Written in Blood
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Here abides a martyr of the tenderest love of all
Anna Smitshuizen was the one who made him turn and fall
She robbed him of his heart, pretended her affection
With a vile madam she conspired, with unabashed complexion
Falsely she misled the one, whom she took away the light
Since he could not withstand the fate that was his plight
You, ignorant passerby, pay heed to his sorrowful lore
And never put your trust in the cunning of a whore.1

The words, translated after 225 years, come from the pen of a self-styled poet. They sound a little more individualistic than the moralizing verses, ascribed to the convict, which were usually peddled during an execution ceremony. The author of these eight lines is Van Gogh indeed, but he wrote them during Annie’s lifetime. There was some confusion whether he did so on the day of the murder or earlier; most likely, he composed the poem during one of the temporary breaks in the odd engagement. According to Van Gogh himself, he read it to his loved one when she made up again. She vented her dissatisfaction with one word in particular, the last.2

Even though she worked as a professional prostitute, Annie took offense at being called a whore. It exemplifies the negative power of this word, connoting a state of dishonor rather than a low-esteemed commercial activity. What prompted Van Gogh to use it? His opening, a typically romantic lamentation about his lost love, would fit very well in a sentimental novel. But the tone became more accusatory in the next lines,
incriminating Annie as a deceitful woman. This finally led him to the classical insult hurled at women, by men and other women, for ages. If even this sentimental individualist drifted back to the traditional idiom of honor and shame, the more so would most of his contemporaries. The literary reactions to Van Gogh’s deed were ambivalent, wavering between a fascination with his person and a moralistic stance that condemned the behavior of killer and victim alike.

His association with hack writers and the recent pamphlet war had already made Van Gogh a public figure. As soon as people heard that he had stabbed his sweetheart to death, after reading to her a letter written with his own blood, his notoriety increased markedly. The public, eager for intimate details, hardly had its patience tested, since the Amsterdam court finished the interrogations six weeks after the fatal deed. As in Donker’s case, the protocol became available in print. Because the defendant had amply spoken about his relationship with Annie, the printed confession essentially was a piece of autobiography. For us, knowing the story already, its principal interest lies in what is included and excluded. For example, the editor kept the full information that the madam of the brothel in which Van Gogh had first met Annie was Geertruy van Kesteren, widow of Thomas Wolters, alias Black Truy. Most of the other persons mentioned in the protocol had their names listed with initials. Hoefnagel just became H. The letters and notes that the court had confiscated, including the famous one written with blood, increased the attractiveness of this edition; the announcement “copy of his letter to Annie Smitshuizen” figured prominently on the title page. The editor incorrectly dated the last interrogation on August 19, so the booklet was published after that date.1 Later, another edition appeared, without the letters and notes. A footnote explained that these were published already and “in everyone’s hands.” This remark definitely suggests great sales for the transcripts from Van Gogh’s trial.4

With these editions, the literary market concerning Van Gogh and Annie was far from exhausted. Two works, both cited earlier, deserve closer scrutiny because they exemplify the debate going on: Annie’s fictional biography and the reply to Van Gogh’s critics by his sympathizer. They will be called by the English translation of their main titles, Remarkable Life and Truthful Message, respectively. As explained, the author of the former book had adopted the formula of a conversation in a barge, making several passengers comment on Annie’s life story. This was a realistic genre; in actual life people loved to chat in barges, in particular those traveling first class on the upper deck.5 The travelers on Remarkable Life’s
upper deck were more sympathetic to Annie than to her lover. *Truthful Message*, on the other hand, praised Van Gogh’s noble character throughout. Writing in 1777, the author was convinced of his friend’s ultimate legal victory; as soon as a higher court released him, he would mercilessly attack his enemies in print. In *Remarkable Life* as well as *Truthful Message*, two issues stand out—religion and, even more prominently, honor.

Honor was a self-evident motif, relating to killer and victim alike. Incarceration, especially for stabbing a defenseless woman to death, surely made one infamous. In her turn, this defenseless woman had the disreputable status of a prostitute. Unconditional condemnation from respectable citizens, it seemed, was the only possible outcome. So how could *Remarkable Life* convey sympathy for Annie? Its method was based on subtle distinctions, akin to those prostitutes drew among themselves. The latter considered a “married men’s whore” as the most abject of their colleagues. The author of *Remarkable Life* discriminated from the angle of personal attitudes: Although Annie exercised a disreputable profession, she still had some sense of honor and decency left. Often, this meant playing a virtuous girl in the presence of people unacquainted with her. Unsympathetic observers might consider this a proof of her dishonesty instead, but to her biographer it meant she was not entirely corrupted. As a consequence, *Remarkable Life* offers details about how honor governs women’s lives that are rarely found in archival records.

A typical passage has Annie walking near the harbor one day. A boat passes by, taking a group of East India men to their ship, accompanied by two musicians. As she stops to watch the scene, she gets into a conversation with an older couple. Seeing her nice dress, this couple takes her for a decent servant girl or a citizen’s daughter. The man reproaches the sailors for their merriment: They should rather pray to heaven for a safe voyage. Then a gentleman carrying a sword, who thinks Annie is the couple’s daughter, joins their company. When Annie leaves alone a little later, this gentleman follows her from a distance. He is still convinced that she is an honorable maiden, not only because of her decent clothes but also because of her way of walking. The author then elaborates on two ways in which young women may walk the streets. When an honorable girl has to deliver a message, she never looks around, refusing to be distracted by any movement or sound. She does not react when she hears someone coughing or scraping the pavement with a walking stick. These counted as tricks, obviously, to draw a woman’s attention. Above all, a decent girl never gives a man a friendly look, but she turns down her eyes when he passes.6
Women who wished to try their luck with a man, on the other hand, always did the contrary. They returned his gaze and, with subtle gestures, they indicated their desire to become acquainted with him. An experienced woman had an elaborate repertoire of signs at hand, to indicate that a man should follow her. In the barge, the actor assumed his fellow passengers to be ignorant of this, adding it was not to his credit that he knew. As it happened, the sword-carrying gentleman in the story was equally familiar with the sign language. Not honest himself, he pretended to court Annie and persuaded her to leave the tailor (the story is situated around 1773–1774). This character belonged to the shady zone of men of standing who kept a courtesan, a custom still half-accepted. In such a milieu, one knew another’s worth. In the words of the actor, the gentleman persuaded Annie “that she was too precious a little horse to be ridden by a journeyman tailor.”

Refusing to look up versus subtle signs of interest: in this dichotomous picture, a middle road was unavailable. Women either wanted nothing to do with a man they met or they traded their body for money or favors.

Women bent on preserving their honor not only had to mind their clothing and way of walking in the streets, they had to anticipate the thoughts of others in all kinds of situations. Certain activities, even when completely innocent, could imbue a third party with the wrong ideas. Caution was even more in order when one was not quite virtuous but pretended to be. This applied in a complicated way to Annie and the gentleman, who mutually concealed their true character. The latter offered her a place to hide from the tailor in the home of an aged couple who worked for him. When Annie arrived, the gentleman told the couple she was a distant cousin of his; he had to discuss family business with her each night, for which he needed their back room. The narrator of the story slightly doubted whether the old man and woman really believed this, but dependent as they were on the gentleman, they refrained from further questions. The next evening Annie visited their home again, staying in the back room with the gentleman until one at night. The passengers in the barge had no doubt about it: so late! Surely, the couple must sense now that something was wrong and suspect that no family affairs were discussed in that room. The narrator excused them: perhaps, but they were simple folk. Moreover, Annie and the gentleman left the door open; they asked the couple to bring them coffee and wine all the time; and the gentleman behaved as a friend, not as a lover. The old couple’s patron, the narrator continued, explained to them that his “cousin” stayed with another relative, an uncle who continually barked at her, which made her disinclined to return to his place before he had gone to bed.*
On still another occasion, the gentleman took Annie with a ruse into a disreputable wine bar. Now they started hugging and kissing, while emptying no less than three bottles of wine. This quantity comes as a surprise, given Annie’s sober drinking habits, but she trusted the gentleman. Each time when he invited her to take a sip, she politely refused, whereupon he insisted there was no harm in it. She was in the hands of an honorable man. The wine stimulated the circulation of her blood, he added, necessary after the commotion she had experienced with the tailor. “But what will your servant and his wife say,” she worried, “when they see me in such an excited state?” The gentleman replied they must pretend to have visited family of hers, who had treated her lavishly in the hope of making her forget her past sorrows. To return a little drunk and excited from a family visit, we can conclude, was all right. The biographer did hold men responsible for a woman’s reputation in the eyes of third parties. The old man and woman were the gentleman’s dependents, but if they had realized what really went on, they would have refused to let him use their home.

We are far away here from the notion that seducing women adds to the reputation of a man of honor. In the eighteenth century, respectable circles held both the man and the woman responsible for the situation they were in. For those operating on the edge, the obligation, each time, was to prevent activation of the gossip circuit. That often required foresight and meticulous calculation. Whereas, for an earlier generation of knife fighters, the maintenance of an honorable reputation was compatible with impulsive behavior and violence, the author—and the readers—of Remarkable Life associated honor with careful planning, by women and men.

Although different in tone, Truthful Message was equally bound to the idiom of honor. Forced to admit that Van Gogh was in love with a prostitute, the author insisted on the sincerity of his protagonist’s motives: He had an honest marriage in mind, but she cheated on him all the way. To convince his readers, the author had to blacken Annie, making her not only infamous but unsympathetic as well. She was violent at times, he claimed. When in a bad temper, she beat men with her ring of keys, which all whores carried with them. Truthful Message agreed with Remarkable Life about Annie’s cleverness in appearing decent, but with a reversed judgment. Whereas the author of the latter work, for whom appearance was all that mattered, thought it a positive trait, the author of Truthful Message, to whom a person’s inner state counted most, found it negative. It was no more than a common whore’s trick. Tears, in particular, served to soften
the hearts of men, and Annie excelled in weeping. Van Gogh simply lacked the strength to resist this. The author concluded that, whereas a prostitute mastered the art of playing a chaste woman, a truly respectable person was decent because of inner virtue.10

Religion was an important theme not only in Van Gogh’s case. Contemporaries found it self-evident to discuss murder in religious terms. Murder, like many crimes, counted as a sin. Sins could be forgiven. Killers awaiting decapitation, no less than burglars sentenced to hanging, displayed their repentance on the scaffold, catering to a common expectation. They were criminals all right, but as repentant sinners they also were religious propagandists. Van Gogh, on the other hand, acquired the reputation of an enemy of religion. No doubt, his association with the freethinker Ockers, a few years earlier, contributed to this. As long as Van Gogh stayed in jail, it was easy to attribute writings to him, which nourished the speculation about his religious attitudes.

Both Annie’s biographer and his critic mentioned the first of two pamphlets no longer extant: a “letter from Van Gogh, sent from his jail in The Hague, to a friend in Amsterdam.” *Remarkable Life* denounced it as the fake product of someone hoping to earn money quickly—another example of a hack writer chiding a colleague for plying their common trade. The “letter” contained a critical discussion of all Christian denominations and Judaism, with Van Gogh concluding that he preferred to belong to none of them. *Truthful Message* agreed that this pamphlet was a hoax. The author also knew a “quasi-refutation”—a half-hearted defense that he easily saw through. He denounced both pamphlets, along with *Remarkable Life*, as libels, assuming that all three originated from Hoefnagel’s circles.11

Without dwelling on the content of the two pamphlets, *Truthful Message* went at length to prove that Van Gogh was no freethinker. Poems and tracts, which he supposedly had written during his detention, served to demonstrate his religiosity. The poems expressed his trust in the Trinity to help him prove his innocence. The tracts testified to his true and sincere Christian beliefs. Although Van Gogh refused to align himself with a particular denomination, his ideas came closest to the Reformed doctrine, but he rejected the idea of an irreversible predestination. The accusation of freethinking, the author concluded, was an ugly piece of slander from his enemies. Lacking concrete incriminations, they hoped to discredit his beliefs, which they did with success, since many people now thought Van Gogh espoused a pernicious philosophy. The author knew the required procedure all too well. Every rabble-rouser intent on throw-
ing mud at an honorable man had three words at hand: swindler, atheist, and sodomite. The third charge, however, was too dangerous (presumably because it suggested the accuser's own familiarity with the milieu of sodomites). The first could get one into legal trouble. So the choice fell on the second, easily believable and leaving the accuser unimplicated.

In fact, *Truthful Message* continued, one could find many hypocrites who externally appeared pious, no less than covert sodomites. Conversely, many persons hated for their unorthodox views were essentially virtuous. As in the discussion of chastity, virtue was the key word. It constituted a sure mark of true religion; religion without virtue equaled no religion. One should judge a pious person by his deeds, not his words. Ethically minded people deserved greater esteem than those externally observing religious prescripts but possessing no inner merits.12 Here we get to the core of the difference between *Remarkable Life* and *Truthful Message*. The latter work propagated a culture of guilt, whereas the former, in its obsession with keeping up appearances, represented a culture of shame. Or, to put it differently, the author of *Truthful Message* adopted a position in the forefront of the spiritualization of honor, firmly linking honor to individual virtue.13 That enabled him to confer honor even upon a man on trial for murder.

From a philosophical viewpoint, the author of *Truthful Message* positioned Van Gogh on the conservative side of the moderate Enlightenment. He rejected religious fanaticism and criticized the doctrine of predestination. He advocated a personal form of Christianity, overstepping denominational boundaries. This tuned in to the outlook of a large part, if not the majority, of the reading public. The author's preference for personal virtue, within the context of a guilt culture, likewise fitted into the moderate Enlightenment. But we cannot equate all this with Van Gogh's personal philosophy, about which the archival record remains silent.

For its part, *Remarkable Life* intended to demonstrate that its own protagonist had not altogether strayed from the path of virtue and awe for God. The author accomplished this by a detour. Annie's adventure with the sword-carrying gentleman culminates in a scene in which the gentleman betrays himself as an atheist. Although he has sworn a solemn oath that he has an honorable courtship in mind, his real intent is to have her once and dump her. By piling up cunning ruses, he finally sits alone with her in a separate room in a notorious brothel, where they consume a large quantity of wine again. The gentleman kisses and caresses her, but he makes no "dishonorable move." Suddenly, however, he loses his prudence, touching her "in the most shameless and disrespectful way." Although the
wine has made Annie merry and, professionally, she has often been in such a situation, she immediately jumps up. Her lover is on the verge of breaking his oath. “You can only do such things after we are married; don’t you fear God’s punishment?” He just laughs and proclaims his disbelief in tales of instant punishment upon breaking an oath. “No, my dear child, the season of miracles is over, and the world is a little more enlightened than in past years.” He pleads his case, but Annie is inexorable: “I’d rather die than marry you, because I absolutely refuse a perjurious atheist for my husband,” and after another attempt to woo her: “Don’t touch me, atheist, I despise you; I would always be afraid that God, whose judgment you provoke, will punish me along with you.” Then Annie runs out of the room, never to see the gentleman again.\[14\]

The quoted sentence by the gentleman literally refers to the doctrine of the cessation of miracles, which the Church of England developed after 1660 in response to enthusiastic sects.\[15\] The Anglicans meant that, although miracles were possible, God had refused to let them happen after the age of the Apostles. Remarkable Life put the idea into the mouth of a representative of the radical Enlightenment who ridiculed the “superstition” of past ages. If Hoefnagel was its author, he possibly modeled the atheist gentleman on his former enemy, Willem Ockers. Alternatively, the author had Van Gogh in mind. In the cited passage, the gentleman called Annie the guardian of his soul, echoing the final address to her in the blood letter, which was “in everyone’s hands.” Moreover, the gentleman’s oath paralleled Van Gogh’s, which called for his own damnation should his love prove insincere. He never meant that seriously, so the implicit suggestion. Interpreted in this way, Van Gogh’s oath became another source of the belief that he was a freethinker.

Finally, Remarkable Life refers, in an indirect manner, to the eighteenth-century revolution in love. Remember that the highest-class passengers in the barge are an Amsterdam couple, Frans and Elisabeth. As the only woman on the upper deck, Elisabeth accompanies her husband on a leisure trip. In this, they conform to the new romantic ideal that husband and wife spend much time together. Frans and Elisabeth address each other by their first names, usually with a diminutive, or they use sweet words. They tease each other sometimes, but only for fun. She comes up with a picnic basket, because she cares for her “little child,” whereupon he calls his dearest “a woman in a million.” The sweet word they employ most often, mutually, is bondje (doggy). Incidentally, this was also a favorite expression of streetwalkers to lure potential customers and, when uttered without the diminutive, it was a serious insult.\[16\] Even though this
fashionable couple is of upper-bourgeois status, they show no aloofness. When they leave the company during a stop, the actor wonders about the identity of “this gentleman and lady from Amsterdam, who have such status and means and yet consort with their inferiors so politely and without pride.” That phrase betrays the author’s positive attitude toward this modern, romantic couple. Less sympathetic readers, on the other hand, could easily take their sweet words for a satire on the exaggerated affection fashionable in higher circles. Thus, the adopted formula ensured a wide market for the book. The presence of the tender husband and wife in the barge is significant nonetheless. Obviously, they were interested in Annie and Van Gogh, but they condemned his way of life and his passion for a prostitute. Frans and Elisabeth wanted to be together all the time, but theirs was no fatal attraction. While partaking of the revolution in love, they were impervious to its darker side.

So much for images and representation. The period from the middle of 1775 to early 1778 was marked no less by concrete events. These were largely of a judicial nature.

On June 30, 1775, between one and two A.M., Casper Pieters and Simon Smit, employees of the city hospital, picked up Annie’s lifeless body from the attic at the Herengracht. The hospital’s staff put her on display the next morning. As with Cecilia’s corpse eight and a half years earlier, curious visitors abounded. They included the author of Truthful Message and an acquaintance of the gentleman from Remarkable Life. For the former, it was the only time he saw Annie. The latter reported to his friend about her beauty. The actor, who had known her personally, specified her looks: a round and healthy face, red cheeks, black hair and eyebrows, bright white teeth, a small mouth, a well-proportioned bosom, a slim waist but fleshy for the rest, small hands and feet.

Unlike Cecilia’s case, the visitors came for romantic empathy rather than horror. This young woman, with one stigma of red blood at the place of her heart, offered no ghastly sight. The interest Amsterdamers showed in looking at Annie in 1775 prefigured the high romanticism of the early 1800s, with its exaltation over the fair complexion of women on their deathbeds. In France, Chateaubriand’s novel Atala, about a pretty, young Amerindian woman, who took poison after an unhappy love affair, occasioned a craze. Visual artists vied with each other in romantically depicting
scenes from Atala's life and her tragic death. Images of Atala even adorned vases and clocks. Although no picture of the dead Annie survives, the fascination with the beauty of her lifeless body reminds us of Chateaubriand's female Indian. She, however, was no prostitute but a recent convert to Christianity. And in the nineteenth century, actual bodies no longer were on public display.

The autopsy report of June 30 sounded more prosaic. In the hospital the committee of sworn experts had inspected the body of an adult female. They observed a wound at the front left side of her chest, between the fourth and fifth rib from above, with a cut in the cartilage of the fourth. When they opened the chest, they found the entire left cavity filled with coagulated blood and serum. The wound went through the pericardium, well into the right cavity of the heart. “We declare this wound absolutely lethal. Signed: Andreas Bonn, Abraham Titsing, Adriaan van der Duyn and Pieter Jas.” The first was the city’s anatomy professor, who now has a street named after him just outside the eighteenth-century town. The others were surgeons. The record does not reveal whether they knew that the suspect practiced surgery as an interloper.

On the same day, the court interrogated the suspect, transported from the watch house to jail, for the first time. Since 1769 the HO was Mr. Willem Gerrit Dedel Salomonsz. Born in 1734, he was of Van Gogh’s generation, but he had a decidedly less tortuous love life. At age thirty, he had married the daughter of a Haarlem burgomaster. As council member, Dedel survived the Patriot movement, but not the Batavian revolution of 1795. He died in 1801, the year in which Chateaubriand published *Atala*. Dedel also held religious offices. Already at age twenty, he was listed as a member of the board of Amsterdam’s Old Church, and he was a canon in the chapter of St. Marie’s in Utrecht (taken over by the Reformed Church during the Revolt) from 1757 until 1775. Partaking of the revival of commerce among Amsterdam’s patriciate after midcentury, he was also active as a merchant.

Dedel, it seemed, needed no meticulous strategy, like the one adopted by his predecessor in the case against Donker and Dora. Van Gogh had been arrested in the victim’s home, with several witnesses present and the blood-stained knife lying on the floor. And yet, according to the principle of the inquisitorial procedure, even this defendant had to confess that he had actually stabbed Annie. To make him do so, cunning turned out to be necessary. A unique aspect of this criminal trial in early modern Amsterdam is that we have the defendant’s later comment on the way the court conducted it. According to Van Gogh, HO Dedel led the interrogations in an authoritarian fashion, which resulted in a biased protocol.
Van Gogh also explained why he cared little about the proceedings at the time. During this first trial he felt as if he were robbed of his senses, barely aware of what went on around him. He wept and groaned incessantly. Having lost his honor, freedom, and beloved—he said in that order—his only wish was to die. Several times he requested the court to finish him off quickly. In that state of mind, his exact words hardly seemed to matter. Looking back, Van Gogh surely exaggerated, since he did care what was recorded in the protocol. Yet the recollection of an intense feeling of despair appears authentic.23

A monologue by the defendant took up most of the first trial session. Upon a straightforward question—what had been the occasion for his arrest—Van Gogh gave an account of his relationship with Annie, culminating in a detailed report of the events of the previous day. But he declined to admit he had killed her. For the moment, Dedel pressed the defendant only a little. Why did he turn the knife towards Annie when she grabbed his left hand? Van Gogh had no recollection that he did, but it was probable, he said. He never had the intention to stab her; to the contrary, he had always assured her he would never harass her after an unhoped-for rejection. The protocol resulting from this session was necessarily selective. According to Van Gogh—and we can easily believe him—his account of the affair and the events of the previous night was much more elaborate than the court clerk's written version.

Subsequently, Dedel attempted to get a clearer idea of the circumstances, concentrating on the events of June 24–27. He collected statements from Annie's neighbors and summoned them all in court, five days after the first session. As the HO was only interested in the defendant's reaction to their testimonies, repeated verbally on the spot, he ignored two episodes that Van Gogh added on his own initiative.

Again six days later, the court intended serious business. For the first time, all judges were present, seated next to the prosecutor.24 The magistrates wanted to know for sure whether Van Gogh had stabbed Annie to death and how. The defendant took a firm stand: He had drawn his knife with the intention to kill himself, and he did not remember what had happened directly after drawing it. Even though he agreed that he deserved to die, he said he would refrain from confessing anything beyond his own recollection. Porter Teunis, his sister, and the charwoman testified that they had seen Van Gogh rushing toward Annie, as if bent on assaulting her. The charwoman first thought he wanted to embrace her, but when she heard a naar geluid (nasty sound), she realized something was wrong. The defendant doubted that the three had been in a position to see his
exact moves; they were standing in line after each other, and only one lamp burned faintly. If we trust Van Gogh’s later statement, the widow confirmed that the lamp badly needed oil, but Tcenis suddenly clapped his hands saying it was burning brightly enough. The charwoman supported this statement, and with two witnesses against one, the court accepted it.

Thus, the case remained inconclusive. The witnesses had not actually seen the stabbing, and the defendant claimed amnesia of his actions at the crucial moment. He only admitted to conclusions after the fact, saying this or that was probable. At the fourth session on July 13, however, HO Dedel had recourse to a trick. He presented the murder weapon and asked whether it was “the same knife with which the defendant had injured Anna Smitshuizen?” It actually belonged to his landlord, Van Gogh replied, concluding “that he could tell no better than that it was the same knife as the one with which he had injured Annie.” Did he realize he was trapped by a leading question? Satisfied, the HO had the answer recorded in the protocol. He told his clerk to underline it and to add that Van Gogh cried bitter tears when he saw the knife. Whereas the defendant was constantly sobbing during the series of interrogations, this was the only time it entered the protocol.

Van Gogh’s mood of intense sorrow makes his various evasive replies all the more intriguing. In fact, he adopted the stance of a modern judge in a fact-finding trial, drawing conclusions about probability from circumstantial evidence. The HO tuned in to this with his first question during the fifth session (July 19): Perhaps the prisoner himself was convinced that he had inflicted the wound from which Anna Smitshuizen had died? The prisoner replied that this was not only probable but even certain, but that he lacked a recollection from that moment. In a modern court of law, the first part of this reply would be highly incriminating. In Amsterdam in 1775 Van Gogh knew exactly that it left room for doubt. Instead of intellectual conclusions, the inquisitorial procedure required first of all the defendant’s confession, which he withheld. After the abolition of torture in 1798, the law allowed the country’s magistrates to sentence a person because they were convinced of his guilt, even without a confession. Twenty-three years earlier, Van Gogh acted as a post-1798 judge would do, perhaps failing to realize that it might induce his real judges to consent to torture.

This was not yet on the agenda. During the remainder of the interrogation, Dedel went to great lengths to catch Van Gogh in contradictory statements, but he refused to be trapped anew. Nevertheless, he repeatedly requested the court to make him die soon. Each time Dedel retorted, “We are not that far yet.”
Dedel now granted his prisoner a reprieve of three weeks. The HO had grown weary of the defendant, it seems; of his intellectual replies, his insistence on the right formulation, alternating with moaning and crying. Dedel wanted to sober him up, not least to make him fit for questioning under torture. According to the jail keeper's bills for the period August–October, he supplied coffee to Van Gogh for the amount of no less than seventeen guilders and seventeen stivers.26 If we allow for a little speculation, the jail keeper served most of it at the very beginning of this period. On August 9, Van Gogh had his sixth examination.

The official protocol was customarily brief, so let us consider this session from the defendant's point of view. It began with a recital of his confession, that is, the protocols of the previous five sessions. As the secretary was reading, Van Gogh interrupted him more than twenty times to insist upon a correction or an addition. Each time Dedel said in a friendly tone, “OK man, we will have everything changed, but let Mr. Secretary finish his reading first.” When he had finished, however, Dedel refused to make the desired changes. They were irrelevant to the case, he said. It only mattered whether or not the defendant agreed with the present text. Did he “persist in negating”? Repeatedly, Van Gogh heard this question hammered at him, while he only persisted in wanting the protocol altered. Tired of his efforts, he finally confirmed his “negation,” whereupon the HO immediately concluded that the case required torture.

The judges knew that the HO was likely to demand an examination under torture, so they were all present. One of them, Jan Bernd Bicker, recorded their deliberations in his diary. At first, two of his colleagues consented to the HO's demand. Six, on the other hand, found the case "unsuitable for torture." Bicker himself also rejected the demand, but he did so because “there was a sufficient confession.” In other words, Bicker was the only magistrate to take Van Gogh's conclusions about probability for a confession of guilt, sufficient to pronounce sentence. Confronted with a majority of seven, the two others withdrew their consent, now stating that “the defendant was heavily broken.” Presumably, they referred to Van Gogh's mental state, echoing contemporary criticism of judicial torture. To abolitionists, it was an act of cruelty to subject any suspect to this method of questioning, while the outcome was always untrustworthy. The two Amsterdam judges conceded that the state of mind of this defendant precluded a lawful use of the method.27

The corollary of the judges' refusal of torture was a new trial. The Amsterdam magistrates occasionally granted this to manslaughter suspects and also to persons of humble condition, if the circumstances of the
act appeared a little fuzzy. The procedure was called "ordinary," but it actually happened in a minority of cases. The court now changed its method from pressure on the suspect to a consideration of pleas and counterpleas. Van Gogh continued to be jailed; but he obtained three advantages: He was allowed legal assistance; he could summon witnesses for the defense; and because the judges could pronounce a sentence without the defendant's confession this time, appeal to a higher court was possible. On August 29, the magistrates granted Van Gogh a pro deo trial, making the services of two defense lawyers and a notary available to him.28

At that point, at the end of August or in early September, Van Gogh's mental state completely reversed. From a sobbing wretch he turned into a self-conscious man. He stopped crying and concentrated fully on his physical survival. Being spared torture and having the prospect of a new trial suggested that he might escape the death penalty. With it, he shook off the conviction that he deserved and wished to die. He convinced himself that Annie's tragic demise had been an accident, with no guilt whatsoever on his part. The “ordinary” procedure allowed contact with the outside world, at least with his lawyers. No doubt, they informed him about the great fascination with his and Annie's person. Van Gogh heard that half the country was interested in his case, that many people thought he had been duped by a whore, and that "thieves of honor" like Hoefnagel really were to blame for all this. His friends and supporters awaited the day of his release, when he would crush Hoefnagel with his pen or sue him for slander. Undoubtedly, Van Gogh's newly won confidence owed much to this perceived support. He saw the legal battle about to enroll as a surrogate for his battle with Hoefnagel. From that idea, he drew renewed strength.

Among Van Gogh's supporters were his landlord, Barend Moreu, and his wife, who had acted as surrogate parents. Moreu, however, could no longer do the defendant a favor; he was buried at the cemetery near the Leiden Gate on September 19.29 Neither was his widow's testimony of much help to their former boarder. She merely confirmed that her husband had allowed him to borrow one of his knives.

The defense witnesses made oral testimonies in court at the beginning of October. Van Gogh's lawyers had summoned three other women, including Johanna Barendina van Gogh—his sister, presumably—and a friend of hers. They had visited porter Teunis on the day after Annie's
death, urging him not to incriminate Van Gogh. According to these two women, the porter had replied, “I am unable to do so, because I was not present; we both stood in the corridor.” The fourth witness was Johanna Leeman, the woman who had met that mysterious gentleman dressed in black on the morning of June 29. Possibly, the testimony about this event served to make clear that strange visitors appeared in the attic at the Herengracht. Johanna confirmed that Teunis had threatened to kick Van Gogh down the stairs, which the porter had denied at his confrontation with the defendant during the first trial. Additionally, the witness declared: On October 7 or 9 the widow (who lived with Teunis and his sister) came to her house, saying she had just been in court. The widow had not dared to tell the gentlemen that Teunis was Van Gogh’s sworn enemy, fearing her neighbor’s retaliation. She was glad, therefore, that this witness had testified earlier about Teunis’s impertinence. Obviously, the accused’s lawyers wished to suggest that the porter had made a false testimony out of hatred for Van Gogh.

The witnesses for the defense failed to impress the HO. In his conclusion, he only referred to Teunis’s alleged statement that he and his sister had stood in the corridor at the fatal moment. Not only were the two women biased witnesses, the HO posited, they merely recounted an “extra-judicial chat.” Teunis surely had meant to say he had been unable to see the actual stabbing. Had it been a judicial conversation, apparently, the HO would have suggested to the witness the correct interpretation of his own testimony. Dedel concluded that Teunis, his sister, and the charwoman had clearly seen the defendant assault the victim. He also adopted the charwoman’s statement that a nasty sound emanated from Van Gogh’s mouth. The accused, he concluded, had inflicted a lethal wound on Annie—on a person to whom he had communicated the most passionate feelings of love before. After his deed, he had expressed satisfaction at her death. All this led the HO to demand that the accused be hanged on the scaffold, with the murder weapon above his head. His dead body was to be hanged at the gallows field, again with the murder weapon. Presumably, the fact that Barend Moreu, who had died in the meantime, no longer needed his knife was no matter for consideration. The defense pleaded for acquittal with the obligation to appear again if there was new evidence.

The judges reached a verdict on January 16, 1776, and publicly pronounced their sentence on the following day. Van Gogh trusted them to set him free. In the morning he told the jail keeper he would have lunch that afternoon with his family or one of his lawyers. Later, his attorney in appeal confirmed that the verdict was quite unexpected. The judges
sentenced Van Gogh to decapitation, “granting his corpse the earth.” The attorney immediately announced his client’s appeal to the Court of Holland. The HO notified his colleagues in The Hague.32

The Court of Holland apparently had other business first, leaving the defendant in his Amsterdam cell for almost six months. The total sum that the jail keeper charged the Amsterdam court for keeping Van Gogh for just over a year amounted to 266 guilders and 12 stivers, almost a worker’s annual wages. On July 10, 1776, a deputy and two court officials escorted the prisoner to The Hague.33 This move also brought a change of lawyers. From now on, one attorney assisted Van Gogh: Mr. Leonard Thomeeze, who had been the legal representative of Nathaniel Donker’s guardian in the late 1750s.

As few new facts or points of view had been put forward during the second trial in Amsterdam and the HO had largely based his conclusion on the written protocol of the first, Thomeeze focused his attention on that text. He procured a copy of the published confession and told his client to indicate which passages he disagreed with. Van Gogh’s comments, written in October 1776, were detailed indeed. He exhausted his supply of paper with it, enclosing a request to his attorney to send him some more.34

Most of the suspects tried in Amsterdam were humble people, who would never discuss the exact meaning of the words attributed to them by the court clerk. Van Gogh did. According to the protocol of the third session, the defendant had said he believed he had stabbed in the direction of the victim, in woede (anger). Van Gogh claimed never to have used the word woede, but wanhoop (despair). He had recurrently insisted on an emendation of the protocol, which Dedel had conceded each time but failed to do. To his attorney Van Gogh explained: “Anger is always accompanied by maliciousness and malevolent intent, but despair can be without both and wholly quiet and perplexed.”35 By this time, Van Gogh had completely shaken off the mood of desperation and the death wish that plagued him in the summer of the previous year. Bent solely on survival, he invented incredible excuses for his most incriminating statements. He claimed, for example, that his notorious exclamation, “it is good that you are dead,” had been meant as a satire on the neighbors’ misleading cries. He had never meant those words in earnest. With so many corrections and additions refused, he concluded, his “so-called confession” was a worthless document.

One more point of detail gives pause for thought. Van Gogh emphatically disclaimed the witnesses’ interpretation, adopted by the HO, that he had rushed toward Annie. In particular, he was indignant at the suggestion
that he had done so with “a nasty sound.” This was “an absolute lie.” Remember that Van Gogh imagined himself an actor in the play of his life. He had insisted that the neighbors formed the audience. The thought that the audience accused him of an error unworthy of actors was unbearable. In his biography of Jan Punt, Simon Styl explained that actors learned to speak with a delicate, quasi-singing voice, with different nuances for comedies and tragedies. If they were unable to learn to speak in this way, Styl sneered, they had better become funeral announcers or news reporters. Evidently, a nasty sound was the exact opposite of such a delicate voice. Van Gogh denied any faltering in his acting tone at the moment his own play turned into a tragedy.

With only the formal pleas extant, it is unclear to what degree Van Gogh’s commentary was useful to his attorney. In the appeal procedure, the HO counted as the defendant. Thomeeze had summoned Dedel, requesting the justices of the Court of Holland to annul the sentence pronounced in Amsterdam. Given the stakes, the written pleas of both parties were rather disappointing. Thomeeze summarized the procedures in Amsterdam so far, emphasizing that the prosecutor had used “irrelevant and abusive methods.” The HO’s attorney repeated the conclusions his client had reached at the end of the second trial: Not only had Van Gogh assaulted Annie, but the autopsy report proved he had inflicted a lethal wound. Both lawyers probably went into greater detail during the oral session that followed, where no record was taken. From the Court of Holland’s final judgment, we must conclude that it condoned Dedel’s methods of questioning and recording. The justices pronounced their verdict on December 19, 1776: The Amsterdam sentence was no injustice to the accused. Thomeeze announced his client’s appeal to the High Council.

The Hoge Raad van Holland en Zeeland (High Council) was a remnant of the abortive centralization of the sixteenth century. The Habsburgs had installed a Grand Council at Malines, as a supreme court for all of the Netherlands, North and South. In the 1580s, when the North had definitively broken with its sovereign, Holland and Zeeland instituted a Hoge Raad of their own, whose jurisdiction never was extended to the other five provinces. Two centuries later, the existence of this institution offered Van Gogh the possibility to appeal to an even higher court and, with it, to prolong his life. Since the High Council, like the Court of Holland, held its sessions in The Hague, he remained in the same jail.

The High Council admitted the case on January 11, 1777. It looked indeed as if a brief prolongation of his client’s life, rather than saving it, was Thomeeze’s primary goal. His written pleas contained no new arguments;
they were identical copies of those presented to the Court of Holland. Again, we do not know the content of the oral pleas. Convinced of winning in this court too, Dedel likewise had his conclusions of the previous trial copied. On July 8, 1777, the High Council reached the same verdict as the Court of Holland seven months earlier: the accused had no reason to complain about the Amsterdam sentence.39

It was not over yet. Thomeeze knew another, obscure route of escape. The possibility existed to subject a verdict by the High Council to the judgment of a committee of revision, whose task it was to establish whether any error had slipped into the earlier trials. This procedure applied first of all to civil suits, but Van Gogh’s lawyer used it in a criminal case. Such last-review procedures were a rare occurrence, and legal historians have only recently begun to investigate them. One thing they discovered is that revision of a sentence meant no suspension of its execution, unless this caused irreparable damage for the party concerned.40 That clause obviously applied to our protagonist. To obtain a revision of his sentence, the accused had to petition the Estates of Holland. They decided favorably, allowing Van Gogh to plead his case pro deo again. The committee once more examining it consisted of all members of the High Council, two justices of the Court of Holland, and the pensionarissen (chief secretaries) of the towns of Delft, Amsterdam, Rotterdam, Brielle, and Enkhuizen. The latter five all had a law degree as well.41 Van Gogh was to stand trial for the fifth and last time.

Finally, both Thomeeze and Dedel had to do their homework. The first produced a plea of 1,495—admittedly brief—articles. The HO outdid him with a reply of no fewer than 2,611 articles. Both texts were printed, the first occupying 83 pages and the second 121. They probably had gone to print because of the number of people who had to read them professionally. There are no indications that copies were sold on the market; no booksellers are listed, for example.42 These two texts alone could easily form the basis of a book-length study in legal history. We must consider them here for what they reveal about the moral judgment of contemporaries. That judgment takes us back to the eighteenth-century revolution in love.

The first three articles of the defense’s plea showed that Thomeeze was finally prepared to assail the HO head-on. He began: “(1) A certain Anna Smitshuizen, then living in Amsterdam, being in her room on June 29, 1775, with the defendant and a few other persons, is unexpectedly found
injured and dies, (2) without any of the persons present having seen any-
thing, however minor, of the infliction of the wound. (3) Nevertheless, the
defendant has the misfortune that the other persons accuse him of being
the perpetrator, whereupon he is taken into custody in Amsterdam afore-
said."43 His client’s life, Thomeeze continued, depended upon convincing
the committee members that, in legal terms, the crime had not been sat-
sfactorily proven. If they still thought his client had been negligent in
some way, they should at least find the Amsterdam sentence too severe.

In his turn, Dedel assailed Van Gogh without mercy. Who on earth was
prepared to trust such a strange fellow? It sufficed to consider that infa-
mous piece of writing he had addressed to the victim, “a romanesque
and horrible letter,” which he pretended to have written with his own blood
and “the reading of which is bound to impart a very unfavorable idea
about the Defendant’s way of thinking to the Judge from the start.”44 In
the course of his reply, Dedel returned to the blood letter several times.
For want of negative epithets, he tended to be repetitive. It was a godless
letter. It contained the most chilling curses and damnations, with the sole
aim of inducing Annie to change her mind about leaving him. In short,
this letter said it all. The HO had presented the other pieces of writing for
the consideration of the Amsterdam judges, merely to prevent any
reproach that he had withheld evidence.

To the contrary, according to Van Gogh’s attorney, the ensemble of let-
ters formed a sure proof that the defendant cherished an intense love for
the victim, no hate whatsoever. He never had the intention to harm Annie;
a regrettable accident had occurred. This was no new argument, but
Thomeeze tried to bolster it with citations from legal authors. He had
consulted an even greater mass of juridical literature in an attempt to
demonstrate irregularities in the earlier trials. Most of his claims failed to
impress the other party. Thomeeze had a particularly hard time with the
passage “that he could tell no better than that it was the same knife as the
one with which he had injured Annie.” Dedel now capitalized on it: “Here
. . . his conscience flew in his face and forced him to confess.”45 It was
unfair to take this expression literally, the defense argued. The court had
recurrently asked the accused to draw conclusions, and this was one more
conclusion. For a true confession, it was necessary that the accused recol-
lected his real intention at the fatal moment, which he did not.
Thomeeze’s argument implied that Annie’s death was an accidental by-
product of Van Gogh’s true intention, to commit suicide.

The HO argued the contrary. The defense’s portrayal of the situation
was an invention after the fact, with the sole purpose of finding an escape
route from the death penalty. The only thing that this proved, Dedel sneered, was that Van Gogh had recanted from his wish to die publicly for Annie. According to the HO, there was sufficient evidence to conclude that the defendant had intentionally stabbed the victim, out of jealousy and revenge. The HO’s elaborate plea, with a detailed discussion of the witnesses’ testimonies, is primarily an intellectual statement. What strikes the modern reader most, nevertheless, are the occasional normative judgments and negative epithets. They betray Dedel’s deep abhorrence of the person of Van Gogh. Romanesque was the key word. In present-day English it refers to an architectural style, which was not meant of course. A derivative of roman (novel), the word had entered Dutch from the French only recently. Its most general meaning was “like in a novel,” but this implicitly referred to a sentimental novel. In the second half of the eighteenth century, romanesque was closely associated with melancholy and sentimentality. The word further connoted adventure, passion, and fantastic chimeras; one could also speak of a romanesque path in a landscape. Clearly, the word had a positive meaning to romantic readers of sentimental novels. To Dedel, it connoted the dangers inherent to acting out these novels in real life.

Next to dangerously sentimental, the Amsterdam HO considered Van Gogh blasphemous. Without explicitly siding with those who thought him a freethinker, Dedel did find the defendant an ungodly person. Whereas Van Gogh had dwelled on his horrendous descent into hell to impress Annie with the sincerity of his love, to Dedel this passage in the blood letter was no more than a piece of infamous cursing and swearing. Forced to listen to such a godless text, the witnesses had every reason to side with Annie, the HO admitted, while denying their partiality. The blood letter haunted Dedel: It testified to the extravagance of the defendant’s passion—an ego-centered passion at that. In this and the other writings, Dedel read not love or affection, but an “excessive desire to have Anna Smitshuizen for himself alone.”

On this obsession with having her alone, Dedel based his claim that the defendant had killed the victim on purpose. True, Van Gogh had not planned the act for days, but on the fatal night, when he realized Annie rejected him for good, anger took the upper hand. At the homicidal moment, still according to Dedel’s plea, Van Gogh’s bosom was filled with nothing but hatred, jealousy, and evil intent. Why else had he relished his deed afterward, saying a married pimp would not have her either? For the committee members, Dedel explained that the killer had referred to a journeyman tailor, his rival, whom he detested. The plea omitted an
explanation why this tailor had been mysteriously absent throughout the succession of trials. The HO did provide his own model of how to react if the stabbing really had been accidental: A man who injures his beloved by accident, who feels her blood flowing over his hands, sees her collapse and hears others exclaim she is dead, will never say such a vile thing. No, he is quiet and sad and bursts into a sea of tears. Not so Van Gogh. He comforted himself with the thought that neither he nor his rival could enjoy possession of her now. “The defendant did not bemoan that, for this satisfaction, he had sacrificed to his jealousy and anger the former object of his adoration.”

Triumphantly, the HO showed the committee the knife, still stained with dry blood up to the handle. Van Gogh, he concluded, never acted like a real lover.

Why did the HO make such a great effort to demonstrate that the defendant had committed the act intentionally out of revenge? We might simply say it is always a prosecutor’s task to maximize the charges. After all, decapitation was the lightest of all death penalties, which Dedel neatly pointed out. The standard punishment for premeditated murder, imposed on Nathaniel Donker among others, was breaking on the wheel. But the HO could no longer obtain this sentence. The revision committee’s only task was to find out whether an error had occurred during the previous trials. The committee had no authority to aggravate the defendant’s punishment. In order to have Van Gogh’s death sentence maintained, it sufficed to convince the committee that he had attacked Annie with a knife. Since Dedel nevertheless went at length to prove vengeful intent, something more fundamental, it seems, was at stake.

Behind the negative judgment of Van Gogh’s lifestyle and way of thinking lay a fear to be contaminated by him. This should be prevented at all cost. Dedel distanced himself from Van Gogh as far as he could, to avoid any temptation of empathy. Already he came close, by revealing he could imagine himself in the shoes of a real lover. As this was a criminal trial, the repudiation of Van Gogh’s character was necessarily couched in legal terms—circumstances, motive, intent. A deeper psychological urge, however, underlay all this. It is no coincidence that Dedel vented his disdain of so-called romanesque ideas time and again. He wished to redefine Van Gogh’s romanticism and the resulting act of despair into something more traditional and familiar: an ungodly and infamous crime of jealousy and hatred. No room for dramatic pleas and ruminations about killing oneself; no recognition of a tragic and uncontrollable love! It had to be that way, precisely because Dutch elite men, of whom Dedel was one, felt vulnerable themselves. Many patricians, male and female, appreciated sentimental
novels. Husbands and wives indulged in the fashion of writing intimate letters to their beloved spouse. The Dutch patriciate partook of the cultural changes of their time. Therefore, Dedel and the lawyers who assisted him were able to imagine themselves in Van Gogh’s shoes to some extent. They were conscious of living through a revolution in love, but they refused to accept its occasional darker consequences: these ought not to exist. They wished to exorcise the demons.

The very last articles of Dedel’s plea formulated the exorcism almost literally. He exhorted the gentlemen of the revision committee “as servants of the Highest Judge, not carrying the sword in vain, to help avenge, as a deterrence to all others, the innocently shed blood, and to lift the curse from the country.”

Chapter 8