducted before the Cape Council of Justice in August 1735. The defendants were Rijkaert Jacobsz of Rotterdam, a sailor in the employ of the Dutch East India Company and Claas Blank, a Khoekhoe from the south-west Cape. They stood accused of ‘mutually perpetrated sodomy’ with one another and they faced the death penalty if convicted. Both were prisoners on Robben Island. Jacobsz had been charged with sodomy in Batavia in 1713, when he was eighteen years old. The evidence then had been insufficient to allow for the imposition of the death sentence and he was instead banished to Robben Island for 25 years.<sup>2</sup> In 1715 Claas Blank had been convicted of stock theft and sentenced to labour in chains for 50 years on Robben Island.<sup>3</sup> The two men had thus already been on the island together for 20 years at the time of their trial. In 1735 Jacobsz was 40 years old and Blank 36 (*‘na gissing’*).<sup>4</sup>

The trial was set in motion by a complaint laid against Jacobsz in July 1735 by Panaij van Boegies, a slave banished from Batavia in 1730 (for suspected arson) and sentenced to ‘labour his whole life in chains’ on Robben Island.<sup>5</sup> Panaij complained to the *posthouder* that Jacobsz had propositioned him in a lewd and indecent manner. He said that he had gone to the beach in search of his crayfish bait, which other prisoners told him Jacobsz had taken. He found Jacobsz standing on a rock. As soon as Jacobsz saw Panaij, he removed his trousers and turned his backside towards him, pointing with his hand and inviting Panaij (in Portuguese) to ‘use him against nature’. When Panaij refused, calling

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1. The film was produced by Big World Cinema/ Pluck Production, in association with Idol Pictures.  
2. CJ 339, Documents in criminal cases, *Eijsch* of Fiscal Daniel van den Henghel, exhibited in court 18 August 1735, 224.  
3. CJ 6, Criminal Rolls and Minutes, 28 November 1715. At the time of his arrest, Claas Blank, also known as Jantje, was a herder in the employ of Matthijs van den Berg at Riebeeck Kasteel. On 18 September 1715 he left Van den Berg’s place ‘to fetch some cattle from his kraal’. He returned with 52 animals, most of which appear to have belonged to Abraham de Clercq, who had a cattle post at *De Vogelvallij*. A day or two later, Blank left for the Cape with 12 of these animals. He sold one, which he said was his own, to the burgher Pieter Jurgen van de Heijde, and 11 others to the burgher Abraham Hartog. In his defence, Blank alleged that the theft and the sale had been instigated by Van den Berg’s knegt, Andries Baster of Marburg. Baster had promised him ‘as many copper beads as he wanted, even if it was twenty bunches.’ Baster was arrested but staunchly denied these allegations and was eventually released by order of the court. (CJ 319, Documents in criminal cases, 1715.) At his trial, Blank said he had been the victim of his own stupidity and asked the court to absolve him. (CJ 6, Criminal Rolls and Minutes, 28 November 1715.)  
4. CJ 339, Confession of Rijkaert Jacobsz van Rotterdam, 27 July 1735; confession of the Hottentot Claas Blank, 9 August 1735.  
5. Gerald Groenewald, ‘Panaij van Boegies: slave – bandiet – caffer’, *Quarterly Bulletin of the National Library of South Africa* vol. 59, 2005, 51-2.

him a turd<sup>6</sup> and telling him to use his mother instead, Jacobsz allegedly turned round and displayed his naked penis, saying ‘see how big that is ... take your trousers off and I will use you.’ Whereupon Panaij hit him in the face.<sup>7</sup>

Jacobsz subsequently denied Panaij’s testimony, saying he had only had sex with Blank,<sup>8</sup> and the filmmakers chose, significantly, to ignore it. But it was the catalyst which set in motion a train of events which led eventually to the execution of both Blank and Jacobsz. Following Panaij’s complaint, the *posthouder* on Robben Island, Sergeant Willer, had Jacobsz flogged in the presence of the other prisoners. Jacobsz cried out ‘*Slae niet, ik heb het gedaan, send mij maer op* (Don’t hit me, I did it, just send me up [to the court in Cape Town]).’<sup>9</sup> This apparently motivated two other convicts, Hermanus Munster of Steenwijk and Jacobus de Vogel of Rotterdam, to come forward with further evidence against Jacobsz. Munster said that in April 1732 he and another prisoner, now repatriated, had come upon Rijkaert Jacobsz having sex with ‘the Hottentot Claas Blank’ in the *bandiet huisje* (convict house) on the island. They had informed the then *posthouder*, Sergeant Scholtzsz, who told them he could not report the incident since ‘you people are prisoners; you cannot testify’.<sup>10</sup> Scholtzsz had, however, had Jacobsz flogged the following day, on the pretext that Jacobsz had failed to doff his hat as he walked past him and Jacobsz had allegedly called out on that occasion: ‘*Slaat mij niet meer Send mij maar op ik heb hem in ‘t gat geneukt*’ (Don’t hit me any more Just send me up I fucked him in the arse).<sup>11</sup> Jacobus de Vogel told how he had heard from the slave Augustijn Matthijsz (also a convict on the island) that Matthijsz had seen Rijkaert Jacobz and Claas Blank fornicating (*boelerende*) on Dassen Island.<sup>12</sup> Matthijsz later testified that, in November 1724, when he, Jacobsz, Blank and other convicts were on Dassen Island to burn train oil made from the blubber of whales, he had on two separate occasions observed by the light of the moon that Claas Blank had penetrated Rijkaert Jacobsz while the other men slept. When he confronted Jacobsz, saying ‘What did you do there?’, Jacobsz answered: ‘Did you see it? *Wat raakt j’aan dat?* (What has it got to do with you?)’<sup>13</sup>

These direct quotations feature prominently in the film. They are repeated in the opening and closing courtroom scenes, when Munster testifies before the Council of Justice and three bemused stenographers with bee-hive hairdos and heavy eye makeup attempt to render his words in correct English. In the opening scene, Jacobsz is heard yelling in voice-over: ‘*Send mij maar op; ik heb hem in ‘t gat geneukt*’ while, as we learn later, he is being tortured by Willer, who is depicted in the film as an apartheid-era policeman in the brown uniform of the 1960s South African Police.

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6. The meaning of the Malay word *tajole* (‘the favourite curse of slaves’) was explained by Gerald Groenewald: personal communication, Gerald Groenewald to Nigel Worden, 9 September 2004.

7. CJ 339, Statement of Panaij van Boegies, 26 July 1735.

8. CJ 339, *Eijsch* of Fiscal Daniel van den Henghel, 222.

9. CJ 339, *ibid.*, 221.

10. CJ 339, Statement of Hermanus Munster, 26 July 1735.

11. *Ibid.* No punctuation in the original.

12. CJ 339, Statement of Jacobus de Vogel of Rotterdam, 29 July 1735.

13. CJ 339, Statement of the slave Augustijn Matthijsz, 8 August 1735.

*Posthouder* Willer had all those involved, suspects and witnesses, sent over to the mainland. There the Fiscal built his case, interrogating the suspects and arranging for the testimony of the witnesses to be formally recorded by the secretary of the court in the presence of two commissioners.

The two suspects (Blank and Jacobsz) initially refused to admit to having had sex with one another. They were ‘very obstinate’, in the view of the Fiscal, and confessed only after they were confronted with the testimony of the eye-witnesses, who were required to confirm their statements in the presence of the accused.<sup>14</sup> Thereafter they confessed ‘freely and voluntarily’. On 18 August 1735 they were both found guilty of mutually perpetrated sodomy and sentenced to be taken aboard a vessel lying in the roadstead and drowned in the sea. The sentence was approved by the Governor that same day and carried out the following morning (Friday 19 August 1735).<sup>15</sup>

This then, in summary form, is the narrative of events as presented in the trial record of 1735. This record served as the basis for the filmmakers’ portrayal of the relationship between their two central characters, Claas Blank and Rijkhaart Jacobsz. The evolution of this relationship and the many questions surrounding its nature and its name, lie at the heart of the film. The directors have taken enormous liberties with the sources. They have introduced deliberate anachronisms – for example, the ‘60s dress and beehive hairdos of the stenographers; the apartheid-era uniform of Sergeant Willer; the jeep in which a group of angry farmers pursue Claas Blank in the opening sequences of the film and the steel drums in which Blank and Jacobsz transport water on the island. They have also reduced the ages of the main characters and shortened the duration of their sentences, allowing for the possibility that Blank would be released into the service of the plant collector, Virgil Niven, while Jacobsz remained behind on the island. (Whereas, in fact, Jacobsz was due for release in 1738, 17 years before Blank.) They have invented new characters (for example, Niven and his effeminate assistant Laurens) and omitted others, including Panaij van Boegies. Perhaps most tellingly, they have changed the ending of the story, allowing Claas a last minute choice between life and death which the historical Claas did not have.

In addition, much of the dialogue in the film is in Afrikaans; Dutch is used only in the trial scenes, where witnesses quote directly from the sources.

All these alterations and inventions may have been expected to alienate professional historians, who are often known for their pedantry. However, the enthusiasm of the discussion recorded below should demonstrate that this is not the case, at least in respect of the group of researchers represented below, all of whom are connected with the team research project ‘Social identities in VOC Cape Town’, funded by the National Research Foundation.<sup>16</sup> These researchers

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14. CJ 339, *Eijsch* of Fiscal Daniel van den Henghel 221.

15. CJ 17, Criminal rolls and minutes, 18 August 1735.

16. VOC stands for *Verenigde Nederlandse Geotroyeerde Oostindische Compagnie* (Dutch East India Company).

are well aware that the documents with which they work conceal as much as they reveal about the lives and experiences of the inhabitants of Cape Town some 270 years ago. They know that the court records, which were constructed with the aim of securing a conviction, are full of gaps, silences and deliberate omissions and that an effort of imagination is often required to read meaning into the text. The prosecution in a criminal trial focused upon those facts which were relevant in law; the defendants (who were seldom able to mount a 'defence') were generally concerned to say as little as possible or to implicate others in their stead. In the case of Blank and Jacobsz, the true nature of their relationship is not revealed in the records. They had sex more than once and this over a number of years: the filmmakers have provided us with a sensitive and plausible representation of what their relationship may have been.

The participants in the discussion are, in alphabetical order, Erika van As (EvA), Sandra Burman (SB), Harriet Deacon (HD), Gerald Groenewald (GG), Jack Lewis (JL), Antonia Malan (AM), Canby Malherbe (CM), Susan Newton-King (SNK) and Nigel Worden (NW). All except Jack Lewis are members or associates of the above-named NRF-funded research project, which brings together scholars from the University of Cape Town, the University of the Western Cape and Iziko Museum and is led by Nigel Worden. Sandra Burman acted as moderator of the discussion.

Theo van der Meer, who is a research fellow at the International Institute of Social History in Amsterdam, kindly read the edited transcript of the discussion and sent his critical comments by email. These contain a timely warning against an overly cavalier approach to the sources and have been incorporated at the end of this piece.

## **The discussion**

*Sandra Burman (SB):* Nigel, would you like to give us a heading then?

*Nigel Worden (NW):* A heading, okay. Well, let's perhaps ... all of us around the table are historians who specialise in the VOC period at the Cape, and ... so ... one of our starting points, I think, in watching the movie which we've just seen, would be how the image that we have of the Cape, through the sorts of texts we work with, is represented in the film that you've just shown us; and a number of us around the table have been reading the [original] case on which this film was based, so I guess the key issue is what are the ways in which the filmmaker turns that document into a film, and what does that do to the meaning of the kind of history that is there? So it's the move from the history to the film, I suppose, that we should focus on. And I don't know if anybody – before Jack perhaps responds to that – if anyone would like to talk about their response to the film. I think a number of people have just seen this for the first time. Gerald, you had something you wanted to raise straight away. You've just read the case.

## Main characters and sub-characters

*Gerald Groenewald (GG)*: Well, I'm sort of curious from, you know ... filmmakers like novelists tend to have main characters and sub-characters; you need to have a hero on which to hang your story, as it were. And having read the case, it's very clear that the case is about what Rijkaert Jacobsz did and why he did this, and trying to prove **him** guilty; and Claas coming in as a sort of accomplice and an ignorant man who didn't know what he was doing. But yet, having seen this film ... I was thinking, you know, this is all about Claas, you know. You learn so much more in the film about Claas and **his** motivations and **his** life, and I sort of thought that he's the Proteus in the film – a sort of shape shifter ... So I just want to know, was this a conscious decision on your part to focus on Claas and **his** life ... since this raises issues about race and injustice and all sorts of other things ... rather than Jacobsz, which is what the court case is about?

*Jack Lewis (JL)*: Thanks. First of all, I wouldn't necessarily agree that the case is less about Claas than about Rijkaert Jacobsz. What is true is that in all of these cases ... and if you go back to the film that Zackie Achmat directed and I produced, called *Apostles of Civilised Vice*, which deals with the history of homosexuality in South Africa, you will see there that long before it was fashionable to research sodomy cases, Zackie was doing work on sodomy cases; he was probably one of the very first people to do this in the context of the National Coalition for Gay and Lesbian Equality, in the early '90s ... and ... he was very struck by the fact, and you'll see it in this vignette titled *The Cook and the Confectioner*, which tells a story about a homosexual liaison between a cook (coloured) and a confectioner (white), in a toilet round about where the Waterfront is now, around about 1900 ... and even in 1900, the voice of the coloured protagonist in that court record is completely silent. Yet I presume he was no less part of the sexual act, and everything else that transpired, than was the confectioner. Now it's true that the fight scene [between Jacobsz and Panaij], which is described in the court record, over fishing tackle, concerns Rijkaert Jacobsz more than it does Claas. But the fact is that they were there [on the island] together and yet Claas is missing from the record. I think that's different to say 'it's less about' than [to say] 'missing from the record'. And we felt a particular responsibility ... remember that when we started making this movie (it took us six years to make) in the late 1990s we were just in the period when the Constitution<sup>17</sup> was being ratified; the clause concerning non-discrimination on grounds of sexual orientation was still up for debate;<sup>18</sup> the whole issue of the decriminalisation of sodomy was being decided before the courts. This was the work of the National Coalition for Gay and Lesbian Equality. In that context, in the late '90s when we started, when I started conceptualising this movie and working on it, it felt **very**

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17. The Constitution of the Republic of South Africa Act 108 of 1996.

18. *Ibid.*, clause 9 (3).

important to make Claas the central character and to restore him to the record from which he was ... absent ... more than it being not about him. We don't **know** what he did; we don't **know** what his ancestry was. Look, if somebody could go and scrounge the Batavia records, you could probably find out what happened in that previous conviction which it appears that Rijkaert Jacobsz may have had in Batavia. And somebody should do that, and I would love to know.

*NW:* It's on the cards. [laughter]

*JL:* But, but ... well then, we can make an addendum to the movie.

*GG:* Mmm, mmm. [laughter] A sequel ... a prequel!

*JL:* It would be very interesting to know. And also, why in that previous case he was not sentenced to death at **that** point, but rather to imprisonment on Robben Island ... seeing as it [sodomy] is imputed in the court record.

*Others:* Um-hmm.

*JL:* So these are exactly the questions ... we felt a need to restore Claas to the record.

*GG:* I get it. Now ... but ... would you admit then that Claas is, as it were, in that context, in the late 1990s and the fight for equality and whatever, that he was a useful figure to hang all sorts of issues on, to you ... other than ... you see in that context it makes sense to sort of show: but here's a non-white person who's also, also sort of homosexual and engaged in these acts ... That's what I'm feeling now from your description of the context in which you made the film.

*JL:* Look undoubtedly, the interracial nature ... I don't like the category of race, by the way ... I do agree with Neville Alexander on this question. But the cultural dynamics, the ethnic dynamics in that relationship was undoubtedly part of its compulsion. And, you know, the interesting thing about it, and Susie can perhaps come in on this ... but ... you know you have these other extraordinary records, which I talk about whenever I talk about this film, of the two slaves and the sailor who get caught and sent to Robben Island, and the **same** three guys get caught playing master-slave games again, and the mind boggles as to what was going on. What was the force of whatever was happening there? As a gay man, the only thing that I can conclude is that they were really getting off on what they were doing, and it was just too hot to leave go. [laughter] Because, why the hell ... you know? But we don't know the details. As far as I know there is no detailed court record on that one. Not like Claas's record.

*GG:* Mmm, ja. But I ...

*JL:* You know. Not like Claas's record.

*GG:* This is ... We simply just don't know, you know ... from my bit of exploration on Monday and Tuesday ... actually Claas and Rijkaert were on the island from 1715 and 1713. So they'd been ...

*Sue Newton-King (SNK):* 1715?

*GG:* Ja, ja.

*JL:* 17...er ... Rijkaert is there first and Claas comes in 1718.

*GG:* No, '15, I checked.

*JL:* But Rijkaert ... the one comes ...the other one comes in 1718.

*GG:* No, '13.

*JL:* '13 and '15? So they were there for quite a long time?

*GG:* That equals twenty years, you know.

*JL:* They were there for ...

*GG:* Ja, this is what's fascinating ....

*JL:* But the first account of them having sex together was in 1724.

*GG:* Ja.

*NW:* On Dassen Island.

*JL:* On Dassen Island. But one can assume that it was maybe before that ...

*GG:* Yes.

*JL:* Which makes it even look **more** like a long-term relationship [laughter in voice] than ... you know ...

*GG:* That is what I'm saying, I agree totally ... but we just don't know, you know. The court records play on the fact, that ... it's said ...people saw and they admitted the two deeds – and that's enough for a sentence, that they confessed to these two deeds. But, you know, and this is what you do, you know, you sort of interpret that as meaning that there might have been a much longer period than that.

*JL:* Well, you see ...

*NW:* Can I just interrupt a moment ...

*SB:* Nigel.

*NW:* Isn't that precisely, you know, the issue here about the historian and the filmmaker, and whether the two are actually that different ... That there are certain aspects of this case – and Gerald, you've been looking at this recently – that we don't know about – and therefore what are we saying with this? You know, what he's done in the film ... it's making that context ... it's making those characters real people.

*GG:* Ja.

*NW:* And as historians, and particularly with micro-narratives of the sort that a number of us around this table have been doing ... are we not also constructing those kinds of stories around our characters in similar kinds of ways? And I guess the question is, is there a ...

*GG:* But we are considerably more restricted.

*NW:* Yes, yes, yes. But does this film do violence to the notion of history that we have?

*JL:* Well, let's pick up on that.

*SNK:* If I could just take us back a step ... Gerald, I wonder if you could spell out why you said what you said at the beginning, that Claas is actually a minor character in the record. Could you just spell that out for us?

*GG:* Well, no, it's just sort of, if you read the *eijsch* on which everything is based, you know, he is portrayed as the man who, sort of, you know, led everything on.

*SNK:* Rijkaert is?

*GG:* Ja, and this is the Fiscal's argument, you know: he has this long history, and he's brought from Batavia twenty-five years ago, and he's still doing

this, and he's the one, and you know ... And then he [the Fiscal] does say that Claas, being an *onnosele* Hottentot, you know ... *onnosele*, and it doesn't mean stupid, it means ignorant. Even though he [the Fiscal] wrote that Claas should have known, you know, and it was mutual, so ... But, you know, if you look at all the testimonies, they're all sort of geared to what they saw Rijkaert doing.

*JL*: Isn't it extraordinary though, that the record is in many ways more explicit than the movie, because they show, they give this description of Munster talking, if I'm not mistaken, to the quartermaster, who says, 'Do you hear this noise coming from upstairs?' [The quartermaster wasn't present when Munster first told his story to Scholtz – ed.] And Munster then runs up the stairs and kicks open the door, and in the record, grabs Rijkaert by the penis, at which point some semen comes off on his hand – this is what is described in the record. I mean, so [laughter in voice] we were like tame!

*Others*: Ja, absolutely!

*JL*: If we would have stuck to the record, we could have had a totally triple X-rated movie. [laughter]

### **'How do we know any of these characters were telling the truth?'**

*GG*: But this is ... sorry, the other reason why I say this [that Rijkaert Jacobsz was the main character in the original case] is that the final reason why it came to court is because Rijkaert propositioned somebody else, Panaij van Boegies.

*NW*: Ja.

*GG*: And this is when everything came out.

*Antonia Malan (AM)*: And that was what I was going to ask: who finally spilled the beans?

*GG*: It was Panaij, wasn't it?.

*AM*: After 24 years.

*GG*: But everybody always knew about this, and then they sort of start saying, when he was beaten (they have this scene in the film, but in a different context) ...

*NW*: Yes.

*GG*: ... when he was beaten, he said, 'I did this,' and then all the other things came out.

*SNK*: It was Panaij who informed.

*JL*: But Munster as well.

*GG*: Ja, but this is how it came out in the end; this is the final thing ... Munster saw it a couple a years ago and he talked to Scholtz, but Scholtz didn't do anything about it.

*SNK*: So Munster now testifies about what he saw a few years before.

*JL*: As you see in the film.

*SNK*: Yes, okay. But you see, I think that's one of the questions Jack is raising, which I find very interesting ... perhaps we believe our sources too easily.

*GG*: Oh yes. I agree.



SNK: Jack chose to leave Panaij out ... I can see how Panaij would complicate the plot. But how do we know if Panaij was telling the truth?

GG: I know, I know; this is the thing we always ask as historians.

JL: Susie, let's take that question. We came to that exact question, how do we know **any** of these characters were telling the truth? Do we believe the story that Rijkaert failed to doff his cap to Willer, the newly appointed head of the prison, and Willer then beats him and he then shouts out, '*Send my maar op, ik heb hem in 't gat geneukt*' when we **know** that Rijkaert knows that this thing carries a death penalty; when he has previously not confessed [in Batavia], evidently, we assume. And we thought that those depositions that are made were part of a stitch-up which the colonial authorities put together and handed down to historians to reproduce, [laughter] and we were going to take ... We thought that **our** reading of it was probably closer to the truth – i.e. that they were tortured – than what is actually in the record. And what do you do then, when you can see ... when you feel ... everything is telling you ... that this record is a stitch-up?

AM: So the thing that changed was that there was a new commander on Robben Island ...

JL: At the prison, yes.

AM: At the prison.

JL: That's correct. Scholtz was sent home [we surmise] in disgrace, and Willer was appointed *posthouder*.

AM: What do we know about him?

Harriet Deacon (HD): Had he previously been on the island?

JL: We don't know, we just chose to make him ...

SNK: You chose to make him an underling of Scholtz.

JL: Yes. Because here we looked at later Robben Island history, where you, for instance, have this recurrent theme of commanders of the island – *post-houders* – who use prison labour for financial gain, and then get bust, and then get ... and that's in all the accounts, right? So I thought immediately that why would Scholtz have been turning a blind eye? We subsequently watered it down, because we are also conservative historians, you see. I thought that the more likely explanation was that Scholtz actually had some money-making scheme on the go, somehow or another with the gay boys, and that's why he tolerated them, because that would be consistent with subsequent Island history, and not many years subsequent, but later in the eighteenth century.

SNK: Well, what puzzled me in the case of Adam Vigelaar and his sexual partners – that was in 1717, I think – <sup>19</sup> Vigelaar's activities must have been known, at least to the sergeant in charge of the bastion, the *punct*, in which he and at least two of his lovers lived. And yet when he brings a sailor back to the *punct* to bed, upsetting all the soldiers – because, you know,

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19. S. Newton-King, 'For the love of Adam: two sodomy trials at the Cape of Good Hope', *Kronos* vol. 28, 2004, 21-42.

there's this rivalry between soldiers and sailors – he takes the sailor off to have coffee with the sergeant. It's just an observation ... in relation to what Jack said.

[One might also note that Rijkaert Jacobsz said in his confession that he was 'in his sleeping place' (*in sijn cagie*) drinking a bottle of *aracq* (rice wine) when Claas Blank came to him in the *bandiet huisje* in 1732.<sup>20</sup> Where did he get a bottle of *aracq* on Robben Island? – ed.]

*SB*: Nigel, you were trying to say -.

*NW*: Of course, one of the things that we're all acutely aware of as social historians, and particularly of this period, is precisely the silence of the historical record. I mean, this whole project [the NRF-funded research project] is based around trying to overcome those kinds of silences. So what we are hearing is that those silences are endemic to the record, and clearly in this case there are all kinds of silences, which this film is giving a voice to. And that's critical. So in one way we could argue that this film is doing precisely what we've all been trying to do, in different ways ...

*GG*: It's reading the record against the grain.

*JL*: Precisely, precisely.

*GG*: I mean, you must admit ... you know ... you're saying that historians are perpetuating colonial lies or whatever. But you would not have been able to make this film without the records.

*JL*: No, but the film **is** questioning the record in many ways. I mean, this whole notion, as you see in the opening scene, where Claas is the native informant telling the colonial observer, and making up knowledge because he sees an advantage in it. And we feel that the record, when it originates from native informants, and indeed even from other colonials, may have been embroidered and tailored in various ways to suit the agenda of the person who is transcribing history.

*HD*: And in a way you picked that up with the idea of the use, the attribution of knowledge, where it gets passed on from Claas to the botanist, and then Linnaeus takes it on as his own ... I thought that was quite ... where it [knowledge] keeps getting changed and newly attributed every time.

*JL*: I think that's a very real process. I do think though ... I mean... that was a very conscious thing between John and me, that we wanted to question ... We all, I think, have probably had a tendency of attributing too much credence sometimes to what is overtly in the letter of the record.

*SNK*: Because it's all we've got, in a sense, – although you're showing that it isn't all we've got.

*Canby Malherbe (CM)*: History itself is an interpretive subject, and I have tried for many years and hoped for many years that creative people would pick up themes in the research that's being done ... and when that happens, and even more creative minds are being brought to bear on the material ... and I don't think that historians should abdicate and say 'we have no more say

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20. The editor is indebted to Gerald Groenewald for translations of *cagie* and *aracq*.

in it', but I think that what happens when artistic people, whether they're writers or filmmakers or whatever, take over, is exciting. And new interpretations can only help **us** to appreciate the records with which we work better. Many years ago I wrote to Steven Gray, because I heard he was going to Australia, and I wanted him to take up a theme about a convict who had been transported from the Cape to New South Wales. What an exciting story! And he wrote me several very courteous letters explaining why he couldn't, and I appreciate that, because he had other things to do. But my object is always to encourage creative people to take these ideas and run with them. And I'm just wondering what it is that's likely to attract ... How do you appeal to creative people to ... What got you [Jack] onto this theme? Well I think we know now, but in general what advice do you have?

### **Politics and the creative use of history**

*JL:* You see, to me, it has to be politics that drives filmmakers, in particular, or anyone who's going to take historical product and then move to that mass level which comes either with a very popular book or a film; it's got to be politics. I can't see mostly anything else, unless it's going to be out-and-out commercialism like these ... but then it's likely to be very untrue to the record as well ... like these books about the Vatican that we see all the time.

*NW:* Could you say what you mean by politics, in this context, in this film: the politics of contemporary South Africa, which of course is reflected a great deal in the film, or politics in the broader sense?

*JL:* Let me just take another example: there's a marvellous Dutch movie about – come on, somebody here might be able to help me with the title – about a young Dutch lieutenant who is sent to Java and he witnesses a terrible massacre, and the resistance of the ... It's a fantastic movie. And he subsequently goes back to Holland and tries to write about it. It's based on a real character. That film ... I just can't remember the name of it now, I'll get to it ... that film was clearly a political ... It's an attempt to speak in sort of picture-book drama terms, to speak to a Dutch audience about the Dutch colonial legacy.

*SNK:* Ja, well why does it have to be so distanced from self? Or, maybe for you politics isn't. I mean, what about a sense of personal resonance with the characters? Isn't that also a sufficient reason for telling their story?

*GG:* Well, what the feminists said in the sixties, the personal is always political, you know. It's always political. Especially if you are in any way against the grain, if you are homosexual, or anything, the personal is always political ...

*SNK:* Ah, right.

*GG:* There's no way out of it.

*SNK:* Okay, is that the sense in which you mean it?

*JL:* Ja, I would agree with that. I would agree with that. You need to look at

the reintroduction of conscience, of the will to tell the truth, which would have been the underlying theme in this ... *Max Havelaar* is the name of that movie!

*Others:* Ah!

*JL:* Now that's a personal story, but it was made into a great film as well ... it's based on ... there are issues of conscience, of ... those sorts of things I think will make good stories.

*NW:* Can I ask though, just on a point that Jack ... with your *Max Havelaar* example, would you see an element of the *Max Havelaar* writer or filmmaker in what you were doing, in a South African context in the late 1990s and early 2000s?

*JL:* That's a really hard question. But, undoubtedly, as I said earlier, the impulse to make this movie **was** political. I wanted to do something which would say why the decriminalisation of sodomy mattered, why it was a human rights issue.

*NW:* Yes, yes.

*JL:* I was looking for a story that would make it clear to a contemporary audience ... and one could go further with this, you know: there are other edits that are even more radical of this movie, like for example, the trumped up sodomy panic ... the charges laid against the deputy premier of Malaysia and Robert Mugabe, and you know, all of that homosexual panic ... And in fact when we think about the homosexual panic in the Netherlands in the eighteenth century, which Theo van de Meer writes about, this becomes very important.<sup>21</sup>

*SNK:* Just another snippet from the records, in relation to what you've just said: I've just read a case dated May 1731 in which Fiscal Daniel van den Henghel – that's the same person who prosecuted Claas and Rijkaert – explicitly refers to the wave of sodomy trials in the Netherlands. He was prosecuting a sailor who had made advances to the cabin boys aboard the *Meermond* and who allegedly asked one of them whether he was 'inclined to do with him those things that were presently being done in Amsterdam.'<sup>22</sup> Van den Henghel understood him to mean thereby '*de gruwelijke sodomitische sonden, dewelke volgens gerugten thans in onse Nederlanden meer als al te rugbaar is geworden* (the horrible sodomitical sins which, according to rumour, are presently all too notorious in our Netherlands) and he refers to the decree issued by the States of Holland on 21 July 1730 which ordered local courts to execute convicted sodomites in public.<sup>23</sup> This is just one year after the trials began in Utrecht in May 1730. So there's absolutely no doubt now that recent events in the Netherlands were known to the Fiscal who prosecuted your two characters.

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21. Theo van der Meer, *Sodoms zaad in Nederland: het ontstaan van homoseksualiteit in de vroegmoderne tijd* (Nijmegen: SUN, 1995).

22. CJ 13, Criminal rolls and minutes, 10 May 1731, *Eijsch* of Fiscal Daniel van den Henghel.

23. *Ibid.* For the *plakkaat*, see Van der Meer, *Sodoms zaad*, 30-31.

*JL:* You see, it's interesting because John Greyson, who co-directed and co-wrote this movie with me, was very conscious of this; and we actually exchanged emails with Theo van der Meer. I said I have no doubt that the cause of their arrest and trial was the backwash into the colonial space of what was going on in the slump of the 1730s – and that was what triggered it. And in a way, that dinner-table scene, the fireworks display [which Virgil Niven suggests as a means to divert the colonists from the sources of their discontent], was an attempt to deal with that. Because, you see, the question that you [Antonia] asked – What changed? What caused them to be arrested after all this time? – is still the critical question. And you have all these different levels at which you can answer it. It could have been a local power struggle between Willer and Scholtz. And that power struggle itself may have been influenced by events in the Netherlands. But it could have been, as the dinner-table scene suggests, a Cape colonial power situation, okay, that changed how the colonial authorities at the time were looking at Khoekhoe people. And it could have been, it could have been, which I think is the **most** important, a straight-forward tightening up on this kind of thing, as a result of what was going on in the Netherlands at the time. And the interesting thing is that the debate amongst the filmmakers at the time was ... Theo van der Meer was saying, 'Well, you can't **say** that this was a reaction to Amsterdam.' And I was saying, 'For Christ's sake, we are saying so much other stuff, [laughter] of course we can say that it was a reaction.' And Susie, I'm very interested to hear you say that ...

*SB:* Susie, Nigel and Harriet, in that order please, and then Canby.

*SNK:* Well, Theo van der Meer is right; we can't say that the prosecution of Blank and Jacobsz was in reaction to events in the Netherlands, because the Fiscal's office was prosecuting people for sodomy long before this, before the *plakkaat* of 1730. But, for the record, it is the same Fiscal, and he seems to have been aware of what had been happening in the Netherlands. But I wanted to pick up on what you said earlier, Jack, that was so helpful, about your political motives in making the film, that you wanted to give people a clear understanding of **why** decriminalisation and the entrenchment of ...

*JL:* ... the clause in the Constitution ...

*SNK:* ... why the clause which outlaws unfair discrimination on grounds of sexual orientation is so important and so necessary. And I thought that in that regard your portrayal of the evolution of the relationship between Claas and Jacobsz is quite interesting ... There were no words, but at the end of the film it's as though this relationship, which was quite problematic in the beginning ... Claas's feelings seem to me to be very ambiguous: he's quite insulting towards Jacobsz and yet he's attracted to him. In the very act of having sex with him, he's telling him he's actually heterosexual and he wants to get married, and this sort of thing ...

*JL:* It's *Oz*.

*NW:* Yes.

*JL:* It's *Oz*.

*SNK*: Oh, you'll have to translate that for me.

*JL*: On television.

*SNK*: Oh. [not comprehending]

*SNK*: ... but right at the end, I mean, although there are no words, the look shared between them seems to suggest that they are acknowledging that they have something precious. That look, it seems to me – and that surely is also your voice – it's saying that what is happening here is the repression of genuine feeling; and for me that's the issue.

*SB*: Sorry, Jack, would you like to answer her question?

*JL*: No, no, I'll hold onto that. Let the other people.

*SB*: Nigel.

*NW*: Can I say what I wasn't originally going to say: it follows on from that point. That to me also was the most powerful moment of the movie – seeing the triangular tensions between the two (as we've been calling them) protagonists, but also Niven, Niven the botanist, who is the non-historical character, whom you've brought in, with all sorts of very intriguing ways of pointing to notions of classification and naming and ordering, which fit this period beautifully. But, of course, I suppose ... I mean, to me he's also been brought in because of his role at the end ... because it's a love triangle which I see in that final court room scene, and it's Claas choosing between Niven ... or is he choosing ...

*SNK*: Oh!

*NW*: Totally. And by making the decision ... by making the decision to confess he is bonding himself to Rijkaert. And that seemed to me to be a very important statement about gay love. But it also seemed to be a strongly twentieth century notion of love, which a twenty-first century audience would respond to and does respond to, I think, overwhelmingly.

*SNK*: Monogamy.

*NW*: Um, choosing, choosing between ... yes, in essence, yes.

*SNK*: No, I take that back ...

*NW*: And I guess that leads to another issue, which is around how far one, inevitably, is making an interpretation of an eighteenth century case to have meaning for a twenty-first century audience – and of course one has to be doing that, which of course is also what we're doing as historians.

*JL*: Can I respond to that because I'm going to forget ...

*SB*: Go on.

*JL*: Look, I think a very, very important thing that struck us about the case was that the case ... er ... and about Van der Meer's work, is that that work seriously challenges Foucault's sort of very nineteenth century construction of the notion of homosexual identity. Van der Meer's work is terribly important because it says Foucault was theoretically correct but historically wrong, in that that identity, as you see from the Dutch records of the 1730s (from Amsterdam and Rotterdam and so on) ... began to emerge much earlier ... Where the nature of gay life, if I can call it that, as described, was incredibly modern. They had bars, songs, lists of who's who that were passed around from hand to hand and little marriage cer-

emonies that were run and, um ... You know, the one that John likes to quote which is in Van der Meer is how there was one enacted marriage ceremony – and you know of course marriage is such a big issue at the moment in the States and everywhere (gay marriage), which included a vow which said ‘we at least promise to tell each other if we are going to be unfaithful’: I mean how much more twenty-first century can you possibly get! You can find that in Van der Meer, footnoted somewhere, dutifully – because he’s a conventional historian, you see.<sup>24</sup> [chuckles]

So, I think this notion that gay identity had been emerging as a result of Enlightenment thinking and the growth of trade and ports, and all the things that would cause that to emerge, from a lot earlier than what Foucault said ... I think that struck us with a lot of force, and because we were influenced by Foucault in so many other ways, we really wanted to make this footnote to Foucault, and I think that was important. It then influenced the way the whole movie was constructed, because this thing comes round to how the character of Rijkaert versus that of Claas Blank is constructed – because it was theoretically possible that, um ... Now if there’s one thing I **hate** in movies, it’s egregious coincidence, and the only egregious coincidence that we have, which we had to allow, was that Rijkaert may have seen our ..., may have seen gay life. Forget about whether he saw Niven, because Niven’s a fiction. (No but not actually: there **was** a Scottish botanist called Niven, involved in Protea research at the Cape, in the Dutch period, but forty years later, so he’s not a complete fiction – we just moved him back forty years, okay; but go and check him out – he’s there. He was a Scottish botanist; he **was** called Niven, okay ...)

NW: Okay, okay. [chuckles]

JL: ... He just wasn’t in our period. And the egregious coincidence is that Rijkaert may have been influenced by the Dutch gay culture. So Rijkaert is the one who can have the notion that two men might marry, for example, even, at the most extreme end of what we know was happening in Amsterdam. So that was out there in the ether. Rijkaert was Dutch; he was from Rotterdam.

... So this was very interesting for us, and we therefore thought it had to be constructed that Rijkaert was the one who was closer to this notion of [homosexual] identity than Claas. And Claas ... we didn’t want to make any imputation about the existence of pre-existing gay categories or same sex desire based categories in Africa.

You can talk about Uganda and putting missionaries in pots when they tried to stop people – men – from having sex with other men, and things like that – no doubt it’s all true. But we didn’t want to go there. We didn’t want to make **any** assumptions about how same sex desire between men played in African culture.

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24. Van der Meer, *Sodoms zaad*, 259.

*SNK*: And rightly so, because with the Khoekhoe we have no evidence [regarding same-sex practices].

*JL*: Exactly, we have zip.

*SNK*: There's silence.

*JL*: There is silence – we don't know. Except that we have all these penises on the drawings of course, in the rock art. But I mean a penis is a penis is a penis; it doesn't take you anywhere historically.

So that was a large part of how the dynamic ... And we feel that we are being quite historically true, and conservative actually, in the way the emotional dynamics of that relationship are constructed when you take into account that bigger context.

*SB*: Okay, Harriet.

*HD*: Ja, I didn't want to interrupt the flow, but I'm actually going back to Susie's point about what your purpose was in making the movie. I thought what came through for me very strongly were the kind of parallels you were drawing; and again, this relates to **when** you are making the movie, as well ... the kind of parallels you are drawing between the political struggle and the struggle for the right to have same sex relationships legally. And I thought that it was actually quite central to your point that it was all happening on Robben Island – because that **has** been the icon for the political struggle in many ways. And I was just wondering whether there are ... sort of any tensions in your narrative, because the whole issue of homosexuality in prison has been so understated in all the accounts of political activists in prison. So I mean, your point relies on this connection, in a way, to make its broader issue, but when you look closer it's actually suffering from the same denial, because no one **is** actually talking about same sex relationships amongst political activists.

*JL*: Ja, and how, I mean, I think we were very, very conscious ... I mean, you raised it before, Harriet, when we were just walking in: did it make a difference that they were on Robben Island, as opposed to wherever? And for me, that was part of the richness of that story, that it allowed **me** to think about Robben Island in a different way. It allowed me to think about the role of **other** people other than the political prisoners and the lepers, and so on, who were prisoners perhaps of a different kind, um, on that island. And the fact that in the end these chaps faced the death penalty ... through a denial of human rights, brought it closer to the issues which were at stake for the contemporary prisoners. So there was definitely that element of a connection, and a very overt connection – the fact that the orientation clause was included; the fact that the common law on sodomy, which rested on all this Roman-Dutch law going back eons and eons, was repealed under the new dispensation is itself a confirmation of that. You know. So, it's clear, there is a connection. And you're so right to say that there's this huge unspoken thing. And in a way this movie starts to raise that question in a very gentle and hopefully non-threatening way. You know, it's a first contribution towards opening up the question of what interpersonal relationships on the island may have been.



## **Anachronism, local references and imaginary terrors**

*CM:* This is a totally different direction, but my question has to do really with the film industry, and South Africa's rather retarded status up till this point in the film industry, and the fact that we haven't produced many films that have won renown, and I'm just – you know in this film there is our World Heritage Site [Robben Island], beautiful scenery, wonderful scenery. There's ... our eleven official languages are broached ... and there are those wonderful clicks and the idea that this language [Nama] has these special characteristics; and there are other languages and they need to be ... It was difficult then and it's difficult now – and so there's that. And then there is this amazing flora which is world renowned, and so many of South Africa's unique characteristics are brought out in the film – I found that very exciting. So therefore I wonder what the audience for the film is; is it going get beyond the art-house, you know? And what is its impact going to be on our standing in the world, the competitive world?

*AM:* Can I ask a question which is linked to this?

*SB:* Antonia.

*AM:* And that is to do with the spatial references, the material culture that was in the movie, which I found was wonderful.

*CM:* Wonderful.

*AM:* You know, you have a concrete water dam; you have the generic Cape type of building, and so on. I mean, you switch very easily between the feeling of those places. How much does that mean to those who aren't from here? How much does that mean to an outside audience? ... all the resonances that we picked up because we are familiar with the place. I just wonder, does that limit the audience as well? Are these references a bit too subtle?

*SB:* Maybe you could take Canby's question first.

*JL:* Ja. I think that there was a definite feeling that we wanted to use real Nama, which is relatively easily accessible. And I have a lovely story which I like to tell: you'll see one of the young Nama speakers there is ... his name's in the credits, his name is Johan Jacobs, and he has a bit part ... I think you'll notice that when they're chopping the rocks in that replica of the famous Robben Island picture of the 1960s ...

*NW:* I was taken in!

*AM:* I wondered what they were doing, actually!

*JL:* They were chopping rocks, but it's laid out in a similar way to the famous picture with Mandela ... And he's sitting in front – and his comment is 'He sounds like a Bushman' – that young man is Johan Jacobs. He's a gay man from Namibia whom I met on the internet when I was in a chat-room, doing nothing to do with the movie; I was chatting on a gay chat site, and I met him – he was working in a guest house in Betty's Bay – and he spoke fluent Nama, and he ended up being ... he was the only Nama speaker I could find in the whole of the Cape. I mean, in the vicinity of Cape Town, because I'd been to the San Institute ... all these places, no one spoke Nama. But here I found this young man working in a guesthouse who

spoke Nama, and he tried to do language coaching for our non-Nama speaking coloured actors. It's very, very hard to learn phonetically. You may as well try and learn Chinese phonetically – it **really** is difficult.<sup>25</sup>

Claas's mother [in the film] is a non-actor, a woman you see in the credits by the name of Katerina Kaffer, from Soetfontein in Namibia. And we found her through a casting agency in Namibia; she was actually the friend of an actor who had come along to cast, and they all said, 'Oh, come on, try,' and she was way better than all the actors. [laughter] So we went to quite a lot of effort to put in as much authenticity on the language as we could, you know. And then, of course, the decision not to go with Dutch was related to Dutch non-participation in the movie, from a financial point of view.

*SNK*: That bothered me [the absence of Dutch].

*JL*: So we just said, let's go for Afrikaans because at least I can work in Afrikaans; I worked on the translation and the direction, whereas if it was in Dutch it would have been an impossible situation. So we really wanted to keep those things authentic. At the same time we were very, very concerned not to have scenes of burning villages and things like that, which we considered a stereotype. The burning village is my ultimate terror in movie making about deep colonial subjects. Not to say that villages didn't burn, but I think if you're going to ever film that again, you have to do it in an extra-ordinary fashion, which we simply didn't have the budget for. So we alluded to it, and we spoke about it, but we didn't show it, you know, in Claas's escape run at the front [of the movie]. And we ... and in a way that brings me to Antonia's question: we deny consistently that it was for budgetary reasons that we decided to mix periods. Having said that, I think there's an element of undeniability in it, that when you are trying to do a period movie on almost no budget, you cannot try to be like a Merchant Ivory production (Merchant Ivory being *A Room with a View* and ... you know, all of these great movies). So we had to find a different aesthetic, and then we had to believe in this aesthetic and make it play as artefacts through the movie. And that actually led us – to come back to your point [Antonia] – to tie in the past to contemporary Robben Island more, because we said we are going to play the relics of the present in the past, just like that, and hope that people would see ... see the connection.<sup>26</sup> And that is what led us to put that final quote – unfortunately on the small

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25. On the subject of Nama, Gerald Groenewald commented in recent email message to the editor: 'nothing to do with this discussion, and I didn't raise it then, but all this stuff about Nama is *extremely* unhistorical: if the filmmakers had wanted linguistic authenticity, they should have used Creole Portuguese.' (GG to S. Newton-King, 29 September 2005.)

26. In a virtual roundtable discussion published in *GLQ: a journal of lesbian and gay studies*, Jack Lewis wrote: 'We purposely introduced anachronistic props and costumes from the 1960s ... to reference the Robben Island that everyone knows, the apartheid-era prison of Nelson Mandela. Often in fiction films, it's the past that haunts the present-day narrative. In this case, we wanted the present to haunt the colonial past, with material ghosts from living memory interrupting and problematizing this account of Claas and Rijkhaart in 1735, a period of Dutch colonial history that barely exists in the popular imagination and that has almost no visual referent in the mainstream culture. We wanted to draw links between these two periods of island history, not to suggest connections or analogies between the prisoners of 1735 and 1965 (and certainly not to conflate sodomy with the anti-apartheid struggle!) but to tease out the differences between the methods and vocabularies of the historical records in the two periods.' ('Screening historical sexualities: a roundtable on sodomy, South Africa and *Proteus*', *GLQ: a journal of gay and lesbian studies* vol. 11, 2005, 452.)

screen it's a bit hard to read – the quote from Mandela (from the Rivonia trial) where he says (it's an obscure quote to choose, but think of it in the context of the movie): 'some of the things told to the court are true and some are not true.'

*SNK*: That's so appropriate.

*JL*: And to me, to us, that was a comment on the record, on the way in which judicial process works.

*NW*: On the film.

*JL*: On the film. On the film, absolutely. And also on what historians have in the record.

*AM*: My other question was: how do non-Capetonians read those symbols?

*JL*: Ja, I mean, undoubtedly we have had screenings where I've been present where Americans have said, [American accent] 'That motor car in the first scene, you know they didn't **have** motor cars in that time.' Only Americans, you know! No, we were unaware, we thought that motor cars did exist in 1735 and we were very grateful for the error of our ways being pointed out. So, ja ...

*AM*: For me, those juxtapositions worked absolutely. But you have to be familiar with the significance of a 4x4 and a farmer in present-day South Africa.

*HD*: I thought the dog [Alsation straining at the leash] as well, I thought the dog was really ...

*AM*: The dog ... everything is so very much situated in the south western Cape.

*JL*: But you see, you know, in that one bit of clip of Robben Island that you always see ... there's the dog. And that's why we did it. Look, I would say it's a question of European cinema versus American cinema, because in European and indeed even in South African cinema, if you take *Hyenas* as an example, you see it's raining fridges one minute. [American accent] 'Are you aware that it doesn't rain fridges?' You know, in America they wouldn't get it because they would think – they treat everything literally in America and they don't have an abstract imagination in America, excepting in the elite, cultivated intellectual cadre of that society, which is admittedly big. But in a European filming tradition, the use of allegory and the use of displacement and the use of a much freer form is permissible, and people wouldn't therefore be thrown by it.

*AM*: They might not understand the detail but they'll get the point.

*JL*: Ja, I think so, in a European tradition.

*AM*: Whereas for us it's such a pleasure to see the detail.

*SB*: Yes, Susie.

*SNK*: It's interesting that we have here a whole table of historians, including Jack, but none of us are bothered by the anachronisms in the film – none of us! We all seem very happy.

*SB*: Nigel.

*NW*: I just wanted to sound something of a dissenting voice; not that the anachronisms worried me in the traditional way of the historian who worries about having 4x4s in the eighteenth century. But in another way it worried me for precisely the opposite of the reason you've suggested Antonia:

because when I first saw the film I thought this has been done for an international audience who expect a South African film to have a nasty policeman and a jeep and a dog – and Robben Island. And it bothered me. I've got over that now; the second time round I got over it. But the first time it bothered me and I thought that it was possibly using icons of South African imagery which have been perpetuated through the media in the last few decades. Now I'm convinced by what you've been saying [Jack] and by what the others are saying ... that there's more going on here. But perhaps I could take that to another point, which is the issue of comprehension of the complexity of symbols in films, because one of the symbols in this film, which has been extraordinarily strong, is the water-cell. And a few, a very few people, I would suggest, who've seen this movie, would know about Schama's notion of the water-cell, which is a central part of his study, which those who study Dutch history or Dutch culture, would know about.<sup>27</sup>

AM: No, I was lost on that one.

NW: Right. Now that is a very, very particular connection. But what, it seemed to me, the film also does with that is suggest that what we may be seeing before us exists also in our imaginations, and therefore our imaginations are more powerful than the actuality. And I just wondered if that was a conscious point that you were making with that ...

JL: Absolutely conscious.

NW: ... or whether you were trying to make the Schama-type point of the water-cell in the context of Amsterdam's perception of threat [of flooding].

JL: ... but remember, what is the pay-off? It's Schama who says that the water-cell was most probably an urban legend. It never existed.

NW: No. Absolutely.

JL: So that is what attracted us to it. It's another example of ... You know, the water-cell was introduced into the historical record, and there are all sorts of obscure seventeenth and eighteenth century texts which mention the water cell. And Schama comes up with the ... Look, I don't know if this is conclusively proven, but it seems now more and more accepted, apparently, that this water-cell which had previously been written about quite extensively ... it's now kind of accepted that it never really existed.

NW: It's the classic urban myth.

JL: Exactly.

NW: And what it represents – he argues – is the great fear and threat of drowning and of water, and of the dykes breaking, of the whole of Dutch life breaking down. And that doesn't work for the Castle or for the Cape.

JL: But that's exactly why we have Rijkaert, in this sense, saying, 'When I escaped from the orphanage, I found out, *Dit was net 'n storie wat hulle opgemaak het om ons bang te praat.*'

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27. Simon Schama, *The embarrassment of riches: an interpretation of Dutch culture in the Golden Age* (London: University of California Press, 1988), 21-24.

NW: Ja.

JL: The power of the imaginary terror, and that was very important for us.

SNK: It's such a horrible irony because at the end of the film that's precisely how they do die – they drown.

JL: Exactly, exactly. It's how they died, and that was what was attractive to us. And at the same time we then introduced Jeff Benzien and the Truth Commission – now that is something only a South African would get. We did it exactly as shown in that photograph when he demonstrates it, putting the plastic bag over somebody's head.

SN: Harriet.

HD: Ja, I just wanted to comment on that, because for me the historical changes in dress and so on didn't bother me per se, but I think that they almost ... in terms of your story ... what they do is they make the connection between the political story of the [anti-apartheid] struggle and the story of the struggle for the right to freedom from discrimination on the grounds of sexual orientation, or whatever, almost so close that ... and it'll be interesting to see if on a second viewing I still feel that way ... that some of the distinctiveness of the story that you're looking at might be lost for some viewers. And I suppose particularly with a South African audience that might happen; whereas with an international audience it wouldn't be such a problem. Some people might just see it as a straight match.

AM: Following on from that, why did you set it in, what is it, the early [19]70s – those costumes? Is that because that was the darkest days?

JL: Ja, exactly. I mean, I think we **were** trying to say that the freeing of people from the oppression of their identity not being recognised in society, existing only in the sub-culture ... the very real fact of people, up until the late nineteenth century being actually executed for sodomy, and then, subsequently, through the twentieth century, the imprisonment of mainly black men, mainly migrant workers, for sodomy ... (here I refer to *Apostles of Civilised Vice*)<sup>28</sup> ... the sodomy laws were not used against Sea Point-dwelling middle-class whites, they were used against migrant workers. The vast majority of sodomy convictions in the twentieth century are of black men on the mines ...

Others: I didn't know that. I had no idea.

JL: ...so this is an issue that is as much part of our national liberation [as the struggle against racial discrimination], really, I do think, if you look at its historical role. And again, Zackie [Achmat] argues very strongly in '*Apostles of Civilised Vice*' ... you know he has an extraordinary paragraph where he looks at the relationships between the prohibition of sodomy and the maintenance of a male-dominated power hierarchy of a particular racial and social composition. And the fact that it was with the ascendancy of a black majority, which is associated with the meaning of that Robben

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28. Zackie Achmat, 'Apostles of civilized vice: "immoral practices" and "unnatural vice" in South African prisons and compounds, 1890-1920', *Social dynamics* vol. 19, 1993, 92-110.

Island icon, that ... whether or not the people [political prisoners] who were on Robben Island support male-to-male sex as individuals or not ... their ascendancy has now historically become associated with the reversal of all of that previous discrimination, whether they like it or not. So the two things **are** inextricably linked.

*SB:* Antonia.

*AM:* Does this now link in then with what was happening in the 1730s and 1740s in the Cape, which is, as far as I understand it, some sort of closing down of norms – social norms, social constraints. Is it not where you have the 1740 Tulbagh codes and so on? Is it a similar phenomenon?<sup>29</sup>

*JL:* Look, I think what is terribly important and part of the complexity in the film ... You know, again, a lot of the decisions that were taken in the film were subject to **very** intense debate that went on over **months**, not even days or weeks. For instance, Claas's ... and Nigel, this comes back to your point ... Claas's confession [*Di ta go*. 'We did it.'], being his declaration of his love for Jacobsz, which is part of that whole Foucauldian thing we spoke about earlier, right ... I didn't want Claas to say that just because of Rijkaert. I felt uncomfortable with that. So I thought [it would be appropriate] to have the mother's breast being handed back to him as an indication that the possibility that they could '*gaan na die noorde toe*' (could go north [when they got off the island]) did not exist.<sup>30</sup> That thing [the breast] stood, not for **one** burning village, but for thousands of burning villages. It stood for the genocide against the Khoekhoe people that was then gathering momentum, okay. And so therefore going back home was not a possibility and the film says it, if you look carefully at the way the breast thing plays and this is what I want to come back to. And it also is about the failure of liberalism ... Niven's inability to get up and defend Claas.

*GG:* But it's all imagined, ja.

*JL:* But for me, it was a very conscious statement about the failure of liberalism – in a symbolic and dramatically interpolated way, okay. You have the two things. So Claas's declaration for Rijkaert comes partly because of Rijkaert, and because he's recognising this long time ... (You know, the reason we cut it down from the full twenty years ... remember they were 16 and 18 years old when they were first placed on the island ... we didn't want it to seem like Brooke Shields in *Blue Lagoon* ... and also because one of the most difficult things to do in film-making is to age people ... so we cut it down; but what was important was that they were there for this long time) ... So it was the recognition of the time with Rijkaert, but not only that. Also it's all about Claas's plan to go north on his release ... and Rijkaert tried to play into that in the 'give it a name' scene: 'we can get a

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29. The so-called *Prag- en Praalwette* [Pomp and Circumstance Legislation] introduced from Batavia and amended by Governor Rijk Tulbagh on 15 July 1755. (S.D. Naude and P.J. Venter, *Kaapse Plakkaatboek*, vol. III (Cape Town: Cape Times, 1949), 12-15.)

30. In the film, after Rijkaert has confessed, but while Claas is still refusing to do so, Niven brings Claas a tobacco pouch made from the breast-skin of a Khoekhoe woman killed by a Boer commando. Claas recognises the three raised moles on the leather and realises that his mother is dead.

farm, and we can live together' ... this fantasy. And in the end the breast thing tells you that all of that can't be, because there's a genocide building against the Khoekhoe people. And that was very important for me, that he had to have this **dual** motive in making that declaration for Rijkaert, making that confession.

*AM:* That's interesting, because I read the breast thing as allowing Claas to do whatever he wants because all is lost – but in a very different way.

*JL:* Okay. True. Well, it's not that ... I think that's a perfectly valid reading of that as well; and I'm pleased that you said that because it shows that it works at more than one level.

*SNK:* Yes, but the way the silent communication works in that trial scene, all is lost but something is gained, and what is gained? They seem to go almost peacefully to their deaths, the way you film it. What is gained is an acknowledgement of love, basically.

*HD:* Which he [Claas] wouldn't give before.

*JL:* Ja, well I think so. Look, I mean, I think for me there was a tremendous sense that when you are a tiny speck, that you are in the end the victim of this geo-political machine, that has to do with the decline of Dutch commerce, which is part of the trigger for the homosexual panic ... and in fact we had more explicit material on that, that got edited out. The minstrel figure whom you see in the Amsterdam scenes actually has songs, which we cut out in the end (I regret that), which are all about the pestilence in Holland, about the commercial crisis, the Enlightenment crisis, and so on, which triggers this thing.<sup>31</sup> And here you have these guys on Robben Island who become the hapless victims of, really, the geo-politics of the time, over which they have no control. And that passivity that you see there, a certain acceptance, for me, at least, when we were working with the material, was about that. I don't think ... anyway ... it was **very** subjective.

*SB:* Harriet.

*HD:* But I think that's also where your comparison between the recent past and the distant past gets much deeper than simply making that political point; because you **are** talking about a relationship that changes over time. It's a deeply personal story, as well as being a deeply personal-as-political story.

*SNK:* We've got ten more minutes, just so we know ...

*AM:* Gerald hasn't peeped ...

*SNK:* Gerald made a subversive comment earlier, which one's almost reluctant to talk about, but ...

*GG:* What? I can't remember.

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31. Theo van der Meer, on whose work our understanding of the wave of sodomy prosecutions (some 300 in all) between 1730 and 1732 in the Netherlands is based, rejects the view that these prosecutions were triggered by a commercial crisis. In his view, they were set in motion by the chance discovery of extensive and quasi-autonomous social networks of sodomites: men who desired other men (as men) and who were beginning to identify themselves as such – a homosexual subculture in other words. Perceptions of economic decline undoubtedly fed into the response of the courts and the church to this phenomenon, but did not cause it. See Van der Meer, *Sodoms zaad*, 37, 216 and *passim*.

*SNK*: Well, it concerned the contrast between the relationship as Jack and John read it, and the relationship that you [Gerald] see or don't see in the archival record.

### **Opportunistic sex or a long term relationship?**

*GG*: No it ... Ja, I've only read the records once and ... but what you have there in the records, you just get this image of somebody who's much more opportunistic. And of course I agree with you [Jack] ...

*SNK*: Who's opportunistic? Rijkaert?

*GG*: Ja ...and of course I agree with you, Jack: because of the silence of the records, I find this interpretation valid, you know. It's possible, them having known one another so long, that there might have been a relationship. But based purely on a positivistic reading (awful word) of the records, you just can't say that; and you get the impression this is a man with a long history of trying to approach people, and you know, in the end he got caught out. But I'm not trying to denigrate your film-writing, I'm just saying this is the ...

*SB*: Susie.

*SNK*: Well, actually I'm glad you raised that. Because I must say I was bothered by the same question, the same two alternative readings. It's particularly the testimony of the slave Panaij, I think, who claims that Rijkaert exposed himself to him, which leads one to question the film's portrayal of the relationship between Rijkaert and Claas. He [Rijkaert] was flaunting himself ... you transposed that in the film.

*JL*: Onto Munster.

*SNK*: Ja. That's one of the pieces of evidence that allows one to interpret Rijkaert's behaviour in the way that Gerald has ... though of course Panaij's testimony could be part of a set-up ... But that of course is the challenge to the film-maker ... What the record **does** show is that there were sexual encounters between the two main protagonists at intervals widely separated in time.

*GG*: Precisely, and that's what we read in the records the first time. But then, of course, you realise this is said in the context of a court case and you only need to prove one wrong deed.<sup>32</sup>

*SNK*: That **is** critical.

*SB*: Nigel.

*NW*: You make a lot in the film of the issue around who can and who can't testify before a court. This is something, I think, which we are constantly

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32. GG reminded the editor in a later email message that 'the Council of Justice was not concerned with finding out the nature of the relationship between Jacobsz and Blank, but was merely required to convict them of a punishable offence, *viz.* sodomy, for which it had to be proven to the judges' satisfaction that they had intercourse. It is this technical requirement which explains the sort of information the Fiscal collected and what he was concerned over.' He continued: 'I think this extreme obsession with the letter of the law that eighteenth century jurists had is rather alien to us. Motives don't count; it's whether or not you've actually done something which is punishable, and whether this can be proven in accordance with the letter of the law.' (Gerald Groenewald to S. Newton-King, 29 September 2005.)



aware of as historians who work with this material: why a conviction is given at a certain point and who testifies. And there are sometimes extraordinary cases where you would expect key witnesses to be there and they're not. And I noticed again, seeing the film for a second time, that there's a lot that you suggest from very early on in the film about why the court can't accept the testimony of heathen, or prisoners, or slaves, or whoever. Now whether that actually **was** the case or not doesn't matter – the issue is, did you want to suggest that there are certain voices that are being deliberately silenced here?

*JL:* Yes.

*NW:* Okay.

*JL:* And that's the whole ...

*NW:* Of course that comes back to the issue of race, which is very powerfully expressed through that.

*JL:* And coming back to that question ... the whole thing ... your very first question ... the whole structure of the thing rests on the notion that we wanted to, however successfully or unsuccessfully, try to bring back into the record what was, what **is** not there.

*SB:* Susie.

*SNK:* Gerald's comment bothers me, because I have to say, when I read the record, I had the same kind of questions ... it's the two different ways of reading this relationship: the one as an opportunistic sexual encounter with no deeper emotional meaning, and the other as the deep emotional connection which you [the film-makers] have constructed – and I much prefer that.

*AM:* You're a romantic, Susie.

*SNK:* Oh, utterly, yes.

The (almost) final word in this discussion goes to Gerald Groenewald, who wrote the following email message one year later,<sup>33</sup> in the context of a discussion of the word '*boeleren*', which is used by a witness to describe the sexual conduct of Rijkaert Jacobsz and Claas Blank on Dassen Island in 1724:

I think it would be wrong to read into this word [*boeleren*], especially the way it is used in Cape criminal documents, anything about feeling or relationship. It became shorthand for illicit (and therefore punishable) sex. I still think that the historical Rijkaert Jacobsz was an opportunist, not the romantic hero (early modern gay role model, beyond prejudice, racism, etc.) which the film makes him out to be (though I of course have sympathy for Jack and John's reasons in doing so; but let's not confuse modern sexual politics with eighteenth century reality).

My interpretation of Rijkaert Jacobsz as opportunist is partly based on my familiarity with the Panaij testimony in which Jacobsz propositions Panaij,

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33. Gerald Groenewald to Susan Newton-King, 20 September 2005.

and the fact that he was banished to Robben Island in the first place for sodomy. Whatever one may make or think of his ‘gay identity’ (and if one wants to be positivistic, one must admit it is not possible to know), there is a pattern of having regular same sex relations, and maybe (equally speculative) Claas Blank was more willing than others on the island. For all we know Rijkaert Jacobsz may have had other partners, but Claas Blank may have been persecuted or something by the others; anyway, I find it significant that he was the only Khoi there.<sup>34</sup>

*Proteus* is a work of art and need not be ‘historically correct’, and it has a clear political message and agenda, for which I don’t blame it, but the more I reflect upon it, the more I realise how little relationship it bears to the reality of the actual case. But that is artistic freedom, and Jack’s good right.

And the final word (regarding sources) goes to Theo van der Meer:

It is obvious that artists have or may choose other responsibilities than historians, but I was struck by the fact that in the discussions both shared more or less the same concerns about the sources – the court records – and for me at least that is one of the major issues that always hovered over my work on the eighteenth century. In the discussion JL at one point asks ‘how do we know any of these characters [witnesses] were telling the truth?’ while SNK raises the question whether perhaps we believe our sources too easily. The introduction to this discussion tells us that ‘the court records, which were constructed with the aim of securing a conviction, are full of gaps, silences and deliberate omissions and that an effort of imagination is often required to read meaning into the text.’ Such problems of course show up with many kinds of sources, yet seem particularly to apply to court records, perhaps because they are supposed to reveal undeniable evidence, at least where the trial ends with a conviction.

The discussion in this case centres around the nature of the relationship between Jacobsz and Blank. For the movie makers the gaps and silences in the records allowed them to read a long-lasting emotional homosexual relationship between Jacobsz and Blank into those records – which would fit my conclusions about the emergence of a distinct modern homosexuality around that time. ‘The whole structure of the thing rests on the notion that we wanted to, however successfully or unsuccessfully, try to bring back in to the record what was, what **is** not there,’ JL says. Indeed, as was suggested in the discussion, trial procedures would focus on criminal sexual acts, not on such a relationship, which therefore would not necessarily show up in the records. As far as the criminal evidence is concerned, GG says that, in court, evidence of one such deed would suffice for a conviction. (Though in a postscript he suggests that a long-lasting relationship between the two main characters was very unlikely.) I beg to differ vis-à-vis some of these issues, and I also have questions.

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34. See Gerald Groenewald, ‘Panaij van Boegies: slave, *bandiet*, *caffer*’, *Quarterly Bulletin of the National Library of South Africa* vol. 59, 2005, 54.

First of all, from the little I know about the case, it is not clear to me which records have survived, which makes it hard to say anything about this particular trial. Obviously each stage of the trial produced its own kind of records. Although rare, in Holland I have sometimes found notes taken during preliminary hearings (which preceded the actual trial). Held against, for instance, interrogations, they gave additional information or brought contradictions to light. Clearly, to judge the truthfulness of a source, one has to take into account in what part of the procedure the papers were produced, by whom and for what purpose.

While it is obvious that a trial focuses on criminal (sexual) acts it should be noted that, at least in the trials I have studied, evidence of emotional bonds or indeed love affairs did show up during interrogations, as such evidence was often used 'to convince' a reluctant suspect. The suspect would, for example, be asked whether he dared to deny that at such and so moment he had written such a love note, or had shown his affection in such and such a way to this or that particular partner. Such information would often come from witnesses who may not have been able to tell much about the actual sexual encounters, but lots about other things they had seen happen between lovers. Also, on many occasions when a suspect began to confess, he would often start spilling the beans, so to say, and reveal far more than just sexual encounters. The absence of any reference to a love affair between Jacobsz and Blank in the sources may be less a gap than an actual state of affairs.

GG's claim that evidence of just one deed would suffice for a conviction is technically true, but does not do justice to what actually happened in sodomy trials in Holland in the eighteenth century (and perhaps in other trials as well). Especially in trials that might end in a death sentence, prosecutors and judges often went way beyond what was needed for a conviction. One obvious reason was that further confessions might enable courts to track down other suspects, but especially the prosecutor also became something of the [Roman] Catholic confessor who prepared his ward for eternity. In Holland at least prosecutors tried to have a suspect confess all his trespasses. There was also (and increasingly so) the Foucauldian 'will to know', sometimes just with respect to prurient details, such as how many times and in exactly what position the suspect had ejaculated, but often this will to know went much further. For me it was epitomised in the words of a prosecutor who ordered a suspect after he had begun to confess to tell him his life story all the way from his childhood to the present.

Much indeed can be said about court records and the gaps and silences one encounters when studying them. Much more, actually, can also be said about overcoming such issues. For one thing, experience in reading such records helps one a lot to identify the real problems and separate them from what sometimes are just procedural issues. The prosecutor who asked a defendant whether he still persisted in his denial, after the man had been released from the instruments of torture which had failed to make him confess, was not stupid or stubborn, as I once saw suggested in an article, but simply followed the rules. Often we can fill the gaps or silences with what we know from experience should be there. I am not familiar with the kinds of sources available to my colleagues in South Africa, but here in the Netherlands I often did not just have to rely upon actual court

records, but was, for example, able to find bills from night-watchmen to notaries public, dates from jail houses and the like, that enabled me to reconstruct chronologies that filled the gaps.

One of the things I have often encountered in discussions about my work, also with fellow historians, is an immense prejudice concerning the early modern justice system. Generally the idea still exists that it was arbitrary by nature, cruel and barbaric by intention, and administered by people who had no conscience and were totally ruthless in their pursuits. All of that would then make all the information gathered from early modern legal sources totally unreliable. However, as students of the early modern legal system have often observed, the early modern justice system was – with all its shortcomings – nothing of the kind that prejudice will have it. The system was governed by rules which – again with all their failings – were generally and sometimes painstakingly observed, and its officers were generally no less concerned with finding truth than their modern successors. It is something we want to bear in mind when we study the records they have left.