

**OUR HOUR HAS COME:  
THE HOMOSEXUAL RIGHTS MOVEMENT IN THE WEIMAR REPUBLIC**

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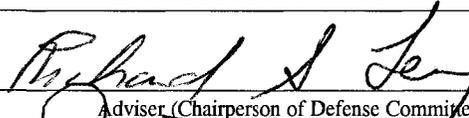
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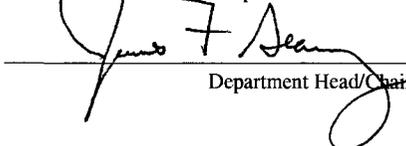
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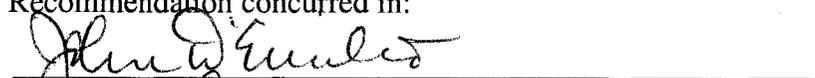
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## **DEDICATION**

To my mother, Diane Kollenbroich, for instilling in me a love of history;

To my father, Edward Kollenbroich, for instilling in me the stubbornness to complete a dissertation;

To my sons, Benjamin Kollenbroich and Tyler Kollenbroich, for always reminding me that other things were more important;

And to Keith Green for encouraging me, supporting me, and never wavering in the belief that I could do this.

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**JEK**

## TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
1. INTRODUCTION.....	1
2. MARCHING SEPARATELY, STRIKING TOGETHER.....	12
3. THE DOORS ARE FLUNG OPEN.....	63
4. OUR HOUR HAS COME.....	107
5. OUTER CONFLICT, INNER TURMOIL.....	157
6. AT LONG LAST A VICTORY (OF SORTS).....	207
7. THE END COMES.....	252
APPENDICES.....	277
Appendix A.....	278
Appendix B.....	279
BIBLIOGRAPHY.....	284

## SUMMARY

In the two decades prior to World War I, Germany, like much of western Europe at the time, saw the development of numerous social and cultural movements seeking to adjust, if not overturn, an existing system viewed as outmoded, restrictive, and ill-suited to the realities of modern life. Among the many organizations that arose out of this impulse for change were a small number advocating reforms in the way contemporary society dealt with issues of sex and sexuality. The more radical of these championed unrestricted access to birth control, full reproductive rights for women, and the elimination of legal restrictions on homosexual acts. Given the conservative atmosphere of imperial Germany, these groups were limited in both membership and influence. Liberated from the restrictive environment of the *Kaiserreich* by the creation of the socially more open Weimar Republic after the war, these groups flourished.

This work focuses on the homosexual rights movement during the Weimar Republic, which, building on its antecedents in the prewar period, became a vocal part of the burgeoning sexual and reproductive rights movement in Germany during this time. This was not simply the quixotic effort of some small insignificant voice in the wilderness. The homosexual rights movement in the Weimar Republic almost succeeded in overturning legal penalties against homosexual acts between adults. Although ultimately unsuccessful, the efforts of gay rights groups during this decade opened public debate in Germany, outside of the medical and scientific community, on the subject of homosexuality. The very openness of the movement was used by the radical right in Germany, including the National Socialists, to exemplify the perceived moral decay of German society and, in an effort to be seen as moral guardians, resulted in homosexual organizations being the first targets of the Nazi regime when it came to power in 1933.

The homosexual rights movement in the Weimar Republic was large and active, even by today's standards. Twenty-five gay organizations existed during this period and over thirty gay periodicals were published in Germany during the 1920s. Although the majority of these groups were concerned with social activities, three of the largest, the *Gemeinschaft der Eigenen*, the *Bund für Menschenrecht*, and the *Wissenschaftlich-humanitären Komitee*, worked actively toward overturning Paragraph 175 of the German penal code, the law which forbade homosexual acts. The culmination of their efforts came on 16 October 1929, when the Reichstag committee charged with revising the penal code approved the elimination of penalties between consenting adults. Economic collapse, which occurred shortly afterward, derailed all efforts toward penal reform. Nevertheless, the fact that a national legislative committee in 1929 had approved a bill which, in effect, legalized male homosexuality is significant. West Germany itself did not even partially legalize such acts until 1969.

This dissertation examines the actions, both political and cultural, of the *Gemeinschaft*, the *Bund*, and the *Komitee*. Since the *Gemeinschaft* and *Komitee* were founded before the Weimar Republic, the activities and ideologies of these two groups during the Empire are peripherally studied to establish a foundation for an understanding of their actions during the period on which this work focuses. Because each of these groups had different, and contrary, perceptions of the nature of homosexuality and each attempted to reach a distinct segment of society, they often worked at cross-purposes to each other. Part of this study will focus on the limited ability of these groups to work together toward their common objective of legal equality and, more significantly, their attempts to foil each other's efforts. Finally, this work examines the reasons behind the apparent success of their efforts, and those behind their ultimate failure. In so doing, it attempts to determine the breadth and depth of the activities of the three main organizations,

both within the German gay community and in the country as a whole, and to determine how effective, or ineffective, their methods were in achieving their stated goal of legal and societal acceptance of male homosexuality.

## Chapter I

### Introduction

The Weimar Republic, Germany between 1919 and 1933, often conjures up visions of freedom and decadence in both the academic and popular mind. This was the “golden twenties,” the period of the Bauhaus, cabarets, Dadaism, and Dietrich, a period when relaxed social mores combined with repealed censorship laws to make Germany, and especially its capital Berlin, a place of unprecedented personal freedom. The reality was different. As Peter Gay has pointed out, this view has more to do with the gilded memories of those individuals who fled Germany when the republic collapsed than with reality.<sup>1</sup> This is not to imply that there was not a great amount of freedom in Weimar Germany. Social and cultural movements that had arisen in the Wilhelmine era thrived as they sought to adjust, if not overturn, a system increasingly viewed as outmoded, restrictive, and ill-suited to the realities of the modern world. Among the reform-minded were a small number of organizations advocating changes in the way contemporary society dealt with issues of sex and sexuality. The more radical championed unrestricted access to birth control, full reproductive rights for women, and the elimination of legal restrictions on homosexual acts. Given the conservative atmosphere of imperial Germany, these groups had been limited in both membership and influence. Liberated from the restrictive environment of the *Kaiserreich* by the creation of the socially more open Weimar Republic, these groups flourished.

This work focuses on one element of these social reform organizations, those involved in the German homosexual rights movement. The existence in the Weimar Republic of a large homosexual subculture is well known, if not on the basis of actual historical research, from films,

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<sup>1</sup> Peter Gay, *Weimar Culture: The Outsider as Insider* (New York: Harper & Row, 1970), xiii-xv.

novels, and memoirs that revel in the “decadence,” loosening of social restrictions, and acceptance of alternate ways of life believed to be part of the period. Much of this perception is focused on Berlin, a large, relatively new metropolis famous in parts of Europe even prior to the war as “Sodom on the Spree” because of its active homosexual population.<sup>2</sup>

That the Weimar Republic was home to a number of homosexual clubs and organizations operating openly and publicly only supports the notion of a weakening of traditional cultural taboos. This aspect of the period is certainly important, a deeply ingrained part of the image of “Weimar.” The struggle to overcome prejudice, to live full lives, and attain personal happiness is often seen as the lonely work of individuals, conscious and unconscious of the meaning of their actions. What is missing from this view, however, is an awareness of just how important or politically active Germany’s homosexual population was during this time. Explaining its collective efforts to achieve full equality – a goal very nearly realized – is the purpose of this work.

One cliché of the literature needs to be put aside at the outset of this study. The German homosexual rights movement was not a small, insignificant Berlin phenomenon. The organizations involved maintained branches across the country in cities both large and small, with total membership in the tens of thousands.<sup>3</sup> Its basic goal was the removal of §175, the law outlawing male homosexual sex which had been part of the German legal code since the empire

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<sup>2</sup> See for example: Christopher Isherwood, *The Berlin Stories* (New York: J. Laughlin, 1945); Christopher Isherwood, *Christopher and His Kind, 1929-1939* (New York: Farrar Strauss Giroux, 1976); Otto Friedrich, *Before the Deluge: A Portrait of Berlin in the 1920s* (New York: Harper & Row, 1972); Harry Kessler *The Diaries of a Cosmopolitan: Count Harry Kessler 1918 – 1937*, Translated by Charles Kessler, (London: Weidenfeld and Nicolson, 1971); Ambrose Got, *L’Allemagne après la débacle: Impressions d’un attaché a la mission français a Berlin* (Strasbourg: Imprimerie Strasbourgeoise, 1919); *Cabaret*, Directed by Bob Fosse, Screenplay by Jay Allen, Produced by Cy Feuer, 124 minutes, Warner Home Video, 1992, Videocassette, *M*, Directed by Fritz Lang, 99 minutes, Crown Movie, 1931, Videocassette.

<sup>3</sup> W.U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* (Berlin: Verlag rosa Winkel, 1980), 35.

was created, and it came very close to achieving this when the Reichstag's criminal law committee, charged with revising the penal code, eliminated the statute from its draft in October 1929 as a direct result of the movement's actions. Though ultimately unsuccessful, the fact that Germany came as close as it did, when it did, to removing legal restrictions on homosexual acts is noteworthy. Homosexual activity went completely unpunished in very few western countries at the time. Germany itself did not formally repeal §175 until 1994 when a post-reunification law made male homosexual acts legal in the entire country.

Three separate homosexual rights organizations made up the movement in the 1920s, the *Gemeinschaft der Eigenen* [Community of Individuals], the *Wissenschaftlich-humanitären Komitee* [Scientific-Humanitarian Committee], and the *Bund für Menschenrecht* [Human Rights League]. Each had chapters throughout Germany and all, to varying degrees, worked actively for the acceptance, both legally and socially, of male homosexuality. These three organizations, as well as numerous small, short-lived groups, published over thirty periodicals providing German homosexuals with information on social events and political developments, as well as advertisements for books, bars, clubs, and restaurants. Many of these journals and newspapers could be purchased openly from street vendors, and sales were substantial. In 1923 for example, the Bund's main journal, the *Blätter für Menschenrecht* [Paper for Human Rights], was reporting sales of 60,000 copies every two weeks. By the end of the decade that number had risen to 150,000. Other publications had similar sales figures.<sup>4</sup>

Notwithstanding the failure to achieve its ultimate goal, the movement did have an effect on Germany. It was sufficiently determined and vocal to make homosexuality a topic of debate

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<sup>4</sup> "An Alle!" *Blätter für Menschenrecht* 14 (1 September 1923): 3, Hermann Sievert, "Das Anomale Bestrafen: Homosexualität, Strafrecht und Schwulenbewegung im Kaiserreich und in der Weimarer Republik," *Ergebnisse: Zeitschrift für Geschichtswissenschaft* (24 April 1984): 32, 38.

in the country's public sphere, well beyond medical and scientific circles. As a result of the efforts of these three organizations, mainstream newspapers reported on the homosexual rights movement and its goals, and politicians debated the issue of equality in the Reichstag. The very openness of the discussion was used by the radical right, including the National Socialists, to exemplify the perceived moral decay of German society under the republic. The Nazis, as self-appointed moral guardians, exploited the issue politically, and when they came to power in 1933, quickly targeted homosexual organizations for repression.<sup>5</sup>

Undervaluation of the struggle for homosexual rights in the Weimar era is in part a product of the lack of serious scholarly study. The German homosexual rights movement as a whole has received slight attention in the historiography of modern Germany. Most of the work in both English and German focuses on the brutal persecution of homosexuals in the Nazi era, rather than on the community's organized actions in the period preceding it. Broader works concentrating on homosexuality in Germany relegate the Weimar movement to a chapter at best. This despite the fact that the gay rights movement in Germany achieved its greatest successes and public recognition in the 1920s. James Steakley's *The Homosexual Emancipation Movement in Germany* (1975) discusses the gay rights movement from the mid-nineteenth century to the mid-1930s and was the first to focus solely on the topic. A pioneering book, it is still the most comprehensive work on the general topic of homosexual rights in Germany, yet it includes only one short chapter on the Weimar-era movement and concentrates mainly on the Komitee, dismissing the other two organizations as insignificant in the effort to attain homosexual rights.

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<sup>5</sup> On February 23, 1933, three weeks after the "seizure of power," the Prussian Minister of the Interior ordered all public houses patronized "by persons who indulge in unnatural sexual practices" closed. On February 24, he banned all publications that contained pictures or articles "liable to produce erotic effects in the beholder." Günter Grau, ed. *Hidden Holocaust? Gay and Lesbian Persecution in Germany 1933 – 1945*, trans. Patrick Camiller (London: Cassell, 1995), 27-29.

Harry Oosterhuis and Hubert Kennedy's *Homosexuality and Male Bonding in Pre-Nazi Germany* (1991), is subtitled "the youth movement, the gay movement, and male bonding before Hitler's rise." It is, however, predominantly a collection of translated articles from *Der Eigene*, the official journal of the Gemeinschaft, published between 1896 and 1932. Though the work usefully compiles rare primary sources of the period, it does not really address the Weimar homosexual rights movement as a whole. Only six of its articles relate to the 1920s, and the general discussion of the period comprises a mere eight pages. Aside from a few passing mentions of the Komitee, it too concentrates on only one of the organizations.

In broader works on the Weimar period, the homosexual rights movement earns even less attention. Atina Grossmann, in her 1995 monograph, *Reforming Sex*, limits her attention to heterosexual groups concerned with gender and procreation issues and almost totally ignores gay rights organizations, even when they worked in conjunction with the groups she studies. Works centered on political and cultural developments of the period rarely mention homosexuality or the gay rights movement. Detlev Peukert's *The Weimar Republic* (1987) is one of the few surveys that refer to the movement and its work; most others ignore it completely. Peter Gay does not mention it at all in his *Weimar Culture* (1968). George Mosse's *Nationalism and Sexuality* (1985), which examines the changing perception of masculinity and its relationship to German conceptions of homosexuality, provides important insights into the thinking behind the actions of the three gay rights organizations, but does not actually discuss their activities and ignores the largest of them altogether.

German historians, also, pay only limited attention to the movement of the 1920s even in works dealing specifically with homosexuality. W.U. Eissler's *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* [Worker's

Parties and the Homosexual Question: The Sexuality Policies of the SPD and KPD in the Weimar Republic] focuses on the German Social Democratic and Communist parties and their attitudes towards homosexual rights but is nearly devoid of discussion of the ideologies or actions of the rights organizations themselves. *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950* [Eldorado: Homosexual Women and Men in Berlin 1850-1950] and Hans Georg Stümke's *Homosexuelle in Deutschland: Eine politische Geschichte* [Homosexuals in Germany: A Political History] both cover the Weimar Republic in only one chapter. While *Eldorado* briefly discusses the three organizations, Stümke follows the established pattern for such works and does not. He writes about the Komitee and its leader, Magnus Hirschfeld, in detail, but gives the Bund more cursory treatment, and refers to the Gemeinschaft, incorrectly, as merely "an offshoot" of the Komitee.<sup>6</sup>

To date there has been no detailed study focusing on all three of the major homosexual rights organizations of the Weimar Republic. This dissertation seeks to fill this gap in the historical literature by examining the ideologies and tactics of these organizations, the Komitee, Gemeinschaft, and Bund, during this period, as well as their relationships with each other. Only by exploring the movement in its entirety, and paying due attention to the interactions of its major organizational exponents, can a clear picture be gained of exactly how it set about working toward the goal of attaining full legal rights for homosexuals. Such an investigation is also the sole means of determining both how the movement came so close to being successful in a socially conservative country such as Germany at this time, and what mistakes it made. While it must not be forgotten that the movement came close to victory, it should also be remembered that it ultimately failed. The goal of legal equality for homosexual men was not realized. §175

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<sup>6</sup> Hans-Georg Stümke, *Homosexuelle in Deutschland: Eine politische Geschichte* (Munich: C.H. Beck, 1989), 56.

remained part of the German legal code to be used and expanded upon by the vehemently anti-homosexual National Socialists after they came to power in 1933.

An examination of the three organizations provides insights into the ways German homosexuals structured the concept of homosexuality for themselves and for society as a whole. One of the major problems for the Weimar Republic gay rights movement was the differing beliefs about homosexuals and homosexuality held by the three organizations. The Komitee believed wholeheartedly in a biologically-determined basis of same-sex attraction. For members of this group, the inborn nature of homosexuality represented the primary rationale for repealing §175. They believed that governments had no right to punish people for an innate predisposition over which they had no control.

The Gemeinschaft, on the other hand, took the opposite position. To members of this group there was no such thing as a homosexual; all human beings were by nature bisexual. They believed that the entire concept of homosexuality was a medical and social construct used to stigmatize same sex relationships – which the group believed were morally superior to male/female ones – and denigrating them as soft, licentious, effeminate, and mentally aberrant. The Gemeinschaft, therefore, opposed §175 not because it oppressed “so-called homosexuals,” but because it impeded the ability of men to form intimate, loving relationships with other men and was an unwarranted intrusion by the state on individual freedom.

The Bund attempted to follow a middle road between the biological and the constructionist conceptions of homosexuality, believing that same-sex attraction was an inborn condition and, as such, should not be legally punished. At the same time, its members did not accept that these individuals were the degenerate and debilitated men modern science labeled as homosexuals. Taking up in part the arguments of the Gemeinschaft in this regard, the Bund

maintained instead that such men were actually fine, upstanding, respectable individuals, fully equal to their fellow, heterosexual, Germans. In traveling this path the Bund made selective use of the arguments of the other two organizations in its effort to have §175 repealed.

The fundamental ideological differences between these three organizations are more reason to study the homosexual rights movement as a whole rather than concentrating on only one or two of the groups. Doing so provides a more complete picture of the ways German homosexuals viewed themselves and their sexual orientation, as well as a fuller understanding of how these differences translated into direct action toward the goal of equality. These organizations faced entrenched religious and political opposition which emphasized the immorality of homosexuality and the debilitating and dangerous effects that acceptance, much less legalization, would have on society as a whole. What the Gemeinschaft, Komitee, and Bund believed about the nature and origin of homosexuality directly influenced how they each reacted to and dealt with this hostility.

Moreover, the differing conceptions the three organizations had of same-sex attraction, combined with a competition for members from a limited and self-identifying minority of the population made united action difficult at best. The goal of the Gemeinschaft, Komitee, and Bund might have been the same, legal equality for homosexuals, but their means of achieving it and their rationales for doing so were dissimilar because of their ideological differences. Many times during the Weimar Republic the groups were unable to see each other as allies and often worked at cross purposes, occasionally going so far as to publicly denigrate each other in order to put forward their own perception of homosexuality. Even at the best of times the groups more often acted individually rather than in concert.

This dissertation, then, examines the Gemeinschaft, Bund, and Komitee, as they endeavored, both separately and jointly, to change not only the legal code of their country, but also their fellow Germans' perception of homosexuals during the Weimar Republic. As we cannot fully understand what the homosexual rights movement attempted to achieve in the 1920s without some knowledge of what went before, Chapter Two investigates the changing conceptions of human sexuality in the nineteenth century and the development of the notion of homosexuality. It was only in the last third of that century that science began to identify a state of being that it labeled as homosexual. This chapter also examines the beginnings of the gay rights movement in pre-World War I Germany. Two of the organizations, the Komitee and the Gemeinschaft, had their origins in this period and many of the tactics they employed in the republic developed during the empire.

Chapter Three brings the movement into the Weimar Republic and discusses how leaders of the Gemeinschaft and Komitee reacted to the lifting of the restrictions that had limited and constrained their efforts before the war. Extreme political and economic turmoil accompanied the coming of the republic, but to many members of the homosexual rights movement it represented a wonderful new beginning that was certain to result in the culmination of everything for which they had been working. A component of this new beginning was the creation of the third gay rights organization, the Bund, and its founding and development are also discussed in this chapter.

Though the republic offered more freedom of action to the homosexual rights movement than it had ever had, there was nevertheless much to do and much to overcome. The groups had to convince legislators to repeal the existing laws while concomitantly endeavoring to overcome the social opprobrium homosexuals faced and attempting to convince this persecuted minority to

step forward and publicly work for its rights. The strategies by which they attempted to accomplish these diverse objectives are the subject of Chapter Four.

Chapter Five examines the obstacles to achieving the goals discussed in the previous chapter. These included the religious and conservative opposition any movement for gay rights was bound to encounter. More damaging to the movement, however, were two very public scandals involving homosexuals that rocked Germany during the Weimar Republic. These challenged all of the arguments the three organizations had been making to counter the belief that homosexuals were mentally ill and inherently immoral. In their reaction to the scandals, the movement's two staunchest supporters, the German Social Democratic Party and the German Communist Party, exposed the somewhat shaky nature of political support for the cause of gay rights. This chapter also examines the inability of the three groups to work together for any significant length of time. In the face of scandals that threatened to destroy their work, and despite constant attacks from opponents of gay rights, the Gemeinschaft, Komitee, and Bund were unable, and often unwilling, to form a united front to respond cohesively to these challenges. They spent a significant amount of their time attacking each other to gain primacy of place within the movement, rather than fighting for the cause of homosexual equality.

Despite the many hurdles it had to face, the movement did achieve a small but significant victory when in 1929 the penal code committee of the Reichstag voted to remove §175 from the new draft of the German penal code they were preparing. Chapter Six discusses how this success was attained and examines the Reichstag committee's reasoning on this matter, as well as the reaction of the Komitee, Gemeinschaft, and Bund to this action. The committee's decision, of course, was not accepted by the full Reichstag and did not become part of the German legal code. This chapter concludes by examining why this was the case.

Shortly after the penal code committee made its decision, Germany again faced political and economic turmoil. Depression and political collapse combined with the resultant coming to power of the National Socialist party brought an end to the homosexual rights movement. Chapter Seven discusses the piecemeal collapse of the three organizations and their fate under Nazi rule. This chapter also touches on the plight of German homosexuals under the Nazis. It examines, as well, the reasons behind the failure of the movement not only to change the law, but to change the minds of a sufficient number of Germans, in order to prevent the remorseless persecution of homosexuals that accompanied Nazi rule. Gay men, and those suspected of being so, were sent to concentration camps and were the only group of prisoners sentenced under Nazi era laws that were not released from prison at the end of World War II.

For the thirteen years of the Weimar Republic the homosexual rights movement flourished and was able to make homosexual rights a topic of public discussion. The three major organizations published journals and magazines, made contact with government officials, and presented their ideas to the general public freely and openly. They offered social events ranging from dances and holiday excursions to lectures on scientific theory. Despite the freedom they experienced and the public space in which they operated, the Gemeinschaft, Komitee, and Bund failed in their ultimate goal of legal equality for German homosexuals. The methods and ideas of the homosexual rights movement in the Weimar Republic are significant in that they illuminate the conceptions and perceptions of both a persecuted minority and its opponents during an important period of German history. The reasons behind the failure of that same movement to achieve its goals, however, are instructive for those same minorities in other places and at other times.

## Chapter II

### Marching Separately, Striking Together

The homosexual emancipation movement did not suddenly appear fully formed in Germany during the Weimar Republic. The less restrictive political climate and the more open public attitudes that accompanied the republic allowed for increased discussion of the topic of homosexuality in general and more freedom of action for gay rights groups than had been possible in the German Empire. Nevertheless, the empire saw the founding of two of the three major homosexual rights groups to be studied here. Despite the restrictive atmosphere, they had some success in opening up public debate in Germany on the topic of overturning legal restrictions against homosexual acts between men. In the first years of the twentieth century, as a result of pressure exerted by these groups, some of the German political parties began to take public stands on the topic of gay rights, enabling a Reichstag debate of the issues in 1905.<sup>1</sup> Unfortunately, a string of highly publicized homosexual scandals in the military and aristocracy, traditional sexual attitudes, as well as differing conceptions held by the two groups of exactly what defined a homosexual combined to condemn the movement to failure during the imperial era.

There was, of course, a prehistory to this first unsuccessful foray into politics, although it was not a long one. The concept of homosexuality as a separate and distinct form of sexuality developed in Europe during the mid-nineteenth century. Before that time, there was no conception of “homosexuality” or of someone being “homosexual.” The dominant society viewed sexual acts between members of the same sex as transitory genital acts, the sinful

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<sup>1</sup> Reichstag, *Protokolle*, vol. 204, quoted in *Jahresberichte des Jahrbuches für sexuelle Zwischenstufen* (1906), 1035 ff.

consequence of character flaws or moral weakness, not the result of a specific attraction to members of one's own sex.<sup>2</sup> There was little understanding that anyone would engage repeatedly in this type of behavior beyond the most sinful or morally flawed of people, or that certain individuals actually might prefer this to coupling with a member of the opposite sex. Because no predisposed attraction was believed to exist toward members of one's own sex, it was theoretically possible for anyone, either willingly or through seduction, to engage in same sex acts. Time, place, circumstance and, to pre-nineteenth-century ways of thinking, moral fiber determined one's sexual partners rather than any specific sexual orientation. This was a very fluid and non-limiting conception of sexuality in that even repeated sexual activity with members of one's own sex did not preclude on any level sexual activity with members of the other or vice versa. People were committing sins not acting on a biological predisposition or specific orientation.

On the basis of these prevalent views, legal and social condemnation of homosexual acts revolved around the moral failings of the perpetrators and the need to punish their sins as a defense of the Christian moral order. Consensus about appropriate punishment of such practices long predated the concept of homosexuality itself. In the Holy Roman Empire of the German Nation, under the *Constitutio Criminalis Carolina* formulated in the sixteenth century, authorities condemned men or women found guilty of committing homosexual acts to be burned at the stake. All of the German states carried over this punishment into their legal codes, and it continued to be the penalty for such offenses until the late eighteenth century when Frederick the

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<sup>2</sup> Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 1990), 82-82.

Great of Prussia eliminated the death penalty and replaced it with a prison sentence.<sup>3</sup> Under the influence of Enlightenment legal thinking, the emphasis on using civil law as a means of punishment for moral infractions waned in much of Germany, in effect eliminating penalties for *widernatürliche Unzucht* [unnatural sexual acts], which German law defined as both homosexual acts and bestiality, unless such acts were violent, involved a youth under 15, or were committed in public. The Bavarian government promulgated a law along these lines in 1813, reasoning that sin was not a concept applicable to civil law. Many of the small German states, such as Hanover, followed Bavaria's lead. Austria did not and Prussia waited to amend its law in this regard until 1851.<sup>4</sup> At this time, for reasons discussed below, the Prussian legal code removed the penalties for sexual acts between women, but not men.<sup>5</sup> After 1851 *widernatürliche Unzucht* was a strictly male activity under Prussian law.

These conflicting conceptions of the use of the law to achieve moral ends, as demonstrated by Bavaria and Prussia's differing treatment of homosexual behavior, became a sticking point during the formation of a legal code for a unified Germany. Bavaria and the smaller German states that had eliminated the penalty for same-sex acts opposed making the Prussian law part of the imperial legal code, and saw it as one more example of Prussia's harshness and lack of civilization. Nevertheless, over the protests of these states, Prussia's law against male homosexual acts became Paragraph 175 of the new imperial code, enforceable throughout the empire, after 1871. (See Appendix A)

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<sup>3</sup> Ludger Gausepohl et al., *Paragraph 175: ein deutscher Paragraph und seine Geschichte über die alltägliche gesellschaftliche und rechtliche Diskriminierung homosexuellen Menschen* (Bochim: Homosexuelle Selbsthilfe Rosa Strippe Bochim, 1983), 8.

<sup>4</sup> W.U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* (Berlin: Verlag rosa Winkel, 1980), 52.

<sup>5</sup> Lillian Faderman and Brigitte Erikson, *Lesbians in Germany, 1890s-1920s* (Tallahassee: The Naiad Press, 1990), xv.

At exactly the same time as these changes became law throughout Germany, an entirely new explanation for what is now classified as homosexual behavior was developing. Originating in the medical profession, the focus shifted from a concentration on the action itself to the person committing the action. In progressive medical circles, as well as in elite educated ones, sexual relations between same-sex partners ceased to be looked upon as the result of moral weakness and began to be considered the result of a specific, inborn predisposition toward homosexuality. Though a very slow process, and an idea never accepted by the broad masses of the population at this time, the change ultimately resulted in the discarding of the previous fluid conception of sexuality and its replacement with a rigid delineation into specific homosexual and heterosexual orientations.

Much of this change began in Germany. Starting in the mid-nineteenth century, German doctors began to classify a desire to engage in same-sex relationships as a type of mental disease. In 1844, psychiatrist Heinrich Kaan published his book *Psychopathia Sexualis*, using the title term to describe what he saw as an acquired form of insanity growing out of an inborn personality flaw. Johann Ludwig Casper (1796-1867), a German pioneer in forensic medicine, wrote in 1852 that a sexual preference for one's own sex could be inborn. He attributed this to a spiritual hermaphroditic inclination [*geistige Zwitterbildung*], which expressed itself, if at all, mainly in hugging and mutual masturbation. There did not have to be a sexual component to this inborn condition and it could be expressed merely in a loving, non-sexual relationship. In 1869, another German psychiatrist, Carl von Westphal (1833-1890), after studying same-sex attraction, determined that such feelings were the result of a congenital psychological condition, which he termed *conträre Sexualempfindung*. Researchers in other countries deemed this term, which when literally translated into English becomes "contrary sexual feeling" too unwieldy and

ambiguous and, thus, Westphal's term became "sexual inversion" in Italian and English. This became the term used to describe homosexual attraction for the rest of the nineteenth century throughout the western world, and those who were attracted to members of their own sex thus became known as *inverts*.<sup>6</sup>

This brief history offers evidence of a medicalization of same-sex attraction, which had its beginning in the nineteenth century not only in Germany, but throughout Western Europe. What had once been sinful was now a psychopathological disease. What had once been a behavior in which technically anyone might engage, was now classified as an abnormal activity limited to those people who suffered from a specific, inborn mental disorder. The law reflected this changed conception. It is at this same time, after all, that German legal codes began to penalize homosexual acts not as sins, but as "*widernatürlich*" or behavior against nature. This instance of medicalization was part of the growing influence of science occurring in Europe in the latter half of the nineteenth century, an important element of which was the process of scientific categorization. Scientists classified not only animals and plants as to genus and species, but races, ethnic groups, and languages. The mantle of science obscured the subjectivity, prejudice, and unexamined suppositions behind such schemes and hierarchies. Social Darwinists authoritatively valorized the races and social classes, arranging them in "scientifically" arrived at hierarchies. From there it was only a short step to the similar treatment of every variant of human sexuality.<sup>7</sup>

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<sup>6</sup> *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950: Geschichte, Alltag und Kultur* (Berlin: Frölich & Kaufmann, 1984), 10, 13; Harry Oosterhuis and Hubert Kennedy, ed., *Homosexuality and Male Bonding in Pre-Nazi Germany* (New York: Harrington Park Press, 1991), 12. The term *invert* was still in use in the 1970s to describe male homosexual behavior. See for example: C.A. Tripp, *The Homosexual Matrix* (New York: McGraw-Hill, 1975).

<sup>7</sup> Caroll Smith-Rosenberg, "Discourses of Sexuality and Subjectivity: The New Woman, 1870-1936," in *Hidden From History: Reclaiming the Gay and Lesbian Past* ed. Martin B. Duberman, Martha Vicinus and George Chauncey, Jr. (New York: New American Library, 1989), 268.

The medicalization of same-sex attraction in Europe and the United States supported by an elaborate theoretical foundation, removed women from both the study and punishment of homosexuality, thereby transforming it into a specifically male condition. Though von Westphal studied both men and women to formulate his theory of contrary sexual feeling, and other medical researchers did the same, investigators increasingly removed women from the picture. The primary reason for this was the nineteenth-century conceit that normal women lacked sexual desires. Women could not possibly engage in homosexual acts as they were not sexual beings and did not have any capacity for sexual expression. Another reason for defining homosexuality as exclusively male was the belief, prevalent at the time among sex researchers as well as society in general, that sex had to involve some sort of penetration.<sup>8</sup> German authorities almost always punished *widernatürlich Unzucht* only in cases of anal penetration, though the term was not specifically limited to this in the German legal code. The majority of nineteenth-century doctors and lawyers could not conceive of penetrative sex without the presence of, to them, the primary penetrative instrument, the penis. That being the case, they considered any type of real sex between women biologically impossible. In the minds of many nineteenth century sex researchers there was no possible means for two women to have sex.<sup>9</sup> It was not that doctors and lawyers suddenly began ignoring their own evidence and ceased to believe in the existence of some sort of a sexual relationship between women. It just meant that they theorized that such activity was very rare and, when they did discover cases of women engaging in some sort of

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<sup>8</sup> Esther Newton, "The Mythic Mannish Lesbian: Radclyffe Hall and the New Woman," in *Hidden From History: Reclaiming the Gay and Lesbian Past* ed. Martin B. Duberman, Martha Vicinus and George Chauncey, Jr. (New York: New American Library, 1989), 284.

<sup>9</sup> Newton, "The Mythic Mannish Lesbian," 284.

sexual conduct with other women, explained this as something different from homosexuality and completely unrelated to the behavior of male homosexuals.<sup>10</sup>

In those cases where researchers actually discovered such a rare phenomenon, they transformed same-sex behavior, though occurring between women, from a female into a male-type of action. Sex researchers positioned those women who engaged in lesbian relationships in a masculine context, seeing them no longer as complete women, but almost as pseudo-men. Such women dressed in men's clothing, cut their hair short, and worked at traditionally male occupations. Researchers believed these women felt constrained and angry because they did not have the career opportunities and social access that being a man would have granted them in nineteenth-century western society. Most alarming of all to contemporary society, these women could seduce other women. Sexologists classified these beings as "mannish lesbians," with the emphasis on mannish.<sup>11</sup> These women were sexual beings who took an active and aggressive role in sex as opposed to the stereotypical asexual, passive role assigned to women. In other words, they behaved just like men. Though nineteenth-century sexologists Richard von Krafft-Ebing and Havelock Ellis classified variants of lesbianism, ranging from those who appeared outwardly womanly or "normal" to the male-appearing "extreme grade of degenerative homosexuality," the mannish lesbian came to typify women who preferred sex with other women.<sup>12</sup> Thus, researchers understood women's homosexual behavior as women acting as men, not as women acting as women. Male homosexuals on the other hand, who much like

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<sup>10</sup> Smith-Rosenberg, "Discourses of Sexuality," 268.

<sup>11</sup> Newton, "The Mythic Mannish Lesbian," 281.

<sup>12</sup> Krafft-Ebing published his pioneering work in 1886. See Richard von Krafft-Ebing, *Psychopathia Sexualis*, trans. Franklin S. Klaf (New York: Bell Publishing Co., 1965), 262-264, quoted in Newton, "The Mythic Mannish Lesbian," 287.

lesbians were viewed as an incomplete form of their own sex, were still understood in terms of male role and behavior stereotypes, not in terms of female ones.

As scientists started to transform the concept of homosexuality from a moral failing into a specifically male mental illness, a growing number of people began to dispute this new notion, and the continued legal punishment of homosexual acts. One of the first opponents of the mental illness conception in Germany was Karl Heinrich Ulrichs (1825-1895). Building on the work of Casper, Ulrichs, an attorney, became one of the most important advocates of homosexual rights in the nineteenth century. He set as his goal turning doctors and legislators away from the notion of homosexuality as an inborn illness in order to keep them from attempting to cure it or retain laws against it. His goal was to steer them toward the conception that it was merely a natural state of being for certain men and women.

Karoly Maria Kertbeny (1824-1882), a Hungarian writer, coined the term *homosexual* in 1869. By the last quarter of the nineteenth century this designation already had become fraught with negative connotations, implying effeminacy, weakness, and pederasty. In order to eliminate these implications, Ulrichs coined new words for men and women attracted to members of their own sex – “Urning” for males and “Urninde” for women.<sup>13</sup> He took the word Urning from the Greek *ouranos*, meaning heaven. Ulrichs based his neologism on Plato’s dichotomy in the *Symposium* between “celestial” male-male love based on superior intellect, and “common” male-female passion based on physical pleasure, to indicate the higher moral and spiritual qualities of homosexual love.<sup>14</sup> Though he devised names for homosexuals of both sexes, Ulrichs set out to explain the existence and circumstances of only the Urning. In his conception these were men

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<sup>13</sup> *Eldorado*, 13.

<sup>14</sup> *Eldorado*, 13, Plato, *Symposium*, trans. Robin Waterfield, (Oxford: Oxford University Press, 1994), 13-14. Urning is translated into English as Uranian.

characterized by *Seelenwanderung* [transmigration of souls], the existence of a woman's soul in a man's body. An Urning, then, combined a man's physical form with a woman's sexual urges and stereotypical sensitivity, appreciation of art, etc. He was not a complete man, a "*Vollmann*," but a blend of both a man and a woman.<sup>15</sup> Though the assumption that a male homosexual was not a real man was not particularly flattering and certainly fed into stereotypes of effeminacy, this was a relative improvement over the conception that he was born mentally defective.

The true importance of Ulrichs's formulation was that an Urning was born not made. In this he was in agreement with contemporary scientific theory as to the underlying cause of homosexuality. It was not acquired through exposure or seduction, not the result of mental or psychological weakness, but an inborn predisposition. Whereas scientists increasingly classified this predisposition as an inherent mental illness or defect, and therefore, an unnatural and inferior pathology, Ulrichs took this idea of an inborn state as proof that homosexuality was a natural, and thus to him completely natural and healthy, state of being for some people. In his conception, all men and women to some degree had both male and female components inherited from their fathers and mothers. How these inherited components naturally sorted themselves out within each individual determined whether he or she was homosexual or non-homosexual. "The sexual dualism which, without exception, exists in the embryo of every human individual expresses itself in hermaphrodites or Urnings only to a greater degree than in normal men and in normal women."<sup>16</sup> If it was part of the natural order, then homosexuality could not possibly be an illness. The presence of what sexologists considered female traits and feelings in a male was

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<sup>15</sup> Karl Ulrichs, *Argonauticus* (Leipzig, 1898), quoted in Eissler, *Arbeiterparteien*, 18.

<sup>16</sup> Ulrichs, *Prometheus* (Leipzig, 1870), 68, quoted in *Eldorado*, 13. All translations are the author's unless otherwise noted.

not a defect, but a natural occurrence in all men. The female components simply were stronger in Urnings than in non-Urnings.

Ulrichs believed, therefore, that no basis for the legal punishment of homosexual acts existed and that the social opprobrium which homosexuals faced was unmerited. Urnings were not acting out of illness or defect when they initiated sexual relationships with other men. They did not even choose to be attracted to other men. These men were simply following their innate natural desires which, according to natural law, they had every right to pursue. Since Urnings were acting out of an inborn predisposition, it was foolish to punish them. Urnings could not be expected to ignore their own biologically determined sexual instincts any more than non-Urnings. Nor could punishment eliminate the existing predisposition. Essentially, to Ulrichs, homosexuals had an inherent right based on natural law to engage in homosexual acts, and natural laws should not be superseded in this case, or any other for that matter, by the laws of men.<sup>17</sup>

Ulrichs published numerous pamphlets describing his ideas on Urnings and advocating both their social acceptance and the decriminalization of homosexual acts between adults. His ideas did not gain wide acceptance at the time. His legal colleagues did not even marginally accept them. When he attempted to explain his views to fellow lawyers at the 1867 Congress of German Jurists in Munich, the audience forced him from the podium without giving him the opportunity to speak.<sup>18</sup> However, his ideas did find approval in certain circles. Kertbeny, who had coined the term homosexual, advocated the elimination of penalties for same sex acts because of the inborn nature of homosexuality. Several prominent physicians, part of the same

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<sup>17</sup> Ulrichs, *Kritische Pfeile* (Leipzig, 1879), 99, quoted in *Eldorado*, 13.

<sup>18</sup> Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 13.

profession that had theorized the inborn but pathological nature of homosexuality, also agreed with Ulrichs's contention that it was wrong to punish same-sex acts. At the same time that Ulrichs was publishing his pamphlets, the prominent physician, prolific writer, educator, and legislator Rudolf Virchow (1821-1902), a leader of the Progressive party in Germany, came out in support of the elimination of legal penalties for homosexuals.<sup>19</sup>

This "modern" scientifically-determined homosexuality represented a completely different understanding of sexuality than the earlier, more fluid notion of randomly-occurring same sex acts. Medicalization had one especially far-reaching consequence. Actions had defined the previous notion of sexuality. Society judged one as immoral by the actions one committed. Society and/or the law punished or ostracized an individual for actually committing a sexual act with a person of the same sex. Under the new scientific classification, a person was either born sexually attracted to the same sex or he or she was not. Science and society no longer judged a homosexual, whether believed to be a victim of a mental illness or not, by conduct, but by predisposition. One could be medically classified as a homosexual, and face all the negative social connotations that term engendered by the end of the nineteenth century, without ever engaging in any sexual conduct with members of one's own sex. Except in terms of legal punishment for *widernatürliche Unzucht*, the specific action was no longer the most important concern. Sexologists and even laypersons could analyze a combination of ideas, thoughts, dress, interests, and actions to determine where an individual fit within the sexual classification system. As a specific sex act was no longer required, professional sex researchers could analyze these factors in relation to societal norms to determine if a person was a homosexual or not. From this point on men could, and were, judged to be homosexuals on the basis of the most superficial

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<sup>19</sup> Wissenschaftlich-Humanitären Komitee, *Das 30 Jährige Jubiläum des W.H.K.*, file R8071/1, Bundesarchiv (BArchiv), Berlin.

sorts of evidence: how they acted, wherein their interests lay, their manner of speaking or dressing, the timbre of their voices, and many, many other arbitrary criteria. Proof that they had ever engaged in sex with other men became unnecessary. This introduction of science into sexuality created a rigid classification system from which homosexual men could not escape. Under the older, more fluid conception of sexuality, homosexual acts did not define the individual committing them, and it was possible for the transgressor to expiate his "sin" through confession and penance. Under the contemporary scientific conception, the individual could be defined as a homosexual without ever acting, and there was no means of making amends.

Both Ulrichs and his opponents based their efforts, whether to decriminalize homosexual acts or to maintain legal punishments for such behavior, on the same precept: homosexuality was an inborn predisposition that scientists could study, analyze, and categorize. There were disagreements among scientists over whether it could, or should, be cured or at least ameliorated, as in the case of other congenital conditions believed to be debilitating, but the underlying idea was still the same. By the last quarter of the nineteenth century, in educated circles at least, the idea that homosexuality was not a sin or moral weakness, but a specific condition inherent in certain people had come to be accepted, not only by opponents of homosexual conduct, but by men and women attracted to members of their own sex. As Michel Foucault noted, "The sodomite had been a temporary aberration; the homosexual was now a species."<sup>20</sup>

An unexpected effect of sexologists' determination that homosexuality was an inborn predisposition was to confer a specific identity on to homosexuals. Not only did society label people who felt a sexual affinity for their own sex as homosexual, but these people could now identify themselves as such, as well. The public discussion of and scientific attention paid to the

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<sup>20</sup> Michel Foucault, *The History of Sexuality, Volume I, An Introduction*, trans. Robert Hurley (New York: Pantheon, 1978), 27.

topic of sexuality showed homosexuals that they were not unique and need not remain isolated. They could search out others so-labeled, either by society or by themselves, form organizations, establish meeting places, and function like other subgroups of society.

The medical construction of homosexuality and its use as a means of personal definition took place at the same time Germany underwent the rapid transformation from a rural agricultural to an urban industrial market economy. In 1871, 64% of the German population lived in the countryside or in small towns. By 1890, that figure had decreased to 58%. Twenty years later, Germany was an urban country with only 40% of its population still residing in rural areas.<sup>21</sup> This massing of people in great urban centers included men and women who sought out sex with others of the same sex. Cities afforded relative anonymity, as well as more opportunities to meet other similarly-inclined people. Thus, at the same time that people were being made aware of this new identity, the homosexual, German urban dwellers were coming into increasing contact with them, or at least the external manifestations of their subculture – bars, restaurants, cafés, etc., which existed in every large imperial German city.

This was especially the case in Berlin. As the largest city in Germany and the capital of the empire, it attracted numerous immigrants seeking the opportunities that a metropolis offered. Berlin's population of 774,498 in 1870 grew to two million by 1900. Over the next fourteen years the population almost doubled to 3.7 million, an average of 400 new inhabitants a day, making Berlin the sixth largest city in the world by 1914.<sup>22</sup> In 1905, Magnus Hirschfeld (1868-1935), a sexologist and leader in the gay rights movement in Germany, extrapolating from his research, determined that Berlin was home to fifty-six thousand homosexuals out of a total

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<sup>21</sup> William Carr, *A History of Germany: 1815-1990* (London: Edward Arnold, 1991), 168.

<sup>22</sup> Anthony Read and David Fisher, *Berlin Rising: Biography of a City* (New York: W.W. Norton, 1994), 146.

German gay population of one million.<sup>23</sup> Capitalizing on the freedom of action that a large city offered, homosexuals in Berlin, as in other metropolises at the time, developed a vibrant subculture. On the eve of World War I, Berlin police officials estimated that there were forty gay bars in the city and between 1,000 and 2,000 male prostitutes. Though at this same time there was an active lesbian community, as seen in the surge in fiction writing and public discussion devoted to lesbians and their lifestyle, most of Berlin's gay meeting places were for men. This male subculture became so open that Berlin police officials felt the need to open a special department to monitor and deal with homosexual activity in the city, which by 1897 employed 10 people.<sup>24</sup>

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The medicalization of sexuality and the debates that it engendered, the hectic pace of urbanization, the development of a homosexual subculture in the country's leading cities, especially Berlin, and the continuing legal sanctions against male homosexual conduct provided the ingredients for the homosexual rights movement that took shape in Germany around the turn of the twentieth century. Two German gay rights groups were established in the Wilhelmine period, the *Gemeinschaft der Eigenen* [Community of Individuals] and the *Wissenschaftlich-humanitären Komitee* [Scientific-Humanitarian Committee], both founded and headquartered in Berlin and both sharing at least one common goal, the elimination of §175 from the Imperial Penal Code.

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<sup>23</sup> Magnus Hirschfeld, *Berlins drittes Geschlecht* (Berlin: H. Seemann Nachfolger, 1905), discussed in Faderman and Erikson, *Lesbians in Germany*, xii.

<sup>24</sup> James Steakley, *The Homosexual Emancipation Movement in Germany* (New York: Arno Press, 1975), 27, 62.

In 1896, Adolf Brand (1874-1945) began publication of *Der Eigene* [The Individual], a “Monthly for Art and Life,” which appeared intermittently over the next thirty-five years. The periodical, despite its irregular publication, provided a basis for a more permanent enterprise. On May 1, 1903, the same year that *Der Eigene* resumed publication following a three-year hiatus due to financial difficulties, Brand formed the *Gemeinschaft der Eigenen* in Berlin from the journal’s readership. The other founders included Dr. Benedict Friedländer, Wilhelm Jansen, founder of a German youth group, the artist Fidus, authors Caesaréon, Peter Hille, Prof. Dr. Paul Brandt, Walter Heinrich, Otto Kiefer who wrote under the name Dr. Reiffegg, and Hans Fuchs, composer Dr. Richard Meienreis, navy doctor Lucian von Roemer, and Dr. Frau Regierungsrat Martha Marquardt.<sup>25</sup> Though one of its stated goals was the elimination of §175, another equally, if not more important goal of the *Gemeinschaft*, was the championing of culture and art, specifically manly culture and art. “We are those who love only beauty, only love for beauty’s sake.”<sup>26</sup> The objective of the *Gemeinschaft* was the establishment in Germany of a masculine culture full of manly men doing manly things in a manly way with other men. To members of this group, the modern, urban, industrial world was destroying the traditional patriarchal culture by allowing a greater public role for women and by debasing traditional male virtues of virility, spirituality, and high intellect, and replacing them with the bourgeois, materialistic, “feminized” society of contemporary Germany, ideas which placed it perilously close to the antidemocratic, anti-feminist German right.<sup>27</sup> This was a culture which did not allow men to be aggressive

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<sup>25</sup> *Gemeinschaft der Eigene, Satzung Die Gemeinschaft der Eigene: Bund für Freundschaft und Freiheit, 1903-1925* (Berlin-Wilhelmshagen: Adolf Brand Verlag, 1925), 1-2.

<sup>26</sup> Caesaréon, “Ein Wort voraus an die Besseron,” *Der Eigene* 1 (1903): 7, quoted in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 93.

<sup>27</sup> *Schwesterseele: fünf Gesänge* (Berlin: Adolf Brand Verlag, 1920), 1; Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 185.

actors, but instead relegated them to jobs pushing papers while subjecting them to the control of officious, small-minded bureaucracies at the office and their materialistic, narrow-minded wives at home. Instead of nurturing the “traditional” male virtues, it bred men who were weak, passive, and malleable. Worse still, German society as a whole was beginning to exhibit these traits.

The only way to fight against this development was through the formation of close, loving bonds between men, bonds in which they supported, nurtured, and instructed each other in art, beauty, and love. The renewal of these connections between men, which they based on an idealized Greek antiquity and which they believed had existed in the German past, would lead to the complete rebirth of art, literature, music, statecraft, and, ultimately, German society. The organization’s admiration of everything Greek was not unusual among German intellectuals, who had been enamored of the culture and art of ancient Greece for centuries by this point.<sup>28</sup> These relationships were the only means for this renewal to occur. These loving bonds between men were also the only means for true learning to take place. Only when a male teacher truly loved his pupils, was the education of boys in any of these aspects, or in any subject whatsoever for that matter, possible. Genuine instruction required a spiritual connection between teacher and student that was only achievable through this love. “Only a good paederast [sic] can be a complete pedagogue.”<sup>29</sup> The Gemeinschaft was not suggesting that it was necessary for a good teacher to have sexual relationships with his pupils, just that it was necessary for him to have an

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<sup>28</sup> See for example: E.M. Butler, *The Tyranny of Greece over Germany: A Study of the Influence Exercised by Greek Art and Poetry Over the Great German Writers of the Eighteenth, Nineteenth, and Twentieth Centuries* (Boston: Beacon Press, 1958).

<sup>29</sup> Benedict Friedländer, *Denkschrift für die Freunde und Fondszeichner des WhK* (Berlin: Privately printed, 1907), quoted in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 78.

intimate loving relationship with each and every one of them for successful teaching to take place.

This is important because the Gemeinschaft did not just recommend the creation of close relationships between men. It particularly advocated their formation between adult men and male youths for “the physical and spiritual education” of boys.<sup>30</sup> This education could, but did not necessarily, involve sexual activities between the adult and the youth. If it happened, the organization viewed it as simply a beautiful byproduct of the close relationship and considered it yet one more aspect of the connection between the man and the boy. The group did advocate that boys find “friends” with whom they could satisfy their sexual desires, but in the relationships it recommended be formed between adult males, the Gemeinschaft maintained that a sexual component was a possible, but not essential element. As its literature constantly reiterated, the formation and maintenance of *Freundesliebe* [friend-love] was of utmost importance. Despite the pictures of naked young men and boys in its publications and the exhortations to members to form intimate relationships with other men, everything else, including sexual relations, was secondary to *Freundesliebe*.

The belief in the need to revitalize society was not an unusual one in early twentieth century Western Europe. Among middle-class intellectuals there was a growing concern that their civilization was on the brink of doom. The bourgeois life of organized office and quiet home made men soft and frail and their countries the same. Turning back this wave of enfeeblement through a rediscovery of masculine power and strength was the theme of a growing body of literature in countries throughout Europe. Maurice Barrès and Georges Sorel in France, Julius Langbehn and Arthur Möller van den Bruck in Germany, José Ortega y Gasset in Spain,

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<sup>30</sup> Adolf Brand, *Der Eigene* 6 (1903): 332, quoted in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 121.

and Giovanni Papini in Italy all wrote of the need for a regeneration of society. For Brand and like-minded members of the Gemeinschaft, destroying the old, decadent world and replacing it with a completely male-dominated society exemplified by a virile, masculine art and culture was the only means of achieving this renewal. Most of the authors mentioned above had no obvious homosexual agenda, but they presented their arguments about the need for revitalization in terms of European youth challenging and demolishing their father's world. The Gemeinschaft also believed in smashing the old decaying world, but by a union of youth and their elite, cultured mentors/lovers.<sup>31</sup>

The Gemeinschaft's conception that any and all men could form these close relationships placed its ideas firmly on the side of the older, more fluid notion of sexuality. One did not have to be a biologically-determined homosexual in order to want to develop intimate male friendships or to engage in sex with other men. The creation of these relationships was the natural result of the innate desires of all men and sexual activity was just one, completely natural and honorable, expression of the close feelings that developed between friends, an expression that had to be acted upon if felt, and which should not be denied by the individual or the state. "Every person has a right to sexual satisfaction; this is just as much a natural right as that to subsistence."<sup>32</sup> It is on this point that the Gemeinschaft's fluid notion of sexuality separates from the pre-scientific ideas. Under the older, morality-based conception, anyone could experience these feelings, but they should under no circumstances indulge them. To the Gemeinschaft, it

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<sup>31</sup> See for example: H. Stuart Hughes, *Consciousness and Society: the Reorientation of European Social Thought, 1890-1930* (New York: Knopf, 1958); Robert Wohl, *The Generation of 1914* (Cambridge: Harvard University Press, 1979); Modris Eksteins, *Rites of Spring* (New York: Anchor Books, 1990); Paul Fussell, *The Great War and Modern Memory* (London: Oxford University Press, 1975); Fritz Stern, *The Politics of Cultural Despair: A Study in the Rise of Germanic Ideology* (Berkeley: University of California Press, 1961).

<sup>32</sup> Edwin Bab, *Die gleichgeschlechtliche Liebe (Lieblingsminne): Ein Wort über ihr Wesen und ihre Bedeutung* (Berlin: Hugo Schildberger Verlag, 1903) quoted in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 57.

was perfectly acceptable to act upon these desires, as they were completely natural. In fact, the sin was to ignore them. These attitudes, though divorced from the morality-based opposition to same-sex acts, placed the Gemeinschaft much closer to the older conception of these acts as situational, and at some distance from the contemporary categorization of sexuality into set and unchanging predispositions. Given this latter point, members of the Gemeinschaft totally rejected the scientific classification of sexuality and sex acts.

The Gemeinschaft hated the whole idea of a medicalization of sexuality. Its members refused to believe that the object of sexual attraction was determined at birth. If there was any type of inborn component to same-sex affinity, all people were born with it.<sup>33</sup> To the Gemeinschaft, all men and women were basically bisexual and capable of forming sexual relationships with anyone regardless of gender. Importantly, given that this was a gay rights group, the Gemeinschaft steadfastly refused to believe that such an entity as a biologically determined homosexual even existed. The homosexual was a creation of science, not of nature. Gemeinschaft publications and speakers often refrained from even using the term homosexuality. As the existence of love between men concerned the Gemeinschaft more than the sexual activities between them, it considered these terms meaningless technical descriptors of behavior, not actual beings or conditions. When referring to relationships between men, the Gemeinschaft preferred to use terms such as *Freundesliebe* and *Lieblingsminne* [chivalric love]. These terms better described the relationship between two virile men, than either homosexual or homosexuality. A Gemeinschaft man, with his interest in art, literature, and culture, could not possibly be the effeminate, swishing, mincing homosexual of modern scientific thought or popular culture.

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<sup>33</sup> Bab, *Die gleichgeschlechtliche Liebe*, 55.

The Gemeinschaft did not just abhor the use of these terms but everything they implied. Benedict Friedländer, one of the organization's founders, referred to the medicalization of homosexuality as "the Urning-farce." The organization saw same-sex love as "a general human matter" not as a medical condition. Moreover, the term *homosexual* described an illness or pathology in modern medical circles; Gemeinschaft members could not possibly accept this. Love between men was no sickness. It was the means to the greatest achievements to which a male could aspire. The Gemeinschaft believed that doctors using this term concentrated solely on the sexual aspect of such relationships and did not look at the whole person or the nature of the connection that developed between men. This emphasis on "coarse desires" portrayed friend-love negatively, and ignored the much more significant social and personal benefits of such relationships.<sup>34</sup> To the Gemeinschaft, science, dwelling in the realm of the intellect and reason, could not possibly understand the emotional and numinous aspects of sexuality. In fact, by examining it as one did a cadaver, scientific inquiry destroyed everything about sex that made it special and appealing. Members of the Gemeinschaft believed that by its coldly rational nature, science killed "the spiritual and moral motivations that dwell in every love."<sup>35</sup>

The group also contended that classifying men who formed close loving relationships with other men as homosexuals greatly reduced the chances that these relationships would form in the first place, resulting in the loss of all the benefits that the Gemeinschaft believed naturally accrued from them. A man who felt a close bond with another man, but who had absolutely no interest in pursuing a sexual relationship could be frightened away from following his desire for fear of being labeled with the medically and societally pejorative term homosexual. Moreover, if

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<sup>34</sup> Friedländer, *Denkschrift*, 71, 81, 87.

<sup>35</sup> Peter Hamecker, "Die Tragik des Andersseins," *Die Akton: Wochenschrift für Politik, Literatur, und Kunst* (May 1914), quoted in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 96.

a man began to feel a close affinity for a male friend, he might endure needless psychological stress for fear that he was, unknowingly, a homosexual.

In particular, we place value on the proof that male friendship and every more intimate relationship among men, in short all men's unions in the ethnological sense, is affected and made difficult by the excessive taboo of sexual forms of male friendship. This especially holds true of the pedagogically quite irreplaceable deep personal relationship between mature men and youths.<sup>36</sup>

If fear kept men from forming close bonds or from expressing love for one another, the effect on the rejuvenation of German society would be devastating. The danger of being labeled a degenerate and losing one's job would keep teachers from expressing deep love for their students. Men would not seek intimate friendships with other men for fear of being thought a homosexual. If these relationships did form, they could be torn apart by whispered insinuations and accusations. The end result would be the eradication of the human progress only loving male relationships could foster.

Even though the *Gemeinschaft* concerned itself more with emotions between men than specific actions, it worked to eliminate §175 because, just as the medicalization of sexuality cast a pall over their conception of the ideal relationship, so too did the law. The organization saw the law as unfair and deemed it responsible for sending thousands of men to jail despite having harmed no one. The primary reason they worked for the repeal of §175, however, was because it hampered the formation of close male relationships by anathematizing the sexual possibilities inherent in these types of associations and making them punishable by law. Members of the *Gemeinschaft* did not want the law changed because it persecuted men born with an inherent sexual desire for other men and who were simply acting out of that congenital state, they did not believe such a state existed. They saw §175 as "an impediment to friendship and bonds between

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<sup>36</sup> Friedländer, *Denkschrift*, 82.

men that comes from that superstition and the clause that belongs to it.”<sup>37</sup> §175 frightened men away from following their innate desires towards *Freundesliebe* even more so than the use of the term *homosexual* did. In fact, given the threat of imprisonment, fines, loss of civil rights, and public embarrassment attendant with being charged under the law, it was a much more dangerous and threatening deterrent.

The law not only impeded the creation of the personally and socially edifying types of relationships which the Gemeinschaft advocated, it was a direct cause of what it saw as one of the main problems confronting Germany – the “feminization” of its culture. A culture in which the family, “that most primitive form of socialization, which human beings share even with the beasts of prey,” was the central organizing unit rather than the bonds of male friendship.<sup>38</sup> §175 stigmatized sexual relations between men and forced men to have as their only means of sexual expression sex with women, which according to the Gemeinschaft made “woman-love” not only the dominant, but also the only acceptable type of sex available to men. Ultimately, this gave women power over men, which in turn led to “the feminization of the whole culture.”<sup>39</sup>

At the same time that the Gemeinschaft railed against this feminization, it also attempted to argue that women would have much to gain by an increased emphasis on male/male relationships. In very patronizing tones, the pages of *Der Eigene* described the benefits which would accrue to women if they ceased to be the primary object of male sexual attraction. Women would no longer have to endure unwanted sexual advances from men, they would be able to pursue their own interests free from the necessity of attracting a husband, and they would

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<sup>37</sup> Friedländer, *Denkschrift*, 76.

<sup>38</sup> Benedict Friedländer, *Männliche und weiblich Kultur: Eine kausalhistorische Betrachtung* (Leipzig: “Deutscher Kampf” - Verlag, 1906), quoted in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 211.

<sup>39</sup> Friedlaender, *Denkschrift*, 76-77.

no longer be trapped in loveless marriages to men who felt they had to marry to fulfill society's expectations. "Women can only gain if man ceases to view them as the exclusive object of courting. The relations of the sexes will be freer on both sides, therefore nobler and happier."<sup>40</sup> Though this sounds very empowering for women, it is important to remember that the *Gemeinschaft* advocated no public role for women and preferred to view them solely in a procreative role.

These opinions on the fluidity of sexuality, the beneficial consequences of close male friendships, especially those between adults and youths, and the socially detrimental effects of §175 could be interpreted as self-deluded or, at very least, self-serving on the part of the *Gemeinschaft*. Challenging the contemporary notion of innate homosexuality with its effeminate connotations in favor of the conception that male sexual relationships were the domain of true and virile men, championing the idea of inherent bisexuality and the ability of all people to love members of either sex, and emphasizing the private and public benefits accrued from *Lieblingsminne* was likely of particular importance to the men who led the *Gemeinschaft*. After all, most of them were married men; married men who liked pictures of naked boys – even pre-pubescent ones – and subscribed to periodicals which published them.<sup>41</sup>

The *Gemeinschaft* was not alone in imperial Germany in its efforts to overturn §175. On May 15, 1897, six years before the founding of Brand's organization, Dr. Magnus Hirschfeld and others formed the *Wissenschaftlich-humanitären Komitee* in Berlin. In addition to Hirschfeld, who became the leader of the group, founding members included railroad official Eduard Oberg,

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<sup>40</sup> Gotamo, "In die Zukunft," *Der Eigene* (1903): 73, quoted in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 133.

<sup>41</sup> Brand was sentenced to two months in prison for publishing pictures of naked boys in 1903. The publication of these types of pictures continued after the Empire fell. See for example: *Der Eigene* 1 (1921) and 1 (January 1926).

publisher Max Spohr, philologist Dr. Richard Meienreis, who also helped found the Gemeinschaft, and lawyer Hermann Freiherr von Teschenberg.<sup>42</sup> Whereas the Gemeinschaft concerned itself with cultural issues, the Komitee wholeheartedly embraced the modern scientific conceptions of sexuality, as its founding statement explicitly stated.

The organization formed on 15 May 1897, with the name 'Wissenschaftlich-humanitären Komitee' has as its purpose scientific research into homosexuality and related natural phenomenon, as well as the emotional life of people in its total diversity, and the dissemination of those results for the practical needs of the human community.<sup>43</sup>

The differences between the scientific Komitee and the cultural Gemeinschaft can be seen even in the occupations of the groups' founders. While the Gemeinschaft's creators were predominantly authors and artists, the leading members of the Komitee included a doctor, a lawyer, and a bureaucrat. In addition, unlike the Gemeinschaft, which did not allow female members, women were leading members of the Komitee. Lesbians, who did not face legal restrictions in Germany on their sex acts, joined the Komitee, in order to fight for social acceptance.<sup>44</sup> Women also joined the Komitee because of Hirschfeld, who was a strong supporter of equal rights for women and actively worked with German feminist organizations. Attempting to reach out to the women's movement at the annual conference of the Komitee held in Berlin in 1904, Anna Rueling, a feminist and a lesbian, presented the speech "*Welches Interesse hat die Frauenbewegung an der Lösung des homosexuellen Problems?*" [What Interest Does the Women's Movement Have in the Homosexual Question?] in which she stressed the

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<sup>42</sup> Wissenschaftlich-humanitären Komitee, *Wissenschaftlich-humanitären Komitee Jahresberichte 1922/23: Sonderabdruck aus dem Jahrbuch für sexuelle Zwischenstufen*, 7.

<sup>43</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck des Wissenschaftlich-humanitären Komitee* (Berlin: n.p., 1924), 10.

<sup>44</sup> Faderman and Erikson, *Lesbians in Germany*, xvi.

good work done for the women's movement by lesbians and that, in return, the women's movement should show interest in the gay rights movement.<sup>45</sup>

Magnus Hirschfeld was not only the head of the Komitee, but its dominant public personality as well, and the positions of the organization on many issues were Hirschfeld's own. As a medical doctor, he was part of the profession that used the term homosexual to describe an inborn character flaw that drew people to members of their own sex. Hirschfeld did not argue against the congenital nature of homosexuality, he wholeheartedly embraced it. Building on Karl Ulrichs's ideas of the Urning as a separate gender category, Hirschfeld postulated the existence of a third sex, an intermediate gender located halfway between a complete male and complete female. Unlike Ulrichs's Urnings with their male bodies inhabited by a female soul, this third sex represented a completely different entity. It was not a matter of the sexual dichotomy between body and soul theorized by Ulrichs, but a unique blend of male and female qualities in both the body and the soul of a person. A predominantly male member of the third sex, meaning one who outwardly appeared to be a complete male, might have the rounded hips or higher-pitched voice of a heterosexual female, while the female member might have the broad shoulders or lower-pitched voice of a heterosexual male. In both cases, members of the third sex represented complete blends of what science considered male and female traits, including the object of sexual desire. In all cases, because of this amalgamation, members of the third sex were attracted to members of the same sex, men to men and women to women. The Gemeinschaft attacked Hirschfeld's theories on the third sex, which also went against much of contemporary psychological thinking, and he quietly dropped the concept in 1910. The gay

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<sup>45</sup> Anna Rueling, "What Interest Does the Women's Movement Have in the Homosexual Question?" quoted in Faderman and Erikson, *Lesbians in Germany*, 83.

rights movement in Germany, however, continued to use and discuss the idea of an intermediate sex for the next 20 years.<sup>46</sup>

The Komitee initially used this conception of a third sex and the, therefore, inborn nature of homosexuality as the basis for its campaign to remove §175 from the legal code. Again, accepting the position of Ulrichs, the Komitee believed that, though inborn, the third sex was not the product of an illness or character flaw, but simply a naturally occurring inherent phenomenon. As such, people were only acting out of an innate sexual desire over which they had no control and there was no more reason to legally punish such behavior than to punish people who preferred coffee to tea. Unlike the Gemeinschaft, which advocated the complete elimination of any and all penalties for consensual homosexual acts, the Komitee wanted the law changed to make only such acts between adults legal. Both groups advocated the continuing criminality of homosexual acts which involved coercion or which occurred in public. The Komitee, which wanted the age of sexual consent for males lowered to 16 to more closely correlate to that for females, wanted sexual relations between adult men and underage boys to remain illegal. This put the group in direct opposition to the Gemeinschaft's beliefs and goals.<sup>47</sup>

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Given the completely contrary conceptions of the nature of homosexuality held by the Komitee and Gemeinschaft, and their disagreement over whether such a thing even existed, it is no surprise that their arguments for the elimination of §175 were drastically different. The Gemeinschaft tried to convince the public of the socially beneficial results of same sex relationships and to gain its acceptance of them with the argument that a rebirth of German

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<sup>46</sup> Steakley, *The Homosexual Emancipation Movement*, 48.

<sup>47</sup> Steakley, *The Homosexual Emancipation Movement*, 30.

culture could only occur if these associations were not stigmatized and penalized. At the same time its rhetoric stressed that all people were inherently bisexual and, thus, capable of forming these types of relationships. For this reason the Gemeinschaft often focused its efforts on demonstrating how widespread same-sex relationships were and, to publicize them, exposing influential Germans as practitioners of *Freundesliebe*.

The Komitee on the other hand wanted none of this. Its members placed their trust in science and the idea that rational thought would win the day. Instead of appealing to emotions, as did the Gemeinschaft, this group emphasized reason and intellect. To Hirschfeld and the Komitee, society legally persecuted and socially isolated homosexuals because the general public was not aware of the biological basis of their orientation. Understandings of sexuality in general, and same sex relationships specifically, remained tied to outdated religious notions of moral behavior and the purely procreative function of sex, and these continued to determine the legal restrictions surrounding sexual acts. Education was the answer. If scientific information could be clearly disseminated to the public, the Komitee believed that homosexuality would become as accepted as any form of “normal” sexuality.<sup>48</sup>

Although both organizations worked for the elimination of legal restrictions on homosexual acts, their divergent conceptions of sexuality meant that they aimed their activities in different directions. *Der Eigene*, which first appeared in 1896 as a “Monthly for Art and Life” changed its subtitle to “A Journal for Male Culture” after a few years and began concentrating solely on issues of male same-sex relationships. The magazine shut down in 1900 because of a lack of funds. After a three-year hiatus, it resumed publication in 1903 with yet another subtitle, “A Paper for Masculine Culture, Art, and Literature.” This new life lasted just seven issues, after

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<sup>48</sup> Eissler, *Arbeiterparteien und Homosexuellenfrage*, 28, 33.

which German authorities arrested Brand and sentenced him to two months in prison for publishing pictures of naked boys. *Der Eigene* reappeared in 1905, reincarnated by Brand as a one-volume book subtitled, “A Book for Art and Masculine Culture.” There was one more appearance in this format in 1906 before *Der Eigene* ceased publication altogether until after World War I.<sup>49</sup>

*Der Eigene* contained numerous articles discussing the culturally advantageous effects and joys of male relationships, a wholly male culture, and the edifying effects of *Freundesliebe* and *Lieblingsminne*. The latter especially emphasized its connotations of medieval heroes, noble quests, and virtuous love.<sup>50</sup> In addition there were short stories and poems glorifying the emotional attachments of intimate male relationships, as well as numerous pictures and drawings of semi-clad and nude young men and boys mostly set in bucolic outdoor locations where they were seen contemplating the beauty of nature or cavorting playfully with other naked young men. For a short time in the early 1900s, all members of the Gemeinschaft also received the *Korrespondenzblatt* [Correspondence], which contained both stories and personal ads.<sup>51</sup> After *Der Eigene* ceased publication in 1906, the Gemeinschaft did not issue any periodicals until Brand began distributing the *Extrapost des Eigenen* [Special Supplement of *Der Eigene*] in 1911. This served much the same function as *Der Eigene* until 1914 when it, too, ceased publication.

The Komitee also had its own journal, the *Jahrbuch für sexuelle Zwischenstufen* [Yearbook for Sexual Intermediate Stages], which it published quarterly from 1899 to the early 1920s. The group also issued a monthly journal, the *Monatsberichte des Wissenschaftlich-humanitären*

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<sup>49</sup> Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 21-22, n9.

<sup>50</sup> See for example: Elisarion von Kupffer, “Die ethisch-politische Bedeutung der Lieblingminne,” *Der Eigene* 6/7 (1899): 182-199; Caesaréon, “Ein Wort voraus an die Besseron,” *Der Eigene* (1903): 7-9; Edwin Bab, “Frauenbewegung und männliche Kultur,” *Der Eigene* (1903): 393-407.

<sup>51</sup> *Korrespondenzblatt* 6 (Jan/Feb. 1906): 1.

*Komitee* [Monthly Report of the Scientific-Humanitarian Committee] between 1902 and 1907 in order to keep Komitee members abreast of the group's activities. The *Jahrbuch*, however, was the main organ and existed for the sole purpose of disseminating the Komitee's scientific information to the public, especially doctors, lawyers, and legislators. This was a professional journal complete with tables, diagrams, and theorems. It eschewed fiction and poetry. There were no pictures of scantily clad young men, only medically accurate drawings of reproductive organs, various glands, and medical abnormalities. All the material in the *Jahrbuch*, though presented in a completely scientific and objective manner, was included and phrased with the precise goal of gaining the legal and social acceptance of homosexuality.

To reach as many people as possible, Hirschfeld and other representatives of the Komitee lectured throughout Germany to the general public on the topic of sex in general and homosexuality specifically. These presentations attempted to avoid anything that might be titillating, prurient, or sensational, hewing to the example of scientific papers. Afterwards listeners submitted written questions for discussion. Komitee members spoke all over Europe and Hirschfeld and others even traveled to the United States where they gave a number of lectures in New York between 1900 and the outbreak of the First World War.<sup>52</sup> The effort to teach as much of the world as possible about the biological nature of homosexuality went beyond lectures. The Komitee generously made its research findings and library available to leaders of foreign organizations concerned with sexual law reform. The group directed most of these efforts at Great Britain, which also had a very harsh anti-homosexual law. In 1905, Hirschfeld offered to send George Ives, the head of the British Sexological Society, any book he could not

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<sup>52</sup> *Frankfurter Zeitung*, 347 (15 December 1903), *Reichs Justizamt/Zeitungsabschnitt über §175*, file R30071/5776, BArchiv, 4; Troy Shannon Lyons, "The American Gay Movement: Its Roots in Turn of the Century German Thought" (M.A. Thesis. Bowling Green State University, 1989), 34.

obtain in England and offered him free use of the Komitee library. To reach a scholarly audience in Britain, Hirschfeld sent four volumes of the *Jahrbuch* to both the British Museum and Cambridge University. Hirschfeld doubted, however, whether the public would ever have access to these materials. He wrote Ives that he was afraid the British Museum would not make the *Jahrbuch* accessible and that the volumes would end up “secreted in some particular room.” When he offered the *Jahrbuch* to Cambridge, it was only on the condition that it “would be kept and made accessible for the public’s use.”<sup>53</sup> Though obviously willing to share the scientific findings of the Komitee in hopes of aiding the cause of homosexual rights throughout the world, Hirschfeld was aware that such information, even when presented in a scholarly fashion, would not be readily accepted.

The Komitee published other books and pamphlets in addition to the *Jahrbuch*. It first attempted to reach a broad audience on the subject of homosexuality specifically in 1902 with the publication of *Was soll das Volk vom dritten Geschlecht wissen?* [What Should People Know About the Third Sex?] which sold for a modest twenty pfennigs and outlined Hirschfeld’s theories of an intermediate sex and the biological basis of homosexuality. Hirschfeld himself aided the Komitee’s cause by writing books and pamphlets in addition to his lecturing duties. In 1898 he published *Die homosexuelle Frage in Urteil der Zeitgenossen* [The Homosexual Question in the Judgment of Contemporary Men and Women] and in 1905, *Berlins drittes Geschlecht* [Berlin’s Third Sex]. Homosexual rights were not Hirschfeld’s only cause during

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<sup>53</sup> Hirschfeld to George Ives, 7 June 1905, Hirschfeld to George Ives, 31 August 1904, Hirschfeld to George Ives, 7 June 1905, British Sexological Society Papers, Misc. 2 ALS, Harry Ransom Center, University of Texas – Austin.

this period. He was part of the German temperance movement and wrote of the detrimental effects of alcohol on German society in a number of pamphlets.<sup>54</sup>

True to its scientific nature, the Komitee conducted the first statistical examination of male sexual behavior ever undertaken in Germany. Between 1903 and 1904, the organization surveyed three thousand students from the *Technische Hochschule* in Charlottenburg and almost six thousand Berlin metal workers on their sexual orientation. The questionnaire used asked whether the respondents were sexually attracted exclusively to men, exclusively to women, or to members of both sexes. Though not all those questioned responded to the survey, the Komitee determined that 1.5% of the students and 1.1% of the workers were homosexual and that 4.5% of the students and 3.2% of the workers were bisexual. From these results Hirschfeld made his determination that approximately one million German men were exclusively gay. These statistics and this figure achieved the status of undisputed truth for the Komitee and supplied the axiomatic argument in its fight for the elimination of §175. To the Komitee, the large number of homosexuals demonstrated that the law threatened a significant portion of Germany's population and, given its conception of homosexuality, threatened them for desires over which they had no control. In addition, the disparity between such a large gay population and the relatively small number of prosecutions under the law proved that officials only enforced §175 haphazardly. The leaders of the Komitee hoped that not only their own members, but all fair-minded Germans would finally see the injustice, uselessness, and irrationality of such a law. Such optimism proved unfounded, however, a fact which became all too clear when six of the *Hochschule* students filed complaints with the police against Hirschfeld for offending them and for

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<sup>54</sup> These works include *Alkohol vor Gericht*, *Alkohol und Familienleben*, and *Die Einfluss des Alkohols auf des Geschlechtsleben*, published in 1905, and *Die Gurgel von Berlin*, 1907. Albrecht D. Dieckhoff, *Zur Rechtslage im derzeitigen Sittenstrafrecht* (Hamburg: Verlag für kriminalistische Fachliteratur, 1958), 89.

distributing obscene materials. Hirschfeld's day in court ended with a fine of 200 marks plus court costs.<sup>55</sup>

The main focus of Komitee activities during its first years in existence was a petition it prepared advocating the elimination of §175. Placing its trust in rational arguments presented calmly and reasonably, Komitee members believed that if they gained enough signatures on a petition calling for the removal of the "shameful paragraph," and presented that petition to the Reichstag, the sheer weight of scientific evidence, combined with the voices of the petitioners, would be certain to force the legislature to change the law. Secure in the belief that the influence of experts and the well educated would be sufficient to sway the German population and, more importantly, the Reichstag, the Komitee eventually gathered the signatures of over 6,000 doctors, lawyers, clergymen, authors, public officials, artists, university professors and secondary school teachers on their petition. The organization deliberately approached men of science and by 1914 the petition contained the signatures of almost 3,000 medical doctors alone.<sup>56</sup>

To the law-giving body of the German Empire:

Considering that medical officials such as Langenbach and Virchow as far back as 1869 saw no reason to punish same sex acts,

And in consideration that the elimination of these penalties in France, Italy, Holland, and numerous countries has had no morally deleterious effects,

And with regard to the fact that German, English, and French scientists have found homosexuality to be an inborn and constitutional disposition,

And emphasizing the fact that homosexuality is so tied to development that no guilt should be attached to it,

And in consideration that homosexuality is so commonplace,

And considering that anal and oral sex are no more commonplace with homosexuals than with those who are normally sexually inclined,

And in consideration that homosexual feelings have been felt by people of the highest intellectual quality since antiquity,

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<sup>55</sup> *Eldorado*, 20.

<sup>56</sup> Magnus Hirschfeld, *Das Unrecht des §175*, 1920, British Sexological Society Papers, Harry Ransom Center, University of Texas – Austin.

And realizing that the law threatens many brave and useful people with serious consequences,

And in consideration that this law causes blackmail and male prostitution,

The undersigned people declare that 175 is inconsistent with modern scientific knowledge and that homosexual acts should be treated the same as heterosexual acts – only punished if done under duress, with someone under the age of 16 or if causing a public disturbance.<sup>57</sup>

August Bebel, a leader of the German Social Democratic Party (SPD) was one of the first people to sign the petition. In January 1898, launching a tradition of SPD support for gay rights in Germany, he presented the Komitee petition on the floor of the Reichstag. This represented the first time that anyone had ever broached this topic in that body. In an effort to open debate, Bebel stressed the inequality of penalties for homosexual behavior, stating that the law only applied to acts between men, and that authorities haphazardly applied and indiscriminately enforced the law. Bebel's efforts went nowhere and, though the Reichstag established a committee to investigate the Komitee's petition, the body rejected even a discussion of gay rights.<sup>58</sup>

The Komitee remained undaunted by this defeat, and many subsequent ones, maintaining its commitment to change the law by this means. It continued to circulate its petition, adding more names, and presented it repeatedly to the Reichstag. Beginning in 1904, individuals who wanted to add their name to the petition were required to also provide their address and occupation. Having to furnish this type of personal information on a petition dealing with homosexual rights obviously reduced the number of people willing to sign, but the Komitee wanted to make certain that every name was valid and that everyone who signed the petition was

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<sup>57</sup> *Das 30 Jährige Jubiläum des W.H.K.* There is no copy of the original 1897 petition. This is the petition dated from 1904. Since the original petition continued in circulation for the next 30 years with only addendums, I feel confident that this version ably represents the original version.

<sup>58</sup> Gausepohl et al., *Paragraph 175*, 10; Eissler, *Arbeiterparteien*, 36-37.

dedicated to the cause. The requirement to include one's occupation allowed the organization to publicize the high level of education of those who added their name to the petition. In an effort to strengthen its case, the Komitee added an addendum in 1904, appealing once more to logic by enumerating the reasons why the current law was unfair and stressing the dangerous consequences for German society in its continued existence.

- I. Paragraph 175 stands counter to the foundations of many German states.
- II. Homosexuality harms no third person.
- III. Paragraph 175 is only arbitrarily enforced.
- IV. Mutual masturbation is not immoral in the eyes of the law for heterosexuals.
- V. The law rests on scientific falsehoods – homosexuality is inborn, and anal and oral sex are no more common in homosexuals than in heterosexuals.
- VI. Homosexual relationships have less dangerous consequences than heterosexual ones. There is no chance of disease or unwanted pregnancy.
- VII. Paragraph 175 drives useful people from their fatherland to places where homosexuality is not illegal, and is a leading cause of suicide.<sup>59</sup>

After the 1898 presentation of the petition, the Komitee submitted it to the Reichstag again in 1900, 1904, and 1905. Each time the body set up a committee to deal with the matter, but this accomplished little until the fourth time the Komitee presented it. On May 31, 1905, for the first and only time in the Wilhelmine period, the Reichstag debated both the Komitee petition, now with 5,000 signatures, and the topic of gay rights. In the debate, the SPD took up the movement's cause and demanded that the law be changed to eliminate penalties for sexual activity between consenting adult males. SPD member Adolf Thiele, echoing the Komitee's position, stated that homosexuality was not an illness, but simply a "natural deviation from the usual model."<sup>60</sup> The Catholic Center Party led the opposition to the removal of the penalties and

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<sup>59</sup> *Das 30 Jährige Jubilee des W.H.K.*, 2.

<sup>60</sup> Eissler, *Arbeiterparteien*, 37-38.

almost all the other major parties joined them. The SPD representatives were alone in voting to change the law and the effort was defeated.<sup>61</sup> Despite this setback, the Komitee continued to gather signatures on its petition and to pressure the government to rewrite the law, presenting it one last time in the imperial period in 1908.

Bebel remained one of the Komitee's most consistent supporters in the Reichstag, continuing to oppose the law in spite of the 1905 defeat. Speaking in 1907, he called §175 untenable and indefensible on the grounds that the authorities enforced it unequally on the basis of class. The police arrested workers engaging in homosexual behavior while ignoring such acts when they involved members of the upper class. Demonstrating a position that the SPD would often take in its defense of gay rights, and revealing the continuing existence of the older, more fluid notion that anyone of weak moral fiber could partake in same-sex relationships, Bebel divided homosexuals into two groups: the "good" artistic types who were unfortunate and innocent victims of this condition and the "bad" immoral types who engaged in homosexual acts merely for sexual pleasure.<sup>62</sup>

Despite Bebel's efforts, the legislature did not change the law. Attempting to change the penal code was a constant activity of the Reichstag into the 1930s. The legislature's penal code committee was in charge of preparing drafts for presentation to the full body. This was a very slow, laborious process. Each section had to be debated and voted on, and then debated and voted on again in the next session of the legislature, after which the committee could vote to

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<sup>61</sup> Dieckhoff, *Zur Rechtslage*, 8; Steakley, *The Homosexual Emancipation Movement*, 35.

<sup>62</sup> Eissler, *Arbeiterparteien*, 37-38. Adolf Levinstein's groundbreaking 1910 survey of German workers, despite being concerned with "the social-psychological side" of the life of modern workers, asks no questions whatsoever dealing with sexuality and merely asks if workers gain pleasure and comfort from their families. Adolf Levinstein, *Die Arbeiterfrage mit besonderer Berücksichtigung der sozialpsychologischen Seite des modernen Großbetriebes und der psycho-physischen Einwirkungen auf die Arbeiter* (Munich: Verlag Ernst Reinhardt, 1912).

present the full draft to the Reichstag. As parliamentary representation changed, so did the make up of the penal code committee, so the process often had to begin from scratch with new elections. When Reichstag committees drew up drafts of new legal codes in 1908 and 1913, they retained §175. Moreover, in 1910 the Reichstag considered a proposal to expand the law to include same-sex acts between women. German women's organizations, including the League for the Protection of Mothers, came to the defense of the existing exclusion and successfully worked to defeat the proposal by arguing that it would only help blackmailers and would harm working women living communally with other women.<sup>63</sup> Given that, when it came to male homosexuality, the argument that §175 aided blackmailers was not successful in changing the law, it is significant that the same argument worked to preclude its extension to women. This was a consequence of the masculinization of the concept of homosexuality, discussed previously. Since the medical and legal communities believed, except in rare instances, that only men could be truly homosexual, they did not view the need to fight lesbianism as a pressing concern and, thus, were more willing to accept the argument against an extension of §175 to women.

The efforts of the Gemeinschaft and the Komitee failed to change the law. Men engaging in homosexual sex continued to be subject to fines or imprisonment. Moreover, the greatest defender of homosexual rights in the Reichstag, the SPD, took the stance that there were good homosexuals and bad homosexuals and, as will be shown later, was more than willing to use accusations of homosexuality against its political opponents. True, the Reichstag did not extend the law to lesbian behavior in 1910, but that was because of the intervention of German women's groups, not the efforts of the two gay rights organizations. Given the periodicals, the lectures,

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<sup>63</sup> Dieckhoff, *Zur Rechtslage*, 93; Faderman and Erikson, *Lesbians in Germany*, xv-xvi.

and the Komitee's constant petitioning, it is fair to ask what effect, if any, the movement had on legal or social perceptions of homosexuality during the Wilhelmine period.

Any answer to this question must, of course, be somewhat speculative. The German medical community had debated the topic of homosexuality for years before either the *Gemeinschaft* or *Komitee* even existed. Viewed narrowly, these organizations could be said to have simply added to this discussion. But it may also have been the case that because these organizations operated outside medical circles and attempted to reach a broader segment of the German population, including direct appeals to the Reichstag, they succeeded in opening up the debate over the causes and conditions inherent in homosexuality and the legal plight of homosexuals in Germany outside of the scientific realm. Bringing the subject into the public sphere was not an inconsiderable achievement given the widespread social stigma attached to their cause.

It is difficult, of course, to gauge just how much of an effect the actions of two relatively small gay rights organizations had on this public debate. There is evidence, however, that the efforts of the *Gemeinschaft* and the *Komitee* did not go unnoticed. They managed to make enough of an impression with the public that their actions and ideas were discussed in the German popular press. Another indication of their effectiveness can be seen in the efforts aimed specifically at countering the work of the two groups by opponents of gay rights. The success of the organizations in bringing wider public attention to the cause of gay rights also produced a governmental response; the Ministry of Justice, feeling it necessary to keep tabs on the movement, began a file of newspaper clippings concerning §175 in 1903, and maintained it into the 1930s. Many of these articles dealt specifically with the activities of the two gay rights organizations, inadvertently providing an important source of evidence for this study.

Although no German newspaper featured homosexuality as a daily topic, the actions and ideas of the Komitee and Gemeinschaft were written about often enough and in a sufficiently diverse number of papers to confirm that these were not “invisible” or wholly isolated groups. Naturally, the political bias of German newspapers determined their treatment of the topic, but it is important that both right and left-leaning publications discussed these organizations’ meetings, lectures, and even the ideology. Komitee lectures were lauded and described as well-attended and well-received in the liberal and left-wing press which also consistently advocated the elimination of penalties for homosexual acts. They reported favorably, for example, on Hirschfeld’s lecture of April 28, 1903, in Frankfurt am Main urging the repeal of §175 and in which he held up Prussian King Frederick the Great as a prime example of the non-debilitating nature of homosexuality.<sup>64</sup> These papers also described the police raids on Gemeinschaft and Komitee gatherings.<sup>65</sup> From the opposite side of the political spectrum, conservative papers railed against the efforts of “several Jews,” including Hirschfeld, to eliminate penalties for homosexual behavior by holding public lectures discussing their sexual theories. These lectures, according to the radical antisemitic *Staatsbürger-Zeitung*, were aimed at ruining “normal people” and spreading homosexuality by presenting it as an acceptable path. Its editors considered even the discussion of the issue as dangerous because it informed people that such a path existed. Newspapers of the radical right often described the Komitee as the “so-called Scientific-humanitarian Committee,” a not-so-subtle jab at the group’s scientific credentials.<sup>66</sup>

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<sup>64</sup> *Frankfurter Zeitung (Abendblatt)*, 118 (29 April 1903), *Justizamt*, file R30071/5776, BArchiv.

<sup>65</sup> *Vorwärts* (Berlin), 293 (16 December 1903), *Berlin Volksblatt*, 5 (6 January 1905), *Frankfurter Zeitung (Abendblatt)*, 89 (30 March 1905), *Justizamt*, file R30071/5776, BArchiv.

<sup>66</sup> “sogennante wissenschaftlich-humanitären Komitees,” *Staatsbürger-Zeitung* (Berlin), 3661 (11 December 1903), *Justizamt*, file R30071/5776, BArchiv.

Much of the conservative press aimed its attacks specifically at efforts to overturn §175. Many doctors and psychologists at the time favored its elimination, and it is possible that the authors of these articles directed them towards these groups. Articles in right-wing newspapers, however, castigated the champions of repealing the law for having the audacity to describe homosexual love as the highest kind of love and referred to the “same-sex factions” and their petition. From this it is obvious that conservatives aimed these attacks directly at the two gay rights groups, and not the German medical establishment. Such articles would not have appeared if these groups had not caused some public discussion.<sup>67</sup>

The reaction of the politically aligned press is one measure of the impact of the organizations’ campaign against §175, but the crusade also called forth an extraparliamentary opposition. A prime example was the 1904 General Conference of Evangelical German Morality Leagues. Turning back the efforts of both the Komitee and the Gemeinschaft provided the major agenda item for this meeting, which resulted in the adoption of a resolution calling for the cessation of all activities of the two groups and the suppression of their literature. Refusing to accept the argument of an inborn same-sex attraction, the resolution referred to “so-called homosexuals” and saw any effort to change the law as an effort to offer legal immunity to morally-depraved individuals. If the activities of the “so-called Scientific-humanitarian Committee” and the Gemeinschaft, supported by their friends in the popular press were not stopped, the ruin of German morality was inevitable. The conference summoned all public officials, but especially the police, to end their heedlessness and aggressively work to stop the actions and publications of these groups before this happened. The resolution closed by stating that people who are sick and a danger to society should be locked away in sanitariums where

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<sup>67</sup> *Die Welt am Montag*, (Berlin), (9 January 1905), *Leipziger Tageblatt*, (17 January 1905), *Justizamt*, file R30071/5776, BArchiv.

they could not harm anyone.<sup>68</sup> The Conference of German Morality Leagues was not the only group that condemned the gay rights movement. Earlier in the year, the Congress for Home Missions another evangelical organization, passed a similar resolution aimed at protecting German morals. Although it is certainly possible that a meeting made up of organizations dedicated solely to the defense of German morals would be on watch for any threat, no matter how small, the fact that these conferences felt the need to issue resolutions, later distributed to the press, specifically naming the Komitee and the Gemeinschaft, is a good indication of the perceived level of threat that these groups appeared to present to the conference attendees and, therefore, a good indication of the level of general public awareness of these organizations.

The evidence suggests that the efforts of the Komitee and the Gemeinschaft made an impression on the public debate over sexuality in general and §175 specifically. But other events also brought the topic of homosexuality into daily conversation. While these organizations lectured, published, and petitioned, two homosexual scandals rocked Germany and exposed the public to more information on homosexual behavior than ever before. These sensational disclosures reached into the highest levels of German society and, in addition to a good deal of titillation, provided an unprecedented amount of sexual information to a great many German newspaper readers. Knowledge that the two gay rights organizations had struggled against censorship and official disapproval to publicize now appeared daily at the kiosk and tavern. These scandals brought the issue of homosexuality and §175 to the attention of the wider German public more than the actions of the Komitee and the Gemeinschaft had ever done. But the price for such notoriety was great. The climate created by the publicity surrounding these events effectively killed the gay rights movement in the Wilhelmine period.

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<sup>68</sup> *Kölnischer Volkszeitung*, 823 (4 October 1904), *Justizamt*, file R30071/5776, BArchiv.

The first incident, which occurred shortly after the turn of the century, brought the topic of homosexuality before the general public for the first time, and the possibilities for exploiting the lurid story tempted even the staunchest friends of the cause. In 1902, the official Socialist newspaper *Vorwärts* reported that Friedrich Alfred Krupp, head of the Krupp industrial empire and thus one of the wealthiest men in Germany, as well as a close friend of Emperor Wilhelm II had “indulged” in homosexual behavior with young men while vacationing on the Isle of Capri. The scandal lasted only a short time, as a week after the first reports Krupp died suddenly at the age of 48, most likely by his own hand.<sup>69</sup> Though obviously using the alleged homosexuality of a wealthy and powerful associate of the kaiser as a means of disgracing both the government and the upper classes, *Vorwärts* professed that it was merely revealing the story to prove that §175 caught morally upstanding people like Krupp as well as morally depraved ones and, therefore, should be removed from the legal code.<sup>70</sup>

Whether or not the altruistic explanation of the SPD’s publication of information on Krupp’s personal habits is believable is beside the point because the actions of the SPD in this case illustrate an underlying contradiction in the attitude of the socialists towards homosexuality. The only party in the Wilhelmine period which consistently supported the elimination of §175, the SPD’s official position was nonetheless that homosexuality was not common in the working class. Ignoring evidence to the contrary, the public stance, as summed up by leader Edouard

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<sup>69</sup> *Vorwärts* (Berlin), (15 November 1902), *Justizamt*, file R30071/5776, BArchiv; *Jahrbuch für sexuelle Zwischenstufen* 2 (1903): 1303ff., quoted in Eissler, *Arbeiterparteien*, 44. It is important to remember that, although *Vorwärts* was the official organ of the German Social Democratic Party, the leadership of the party only nominally controlled it and its editorial policy frequently diverged from the leaders’ ideas, opinions, and wishes. Whether the leaders of the SPD sanctioned this attack on one of Germany’s foremost industrialists and a close friend of the Kaiser or not, is not important for this study. What matters more is that the leaders of the homosexual rights movement believed that the actions of *Vorwärts* represented the attitudes and beliefs of the SPD. Raymond Dominick, “Democracy or Socialism? A Case Study of *Vorwärts* in the 1890s,” *Central European History* 10(4) (December 1977): 286-311.

<sup>70</sup> *Vorwärts* (Berlin), (15 November 1902), quoted in Eissler, *Arbeiterparteien*, 44.

Bernstein, remained that homosexuality was a malady of the affluent middle and upper classes. Those workers who did engage in such acts worked as prostitutes as a means to survive in the inequitable capitalist system, or were victims of the collapse of bourgeois society, of which homosexuality was just one indication.<sup>71</sup> This put the SPD in the uncomfortable position of working to eliminate penalties against homosexual conduct because they were unscientific, irrational, and restrictive of personal freedom, while clinging to the scientifically untenable but convenient belief that homosexuality was most widespread among its political enemies and virtually absent from its own constituency.

Much more significant than the Krupp affair was the scandal that engulfed Philipp Prince zu Eulenburg-Hertefeld, a close friend and advisor of Wilhelm II, General Kuno Count von Moltke, military commandant of Berlin, and Chancellor Bernhard von Bülow. In 1906 charges of homosexual conduct involving Eulenburg began publicly circulating. This was not a surprise to many people in official circles. Eulenburg, as well as von Moltke and other government and court officials, were on a secret list of known homosexuals maintained by the Berlin police department since the 1890s.<sup>72</sup> In 1906, Maximilian Harden, an editor of the Berlin weekly *Die Zukunft*, who had known of Eulenburg's homosexual activities for years, published stories describing a romantic relationship between the prince and Moltke. Harden brought the stories to light at that time for a number of reasons. He had not liked what he considered Eulenburg's influence over the emperor and he had become convinced that the armed forces were rife with homosexuality. Harden, a shameless self-promoter and political hanger on, took this action because, as he explained, he felt that it was his duty to expose the morally corrupting influence

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<sup>71</sup> Eissler, *Arbeiterparteien*, 42.

<sup>72</sup> Alex Hall, *Scandal, Sensation, and Social Democracy: The SPD Press and Wilhelmine Germany, 1890-1914* (Cambridge: Cambridge University Press, 1977), 164-165.

of Eulenburg and Moltke on the government.<sup>73</sup> Between 1903 and 1906, military courts convicted twenty officers for homosexual conduct. The year Harden published his exposés, six officers committed suicide because of blackmail over charges of homosexuality.<sup>74</sup> When Wilhelm, who appeared to be one of the few lofty figures not to know of Eulenburg and Moltke's proclivities, found out about the charges, he told Moltke to resign his commission and Eulenburg to either clear his name or go into exile. Moltke sued Harden for libel. Eulenburg had the local district attorney investigate the charges made by Harden in hopes of clearing his name without resorting to legal action.

These accusations rocked the country. The men involved were close friends and trusted advisors of the kaiser, as well as leading members of a ruling elite which constantly presented itself as the moral guardians and superiors of the country.<sup>75</sup> While the nation waited for the resolution of these cases, Adolf Brand accused Chancellor von Bülow of being a homosexual and of carrying on a romantic relationship with his male secretary. In response, Bülow sued Brand for libel.<sup>76</sup>

One of the witnesses at the Moltke trial was Magnus Hirschfeld, who testified as an expert on homosexuality. Hirschfeld, who had never spoken to Moltke, based his testimony on that of Moltke's ex-wife, Lili von Elbe, who had testified earlier to her husband's lack of sexual interest

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<sup>73</sup> James D. Steakley, "Iconography of a Scandal: Political Cartoons and the Eulenburg Affair in Wilhelmine Germany," in *Hidden From History: Reclaiming the Gay and Lesbian Past* ed. Martin B. Duberman, Martha Vicinus and George Chauncey, Jr. (New York: New American Library: 1989), 236-238.

<sup>74</sup> Steakley, "Iconography of a Scandal," 239.

<sup>75</sup> Hall, *Scandal, Sensation, and Social Democracy*, 165.

<sup>76</sup> Brand describes this in issue 5, Vol. 3 of *Eros* pg. 1 published in the late 1920s. He also refers to it in Adolf Brand, "Gegen die bewaffnete Bestie," *Der Eigene* 4 (13 December 1919): 1-2. Other libelous accusations including more allegations involving Bülow and other male subordinates arose at the time. Bülow chose to begin proceedings only against Brand. Katharine Anne Lerman, *The Chancellor as Courtier: Bernhard von Bülow and the Governance of Germany, 1900-1909* (Cambridge: Cambridge University Press, 1990), 198.

in her and his penchant for melodramatic outbursts, as well as his own observations of the general in the courtroom. On this evidence, Hirschfeld determined that Moltke could “objectively” be labeled a homosexual even if he had never engaged in sodomy.<sup>77</sup> The court acquitted Harden of the libel charges. Earlier that same year however, the local district attorney determined that Harden’s accusations against Eulenburg were unfounded.

The trial of Brand for libel took place in the fall of 1907 and lasted one day. During the trial, the Gemeinschaft leader stated that he had exposed Bülow in hopes that the chancellor would use his influence as a homosexual to eliminate §175. In his defense, he asserted that he had not accused the chancellor of engaging in any illegal activity, just of being a homosexual. The opposition, including Eulenburg who testified on Bülow’s behalf, accused Brand of ruining close friendships with his accusations of homosexuality. This argument must have been particularly galling for Brand given the Gemeinschaft’s stand on such relationships and its complaint with the scientific community for casting aspersions on such friendships in the first place. Bülow won his suit and the court sentenced Brand to eighteen months in prison.

In the meantime, the verdict in the Moltke case had been overturned on procedural grounds and a retrial set for December. At the second trial, the defense counsel successfully discredited the testimony of Moltke’s ex-wife. This put Hirschfeld in a difficult position as he had based a large part of his determination of Moltke’s homosexuality on von Elbe’s statements. He became a national laughingstock and the butt of a number of editorial cartoons when he recanted his earlier conclusion before the court, which now found Harden guilty and sentenced him to four months in prison.<sup>78</sup>

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<sup>77</sup> Steakley, “Iconography of a Scandal,” 242.

<sup>78</sup> Steakley, “Iconography of a Scandal,” 244, 258.

In the spring of 1908, another court overturned this second verdict while at the same time other authorities accused Eulenburg of perjury for stating that he had never violated §175, despite Harden's evidence that he had. Eulenburg postponed the perjury case repeatedly by claiming his health was too poor to stand the rigors of a trial. This strategy worked and he died in 1921 without ever facing trial. The second retrial of the Moltke case ended with Harden convicted once again and this time fined six hundred marks in damages and forty thousand marks in court costs. Harden prepared to appeal the case once more, but Chancellor von Bülow talked him out of doing so by pleading that the nation could not stand another trial. The international press was reporting on the details of all of these cases and the chancellor convinced Harden that, as a result, Germany was being humiliated in the eyes of the world. For this reason, it would be in the national interest to end the process. Harden dropped his appeal and Bülow had the chancellery pay his fines.<sup>79</sup>

These trials played a significant role in the German public's conceptions of homosexuality and the gay rights movement. With homosexuality such an important topic during the trials, many newspapers published articles on the nature of homosexuality and on the attempts to eliminate §175, in addition to their unceasing coverage of the trials. Hirschfeld summed up the results of all of this coverage succinctly in his 1907 article, "*Wessen Schuld?*" [Whose Guilt?]. He believed the trials had given the impression to many people that "degeneration" was more common in Germany than anywhere else, that homosexuality was more widespread among the aristocracy than among commoners, and, lastly, that homosexuality was becoming more

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<sup>79</sup> Hall, *Scandal, Sensation, and Social Democracy*, 167; Steakley, "Iconography of a Scandal," 246. By this time the French press had begun to refer to homosexuality as the "German vice," referred to Berlin as "Sodom on the Spree," and Germans as "*Eulenburgres*." Gay men seeking others like themselves in France began using the phrase "Do you speak German?" as a means of recognition. Florence Tamagne, *Histoire de L'Homosexualité en Europe: Berlin, Londres, Paris 1919-1939* (Paris: Éditions du Seuil, 2000), 32. See also Maurice Baumont, *L'Affaire Eulenburg et les Origines de la Première Guerre mondiale* (Paris: Payot, 1933).

extensive than it had been in the past. Hirschfeld attempted to counter all of these assertions by stating that homosexuality was not a sign of degeneracy, it was not the result of aristocratic inbreeding, and it only appeared more prevalent because of increased reporting of issues involving the topic. Despite his efforts, much of the public continued to hold to the notions that Hirschfeld tried to refute.<sup>80</sup>

These opinions, and the trials which engendered them, caused a conservative backlash against the homosexual rights movement. It was no accident that the 1908 draft of a new penal code attempted to stiffen punishments for violations of §175 or that some in the Reichstag made the effort to include women under the law in 1910. The anti-homosexual sentiment stirred up by the trials pushed the SPD away from demanding the elimination of §175 quite as boldly as it had in the past. When the Reichstag penal code committee published the 1908 draft, the SPD responded, as usual, by calling for the removal of the offending paragraph. It did so, however, not in the Reichstag, but in the pages of *Vorwärts*.<sup>81</sup>

With Brand in jail and Hirschfeld a laughingstock, the gay rights movement suffered directly. Contributions to the Komitee fell from 17,115 marks in 1907 to just 6,038 in 1909.<sup>82</sup> When Brand began publishing the *Extrapost des Eigenen* in 1911, at least one Berlin newspaper deemed it newsworthy. The *Staatsbürger-Zeitung* referred to the very existence of the *Extrapost* as “disgusting.” The paper described in detail the contents of the magazine’s personal ads and called on the public authorities to close down the magazine as propaganda for homosexuality capable of corrupting the morals of the German people. The article closed by demanding that all

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<sup>80</sup> Magnus Hirschfeld, “Wessen Schuld?,” *Allgemeinere Betrachtungen zum Prozess Moltke-Harden*, 1522, quoted in Steakley, “Iconography of a Scandal,” 249.

<sup>81</sup> Eissler, *Arbeiterparteien*, 37.

<sup>82</sup> Steakley, *The Homosexual Emancipation Movement*, 38.

known homosexuals or those possibly inclined in that direction be locked in a sanitarium where they could only “ruin” themselves.<sup>83</sup> Even three years after the scandal and five years after Brand had published any type of periodical, the appearance of a new gay publication still aroused great concern. Instead of banding together in this time of crisis, support for the organizations dropped and the *Gemeinschaft* and *Komitee*, which had only tenuously maintained cordial relationships since their respective foundings, turned on each other.

Conflict arose between the *Komitee* and the *Gemeinschaft* from almost the time both organizations came into existence. Given each group’s completely different conception of male sexuality, and their disagreement over whether such an entity as a homosexual even existed, there were bound to be problems between them. The end result was that the gay rights movement remained fragmented in the early years of the twentieth century. Both the *Komitee* and the *Gemeinschaft* frequently made disparaging comments about the other. This sniping, though limited during these years, had a detrimental effect on the success of any actions taken by either group. Given its emphasis on rationality and logic, and its awareness of the need for a united front in an increasingly hostile environment, the *Komitee* usually did not take the lead in delivering these jabs, believing them unseemly. The *Gemeinschaft*, however, was in a very uncomfortable position. The increasingly popular faith in science and its categorizing of all aspects of existence into neat orderly groups directly challenged the *Gemeinschaft*’s conception of the fluidity of sexuality.<sup>84</sup> Its advocacy of sexual relationships between adults and youths, and its legal problems resulting from the publishing of pictures of naked men and boys added to its sense of being under attack. As a result, it grew more pugnacious in defending its ideas, and

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<sup>83</sup> *Staatsbürger-Zeitung* (Berlin), 208 (3 November 1911), *Justizamt*, file R30071/5776, BArchiv.

<sup>84</sup> See for example: Alfred Kelly, *The Descent of Darwin: The Popularization of Darwinism in Germany, 1860-1914* (Chapel Hill: University of North Carolina Press, 1981).

more irascible in its relationship to the Komitee. In a work written in 1903, Edwin Bab, a leading member of the Gemeinschaft, took Hirschfeld to task on a number of grounds. Bab gave a perfunctory nod to the efforts of Hirschfeld and the Komitee to eliminate §175 and to educate the public on the benign nature of homosexuality. He also commended him for challenging the idea that gay men were mentally ill through his theories of a naturally occurring third sex. But, as a member of the Gemeinschaft, Bab could not refrain from criticizing the Komitee's emphasis on science. While praising the concept of an intermediate sex for challenging the notion of mental illness, he disparaged it for implying that men who enjoyed sex with other men were in any way different. "According to Dr. Hirschfeld, the homosexual is no longer mentally ill, but is indeed deformed, just like the owner of a harelip."<sup>85</sup> Bab's praise for Hirschfeld's efforts disappeared as he methodically tore apart the Komitee leader's ideas. He accused Hirschfeld of spreading the idea that all men sexually attracted to other men were effeminate, and of instilling in the public consciousness the idea that there were true inborn homosexuals who should not be punished and morally depraved individuals who only had gay sex for pleasure who should.<sup>86</sup>

The Komitee did not shy away from the fight, unseemly or not. The beliefs of the Gemeinschaft in the fluidity of sexuality directly challenged the existence of a scientifically-determined third sex. Moreover, Komitee members found such ideas a threat to all their efforts to eliminate §175. By denying the existence of an inborn predisposition to same-sex attraction, the Gemeinschaft kept alive myths of the possibility of homosexual seduction and the inherent danger of homosexuality. The Komitee believed that the other group's insistence that all men were capable of enjoying same-sex acts, and that intimate male friendships were the highest

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<sup>85</sup> Bab, *Die gleichgeschlechtliche Liebe*, 66.

<sup>86</sup> Bab, *Die gleichgeschlechtliche Liebe*, 61.

bonds humans were capable of forming, frightened away heterosexual supporters of gay rights. Such supporters might fear that others would think that their relationships with other men were something other than friendships.<sup>87</sup> Obviously both sides saw the ideology of the other as not only inherently incorrect, but dangerous to the cause.

As the groups presented these arguments in the pages of their own publications, it is unlikely that many of these statements reached the eyes of the public at large. The coverage of the Eulenburg scandal in the daily press, however, included discussions of the differing methods and ideas of both organizations as their leaders, Hirschfeld and Brand, were involved in some aspect of the situation.<sup>88</sup> At exactly the same time that the subject of homosexuality, as well as the efforts and ideologies of both groups were before the German public on a daily basis, the movement encountered a backlash not only from conservative segments of the public, but from its own members. In 1906, Benedict Friedländer, a cofounder of the *Gemeinschaft* and a member of the *Komitee*, led a movement to lure members away from the latter group over the issue of its insistence on the medicalization of sexuality. Friedländer's goal was to secede from the *Komitee* and, together with dissident members of the other group, form a new group dedicated to masculine culture. This would have a devastating effect on the still fledgling organizations. Suffering from an incurable disease, Friedländer killed himself in 1908 before his proposed secession could take effect. But the effort was not auspicious. It was not, after all, an attack from the outside on the homosexual emancipation movement, but an assault from within,

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<sup>87</sup> Numa Praetorius, *Jahrbuch für sexuelle Zwischenstufen* 9 (1908): 503, discussed in Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 246.

<sup>88</sup> See for example: *Die Zeit am Montag* (Berlin), 40 (October 1907), *Deutsche Tageszeitung* (Berlin), 528 (9 November 1907), *Justizamt*, file 30071/5776, BArchiv.

demonstrating a dangerous lack of unity at the exact time that outside opposition to gay rights was becoming more vocal and militant.

The absence of unified action helps – only in part – to explain why the laws against male homosexual behavior withstood all challenges during the empire. Often the groups wasted energy criticizing each other instead of banding together to achieve their one common goal, the decriminalization of male homosexuality. Even if the movement had experienced total unity, it would have had monumental obstacles to overcome. The German Empire was not the place to hope for an expansion of gay rights. Its conservative atmosphere and, more importantly, its conservative government, were well able to withstand even a sea change in popular attitudes. In retrospect there seems to have been little chance of legislative reform in this case. The trials surrounding the Eulenburg scandal destroyed whatever possibility of success there might have been. The German government could not possibly risk looking “soft” on the issue of homosexuality after these trials. To do so would appear, within Germany, as if it were protecting aristocratic deviants. Outside of Germany, such an action would serve as proof that the nation was more decadent than the rest of the world, or, if not that, certainly not as masculine and powerful. Even the SPD felt called upon to back away from its once vigorous public support for changing the law after the scandals.

Nonetheless, the story was not one of total failure. The activities of the Komitee and the Gemeinschaft did have an effect on the movement for the elimination of penalties for homosexual sex and paved the way for more effective action following the war. As a result of their efforts, the topic of homosexuality and, more importantly, §175 came to the attention of the German public as never before. Both groups continued to publish, lecture, and petition. More importantly, through their efforts, both as part of the scandals and apart from them, the German

public became aware that such a thing as homosexuality existed. Men and women who had no idea that others engaged in this type of behavior, or that it was engaged in by a significant number of people, were made cognizant of it. The German public was also aware that there were people in Germany – members of these two organizations and their supporters – who did not believe this behavior was immoral, degenerate, or the result of illness. People who engaged in same-sex acts could now define themselves for the first time. It was a small start, but it was a start.

## Chapter III

### The Doors are Flung Open

The end of World War I brought with it the collapse of the empire. The kaiser fled to Holland in November 1918, and a republic replaced the monarchy. Turmoil wracked the country in the months following the end of the war with demobilizing soldiers returning home and factions of the right and left fighting each other, and among themselves, for power. Though this violence continued into the early 1920s, delegates meeting in the central German city of Weimar approved a new democratic constitution in 1919 creating the Weimar Republic. Unstable and unloved by many Germans even in the best of times, the republic was earnest in its intentions to put Germany on a democratic path, guaranteeing individual rights and personal freedom. Part of this process involved elimination of many of the restrictions on behavior that had marked the empire.<sup>1</sup> For a short time at the beginning of the republic, the government relaxed censorship of the press, theater, and film almost to the point of eliminating all controls over these media. The virtual end of government supervision and direction allowed previously marginalized, isolated, and unheard groups a voice they had never had before.

The position of the new republic was extremely tenuous during its first years, as members of the extreme left fought for the creation of a Soviet-style communist state, and those of the extreme right fought for the elimination of the new socialist-dominated republic. The collapse of the German economy at the same time, combined with the discharging of millions of soldiers from the military added to this chaos. In June 1919, when the new government signed the Treaty

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<sup>1</sup> See for example: David Blackbourn, *The Long Nineteenth Century: A History of Germany, 1780-1918* (New York: Oxford University Press, 1998), 461-497, Richard Bessel and E.J. Feuchtwanger, eds. *Social Change and Political Development in Weimar Germany* (Totowa, New Jersey: Barnes & Nobles, 1981), John Hiden, *Republican and Fascist Germany : Themes and Variations in the History of Weimar and the Third Reich, 1918-45* (London: Longman, 1996), and Detlev J.K. Peukert, *The Weimar Republic: The Crisis of Classic Modernity*, trans. Richard Deveson (New York: Hill and Wang, 1989).

of Versailles ending World War I, its position became even more untenable. To many Germans, the treaty's placement of blame for the war solely on Germany, as well as the charging of all monetary responsibility for the costs of the war in the west on the country, were grossly unfair. This was a *Diktat*, a dictate not a treaty.<sup>2</sup> Yet, as far as the homosexual emancipation movement was concerned, everything was absolutely fabulous. These were exciting times which members were certain would ultimately end with the lifting of all legal restrictions against them. Euphoria, perhaps, clouded their realistic assessment of the situation. Only occasionally did activists mention the numerous problems confronting Germany or their movement. Reading the publications of the gay rights groups in this era gives no sense of how weak the reed was upon which they placed their hopes.<sup>3</sup>

The new republic had a strong socialist presence in the early years and this, combined with the end of censorship, served to bring new hope to a gay rights movement that had foundered in the years immediately preceding the war and practically disappeared during it. Capitalizing on the freedom of speech and the press granted by the new constitution, the *Gemeinschaft* and the *Komitee* moved quickly to rebuild their fractured organizations and to expand their efforts for the elimination of the hated §175, an event they felt sure was going to occur soon in the new, more liberal climate. After all, the new communist regime which had come to power in Russia only two years before, had eliminated all penalties for homosexual acts between consenting

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<sup>2</sup> Hajo Holborn, *A History of Modern Germany, 1840-1895* (Princeton: Princeton University Press, 1969), 574-584.

<sup>3</sup> See examples of a lack of "reality testing" in Willy Bremer, "Homoerotik und Politik," *Blätter für Menschenrecht* 14 (1 September 1923): 2; Friedrich Radszuweit, "Offener Brief an der Reichsjustizminister Dr. Heinze," *Blätter für Menschenrecht* 9 (15 June 1923): 1; Emil Lutz, "Recht oder Unrecht," *Blätter für Menschenrecht* 15 (15 September 1923): 7.

adults. To the leaders of the German gay rights movement surely the same thing would happen soon in much more enlightened Germany.<sup>4</sup>

The flowering of gay culture that occurred with the relaxation of legal restrictions on publishing and the arts furthered this belief. The monarchy had banned periodicals published by the homosexual emancipation groups featuring articles on male sexual relationships as well as homoerotic artwork and photography. Printing anything of this nature often landed the publisher in court. Now these could be purchased at the same street kiosks that sold more mainstream publications. These same periodicals advertised dozens of books, both scientific and esoteric, on homosexual topics available from German publishers. In 1919, Anna E. Werrauch published *Der Skorpion* [The Scorpion]], the first German novel containing explicit lesbian eroticism, for example.<sup>5</sup> Gay and lesbian bars, restaurants, and cafés proliferated in all German cities. By 1920, Berlin had sixty lesbian establishments alone.<sup>6</sup> *Theater des Eros*, the first theater group dedicated to performing works with homosexual themes, was founded in Berlin-Steglitz in July 1921. *Anders als die Andern* [Different From The Rest], a film starring Conrad Veidt, and featuring Komitee leader Magnus Hirschfeld in a small role, depicted homosexuals as normal human beings and showed the deleterious effects of social and legal ostracism. It opened on May 24, 1919, less than seven months after the collapse of the old regime. The movie outraged many Germans, who saw it as a glorification of homosexuality, and this compelled the German Social Democratic party (SPD), the prewar champion of homosexual rights, to demand the nationalization of the country's film industry to "protect public morals." Officials in Stuttgart

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<sup>4</sup> James Steakley, *The Homosexual Emancipation Movement in Germany* (New York: Arno Press, 1975), 72; Felix Halle, *Geschlechtsleben und Strafrecht* (Berlin: Mopr Verlag G.M.B.H., 1931), 75.

<sup>5</sup> Lillian Faderman and Brigitte Erikson, *Lesbians in Germany, 1890s – 1920s* (Tallahassee: The Naiad Press, 1990), xvii.

<sup>6</sup> Faderman and Erikson, *Lesbians in Germany*, xxi.

and Munich banned the film immediately; the national government did the same in April of the following year.<sup>7</sup> The film, thus, had its last public showing less than a year after it premiered. Despite the furor and the political posturing it caused, the fact that *Anders als die Andern* was even made and publicly distributed for a year is an important indication of the level of openness and toleration that existed in the early years of the Weimar Republic, and provided another rationale for the high level of hope for the elimination of legal penalties for homosexual acts that members of both the Komitee and the Gemeinschaft held.

Hirschfeld's actions immediately after the collapse of the monarchy support this conclusion. In late 1918, the Komitee's chairman sent a letter to the provisional head of the new republican government of Germany, Friedrich Ebert, a leader of the SPD, congratulating him on his new position and stressing the need for a revision of the German penal code. Ebert wrote back thanking Hirschfeld for his good wishes and agreeing that reform along more "modern" guidelines was necessary for a healthy Germany. Ebert promised his help to push through the changes as soon as the "political situation and the government's working conditions allow[ed]."<sup>8</sup> In Hirschfeld's 1919 New Year's message to members of the Komitee, he expressed not only the hopes and excitement that surrounded the collapse of the old government, but the certainty that the new system would bring to fruition the group's goals.

From our standpoint, the great revolution of the last weeks can be greeted only with joy. This new time brings us freedom to speak and to write, and, we may assume with certainty, the emancipation of all those who were previously oppressed, as well as the fair judging of all

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<sup>7</sup> Paul Wilder Chase, "The Politics of Morality in Weimar Germany: Public Controversy and Parliamentary Debate Over Changes in Moral Behavior in the Twenties." Ph.D. diss., (State University of New York at Stony Brook, 1992), 204-206; *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950: Geschichte, Alltag und Kultur* (Berlin: Frölich & Kaufmann, 1984), 28; Steakley, *The Homosexual Emancipation Movement*, 28.

<sup>8</sup> *Jahrbuch für sexuelle Zwischenstufen* 18(4) (1918): 175, quoted in W.U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* (Berlin: Verlag rosa Winkel, 1980), 50.

those for whom we have been working all these years.<sup>9</sup>

The formation of a socialist government, after years of cooperation between the Komitee and the SPD, delighted Hirschfeld. However, Hirschfeld could not have forgotten the often lukewarm support the SPD had given to the movement in the past and, therefore, kept pressure on socialist officials to keep the promises they had been making since the turn of the century. Despite the continuing unrest in Germany, on February 21, 1919, Hirschfeld wrote to Reich Justice Minister Otto Landsberg.

We confidently trust that you will endeavor as hard as possible to bring about as soon as possible a reform of the legal code, trial procedures, and penal system, so that, under socialist leadership, Germany will become the model in this area. We also trust that the injustices and hardships, which before the ninth of November already provoked the strong opposition of all reasonably thinking people, will disappear, because, with the great upheaval of recent times, we will under no circumstances continue to be patient. Given the present conditions the calling of a commission to study the legal code should not only be approved, but approved quickly. It is of the utmost necessity to enact emergency laws in this regard, as the current ones are no longer in accordance with current political, scientific, and cultural views.

One such emergency law must especially be introduced – the elimination of Paragraph 175, for which our Komitee has been fighting for years, on legal, biological, and ethical grounds. The first such attempt in this struggle was the one that the leader of the Social Democratic party at the time, August Bebel, strongly supported both in the Reichstag petition committee and the Reichstag itself, calling for the repeal of the aforementioned paragraph and which amounted to nothing. For a more detailed explanation of our desire, we request that a meeting kindly be granted with a delegation under the leadership of the chairman of the Komitee.<sup>10</sup>

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<sup>9</sup> Eissler, *Arbeiterparteien*, 34.

<sup>10</sup> *Anträge auf Beseitigung des P. 175 des St.G.B von Oktober 1907 bis 31 Mai 1929*, file R3001/5774, Bundesarchiv (BArchiv), Berlin, 120-121.

Three months later, Landsberg responded, thanking Hirschfeld for his letter and accepting the need for reform in principle but remaining silent on the specifics. His office also finessed the Komitee's request for a face-to-face meeting.

I am of the opinion that a revision of both the criminal law code and criminal proceedings along more modern lines is among the most important tasks of our lawmakers. I would like to avoid, if possible, questions on any specific aspect of criminal law code reform before they are legally settled. I would prefer to come back to your kind offer to meet in person at a later time and explain things more precisely then.<sup>11</sup>

The Komitee's efforts did not focus solely on the new national government. Before the war, Germany had been an empire made up of independent kingdoms, principalities, duchies, and city-states, each with its own government and its own powers of discretion in the means used to enforce imperial laws within its borders. Though elected officials replaced the ruling dynasties after the war, Weimar remained a federal state. Since the national government hesitated to remove §175 from the penal code, the Komitee attempted to apply pressure at the state level. The largest and most influential state in the new Germany remained Prussia. Hence, the organization aimed its efforts at that state's new socialist government. In 1919, the Komitee asked the minister-president of Prussia, Paul Hirsch, to remove the law from the state's penal code and to grant an amnesty for all individuals currently arrested or convicted under the law.<sup>12</sup> Much like the Reich justice minister, Hirsch pushed aside the request by stating that a new draft

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<sup>11</sup> *Anträge auf Beseitigung*, file R3001/5774 BArchiv, 122.

<sup>12</sup> After the collapse of the monarchy, the head of the Prussian government was referred to, until March 25, 1919, as the President of the Government. From that date to April 21, 1921, the position became that of President of the State's Ministry. In April 1921 the position became the more familiar Minister-president.

of the criminal law code, which was sure to be completed soon, would make such actions unnecessary.<sup>13</sup>

During the Weimar Republic, the Komitee continued to be run by an executive board made up of a first and second chairman, deputy chairman, secretary, treasurer, and five members at large with Magnus Hirschfeld serving, as he had before the war, as the head of the organization. Signaling the start of a new era in the homosexual rights struggle, the leaders of the Komitee wrote new articles of association in the early 1920s signed by Hirschfeld, Walther Niemann, a lawyer, Arthur Weil, a veterinarian and physician, Friedrich Helmbold, a gynecologist, Georg Plock, a former pastor who had lost his position after being sent to prison under §175, Prof. Karl Jordan, Eugen Kunicke, Dr. jur. Otto Fromauer, Hans von Zastrow, and Margarete Dost. The number of high academic degrees of these signatories provides ample evidence that the leadership of the Komitee in the Weimar Republic, as in the empire, counted doctors, lawyers, and academics; in all likelihood, the rank-and-file membership was also well-educated.<sup>14</sup> In addition to its Berlin headquarters, the Komitee maintained two local branches in Frankfurt am Main and Königsberg as well as a foreign chapter in the Netherlands.<sup>15</sup>

Despite the polite brush-offs Hirschfeld received from federal and state officials, the Komitee persevered in its efforts to eliminate §175. The goal continued to be "the freeing of a sizable group of people from undeserved humiliation."<sup>16</sup> As before the war, its methods

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<sup>13</sup> Hermann Sievert, "Das Anomale Bestrafen: Homosexualität, Strafrecht und Schwulenbewegung im Kaiserreich und in der Weimarer Republik," *Ergebnisse: Zeitschrift für Geschichtswissenschaft* (24 April 1984): 49.

<sup>14</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck des Wissenschaftlich-humanitären Komitee* (Berlin: n.p., 1924), 12; Eissler, *Arbeiterparteien*, 31.

<sup>15</sup> Wissenschaftliche-humanitären Komitee, *Jahresberichte 1922/23: Sonderabdruck aus dem Jahrbuch für sexuelle Zwischenstufen* (Berlin: n.p., 1923), 4.

<sup>16</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck*, 1.

consisted entirely of attempting to change public opinion and the law through the dissemination of scientific evidence proving that homosexuality was an inborn predisposition and not the result of moral weakness, mental illness, or simple yearning for sexual contact with another available person. To this end the group used the same tactics it had used before the war – research and education. The task the Komitee set for itself for the 1920s was summed up in its motto, “*Sammeln, Forschen, Lehren;*” gather learned people together, do research on sexuality in general and homosexuality specifically, and educate the public on that research.<sup>17</sup> Members of the Komitee were convinced that, through this work, legislators and the public would see the truth of their argument, change their opinions about homosexuals, and repeal the existing law.

To insure that the scientific information gathered by the Komitee reached the public, the group continued to publish the *Jahrbuch für sexuelle Zwischenstufen*. The hyperinflation that devastated Germany in 1922 and 1923 made it difficult for the Komitee to continue this enterprise, however. In the yearly report for 1922, the organization’s leadership announced that the *Jahrbuch* would change from a quarterly to a yearly publication in 1923 because the cost of printing it even four times a year had become prohibitive. Ultimately, this move was unsuccessful and, in that same year, the staggering costs of publication forced the Komitee to cease issuing its flagship publication.<sup>18</sup> But once the economy stabilized, the Komitee began publication of the *Mitteilungen des Wissenschaftlich-humanitären Komitees* [Reports of the Scientific-Humanitarian Committee], which remained in print until 1933. It did not appear on a regular basis, as the *Jahrbuch* had, and new issues came out only occasionally. It was also not

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<sup>17</sup> Wissenschaftlich-humanitären Komitee, *Wissenschaftlich-humanitären Komitee Jahresberichte 1922/23: Sonderabdruck aus dem Jahrbuch für sexuelle Zwischenstufen*, 1, British Sexological Society Papers, Misc. 2 ALS, Harry Ransom Center, University of Texas – Austin.

<sup>18</sup> *Jahresberichte 1922/23*, 18; Steakley, *Homosexual Emancipation Movement*, 78.

for public distribution, as its predecessor had been. In an effort to bind the group together, only members of the Komitee received issues of the *Mitteilungen*. Unfortunately, this meant that any information it publicized concerning homosexual rights only reached people who already held the same opinions. The *Mitteilungen* could provide ammunition for Komitee members to use in trying to convince others of the organization's goals, but its scope was obviously less than that of the earlier publication. To reach a wider audience, the Komitee also published, beginning in 1919, *Die Freundschaft* [Friendship], which carried stories of general interest to homosexual readers, as well as advertisements, book reviews, and listings of upcoming Komitee events.

Continuing where it left off before the war, the Komitee continued to collect signatures for its petition, begun at the turn of the century, calling for the repeal of §175. While demanding the elimination of penalties for homosexual acts between consenting adults, the current petition advocated the retention of punishment for coerced homosexual acts, acts between adults and people under sixteen, and acts which caused a public disturbance. Hirschfeld presented the petition in person to the Reichstag on March 16, 1922, when he spoke before the legislative body to explain the document and the reasoning behind it. By this time some of the leading cultural and intellectual figures in Germany, including Albert Einstein, Gerhard Hauptmann, Hermann Hesse, Käthe Kollwitz, Heinrich Mann, Thomas Mann, and Engelbert Humperdinck had signed the petition. Leading socialist politicians Rudolf Hilferding, Gustav Radbruch, who became justice minister later in 1922, and Hermann Müller, chancellor from summer 1920 to spring 1921, as well as leading members of the German Democratic Party joined them. Members of the

same professions that had signed the petition before the war – doctors, lawyers, university professors, and writers – also added their signatures, and in greater numbers.<sup>19</sup>

In December 1922, the Komitee received a response to its legislative efforts from the official [*Direktor*] who managed the Reichstag's agenda. This was similar to the ones received in 1919 from the justice minister and the Prussian minister-president, a polite evasion of the issue. This time consisting of a one-line statement telling the Komitee that the body had resolved to pass on the petition to the executive branch of the government rather than debating it.<sup>20</sup> Denied a public airing of the issues and faced with more conservative legislators in the body, the Komitee never again presented the petition to the Reichstag during the Weimar Republic. It did not stop gathering signatures and publicizing the petition, however, or seeking to gain publicity for its cause. By 1924, 10,000 people had signed it. The program for the Komitee's thirtieth anniversary celebration in 1927 contained a reprint of the petition, providing an occasion for the press to discuss the contents of the petition once again.<sup>21</sup>

Hirschfeld continued to bring attention to the petition, but his focus in the 1920s was no longer solely on the Komitee. In 1919, Prussia's socialist-controlled government, realizing the importance of his work, offered to sell the Komitee leader a mansion near Berlin's Tiergarten in Charlottenburg at Grolmanstraße 44 to house his library of thousands of books and photographs devoted to the scientific study of sex. He accepted the offer, buying the building with his own money, and opened the *Institut für Sexualwissenschaft* [Institute for Sexology]. Committed to

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<sup>19</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck*, 2; Sievert, *Anomale Bestrafen*, 16; Eissler, *Arbeiterparteien und Homosexuellenfrage*, 48; *Jahresberichte 1922/1923*, 56; *Das 30 Jährige Jubiläum des W.H.K.*, file R8071/1, BArchiv, 4-22.

<sup>20</sup> *Jahresberichte 1922/23*, 50.

<sup>21</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck*, 1; *Jubiläum*, file R8071 #1, BArchiv, 1, 16.

research, the Institut had almost the same founding principles as the Komitee – to study sex, disseminate the findings to the German public, and by doing so, overturn antiquated laws restricting sexual activity. The motto over the entrance expressed this ideal, “*Per Scientum ad Justitiam*,” “Through science to justice.”<sup>22</sup>

With Hirschfeld at the helm, the Institut was of course concerned with overturning §175, but its mission and its interests were much broader. It functioned as a research facility and a counseling center on all aspects of sexuality, and, to this end, studied sexual function, dysfunction, and attraction, published books and articles documenting its findings, and maintained a museum displaying photographs, implements, and clothing from around the world related to its research. Much of the work of the Institut concentrated on reproduction and, in addition to its museum, it maintained an archive of birth control equipment and methods, and sold contraceptives at just above cost. Before offering them to the public or allowing the organization’s physicians to recommend them, the Institut sent samples of birth control products to the Chemical Laboratory for Industry and Commerce at its own expense to be tested for their efficacy. As a counseling center, the Institut offered marriage and divorce counseling, venereal disease testing and treatment, family planning, sex-education programs, and both psychiatric and physical therapy. In addition, free vocational counseling for unemployed Berlin youths was available, as well as free public lectures on reproductive, marital, and health topics for those unable to afford private counseling.<sup>23</sup>

Though the Institut’s activities did not center solely on the issue of homosexuality, it provided a respectable base from which to push for the elimination of legal penalties. This was,

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<sup>22</sup> Atina Grossmann, *Reforming Sex: The German Movement for Birth Control and Abortion Rights 1920-1950* (New York: Oxford University Press, 1995), 38.

<sup>23</sup> *Institut für Sexualwissenschaft*, File R8069 #2/7 906/0.25/1 R. 18, BArchiv; *Eldorado*, 33-34.

after all, a place of scientific research and teaching, located in a respectable neighborhood. With such an institution at his disposal, Hirschfeld was better able to reach German legislators and police officials, as well as foreign dignitaries, by offering tours and special lectures intended to publicize the Institut's findings. In 1928, for example, the Soviet culture commissar, A.W. Lunacharsky, made a tour of the facilities while on an official trip to Berlin.<sup>24</sup> To support those arrested under the laws it worked to overturn, the organization maintained a legal department that offered advice to those charged with sexual offenses and provided representation for them in court. According to author Christopher Isherwood, who visited a number of times in 1929, the Institut offered another service – asylum. Men charged under §175 could stay out of jail while awaiting their trials by remaining in the Institut until their court date.<sup>25</sup>

However, homosexuality was not the only focus of the Institut's studies and overturning §175 was not its sole objective. Reflecting its founder's broad interests, it focused on contraception, abortion, divorce, vocational training, family planning, and sex education, all of which left little time for Hirschfeld or the rest of the staff to concentrate on issues specifically related to homosexuality. Changing the penal code remained one of the institution's primary goals, but this too extended beyond §175. German law strictly regulated the distribution and even discussion of birth control devices. Abortion was illegal, as was adultery. Hirschfeld, in his position as director of the Institut, concerned himself now with the criminal code as it related to the entire realm of sexuality, not just to homosexuality. Challenging the penal code on many fronts gained Hirschfeld the support of other reform groups, but this broader attack deflected his attention from the one area that he had concentrated on before the war – homosexual

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<sup>24</sup> *Eldorado*, 32.

<sup>25</sup> Christopher Isherwood, *Christopher and His Kind: 1929-1939* (New York: Farrar Straus Giroux, 1976), 19.

emancipation. The Institut provided a level of respectability to Hirschfeld's efforts toward gay rights that was missing before the war, but it also siphoned off the time he could devote to the issue.

Hirschfeld's Institut did provide sorely needed services, however. On the first Monday of every month, it offered free public sex education lectures and discussions.<sup>26</sup> These offered advice and information to Berlin residents on all aspects of sexual activity from family planning and contraception to arousal techniques and abortion, information they could not easily get anywhere else. Rather than having an open discussion, audience members wrote their inquiries on a piece of paper and presented them to the speaker. Attendees submitted their questions on candy wrappers, receipts, and any other scrap of paper they could find. Tendered by both married and unmarried people, these overwhelmingly concerned the best means of avoiding pregnancy; the price of the contraceptive methods talked about in the lectures and issues of sexual compatibility were also inquired about frequently.<sup>27</sup> The number of questions and the plaintive tone of many of them are strong indications of the level of anxiety regarding unwanted or unplanned pregnancies and suggest as well that the Institut was providing a much-needed service in the realm of birth control.

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Just as before the war, however, Hirschfeld and the Komitee were not alone in the fight for homosexual rights. The Gemeinschaft survived the war as well, with Adolf Brand continuing as leader of the group. Like the Komitee, the birth of the Weimar Republic filled the Gemeinschaft membership with high hopes for the future. Though certainly concerned with the elimination of

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<sup>26</sup> Max Hodann, *Geschlecht und Liebe in biologischer und gesellschaftlicher Beziehung* (Rudolstadt: Griefenverlag, 1928), 9.

<sup>27</sup> *Institut für Sexualwissenschaft*, file R8069 #1/7 906/0.25/1 R.18 BArchiv.

§175, this group did not welcome the change of government solely because of the possibility of achieving this single objective. Since the Gemeinschaft had always been more concerned with reviving German society than with overturning specific laws, it saw the creation of the republic, with its lifting of censorship laws, as the perfect time in which to spread its message of rebirth through the creation of a society based on close male friendships. Brand, the victim of arrest and imprisonment for the publishing of obscene pictures in the Wilhelmine period was particularly enthusiastic about the abolition of state censorship. And he made the most of it. Facing far less risk of being brought up on obscenity charges in the more permissive republic, he resumed his prewar practice of printing pictures of naked teens and boys.<sup>28</sup>

*Der Eigene*, the organization's main periodical now with the subtitle "Magazine for Friendship and Freedom," resumed publication in November 1919 as a weekly journal appearing every Saturday. As before the war, it contained fiction, poetry, and articles on both manly culture and famous men who represented the Gemeinschaft's ideals of close male friendship. The unstable situation in the early years of the republic hampered the Gemeinschaft's publishing efforts, just as it did the Komitee's. In 1921, *Der Eigene* changed from a weekly to a quarterly publication in a smaller format. The editors replaced photographs with sketches and line drawings, and raised the price of personal ads from fifty to seventy-five pfennigs a word. Hard-put to meet expenses, they tripled the price of each issue.<sup>29</sup> Once the economy stabilized and printing costs became more realistic, weekly publication resumed, and more and more pictures of semi-clad and naked boys, teens, and young men appeared. In 1921, a special feature, the *Extrapost*, devoted to personal ads, made its appearance. A supplement containing additional

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<sup>28</sup> *Der Eigene* 1 (15 November 1919), 9(1) (1921), 11(1) (January 1926); *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 511.

<sup>29</sup> *Der Eigene*, 9(1) (1921).

articles as well as advertisements and book reviews, the *Nachrichtenblatt* [News Supplement], came out a short time later. Both appeared irregularly. Another sporadically available insert was *Rasse und Schönheit* [Race and Beauty], which advertised itself as a “nude-study supplement.”<sup>30</sup> It collected in one handy place all the pictures of young males in natural, tender, artistic, and/or heroic poses that members of the Gemeinschaft had been able to find only one or two to an issue in *Der Eigene*. Later in the decade, the organization began publishing a third magazine, *Eros*, which was concerned less with lengthy articles than with presenting art, in the form of photos, as well as offering personals. The fifth issue of the initial year’s run broke away from this pattern, devoting most of its space to a series of pieces written by prominent men decrying the continued existence of §175. As *Der Eigene* contained much the same information, *Eros*’ main attraction, it can be surmised, was its personal ads, which the main publication did not carry except in the irregularly appearing *Extrapost*. The large number of foreign personals carried in *Eros* is a good indication of the reach of the Gemeinschaft, as well as evidence of the dearth of gay publications in other countries. *Eros* ran ads from Sweden, Switzerland, Ireland, France, Russia, England, and the United States in its first year.<sup>31</sup> Though it is possible that men from these countries were looking for German friends, it is more likely that they were using the magazine as a means of finding similarly inclined individuals closer to home; publications offering personal ads for men seeking other men were simply not available to them.

Even more important than the resurrection of its publishing activity was the need to increase its membership. The Gemeinschaft had always depended on its publishing arm to attract and maintain support. Brand had formed the original organization from subscribers of

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<sup>30</sup> *Der Eigene* 1 (January 1926): cover.

<sup>31</sup> *Eros*, 4, 5, 6 (1930).

*Der Eigene*. The Gemeinschaft had barely survived after its journal ceased publication in 1906; now that peace had returned there was a need to rebuild and strengthen the organization.

To this end, Brand began actively searching for new members. In the fall of 1919, he wrote to George Ives, the leader of the British Sexological Society in London, asking him to rejoin the group now that the war was over. Apparently still searching for members or money, he also asked if Ives could provide “not only the names of men willing to become members of the Gemeinschaft, but also the addresses of like-minded individuals willing to actively support [him].” Ives obviously did not do enough, because in the spring of 1922, Brand wrote again, this time including a copy in German and French of the program of the Gemeinschaft, as well as two membership applications, one in each language. He asked Ives to circulate the program, and, once again, to join the organization given that before the war he had taken “such a great interest in the movement.” When Ives did not respond, Brand wrote him again in January 1923, importuning him once more for names or money. Finally replying, Ives sent a very short note and a one pound sterling note. Coming as it did during the height of the hyperinflation devastating Germany, when the German mark was for all intents and purposes worthless, the group could certainly use the British pound note. Ives did not join the group, however.<sup>32</sup>

For those who joined the Gemeinschaft, there were two levels of membership, the *Ring der Freien* [Ring of the Free] and the *Ring der Treuen* [Ring of the True]. To become a member of the former cost 240 marks a year in 1922, to join the latter, 600 marks. These rates are not as high as they appear, as postwar inflation was on its way to becoming hyperinflation in 1922. By 1925, with the German currency stabilized, the rates had fallen to 36 marks for the Ring of the Free and 60 marks for the Ring of the True. In either case, foreigners had to pay double the rate

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<sup>32</sup> Brand to George Ives, 15 October 1919, 28 April 1922, 22 January 1923, British Sexological Society Papers, Misc. 2 ALS ITLS to Ives, George, Harry Ransom Center, University of Texas – Austin.

of German citizens to join the Gemeinschaft. Men who joined at the lower level, the “outer circle,” received a subscription to *Der Eigene*, as well as a copy of *Rasse und Schönheit*, and were automatically invited to all social evenings and events. They also were eligible for free help and advice in cases of blackmail or prosecution under §175. Those who joined the Gemeinschaft at the top level, the “inner circle,” obtained extra benefits. In addition to subscriptions to *Der Eigene* and *Rasse und Schönheit*, these members also were sent the *Nachrichtenblatt* and the *Extrapost*, with the right to place free ads in the latter. These men, too, could take advantage of the free legal help, and could attend all social events, but as an added incentive for joining at this level, members also got free travel planning assistance. Joining the Ring of the True was not simply a matter of paying the dues. Only men of “proper social standing” or who moved in “proper business circles” could become members at this level. The goal of the Gemeinschaft was, after all, to reform German society and it required men of good background and character at the highest level of the organization to carry out this task. Foreign members also had privileges. They were invited to correspond with the Gemeinschaft in French, English, or German, and, if they visited Berlin, the group promised to procure an interpreter “of high social standing” to accompany them around the city. As signs of their membership, all members received a golden ring and a flag with a gold cross on a green field.<sup>33</sup>

Eventually the Gemeinschaft recovered and established local branches, called “Round Tables” in Hamburg, Leipzig, Munich, Cologne, Königsberg, Breslau, Frankfurt am Main, Dresden, and Berlin. These branches held weekly gatherings for members to meet, socialize, and

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<sup>33</sup> British Sexological Society Papers, Misc. 2 ALS, ITLS, Harry Ransom Center, University of Texas – Austin; Adolf Brand, “*Was wir wollen*,” in *Satzung der GdE* (Berlin: Die Gemeinschaft der Eigenen, 1925), 23-27.

discuss intellectual topics. Brand personally led the Berlin branch, which met in the apartment he shared with his wife.<sup>34</sup>

Just as the Komitee had done, the Gemeinschaft welcomed the new openness of the time by drawing up new articles of association. These consisted of thirty-five points outlining the ideology and goals of the group for the 1920s. (See Appendix B) They clearly illustrate the philosophy and goals that the Gemeinschaft had been advancing since its founding in 1903, with some modifications reflective of the changed milieu. The organization still believed that all people were basically bisexual, the result of biological and intellectual components inherited from both their mother and father. This allowed all people to form intimate bonds, both mental and physical, with members of both sexes. The organization held firm to the belief that the highest intimate act was the joining of the minds and spirits of two men in close, loving friendship, *Freundesliebe*, and that the creation of these bonds were necessary for the spiritual development of the individual, as well as the artistic and cultural development of society. Unlike the prewar position, however, the group made explicit reference to the creation of a physical relationship between men as just as valid as the intellectual bond. As long as sex involved not mere “animal lust” and was accompanied by a deep, loving attachment, it was now just as beautiful and important as the spiritual connection. Formerly, the sexual congress was viewed as a separate, unintended, but acceptable act between two men; now it was equal to the loving bond and, together with it, created “the deeply intertwined roots and golden crown of our existence.”<sup>35</sup>

The new articles also declared the Gemeinschaft’s goal of placing intimate relationships between men on an equal standing with those between a man and a woman. In their conception

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<sup>34</sup> *Anträge auf Beseitigung*, file R3001/5774 BArchiv, 511; Brand, “*Was wir wollen*,” 28.

<sup>35</sup> Brand, “*Was wir wollen*,” 5, 6, 8, 15.

of ancient Greece, their ideal society, male relationships were responsible for the flourishing of art, culture, and philosophy of the period. Only by winning contemporary society's acceptance of these types of relationships could Germany achieve the same greatness. Though they stated that they were working toward this equality, it is clear that members of the Gemeinschaft did not see a male/male relationship as equal to a male/female one. The former was obviously superior. The group urged a boy or young man to seek his "highest pleasure of human contact, his moral strength, his bodily release, his spiritual calm, and his inner peace" with another male. Not alone, which could have unhealthy side effects if done too often; not with a prostitute, which could lead to disease; and not with a girlfriend, as the Gemeinschaft opposed premarital sex with a female. Marital sex was acceptable for purposes of procreation. Acceptance of male/male sex would effectively eliminate the existence of male/female sex beyond the need for reproduction. The organization admonished men to marry only if they found a woman who offered all the things their male friends did, and only if they actually found a woman with whom they were able to form the same type of bond. If a man did marry, the Gemeinschaft believed that he should continue to turn to a male friend instead of his wife for sexual release if she was unable to completely satisfy his needs.<sup>36</sup>

The Gemeinschaft adopted the same patronizing tone it had used before the war to justify these recommendations by saying that they were for the good of women. Encouraging sex between boys protected girls from the unwanted and dangerous advances of males. Accepting the earlier notion that women were sexless entities, members of the Gemeinschaft believed that by allowing husbands to turn to their best friends to meet the needs their wives would rather not fulfill, they would not turn to prostitutes and spread sexually transmitted diseases to their

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<sup>36</sup> Brand, "*Was wir wollen*," 6, 11-13, 15.

families.<sup>37</sup> While the Gemeinschaft presented these as improvements in the position of women, its other rhetoric opposed any public role for them and relegated women to strictly domestic duties. Misogyny, although vigorously denied, appears to have been central to the Gemeinschaft outlook.

The Gemeinschaft clearly stated its dedication to homosexual rights in these articles as well. But, unlike the Komitee, this group's goal was not so much changing the law, as rejuvenating German society. For that reason, its concern with overturning §175 appeared somewhat lukewarm at times. The Gemeinschaft opposed §175, for the same reason it opposed all laws that restricted sexual activity – it abridged human freedom and was an unwarranted intrusion by the government into an individual's personal life. In the opinion of Gemeinschaft members, §175 “prevent[s] us from being human” by limiting an individual's control over his or her own body and soul. It was for this reason that, in addition to demanding the repeal of anti-homosexual laws, it also worked for the elimination of all censorship provisions, as well as §218, the law banning abortions. Full control over one's person meant that adults could decide for themselves what to read and what to do with their own bodies.<sup>38</sup>

The Gemeinschaft's idea of fighting the creeping “feminization” of Germany by the creation of a male-oriented society that emphasized traditional German ideals in art, culture, and philosophy was very similar to the ideology of many right-wing groups in the Weimar Republic. The group's idealization of war as an ennobling and honorable experience also placed it in agreement with the more extreme right-wing elements in Germany at the time. Given the group's glorification of men and manly endeavors, the Gemeinschaft viewed war as an excellent

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<sup>37</sup> Brand, “*Was wir wollen*,” 11; Harry Oosterhuis and Hubert Kennedy, eds., *Homosexuality and Male Bonding in Pre-Nazi Germany* (New York: Harrington Park Press, 1991), 122.

<sup>38</sup> Brand, “*Was wir wollen*,” 6, 21-22.

male proving ground and the ideal environment for the creation of intimate male friendships. In fact, to be a good soldier, one had to form close attachments. Only the bonds of *Freundesliebe* gave soldiers the strength and courage to fight valiantly because they were fighting for their beloved. This is what pushed Alexander the Great and Frederick the Great to become brilliant warriors.<sup>39</sup> Also placing it in the conservative camp in the 1920s was the group's belief that democratic institutions such as the Reichstag and the state parliaments were superfluous, if not actually harmful to the nation. What the country needed was a strong solitary individual who could lead the people to greatness, as *Gemeinschaft* members believed had been the case in the most glorious days of Germany's past. Members held that only a great leader could grant *Freundesliebe* its rightful place in society by making it legal and acceptable. No "mere parliament" would be able to do this.<sup>40</sup>

The *Gemeinschaft* was prepared to ally with any political party willing to support its goals, though its ideology on many topics placed it closer to the right side of the German political spectrum than the left. After the tumultuous early years, center/right coalitions dominated the governments of the Weimar Republic. Members of the organization were sure that their ideological affinity with these groups would help further their cause, especially given the *Komitee's* close relationship with the left, which dated from the turn of the century and rendered difficult any type of working relationship with the parties now in power at the national level. The problem was, of course, that much of the ideology of the *Gemeinschaft* was anathema to the right. The organization's endorsement of male/male sexual relations certainly put it far out of

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<sup>39</sup> Dr. Pfeffer, *Männerheldentum und Kameradenliebe im Krieg* (Berlin: Adolf Brand Verlag, 1925), 5, 16. It is interesting to note that, at the same time that the group was extolling the virtues of war, in its Articles of Association, the *Gemeinschaft* described war as madness and efforts to increase Germany's population as a means to create more cannon fodder for the machines of war. Brand, "Was wir wollen," 14, 16.

<sup>40</sup> St. Charles Waldecke, *Das Wissenschaftlich-Humanitäre Komitee: Warum ist es zu bekämpfen und sein Wirken schädlich für das deutsche Volk?* (Berlin: Adolf Brand Verlag, 1925), 12.

the conservative mainstream, as did its support for the right to abortion and its opposition to all forms of censorship. These parties wanted nothing to do with the Gemeinschaft, leaving the organization with very little political support for its goals.

But, as has been previously discussed, not political change, but national renewal was the central goal of the Gemeinschaft. The articles of association made abundantly clear the exact means of achieving this regeneration, and provided an even clearer explanation as to why many politicians shied away from the Gemeinschaft – the best means of attaining the revitalization of German society was through the formation of deep, loving relationships between men and youths.

[The G.D.E.] promotes a close joining of man to youth and of youth to man so that through respect and mutual trust, and not least through the offering of the one to the other, through the care of the older for the younger, through assistance in his education and progress, as well as through the promotion of his whole personality, each individual learns loyalty, voluntary subordination, civic virtue, a noble ambition free from all social climbing, a valiant courage constantly ready to act, and a willingness and joy in working for the national cause . . . which will show Germany the path to the heights and inner greatness.<sup>41</sup>

Though this is a rather innocuous statement advocating a mentor/student bond between adult men and boys, underlying these noble ideas was the belief that a sexual relationship between the partners was not only an acceptable, but a necessary, means of achieving these goals.

Everything the group hoped to accomplish was achievable through the love of an older man for a youth. This love not only helped the boy become properly socialized and educated. It assisted both partners to become the perfect citizens for the new Germany the Gemeinschaft imagined. Each learned to place himself in the service of the other and, therefore, in the service

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<sup>41</sup> Brand, "*Was wir wollen*," 15-16.

of the nation. This relationship would lead to nothing short of a glorious rebirth of German culture.

The above statement, and many others like it, is further illustration of the Gemeinschaft's idealization of ancient Greece. Members believed that the philosophical, artistic, and literary achievements of Greece were the direct result of male adult/youth relationships. In order to achieve the same results in modern Germany, society had to accept and foster these types of associations. Though it may appear that the organization used the example of ancient Greece and the rhetoric of national renewal to provide a convenient rationale for an attraction society viewed distinctly unfavorably, the members of the Gemeinschaft fervently believed in the ideology of the group. To them there was nothing immoral about what they felt. They viewed themselves as respectable men, some married, yearning to bring culture and education to boys, and thus renewal to their nation. It was dedication to this ideal that caused major problems for the organization. Whether government officials saw the group positively as attempting to emulate ancient Greek culture or negatively as an association of hebephiles, the Gemeinschaft's support for adult/youth relationships made it impossible for politicians of any stripe, much less those of the German right, to publicly endorse its existence.

This did not mean that the Gemeinschaft eschewed political activism. It reached out to political parties and even, as will be shown in the next chapter, willingly worked with the Komitee at times to convince the government to change the penal code. All of which begs the question as to just how committed the Gemeinschaft was to the founding principles it continually extolled. It also brings up the possibility that the noble ideals of art and culture were simply a cover to justify sexual feelings society found repulsive; their efforts to present themselves as the elite vanguard of German rebirth, simply a defense mechanism against their own acceptance of

the dominant society's view of their orientation as abhorrent. These were, after all, men attracted to other men who advocated loving relationships between adults and teenage boys.

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The *Gemeinschaft* and the *Komitee* however, ceased to be the wholly isolated organizations dedicated to reforming sex laws in Germany that they had been before the war. The more open atmosphere of the Weimar Republic allowed for the emergence of a number of groups that aimed at reforming or "modernizing" German society's attitudes toward sexual matters and the German legal code's treatment of them. The Society for Sexual Reform, the Society for the Science of Sex, the Association for the Reform of Marriage Laws, the United Association for Proletarian Sexual Reform and Protection of Mothers, as well as countless others, urged the acceptance, either socially or politically, of mother's pensions, illegitimate children, access to birth control and abortion, and easier divorce.<sup>42</sup> As a result, almost immediately after the collapse of the monarchy, Germany became known as a world leader in the study of sex, and in efforts to overturn outmoded laws. In recognition of Germany's preeminence in the field, organizers of the International Conference for Sexual Reform Based on Scientific Research decided to hold their first meeting in Berlin in 1921, hosted by Hirschfeld's Institut.<sup>43</sup>

No longer alone in the fight for sexual reform, the *Gemeinschaft* and *Komitee* also ceased to be the only homosexual rights groups in Germany. Taking advantage of the new possibilities which accompanied the coming of the republic, gay Germans organized into clubs, societies, and associations to such an extent that by 1923 twenty-five organizations for homosexuals existed in

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<sup>42</sup> Sievert, *Anomale Bestrafen*, 70; *Eldorado*, 34.

<sup>43</sup> Sievert, *Anomale Bestrafen*, 36.

the country.<sup>44</sup> Many of these new groups were small, local entities dedicated to promoting social activities and created out of the optimism that greeted the lifting of the repressive imperial system. Few concerned themselves with changing the German penal code. The lack of a political purpose combined with the chaos of the time meant that most of these organizations were not especially well-organized or well thought out, seemingly satisfied to pursue a variety of social activities. Nonetheless, out of this unpromising situation there grew what was to become the largest gay organization in the Weimar Republic; a group which, eventually, showed itself to be the equal of the Komitee and Gemeinschaft in the effort to achieve homosexual rights.

In 1919 Hans Kahnert founded the *Berliner Freundschafts Verband* [Berlin Friendship Association]. This group formed to offer homosexuals an organization with different emphases. Instead of focusing solely on science, as did the Komitee, or on high culture, as did the Gemeinschaft, the Verband worked to overturn §175 while also coordinating social events in the belief that the latter would bring the homosexual community together. Toward these goals, the Verband offered weekly meetings and held dances and other social events. The group flourished and soon had branches in Dresden, Düsseldorf, Frankfurt am Main, Stuttgart, Hamburg, and Hanover. In August 1920, the regional chapters joined together to form the *Deutscher Freundschafts Verband* [German Friendship Association] and to pursue social activity combined with political activism on a nationwide basis.<sup>45</sup> The Verband took both goals very seriously. Its second annual convention, held in 1922 in Hamburg, expressed its dual purpose by calling for both the elimination of §175 and the end of the societal exclusion of “*Homoeroten*” [Homoerotics]. In addition the organization pledged to fight against blackmailers and others

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<sup>44</sup> Steakley, *Homosexual Emancipation Movement*, 83.

<sup>45</sup> Steakley, *Homosexual Emancipation Movement*, 74; Sievert, *Das Anomale Bestrafen*, 29.

who oppressed homosexuals, and to provide free legal counsel for all Verband members who ran afoul of the law.<sup>46</sup> That the organization grew large enough to begin holding annual conventions so soon after its founding is a strong indication of its rapid expansion, as well as the popularity of its two-pronged approach.

The phenomenal growth of the Verband demonstrated the strength of the gay rights movement in Germany. By 1923, the Verband had expanded to thirty-six local branches in twenty-eight cities across Germany, with more in the planning stage, and two outside the country, in Switzerland and Austria.<sup>47</sup> These branches were not just located in major cities such as Berlin, Hamburg, and Munich, but in smaller cities like Bielefeld, Weimar, and Eisenach as well. Bielefeld, with a population in 1925 of 86,100 did not even incorporate as a city until 1930. Eisenach with 38,400 inhabitants and Weimar with 46,000 were considerably smaller.<sup>48</sup> When these are added to the Komitee's chapters in Frankfurt and Königsberg, and the Gemeinschaft's nine local branches, there is ample proof that the gay rights movement did not confine itself only to cosmopolitan Berlin, or even solely to large cities, but extended across the whole of Germany. Berlin being by far the largest city in Germany as well as the capital of the country, the Gemeinschaft, Komitee, and Verband all established their headquarters there. But Berlin was no more representative of all of Germany than New York City was of all of the

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<sup>46</sup> *Eldorado*, 39.

<sup>47</sup> Branches were located in Augsburg, Berlin (5 separate groups), Bielefeld, Braunschweig, Breslau, Kassel, Chemnitz, Krefeld, Dortmund (2 separate groups), Dresden, Duisberg, Düsseldorf, Eisenach, Essen, Frankfurt am Main, Hamburg, Karlsruhe, Kiel, Cologne, Königsberg, Forst. Lausitz, Leipzig (2 separate groups), Lübeck, Magdeburg, M-Gladbach, Munich, Oberhausen, Weimar, Lucerne, and Vienna. *Blätter für Menschenrecht* 1 (15 February 1923): 4.

<sup>48</sup> University of Utrecht. *Germany*. Wesp/populstat. <http://www.library.uu.nl/wesp/populstat/Europe/germany.htm>.

United States. If the movement had never reached beyond the metropolis, it would be unwarranted to speak of a German gay rights movement in the 1920s.

These local groups held weekly meetings, evening get-togethers, lectures, day trips, museum tours, book discussions, parties, theater evenings, dances, and balls. It is obvious that the community-building efforts of the Verband were considerable, and this partial list of activities goes a long way towards explaining why the group felt compelled to repeatedly defend itself against the charge of being only a social club. Even within the context of these events, however, there were efforts to be of service to the homosexual community beyond the role of social director. The group offered lectures meant to provide information on topics of interest to homosexual men and women and on the gay rights movement itself. Topics in 1923 included “Oswald Spengler’s ‘Decline of the West’ and its Meaning for Homoerotics,” “Social and Cultural Tasks of Inverts,” presented by a “non-invert,” and “The Fight Over §175.”<sup>49</sup> Beyond social events, local chapters attempted to reach out to as many people as possible, in as many different ways as possible. The Weimar and Hamburg branches maintained free lending libraries for members, offering a broad selection of books, both fiction and non-fiction, on homosexual topics. Berlin’s five separate chapters included a theater group which performed plays with gay themes and one focusing specifically on religion and sexuality, which was open to people of all faiths and met on Sunday afternoons at the Church of the Redeemer. Hamburg maintained a separate religious group as well. Like the Komitee, the Verband encouraged both men and women to join, and Berlin, Munich, Dresden, and Magdeburg even maintained separate women’s

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<sup>49</sup> “Ortsgruppen,” *Blätter für Menschenrecht* 17 (1 October 1923): 4; “Ortsgruppen,” *Blätter für Menschenrecht* 1 (15 February 1923): 4; “Nachrichten des Hauptvorstandes,” *Blätter für Menschenrecht* 12 (28 July 1923): 4.

chapters. To appeal to its female members, in addition to *Die Freundschaft*, the Verband also published *Frauen, Liebe und Leben* [Women, Love, and Life].

Despite the more open atmosphere of the Weimar Republic, the very real danger of exposure, which could mean the loss of one's job and ostracism by one's family, if not outright attack, continued to exist for German homosexuals. There was also the possibility of blackmail. This is made clear when looking at the Verband's information for its local chapters. Many branches listed only a post office box as their address. Publishing an actual street address was considered too dangerous. This might be understandable in the case of chapters in small cities like that in Eisenach, but even some branches in large cities shared this fear. The Breslau chapter, located in a city with over half a million people, did not provide a street address for either the chapter's offices or its meeting place. A prospective member had to write to a post office box, including a self-addressed, stamped envelope in order to receive information on these locations. In an effort to prevent harassment from potential troublemakers, the letter had to be signed. If the writer did not include his name, the branch sent no information. The Breslau group was not the only cautious big-city chapter. The Cologne and Munich branches, located in cities with populations close to 700,000, operated in the same manner. The Essen branch explained that it did not publish its address in the official paper of its own organization out of the fear of blackmail. Interestingly, the chapters in Bielefeld and Forst. Lausitz, which were located in the smallest cities to contain branches, regularly published their business addresses and meeting locations.<sup>50</sup>

Many of the local branches did not take the name *Deutscher Freundschafts Verband*. By February 1923, twenty-one, though still affiliated with the Verband, went by the name *Bund für*

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<sup>50</sup> *Blätter für Menschenrecht* 1 (15 February 1923); 4.

*Menschenrecht* [Human Rights League] to stress their commitment to individual rights. Two more branches, Weimar and Eisenach, were in the process of changing their names. Meeting on February 7, 1923, the executive board of the Verband, consisting of Hans Kahnert, the founder of the Verband and a member of the Thule Society, Friedrich Radszuweit, a publisher of homosexual-themed books and periodicals, Leo Strehlow, Willi Helke, Wilhelm Drews, and two other members, decided to change the organization's name to that of most of the local chapters in the interest of unity. The change of name went into effect immediately, but *Bund für Menschenrecht* did not become the official name of the organization until the delegates to the annual national convention, which was held in Leipzig over Easter weekend, March 31 to April 2, 1923, approved the action.<sup>51</sup>

In addition to calling for the name change for the group, the board of directors issued other proposals for discussion at the Leipzig meeting. Emphasizing their commitment to the gay rights movement, the directors called first and foremost for the elimination of §175. Business matters were more pressing, however. Feeling the devastating effects of hyperinflation in the spring of 1923, the leadership called for membership dues to be adjusted on a monthly basis as incoming funds were not keeping up with administrative and printing costs, despite the board members currently volunteering their services. Continuing the Verband's practice of assisting members in legal trouble, the directors proposed that ten percent of all proceeds be set aside in a fund to cover legal expenses for members and as a means of supporting propaganda efforts to eliminate §175. Lastly the board called for all three homosexual rights organizations to work together to form a united front in their mutual campaign against the current law. Toward this end, they proposed dividing the responsibilities so that each organization could concentrate on its own area

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<sup>51</sup> "Nachrichten des Hauptvorstandes," *Blätter für Menschenrecht* 1 (15 February 1923): 2.

of expertise. The Bund leadership called for the Komitee to maintain contact with top government officials and the scientific community. The Gemeinschaft should handle “artistic propaganda,” and the Bund would take care of educating the masses. The delegates to the convention, representing all local branches as well as individual members, voted to approve all of these measures.<sup>52</sup>

The delegates also elected new leaders. A nine-member board of directors ran the Bund. In addition, any local chapter that had at least fifty members could send one representative to all meetings of the executive committee. All of the original leaders of the Verband became members of the new board of directors in 1923 except Hans Kahnert, the Verband’s founder, who, it appears, chose not to run. The candidates ran unopposed and the delegates to the convention unanimously approved them, so he obviously did not place his name on the ballot since he does not appear on the list of directors. As he occasionally wrote articles for the Bund’s journal after this, he apparently remained a member of the organization, but decided to take a less taxing or public role. The chairman of the new *Bund für Menschenrecht* was Friedrich Radszuweit, who had been on the board of the Verband and was the head of one of the Berlin branches of the organization. He also published the organization’s periodicals. Radszuweit remained the leader of the Bund, as well as its publisher, until his death in 1932 at age fifty-six.<sup>53</sup>

Also approved at the convention was the acceptance of the *Blätter für Menschenrecht* [Paper for Human Rights] as the official periodical of the Bund, the leadership feeling that a journal was necessary to unify the group. The journal actually appeared one and a half months

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<sup>52</sup> Dr. Falk, “Nachrichten des Hauptvorstandes zum Bundestag,” *Blätter für Menschenrecht* 3 (15 March 1923): 2; Friedrich Radszuweit, “Einig und fest auf dem Bundestag,” *Blätter für Menschenrecht* 5 (15 April 1923): 2-3.

<sup>53</sup> Radszuweit, “Einig und fest,” 3.

before the convention delegates voted to officially approve its existence. To make certain that it stayed afloat and to insure the goal of unity, the Bund urged all its members to ignore other gay publications and to subscribe only to the *Blätter*.<sup>54</sup> As the official press organ of the Bund, the paper, which appeared biweekly, contained the addresses of all local chapters, their meeting times and locations, as well as announcements for the events that each group held. It also contained numerous advertisements for local gay and lesbian bars, shops, restaurants, and cafés. The paper kept the name *Blätter für Menschenrecht* until July 1928, when it became simply *Menschenrecht* and its format changed from an eight-page tabloid style to a longer, but smaller, book-sized publication. A month earlier, the periodical changed from a biweekly to a monthly publication.

Much like the *Gemeinschaft's Der Eigene*, the *Blätter* contained poetry, fiction, and inspirational stories of famous homosexuals. Outside of an occasional picture on the front cover, almost none of which involved explicit nudity, the *Blätter* dispensed with illustrations altogether. The new publication also did not carry personal ads. It did, however, try to reach as large an audience as possible by offering something for every taste. The paper included an entertainment page containing jokes, riddles, puzzles, amusing stories, and saccharine poetry. This one-page section eventually became a separate insert, published until spring 1928. For lesbian members of the Bund in these early years, the paper included a feature entitled *Auf sapphistischen Pfaden* [On Sapphic Paths]. A section discussing the latest scientific information on homosexuality called *Geschlecht, Gesetz und Gesellschaft in ihren Wechselbeziehungen* [The Interrelation of Sex, Law, and Society] was also a regular part of the periodical. Though the editors eventually discontinued the women's section, the science segment became a separate insert of the *Blätter*

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<sup>54</sup> Friedrich Radszuweit, "Wenn zwei dasselbe tun...", *Blätter für Menschenrecht* 4 (1 April 1923): 5; "Einig und fest," 2.

and appeared until May 1928. A literary supplement, *Die Insel des Einsamen* [Island of the Lonely], also made up part of the *Blätter*. Later in the decade it was spun off as a separate literary magazine.

Five months after it began publication, the *Blätter* had a circulation of 65,000. By 1930 the *Blätter* and *Die Insel* each had circulations of 150,000.<sup>55</sup> In September 1928, the paper added a regular section entitled “Justice” which described sex crimes, both heterosexual and homosexual, in order to demonstrate what the Bund viewed as the hypocrisy of the German legal system by pointing out the minimal sentences given to men who harmed women or girls compared to the stiff penalties exacted for violations of §175. It also offered further examples of unfairness by publicizing the light sentences given to people who blackmailed homosexual men.

In 1924 the Bund started publishing *Die Freundin*, [Girlfriend] with the subtitle “Monthly Paper of the Bund für Menschenrecht with a Special Section for Transvestites.” Both lesbians and transvestites were the target audience for this journal, which carried the usual fare of stories, poems, and personal ads, as well as cover photographs of semi-nude and nude women. That the Bund aimed this periodical at two such disparate groups is a strong indication of the level of misunderstanding of both by the male leadership of the organization. On the other hand, the Bund was the only one of the three organizations that attempted to offer any publications specifically for members of either of these two groups. *Die Freundin* started as a monthly journal, but very quickly changed to a twice monthly journal. By 1927 the periodical became a weekly, evidently because it was meeting a strong demand.

The hyperinflation of 1923 was not kind to the *Blätter*. When it first appeared in February 1923, the eight-page periodical cost 100 marks. By August, the price had increased to 10,000

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<sup>55</sup> “Unsere Bewegung,” *Blätter für Menschenrecht* 11 (15 July 1923): 3; Sievert, *Anomale Bestrafen*, 38.

marks and by November 1923 a single copy was selling for 250,000,000 marks.<sup>56</sup> However, the *Blätter* survived. The escalating dues system put in place at the April convention allowed the board to adjust for inflation and kept the Bund financially solvent enough to fund the newspaper. In October 1923 alone, the Bund took in 1,612,040,500,000 inflated marks.<sup>57</sup> The stabilization of the currency by December of that year reduced the price of the *Blätter* to 15 pfennigs and it never rose above 20 pfennigs before it stopped appearing in early 1933.

The Bund's policy of social activism combined with social activity paid off spectacularly as far as membership. By the summer of 1923, the organization had forty-one local branches spread across Germany, Austria, and Switzerland, with twelve more groups in the process of forming. Many larger cities supported two or more chapters, including separate women's, theater, and religious groups. Berlin had nineteen branches encompassing everyone from women to academics to avid hikers. Once again, homosexuals also organized affiliates outside the large metropolitan areas. In 1923, organizers planned or had begun groups in Bautzen, which had a population of 40,400, Cottbus, with 50,400 citizens, and Hameln, with 25,600.

The Bund continued the Verband's goal of trying to tread a middle path between the Komitee's scientific rationalism and the Gemeinschaft's idealized romanticism. But Germany already had two gay rights groups that had been in existence for over twenty years by the time it came into being. The leaders of the Bund were keenly aware of this fact, as they were that many in the movement viewed the group as a mere social club. To deal with these issues and explain its position, the organization issued a statement laying out its fundamental principles and goals.

The purpose of the Bund is to:

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<sup>56</sup> *Blätter für Menschenrecht* 1 (15 February 1923): cover; *Blätter für Menschenrecht* 13 (11 August 1923): cover; *Blätter für Menschenrecht* 18 (1 November 1923): cover.

<sup>57</sup> "Unsere Bewegung," *Blätter für Menschenrecht* 19 (15 November 1923): 8.

Fight for the repeal of §175.  
Fight against the societal anathematization of homosexuals.  
Offer complete, free of charge, advisers, in the form of both defense  
councilors and legal experts, for all members of the Bund, who belong  
to the legal protection unit of the Bund für Menschenrecht.  
Cultivate honorable sociability and true comradeship.

The Bund is the only organization in Germany which energetically  
represents the interests of homosexual people and which determinedly  
educates the masses in sexual matters. The Bund has members not  
only in Germany, but in almost all the countries on the Earth.<sup>58</sup>

The first paragraph of this statement does not exactly set the Bund much apart from the two other groups. They all vowed to work to eliminate §175 and to have male same-sex relationships accepted by society and treated legally as equal to those between a man and a woman. The Komitee and Gemeinschaft also offered its members free legal assistance, and the Bund's fourth point calling for the cultivation of a higher sociability and friendship could have been written by Adolf Brand himself. The Bund leadership's statement that their organization was the only one that "energetically represents the interests of homosexual people" was both an attempt to set the new group apart from its competition and as a denigration of the other two groups, representative of the continuing lack of unity in the movement.

The search for a middle way, in reality, distinguished the Bund from the other two groups. It played out in the type of people the Bund recruited, its underlying motives for existing, its conception of homosexuality, and its rationale for wanting the law changed. The Bund took elements of its ideology from the Komitee and Gemeinschaft, adjusted them to its views, added a pronounced sociability, and was able to appeal to a broader constituency.

Like the Komitee, it emphasized the inborn nature of homosexuality and based its opposition to §175 on the idea that sexual attraction to the same sex was a natural predisposition

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<sup>58</sup> *Blätter für Menschenrecht* 1 (2 January 1928): 8.

that could not be controlled or eliminated by law. For this reason, in addition to the *Blätter's* "Sex, Law, and Society" insert of scientific information, the Bund published numerous articles on the inborn nature of sexual orientation. Further proof of the Bund's belief in the innate existence of homosexuality is seen in the name of one of its other publications, *Das dritte Geschlecht* [The Third Sex]. Hirschfeld had coined this term in the nineteenth century to denote the existence of an individual who inherently combined the intellectual and personality characteristics of both males and females. Though Hirschfeld abandoned the term before World War I, it was still in use in 1920s Germany to indicate people innately homosexual, and the Bund used it to describe its members.

From the *Gemeinschaft*, the Bund adopted the assertion that homosexuals were both manly and of great value to society, furnishing proof by publishing numerous stories of great men who maintained close loving relationships with other men. Besides the by now normative examples of Frederick the Great of Prussia, Alexander the Great, and Michelangelo, however, articles in the *Blätter* and other Bund publications brought to light "lesser" homosexuals who might not have been as famous, but who were nevertheless important intellectuals and heroes of culture. Men such as Jean-Jacques Régis, a Second Consul of the First French Republic and later primary author of the *Code Napoleon*, German folk author Jakob Stutz, and Imperial Knight Johannes von Müller, who wrote a five-volume history of Switzerland, had their life stories told in the pages of the *Blätter*. Breaking from the *Gemeinschaft's* misogynous prejudices, the Bund also presented histories of famous homosexual women, including Queen Christina of Sweden.<sup>59</sup>

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<sup>59</sup> F. Karsch-Haack, "Berühmtes Homosexuelle: Cambacérès," *Blätter für Menschenrecht* 1 (2 January 1928): 4; "Berühmtes Homosexuelle: Jakob Stutz (1801-1877)," *Blätter für Menschenrecht* 3 (30 January 1928): 4; "Berühmtes Homosexuelle: Johannes von Müller," *Blätter für Menschenrecht* 4 (13 February 1928): 5; "Historische Männinnen: Die schwedische Amazone: Königin Christine," *Blätter für Menschenrecht* 19 (15 November 1923): 5.

Fiction favored in the *Blätter* was of a distinctly middlebrow cast. Overwhelmingly it consisted of paeans to the uplifting virtues of close male friendships that rivaled anything published by the Gemeinschaft in this genre. Stories of noble youths in bucolic settings forming close loving bonds for which they forsook all else was standard fare. At times, to get away from such hackneyed literary efforts, the Bund's authors turned to fairy tales and presented, in one case, gay elves and water sprites who found true friendship across species, as in "*Das neue Blatt*" [The New Leaf].<sup>60</sup>

The Bund attempted to synthesize the ideas of both the Komitee and the Gemeinschaft, making them accessible to its own unique constituency. By taking both tacks, the scientific and the virtuous, and embedding them in a culture of sociability, the Bund hoped to reach out to non-professionals as well as the Komitee's professional types, to average people, as well as the Gemeinschaft's elitist ones. The Bund guessed that the pressures brought to bear by an unwelcoming, sometimes overtly hostile society could break down the barriers between these two sorts of homosexuals and that they could be brought together with more ordinary members in a single organization. The guess was a savvy one. The Bund quickly became the largest of the three groups with almost four times as many local chapters as the other two combined.

The Bund's separate path is also seen in its rationale for the elimination of §175. As a gay rights group, it naturally worked for the repeal of a law aimed specifically at its members. It could not, of course, simply say the law was wrong and leave it at that; it needed to provide rationales for this position. In part, it took the same stance as the Komitee and argued that §175 should be abolished because it was impossible to legislate away an inborn, naturally-occurring

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<sup>60</sup> "Das neue Blatt," *Blätter für Menschenrecht* 2 (1 March 1923): 5. See also: Eduard Oskar Püttmann, "Das Tal der Reue," *Blätter für Menschenrecht* 4 (1 April 1923): 5; Julius Werner, "Der Page" *Blätter für Menschenrecht* 13 (11 August 1923): 6; Heinrich vom Drachenfels, "Hirtenlieder," *Blätter für Menschenrecht* 15 (15 September 1923): 6.

disposition. As can be seen from the stories in the *Blätter* about famous homosexuals in history, the Bund also shared the Gemeinschaft's explanation that gay men were valuable and productive members of society driven away, prevented from giving their all, or harmed by the existing law. These ideas were not the primary basis for the Bund's opposition to the law, however. The main argument for the elimination of §175 was the idea of individual freedom. The government had no right to interfere in the private affairs of people if they caused no harm to others and--in an important concession to non-homosexuals – did not disturb the public peace or offend the public's sense of propriety.

The Bund based its opposition to §175 on these classical liberal ideas of freedom of individual action and limited government power much more than on science or the edifying effects of male relationships. Middle-class liberals had used arguments of freedom from government interference since the middle of the nineteenth century to push for economic and social rights for their class, not only in Germany, but throughout Europe. The Bund was here using a mainstream middle-class justification to argue for a radical cause, equal rights for homosexuals, that few liberals anywhere had supported. This consciously conventional approach separated the Bund from its more militant fellow organizations. In fact, in the 1920s, many of its positions served not only to separate the Bund from, but to put it at odds with both the Komitee and the Gemeinschaft.

The Komitee, in agreement with its socialist and, in the Weimar Republic, communist supporters, wanted the abolition of laws punishing male prostitution because, as its spokesmen insisted, the underlying causes were social, not sexual. The Bund opposed this, believing that prostitution represented a moral danger to boys and young men. More importantly, its leaders felt that the homosexual rights movement should stay clear of radical issues such as this for fear

of alienating the general public. The Komitee wanted the age of consent for males lowered from twenty-one to sixteen, the age for females, in the interest of equality, and because, scientifically, it believed a boy reached full sexual maturity by that time. The Gemeinschaft, true to its ideal of man/youth relationships, also supported lowering the age to sixteen, but ultimately hoped for the total elimination of all age of consent laws. Once more, the Bund adopted a more modest position, demanding that twenty-one remain the age of consent for males. Acknowledging the need to win public support, the Bund tried to allay the fears of German parents by calling for severe punishments for anyone who had sex with a minor.<sup>61</sup> On both of these issues the Bund's aversion to upsetting middle class people distinguished it from the other two groups. Whereas the Komitee allied with the socialists and communists, and the Gemeinschaft advocated sexual relationships with youths, the Bund steered clear of any association with radical ideas beyond equal rights for homosexuals. It wanted the elimination of §175 in order to allow homosexuals freedom over their own private lives, but not the repeal of any laws beyond it, which might cause public upset.<sup>62</sup>

The Bund intended to appeal to the majority of Germans with this cautious attitude and its concern for propriety, and along these lines, made every effort to insure that society's image of homosexuals was one of decent, upstanding individuals who might behave differently in private but appeared to be just like everybody else in public; basically hoping to gain civil rights by stressing the normality of homosexuals. By presenting gay men as like heterosexuals in all ways but their sexual orientation, the Bund believed that it could gain the support of the general public

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<sup>61</sup> *Reichsjustizministerium – Petition - Anträge auf Beseitigung des P. 175 des St.G.B 296/R.S.G.B. Entwurf 1 June 1929 – 21 Mai 1934*, file R3004/5775, BArchiv, 22.

<sup>62</sup> "Das 'aufgeklärte Wien,'" *Blätter für Menschenrecht* 3 (15 March 1923): 6; Hannibal, "Freibildertum," *Blätter für Menschenrecht* 7 (15 May 1923): 6.

for the elimination of §175. For this reason, its leaders felt it was necessary to keep those that did not fit this image, such as transvestites and overtly effeminate men and manly women, from the public face of the gay rights movement. They believed that one of the reasons that §175 had not been overturned already was that too many of the movement's fighters were "too feminine." The movement, thanks to these inappropriate individuals, had taken on the appearance of working for the "party lifestyle of effeminate homosexuals" instead of for individual rights. Until this changed, no headway could be made.<sup>63</sup>

When "unacceptable" representations did appear, the Bund strongly denounced them. If these involved members of the other homosexual organizations, it felt called upon to censure them as well. In 1927, Hirschfeld appeared in a film entitled "*Gesetze der Liebe*" [Laws of Love], a sex education film showing the reproduction and birthing methods of various plants and animals and the sexual behavior of mammals, including humans, with some salacious overtones. Part of the film also explained that naturally occurring deviations from the norm, such as hermaphroditism and homosexuality, were present in all mammalian species by presenting examples of each. Believing that these representations in humans only included "virile women, effeminate men, and transvestites" the Bund's main publication ran a four-column, front-page story written by the group's leader, excoriating Hirschfeld under the headline, "Hirschfeld's Film Scandal." In it, Radszuweit accused the Komitee leader of obviously forgetting that he was for equal rights for homosexuals, as the film's depiction of gays and lesbians played into the hands of the opposition by providing examples of homosexuals that confirmed people's worst stereotypes. The Bund feared that because of the scenes of crossed-dressed mincing men and swaggering women on the screen, the public would leave the theater thinking that all

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<sup>63</sup> Hannibal, "Freibildertum," 6.

homosexual people were “half-crazy and belong in a madhouse.” Hirschfeld, by appearing in films such as this, was not helping to eliminate §175; he was helping to make penalties even harsher. The embarrassment of the Bund was awakened also by several of Hirschfeld’s other public activities. While the *Blätter* occasionally advertised Komitee events and speeches by its leader, it only did so for those that concentrated exclusively on science. Speeches that were deemed to stress eroticism or, worse, abnormalities, not only were not publicized in the periodical, but all advertising for them anywhere was criticized.<sup>64</sup>

The belief that behavior that gave the public the “wrong” impression had to be condemned and, if possible, eliminated was not confined to the national leadership of the organization. In 1928, the leader and secretary of the Chemnitz chapter were living openly as a couple. While at home, the secretary dressed in women’s clothing. The Bund’s leaders considered the cross-dressing bad enough, but the pair somehow drew the attention of local police and then that of their neighbors. When the secretary was arrested and photographed in women’s clothes, this proved too much. The Bund voted both men out of the organization at its 1928 national convention on the grounds that their behavior was too scandalous to be acceptable for chapter leaders of the group. While the Bund was a middle-class organization very much concerned with respectable behavior, further explanations given for the ouster of the two men indicate that profit and loss played a large role in the decision. During the discussion of what action to take regarding the Chemnitz branch leaders, the point was made that defending the secretary at trial had cost the Bund 230 marks, while the chapter only brought in 15 marks for the national organization. It was also brought up that the branch still owed the Bund 100 marks for

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<sup>64</sup> Friedrich Radszuweit, “S.-R. Hirschfelds Filmskandal,” *Blätter für Menschenrecht* 1 (2 January 1928): 1-2; “Das ‘aufgeklärte Wien,’” 6.

publications it had ordered. It seems quite possible that the Bund expelled the Chemnitz leaders not only because they were too flamboyant, but because they were not cost effective.<sup>65</sup>

The reasons behind the removal of the leader and secretary of the Chemnitz chapter are telling because, besides the concern with appearances, the Bund's leadership had an even more pressing interest – money. Of the three major homosexual rights groups of the time, the Bund leaders seemed to have been the most obsessed with collecting money. The pages of the *Blätter* incessantly urged members to promptly pay their dues and subscription costs, as well as to donate directly to the organization.<sup>66</sup> All individual members had to pay monthly dues to the national organization, and all local chapters were assessed an additional monthly fee on each of its members. To be able to pay the latter, branches also charged monthly dues. Every event that the Bund sponsored, whether dance or lecture, had an entrance fee, though members paid a reduced rate if they showed their membership card at the door. Despite the number of charges a Bund member had to endure, taken separately none of them were unreasonable or especially burdensome. Both the Gemeinschaft and the Komitee had membership fees and the former charged for most of its events as well. Given this, the Bund's levies were not excessive. After the stabilization of the currency in late 1923, the dues dropped to less than one mark a month. In April 1928, the board of directors raised the dues to one mark for individual members; local chapters were assessed 50 pfennigs a head. Nevertheless, there is evidence that members complained about the cost of membership. Two months after the founding of the Bund, the *Blätter* found it necessary to print a poem entitled, “*An die Beitragscheuen!*” [To Those Shy

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<sup>65</sup> “Die Ergebnis der Hamburger Bundestagung!” *Blätter für Menschenrecht* 8/9 (23 April 1928): 3.

<sup>66</sup> See for example: “An die Beitragscheuen!” *Blätter für Menschenrecht* 3 (15 March 1923): 2; “Nachrichten des Hauptvorstandes,” *Blätter für Menschenrecht*, 8 (1 June 1923): 6; “Nachrichten des Hauptvorstandes,” *Blätter für Menschenrecht*, 15 (15 September 1923): 4; Heinrich Ulbat, “Die Versprengten,” *Blätter für Menschenrecht* 18 (1 November 1923): 3; “Einladung zum Bundestag,” *Blätter für Menschenrecht* 24 (1 February 1924): 3.

about Paying Their Dues]. Those people “wailing and whining” that the costs were too high, or who threatened not to pay at all, were stopping the movement from attaining its goal of equal rights and helping the forces aimed at keeping homosexuals in their place. If they wanted to win the fight, they needed to buckle down and pay up.<sup>67</sup>

Bund members, however, faced more than just dues as a means of separating them from their money. In April 1923, during the midst of the hyperinflation that wiped out Germans’ savings and ate up their wages, the organization pressured all members to donate 750 marks to the group; local branches had to donate 300 marks.<sup>68</sup> Aside from the predictable pressure on individual members to subscribe to the official periodical, all chapters had to purchase at least one subscription to the *Blätter*, which served to increase local dues. The legal advice and representation offered by the Bund were not free unless a member belonged to the legal protection unit of the group for at least one year. Membership in this was not included in the regular dues, as it was in the *Gemeinschaft* and the *Komitee*; one had to pay extra to be part of it. At the organization’s 1928 national convention, members voted to grant a member money from the legal defense fund even though he did not meet the one year membership requirement. The leadership of the Bund made clear afterwards that “in the future this will not happen again.”<sup>69</sup>

Advocacy groups require money to operate and need their members to contribute as much as possible. This is especially true of an organization such as the Bund, which operated on the margins of acceptable society and had as its pool of possible members only a limited segment of the population – gay Germans and their supporters. What made the constant pressure for money

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<sup>67</sup> “Die Ergebnis der Hamburger Bundestagung!” 2; “An die Beitragscheuen!” 3.

<sup>68</sup> “Nachrichten des Hauptvorstandes,” *Blätter für Menschenrecht* 5 (15 April 1923): 6.

<sup>69</sup> “Die Ergebnis der Hamburger Bundestagung!” 3.

unseemly was that the leader of the Bund, Friedrich Radszuweit, was not only the chairman of the organization. He was also the head of the Friedrich Radszuweit Verlag, the company that published all of the Bund publications that the Bund was constantly urging members to buy, and within which were advertised books sold by his company. In addition, Radszuweit, in the middle of a front-page *Blätter* call to action, urged Bund members to push for the formation of an international newspaper for the gay rights movement, for which he would be the German language editor as well as the publisher. To make certain that members knew exactly who to recommend for this, he included his address, which was already listed in two other places in the journal.<sup>70</sup>

Not only did Radszuweit profit from the sale of the periodicals and the books advertised in them, his name was all over the papers. The cover page of the *Blätter* listed the name and address of his publishing house as the headquarters of the Bund. In the first year he wrote seventeen articles for the paper, including ten cover stories. By 1928, Radszuweit was writing almost all the cover stories. It is not unusual for the leader of an organization to contribute articles to its main publication, and it certainly shows a high level of dedication to the movement, the Bund, and the *Blätter*. However, given that he published the paper, was the main contributor to it, was the sole advertiser of published material in it, despite there being eight other board members and over forty local chapters, and given his incessant appeals to members to subscribe to the paper and buy the books he was publishing, the impression that Radszuweit's campaign was as much for personal profit as it was for gay rights is difficult to escape.

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<sup>70</sup> "Aufruf," *Blätter für Menschenrecht* 3 (15 March 1923): 1.

The Gemeinschaft and Komitee had had difficulty working together during the empire. The addition of a third homosexual rights group in the Weimar Republic made the possibility of unity within the movement even more unlikely. The animosity that had developed during the Wilhelmine period between the Komitee and the Gemeinschaft over ideology and tactics remained after the war. Despite the new openness and the hope that developed from it, both groups would have to be willing to bend in ways they had not been able to earlier in order to achieve their mutual goal of overturning §175. To make this more difficult, now the movement had a third organization with which to work, one that was larger than the original two combined. Apart from the Bund's borrowing of ideology from both the Gemeinschaft and Komitee, it still had its own reasons and its own methods and style for working toward the elimination of §175 which put it at odds with the other two on a number of issues. The leadership of the Bund had suggested at its founding, the three organizations needed to work together, each group concentrating on its own strength, in order to achieve their ultimate goal of equal rights for homosexuals in Germany. Yet given their distinct rationales for existing and the different segments of the population to which the three groups appealed, this proved to be a difficult task.

## Chapter IV

### Our Hour Has Come

With three major homosexual rights organizations in existence, gay Germans in the Weimar Republic had before them choices that few homosexuals in other western countries at the time had. No matter what their political convictions, their social status, or their educational level, homosexual Germans could find a group that fit their needs, and the presence of over fifty local chapters of the various national organizations meant that they did not have to look far. If they did not want to join a specific group, gay men and lesbians could find opportunities to socialize at the numerous gay pubs, dance halls, cafés, and restaurants that existed in all major, and many minor, German cities. Even establishments that did not specifically cater to a homosexual clientele set aside certain evenings for gay and lesbian patrons. At cabarets, they could hear songs celebrating gay and lesbian life, such as *Wenn die beste Freundin* [When the Special Girlfriend], and, if they desired, buy recordings of the same in local music shops.<sup>1</sup> When they went to the theater, they could see homosexual characters and themes presented in productions put on by new gay theater companies as well as more mainstream groups. As they were walking to or from any of these venues, they could stop at street kiosks and buy copies of the over thirty periodicals aimed at gay men and lesbians available at the time. Even in more mainstream papers and journals they could read stories on the activities of gay organizations and the position of political parties on homosexual issues. Combine all of this with the opening of the political system and the reduction of government controls over society that were part of the

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<sup>1</sup> Peter Jelavich, *Berlin Cabaret* (Cambridge: Harvard University Press, 1993), 192.

Weimar Republic, and it is understandable why many German homosexuals believed they were living in the best of times.

However, the best of times still included §175 outlawing *widernatürliche Unzucht* between men. Despite the flourishing gay subculture they saw around them, German homosexuals lived with the constant threat of legal punishment hanging over their heads. Given the haphazard enforcement of the law, many men did not have to face being arrested, especially those living in large metropolitan areas where the police usually looked the other way unless the behavior was too egregious to be ignored. Even when the police did make an arrest, the penalties often involved only fines, rather than prison time. But the statute was always there in the background, and even fines meant exposure and a criminal record, as well as the possible loss of family and job. At the same time, there was the ever-present danger of blackmail. Since sexual activity between men was illegal, every partner was a potential blackmailer. There was no recourse for the prey, because turning to the police, although it would end the extortion, rendered the victim liable to prosecution. As long as §175 existed, no matter how many pubs, theaters, or journals existed, homosexual German men had to live in fear of possible ruin or deny their inclinations.

It was for this reason that all three gay rights groups, despite their differing ideologies, methods, and motives placed the repeal of what they called the *Schandparagraph* [shameful paragraph] at the center of their efforts. It was also the reason why, in 1920, the leaders of the Komitee, the Gemeinschaft, and the Bund's predecessor, the *Deutscher Freundschaft Verband*, came together to form the Action Committee for the Elimination of §175 of the Reich Penal Code. The committee was comprised of Komitee chairman Hirschfeld and co-chairman Kurt Hiller, Gemeinschaft leader Adolf Brand, and Verband founder Hans Kahnert, as well as publisher Peter Hamecher, and other members of the three organizations. The goal of the group

was, of course, the repeal of the law against male homosexual activity, which it hoped to accomplish by means of a Fabian approach to politics, that is, by contacting influential members of the Reichstag and the press and swaying them with information that would convince them to support the cause.

The Action Committee's tactics are emblematic of the entire German gay rights movement. There was no attempt on the part of any of the three groups to organize a mass movement of homosexuals or to mobilize the general public in support of their goals. The former is somewhat understandable. All of the groups had to appeal to a persecuted minority. As will be shown later, they had to exert a great amount of effort just to attract and retain members. To then ask these men and women to attend protests or to publicly identify themselves as homosexuals in other ways was not really a viable option given the level of opprobrium and violence they regularly faced. While the Bund repeatedly advertised itself as a mass organization for homosexuals, its concern with propriety prevented it from ever using its status as the largest gay rights group to organize public demonstrations of support for changing the law.

Attempting to mobilize the general public was an even more daunting task for all of the groups. It was the public after all that was persecuting their members. The belief of Gemeinschaft members that they represented an elite cultural vanguard, morally and intellectually superior to most Germans, precluded any possibility that they would be willing to reach out to the "philistine" masses. The Komitee, on the other hand, held that the masses could be educated to accept homosexual rights and that the scientific information it was collecting would eventually correct the public's misconceptions about homosexuality. Until that time, however there was no possibility of rousing the masses to action on the side of the Komitee. To end the persecution its members faced in the present, the organization focused on changing the

opinions of political leaders. Though the Bund occasionally reached out to the public in the pages of its publications, its emphasis on modest and proper behavior made mass mobilization unlikely. The Action Committee's concentration on political and social leaders was, therefore, a well-ingrained part of the homosexual rights movement.

The formation of the Action Committee was important as it represented a setting aside of past differences for both Hirschfeld and Brand. Before the war, their groups had ceased working together because of differences in ideology and methods, and the leaders even openly attacked each other in their periodicals. The advent of the Weimar Republic and the proposed rewriting of the penal code that was part of an announced reform agenda convinced both men that the best way to achieve their mutual goal was to set aside their past quarrels and work together. "The existing largest organizations now form a united front in the battle . . . and it is particularly welcome, as Adolf Brand explained, that he and the *Gemeinschaft der Eigenen* want to fight side by side with the *Wissenschaftlich-humanitären Komitee*."<sup>2</sup> The necessity of cooperation became clear to both groups when shortly after the adoption of a new constitution in 1919, the government drafted a new criminal code that did not eliminate, or even weaken, §175. Based on the one drawn up in 1913, this draft, written under the direction of Rudolph Heinze of the conservative German People's Party, increased the penalties for violations of §175 to up to five years in prison, providing a good indication of how conservative Germany remained despite the collapse of the monarchy.<sup>3</sup> It was also a sign of the the difficult road ahead for those working to change the law.

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<sup>2</sup> *Jahrbuch für sexuelle Zwischenstufen* 44(3-4) (1920): 181f., quoted in Hermann Sievert, "Das Anomale Bestrafen: Homosexualität, Strafrecht und Schwulenbewegung im Kaiserreich und in der Weimarer Republik," *Ergebnisse: Zeitschrift für Geschichtswissenschaft* (24 April 1984): 33.

<sup>3</sup> Reichs Justizministerium, *Entwürfe zu einem Deutschen Strafgesetzbuch* (Berlin: Walter de Gruyter & Co. 1920), 269-271.

The Action Committee urged all German homosexuals to work together to change the law, and matched this call with direct action. In July 1921, the Committee sent a letter to Reich Justice Minister Eugen Schiffer imploring him to eliminate the “*Urningsparagraph*” because it was outdated and did not correspond to modern scientific knowledge on sexuality. To further its cause, the letter contained a copy of the Komitee’s petition along with a complete list of the people who had signed it. True to its goal of educating public officials, the Action Committee also included a number of pamphlets on homosexuality published before the war, including: §175: *Homosexualität in Sitte und Recht* [Homosexuality in Custom and Law] by Hermann Michäles, Hirschfeld’s *Das Unzucht des §175* [The Depravity of §175], *Die Untersuchungen u. Forschungen von Professor E. Steinach über künstliche Vermännlichung, Verweiblichung und Hermaphrodesierung* [Investigations and Research of Professor E. Steinach on Artificial Masculinization, Feminization, and Hermaphroditism], and *Das Ergebnis der Statistische Untersuchungen über der Prozentsatz der Homosexuellen* [The Results of Statistical Investigations on the Percentage of Homosexuals in Society], as well as *Inweifern widerspricht der §175 des St.G.B. dem "richtigen Recht"?* [In What Way is §175 of the Penal Code Contradictory to the “True Law”?] by Numa Präterius, *Gewichtige Stimmen über das Unrecht des §175 unseres Reichstrafgesetzbuch* [Important Voices on the Injustice of §175 of Our Penal Code], and *Homosexualität und Strafgesetz* [Homosexuality and Penal Law], by L. Löwenfeld, in order to provide the minister with as much relevant information as possible.<sup>4</sup>

Despite the Gemeinschaft’s membership in the Action Committee, the use of information by doctors and lawyers and the emphasis on modern scientific information were clearly the methods and arguments of the Komitee. In order to achieve their goal of changing the law,

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<sup>4</sup> *Anträge auf Beseitigung des P. 175 des St.G.B. von Oktober 1907 bis 31 Mai 1929*, file R3001/5774, Bundesarchiv (BArchiv), Berlin, 123.

Gemeinschaft members were willing to place their ideology of national renewal and cultural rebirth through male friendship, an ideology that had split the homosexual rights movement before the war, to the side, at least for the moment.

The letter to the justice minister did not result in any concrete action towards changing the law. The group members did not let this hold them back. When a new government came to power in October 1921, the Committee did more than just write letters; its members met with government officials and political leaders in an attempt to personally change their opinions regarding the law. The group's organizers arranged a meeting with the newly appointed Reich justice minister, Gustav Radbruch, almost immediately after he took office. Before he became a member of the government, Radbruch had signed Hirschfeld's petition and supported the goals of the Action Committee. He helped draft a new penal code in the following year eliminating §175, but was not successful in bringing it before the Reichstag before he left office in November 1923.<sup>5</sup> On November 11, 1921, Committee members met with representatives of the Independent Socialist Party, precursor to the German Communist Party (KPD), in an attempt to gain their help in drafting a new legal code. At the end of February of the following year, the Action Committee met with the members of the Brandenburg provincial legislature to press its demands for a revision of the law. On March 4, 1922, members met with the president of the Reichstag and two weeks later held a meeting with representatives of the right-of-center German People's Party at the *Institut für Sexualwissenschaft*. The group most certainly got its information to public officials, but it had no concrete effect and the law remained on the books.<sup>6</sup>

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<sup>5</sup> *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950: Geschichte, Alltag und Kultur* (Berlin: Frölich & Kaufmann, 1984), 34; W.U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* (Berlin: Verlag rosa Winkel, 1980), 67.

<sup>6</sup> Sievert, "Das Anomale Bestrafen," 34.

Having failed to get the desired results by attempting to influence legislation, the Action Committee reached out to those people who enforced §175 in hopes of changing their attitudes toward the law and, possibly, encouraging them to treat offenses against it more leniently. To this end, the leaders of the Committee held a number of lectures for police officials, public prosecutors, and judges, not only on homosexuality, but on all variants of sexual behavior. Though offered, it is doubtful these meetings reached many people or had much of an effect, if a lecture given by Hirschfeld in 1923 and reported in the Bund's *Blätter für Menschenrecht* is any indication. On March 28, 1923, the Komitee leader presented a two-hour slide show and lecture on the natural existence of sexual variations. Hirschfeld's group sent invitations to the event to every judge and prosecutor in Berlin. The *Blätter* described the event as poorly attended, but attempted to put the best face on this by explaining that the people who had been present represented the cream of the Berlin legal world. Whether true or not, it appears that these lectures reached only a fraction of those people necessary to achieve the changes the Action Committee wanted.<sup>7</sup>

The letters, meetings, and lectures failed to effect any changes to the penal code. Meanwhile, the attention of both the German government and public was on the French occupation of the Ruhr and the hyperinflation that was devastating the economy at the time. The national political and economic situation and the lack of success exacerbated the old ideological differences of the pre-war era, which had been momentarily papered over in hopes of quick victory. The Komitee's emphasis on science and the inborn nature of homosexuality still ran completely counter to the Gemeinschaft's belief in the fluidity of sexuality and its hatred of scientific classifications. The Gemeinschaft had joined with the Komitee and Verband in 1920

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<sup>7</sup> Dr. Falk, "Vortrag vor Richtern und Staatsanwälten," *Blätter für Menschenrecht* 5 (15 April 1923): 5.

because the collapse of the old regime brought with it new hope that old ways of thinking could be eliminated and homosexual rights quickly attained. With the promise of impending change, the organizations willingly overlooked their differences and past animosity in hopes of changing the law. By 1923, with no successes and none on the horizon, these differences proved too much to overcome. On April 20, 1923, the *Gemeinschaft* withdrew from the Action Committee. Adolf Brand explained the *Gemeinschaft*'s withdrawal in terms of national unity. He declared that, with the French occupation of part of the country and the ensuing monetary collapse, all Germans should unite behind the current government and not disrupt the country further with calls for changing a single clause of the penal code.<sup>8</sup> The Action Committee limped along with only the *Komitee* and *Bund*, but both organizations preferred to go their own way in the struggle for equal rights and the Action Committee ceased to play a role in the gay rights movement by the end of 1923.

Until the end of the republic the *Komitee* concentrated on gathering more signatures for its petition and presenting it to the government. In addition to the usual doctors, lawyers, and academics, the group was able to gain the signatures of leading members of both the German Social Democratic party (SPD) and the left-liberal German Democratic Party (DDP).<sup>9</sup> It also sent pamphlets and other materials containing its findings to any individual or group that the *Komitee* felt could have an influence on the existence or enforcement of §175, including, among others, judges, clergymen, secondary school teachers, bar associations, and district attorneys. While his Institut work took up much of Hirschfeld's time, he continued to address groups of

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<sup>8</sup> Willy Bremer, "Homoerotik und Politik," *Blätter für Menschenrecht* 14 (1 September 1923): 2.

<sup>9</sup> *Mitteilung des Wissenschaftlich-humanitären Komitee* 15 (1928): 115.

lawyers, judges, and lawmakers, and to offer public lectures on the topics of homosexuality and birth control, steadfast in his belief that the way to achieve equal rights was through education.

The Gemeinschaft meanwhile continued its publishing efforts and Brand occasionally contacted government officials emphasizing the cultural benefits of close male friendships, but after the disintegration of the Action Committee, the organization essentially withdrew from the public political struggle. When Brand felt himself or his group under attack, whether by society at large or by the other two major homosexual rights groups, he contacted public officials in order to explain or defend his group's positions. At these times he would take the opportunity to stress the Gemeinschaft's message of eliminating §175. Beyond this occasional behind-the-scenes intervention, the group, after left the Action Committee, never again made a concerted effort toward this goal. The pages of *Der Eigene*, however, continued ritualistically to call for the repeal of the "insane paragraph."<sup>10</sup> Gemeinschaft periodicals continued to appear throughout the period consistently advocating German renewal through the formation of a manly society dominated by loving male bonds; its political action, however, was limited to polling the political parties on their opinions of §175 and occasionally sending a copy of *Der Eigene* or other materials to government and judicial officials.

In the months immediately following the departure of Brand's group, the Bund used its numerous local chapters to approach politicians and government officials in its own name. In spring 1923, the Bund wrote its own petition calling for the elimination of §175. The local chapter in Braunschweig presented information on changing the law to its state legislature and convinced forty-two members of that body to sign it. The Braunschweig Landtag, not the Bund,

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<sup>10</sup> British Sexological Society Papers, Misc. 2 ALS, ITLS, Harry Ransom Center, University of Texas – Austin; Adolf Brand, "Justizkomodie und Volksbetrug: Zur Abschaffung des §175," *Der Eigene* 3 (6 December 1919): 1-3; Adolf Brand, "Zur Psychologie der Aussage in Sachen der Freundesliebe vor Gericht," *Der Eigene* 5 (20 December 1919): 1-3.

then presented the petition to the Justice Ministry. That the Bund had success there is not surprising given that Braunschweig had originally eliminated penalties against consensual homosexual acts in 1840.<sup>11</sup>

In April 1929, the Bund published in *Menschenrecht* (the new name of the *Blätter*) its own statement directed to the Reichstag calling for the repeal of §175. Aware that it was not likely that many members of that body read a homosexual rights newspaper, the editors also sent the demand directly to the legislature as well as to other more mainstream newspapers. A number of mostly socialist periodicals reprinted the entire statement in their own pages.<sup>12</sup>

The Bund could not devote its total attention to the repeal of §175 because it also had to attend to its institutional survival, primarily working to expand the number of local chapters and to attract more people to the movement. After its initial burst of growth, there had been some retrenchment, with many of the branches closing down operations. The continuing hyperinflation in 1923 ended the participation of many who could not meet the rise in dues mandated by Berlin (eventually 1000 marks a month for individuals). Chapters had to submit 500 marks per member to the central organization. After the economy stabilized and Germany entered a period of relative peace and prosperity in the mid-1920s, a number of branches closed for a variety of reasons, ranging from police harassment to lack of interest. Many small chapters disappeared for a short time only to reappear a few months or years later. In the fall of 1929, the Bund announced that it had local chapters in thirty-nine German cities as well as outside the country in New York, Buenos Aires, Rio de Janeiro, Danzig, Vienna, Zurich, and Prague. In

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<sup>11</sup> Karl Friedrich, "Unsere Bewegung," *Blätter für Menschenrecht* 11 (15 July 1923): 2.

<sup>12</sup> Friedrich Radszuweit, "Offener Brief an der Reichsjustizminister Dr. Heinze," *Blätter für Menschenrecht* 9 (15 June 1923): 1; Friedrich Radszuweit, "Einig und fest auf dem Bundestag," *Blätter für Menschenrecht* 5 (15 April 1923): 3; "§175 muss abgeschafft werden!: Denkschrift an den Deutschen Reichstag zur Beseitigung einer Kultureschande," *Menschenrecht* 4 (April 1929): 1; "Pressestimmen zu unserer Denkschrift," *Menschenrecht* 7 (July 1929): 5-10.

addition, dues paying members resided in twenty-three foreign countries, including India, Japan, Lithuania, and Morocco.<sup>13</sup>

Members of the movement occasionally discussed the idea of gaining rights by becoming directly active in the political process rather than just meeting with and petitioning the government, but the various leaders usually quickly dismissed it. Komitee members repeatedly urged Hirschfeld to run for the Reichstag on the SPD slate of candidates. He declined, stating that he preferred to concentrate on his Institut. In 1927, Friedrich Radszuweit, who was a member of the SPD, briefly entertained the idea of forming a homosexual rights party, but quickly dismissed it as untenable.<sup>14</sup> If the factions could not work together on the Action Committee to achieve any tangible results the chances that a single political party might succeed were indeed slim. In addition, any party would have to take a stand on all issues, not just on §175, if it was to have any real chance of viability. As members in all three major organizations came from across the political spectrum, the groups ran the risk of alienating many of their members if they moved beyond the discussion of homosexual rights to the support of a single party. In 1926, when the Bund polled a sample of its members as to their political affiliation, it discovered that they came from all of the major political parties and split almost evenly between left-wing and right-wing factions. Almost forty-three percent of Bund members belonged to the Social Democratic and Communist parties, while thirty-eight percent belonged to centrist or rightist parties (the German Democratic Party, German National People's Party, German

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<sup>13</sup> Friedrich Radszuweit, "Zum zehnjährigen Bestehen des 'Bund für Menschenrecht, E.V.,' 1919-1929," *Blätter für Menschenrecht* 10 (October 1929): 31.

<sup>14</sup> Sievert, "Das Anomale Bestrafen," 35; *Das Freundschaftsblatt* 2 (January 14, 1927).

People's Party, National Socialist German Worker's Party, and the Catholic Center Party).

Seventeen percent maintained no party affiliation whatsoever.<sup>15</sup>

Any position the Bund might take on an issue beyond gay rights would have split the group apart. Those members who belonged to the various People's parties or to the Center party were already in a difficult position when reconciling their sexuality with their political views because all of these factions were adamantly opposed to eliminating §175. They may have been members of the Bund for the social activities or even because they firmly believed in its goals, but their political ties were with conservative middle-class parties that did not support them. If the Bund took a stand on specific economic or social issues, it risked the real possibility of losing over one-third of its members if they chose their political views over their commitment to gay rights. The Bund leadership was afraid that its members would do just that and, given that Radszuweit complained about declining membership at the time, refused to take the risk.<sup>16</sup>

The Komitee had an easier time maintaining political unity in its ranks given that, despite declaring itself politically neutral, it was very closely connected to both the SPD and the KPD. It had been allied with the former almost from its founding. Many members of its board of directors were socialists, and the group's secretary and later chairman, Richard Linsert, was a leading member of the KPD. The group also held sex education sessions for socialist youth groups as well as for visiting doctors from the Soviet Union. Its members most certainly were aware of this connection and quite possibly joined the group not only for its commitment to gay rights, but for its political outlook as well. Despite this level of unity, the Komitee held to its

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<sup>15</sup> Friedrich Radszuweit, "Homosexuelle – Reichstagswahl Politische Parteien!" *Blätter für Menschenrecht* 10 (7 May 1928): 1.

<sup>16</sup> Friedrich Radszuweit, "Dem B.f.M. zum neuen Jahr! ' *Blätter für Menschenrecht* 22 (1 January 1924): 1.

belief that science and education were the most effective means of changing people's minds and only rarely organized any means of direct political activity.

The Gemeinschaft also avoided any type of party politics. The organization even included this as the ninth clause, "*Keine Politik*" [No Politics], of its basic program, which specifically stated that it was not a political organization and that it deliberately did not align itself with or support any one political party.<sup>17</sup> If it did so, the statement explained, the group ran the risk of becoming involved with political issues to the detriment of its cultural goals. Besides, to the elitist Gemeinschaft members, politics was a dirty business and only important if it could further their agenda.

For these reasons, the Bund, Komitee, and Gemeinschaft all stressed their "party politics neutrality."<sup>18</sup> The Bund maintained this neutrality, as it was necessary for its survival. The Komitee espoused neutrality, but maintained ties exclusively with the country's two left-wing political parties. This might have provided useful support for the movement, given that both the SPD and the KPD openly supported the elimination of §175, if the two parties had been able to work together. Unfortunately for the efforts of the homosexual rights movement, during the Weimar Republic the two parties most dedicated to its cause were unable to coordinate their activities and spent much of their energy attacking each other. The Gemeinschaft had little difficulty adhering to political neutrality as its members, like many German intellectuals and cultural elites of the time, believed that the messy world of democratic politics was part of the

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<sup>17</sup> "*Die wichtigsten Sätze aus dem Programme der G.D.E.,*" *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 511.

<sup>18</sup> Friedrich Radszuweit, "Irrlehren über die Homosexualität," *Blätter für Menschenrecht* 4 (April 1929): 14; Sievert, "Das Anomale Bestrafen," 36.

“feminization” of culture they abhorred and, thus, was both bad for Germany and beneath them.<sup>19</sup>

But by not taking a political position or choosing to work within the party system, the political space in which the groups could operate was severely limited. In a political system as fragmented as that of the Weimar Republic, every party needed every vote it could get. The gay rights groups could have gained some small measure of electoral clout by actively supporting those parties that supported its cause. Unfortunately, the groups were too reticent to use their numbers for political purposes both out of fear of fragmenting their organizations and a disdain for the rough and tumble of politics. Because no party could be certain of gaining the support of large numbers of homosexual voters, no party could be completely convinced to champion a basically unpopular cause. The result, as will be shown later, was that what support the movement did gain was, at best lukewarm and inconsistent.

The attempt to remain politically neutral did not mean that these groups refused to reach out to the numerous political parties that were part of the very fragmented political landscape of the Weimar Republic. Only the Reichstag could change the law after all. Because openly supporting specific parties was not seen as a viable option, the three groups’ political efforts centered on making contact with political parties to educate their leaders on the issue of homosexuality. Within the organizations, the concentration was on making certain that their

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<sup>19</sup> See for example: Peter Gay, *Weimar Culture: The Outsider as Insider* (New York: Harper & Row, 1970); Fritz Stern, *The Politics of Cultural Despair: A Study in the Rise of Germanic Ideology* (Berkeley: University of California Press, 1961); Gordon Craig, “Engagement and Neutrality in Weimar Germany,” *Journal of Contemporary History*, 2(2) (April 1967), 49-63; Istvan Deak, *Weimar Germany's Left-wing Intellectuals: A Political History of the Weltbühne and its Circle* (New York: Columbia University Press, 1968); Herman Lebovics, *Social Conservatism and the Middle Classes in Germany, 1914-1933* (Princeton: Princeton University Press, 1969); Detlev J.K. Peukert, *The Weimar Republic: The Crisis of Classic Modernity* trans. Richard Deveson (New York: Hill and Wang, 1989); Kurt Sontheimer, *Antidemokratisches Denken in der Weimarer Republik: Die politischen Ideen des deutschen Nationalismus zwischen 1918 und 1933* (Munich: Nymphenburger Verlagshandlung, 1962).

members knew where each party stood on the issue of repealing §175, and urging them to vote for parties that supported this goal. For this reason, beginning in the mid-1920s, the three organizations polled the parties before each election as to their positions on homosexual rights, published these responses in their main journals, and exhorted their members to vote. In 1928, for example, Brand wrote to all the parties for their views on penal reform in general and §175 in particular, and to ask for their help in changing the law. Not all of them replied, but the answers he received provide an insight into the stance on sexual issues of various German parties.

The KPD was the most steadfast supporter of gay rights. That the Russian communists had removed all anti-homosexual laws when they came to power in 1917 and kept them out of the first legal codes of the USSR greatly influenced the position of the KPD on the subject of gay rights. However, much like the SPD during the imperial period, this support was somewhat ambivalent. On the one hand, §175 represented the suppression of sexual freedom on the basis of outmoded religious precepts. On the other, homosexuality was a symptom of bourgeois decadence that was not believed to be part of the worker's culture. The end result of this was that while consistently supporting the repeal of §175, the KPD rarely discussed the issue of homosexuality itself. In 1924 party representatives in the Reichstag proposed the legalization of homosexual activity for all people over fourteen. Shortly afterward the Reichstag was dissolved, so the proposal was never voted on. The KPD never brought the issue up again.<sup>20</sup> In response to Brand's 1928 query, KPD leaders wrote back almost immediately stating, after stressing its support for the legalization of abortion, that,

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<sup>20</sup> Eissler, *Arbeiterparteien und Homosexuellenfrage*, 48, 70. The issue of the KPD and homosexuality is rarely brought up in literature on the party. It is not discussed at all in many works. See for example: Hermann Weber, *Kommunismus in Deutschland, 1918-1945* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1983); Eric D. Weitz, *Popular Communism: Political Strategies and Social Histories in the Formation of the German, French, and Italian Communist Parties 1919-1948* (Ithaca: Cornell University, 1992); Eric D. Weitz, *Creating German Communism, 1890-1990: From Popular Protests to Socialist State* (Princeton: Princeton University Press, 1997); Ben Fowkes, *Communism in Germany Under the Weimar Republic* (New York: St. Martin's Press, 1984).

the Communist Party has taken every appropriate opportunity to stand up for the abolition of §175 of the criminal code. We remind you only of the most recent discussion on the laws to prevent venereal disease, as well as the committee discussion concerning the reform of criminal law. It goes without saying that we will continue to lead the fiercest battle for the elimination of this paragraph in the future.<sup>21</sup>

The German Democratic Party, a left-liberal and middle-class party, replied to the inquiry by stating that, while it favored the retention of the anti-abortion law, it would support the repeal of §175 as a means of protecting individual rights and reminded Brand that a number of its members had already signed the Komitee's petition.

As can be expected, we are in agreement with the repeal of §175. Even though no decision on this issue has been submitted because our faction in the Reichstag has not yet had the opportunity to take up this question, it is correct to presume that the Democratic representatives will be sufficiently aware to know that it is wrong to suppress a small minority with legal punishments as long as they are not engaging in dangerous behavior.<sup>22</sup>

The National Socialists sent back the longest reply of any party that responded, explaining their opposition to any changes in §175 by using their patent argument that the strength of the people demanded a virile, vigorous culture, and demanding the retention of the law to prevent the "emasculatation" of the nation. Operating on the assumption that any man could and would engage in a same sex relationship and, thus, be lured away from his duty to father children, the party also wanted the law retained to make certain that marriage was the only acceptable option for an adult man.

Suprema lex salus populi! Public good before self interest! It is not necessary that you and I live, but it is necessary that the German people live. And it can only live if it is willing to fight. Thus, living means fighting. And it can only fight if it contains people capable of marriage. It can only contain these people if it practices discipline,

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<sup>21</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 468.

<sup>22</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 468.

above all discipline in love. Free love and licentiousness are obscene. For that reason, we reject these, as we reject everything that is damaging to our people.

Those who practice male/male or female/female love are our enemies. Everything that emasculates our people and makes us objects of derision to our enemies, we reject. We know that life is a struggle and it is madness to think that human beings can live together in genuine brotherhood. Natural history teaches us otherwise. Might makes right. And the mightier will always have their way over the weaker. Today we are the weaker. But we will make sure that we become the mightier once again! We will only achieve this if we practice discipline. We reject for this reason every sexual offense, above all male/male love because it robs us of our last possibility of ever freeing our people from the chains of slavery under which they suffer.<sup>23</sup>

Both the Bund and Gemeinschaft polled the parties before almost all national elections during the latter half of the Weimar Republic. Though not all the parties replied each time, it is clear that not one party ever changed its official position on §175. The numerous elections between 1928 and 1933 appear to have made this type of article less appealing to the readers of gay publications. One indication of this is that the Bund did not print its party report for the November 1932 election in its main publication, but in one of its other journals.<sup>24</sup>

In 1925, the German government prepared yet another new draft for a reformed penal code. It maintained all of the existing punishments for homosexual sexual activity under a new statute labeled §267. This was discouraging for the gay rights movement. Despite almost thirty years of protest against the current law and six years of activity in the more socially open Weimar Republic, the government failed to make a single concession to the three groups' efforts. In response, the Bund and Komitee immediately began contacting the Reich justice minister, Josef Franken, to prevent its presentation to the Reichstag penal code committee for consideration,

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<sup>23</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 468.

<sup>24</sup> Reichstag elections were held in May 1928, September 1930, July 1932, November 1932, and March 1933. *Der Freundschaft* (3 November 1932): 10.

with Hirschfeld writing a nineteen-page plea to Franken in February of that year asking him to block passage of the draft.<sup>25</sup>

At the time of their last rebuff in 1922, when the Action Committee had carried on the fight, the homosexual rights groups had found themselves without reliable allies. Not so, this time. Because the new draft also kept, and in some cases, increased penalties for abortion, prostitution, and the distribution of birth control information and devices, more than just the Bund, Komitee, and Gemeinschaft were interested in seeing its rejection. At the instigation of Komitee members Hirschfeld, Linsert, and Hiller, a new organization was formed to not only challenge §175, but to address a broad range of legal issues related to sex, marriage, and reproduction. In 1925 the Bund and Komitee were joined by Hirschfeld's Institut, as well as the *Deutsche Liga für Menschenrecht* [German League for Human Rights], the *Bund für Mutterschutz* [League for the Protection of Mothers], the *Gesellschaft für Sexualreform* [Society for Sexual Reform], the *Gesellschaft für Geschlechtskunde* [Society for the Study of Sexual Lore], and the *Verband des Eherechtsreform* [Association for the Reform of Marriage Laws], to form the *Kartell für Reform des Sexualstrafrechts* [Cartel for the Reform of Sexual Offense Law].<sup>26</sup>

The ultimate goal of the Kartell was to gain passage of a penal code granting a broad range of personal and sexual freedoms. For the most part, the new organization employed the old tactics. It provided the press with information on penal reform in general and formed contacts with members of the Reichstag in order to convince them to reject the new draft and to pressure them to support a new penal code that would address the concerns of all the group's members.

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<sup>25</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 373-394.

<sup>26</sup> *Eldorado*, 34; Sievert, "Das Anomale Bestrafen," 70.

The Kartell did, however, make one innovation in its strategy. In order to furnish legislators with a viable alternative to the 1925 draft, as well as an even harsher one presented in 1927, a committee was set up in the latter year to write a counter proposal.

This committee, made up of Hirschfeld, Hiller, Linsert, Heinz Stabel, Helene Stöcker, Institut member Felix Halle, Sexologist Dr. Felix A. Theilhaber, Prussian State Council member Siegfried Weinberg, and lawyer Johannes Werthauer, formulated a new draft containing new versions of each of the existing laws of the sexual penal code as well as an explanation for each change. The committee based its changes on the argument that the current code was outdated and tied to religious tradition rather than modern scientific evidence. The Kartell published this proposal in 1927 as the *Gegenentwurf zu den Strafbestimmungen des ämtlichen Entwurfs eines allgemeinen Deutschen Strafgesetzbuchs über geschlechtliche und mit dem Geschlechtsleben im Zusammenhang stehende Handlungen nebst Begründung herausgegeben von Kartell für Reform des Sexualstrafrechts* [An Alternative Draft to the Punishments Set Out in the Official Draft of the General German Penal Code On Sexual Acts and Sex Life, With an Explanation Issued by the Cartel for the Reform of Sexual Offense Laws].<sup>27</sup>

Most members of the Kartell, but especially those on the committee writing the counter proposal, believed that crime was, to varying degrees, the result of social factors. Poverty, lack of education, and lack of job skills, for example, combined with a person's psychological make-up, were behind all criminal acts. Therefore, and in line with progressive thinking on these matters, legal judgments should not stress punishment and atonement, but work to help the offender by taking into account and improving his or her mental condition and living circumstances. For this reason, the *Gegenentwurf* eliminated the existing penalties for adultery,

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<sup>27</sup> Sievert, "Das Anomale Bestrafen," 71, 133.

prostitution, and abortion because they were the result of social ills, not personal failings. In the realm of sex crimes, only those actions that occurred as a result of coercion or force, which caused a public disturbance, or involved the seduction of youths or the feeble-minded, remained punishable offenses in the committee's draft. While eliminating almost any term of imprisonment for sex crimes, it also significantly reduced the penalties for those cases it deemed worthy of punishment.<sup>28</sup>

The foremost concern of the members from the gay rights groups, of course, was the penalty for homosexual activity. On this issue, the *Gegenentwurf* took the position that it was not homosexuality itself that was the problem; it was the persecution of homosexuals. "The character of homosexuals is not ruined by the activity associated with their nature, but by the persecution it engenders."<sup>29</sup> Members believed that such oppression should not occur in a democratic republic like Weimar Germany. The Kartell labeled any refusal to recognize heterosexual and homosexual activity as equally acceptable forms of sexuality as against the ideals of democracy and "anti-republican".<sup>30</sup> For all of these reasons, the drafting committee saw no justification for any laws specifically aimed at homosexuals. General laws regarding forced or coerced sexual activity and laws protecting minors and the incapacitated could and ought to be applied equally to both homosexual and heterosexual acts.<sup>31</sup>

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<sup>28</sup> *Gegenentwurf zu den Strafbestimmungen des amtlichen Entwurfs eines allgemeinen Deutschen Strafgesetzbuchs über geschlechtliche und mit dem Geschlechtsleben im Zusammenhang stehende Handlungen nebst Begründung herausgegeben von Kartell für Reform des Sexualstrafrechts* (Berlin: n.p., 1927), quoted in Sievert, "Das Anomale Bestrafen," 71-72.

<sup>29</sup> *Gegenentwurf* 45, quoted in Sievert, "Das Anormale Bestrafen," 71.

<sup>30</sup> *Gegenentwurf* 47, quoted in Sievert, "Das Anormale Bestrafen," 71.

<sup>31</sup> *Gegenentwurf* 59, quoted in Sievert, "Das Anormale Bestrafen," 72.

The Kartell specifically defended its position on homosexuality against the argument that homosexual actions had to be punished because they offended the general public's sense of right and wrong [*Rechtsbewußtsein des Volks*]. To members of the Kartell this contention was spurious; the people's sense of right and wrong was no guarantor of moral behavior or even of good behavior, and certainly was not infallible. As proof, the Kartell used the example of witch burning. To many modern Germans, this was a symbol of outdated religious fanaticism and superstition. Yet, the perpetrators of this tragedy used as justification for their actions that they were responding to popular sentiment and protecting the moral values of the community in carrying out the execution of women suspected of witchcraft. Contemporary opponents of any change in the law used the same type of argument to support their oppression of homosexuals. The point, obviously, was to paint the opponents of homosexual rights as medieval and backward, and to disparage their claims of the moral infallibility of the public's sense of right and wrong.<sup>32</sup>

The Bund, which played no part in the Kartell, also worked to block the acceptance by the Reichstag of the 1925 draft. In April of that year, the Bund passed a resolution at its yearly conference, which it sent to both the Reich and state justice ministers stating that

all people involved in the legal system should be aware of scientific research that homosexuality is inborn and to realize that that opinion goes back to 1869. They should be aware as well that the law helps blackmailers, threatens guiltless people with legal action, and makes them second-class citizens. The *Bund für Menschenrecht e.V.* stresses emphatically that homosexual people are equally good citizens of Germany as those who are heterosexually inclined and, therefore, should not be singled out for special punishment.<sup>33</sup>

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<sup>32</sup> *Gegenentwurf* 45, quoted in Sievert, "Das Anormale Bestrafen," 71.

<sup>33</sup> Bund für Menschenrecht to Reich Justice Minister as well as all state justice ministers, 20 April 1925, *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 400.

On May 9, 1925, Friedrich Radszuweit and Bund secretary Paul Weber jointly wrote directly to the Reich justice minister, Josef Frenken. After explaining that their organization represented over two million Germans, they submitted a series of questions to the minister asking his view on the draft as well as his beliefs about homosexuality.<sup>34</sup> They received no response from Frenken, so two weeks later, on May 23, Radszuweit and Weber, joined by the rest of the Bund's board of directors, sent him a much more detailed letter asking for the removal of §267 from the 1925 draft on the grounds that it violated an individual's personal freedom. "Sexual intercourse between two men should go unpunished if both parties are acting freely and it occurs by mutual consent. It should only be punished if a) someone seduces a minor to commit a homosexual act (the age of sexual consent for both sexes should be the same), b) someone uses force to compel a person to commit a homosexual act (especially someone who uses the power of his position to do so), c) in cases of prostitution."<sup>35</sup> Once again Frenken did not respond. Fifteen months later, on August 27, 1926, Radszuweit and Weber wrote to the new justice minister, Johannes Bell, reiterating their reasons for the removal of §267 from the draft in almost the exact same language as the May 1925 letter.<sup>36</sup>

The Gegenentwurf and the Bund efforts garnered almost no response from either the press or any political party. Despite its publication and distribution, and notwithstanding the Kartell's contacts with members of the Reichstag, and the Bund's with members of the government, the legislature never made the counter proposal law and never even discussed it. No political party

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<sup>34</sup> Radszuweit and Weber to Reich Justice Minister Dr. Frenken, 9 May 1925, *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 368-371.

<sup>35</sup> Bund für Menschenrecht to Reich Justice Minister Herr Dr. Franken, 23 May 1925, *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 395.

<sup>36</sup> Radszuweit and Weber to Reich Justice Minister Herr Dr. Bell, 27 August 1926, *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 466-467.

ever championed it. On the positive side for the Kartell's member organizations, the Reichstag never adopted the 1925 or 1927 official drafts either. They shared the same fate as earlier drafts and faded into oblivion.<sup>37</sup>

Though political action was a main concern of all three homosexual rights groups, the Komitee, Bund, and Gemeinschaft had other issues to deal with as well. German society remained very conservative despite the collapse of the old order. The existence of a flourishing homosexual culture, not only in cosmopolitan Berlin, but in many other parts of the country as well, disturbed many people. To them this was not the beginning of the new wonderful world for which many homosexuals hoped, but a harbinger of the end of the old, moral, stable world. If they were to be successful in their attempts to change the law, these organizations needed to gain the support of the German public and to convince them that homosexuals were acceptable members of society who presented no danger to their morals, and, more important, to their sons and daughters. Even if the Reichstag did repeal the law and homosexual acts between men became legal, the continuation of societal opprobrium would make the victory somewhat hollow.

The three groups used a number of tactics in order to gain the support of the general public. First of all, there was an attempt simply to reach out and create a heterosexual audience for their ideas and information. Immediately from its incorporation, the Bund advocated expanding the movement beyond homosexuals. In the lead article of the premier issue of the *Blätter für Menschenrecht*, Friedrich Radszuweit stated that, "We must create a wider base for our movement if we intend to reach large numbers of heterosexuals."<sup>38</sup> He fervently hoped that not just homosexuals would buy and read copies of the *Blätter* and for this reason promised to print

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<sup>37</sup> Sievert, "Das Anomale Bestrafen," 72.

<sup>38</sup> Friedrich Radszuweit, "Unsere Stunde ist gekommen!" *Blätter für Menschenrecht* 1 (15 February 1923): 1.

articles aimed at as broad an audience as possible. The editors stated that one of the purposes for even founding the paper was to explain to the general public the situation of gay men under the current legal code.<sup>39</sup> Later editions directed statements to heterosexuals urging them to join the Bund.

Normal people! You who can feel lucky that you are not bleeding to death on the stake of old superstitions, show that you are noble enough to think fairly – that you possess the courage to support our civilized demands. Become Members!<sup>40</sup>

Only by gaining the support of the majority of Germans could the movement ever hope to achieve its goal of changing the law.

The movement's leaders also believed that they had their work cut out for them. Bund members held that the existence of laws against homosexuals impeded the ability to reach out to heterosexuals by fostering the belief that there was something dangerous about homosexuality by making behavior associated with it illegal. As a contributor from Leipzig wrote in August 1923, the legal code limited the ability to bridge the gap between homosexuals and heterosexuals because the bridge already had a "construction fault," §175. Its very existence taught Germans that homosexuality was wrong and that homosexuals were enemies of the people, able to destroy the morality of the entire nation. The law made homosexuals "fair game" for all types of abuse in the name of protecting the people. In order to bridge this gap, the author recommended making heterosexuals aware of the latest scientific findings on homosexuality and of the circumstances under which gay men lived as a result of §175. If this was not done, the author saw no possibility of ever changing the law.<sup>41</sup>

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<sup>39</sup> Radszuweit, "Unsere Stunde ist gekommen!" 1.

<sup>40</sup> *Blätter für Menschenrecht* 3 (15 March 1923): 3.

<sup>41</sup> "Kurt," "Es stimmt etwas nicht!" *Blätter für Menschenrecht* 13 (11 August 1923): 1-2.

The Gemeinschaft, too, believed that it needed to gain the support of others in order to achieve its goals. This group was in a difficult position in this regard. Its members wanted §175 repealed in order to make their relationships with other males legal and acceptable and realized they needed help to do so. At the same time their belief in an elite of culture and refinement who would lead the renewal of German society meant that they were somewhat loathe to associate with the unwashed masses, or even with the well-scrubbed, but philistine, middle classes. This conflict resulted in a rather contradictory approach to reaching the public. On one hand, the Gemeinschaft advertised its meetings and made its periodicals available to the general public. On the other hand, there was little attempt to reach out to people beyond this. Unlike the Bund and Komitee, the Gemeinschaft held very few public lectures or social events.

Viewing themselves as a cultural vanguard dedicated to the edifying effects of close male friendships rather than as homosexuals, Gemeinschaft members based most of their attempts to reach outside the movement on advocating the formation of these types of relationships. Efforts to gain public support centered, as they had before the war, on the renewal and “masculinization” of German society, and much less on legal and sexual issues than the other two groups. Though members wanted §175 repealed because it stood in the way of such friendships, it was of less importance to the Gemeinschaft than cultural issues.

From its founding, the Komitee had dedicated itself to reaching an educated heterosexual audience. It believed that changing public opinion was of equal importance to changing the law, because gaining the acceptance of the broad majority of Germans would make life better for homosexuals in general no matter what the legal code stated. This would eliminate or ameliorate the fear of exposure under which gay men lived, as well as society’s revulsion towards them, freeing gays to be full members of society. For this reason, the Komitee did more to reach out to

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the general public than either of the other two organizations. Unlike them, however, it could not reach the German population through the pages of its main publication, the *Mitteilungen des Wissenschaftlich-humanitären Komitees* [Reports of the Scientific-Humanitarian Committee], available exclusively to its members. To disseminate its message, Hirschfeld and other members of the group gave lectures on sexuality and birth control as they had before the war, held seminars for doctors, lawyers, teachers, clergy and even youth groups, and published and distributed free pamphlets on these topics.<sup>42</sup> Neither method nor message had changed much from the earlier period; the openness of the Weimar Republic had simply made it easier to reach people.

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Once the organizations reached a heterosexual audience the next step was to win them to the cause of gay rights. A tactic engaged in especially by the Bund was to emphasize the situation of homosexuals in Germany. The picture presented was not a pleasant one. Leaders believed that the general public had to be made aware of just how terrible §175 made life for homosexual men if they were going to support the movement's efforts to eliminate it. This was part of the rationale behind the *Blätter's* publishing of stories concerning the ruin of men through extortion by "Vampire," blackmailers, who were only able to ply their trade because of the existence of the law. In fact, the *Blätter* asserted that more homosexuals fell into the hands of blackmailers than into the hands of the police. The paper also featured stories of suicide. These deaths were portrayed as another direct result of society's benighted treatment of homosexuality. In an obvious bit of hyperbole the *Blätter* contended that the stress of being gay was behind

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<sup>42</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck des Wissenschaftlich-humanitären Komitee* (Berlin: n.p., 1924), 4, 6; Wissenschaftliche-humanitären Komitee, *Jahresberichte 1922/23: Sonderabdruck aus dem Jahrbuch für sexuelle Zwischenstufen* (Berlin: n.p., 1923), 36.

almost all male suicides in Germany.<sup>43</sup> The same idea was presented in Komitee publications, which emphasized that social oppression caused many homosexuals to take their own lives.<sup>44</sup>

Certainly, the periodicals published these stories in part to outrage their gay readers and to keep them devoted to the cause, but this was not their main purpose. Neither were they merely supposed to serve as cautionary tales warning gay men of the danger of blackmail or teaching them how to avoid its clutches. Had the motive been purely preventive, then the tales would have been accompanied by offers of support or counseling for those who were near suicide. Besides, German homosexuals lived with the constant threat of imprisonment or fines and were, therefore, the last people who needed to be educated about the dangers facing them. While such motives may have played a role, the most important objective was to whip up sympathy from the general public by exposing the tragic effects of §175. This was an attempt to break out of the Komitee's, and even its own, scientific/educational strategy and reach people by appealing to their human sympathies and instincts, the same place their homophobia could be found. Of course there was always the danger that this emotionally manipulative technique could backfire. The emphasis on the prevalence of suicide in the homosexual community, instead of engendering sympathy for their plight, could just as easily have reinforced stereotypes of gay men as mentally unstable and emotionally weak individuals who, unable to cope with their lives, killed themselves.

If sympathy for the conditions homosexuals endured did not win the support of heterosexuals, perhaps pointing out people's disgraceful behavior because of contemporary

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<sup>43</sup> Friedrich Radszuweit, "Erpressungen an Homosexuelle," *Blätter für Menschenrecht* 4 (1 April 1923): 5; "Eine sittliche Forderung," *Blätter für Menschenrecht* 2 (1 March 1923): 1; Franz Noak, "Wacht auf!" *Blätter für Menschenrecht* 14 (1 September 1923): 2.

<sup>44</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck*, 6.

social and legal attitudes would. This hope lay behind the attempt by the organizations to further gain compassion for the plight of gay men on a more personal level by disseminating countless stories relating the cold and heartless treatment homosexuals endured solely because of their sexual orientation. The Bund intended many of the stories of suicide it published to tug at the heartstrings of readers and spared them none of the details of the treatment that drove these men to kill themselves, treatment that in some cases continued even after they were dead. One particularly detailed story written by Radszuweit in 1923 provides a good example. In the spring of that year a “cheerful, upright, and industrious” twenty-two year old homosexual man quit his job because of his co-workers’ incessant ridicule [*Hänselei*] about his orientation. The youth could not find another job, became despondent, and finally, at the end of May, committed suicide by lying across the local railroad tracks. When his funeral was held on June 3, not one mourner appeared. No one from his former job, not even his own father, attended. The young man was buried in a “crude wooden box” in a grave that the author reported was now partially filled with water because of a lack of upkeep. Radszuweit concluded the article by asking how the public, and the press in particular, could ignore stories such as this and continue to support the current law when it led to such tragic results.<sup>45</sup>

The Bund also aimed its rhetoric directly at the parents of homosexuals to either gain their support for changing the law, or to point out examples of dreadful behavior on their part and shame them into backing the movement. The above suicide story expressly pointed out that the young man’s father did not attend his son’s funeral. In a 1929 *Blätter* article, the anonymous author explicitly blamed parents for the suicides of their gay sons. If parents truly accepted their children’s predisposition and overcame their prejudices against homosexuality he argued, their

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<sup>45</sup> Friedrich Radszuweit “Mord und Selbstmord: Die ‘Homosexuellen’ klagen an!” *Blätter für Menschenrecht* 10 (1 July 1923): 1.

children would not feel so abandoned and alone that they killed themselves. It was the legally-sanctioned persecution of homosexuals, the Bund suggested, that taught parents to forsake their children and kept them from unconditionally supporting them. If society changed its stand on homosexuality, beginning with the abolition of §175, there would be an end to such heart-rending stories and countless deaths could be avoided.<sup>46</sup> This is a particularly harsh argument, and one can only wonder how a parent reading the *Blätter* might have reacted, but it illustrates the lengths to which the Bund was willing to go in this direction to gain support for its goals. This type of argument can be seen as somewhat overwrought, but it indicates a belief on the part of the Bund that the Komitee's appeals to reason were not working and that a non-rational approach might produce better results.

Another tactic that pointedly did not rely upon an appeal to reason was to play to Germans' sense of nationalism. One means of doing this was to point out that other countries treated homosexuals more equitably. The movement held up Czechoslovakia, Norway, the Soviet Union, and a number of other states as shining examples of countries that had lessened or eliminated penalties for same sex acts between consenting adults by the 1920s.<sup>47</sup> The Komitee asserted that these countries, and others like them, were more progressive in their attitudes in general than Germany and more aware of modern scientific ideas. Moreover, its leaders thought it highly ironic that these places had changed their laws on the basis of research done in Germany by the Komitee, research that the German government ignored. The Bund took up the same argument declaring it shameful that German homosexuals had more rights outside their

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<sup>46</sup> "Wer kennt den Toten?" *Blätter für Menschenrecht* 7 (July 1929): 12.

<sup>47</sup> Wissenschaftlich-humanitären Komitee, *Tätigkeit und Zweck*, 6; *30 Jährige Jubiläum des W.H.K.*, file R8071/1, BArchiv, 24; Albrecht D. Dieckhoff, *Zur Rechtslage im derzeitigen Sittenstrafrecht* (Hamburg: Verlag für kriminalistische Fachliteratur, 1958), 93; Friedrich Radszuweit, "Strafrechtsreform," *Blätter für Menschenrecht* 15 (October 1928): 1; ; Felix Halle, *Geschlechtsleben und Strafrecht* (Berlin: Mopr Verlag G.M.B.H., 1931), 56, 59.

Fatherland, than in it. Because this was so the Bund and Komitee both asserted that Germany was losing many of its best and brightest young men to countries where they could live their lives the way they wanted without fear of legal prosecution. The only way to stem this flight of talent and, at the same time, stand up for the nation's honor and reputation was to eliminate §175.<sup>48</sup>

The homosexual rights movement believed its most damning argument in this regard was to point out that the “hereditary enemy” of nationalistic Germans, France, a victor in the Great War, did not have such a law. A letter to Reich Chancellor Wilhelm Marx dated April 29, 1927, pleaded for a general amnesty for men who, like the author, were facing prosecution under §175. In it, the writer, who signed his letter “One Doomed to Die,” stated that “even hated France does not have this law.”<sup>49</sup> A similar idea was contained in a letter written to Reich Justice Minister Kurt Joël dated May 16, 1930, and signed this time “In the Name of Many Correct-Thinking People.” It urged Joël to repeal §175 for two reasons. First, modern scientific evidence had proven that homosexuality was inborn, and second, because other “civilized countries,” France specifically, had already done so.<sup>50</sup> The movement hoped that this would convince Germans that if France had no penalties against homosexual sex and was still able to defeat their Fatherland, Germany would certainly suffer no deleterious effects if it did the same. It is quite possible, however, that this line of reasoning backfired and simply confirmed for many Germans,

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<sup>48</sup> *Tätigkeit und Zweck*, 24; Radszuweit, “Eine sittliche Forderung,” 1; Friedrich Radszuweit, “Man will die Wahrheit nicht!” *Blätter für Menschenrecht* 10 (1 July 1923): 3; Magnus Hirschfeld, *Das Unrecht des §175* (1920), British Sexological Society Papers, Harry Ransom Center, University of Texas – Austin, 87.

<sup>49</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 366.

<sup>50</sup> *Reichsjustizministerium – Petition - Anträge auf Beseitigung des P. 175 des St.G.B 296/R.S.G.B. Entwurf 1 June 1929 – 21 Mai 1934*, file R3004/5775, BArchiv, 38.

especially conservative ones, that France's toleration of homosexuality proved it was an immoral country, unworthy of German emulation.

The Gemeinschaft, already rather rightwing on many issues, used the nationalism tactic as well. Taking the same tack as the Bund, it stressed the damage being done to Germany because talented young men seeking close male friendships were abandoning their country. The argument was extended to apply to the world at large when the organization criticized all of western society for not valuing male/male relationships based on truth, love, and beauty and, by doing so, forcing men to seek sexual pleasure in the arms of any available woman. The end-result of this unfettered animal passion was that,

“. . . whole armies of unfortunate beings, which the criminal recklessness of the 'normals' day after day has brought into the world, are already concealed in all the homes for cripples and institutions for idiots of all countries, where they are artificially kept alive at the cost of the communities and states, although a quick death would be the greatest blessing for them.<sup>51</sup>

Society's repugnance toward close male friendships pushed desperate men into sexual relationships with women, rather than into the arms of their male friends. Such mismatches led to the creation of countless damaged, diseased individuals. Western society could only be saved from this shame by accepting and encouraging male relationships.

None of the strategies discussed thus far addressed the most potent argument used by opponents of the homosexual rights movement: that placing homosexuality on an equal footing with heterosexuality would undermine the nation's morals and lead to the seduction of children, the destruction of the family, and ultimately the ruin of German society. It was against God as well as contrary to nature. Many Germans, not just conservative ones, were already anxious

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<sup>51</sup> Adolf Brand, "Freundesliebe als Kulturfaktor: Ein Wort an Deutschlands männliche Jugend," *Der Eigene* 1 (1930): 1-8 in Harry Oosterhuis and Hubert Kennedy, eds., *Homosexuality and Male Bonding in Pre-Nazi Germany* (New York: Harrington Park Press, 1991), 148.

about the permissive Weimar Republic's challenge to the traditional Christian values of German society. During the 1920s, the number of divorces and abortions mounted. Overt sexual behavior appeared to be more prevalent because of the weakening hold of religion and a lack of intervention by the state. Added to this was the belief in the existence of a "new woman;" women who did not submit to traditional sex and gender roles. With bobbed hair and glamorous clothes, working and shopping by day, dancing and partying by night, this myth of the media became a shibboleth of conservatives throughout the world in the 1920s. These women represented the decline of western civilization and, more importantly for German conservatives, were responsible for the worrying decline in the country's birthrate. These beliefs, combined with the extension of voting rights to women and their growing numbers in the workforce, convinced many that the family specifically, and German morals in general, were endangered.<sup>52</sup> To these people, the homosexual rights movement was one more attack on the traditional values that appeared to be under siege throughout the country. Moreover, it was a movement about which it was much easier to do something than the rising rates of divorce or the appearance of women in the workplace. There was already a law on the books against homosexual behavior. Other groups within Germany seeking equal rights had no such restrictions on them. Women and Jews already had legal guarantees within the legal code that they simply worked to have enforced, retained, or broadened. The homosexual rights movement was endeavoring to gain these basic guarantees, which made it much easier for its opponents to block its efforts.

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<sup>52</sup> Lisa Pine, "Women and the Family," in *Weimar and Nazi Germany: Continuities and Discontinuities* ed. Panikos Panayi (Harlow, England: Longman, 2001), 200, Peukert, *The Weimar Republic*, 95-101. See also Katharina von Ankum, *Women in the Metropolis: Gender and Modernity in Weimar Culture* (Berkeley: University of California Press, 1997), Renate Bridenthal, Atina Grossmann, and Marion Kaplan eds., *When Biology Became Destiny: Women in Weimar and Nazi Germany* (New York: Monthly Review Press, 1984).

This was undoubtedly a powerful weapon against the repeal of the law. After nineteen hundred years of religious condemnation and over fifty years of homosexuality being defined as a mental illness and against the law throughout all of Germany, many people saw homosexuals as a serious threat to their own and their nation's well-being. During the 1920s, even Germans who did not believe that the changes wrought by the republic signaled the end of traditional western civilization did not automatically support the repeal of anti-homosexual laws. For this reason the gay rights movement had to make every possible effort to counter the argument that homosexuality represented a moral threat if it wanted to gain the support of the general population.

The Bund did this by challenging the whole idea of one pervasive, constant, infallible moral right by working to prove that moral values changed over time. What society once perceived as moral, it now saw as immoral and vice versa. This was the point of the articles discussing the persecution of witches. While society once saw this as necessary to protect its morals and values, modern Germans now viewed this as a tragedy, and the idea of hunting and killing women for being witches, immoral. By pointing out that those practices once viewed as morally acceptable were now seen as cruel, and rather ridiculous, the groups hoped to convince readers to examine their own opinions on contemporary moral issues, and ultimately come to support the repeal of §175.<sup>53</sup>

Beyond this, defending homosexuality from the specific charges of immorality involved two basic tactics. On one hand, Germans had to be convinced that gay people were not inherently immoral and that homosexuality itself was not morally inferior to heterosexuality. On the other, the movement had to convince the public that the acceptance of homosexuality

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<sup>53</sup> Radszuweit, "Eine sittliche Forderung," 1.

presented no danger to German morality. In this fight, the Bund and Gemeinschaft took the lead. The Komitee, given its reliance on science, only participated in terms related to that realm.<sup>54</sup> The goal, as it had always been, was to prove that homosexuality was simply a naturally occurring variation of sexuality and that, therefore, there was nothing specifically moral or immoral about it. Homosexuality was not a matter of morality, but of science. The other two organizations, however, felt the need to take on the moral argument directly, rather than rely on the efficacy of modern scientific thought. Their main objective was to prove that homosexuals were not physically or mentally ill and were no less moral than anyone else.

The Gemeinschaft's ideology of the superiority of close male friendships was completely tied to the belief that male-male relationships were more moral than heterosexual ones, not less so. Unlike male-female relationships, which the Gemeinschaft explained as either the product of religious and social pressure to marry and propagate, or such tawdry reasons as monetary gain or the slaking of animal lust, male-male ones were based on higher virtues of love and beauty.

Friend-love is, therefore, not something contemptible, but rather the sacred wish and the moral force to live with and for the other, to think about him, to work for him, and, voluntarily, without force of state or church, to make all kinds of necessary sacrifices for him, to educate him, to protect him, and to raise him up. With him to create, to weep, to shape existence into something bearable; to suffer and to enjoy with him; to take delight with him in this beautiful world and not to esteem gods who fill our hours with grief and sorrow!<sup>55</sup>

Lust and social pressure were the basis of heterosexual relationships. Homosexual relations, based as they were on truth and beauty, were inherently better. Ultimately, by their sacred nature, they would make the entire world a better place.

It [friend-love] is the only salvation from the frightfully lewd and

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<sup>54</sup> *Jubilaum des W.H.K.*, file R8071/1, BArchiv, 14.

<sup>55</sup> Brand, "Freundesliebe als Kulturfaktor," 150.

dissolute life of the postwar period, whose unbridled sexuality and disgusting vulgarity has gripped our people like a ravaging fever . . . It is the sole path to rebirth, which can finally lead us again to healthy relationships: to simple, noble forms of life, to plain, honest cultural work, to the removal of all sexual vulgarities, to the elimination of every social need and finally also to sincere tolerance between all peoples on the whole earth.<sup>56</sup>

But these arguments were mere assertions advanced by interested apologists, who were asking other Germans to take their statements on faith. It was extremely difficult to make the case that eliminating penalties for homosexual acts would not destroy German moral values and lead to the degeneration of society. There really was no incontestable way to prove the effect of something that had not yet happened. Efforts by the homosexual rights organizations on this point centered on demonstrating the lack of any negative effect in those times and places where these types of laws had never existed or had been eliminated. They also worked to press home the idea that the consequences of the current law were more immoral than whatever could possibly happen under its repeal.

One means of doing this was to argue that homosexuality had always existed. Radszuweit asserted in March 1923 that homosexuals had been present in every civilization, no matter how advanced, and had never been responsible for the moral degeneration of any of them. Even the longest lasting societies had had homosexual members from their beginnings. Homosexuality was not a phenomenon that appeared near the end as a symptom or cause of imminent doom.<sup>57</sup> This is basically the same argument the Komitee advanced with its emphasis on the natural occurrence of homosexuality. It always had been and always would be present and had no effect whatsoever on the moral quality of a civilization.

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<sup>56</sup> Brand, "Freundesliebe als Kulturfaktor," 153.

<sup>57</sup> Radszuweit, "Eine sittliche Forderung," 2.

The Gemeinschaft's belief in the superiority of male-male relationships attacked the entire idea of degeneration directly by asserting that they actually had a positive affect on society. Much of this rhetoric, as it had before the war, focused on an idealized notion of ancient Greece and Rome. In fact, members believed that the achievements of both were, in part, the direct result of their approval and promotion of male eroticism. If Germany wanted to reclaim its past greatness, which members believed had slipped away; it would have to do the same. It was in a society's best interest, therefore, to eliminate both the social and legal persecution of same sex relationships.<sup>58</sup>

Gemeinschaft members held that at one time Germans had accepted close male relationships and that this had led to a cultural golden age during the Romantic period of the late 1700s and early 1800s. This approval allowed men to form spiritual attachments with other men and, from this, great achievements in art and literature arose. The group believed that the works produced by poet and critic Friedrich Schlegel, playwright, poet, and philosopher Friedrich Schiller, and countless others were only possible by virtue of *Freundesliebe*. Because this friend-love was completely permissible at the time, at least in the minds of Gemeinschaft members, these men were able to create some of Germany's finest cultural achievements. The Gemeinschaft blamed the rejection of *Freundesliebe* by modern society for what it saw as the dearth of contemporary writers of such ability.<sup>59</sup>

Frequent referrals to places that had eliminated anti-homosexual laws were also a method of challenging the idea that such laws were necessary for the protection of a country's moral

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<sup>58</sup> Ludwig Gurlitt, "Die Erotik der Antike," *Ein Nachrichten-und Werbeblatt* 18 (1923): 1; Brand, "Was wir wollen," 15.

<sup>59</sup> St. Charles Waldecke, *Das Wissenschaftlich-Humanitäre Komitee: Warum ist es zu bekämpfen und sein Wirken schädlich für das deutsche Volk?* (Berlin: Adolf Brand Verlag, 1925), 4-5.

values. At the same time that the movement was pointing to Germany's neighbors that had changed their legal codes as models of progressive thinking, they were also presenting them as examples of the results of such action. The articles that discussed these countries, such as France, Italy, and Norway, all came to the same conclusion; the removal of laws governing homosexual activity had no effect whatsoever on the moral fiber of a nation. The same was true for those German states, such as Bavaria and Württemberg, that had eliminated penalties for same sex acts before unification. In fact, given that these places allowed people more freedom, the movement judged the overall effect to be distinctly positive.<sup>60</sup>

The final tactic used to refute the belief that homosexuality would lead to the degeneration of the nation was to turn the argument around. Instead of trying to counter the possible destructive effects of eliminating §175, the movement pointed out the morally harmful effects of retaining the law. This involved emphasizing the blackmail of homosexual men that the movement believed resulted from the law and about which the groups published articles incessantly. That the existing law fostered criminal activity was the central argument used by all three organizations to prove that outlawing homosexual conduct led to more crime, ruined lives, and damage to society than the elimination of penalties ever could. The Gemeinschaft's argument that the law pushed homosexual men into marriages of convenience that harmed Germany was used by the Bund and Komitee as another example of the immoral effects of maintaining §175.

Those who fight against degeneration and towards the regeneration and racial health of our people with such commendable zeal should consider that they actually contribute to the former when they press homosexual men and women to marry when it is impossible in the plan of nature

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<sup>60</sup> *Tätigkeit und Zweck*, 24; Radszuweit, "Eine sittliche Forderung," 1; Radszuweit, "Man will die Wahrheit nicht!" 3; Hirschfeld, *Das Unrecht des §175*, 87. Bavaria eliminated punishment for homosexual actions in 1813, Württemberg in 1839, Hanover and Braunschweig in 1840, and Baden in 1845.

for them to do so.<sup>61</sup>

By presenting heterosexual marriage as the only acceptable norm, society placed great pressure on all men and women to marry. The condemnation of not only homosexual relationships, but also of homosexuality itself, forced gay men and women into marriages in order to hide or overcome their true sexual inclinations. In the opinion of Radszuweit and Hirschfeld, homosexual men and women were not well-suited for marriage or parenthood. To pressure them to do so led to loveless unions filled with unwanted children that resulted in psychological damage to every member of the family. If the couple divorced because of sexuality issues, the negative effect on children was even greater. The outcome of these forced marriages was a large number of damaged individuals. Such dishonesty did more injury to society than would the honest acceptance of homosexuality.<sup>62</sup>

The Gemeinschaft also used this tactic, but in keeping with its practice of advocacy, concentrated less on the deleterious effects of anathematizing homosexuality, than on the salutary effects to be had by its acceptance. Because Adolf Brand, its founder and leader, was a married man, this organization saw nothing wrong with the institution of marriage as long as it did not impede a man's freedom to practice *Freundesliebe* and form intimate relationships with other men. In addition to being beneficial to the individuals involved societal approval of these friendships, members believed, would eliminate a number of social ills. One of these was the birth of physically or mentally damaged children as discussed above. Others were even more important. As discussed in Chapter Three, these relationships would keep men from visiting

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<sup>61</sup> Radszuweit, "Eine sittliche Forderung," 2.

<sup>62</sup> Hirschfeld, *Das Unrecht des §175*, 86; Sievert, "Das Anomale Bestrafen," 22.

prostitutes or engaging in premarital sex and possibly contracting a venereal disease.<sup>63</sup>

Acceptance of these relationships would also eliminate forced marriages because of pregnancy, as well as the birth of illegitimate children. As the Gemeinschaft considered these the domain of public health and morals, it recommended that German schools teach boys the benefits of *Freundesliebe*, instead of hiding this information and making such relationships illegal.<sup>64</sup> To Gemeinschaft members, homosexuality did not cause the degeneration of a society; it saved a society from it.

There is no way of knowing if the messages published in gay periodicals ever reached the heterosexual Germans they hoped to reach because it is impossible to tell exactly how many of them actually read the publications. The odds are that not many did. And few who did read the homosexual press were likely to admit as much. The Komitee's *Mitteilungen* was only available to members and focused on scientific information, which would not have held much appeal for the general public. Hirschfeld and other members of the Komitee continued to give lectures on sexuality, and his Institut had a steady stream of visiting public officials, doctors, and lawyers. Archival evidence indicates, however, that most people attending Hirschfeld's public presentations were more concerned with birth control devices than with issues of sexual orientation.<sup>65</sup> If the topic was not birth control, very few people attended. An April 1928 lecture by Komitee Secretary Richard Linsert on homosexuality attracted only three people, for example.<sup>66</sup> The ten thousand signatures of doctors, lawyers, government officials, educators,

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<sup>63</sup> Brand, "*Was wir wollen*," 6, 11-13, 15.

<sup>64</sup> Brand, "*Was wir wollen*," 11-12.

<sup>65</sup> *Institut für Sexualwissenschaft*, file R8069 #3/7 906/0.25/1 R.18, BArchiv.

<sup>66</sup> "Im Institut für Sexualwissenschaft ein Vortrag ohne Hörer," *Blätter für Menschenrecht* 8/9 (23 April 1928): 7.

scientists, and artists on the Komitee's petition provide evidence that the group was able to reach a sizable number of the cultural and intellectual elites with its message of repealing §175, but again this does not indicate that the group's message ever reached beyond this level.

Gemeinschaft publications available to the public were most likely somewhat off-putting to the average German. *Der Eigene, Rasse und Schönheit*, and other Gemeinschaft publications had pictures of young men in various states of undress on their covers. Often the cover subjects were completely naked. A nudist culture was popular in Germany, but one has to wonder how many heterosexuals felt comfortable stopping at a public magazine stand and purchasing a copy of a Gemeinschaft publication with naked young men and boys romping together on the cover.

The Bund did a better job of not offending public sensibilities. Many of its periodicals outwardly gave no indication of their topic. The Bund's *Blätter für Menschenrecht*, with its title stressing human rights, certainly could have attracted buyers. Until the end of the decade it only infrequently had any kind of photograph on its cover and, when it did, these were mostly pictures of young men's faces. As early as fall 1923, the *Blätter* regularly sold 60,000 copies a month, but it is impossible to tell who the buyers were because subscriber information was not broken down in any way.<sup>67</sup> It is likely, however, that the number of heterosexual readers for Bund publications was rather limited. To obtain a copy meant either contacting the organization to order a subscription or going to a street kiosk that carried the journal.

Heterosexual Germans interested in the problems of homosexuals in their country might have been willing to acquire a copy of the *Blätter*, but if the response of one man who received a copy by mistake is any indication, the market was not strong among non-gay Germans for even this rather innocuous-appearing journal. Herr von Ramin received a copy of the paper and was

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<sup>67</sup> "An alle," 3.

not shy about expressing his chagrin. In two letters sent to the Bund, he referred to the *Blätter* as a piece of propaganda about an organization intent on ruining Germany and described homosexuals as “mentally and sexually perverse beasts” who would destroy the country if allowed full rights.<sup>68</sup> His second missive made it perfectly clear that von Ramin had not gone out to buy a copy of the *Blätter*, or would he ever even think of doing so. He had received it in the mail by mistake and if he found the “scoundrel” responsible for this he threatened to take his dog whip to him.<sup>69</sup> Friedrich Radszuweit responded to these letters by writing that thinking persons no longer equated homosexuality with perversion because it had been scientifically proven that same sex attraction was an inborn predisposition. The Bund did nothing to promote perversion Radszuweit explained; it was simply fighting for the right of its members to live according to their natural, inborn inclinations without persecution.<sup>70</sup>

Despite this type of reaction, the Bund never gave up hope of reaching a heterosexual audience. The *Blätter* continued to carry stories of blackmail, suicide, and the misery caused to innocent men by §175 for as long as it existed.<sup>71</sup> Though rare, the Bund sponsored events to get its message to the general public, as well. In September 1929, for the first time in its history, the organization presented open lectures to educate the general public about the legal code and its effects on gay men. The organization hoped, through these, to increase public pressure for changing the law and to influence the Reichstag committee still busy rewriting the penal code.

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<sup>68</sup> Friedrich Radszuweit, “Rundschau,” *Blätter für Menschenrecht* 6 (1 May 1923): 3-4.

<sup>69</sup> Friedrich Radszuweit, “Die Hundepetsche,” *Blätter für Menschenrecht* 7 (15 May 1923): 4.

<sup>70</sup> Radszuweit, “Die Hundepetsche,” 4. This was not the only time the Bund responded to attacks on homosexuals and the homosexual rights movement in the pages of the *Blätter*. See also Friedrich Radszuweit, “Fürchterlich hat die Homosexualität in Berlin um sich gegriffen!” *Blätter für Menschenrecht* 2 (16 January 1928): 1.

<sup>71</sup> “15 Jahre in den Klauen eines Erpresser: 70,000 Mark erpreßt,” *Blätter für Menschenrecht* 7 (July 1929): 2; “Wer kennt den Toten?” 12; “Justiz” *Blätter für Menschenrecht* 6 (June 1929): 4; “Justiz,” *Blätter für Menschenrecht* 5 (May 1929): 12.

The organization itself described these meetings as well attended by heterosexuals, but just how many were reached in this way and what effect the lectures had upon their thinking is impossible to establish.<sup>72</sup>

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The three organizations faced a daunting challenge when it came to changing the attitudes of the government and the public. But they had also to deal with another large task. Gay rights groups needed to change the thinking of their members and the homosexual community in general. Centuries of Christian teachings, social oppression, laws against their most basic desires, and modern medical opinion regarding the mental illness of homosexuals convinced not only the general public that there was something seriously wrong with gay men and lesbians, but undermined the self-esteem and self-confidence of the victims as well. How could it not affect them adversely, given the past and present situation and the level of odium adhering to the very term *homosexual*? At best, gay men and lesbians knew they differed from the majority of Germans in one fundamental way. At worst, they believed they were defective because of it. Even if they did not accept that they were mentally ill or a danger to society, all homosexuals knew that any public expression of their feelings could potentially wreak havoc with their lives, even end them. Those men and women who signed a form and paid dues to become members of the Komitee, Gemeinschaft, or Bund, had obviously overcome enough of whatever ambivalent feelings they might have had regarding their sexuality to become a member of a homosexual rights organization. This initial act required some courage, and at least some degree of acceptance of who they were. Those who proceeded this far needed constant reinforcement and support to work actively and publicly for changing the law. Maintaining the morale of its

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<sup>72</sup> *Reichsjustizministerium*, file R3004/5775, 22.

membership was vital, but the three groups also needed to reach those men and women who did not join them. These people had to be convinced of their value and worth both to society and the movement. The total membership numbers for all three organizations never included the majority of German homosexuals. If the groups were truly going to gain the rights and acceptance for which they were striving, those gay men who believed there was something wrong with them or who declined to take a public role out of fear needed to be persuaded of the efficacy of the movement and of their own value to it. Like the general public, they too needed to be convinced to stand up and demand gay rights.

The many articles on famous homosexual men and women published by both the *Gemeinschaft* and the *Bund* were meant both to demonstrate to heterosexual Germans that gay men and women were fully capable of doing great things as well as to prove the same point to their gay readers. The *Gemeinschaft* used its articles on this topic to go farther than the *Bund* and intimated that the achievements of these people were a direct result of intimate bonds with members of their own sex. Whatever the reason behind their success, these stories served to demonstrate to readers that homosexuals were sane, upstanding, productive members of society. The goal was to change the beliefs of those people who accepted the contemporary medical description of homosexuality as a debilitating illness, as well as to reinforce the self-worth of those who accepted who they were, but faced constant social oppression because of it.

The effort to increase the self-esteem of men sexually attracted to other men was a major part of the rhetoric of the *Gemeinschaft*. Its constant emphasis on the importance of intimate male friendships and the beneficial effects not only of these relationships were in large part a means of reassuring members that they were indeed valuable, if not the most valuable, members of German society regardless of what their fellow citizens believed. The *Gemeinschaft* was not

the only organization to take this position. The Bund also held the idea that homosexuals were upstanding citizens and worthy contributors to society. Its belief that §175 was driving upright productive citizens from Germany is one example of this. Another was the emphasis on the honesty and fine moral character of the victims of suicide found in the *Blätter's* reports. The Bund also printed more explicit pieces that presented ideas very similar to those of the Gemeinschaft. One such article, written by S.F. Darwin-Fox, a great-nephew of Charles Darwin, appeared in May 1923. Adopting a stridently anti-democratic tone, Darwin-Fox asserted that the Bund was leading the attempt to create of a new society filled with beauty and harmony to replace the brutal one of the general masses with their “morals of orangutans.” Germany was, after all, the birthplace of the “noble Aryan race” and now, through the efforts of the Bund and its supporters, Germany would return to “Greek ideals” and once again be home to the “master race and supermen” [*Herrenvolk und Uebermenschen*].<sup>73</sup> Though extreme, this message reflects faithfully the philosophy of the Gemeinschaft and represents the Bund’s acceptance of the beliefs of the other two groups and its fusion of them into a separate Bund ideology. It was also a means of stressing the importance of the organization and of instilling a sense of self-worth in people who faced extreme prejudice.

Just as necessary was the effort to convince individual German homosexuals that they were not alone in the world. The stigma attached to the whole concept, combined with continuing persecution, caused many homosexuals to feel isolated and alone, convinced that there were very few people like themselves. The creation of a safe and supportive space where these men and

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<sup>73</sup> On suicide, see for example: Friedrich Radszuweit, “Mord und Selbstmord: Die 'Homosexuellen' klagen an!” *Blätter für Menschenrecht* 10 (1 July 1923): 1; “Eine sittliche Forderung,” 1; Noak, “Wacht auf!” 2; S.F. Darwin-Fox, “Prof. S.F. Darwin-Fox an den Bund für Menschenrecht,” *Blätter für Menschenrecht* 7 (15 May 1923): 1-2.

women could come together and find other with the same feelings and desires was one of the founding motivations behind all three of the major homosexual rights organizations.

To this end, the Bund, Gemeinschaft, and Komitee worked to create a community for their members and to reach out to those homosexuals who had not joined them. Each organization's local chapters held regular weekly or monthly meetings in order to foster this sense of solidarity, and urged members to bring friends and acquaintances amenable to joining their organizations with them when they attended. The Bund went the farthest in this regard, holding frequent meetings as well as a yearly conference over Easter weekend open to all members and their guests complete with speeches, lectures, dances, and tours of the host cities.<sup>74</sup> This exemplified the belief of the leaders of the Bund that the best way to form a community was to offer as many social activities as possible. "We have entertainment and parties to bring people together and cheer them and strengthen them for the fight. . . . Social evenings show the authorities and the public at large that homosexuals are not dissolute, immoral people, but happy civilized individuals."<sup>75</sup> However, the large number of social events led the organization's leadership to fear that some of their younger members were joining solely for the entertainment and not from a commitment to the cause of gay rights. At the same time many members of other groups viewed the Bund as merely a "dance club." Despite this, the organization's leadership continued to arrange numerous social gatherings.<sup>76</sup> Between March and May 1923, for example, the Bund and its local chapters held thirty-four events apart from regularly scheduled meetings, including

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<sup>74</sup> "Anträge zum Bundestag," *Blätter für Menschenrecht* 4 (1 April 1923): 3; "Bundestag 1928," *Blätter für Menschenrecht* 4 (13 February 1928): 2; Friedrich Radszuweit, "982 Erpressungen auf Grund des §175," *Blätter für Menschenrecht* 6 (12 March 1928): 1.

<sup>75</sup> "Unsere Bewegung," *Blätter für Menschenrecht* 12 (28 July 1923): 3.

<sup>76</sup> "Unsere Jugend und Wir," *Blätter für Menschenrecht* 10 (1 July 1923): 3; "Unsere Bewegung," 3; Franz Noack, "Seenot!" *Blätter für Menschenrecht* 17 (15 October 1923): 3.

lectures, tours, parties, art and book discussions, dances, and hiking trips. Every year during the holiday season most local branches held Christmas and New Year's Eve balls as well.<sup>77</sup> Some of the events, such as lectures on determining sexual orientation by examining a person's handwriting, might seem rather frivolous, but all of these social occasions played an important role in bringing German homosexuals together and creating a community.<sup>78</sup> Though some of the events were open to the public, many of them were for members and their guests only. In this way the Bund offered a safe, controlled environment in which its members could socialize away from bars, restaurants, and cafes, and away from the prying eyes of straight society. The same was true of Gemeinschaft events though they tended more toward lectures and book discussions rather than dances and balls.

The legal aid funds set up by all three organizations were another means of building a sense of community. Members banded together and contributed money to cover the cost of fines or representation for those in legal trouble. The Gemeinschaft, Komitee, and Bund established these funds to meet the very real needs of their members, but they also served to unite them in the common goal of mutual protection. Of course, they also served as an incentive to join the organizations in the first place, but this did not negate the community-building effect of these funds.

Another more basic means of helping members feel less alone, as well as to tout the possible political power of the gay rights movement, was the publication of information concerning how many homosexuals there were in Germany. The Bund and Komitee emphasized

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<sup>77</sup> See the listings of activities in the *Blätter für Menschenrecht* 4 (1 April 1923): 8; 5 (15 April 1923): 8; 6 (1 May 1923): 8; 7 (15 May 1923): 8; 9 (1 June 1923): 8.

<sup>78</sup> This was the topic of a lecture and demonstration given by a medical student named Besser to the Group I local Berlin chapter of the Bund on Friday evening May 5, 1923. "Ortsgruppen," *Blätter für Menschenrecht* 16 (1 October 1923): 4.

that homosexuality was not limited to any one social class or type of person; gay men and women were found at all levels of society, in all personality types, races, political parties, and religious communities. In 1923, the *Blätter* published Radszuweit's calculations establishing that every fiftieth German man was a "pure homosexual," proving there were over one million such men in Germany.<sup>79</sup> It also published an article detailing the work of Dr. K.F. Jordan, a German professor of medicine, who determined mathematically that there were forty-three million variants of human sexuality ranging from completely heterosexual to completely homosexual.<sup>80</sup> These pieces, combined with Hirschfeld's studies on the size of Germany's homosexual population, provided for gay men and women a sense that they were not part of a small minority of similarly inclined individuals, but members of a significant segment of their nation's population; a segment they could meet at organization social events and that, the groups hoped, would come together to demand full legal equality.

The groups intended these efforts to improve the individual self-perception and sense of self-worth of German homosexuals and to reduce their feelings of isolation. The three homosexual rights organizations needed the support of these individuals on a group level, however, if they were going to succeed in their goal of repealing §175, or even just stay in business. Much of their efforts to reach men and women, therefore, involved constant exhortations to join the movement, and once signed on, to remain and financially support it.

The Bund was the most dogged in this endeavor. Every issue of the *Blätter* informed gay men that it was their duty to support the homosexual rights movement. If they did not, and "willingly" stood on the sidelines to leave a select few to work for changing the law, the Bund

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<sup>79</sup> Radszuweit, "Eine sittliche Forderung," 2.

<sup>80</sup> K.F. Jordan, "43 Millionen sexuelle Zwischenstufen," *Blätter für Menschenrecht* 8 (1 June 1923): 1.

held them just as responsible for the suicides of their fellow *Homoeroten* as society at large. The Bund urged members to stand up and present themselves as intelligent, upright, and moral people in order to, “show the world that you are not the cretins it thinks you are.” To accomplish this the group implored them to tell everybody they met that they were homosexuals and to ask fellow Germans why they hated them for this and why they considered them “wicked people.”<sup>81</sup> In order to demonstrate the unfairness of the present legal code to its members in a manner they might understand, the Bund linked the cause of gay rights to the situation in Germany after World War I by comparing §175 with the hated Treaty of Versailles that held Germany solely responsible for the war and placed a huge indemnity on the country. The Bund presented both the treaty and §175 as examples of unjust laws that would be overturned if only people stood up for what was right. The *Blätter* then asked its readers why they supported a government that protested that the treaty was unfair, but did not openly challenge the injustice of §175.<sup>82</sup>

The Komitee, always mindful of its credibility, stood above these types of appeals, continuing steadfast in the belief that scientific information disseminated in an intelligent and reasoned manner would convince people to support the homosexual rights movement. The Gemeinschaft indulged in this type of rhetoric, but not quite so forcefully as the Bund, placing much of its faith in its ideas of the inherent higher moral quality of its members to convince men of their importance and keep them dedicated to the cause.

Constant pleas to members to stay committed were only to be expected. These groups needed the support of a persecuted and hidden minority in order to pursue their objectives. It

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<sup>81</sup> Noak, “Wacht auf!” 2.

<sup>82</sup> n.a., n.t., *Blätter für Menschenrecht* 14 (1 September 1923): 4; K.K. Kroneberg, “Bekanntnismut,” *Blätter für Menschenrecht* 14 (1 September 1923): 5. All of these examples come from one issue of the *Blätter*. Almost all editions of the periodical contained at least this level of admonishment.

was absolutely necessary to keep reminding current and potential members of the importance of their task and the efficacy of their continued efforts. To this end, the groups quite likely saw it as essential to point out that the majority of their fellow citizens viewed them as “cretins,” responsible for the suicides of their brothers and sisters in order to instill a sense of moral outrage that would keep them committed to the organizations. To some extent, however, the Bund and Gemeinschaft undercut their own credibility with the people they were trying to sway by accompanying their exhortations with self-aggrandizing claims that theirs was the only group capable of leading the movement to success. Each positioned itself as the only one that could or should truly represent the interests of gay men. In the Bund’s case, an appeal for money inevitably followed such avowals. Having just been implored to risk their jobs, status, or even their lives for the cause of homosexual rights, members were then subjected to examples of the leadership’s divisive arrogance, reckless competition, and crass pleas for money.<sup>83</sup>

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With the more open atmosphere of the Weimar Republic, the homosexual rights movement had access to a much wider audience than it ever could have hoped to reach before the war. The three major organizations used the freedom of the period to expand the scope of their activities to increasing contact with public officials, publishing more, and holding regular meetings as well as dances, balls, lectures, and field trips. Despite weaknesses within the groups and continued setbacks, the creation of a broad, active, and energetic gay rights movement was a major accomplishment. The setbacks and problems discussed in this chapter did not shake the

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<sup>83</sup> See a particularly egregious example: “Aufruf!” *Blätter für Menschenrecht* 4 (1 April 1923): 3; “An die Beitragscheuen!” *Blätter für Menschenrecht* 3 (15 March 1923): 2; Noak, “Wacht auf!” 2; “Zur Beobachtung,” *Blätter für Menschenrecht* 15 (15 September 1923): 4; “Ausschluss,” *Satzung der GdE, Berlin*, 26.

movement's confidence in the future. It remained steadfast in the belief that it was only a matter of time before prejudice and enmity would yield to the march of progress.

## Chapter V

### Outer Conflict, Inner Turmoil

Despite the best efforts of the Komitee, Gemeinschaft, and Bund to gain the acceptance and support of the general population, there remained significant opposition in the Weimar Republic to their goals. Police officials, judges, and city attorneys continued to enforce §175 and to prosecute violations. Most Germans continued to accept the argument that homosexuals were mentally ill and that the decriminalization of homosexual behavior would endanger children, destroy the family, and do irreparable harm to German morality. For these reasons, the general public saw no reason to change the law. Conservative political leaders, traditional religious groups, and medical authorities educated and supported them in this belief.

Attacks from self-appointed guardians of German morality and traditionalists were not new; the homosexual rights movement had faced these during the Wilhelmine period. And, just as during that time, the organizations had to confront public scandals that brought the issue of homosexuality before the public eye in unflattering ways, and challenged the ideas the movement had been disseminating since its beginning. These also tested the support of the movement's allies by offering them the opportunity to use the scandals as political weapons. In addition to outside challenges, the movement had to face internal ones. Again, as during the prewar period, the gay rights organizations spent part of their time attacking each other instead of uniting against the society that persecuted them. The increased freedom of the Weimar Republic made these attacks easier to publish and more likely to reach government officials and the general public. All of these served to weaken the movement during its period of greatest freedom.

The Bund, with its extensive network of local chapters and its numerous publications, faced the most opposition from law enforcement officials. In the early years of the Weimar Republic, city authorities threatened the owners of restaurants and bars in which chapters held their meetings in Düsseldorf, Munich, Dresden, Chemnitz, Berlin, and Hamburg with the loss of their licenses unless they stopped offering their premises for this purpose. Police officials throughout Germany prohibited the public display of the organization's main periodical, the *Blätter für Menschenrecht* at times throughout the 1920s. By 1929, dealings between the Bund and public officials had become more amicable. Though advertising of meetings and periodicals continued to be banned, government officials allowed the Bund to announce events in its own publications and the group's members were able to conduct their business with little harassment. The Bund's leadership credited this to a massive letter writing campaign to the interior ministers of the separate states, as well as to the Reich interior, justice, and defense ministers, and even to Reich President Paul von Hindenburg complaining of poor treatment. This, the leaders believed, combined with the group's activities against blackmail and male prostitution, convinced the authorities that Bund members were fine upstanding people who did not deserve the harassment they received.<sup>1</sup>

German right-wing and center-right parties such as the German National People's Party, the German People's Party, the Catholic Center Party, and the Commerce and Industry Party [*Wirtschaftspartei*] consistently and vocally opposed the elimination of §175 during the Weimar Republic on the grounds that to do so both challenged traditional morality and went against

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<sup>1</sup> Paul Weber, "Aus der Chronik des Bundes für Menschenrecht, E.V. 1919 - 1929," *Blätter für Menschenrecht* 10 (October 1929): 23-25.

Christian teachings by condoning homosexual activity.<sup>2</sup> Typically, the National Socialists adamantly opposed any change in the law and used the most extreme anti-gay rhetoric in the process. To them the possible acceptance of homosexuality, as expressed in their 1928 letter to the *Gemeinschaft* cited above, threatened the strength and very survival of the German people.

As they had before the war, German Christian groups worked to retain §175 and to fight the message of the homosexual rights organizations. The Center Party, the political voice of German Catholics, led the way in this effort. Party members were part of every coalition government of the Weimar Republic except one. Counting the closely related Bavarian People's Party, they usually sat approximately one hundred deputies in the Reichstag. In certain federal states, such as Bavaria, and municipalities, such as Cologne, they constituted the dominant political force. This gave them a strong political presence on all levels of German politics. They were especially influential on the Reichstag committees debating revisions of the penal code.

There were also non-political religious organizations fighting specifically against the three groups. One such was the *Verband zur Bekämpfung der öffentlichen Unsittlichkeit* [Association to Fight Public Indecency]. In late 1927 this organization published a pamphlet entitled “§175 muß bleiben” [§175 Must be Retained]. How widely disseminated this brochure was cannot be ascertained, but it was sufficiently threatening that the Bund felt the need to reply to it in a front page article by Friedrich Radszuweit.<sup>3</sup>

Most German doctors continued to consider homosexuality an illness. Even medical authorities who advocated the repeal of §175, retained the conviction that it represented a defect

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<sup>2</sup> Hermann Sievert, “Das Anomale Bestrafen: Homosexualität, Strafrecht und Schwulenbewegung im Kaiserreich und in der Weimarer Republik,” *Ergebnisse: Zeitschrift für Geschichtswissenschaft* (24 April 1984): 90.

<sup>3</sup> Friedrich Radszuweit, “Paragraph 175 muß bleiben!” *Blätter für Menschenrecht* 4 (13 February 1928): 1.

of some sort. Physicians Alfred Adler, Albert Moll, and Wilhelm Reich, though they varied as to the underlying cause of the infirmity, continued to view homosexuality as a congenital illness while at the same time arguing for a change in the legal code. These people favored the repeal of the law on the grounds that physical or mental illnesses should not be subject to legal punishment, not because they accepted homosexuality.

Since many doctors believed this malady was treatable, much effort went into proposing and testing cures, which ranged from psychotherapy to surgical procedures. Adler, despite supporting the elimination of legal sanctions for their behavior, went so far as to advocate that homosexuals be legally forced to undergo treatment. The psychiatrist Sigmund Placzek continued to believe that, except for a very small minority, homosexuality was not an inborn condition but a learned behavior. Thus, gay men were dangerous because they could seduce children and irreparably damage them. Placzek's cure involved castrating homosexual men and transplanting the testicles of "normal" men onto them.<sup>4</sup> Most of these ideas remained within German medical circles, but they indicate that the medical community, despite the number of doctors who had signed the Komitee's petition, represented a serious oppositional force to the gay rights movement's belief in the inborn and benign nature of homosexuality. To have men of science ranged against them was bad enough, but this particular form of opposition was often personally painful as well. Every time gay men and women or their families and friends visited a physician, they might well face this "diagnosis of their disease."

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<sup>4</sup> Sigmund Placzek in Herman Bang, *Gedanken zum Sexualitätsproblem* (Bonn: A. Marcus & E. Webers Verlag, 1922), 8; W.U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* (Berlin: Verlag rosa Winkel, 1980), 20, 23; Sievert, "Das Anomale Bestrafen," 41, 46-47; *Anträge auf Beseitigung des P. 175 des St.G.B. von Oktober 1907 bis 31 Mai 1929*, file R3001/5774, Bundesarchiv (BArchiv), Berlin, 26.

Opponents of gay rights not only expressed their views through political rhetoric and medical opinion. Some went so far as to physically attack homosexuals. The fear of bodily harm or harassment was behind the practice of many local Bund chapters, alluded to earlier in this study, to not give out the address of their meeting places to individuals who had not registered with the organization and paid their membership dues.<sup>5</sup> The concern with safety was not unfounded. In March 1920, Komitee leader Magnus Hirschfeld, easily the most prominent face on the movement, delivered a lecture in Hamburg. He had received warnings that there might be trouble and asked for police protection, which the city provided. Members of the radical right organization called the *Deutschvölkische Schutz- und Trutz-bund* [German Racial League for Defense and Defiance] interrupted his speech with catcalls and rude remarks and set off stink bombs outside the hall. They attempted to attack Hirschfeld directly, but the police prevented them from coming close enough to harm him. Assaults were more successful a month later. On April 10, 1920, Hirschfeld delivered a speech in Munich. Though he had asked for police protection this time as well, city officials provided none. Protestors again repeatedly interrupted his lecture. After his presentation, opponents spat at Hirschfeld on the street and threw stones at him. A student belonging to the same organization that had caused the disruptions in Hamburg attacked him so viciously that some newspapers reported that Hirschfeld had died from the beating. He recovered and continued to give lectures throughout Europe and

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<sup>5</sup> In spring 1928 the Bund attempted to start a branch in Stettin. The announcement specifically stated that all inquiries should be sent to the main office in Berlin for forwarding to officials in Stettin because if the local address were published, members would face harassment. "Aus der Bewegung," *Blätter für Menschenrecht* 4 (13 February 1928); 4.

North America, but these two incidents attest to the very real danger facing members of the gay rights movement.<sup>6</sup>

The political and medical opposition and even the physical attacks were somewhat to be expected. This was, after all, a movement openly challenging long-held values and ideals in a very tradition-bound society. All three groups were aware of the dangers inherent in their efforts and did their best to deal with them. More harmful to the work of the organizations than the expected objections of conservatives and moralists, were public scandals involving homosexuals that, as they had before the war, brought derision upon the entire movement in the eyes of the general public, supported stereotypical beliefs regarding homosexuals, and cast a shadow on the reliability of the movement's political allies.

The first scandal lent credence to the argument that homosexuals were mentally ill and inherently immoral. In Hanover in the summer of 1924, forty-four year old Fritz Haarmann, a homosexual meat and used clothing dealer, who also worked as a police informant, was charged with murdering and dismembering twenty-seven young men, mostly runaways, between the ages of thirteen and twenty in a sixteen month period between spring 1923 and June 1924. Haarmann picked up his victims at the local train station by offering them work or a free meal and place to stay. Occasionally he used his ties to the police department to pass himself off as a full-fledged police officer and by this ruse lured homeless boys and young men to the apartment he shared with his lover, Hans Grans. His usual method of killing his victims, according to Haarmann himself, was to take them to bed and then bite through their windpipes while strangling them.

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<sup>6</sup> Paul Wilder Chase. "The Politics of Morality in Weimar Germany: Public Controversy and Parliamentary Debate Over Changes in Moral Behavior in the Twenties." Ph.D. diss., (State University of New York at Stony Brook, 1992), 208-210, Sievert, "Das Anomale Bestrafen," 28.

He would then carefully cut up the bodies, sell the clothes and, reportedly, flesh through his business connections, and dispose of any “useless” parts in the Leine River.<sup>7</sup>

The case and the trial were the talk of the day throughout Germany, and Haarmann’s homosexuality was as much a part of the conversation as the gruesome murders. The popular press presented the crimes as a direct result of the murderer’s homosexuality. The right-wing *Deutsche Zeitung* even described it as consequence of the gay rights movement, which had convinced young men that there was nothing wrong with seeking male companionship.<sup>8</sup> Despite being judged mentally ill by five psychiatrists, the police and public believed that Haarmann’s sexual orientation was the direct cause of his crimes. Both viewed Haarmann’s predilection for young men and boys as inherent to homosexuals and police reports emphasized the effeminate qualities of the accused. They noted that his body had a feminine roundness and that his voice had the qualities of an old woman’s. Police officials also reported that Haarmann enjoyed “womanly” pastimes such as cooking and baking, though detectives did note that he tended to do them while smoking a cigar.<sup>9</sup>

The emphasis on Haarmann’s sexual orientation combined with the age of his victims delivered a devastating blow to the homosexual rights movement by challenging all of the arguments the three groups had made asserting that homosexuals were not mentally unstable individuals who preyed on children. Haarmann’s case appeared to provide ample evidence that homosexuals really were sick. The method he used to kill his victims and the manner in which he disposed of their bodies seemed proof enough of that for many. When Haarmann testified

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<sup>7</sup> William Bolitho, *Murder For Profit* (London: Jonathan Cape, 1926; reprint, London: Dennis Dobson, Ltd., 1953), 174-190, Siegfried Placzek, *Homosexualität und Recht* (Leipzig: Georg Thieme, 1925), 125.

<sup>8</sup> Magnus Hirschfeld, “Der Fall Haarmann: Vortrag im W.H.K.,” *Der Eigene* 7/8 (1924): 364.

<sup>9</sup> Bolitho, *Murder For Profit*, 174-190.

that Grans, his partner of five years, had walked in on one of the murders and had neither tried to stop it nor to contact the authorities, it was one more indication for the movement's opponents of the severe psychological disturbance inherent in homosexuality.<sup>10</sup> That all of his victims were young males, many of them minors, furnished concrete proof that homosexuals posed a danger to German children. To make matters worse for the gay rights movement, the case became public at exactly the same time that the Reichstag commission debating a modification of the German penal code was meeting.

The homosexual rights groups attempted to defend themselves by pointing out through public meetings, articles in their publications, and official announcements that Haarmann represented an isolated case and should be judged on the basis of his actions alone and not his sexual orientation.<sup>11</sup> The Gemeinschaft, despite continuing to be at odds with the Komitee over method and ideology, even favorably reviewed a public speech by Hirschfeld on the case in *Der Eigene*. The Komitee leader discussed other mass murderers and stated that their heterosexuality was not the cause of their crimes. Haarmann's homosexuality, therefore, had nothing to do with his crimes. Brand's organization declared that anyone who believed that "criminal, abnormal, savage, sexual desires" were directly tied to sexual orientation was either an "idiot or a total ignoramus."<sup>12</sup>

The court found Haarmann guilty and sentenced him to death, but the damage had been done. Despite the groups' best efforts, the draft of the legal code proposed in 1925 did not

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<sup>10</sup> Bolitho, *Murder For Profit*, 174-190.

<sup>11</sup> Eissler, *Arbeiterparteien und Homosexuellenfrage*, 102; Weber, "Aus der Chronik," *Blätter für Menschenrecht* 10 (October 1929): 7.

<sup>12</sup> Magnus Hirschfeld, "Der Fall Haarmann: Vortrag im W.H.K.," *Der Eigene* 7/8 (1924): 364.

weaken any of the laws concerning homosexual activity. Fortunately, given the atmosphere surrounding the case, it did not increase them, either.

Adding to the problem for the homosexual rights movement was the response to the Haarmann of its two staunchest political supporters, the German Communist Party (KPD) and the German Social-Democratic Party (SPD). These parties were rarely able to cooperate on policy during the Weimar Republic and to a large degree saw each other as opponents. The KPD viewed the Socialists as sell-outs to bourgeois ideology and the SPD saw the Communists as dangerous radicals. As a police informant, one of Haarmann's jobs had been to spy on the KPD for the Socialist-controlled Hanover police department during the ban on Communist political activity in place in 1923. Because of this, the KPD saw an opportunity to use Haarmann against the Social Democrats. The party's official paper, *Die Rote Fahne*, repeatedly attempted to prove that Haarmann was able to get away with his killing spree for so long because powerful socialists in the city government had protected him. It referred to the Hanover police as the "Haarmann police" and painted every criminal case as the "Haarmann system" or the "Haarmann method." It used "homosexual" or "homosexual supporter" as an epithet against its political opponents as long as the furor over the Haarmann case lasted. It also attempted to discredit the Hanover police by stressing that it hired degenerates, meaning specifically homosexuals, as informants.<sup>13</sup>

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<sup>13</sup> "Massenmörder und Menschenfleischhändler Haarmann als Vertrauensmann der Polizei," *Die Rote Fahne* (13 July 1924): 3; "Haarmann-System auch in Berlin?" *Die Rote Fahne* (15 July 1924): 4; "Der Polizeiskandal und das Severing-Parlament," *Die Rote Fahne* (15 July 1924): 7; "An den Pranger mit den Haarmann-Methoden!" *Die Rote Fahne* (16 July 1924): 7; "Schluß mit dem Haarmann-System!" *Die Rote Fahne* (17 July 1924): 1; "Kampf dem Haarmann-System!" *Die Rote Fahne* (18 July 1924): 4; "Haarmänner in Berlin am Werke?" *Die Rote Fahne* (19 July 1924): 3; "Millionen für die Haarmann-Polizei – Hungertod für die Sozialrentner," *Die Rote Fahne* (24 July 1924): 9; "Massensturm gegen das Noske-Haarmann-System!" *Die Rote Fahne* (25 July 1924): 1; "Die Mörder aus der Noske-Haarmann-Polizei in Berlin," *Die Rote Fahne* (26 July 1924): 2; "Die SPD-Haarmann-Verteidiger allein," *Die Rote Fahne* (27 July 1924): 4; "Todesurteile gegen Haarmann und Grans," *Die Rote Fahne* (20 December 1924): 9.

The SPD paper *Vorwärts* reported daily on the case as well and, like many mainstream periodicals, focused on the sexual orientation of the accused. As with the KPD, this represented an acceptance of the negative beliefs surrounding the entire concept of same-sex sexuality. In fact, the newspaper specifically stated that it believed that Haarmann's crimes were the direct result of his personality which the editors saw as "severely psychopathological and a complicated blending of homosexuality with sadism." These heinous crimes were, at least in part, the result of Haarmann's homosexuality combined with his psychological problems. The paper's emphasis on the sexual orientation of the accused served to reinforce for readers the conviction that homosexuals were mentally ill men who presented a very real danger to German society. Though *Vorwärts* downplayed Haarmann's connections with the Hanover police department in an attempt to counter the accusations of *Die Rote Fahne* and protect the SPD politically, it did nothing to challenge the KPD's equating of homosexuality with degeneracy.

That its political supporters reported the case in their party newspapers was of little importance to the homosexual rights movement. This was the biggest story of the summer of 1924. They could not ignore it. What disturbed the organizations most, especially the Komitee with its close ties to the KPD, was the spectacle of that party, using accusations of homosexuality as a weapon against its opponents and equating it with illness and crime. These were the tactics of the movement's enemies, not its friends. That the SPD, the party that presented the first motion to overturn §175 in the Reichstag, did not specifically counter these charges, but simply tried to distance the local police from the case, was equally unsettling, for its refusal to challenge the KPD's assertions implied that this party also saw Haarmann as a representative homosexual.

Despite its efforts to counter the effects of the case on the public's perception of homosexuality, the publicity damaged the homosexual rights movement's efforts. It was part of

the reason that the 1925 draft of the penal code did not eliminate or weaken any of the provisions of §175 after a quarter century of work by the three gay rights organizations, forcing them to form yet another special committee to challenge it. It also brought home to the movement that those it had believed to be its most dependable political supporters were not above using the tactics of its enemies for political gain. Despite their rhetoric affirming that homosexuals were, if not equal to heterosexuals, at least deserving of equal treatment under the law, both parties made rather shabby use of the existing antipathy towards homosexuality. The KPD had shown a willingness to use the belief that homosexuals were immoral deviants in order to smear its political opponents and the SPD had simply backed away from this argument instead of directly challenging it. Both the KPD and SPD did reiterate their support for the elimination of §175 during the heyday of the Haarmann case, and both asserted that if homosexual conduct were legal, the murderer would likely not have been able to find his victims so easily.<sup>14</sup> If homosexual conduct were legal and accepted, however, neither party would have been able to use it as a political weapon against its opponents. This put the homosexual rights groups in a difficult position. Bund, Komitee, and even Gemeinschaft members had to ask themselves if these parties really believed in the goals of the organizations they purported to support and whether they were truly committed to the cause of gay rights? At the same time, where else could homosexuals turn for political support? The large Catholic Center Party was not an option and neither were the numerous small parties of the center and right. The SPD was the largest leftwing party in Germany and the KPD had supported gay rights since its founding in the early years of the Republic. The leaders of the movement decided to challenge the condemnation of homosexuality that resulted from the Haarmann case, but to stifle its anger and say nothing about

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<sup>14</sup> "Todesurteile," *Die Rote Fahne* (20 December 1924): 9; "Der Massenmörder Haarmann," *Vorwärts* (20 July, 1924): 4.

the political gamesmanship of their supporters.<sup>15</sup> If they were lucky the law would be eliminated before another scandal like this occurred.

But they were not lucky. Seven years after the Haarmann case broke another scandal centering on homosexuality arose, this time involving the National Socialist Party. On April 14, 1931, the *Münchner Post*, a Socialist newspaper, published a letter accusing the leader of the Nazi Storm Troopers, Ernst Röhm, of being a homosexual and of carrying on a relationship with two other members of the party. The *Post* received the letter, the result of infighting within the party, from a disgruntled Nazi party member. In June, the paper printed more letters reporting machinations against Röhm within the party because of his homosexuality. On June 22, 1931, the *Post* published an article entitled “Queer Brotherhood in the Brown House (SA Headquarters): Sexual Life in the Third Reich” [*Warm Bruderschaft im Braunen Haus: Das Sexuelleben im Dritten Reich*]. The piece described what it saw as the “repulsive hypocrisy” of the Nazi Party. While outwardly fighting against the acceptance of homosexuality, “inside the Hitler party is the most hair-raising whoring of the type 175 condemns. Hitler is endangering German youth by putting Röhm in charge of the youth organizations . . . Everyone knows his inclination and yet Hitler stands by him.”<sup>16</sup>

Once this story broke other German publications picked it up. The allegations gained such prominence that the official Nazi newspaper, the *Völkischer Beobachter*, felt compelled to respond to them in its June 24, 1931 issue in a front page article entitled, “The Marxist Morass of Slander in Munich” [*Der marxistische Verleumdersumpf in München*]. The piece asserted that the *Post* was a “Jewish paper” having a “pathetic, libelous laugh” at Röhm’s expense. It denied

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<sup>15</sup> See *Blätter für Menschenrecht* 24 (15 December 1924): 2.

<sup>16</sup> Sievert, “Das Anomale Bestrafen,” 88; “Warm Bruderschaft im Braunen Haus: Das Sexuelleben im Dritten Reich,” *Münchner Post* (22 June 1931), quoted in Sievert, “Das Anomale Bestrafen,” 152.

he was a homosexual, and contended rather that he was a “victim of Marxist terrorism” perpetrated by the “shameless and base” Social Democrats who were reduced to personal attacks on their enemies because of their party’s inability to reach “decent German youths” with its message. Röhm had been targeted because of his “embarrassment and fear causing” attacks on Jews and their slaves. The *Beobachter* explained that it felt compelled to respond to these lies only because other newspapers were picking up the story and its editors wanted to get the truth of the matter out.<sup>17</sup>

The front page of the *Beobachter* also contained an article written by Röhm defending himself against the charges made by the *Post*. He first declared that he had never seen the letter concerning him. He then dismissively stated that he did not care what the Social Democratic press wrote about him, and that what was printed was untrue and too ridiculous to deserve a response anyway. Of course, Röhm made his last assertion in the second of two front-page lead articles responding to the “untrue and ridiculous” accusations.<sup>18</sup>

This did not end the uproar, and the controversy continued. In a July 22, 1931 article on Nazi violations of the Bavarian law against the wearing of uniforms in public, the *Münchner Post* repeatedly referred to the SA as “*der warme Brüder*,” “warm” being a German colloquialism for gay or queer. The paper reported that in response to the law, the SA and Hitler Youth had simply removed their brown shirts, keeping their ties on. The *Post* described Röhm as very excited to be reviewing his semi-naked troops and explained that the men had kept their

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<sup>17</sup> “Der marxistische Verleumdersumpf in München,” *Völkischer Beobachter* (24 June 1931): 1.

<sup>18</sup> Ernst Röhm, “Erklärung,” *Völkischer Beobachter* (24 June 1931): 1.

ties on “to heighten their manly charms.” The article also emphasized that, unlike the males, the Nazi girls organization had kept on its complete uniforms.<sup>19</sup>

The exposure of a member of the most vocal anti-homosexual rights political party as gay did not come as much of a shock to the Komitee, Gemeinschaft, or Bund. The leadership of all three groups believed the Nazi party had homosexual members. It certainly was no surprise to the last group, as Röhm was a dues paying member of the *Bund für Menschenrecht*.<sup>20</sup> The public criticism facing Röhm over his homosexuality and the arguments that he was a threat to children and a danger to German society because of his sexual orientation placed him in circumstances familiar to every other homosexual in Germany. It might have been tempting for the gay organizations to lash out at their Nazi tormentors, but to do so would simply reinforce negative stereotypes and be making use of accusations of homosexuality as a weapon for political gain, something politicians outside the movement had continually done and which the movement itself continually decried.

All of these reasons, combined with the Gemeinschaft’s and Bund’s long held belief that specifically aligning with or attacking a particular party was detrimental to the survival of the organizations combined to insure that the Nazi party would not be attacked by these groups. In fact, Friedrich Radszuweit rarely even mentioned the scandal and intentionally did not even publish Röhm’s name in any Bund publication.<sup>21</sup> Radszuweit and others in his group, however, did see the public disclosure of Röhm’s homosexuality as a means of opening a dialogue with the Nazis, and of possibly convincing its Führer to change the party’s stance on the issue of §175.

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<sup>19</sup> *Münchener Post* (22 July 1931), quoted in Eissler, *Arbeiterparteien und Homosexuellenfrage*, 107-108.

<sup>20</sup> *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950: Geschichte, Alltag und Kultur* (Berlin: Frölich & Kaufmann, 1984), 41.

<sup>21</sup> Friedrich Radszuweit, “§175 als Streitobject,” *Die Freundin* (10 June 1931): 1.

To this end, Radszuweit wrote an open letter to Adolf Hitler which was printed in *Die Freundin*, a Bund publication, in June 1931. In it Radszuweit pointed out the contradiction between Nazi party rhetoric and the reality within the party itself.

The disclosure by the *Münchener Post* that one of your best members believes in same sex love must ring very unpleasantly in your ears. Unpleasantly, not because of his natural inclination, but because your party calls for the retention of the shameful 175 and in your newspapers you have repeatedly stated that when your party comes into power it will immediately eliminate homosexual men by either expelling them from the country or hanging them.”<sup>22</sup>

Radszuweit most likely was referring here to an article that appeared in the *Völkischer Beobachter* stating exactly what would happen to homosexuals once the party came to power.

“We will very soon legally recognize all malevolent desires of the Jewish soul to destroy divine creation through carnal relations with animals, siblings, and people of the same sex for what they are, completely base Syrian aberrations; crimes punishable by hanging or deportation because of their serious nature.”<sup>23</sup> There is no evidence that the Nazi party ever responded to the Bund letter directly and the party did not alter its position on §175.

There was, however, no attempt by either the Komitee or Gemeinschaft to find any sympathy for Röhm’s plight or to reach out to the National Socialists. Both organizations saw the disclosure of Röhm’s homosexuality as a means of attacking the hypocrisy of one of their most determined enemies. Gemeinschaft leader Adolf Brand defended his group’s right to chastise Röhm “because a gay man in a position to deprive other people of their rights has no right to privacy or sympathy or understanding . . . precisely the most dangerous enemies of our fight are often homosexuals themselves.” Brand then went on to use Röhm’s position as a Nazi

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<sup>22</sup> Radszuweit, “§175 als Streitobject,” 2.

<sup>23</sup> “Die Koalition zum Schutz der Päderastie von Kahl bis Hirschfeld, Lansberg und Rosenfeld,” *Völkischer Beobachter* (2 August 1930): 1.

leader to imply that the adamantly anti-homosexual party was filled with gay men. He was just the most prominent of “all his homosexual party comrades.” The official National Socialist position on the issue of homosexuality was hypocritical and ridiculous given the large number of homosexuals in the party. “Captain Röhm is today, of course, only the scapegoat for the whole miserable cowardice and mendacity with which the National Socialist Party, through all the years, has taken its position in such a fateful way on the homosexual question.”<sup>24</sup> On the one hand, Brand castigated the Nazis for promising to drive all homosexuals from Germany, using violent means if necessary, even though its ranks were full of such men. On the other hand, however, he asserted that the same party he described in this article as narrow-minded, dishonest, and disloyal to Germany was basically a homosexual party. He was, most likely unwittingly, confirming for many the basic untrustworthiness, self-loathing, and mental instability of homosexuals by stating that a political party filled with them had all the negative qualities associated with gay men in the popular imagination. He was also using the issue of homosexuality to attack an opponent. Brand was engaging in the very behavior that the Komitee and Bund excoriated the SPD and KPD for indulging in during the Haarmann scandal.

The Komitee took much the same position as Brand. In 1932, after much of the uproar involving Röhm had subsided, the group reprinted in the *Mitteilungen des Wissenschaftlich-Humanitären Komitees*, an article from the Berlin *Welt am Abend* entitled “The Brown Swamp in Nazi Headquarters: Corruption, Intrigue and Sexual Hypocrisy of the §175 Type on Hedemannstraße. Captain Röhm Abuses Unemployed Young Workers” [*Der braune Sumpf der Nazihauptquartiere, Korruption, Intrigen und Sexualheuchelei um der P. 175 in der*

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<sup>24</sup> Adolf Brand, “Politische Galgenvögel: Ein Wort zum Falle Röhm,” *Eros* 2 (1931): 1-3, in Harry Oosterhuis and Hubert Kennedy, eds., *Homosexuality and Male Bonding in Pre-Nazi Germany* (New York: Harrington Park Press, 1991), 236-238.

*Hedemannstrasse. Hauptmann Röhm missbraucht erwerbslose Jungerarbeiter*]. It asserted that the “Hitler camarilla has evolved into fundamentally one of homosexuals and hypocrisy. . . . We would never reproach someone for their orientation, but we will not let that hinder us from highlighting the out and out hypocrisy of this corrupt circle who label the struggle against the paragraph (§175) as a ‘Marxist obscenity’ while seeking to profit from this struggle themselves . . .”<sup>25</sup> The Komitee used this article as a means of criticizing the Nazi party for its two-faced treatment of homosexuality – attacking it publicly while tolerating it privately. Like the Gemeinschaft, however, this organization also unwittingly offered fuel for those opposed to both homosexual rights and the Nazis by intimating that the party was teeming with gay men, a belief that persists in some circles to this day, without any substantial proof to support it.

From a political standpoint, the Röhm scandal confronted the homosexual rights movement once again with the example of its Socialist allies using homosexuality as a weapon against the party’s opponents. The Socialist *Münchener Post*, as well as the other papers that picked up the story all implied that Röhm’s sexuality represented a defect or character flaw. The implications in the articles that it was dangerous to have Röhm leading an organization of young men and boys, despite having no proof that he abused his position, played on the contemporary belief that homosexuals in positions of authority, especially over the young, were constantly on the prowl for people to seduce.<sup>26</sup> Just as the scandal was dying down late in 1931, the Socialist Press Service revived it in the middle of 1932. This was an election year and Adolf Hitler was running for president of Germany. In an attempt to sabotage Hitler’s chances, the press service circulated

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<sup>25</sup> *Mitteilung des Wissenschaftlich-humanitären Komitee* 34 (1932/33): 423.

<sup>26</sup> See for example: *Vorwärts* (2 June 1931); “Röhm bestätigt,” *Vorwärts* (10 March 1932): 2.

three private letters from Ernst Röhm to a friend in which the SA chief admitted his homosexuality.<sup>27</sup>

The SPD was not the only political ally of the homosexual rights movement to use Röhm's sexuality as a weapon against the National Socialists. The KPD also did so, though not anywhere near to the degree of its Socialist rivals. Despite running many fewer articles in its publications and its assertions that its coverage of the Röhm affair was simply a means of presenting the inner rot of the Nazi party, the KPD published stories on the subject that, as the SPD did, tried to paint all Nazis as homosexuals and, thus, degenerates unworthy of any type of political power. During the 1932 presidential election, *Die Rote Fahne* published love letters written by a Nazi functionary named von Prittwitz to Röhm to further fuel the controversy.<sup>28</sup>

As in 1924, the feckless support of the SPD and KPD for the homosexual rights movement was made abundantly clear. Once again this was more of a problem for the Komitee with its close ties to both parties than it was for the more nonpartisan Gemeinschaft and Bund, though the latter group did complain about the Social Democrats' actions. In 1932 the Komitee made its feelings known by writing directly to the leadership of the Socialist party complaining that the SPD's use of homosexuality to imply a defect or character flaw made it a rather dubious ally in the fight for equal rights. "We must ask ourselves whether the SPD will actually stand up against not only the legal prosecution, but also the societal oppression of people attracted to members of their own sex."<sup>29</sup>

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<sup>27</sup> Helmut Klotz, *Der Fall Röhm* (Berlin: Klotz, 1932); *Antifaschistischen Aktion-Flugschrift* 4; discussed in *Mitteilungen des Wissenschaftlich-humanitären Komitee* 34 (1932/33): 431.

<sup>28</sup> "Berliner Nazi-Gauleitung ein Herd von Korruption und Intrigen," *Die Rote Fahne* (11 March 1932): 5.

<sup>29</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitee* 33 (1932): 373.

The leadership of the Social Democrats responded to the charges by writing directly to both the Bund and Komitee to explain that the party had not intended to imply that homosexuals were by nature degenerates or dangerous. It was simply pointing out the hypocrisy of the Nazis in calling for the removal of all homosexuals from German society while appointing gay men to prominent party positions, which was, after all, exactly what Brand had done. “The Social Democratic press has only capitalized on the Röhm case because the National Socialists are supporters of the laws against homosexuals and because the Socialist press wants to bring to light the hypocrisy of a party that labels homosexuals as criminals while keeping one in an influential position.”<sup>30</sup>

This argument fell flat with members of the movement.<sup>31</sup> The Komitee and Bund saw the articles published by the SPD and, to a lesser degree, the KPD as obviously meant to discredit the Nazi party and damage its electoral chances. It was apparent to many in the homosexual rights movement that both parties were simply opportunistic, appearing to be in favor of eliminating §175 while at the same time using accusations of homosexuality as a means of smearing their political opponents. Of course, the movement faced its usual dilemma in this regard. If the Social Democrats and Communists were rather disingenuous, they were at least theoretically willing to work for the goal of homosexual rights. No other parties offered even lip service to the cause.

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Just as during the empire, these scandals had a detrimental effect on the gay rights movement during the Weimar Republic. Much more damaging to the effort for equal rights,

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<sup>30</sup> Paul Weber, “*Erklärung des Parteivorstands der SPD zum Fall Hauptmann Röhm an den Bund für Menschenrecht e.V.*,” *Die Freundin* (June 1932): 1.

<sup>31</sup> Eissler, *Arbeiterparteien und Homosexuellenfrage*, 112.

however, was the continuing inability of the main organizations to work together. As discussed in Chapter Two, this had been a problem in the Wilhelmine period between the science-focused Komitee and the culture-focused Gemeinschaft. Their disagreements over methodology and even the existence of something called a homosexual had made it very difficult for the two groups to work together then and greatly weakened their efforts to have the penal code changed. The antipathy that developed between them as a result of their differing points of view continued after the collapse of the empire and expanded to include the Bund.

Despite attempts at collaboration, such as the formation of the Action Committee in 1920, the three organizations were seldom able to work together successfully. After the collapse of the Committee in 1923, the Komitee, Gemeinschaft, and Bund not only rarely coordinated their activities; but often openly waged a war of words against each other. These attacks could be understood solely as the result of the differing conceptions of same-sex attraction and the disparity in tactics toward achieving the organizations' goal of eliminating §175. However, as will be shown, the significant amount of time that the groups spent harassing each other and the harshness of their harangues indicate that something more was at work. In the face of overwhelming opposition not only from doctors, clergymen, and politicians, but much of the German public as well, and a consistent inability to achieve even small victories, the movement vented its frustrations inward, on itself. Unwilling, or unable, to too openly criticize their opponents because of the need to gain these same individuals' support for their cause, the organizations expressed their anger, disappointment, and dissatisfaction by attacking each other. Unfortunately for the effort to repeal §175, this was not quiet infighting. These attacks often spilled over into the public arena as each group sought to be the primary voice of the homosexual rights movement. The relaxation of censorship laws and the proliferation of gay publications not

only allowed all of the organizations to get their messages out to the public more easily, they also made it possible for them to get their attacks on their counterparts out as well.

Relations between the Gemeinschaft and the Komitee started off well enough. As they both worked to reconstitute themselves after the war, there was little time for infighting. Gemeinschaft leader, Adolf Brand, even attended the twenty-fifth anniversary celebration of the Komitee in May 1922, where he gave a speech congratulating Magnus Hirschfeld and his organization on the good work both had done. However, even in this celebratory speech there were hints of troubles to come. At the same time as he praised the Komitee, Brand went out of his way to highlight the efforts of his own group. He declared that he was personally responsible for publicizing the Komitee's petition by publishing the first article discussing it, and then went on to state that he had realized the purely scientific methods of the Komitee alone would not work to achieve equal rights, which was why he decided to concentrate on the intellectual and cultural aspects of the movement. Brand closed his speech honoring Hirschfeld and the Komitee by listing all the accomplishments of the Gemeinschaft over the last twenty-five years.<sup>32</sup>

Brand's organization turned out to be the most aggressive in attacking the other groups. As can be seen somewhat from Brand's emphasis on his own accomplishments in a speech commemorating the Komitee, there was an undercurrent of jealousy in the Gemeinschaft's attacks and a sense that Brand and his organization were not receiving the respect and recognition they felt due them. Their resentment at this perceived marginalization was not without some basis in fact. While the Komitee offered lectures attended by government officials and was at least tangentially associated with the well-known *Institut für Sexualwissenschaft*, and the Bund had the largest membership of the three groups, sponsored high-profile public events,

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<sup>32</sup> Wissenschaftliche-humanitären Komitee, *Jahresberichte 1922/23: Sonderabdruck aus dem Jahrbuch für sexuelle Zwischenstufen* (Berlin: n.p., 1923): 13-15.

and even subtitled their main publication the “Official Voice of the Homoerotic Movement,” the Gemeinschaft remained a relatively small group of men advancing the socially unacceptable idea of cultural rebirth through intimate friendships between adult males and young men or boys. While Komitee leader Hirschfeld traveled the world giving well-attended lectures and Bund leader Radszuweit made a good living publishing not only Bund periodicals, but a significant number of homosexual-themed books, Brand had spent time in prison for slander and distributing obscene materials during the Wilhelmine period and was often fined or threatened with legal action for publishing the same materials in the republic. This had to be upsetting to an organization whose members believed themselves vastly superior to the others, and the cultural and intellectual vanguard attempting to renew German civilization.

Hirschfeld’s organization represented the Gemeinschaft’s most annoying opponent within the movement and the biggest threat to its ideology of universal bisexuality, cultural rebirth, and intimate male friendships. The Komitee’s emphasis on inborn homosexuality was contrary to all of these beliefs. It implied, at least to members of Brand’s group, that male-male relationships were the result of biological urges, not of intense friendships and conscious choices. As one activist from the Gemeinschaft put it a bit elliptically, “*Freundesliebe* or Homosexuality – or better: would you rather share recognized and accepted male with male Eros, or be alone as an inborn and apologetic homosexual”?<sup>33</sup> The group’s antagonism toward the Komitee in the Weimar Republic is most vividly seen in a pamphlet written by member St. Charles Waldecke and published by the organization in 1925: *The Scientific-Humanitarian Committee: Why It Should Be Fought Against and Why It Is Harmful for the German People* [*Das Wissenschaftlich-Humanitäre Komitee: Warum ist es zu bekämpfen und sein Werken schädlich für das deutsche*

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<sup>33</sup> Dr. Karl Heinrich Heimsoth, “Freundesliebe oder Homosexualität,” *Der Eigene* 9 (1925): 424.

*Volk?*]. As can be seen from the title, Waldecke viewed the Komitee not simply as a threat to his group's ideology, but as so inherently dangerous it could cause the destruction of the German nation, or at least was so opposed to Hirschfeld's organization, that he felt it necessary to make such claims.

Despite the inflammatory title, Waldecke began his work by assuring his readers that he bore no personal grudge against the Komitee. The matter went beyond personalities. He felt compelled only to publicize the differences between it and the Gemeinschaft in the interest of furthering the cause of homosexual rights. Of course, despite having no personal grudge, Waldecke felt compelled to go on for the entire eighteen pages of the pamphlet explaining just how dangerous the Komitee was, not only to the equal rights movement, but also to Germany itself. "I will show in this work that the situation in Germany is becoming constantly worse as a result of the work of the 'WhK'."<sup>34</sup>

Waldecke basically reiterated many of the same arguments Gemeinschaft members had been making against the Komitee for over twenty-five years, referring again and again to that organization's over-reliance on scientific information to make its case. Beyond this failing, the biggest faults of both Hirschfeld and his Komitee were confusing *Freundesliebe* with homosexual attraction, and then concentrating on *Freundesliebe* as a medical concern, which he saw as ridiculous: This was a spiritual and moral concern, which had nothing to do with medicine, science, or even sex. Waldecke saw the Komitee's mistake this topic as the result of basing its ideas on those of the nineteenth century "mediocrities" who had first formulated the scientific conception of homosexuality; mediocrities such as Karl Ulrichs, the founder of the German gay rights movement, who Waldecke described as a very effeminate, small time lawyer

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<sup>34</sup> St. Charles Waldecke, *Das Wissenschaftlich-Humanitäre Komitee: Warum ist es zu bekämpfen und sein Werken schädlich für das deutsche Volk?* (Berlin: Adolf Brand, 1925), 4.

of middling intelligence and the “greatest misfortune for those attracted to members of the same sex” because of his belief in homosexuality as a female soul in a male body. By concentrating on the work of these “lesser” people, the Komitee ignored the noble and artistic men who valued and honored *Freundesliebe* in the nineteenth century, men such as Richard Wagner, Friedrich Nietzsche, Ralph Waldo Emerson, Henry David Thoreau, Walt Whitman, Paul Verlaine, and Rimbaud among others. Waldecke completed his list of supporters of friend-love with authors Elisarion von Kupffer, Edwin Bab, and Benedict Friedländer, all pre-war members of the Gemeinschaft who wrote for the organization’s *Der Eigene*. Support for *Freundesliebe* did not die with World War I, however. There were still important cultural heroes in Germany who furthered the ideas of the Gemeinschaft. Waldecke cited Thomas Mann, Hermann Hesse, and Theodor Däubler in this regard and stated that one line from a work by Mann was worth more than all the works of anyone who supported the Komitee.<sup>35</sup>

The Komitee’s problem, as Waldecke saw it, was that Hirschfeld and other members did not understand the concept of *Freundesliebe* and its importance to German culture. “*Freundesliebe* and Eros were deeply connected parts of the Germanic soul.” By advocating the existence of a separate, biologically determined creature called a homosexual as the practitioner of friend-love, the Komitee was destroying the very essence of German being. It was replacing spiritual love with mere physical enjoyment. It was replacing feeling and emotion with scientific rationalism, which the Gemeinschaft believed was endemic to modern society. This was the fundamental reason that this organization had to be stopped. “In it [the Komitee], we fight against a multi-headed hydra, a monster, the deceiver of our time. The fight has not only immediate significance; it is the struggle for manly culture against its three major adversaries,

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<sup>35</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 4-7.

the delusions of our day: feminism, scientific truth (including mechanism, dogmatism, and rationalism) and demagogy.”<sup>36</sup>

In addition to the “ridiculous” scientific notions that belittled friend-love, Waldecke took up the Gemeinschaft’s pre-war complaint concerning the rival organization’s reliance on medical doctors to further its cause. Because the Komitee’s leading figures were all doctors and because so many signatures on the group’s petition were those of medical men and women, Waldecke saw the entire homosexual rights movement as being controlled by doctors. This was a distressing development as only sick people needed doctors and, though he could not speak for the members of the Komitee, Gemeinschaft members were not sick. He even went so far as to accuse the Komitee of propagating the idea that homosexuals were ill. “It is simply an unbelievable lie that the ‘WhK’ has always held the opinion that same-sex attraction is not an illness, no matter what they would have one believe.”<sup>37</sup> The early emphasis on a third sex, separate from heterosexual men and women, and the continuing discussion of a biologically determined, scientifically recognized homosexual with specific characteristics meant, for Waldecke, the categorization of homosexuality as an abnormality. And abnormality to Waldecke meant less than normal, rather than the Komitee belief that it meant merely different from normal.

It is this qualitative difference that set the two groups apart. To the Komitee, homosexuality was a variation from the norm that was not qualitatively better or worse and, therefore, should not be legally punished. To the Gemeinschaft, on the other hand, the very term “homosexual” indicated an inferior deviation from the norm. For Brand and his supporters, the

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<sup>36</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 18.

<sup>37</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 9-10.

scientifically-determined homosexual connoted effeminacy, transvestitism, and weakness, everything the dominant society believed about homosexuality. Homosexuals were not, and could not, be real men under the postwar conception of masculinity. Men were noble, powerful, stoic, confident, upright, and possessed of a raw physical beauty. Homosexuals were, first and foremost, mentally ill. Worse, they were feminine – powerless, emotional, timid, and licentious. A physical blending of male and female, they were possessed of no manly beauty.<sup>38</sup> “Seemingly more people believe homosexuals are a constitutional abnormality today than ever before. And today effeminacy is the fundamental sign of that abnormality.”<sup>39</sup> It was this creature that Waldecke believed the Komitee presented to the public as a victim of §175, not the masculine, cultured, intelligent, moral people that Gemeinschaft members believed themselves to be. If this became the dominant belief about men who loved other men, *Freundesliebe* would cease to be something sacred and exceptional and would become something mundane and common, confused in the public’s mind with simple animal lust. Working to end the oppression of the special individuals blessed with the ability to practice *Freundesliebe* was a noble cause. Working to end the legal repression of sexually abnormal men was not.

Adolf Brand has certainly not led his thirty-five year struggle for the imbecilic mass of homosexuals with no mental and cultural interests, and whose desires encourage the most ordinary kitsch not even worthy of the disgraceful, and dreadful cultural reactionaries who, with their revolting loutish and brutal behavior, rule the entire German public. Adolf Brand has nothing to do with this pathetic and insidious ideology, originating from the mud of base venality, that causes the degeneration

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<sup>38</sup> For a discussion of how important this conception of masculinity was to Germans see Klaus Theweleit, *Male Fantasies, Vol. 1, Women, Floods, Bodies, History*, trans. Stephen Conway (Minneapolis: University of Minnesota Press, 1987) and Klaus Theweleit, *Male Fantasies, Vol. 2, Male Bodies: Psychoanalyzing the White Terror* trans. Erica Carter and Chris Turner (Minneapolis: University of Minnesota Press, 1989), as well as George Mosse, *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe* (New York: Howard Fertig, 1985).

<sup>39</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 10.

of men, turning them into rogues.<sup>40</sup>

The underlying message of Waldecke's pamphlet, as well as his complaints against the Komitee, was that practitioners of *Freundesliebe* were not homosexuals, not if that term meant effeminate and weak. They were "*Vollmann*" complete men in every respect. In fact, he believed that real men engaged in loving relationships with other men. This was the entire point of the Gemeinschaft's message and the entire basis of their anger at the Komitee. By advocating equal rights for inferior, effeminate homosexuals, the Komitee was not only denying the basic bisexuality of all human beings, it was labeling all men that sought close male relationships with this pejorative term. And Gemeinschaft members did not believe themselves anything short of complete men. The relationships and behavior they engaged in made them better than other men, not worse. They accepted the dominant society's view of masculinity and accepted it for themselves. Moreover, they adjusted it by adding the ability to spiritually, emotionally, and physically love another man as one of its fundamental components. By challenging this conception with its rhetoric of abnormality, the Komitee was working to destroy the vanguard that was going to create in Germany the manly culture necessary for its rebirth. "Indeed, the demand that only inborn, constitutionally-determined homosexuals, which means the carriers of obviously feminine characteristics, must not be punished in the name of equal rights, is in reality a glorification of the least important elements of society at the cost of the true carriers of masculine culture. Whoever suggests such a law is an enemy, consciously or unconsciously, of the healthy development of a people."<sup>41</sup>

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<sup>40</sup> *Eros* 6 (1930), 2.

<sup>41</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 14.

Waldecke scoffed at the Komitee's political efforts to overturn §175. To him, political action, and specifically the organization's petition, was useless to assure equal rights for men attracted to other men. "Communist demonstrations in front of the Reichstag would be just as effective as petitions in gaining the elimination of the paragraph. . . . In spite of this, Dr. Hirschfeld believes that the fight must be carried to the Reichstag."<sup>42</sup> Carrying the fight to the Reichstag was exactly the wrong means to gain equal rights as far as Waldecke was concerned. Such issues should not be brought into the public arena at all. Echoing a belief prevalent in conservative circles in Germany with its limited experience of democracy and representative government, he believed that such important matters of morality and personal freedom should not be dealt with by "mere parliaments." These were not topics to be debated by politicians out for political gain or beholden to special interests. Only great leaders dedicated to the concept of *Freundesliebe* could, and should, make such decisions that concerned the foundation of a society. As proof of this, Waldecke looked to France and Bavaria. In France, punishments for male homosexual behavior were eliminated under the *Code Napoleon* in 1804, the result, to Waldecke, of the inspired guidance of a great leader, Napoleon Bonaparte. The same was true for Bavaria where such punishments were eliminated in 1813, thanks to another true proponent of *Freundesliebe*, Anselm Ritter von Feuerbach.<sup>43</sup> Since Germany was not under the control of a powerful individual devoted to the concept of friend-love, there was no chance of male sexual relations becoming legally acceptable. Instead of sending petitions to a legislature, homosexuals would do better for themselves to work for the rejuvenation of Germany society and the acceptance of *Freundesliebe*.

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<sup>42</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 10, 12.

<sup>43</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 12.

He was the ineffectiveness of petition as especially true given that the Komitee's efforts had not succeeded to this point. Despite almost thirty years of work, the law had not changed in Germany. Waldecke saw the 1925 draft of the German penal code, which the Reichstag issued at the time he wrote his pamphlet and did not weaken or eliminate §175, as proof of the Komitee's ineffectiveness. He also pointed out that in countries with Komitee chapters, such as Denmark, Holland, and Switzerland, despite debate, no changes had been made in any laws. Obviously the Komitee tactic of taking the issue to parliaments and politicians did not work.<sup>44</sup>

Waldecke went on to criticize Hirschfeld personally as leader of the movement. The fundamental problem, as he saw it, was that the Komitee leader was too controversial, too polarizing a figure. While he had much support in Socialist and Communist circles, he had none from any other political leaders because of what Waldecke believed were his extreme positions on issues such as abortion and male prostitution. With Hirschfeld as the public face of the movement, it was impossible to get any legislation passed, because conservative parties would not support anything proposed or supported by him, and the SPD and KPD did not have enough strength in the Reichstag to get such laws passed on their own, presuming they could be convinced to work together in the first place.<sup>45</sup>

Waldecke had another reason for wanting to see Hirschfeld replaced as the leader of the homosexual rights movement; he was Jewish. It was not a matter of antisemitism on the part of Waldecke or the Gemeinschaft he explained, but that a Jewish person could not gain the respect or have the political influence required to achieve the movement's goals in 1920s Germany. "On the political track, Hirschfeld continues to push the question [of §175] despite having to know

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<sup>44</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 13.

<sup>45</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 12.

that as a Jew he makes an unsuitable leader. How can a person make the effort [to overturn §175] even more difficult by providing provocation to antisemites who associate him with the movement?"<sup>46</sup> Waldecke was very careful to point out that Hirschfeld's being Jewish was not a problem for him, but was a problem for the rest of society and this is what made him an unsuitable leader for the movement.

Hirschfeld was the most prominent of the leaders of the three organizations. His lectures, his work with the *Institut für Sexualwissenschaft*, combined with his work in films easily made him the most recognizable face of the homosexual rights movement in the eyes of the general public. Waldecke's attacks on Hirschfeld for being Jewish and too controversial make it obvious that he believed someone more suitable should be the public face of the movement. As a member of the *Gemeinschaft*, it is likely that he was trying to say that the leader of his own group, Adolf Brand, should be that person.<sup>47</sup> Brand was not effeminate and spoke out against the effeminate connotations of the term homosexual, he was not Jewish, he was married, and, to Waldecke, he was not controversial. As the leader of an organization that prided itself on its educated, culturally elite members, he should run the movement rather than the notorious Hirschfeld. Of course, this ignored the libel cases brought against Brand, his time in prison for slander, and his arrest for distributing obscene material before the war, as well as the fact that his apparent interest in teenage boys, but this is an indication of the group's egotism and its members' belief that the *Gemeinschaft* was not being accorded the primacy of place in the movement they believed it deserved. Waldecke did not come out and say that Brand would be a better leader than Hirschfeld, but he certainly implied as much.

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<sup>46</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 12.

<sup>47</sup> Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 6.

This belief that the Gemeinschaft was not being taken seriously enough by the movement and the public is seen in a specific statement Waldecke made in the middle of his work. Despite the Gemeinschaft having more members than the Komitee, he complained that the latter received all the press coverage. He even brought in the *Bund für Menschenrecht* here to grouse that it, too, garnered more public notice than his organization.<sup>48</sup> This resentment is apparent, also, in a flyer Brand sent government officials complaining that his publications having to do with manly love and friendship were banned repeatedly while Hirschfeld's "sex-filled homosexual propaganda" was allowed to keep publishing.<sup>49</sup> Even in the very first postwar edition of *Der Eigene*, Brand named some of the important people who had supported his position in court cases he was involved in before the war to show how significant his organization had been. This list included Emperor Wilhelm II's court pastor Adolf Stöcker who Brand asserted had supported him until he discovered that Brand was opposed to §175.<sup>50</sup> There is obvious dissatisfaction on the part of the Gemeinschaft that its ideas and activities were not gaining sufficient public recognition while those of the two "lesser" groups were.

Waldecke's pamphlet was a harsh indictment of the Komitee and its leader, published by the Gemeinschaft and intended for distribution to the general public. In case any reader might be tempted to accuse the author or his organization of being petty or mean-spirited, Waldecke explained that the Komitee had brought this attack upon itself. It was not just that it presented a danger to the future of German civilization, the Komitee had written unflattering stories about both the Gemeinschaft and Brand at the turn of the century and he was just trying to even the

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<sup>48</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 10.

<sup>49</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 510.

<sup>50</sup> Adolf Brand, "Nacktkultur und Homosexualität," *Der Eigene* 1 (15 November 1919): 1.

score. In other words, Waldecke believed that the Komitee had started it twenty-five years ago and had no one to blame but itself if he was being hard on it now.<sup>51</sup>

The Gemeinschaft's attacks on the Komitee were not limited to this one pamphlet published in 1925. To ridicule and demean the Komitee leader, Gemeinschaft publications often did not even mention Hirschfeld directly by name. The group's periodicals frequently referred to him as Dr. Feldhirsch or as simply "Dr. M.H."<sup>52</sup> *Der Eigene* described him as the "Pope of Homosexuality."<sup>53</sup> *Eros* used the term "medical science" [*medezinische Wissenschaft*] to refer to the ideas of the Komitee, and described Hirschfeld's original belief in a third sex as a "laughably useless theory."<sup>54</sup> Other Gemeinschaft publications derided his views on sexuality as "stupid biological opinions."<sup>55</sup> In 1922, when Kurt Hiller, co-chairman of the Komitee, published *§175 Die Schmach des Jahrhunderts* [§175: The Shame of the Century], a book describing the effects of the law and discussing the homosexual rights movement's repeal efforts, Waldecke reviewed it generally favorably. He did find one fault with the book, however. It did not mention Adolf Brand by name as one of the leaders of the movement.<sup>56</sup> This must surely have looked "petty or mean-spirited" to the casual observer.

The anti-Jewish sentiment expressed in Waldecke's pamphlet was also not a one-time occurrence. Antisemitic pieces denigrating the Komitee and Hirschfeld appeared occasionally in the pages of *Der Eigene* as well. The most egregious instance was a 1925 article by Dr. Karl

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<sup>51</sup> Waldecke, *Das Wissenschaftlich-Humanitäre Komitee*, 16.

<sup>52</sup> Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 6.

<sup>53</sup> Heimsoth, "Freundesliebe oder Homosexualität," 416.

<sup>54</sup> *Eros* 5 (1932): 1.

<sup>55</sup> Oosterhuis and Kennedy, *Homosexuality and Male Bonding*, 6; *Ein Nachrichten-und Werbeblatt* 18 (1923), 16.

<sup>56</sup> *Ein Nachrichten-und Werbeblatt* 18 (1923): 4.

Heinrich Heimsoth entitled “*Freundesliebe oder Homosexualität*.” This contained the automatic Gemeinschaft criticism of Hirschfeld as too science-oriented and ridiculed him for running the Komitee as his own personal fiefdom. Heimsoth put Louis XIV’s words into Hirschfeld’s mouth: “Le Comité – c’est moi!” His main complaint, however, was the inordinate influence of Jews on the development of the concept of homosexuality and within the homosexual rights movement itself. He specifically identified a “Jewish mindset” and “intellectual Semitism” as having pushed aside authentically German notions of male Eros in the fight for equal rights. It was this alien thinking that created the concept of “feminine homosexuals,” the effeminate men, which Heimsoth referred to as “Aunts.” The Jewish mindset, being materialist and unable to comprehend higher states of being, concentrated on science and scientific explanations of emotional and spiritual conditions such as *Freundesliebe*. “Intellectual Semitism is part of the leading circles of the W.H.K. word for word: Jewish, business-oriented rather than focusing on culture, feminine, concerned with classification rather than character, secular rather than metaphysical.” Heimsoth even explained Hirschfeld’s ability to run two organizations, the Komitee and Institut, give numberless speeches, write “ten thousand page” books, and appear in films, as the result of his “Jewish industriousness.” This was not a compliment. Despite the unmistakably antisemitic stereotypes present in this article, Adolf Brand published it intact, merely including a short disclaimer that he did not agree with all the sentiments. Still, he said, the piece constituted a worthwhile statement of opposition to §175.<sup>57</sup>

In the summer of 1928, Brand took his organization’s attacks a step further by writing directly to government officials to disparage the ideology and efforts of the Komitee. On June

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<sup>57</sup> Heimsoth, “*Freundesliebe oder Homosexualität*,” 415-425. See also Valentin Scherdell, “*Bücher und Menschen*,” *Der Eigene* 7/8 (1924): 363-364; Adolf Brand, “*Gegen die Propaganda der Homosexualität*,” *Die Eigene* 9 (1924): 405-412.

28, 1928, Brand wrote to a Dr. Seidenspinner, a public prosecutor with the Berlin criminal court. During the course of a trial he was conducting, Seidenspinner had declared that “homosexuals have a natural criminal tendency” and Brand was writing to tell him that his comments had upset the entire “homosexual movement.” A more telling purpose was to once again hold Hirschfeld’s wrong-headed theories responsible for the public’s misapprehensions. “I myself regard your statement only as the expression of the very disastrous impression that you have gained through the serious study of educational literature on homosexuality, such as Dr. Hirschfeld’s *Berlin’s Third Sex*.” The problem with this, Brand explained, was that such works concentrated on abnormality and, thus, gave the wrong impression of male-male relationships by denying their wholesomeness. Brand felt the need to write in order to point out to Seidenspinner the Gemeinschaft’s attitudes toward same sex relationships. “Love between men is healthy and men who do this have no more tendency toward criminality than so-called normal people.”<sup>58</sup>

Brand went on to state that, unlike Hirschfeld, he was working to give “*mannmännliche Liebe* its place in the sun, not to treat it as a disorder as medical science does.” He intended *Der Eigene* to illustrate the true beauty and health of such love, to point out the dangerous falsehoods that “medical scientific literature” propagated, and to struggle against the idea that “so-called homosexuals are not responsible for their activities.”<sup>59</sup> By this last point, Brand was not saying that the scientific community absolved homosexuals of any responsibility for whatever they did. He was explaining his belief that, if one accepted the theory of the inborn nature of homosexuality, then homosexuals had no control over their sexual orientation and, thus, no control over the objects of their sexual desire, whereas Brand and the Gemeinschaft believed

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<sup>58</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 429.

<sup>59</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 430.

that, since all men were inherently bisexual, to whom they were attracted was on some level a matter of choice and not the product of an uncontrollable impulse.

Brand's goal in writing to Seidenspinner was clearly to denigrate Hirschfeld and the Komitee while presenting the Gemeinschaft as an organization made up of the best men Germany had to offer. Though the people that Hirschfeld and his Komitee represented might be inferior types with a possible "natural criminal tendency," those that Brand and his organization spoke for were moral, honest, decent individuals. He closed the section of his letter dealing specifically with Hirschfeld and the Komitee by summing up his argument.

And finally *Der Eigene* believes it is expressly necessary to make a great distinction between the spiritually and morally inferior, completely degenerate, and totally irresponsible homosexuals of Dr. Hirschfeld's theory and the spiritually and morally upstanding, completely healthy, and totally responsible homoerotics who, as is right and worthy of such men, are conscious of their duties to society and have achieved their natural and rightful places within it.

Both groups [the Komitee and Gemeinschaft] work for the repeal of §175. The one, because homosexuals are not responsible for their sexual behavior. The other, because the medieval law aimed at only one group of people is a crime by the state against the right of individual freedom. The one does so in the interest of all humanity, the other on the grounds of manly pride and manly dignity.<sup>60</sup>

Brand also felt the need to distinguish his group from the largest of the three homosexual rights organizations, the *Bund für Menschenrecht*. In some respects this was an even more urgent task than blackening the name of the Komitee, and Brand's rhetorical excesses reflect this. The criticism the Gemeinschaft directed toward Hirschfeld and his organization often paled in comparison with the vitriol spilled on Radszuweit and the Bund. The Komitee and Hirschfeld might have held opinions regarding sexuality that were diametrically opposed to those of the Gemeinschaft and its leader, but at least the organization based them on something – scientific

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<sup>60</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 430-431.

research and a commitment to homosexual equality. To Brand and his followers, the Bund was nothing more than a money-making venture. Its dances, tours, and parties, the homosexual-themed books and magazines it sold, even its dedication to equal rights were simply means of enriching Radszuweit and the group's other leaders. The Bund lacked any shred of idealism.

Brand's opinions of the Bund can be seen clearly in the same letter to Dr. Seidenspinner discussed above. After pointing out the negative attributes of the Komitee to the public prosecutor, he turned his attention to the Bund, focusing mostly on Radszuweit himself.

At any rate, the Gemeinschaft der Eigenen most certainly does not see Herr Radzuweit (sic), the chairman of the Bund für Menschenrecht, as the proper man to effect successfully a revision of the devastatingly wrong judgment about homosexuals because the reputation of the person is closely intertwined with the effort itself. For this reason, Herr Radzuweit has no moral right to play the morally indignant one and to appear as the keeper and guardian of the honor of two million German citizens.<sup>61</sup>

Brand went on to explain that Radszuweit had no "moral right" to be a leader of the movement for homosexual rights because he was a criminal. He was a receiver of stolen goods.<sup>62</sup> After making this accusation, Brand offered up as evidence a typed letter written by one A.P. Karpinski dated December 1925. In addition to criticizing a recent speech by Radszuweit and questioning whether he knew what true love was or if he was only active in the cause of gay rights out of self-interest, Karpinski recounted a very long story detailing Radszuweit's past as a fence dealing in everything from jewelry to livestock. Karpinski offered the name "Juden K," a former buyer from the Bund leader, as the source for this information.<sup>63</sup>

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<sup>61</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 430.

<sup>62</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 432.

<sup>63</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 432.

If the Karpinski allegations of criminal activity were not sufficient to prove that Radszuweit was an unsuitable leader, the Gemeinschaft leader included two more pages of charges that he himself had written accusing Radszuweit of, among other things, using his money to muzzle Gemeinschaft publications. Brand's most serious charge, at least in his own mind, was that the Bund leader had impugned the public image of the homosexual movement, single-handedly dragging it down from a high-minded effort for equal rights to a tawdry for profit social club. "It is Herr Radzuweit, who has used his businesses and the promotion of silly homosexual dance evenings, as well as the mass operation of his puppets to bring the homosexual movement completely under his control. He has made it into a trashy and coarse dive."<sup>64</sup> Radszuweit's ability to make money off the movement was what most upset Brand. It was this and all of the Bund-sponsored social events to which he was referring when he wrote that Radszuweit had turned the movement into something cheap. The endless round of social events that the Bund sponsored gave the impression, to Brand and others, that the organization was more interested in parties and masked balls than in serious political action or improving German society. Brand closed by summarizing for Seidenspinner his argument against the Bund leader.

1. The accusations made in the enclosed statement (Karpinski's) against Herr Radzuweit [sic] are right and true.
2. Herr Radzuweit, therefore, does not possess the public legitimacy to appear as a head of an organization and as spokesperson for the oppressed.
3. For Herr Radzuweit, homosexuality is only a business that he exploits to the utmost.<sup>65</sup>

Brand believed that this proved that Radszuweit was an unsuitable spokesman for the homosexual movement because the reputation of an individual in that position reflected on the

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<sup>64</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 433-434.

<sup>65</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 432.

movement as a whole. Besides, Radszuweit was too compromised by “shady-dealing and profit-seeking” to be listened to by anybody.<sup>66</sup>

If Radszuweit, whose name Brand never once managed to spell correctly in this letter, was unfit to lead the movement, and as had been illustrated in the first part of his letter to Seidenspinner, Hirschfeld was also suspect, who then should be the undisputed leader of the homosexual rights movement? The answer of course was Adolf Brand himself. This letter provides further proof that Gemeinschaft members believed their organization was not being treated with the respect it deserved and that Brand was not being accorded his rightful place within the movement. By criticizing and pointing out the failings of Hirschfeld, the most publicly recognized person in the effort to repeal §175, and Radszuweit, the leader of not only the largest gay rights group in Germany, but one that was legally recognized, Brand was implying that they were unfit for any kind of public role. Only he had the character and qualities to lead the effort for equal rights. If Seidenspinner and other public officials took the Gemeinschaft’s words as truth, they would have to recognize Adolf Brand as the sole moral and responsible leader of the movement and, thus, grant him the role he seems to have so desperately wanted.

What he hoped to accomplish by this is unclear. Seidenspinner had no power to make Brand head of the homosexual rights movement. As a minor public official, he could not even insure that the government would treat Brand as such. Could Brand have been so incredibly naïve about the political process to believe that this was possible? Or was he just so hostile to the democratic system that he did not care? Most likely Brand was engaging in something he did often – venting his spleen. He was so angry at the philistines that saw men like Hirschfeld and

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<sup>66</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 433-434.

Radszuweit as capable leaders, while ignoring and, in his eyes, persecuting a person of his obvious quality, that he felt he had to do whatever was necessary to make people see the truth about these men. What made this damaging to the cause of homosexual rights was that it was not occurring within the pages of publications that, though available to the public, were mostly read by gay Germans, but in a letter to a public official.

Three days after sending his letter to Dr. Seidenspinner, on July 3, 1928, Brand sent the same materials to Reich Justice Minister Erich Koch-Weser. This second letter shows exactly how far Brand was willing to go in order to attack the leader of a competing organization. At the end of the Seidenspinner letter he had asked the public prosecutor to convince all other prosecutors to fight Radszuweit.<sup>67</sup> Included with the materials sent to Koch-Weser was a short explanation as to why he had done this. Brand explained that the Bund leader had begun a public campaign against Seidenspinner because of the latter's comments on the criminal tendencies of homosexuals. He, now, wanted to assist the prosecutor in countering Radszuweit and, with this second letter, to enlist the aid of Koch-Weser in the fight. The leader of the Gemeinschaft was sending derogatory statements about the Bund leader to public officials in order to help them destroy the authority of a rival. His loathing of Radszuweit was so great that he actively attempted to discredit the leader of the largest homosexual rights organization in the country in the eyes of prominent government officials. It is possible that Brand did not realize the effect this had to have on the effort to repeal §175 as a whole, but by besmirching the reputation of both Hirschfeld and Radszuweit in his letters, he helped further to tarnish the reputation of their organizations and by default, the entire movement. This obviously did not matter to Brand; what was important was discrediting his opponents while asserting how far

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<sup>67</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 434.

superior and morally respectable his Gemeinschaft was and what a much better representative of the movement he would be.

It is doubtful, however, that Brand succeeded in convincing these relatively minor officials of either his or his group's probity. In an attempt to support his points regarding Radszuweit and Hirschfeld to Seidenspinner and Koch-Weser and to show them how morally upstanding the Gemeinschaft was, Brand included with his letter copies of issues of two of his publications, *Der Eigene* and *Eros*. These periodicals contained articles Brand had written criticizing Hirschfeld and Radszuweit, as well as information on the ideology of the Gemeinschaft. The issues that Brand included, however, also contained the usual artwork present in Gemeinschaft publications, photographs of fully naked young men and boys. Though we do not know what the reaction of the two officials was to these items, it is doubtful that they found them appropriate. Similar photographs and sketches had landed Brand in court before the war, and even in the more permissive atmosphere of the Weimar Republic publication of them had brought his journals close to being banned. Moreover, the photographs certainly could not have helped the cause of homosexual rights in general because they fed into existing stereotypes regarding the loose moral character of homosexuals and their predilection for young men and boys. This, combined with Brand's attacks on the other two organizations had to make both Seidenspinner, who already believed that homosexuals were morally lax, and Koch-Weser, a member of the left-liberal German Democratic Party, even less likely to consider gay rights.

Brand continued presenting his credentials to government officials, presumably attempting in his ham-handed way to enlist their support in his bid for leadership of the movement. In May 1929 he sent a packet of articles and periodicals to the Prussian interior minister, Albert Grzesinski. Included was a list of "The Most Important Statements from the Program of the

G.D.E.” which outlined the ideology of the organization regarding both sexuality and society in general, a 1924 booklet entitled *Die Gemeinschaft der Eigenen* detailing the history of the organization, a copy of the Gemeinschaft publication, “Male Heroism and Comrade Love in Wartime” [*Männerheldentum und Kamaradenliebe im Krieg*], a paper entitled “We Appeal to All Educated and Cultured Individuals” [*Wir wenden on all Gebildeten*], and assorted issues of *Der Eigene* and *Eros*.

Brand used these materials, not only as advertisements for the Gemeinschaft, but also to attack his perceived rivals within the movement. The article directed to educated and cultured individuals referred to the “so-called homosexual question” and the “useless theory” of a third sex, “which gave an incorrect and false impression of male-male love.” To clarify the Gemeinschaft position, Brand explained to Grzesinski his group’s opinions of §175 and of homosexuality in general.

The love for friends and the admiration of the manly power and beauty of male youths plays a very natural and important role in the life of every true man. It is not some dark and mysterious specialty of so-called homosexuals. . . . *Freundesliebe* is equal to *Frauenliebe* and has nothing to do with abnormal inclinations, illness, perversity, depravity, or sexual excess. . . . Scientists with their third sex ideas sullied this. The Gemeinschaft wants the elimination of §175 so this corruption of *Freundesliebe* cannot continue to occur.<sup>68</sup>

Once again, in an effort to convince a government official of the honorable intentions and value of his organization, Brand worked to discredit his competitors. His endeavor to call into question the very existence of homosexuality, and his emphasis on sickness and sexual excess as characteristics of such scientifically-determined homosexuals, were direct attacks on the whole equal rights movement, as well as on the ideology of both the Komitee and Bund which had spent their entire existences challenging the belief that homosexuals were ill.

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<sup>68</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 511.

Brand, demonstrating the same lack of sensitivity to commonly held views of homosexuality, even among the educated, once again included copies of *Der Eigene* and *Eros*. These contained the usual features – articles denouncing §175, poems extolling the virtue of young male friendship, personal ads from men seeking male companionship, and, in *Eros*, an advertisement for a “*Freundenpension*,” a men’s guesthouse, and were meant, once again, to illustrate the upstanding values of the organization. As in the other two cases, there is no record of Grzesinski’s reaction to these materials, but given their nature and combined with the statement Brand made in his letter asserting that all real men admired the young male form, it is likely that the Prussian interior minister was somewhat taken aback. More upsetting, surely, were the pictures of naked teens and boys in the periodicals, one of which showed a naked, smiling teenager carrying an equally naked young boy on his shoulder.<sup>69</sup> In an effort to extol the virtues of his organization and criticize his competitors, Brand had again provided evidence to a government official that could be considered pornographic in the context of the time and reinforced the stereotype that homosexuals had a fondness for young men and boys.

As can be seen in the materials Brand sent to Seidenspinner, Koch-Weser, and Grzesinski, attacks on the Bund were common in Gemeinschaft publications, just as they were against the Komitee. Even the new articles of association drawn up by the organization in 1925 contained a small dig at the Bund’s sponsorship of social events. “The G.D.E. is no dance and good-time society as are some other organizations, but an association [*Bund*] dedicated to friendship and freedom founded on the principles of mutual help and responsibility.”<sup>70</sup> The Bund was also derided in the pages of *Der Eigene*, “. . . [in] the *Bund für Menschenrecht* of Radszuweit, the so-

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<sup>69</sup> *Anträge auf Beseitigung*, file R3001/5774, BArchiv, 511.

<sup>70</sup> Adolf Brand, “*Was wir wollen*,” in *Satzung der GdE* (Berlin: Die Gemeinschaft der Eigenen, 1925), 3.

called 'Organization of 10,000,' . . . [homosexuals] can find their salvation in the dance steps of the B.f.M. Dance clubs and nightclubs cannot achieve what we [the Gemeinschaft] can." The same piece accused both the Bund and Komitee of being a danger to Germany. The Bund, at least, was the lesser of the country's problems because its effect was "minimal and will never be any more than that."<sup>71</sup>

The Gemeinschaft may have been the most reckless in its attacks on rival organizations, but it did not have a monopoly on the practice. Radszuweit and the Bund, also, did not shy away from criticizing the other groups. The Bund, however, confined its complaints to the pages of its own publications and Radszuweit did not contact public officials to complain about the morals or actions of his fellow leaders.

The Bund leaders were vigilant guardians of the movement's good name, following strict standards of what they regarded as proper public demeanor. The organization opposed any behavior that might be considered too flamboyant because such excess was bound to reflect badly on the whole movement. Hirschfeld, as far as the Bund was concerned, often crossed the line of propriety. Radszuweit's sense of appropriate behavior led him to criticize the Komitee leader's appearance in the film "Laws of Love" [*Gesetze der Liebe*], discussed in Chapter Three. His article in the *Blätter* scolded Hirschfeld and the film, considering its depiction of homosexual men and women too stereotypical. In addition to segments on transvestites and hermaphrodites, the men presented were too effeminate and the women too manly. The Bund was afraid that viewers of the film would come away with the misconception that this was an accurate representation of all homosexual men and women, and criticized Hirschfeld for playing to the prejudices of the audience. "This presentation of lesbians and male homosexuals will only

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<sup>71</sup> Heimsoth, "Freundesliebe oder Homosexualität," 416.

damage the image of homosexuals in the eyes of the masses who see the film. Men in women's clothes, men with breasts, women with beards! The public will think this is what homosexual people are like.” Worse yet, this played directly into the hands of the homosexual emancipation movement’s opponents by providing evidence that homosexuals were abnormal and bizarre.<sup>72</sup>

In the opinion of Radszuweit and the Bund, Hirschfeld should have known better. He was an educated professional, active in the movement for decades, yet his appearance in this type of film, his public discussions of abnormality, and his presentations of sexual anomalies and variations hurt the movement, instead of helping it. Rather than educating the public about acceptable differences, Bund leaders believed that Hirschfeld disseminated information that proved that homosexuals were freaks, not just people oriented in a different direction sexually. “When will Hirschfeld finally realize that his public exhibitions of abnormalities damage the struggle of homosexuals rather than help it? When will Herr Doctor Magnus Hirschfeld and his collaborators come to the realization that through such presentations, they contribute to making the current laws against homosexuals more severe rather than weakening them, as is seen in the most recent draft of a new penal code?”<sup>73</sup> For this reason, the *Blätter* stopped carrying notices of Hirschfeld’s lectures unless they specifically dealt with §175. However, other than some complaints that Hirschfeld, as a scientist, was too open-minded toward differing theories on the nature of homosexuality, the *Blätter*’s criticisms of the Komitee and its leader never went further. Moreover, in a significant departure from the attitudes of Brand and the Gemeinschaft,

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<sup>72</sup> Friedrich Radszuweit, “S.-R. Hirschfelds Filmskandal,” *Blätter für Menschenrecht* 1 (2 January 1928): 2. See also “Das ‘aufgeklärte’ Wien,” *Blätter für Menschenrecht* 31 (15 March 1923): 4.

<sup>73</sup> Radszuweit, “S.-R. Hirschfelds Filmskandal,” 2.

Radszuweit invited the Komitee leader to respond to his comments in the pages of the periodical. This was not an offer Brand ever made to the objects of his attacks.<sup>74</sup>

Though the Bund's official journal was rather circumspect in its criticisms of Hirschfeld, other organization publications were not. These held the Komitee leader personally responsible for the continuing existence of §175. Referring once again to Bund complaints that Hirschfeld was too outspoken and flamboyant, the pages of *Das Freundschaftsblatt* contained criticisms that he held the movement back by his constant public insistence on lowering the age of sexual consent for males to sixteen and the legalization of male prostitution. To Bund editors, these issues were too radical to be accepted by the bulk of the German population, or the majority of German legislators, and Hirschfeld's incessant demands that these be included as part of any change in the laws regarding homosexuality made it extremely unlikely that §175 would be eliminated. If the Komitee leader had restricted his efforts solely to the removal of legal penalties for homosexual sex, the Bund believed that it would have happened by now. Instead his radical positions had stopped the movement from achieving its most important goal. Hirschfeld's close ties to the German Communist party in the Weimar Republic also made it impossible for the movement to succeed. Bund leaders believed nothing would ever be accomplished as long as the movement, under Hirschfeld's leadership, tied its efforts to the most extreme leftwing party in the country; a party that advocated the creation of a Soviet-style state in Germany. Hirschfeld's unwillingness to break these bonds, or at least to really reach out to other parties stopped the movement from making any headway. The Bund, therefore, held one person, Magnus Hirschfeld, responsible for the entire movement's lack of success. This was

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<sup>74</sup> "Aus der Bewegung," *Blätter für Menschenrecht* 14 (1 September 1923): 2. See also Friedrich Radszuweit, "Hinter den Kulissen der homosexuellen Bewegung," *Blätter für Menschenrecht* 3 (30 January 1928): 1-2, for another example of this type of criticism.

easily as damning of Hirschfeld as anything the Gemeinschaft ever published about him. While Brand and his organization saw the Komitee leader as an impediment to their goals and the author of theories that directly challenged their ideology, Radszuweit and the Bund believed Hirschfeld's actions worked against everything they, and he, hoped to accomplish. Even worse, he was too enamored of his own reputation and position to realize it.<sup>75</sup>

The Bund's criticisms of the Gemeinschaft and its leader were equally as limited. When Brand withdrew his group from the Action Committee working to coordinate the effort to eliminate the existing law in spring 1923, Radszuweit simply wrote that it was regrettable that he and his organization were more concerned with culture than with action.<sup>76</sup> Radszuweit and the Bund did have a serious problem, however, with the Gemeinschaft's continuing refusal to admit the existence of a scientifically determined, inborn predisposition to same-sex attraction. The attitude of Brand and his organization on this not only weakened the homosexual rights movement in general as far as the Bund was concerned, it also cast doubt on the Gemeinschaft's commitment to repealing §175. This is an idea that Radszuweit expressed in several speeches he gave in 1923. "The goal of the G.D.E. really is not the repeal of §175. Homosexuals can expect nothing to help them gain their freedom from the G.D.E."<sup>77</sup> Though this is a fairly damning statement regarding the Gemeinschaft's commitment to homosexual rights, as in the case of Hirschfeld and the Komitee, this was as far as the criticism ever went. Radszuweit made these

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<sup>75</sup> Friedrich Radszuweit, "§175 gefallen!" *Das Freundschaftsblatt* 43 (25 October 1929): 1-3; Friedrich Radszuweit, "Offener Brief an San.-Rat Dr. Magnus Hirschfeld, Berlin," *Das Freundschaftsblatt* 44 (1 November 1929): 1-2; Friedrich Radszuweit, "Protestkundgebung der Homosexuellen gegen San.-Rat Dr. Magnus Hirschfeld," *Das Freundschaftsblatt* 45 (8 November 1929): 1-2; Paul Weber, "Peter Martin Lampel – bei S.-R Magnus Hirschfeld verhaftet," *Das Freundschaftsblatt* 46 (15 November 1929): 1-2.

<sup>76</sup> Friedrich Radszuweit, "Einig und fest auf dem Bundestag," *Blätter für Menschenrecht* 5 (15 April 1923): 2.

<sup>77</sup> "Unsere Bewegung," *Blätter für Menschenrecht* 19 (15 November 1923): 2.

speeches in the fall of 1923, barely half a year after Brand withdrew his organization from the Action Committee, and nothing appeared in the *Blätter* specifically criticizing the Gemeinschaft after this point. In fact, Bund publications said almost nothing about Brand or his organization even in articles discussing the history of the homosexual rights movement or its current state. Rather than confront the group directly, the Bund preferred to simply erase it from the movement by ignoring it.<sup>78</sup>

The Bund's repeated portrayal of itself as the best organization, the only one to truly represent all gay men and women and to really fight against the current law, was a not so subtle means of denigrating the work of the other two groups. "The *Bund für Menschenrecht* is the only powerful organization working to eliminate §175, the only one instilling a sense of solidarity in the movement." Even the original subtitle of the *Blätter für Menschenrecht*, "The Official Organ of the Homoerotic Movement," expressed this idea.<sup>79</sup> In this manner, the Bund disparaged its rivals simply by emphasizing that it was the only organization completely dedicated to the cause. Shortly after its establishment in spring 1923, Radszuweit offered to make the *Blätter* the journal of the entire movement. This, of course, ignored the existence of the Komitee's *Jahrbuch für sexuelle Zwischenstufen* and the Gemeinschaft's *Der Eigene*, both of which had been in existence longer. Not surprisingly, the two organizations rejected the Bund's magnanimous offer.<sup>80</sup>

Even the Bund's constant assertions that it was the largest homosexual rights organization in Germany were an attack on rival groups. By repeatedly stating this, the Bund implied that it

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<sup>78</sup> Radszuweit, "Hinter den Kulissen," 2.

<sup>79</sup> "Aus der französischen Fremdenlegion," *Blätter für Menschenrecht* 8 (1 June 1923): 3. For subtitle see issues after June 1, 1923.

<sup>80</sup> Friedrich Radszuweit, "Die Freundschaft: Zur Aufklärung für unsere Mitglieder und Freunde," *Blätter für Menschenrecht* 7 (15 May 1923): 2.

was the most attractive organization for German homosexuals, and, because of its size, the only group with enough clout to convince the government to repeal §175. Radszuweit specifically stated as much in a speech to the Leipzig chapter in July 1923. While discussing what tactics were necessary to achieve the organization's goal, the Bund leader declared that science provided ammunition, but only a "mass organization" had the power to achieve anything concrete. This, of course, was a direct jab at the Komitee whose members believed that scientific research alone would bring success. It also attacked the Gemeinschaft, which prided itself on being an assembly of elites, and took great satisfaction in not being a "mass organization."<sup>81</sup>

Unlike the other two groups, the Komitee took the moral high ground, refusing to engage in direct attacks on either the other organizations or their leaders. Convinced of the rightness of their tactic, there was no need to criticize or confront rival organizations. Of course, the group's constant insistence on an inborn, unchanging homosexuality, though presented in rational scientific terms, represented a subtle attack on the Gemeinschaft's ideology of sexual fluidity and universal bisexuality and made it impossible for the organization to cede anything to the Gemeinschaft's beliefs.

The Komitee did not engage in attacks on rival organizations because, aside from its reliance on the efficacy of scientific fact over emotional debate, its leader believed that such behavior weakened the movement as a whole. In fact, by 1927 Hirschfeld feared that the gay rights effort was in serious trouble because of the inability of the three organizations to work together. There would be no chance of achieving gay rights if what he believed were minor issues such as the role of effeminate homosexuals, a major concern of both the Bund and

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<sup>81</sup> C. Riedel, "Nachrichten des Hauptvorstandes," *Blätter für Menschenrecht* 12 (28 July 1923): 4.

Gemeinschaft, divided the movement. Ultimately, if left unaddressed, this discord could destroy the entire effort.<sup>82</sup>

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Hirschfeld's concerns were well founded. By the mid-1920s the homosexual rights movement was deeply divided, with each of the three main organizations very much going its own way with little consideration for the actions of the others. Instead of working together to gain the support of the entire German homosexual community, the organizations expressed their frustration by attacking each other. Two of the organizations, the Bund and Gemeinschaft, treated each other as rivals, attempting to add as many people as possible to their own membership roles, while constantly haranguing and criticizing the other. This made it impossible to create a unified movement and divided German homosexuals, a small minority to begin with, who had to choose which organization with which to ally.

The inability of the three groups to coordinate their activities during this period, combined with the Haarmann and Röhm scandals, reduced the political strength of the movement. The reluctance on the part of the Bund and Gemeinschaft to associate themselves solely with one party or one side of the political spectrum left the possibility open that they could work with any party willing to take up their cause. However, because the groups could not agree on a common ideology, much less a common strategy, there was no possibility of presenting a united political front to German politicians and, thus, no way to gain real political support. Because of the divisions in the movement it was never able to wield any kind of political power that might have helped its cause. Moreover, because both the scandals and the divisions within the movement garnered the attention of government officials, the ability to gain political support for the repeal

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<sup>82</sup> Sievert, "Das Anomale Bestrafen," 38.

of §175 was further weakened. There was little reason for politicians to take the movement seriously if its own members could not get along with one another. Socialist and Communist politicians, the staunchest advocates of repealing the law had to be aware that, no matter how lukewarm they might be in their support for changing the law or how willing they might be to use the existing law for political gain, they would never face united opposition from the homosexual rights movement. Parties opposed to changing the law would be equally aware of this.

The three organizations could not avoid the scandals, as their roots were outside the movement. The divisiveness between them could have been overcome if the organizations had been willing to put aside their differences at least until their political goal had been achieved. The inability of the Gemeinschaft, Komitee, and Bund to do this greatly diminished any chance for lasting success.

## Chapter VI

### At Long Last a Victory (of Sorts)

By the fall of 1929, the German homosexual rights movement had been working for the repeal of §175 of the penal code for over thirty years. During this period Reichstag committees dealing with revising the legal code had prepared drafts in 1908, 1910, 1911, 1913, 1917, 1919, 1922, 1925, 1926, and 1927. None of these included the elimination of penalties for male homosexual sex. In fact, the 1910 draft had added punishments for sex between women, which had previously not been illegal. Despite the movement's efforts, except for the 1922 draft, the government had not even proposed weakening the laws against male homosexuals, much less repealing them. The Reichstag's rejection of all previous drafts kept hope alive in the movement that things would eventually change for the better. In 1929 the current Reichstag criminal code committee, charged yet again with writing a new penal code, was still working on the 1927 draft in which §175 was now §296 and a new law, §297 adding specific penalties for male sex involving the use of force, coercion, a person under 21, or prostitution. Given past precedent, chances were good that both statutes would be in the final version when presented to the full Reichstag. On October 16, 1929, however, this changed. The committee voted to remove §175/296 from the draft by a vote of 15 to 13. The next day it voted to stiffen the penalties associated with §297, but for the first time in the history of the unified German state, the restrictions on sex between two consenting adult males had been eliminated. After all this time, the homosexual rights movement had finally scored a victory.

And it was a rather surprising one given the makeup of the Reichstag committee writing the draft. The majority of its twenty-eight members were from conservative parties adamantly

opposed even to weakening the laws against male homosexual activity, much less eliminating them. On the side of the homosexual rights movement, were two representatives from the left-liberal German Democratic party (DDP) whose official position favored loosening the restrictions on private sexual behavior between consenting adults, in this case §175/296, on the grounds that the government had no place in the bedroom. Also in favor of eliminating the law were the nine representatives from the German Social Democratic party (SPD) and the three from the German Communist party (KPD), both of which had advocated the elimination of all laws governing private sexual activities, including §296 and §297, since the movement began. Opposed to homosexual rights were five delegates from the German National Peoples party (DNVP), three from the German Peoples party (DVP), one from the Bavarian Peoples party (BVP), three from the Catholic Center party (Z), and two from the Commerce and Industry party (WP), all of whom opposed any change in the law whatsoever.

Given the makeup of the committee there was absolutely no chance that §297 would be removed. There were sixteen members of the committee opposed to this. Though its removal was important to some segments of the homosexual rights movement, the main focus of their efforts had always been and remained the removal of §175/296. Once again, as in all previous drafts, this did not appear likely to happen, either. If every representative voted his or her party line, the vote would split evenly, 14 in favor and 14 opposed.

The chairman of the committee charged with drafting a new legal code was Wilhelm Kahl of the conservative DVP. Under his leadership the committee began debate on the laws dealing with sexual matters on October 8, 1929. Discussion specifically on §296 and §297 began on October 16. The positions presented by the representatives of the various parties provide a good example of how effective 30 years of activity by the Gemeinschaft, Komitee, and Bund had

been, and of the points of view towards homosexuality across the political spectrum. The opposition to changing the law is understandable. The fact that representatives of three parties were in favor of eliminating the penalties for sex between men even before the vote was taken is a strong indication of the effect of the movement. Despite rivalries between the major organizations, despite lukewarm support from its allies, and despite hostile public opinion, the actions and determination of the gay rights movement had been able to convince enough members of the German penal code committee that repealing §175 was a good and acceptable action.

Representative Strathmann of the DNVP opened the debate, not surprisingly given his party affiliation, by advocating the retention of §175/296. To do so, he systematically attempted to rebut all of the arguments the homosexual rights movement had been presenting for decades. They were fresh in his mind because a week earlier, on October 9, 1929, the committee had recognized Magnus Hirschfeld for his work on sexual law reform. In the days since, as Strathmann explained, “Magnus Hirschfeld and his circle have inundated committee members with pamphlets setting out ever new variations of the arguments against the retention of the paragraph [§296].” In response to the movement’s contention that the existing statutes trapped men of “high intellectual quality,” the DNVP representative asserted that all laws occasionally caught such people. As for the Komitee’s petition containing the signatures of noted individuals in the arts, sciences, and government who supported the removal of the law, Strathmann stated that he could easily find just as many distinguished people who believed the statute should be retained. In fact, as a direct slap to the Komitee’s constant references to the large number of signatures, he asserted that the number of people demanding the elimination of such penalties was minuscule compared to the large number of Germans wanting the laws kept on the books.

While Strathmann did acknowledge that blackmail was a problem because of the law, the DNVP representative stated that it was also a problem for people who broke laws other than §175, giving the example of §289, coerced sex. Moreover, Strathmann asserted that changing the law would not eliminate the threat of blackmail. Social opprobrium would continue and this could be the basis of blackmail even without the law. He also disputed the argument that §175 was a cause of suicide and, for this reason, should be eliminated. While admitting that the law did drive gay men to suicide, he asserted that other laws, specifically citing those against embezzlement, drove more people to kill themselves than the anti-homosexual legislation. Besides, he considered the argument that the law should be changed because it compelled people to commit suicide specious. It was not the law that caused individuals to kill themselves, but the character of the people involved. “The underlying cause of suicide lies less with the law than with the individual.”<sup>1</sup>

Much of his reasoning represented a blending of the older, fluid notion of sexuality with the more modern scientific explanation. He believed that some people were born homosexuals and had no control over their sexual orientation. These individuals were examples of “either familial degeneration, the passing of poor genetic material, or random degenerative happenstance.” However, he also held that, despite the arguments of Hirschfeld, the majority of men who engaged in homosexual behavior, and thus fell under the jurisdiction of §175/296, had no inborn predisposition and did so merely for sexual gratification. These men represented a danger to German families because they could seduce young men by convincing them that such acts were acceptable and, in a further reflection of the more traditional view of homosexuality, because there was the possibility of men foregoing marriage in favor of gay relationships. It was

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<sup>1</sup> “85. Sitzung,” *Verhandlung des Strafrechtsausschusses des Reichstags über den Entwurf eines Allgemeinen Deutschen Strafgesetzbuchs, Volume II* (Berlin: n.p., 1932), 1-2.

for these reasons that the government had to retain the laws against homosexual behavior; to make certain it did not become acceptable. Those few men who were biologically predisposed to homosexuality, Strathmann believed, could have their orientation verified by medical examinations and be exempt from punishment under §175 by reason of a lack of criminal capacity because of mental defect or disability.<sup>2</sup>

The Center party's Schetter took basically the same position. In fact, not only was he in favor of retaining the penalties, he wanted them made harsher. As had Strathmann, he took issue with all of the reasons the homosexual rights movement gave for changing the law. §175 did not cause blackmail or suicide, nor was it a "proven scientific fact" that all homosexuals were born with the predisposition; it was dependent on the moral character of the individual and it was quite possible that one could be seduced into homosexuality by engaging in same sex acts. "These people are almost always influenced to sexual activity by outside influences. So it is not surprising that those who are exposed to homosexual society, even if they are normally predisposed, would be influenced and affected by this contact and, thus, be so 'perverted' that they become homosexual."<sup>3</sup> Making homosexual activity legal would only serve to make this possibility more common.

To Schetter, as to Strathmann, the acceptance of homosexual activity meant the inevitable ruination of "the family, marriage, and the strength of the nation." It was the duty of elected officials to protect these institutions, as well as the morals of the country, and that meant retaining the current law. "Exemption from punishment [for homosexuals] would mean the

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<sup>2</sup> "85. Sitzung," 2; *Reichs Justizamt/Zeitungsabschnitt über §175*, file R30071/5776, Bundesarchiv (BArchiv), Berlin, 49; "Bericht über die Verhandlung im Strafrechtausschuß des Reichstages am 16. Oktober 1929," *Blätter für Menschenrecht* 12 (December 1929): 2-3.

<sup>3</sup> "85. Sitzung," 4.

surrender to permissiveness.”<sup>4</sup> Demonstrating a conservative belief in a nefarious liberal media, he stated that if the committee voted to remove §175/296 from the legal code, soon newspapers, novels, plays, and films, would be spreading homosexual ideas to unsuspecting youths who would then come under “same sex influences” leading ultimately to the destruction of the “strength of the people.”<sup>5</sup>

Next to speak was Kurt Rosenfeld of the Social Democratic party. After reciting a history of homosexual laws in various German states, he expressed the view that the SPD had held since the turn of the twentieth century, that all penalties for homosexual activities, both §296 and §297 in this case, should be eliminated because they were incompatible with modern scientific views on the biological basis of same-sex attraction. As sexual orientation was inborn, it was impossible to seduce someone into becoming a homosexual, so there was no need to protect heterosexuals from being turned. He also argued that the legal code should not have special laws for specific groups of people. Countering Strathmann, he stated that the fact that men and women of the “highest moral character” had called for the elimination of the law was important proof of the law’s injustice. Rosenfeld also asserted that the laws should be removed because officials only enforced them when they had to do so, which made them unfair. Further challenging the assertions of opponents on this matter, Rosenfeld stated that the contention that the law protected the morals of the German people was ridiculous. He and his party believed legislation and legal codes could neither protect nor improve morals. Therefore, the government should remove all laws relating to sexual offenses from the legal code. As further evidence that

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<sup>4</sup> “85. Sitzung,” 5, *Justizamt*, file R30071/5776, BArchiv, 49, “Bericht über die Verhandlung im Strafrechtsausschuß,” 4.

<sup>5</sup> “85. Sitzung,” 5, *Justizamt*, file R30071/5776, BArchiv, 49, “Bericht über die Verhandlung im Strafrechtsausschuß,” 4.

repealing the law would cause no damage, he stated that in those countries where legal punishments against homosexuality had been eliminated, no “ruinous social or moral effects” had occurred. In fact, the current law caused more harm than eliminating it ever could by ruining the lives of “unfortunates,” homosexuals who faced blackmail or were driven to suicide because of it.<sup>6</sup> Rosenfeld’s statements in favor of removing §175/296 reflected exactly the ideas the homosexual rights movement had been circulating for over thirty years. All of the basic arguments were here, the unfairness of haphazard enforcement, the destruction of lives through blackmail and suicide, the futility of attempting to legislate morality, and the non-deleterious effect in other countries of the elimination of the laws.

Communist party representative Arthur Ewert, taking his party’s traditional stance, also advocated the removal of the law. He argued that supporters of retaining §175/296 based their argument on moral and religious beliefs rather than scientific evidence that proved that homosexuality was an inborn condition present in all animal species. As such, it could not be learned or transmitted by exposure or seduction, and making it illegal could not eliminate. Moreover, same-sex attraction represented no moral danger to German society. In fact, the “true immorality” was taking the right of “sexual expression” away from homosexual men and making them criminals. Making matters worse police officials did not enforce the law fairly. “Toleration of homosexuals is different in different cities. In Berlin, homosexuals are relatively tolerated, while in Munich the treatment is worse.” The laws that currently existed, instead of protecting society, were a source in themselves of criminal activity, such as blackmail. Speaking to Strathmann and others who held that only very rare cases of homosexuality were inborn and that most offenders against the law were heterosexuals, Ewert asserted that such distinctions did

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<sup>6</sup> “85. Sitzung,” 5-6; *Justizamt*, file R30071/5776, BArchiv, 49; “Bericht über die Verhandlung im Strafrechtsausschuß,” 4-5.

not matter. The effect on the individual was the same. He closed by arguing that people should look beyond their moral and religious viewpoints and base their decisions on modern scientific research. If they did so, they would support the elimination of the current laws restricting both homosexual activity and prostitution.<sup>7</sup> Speaking later, off of the official record, Ewert declared that it was shameful that Germany was still even discussing the elimination of “draconian special laws” aimed only at “abnormally inclined individuals.”<sup>8</sup>

Representative Moses of the SPD also favored eliminating §175/296 because of the inborn nature of homosexuality. Reflecting a point of view some members of the Social Democratic party had held since the beginning of the gay rights movement, Moses accepted the innate nature of homosexuality, while still seeing it as an abnormal state. “It is really a question of whether people who have a constitutional pathology should face punishment because of their constitutional abnormality.” His argument was less in favor of equality for homosexuals than it was on the unfairness of punishing people for an inborn aberration over which they had no control. This idea that homosexuals were inherently different from “normal” people was made even clearer when Moses explained that they suffered from a “heightened susceptibility” to drug abuse and that there was a direct correlation between cocaine addiction and homosexuality. He explained that part of the reason for this was the difficulty homosexuals had in dealing with their condition, but this still implied an innate weakness on their part. This idea combined with Moses’ statement that he hoped repealing the law would eliminate “homosexual propaganda,” indicates that Socialist support for changing the law was not based on a complete acceptance of the movement’s ideas on the benign nature of homosexuality. It also helps explain why it was so

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<sup>7</sup> “85. Sitzung,” 6; *Justizamt*, file R30071/5776, BArchiv, 49.

<sup>8</sup> “Bericht über die Verhandlung im Strafrechtsausschuß,” 5-6.

easy for the SPD to use accusations of homosexuality against its political opponents.

Homosexuals were less than “normal” people.<sup>9</sup>

Speaking for the German Democratic party was the attorney Gustav Ehlermann who, following his party’s official stance on this issue, agreed with Rosenfeld, Ewert, and Moses that §175/296 should be eliminated. While he believed that most cases of homosexuality were inborn, Ehlermann stated that it made no legal difference whether this was the case or not. Reflecting the DDP’s emphasis on personal freedom, he asserted that as long as the sexual relationship between two men, whether because of inborn predisposition or happenstance, was private “the law had no compelling interest” in it and, thus, the state had no right to interfere. Even if homosexuality was not an inborn state, the existing laws were ineffective in stopping its spread and their repeal would not cause an increase in the number of homosexual acts. The lack of laws in Germany restricting lesbian behavior had led to no increase in the number of gay women or cases of female-female sex in the country after all. In addition, Ehlermann believed that the current laws were responsible for “personal tragedies” such as blackmail and suicide. In a direct attack on the arguments of Strathmann and Schetter, he asserted that the existing laws did not in fact protect families, but destroyed them by threatening their members with legal punishment for their inborn inclinations or by forcing individuals into marriages of convenience, claims made frequently by the homosexual rights organizations.<sup>10</sup>

Representative Wunderlich of the German People’s party spoke in favor of retaining §175/296. Reiterating Strathmann’s assertions, he contended that the law did not contribute

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<sup>9</sup> “85. Sitzung,” 8; *Justizamt*, file R30071/5776, BArchiv, 49; “Bericht über die Verhandlung im Strafrechtsausschuß,” 9.

<sup>10</sup> “85. Sitzung,” 8-9; *Justizamt*, file R30071/5776, BArchiv, 49; “Bericht über die Verhandlung im Strafrechtsausschuß,” 10.

significantly to cases of blackmail and that repealing it would not end either that crime or the persecution of homosexuals. Changing the law would not eliminate the “social and personal ostracism” that homosexuals faced. “This utter contempt from society, from the individual’s own family, would still be able to hurt and disgrace as it does now, despite the abolition of §296.” Taking up Schetter’s argument that eliminating §175/296 would lead to the destruction of German moral values by beginning a descent into permissiveness, Wunderlich stated that if the Reichstag legalized homosexual activity in the interest of individual freedom, it would eventually have to allow abortion and dueling for the same reason. The DVP representative’s main rationale for not repealing the law, however, was that homosexuals would “misinterpret” the decision as granting to sexual acts between men complete equality with “normal sex.”<sup>11</sup>

Also weighing in was Reich Justice Minister Theodor von Guérard, a member of the Catholic Center Party. He not only opposed repealing the law, but wanted it expanded to include same sex acts by women. Challenging Hirschfeld’s idea that homosexuality was an inborn condition von Guérard cited the work of other researchers indicating that this was the case in only very rare instances of “psychopathological disposition.” He asserted that most of the time homosexuality was the result of past experiences and contacts. Under the “proper medical and psychological care,” homosexuals could be “healed” and “turned toward normal sexual impulses.” Von Guérard feared that some would see the elimination of the law as an acceptance of homosexuality on the part of the government and, because homosexuality was not inborn but acquired, this would promote homosexual activity among young men. He admitted that there were compelling arguments in favor of repealing §175, but argued that more important than

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<sup>11</sup> “85. Sitzung,” 9; *Justizamt*, file R30071/5776, BArchiv, 49; “Bericht über die Verhandlung im Strafrechtsausschuß,” 10.

issues of personal freedom or the threat of blackmail was the goal of protecting German morals and “Christian marriage,” both of which he felt the repeal of this statute would damage.<sup>12</sup>

Representative Maslowski (KPD) criticized Strathmann and the other supporters of retaining the current statute for confusing homosexual acts with homosexual orientation.

Anyone could be seduced into committing the former, he asserted, but no one could be seduced into changing his or her orientation. As sexual orientation was unchangeable, he and his party believed that it should not be punished. This was a point on which Strathmann later concurred, agreeing that those few instances involving inborn homosexuality should go unpunished as it was impossible to assess guilt in such cases. Responding to von Guérard’s assertion that homosexuality was curable, Maslowski stated that if this was truly the case, then it should be a matter for doctors, not lawmakers and judges. He based his last rationale for repealing the law on the lack of punishments for lesbian behavior. If sex between women was not sufficiently immoral to be legally punished, than neither were male homosexual acts.<sup>13</sup>

Another representative of the DVP, which officially opposed the elimination of penalties for homosexual activity, was committee chairman, Wilhelm Kahl, who began his speech by announcing that, “after painstaking examination” he had come to the conclusion that §175/296 should be removed from the penal code because it represented an infringement on personal liberty. He quickly added that he did not believe homosexuality to be morally acceptable and that he supported the retention of §297. He did see, however, compelling reasons for the removal of the other statute. Kahl stated that §175/296 was untenable because it only caught a few individuals out of the “thousands” of cases present in Germany and was responsible for

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<sup>12</sup> “85. Sitzung,” 6-7; *Justizamt*, file R30071/5776, BArchiv, 49.

<sup>13</sup> “85. Sitzung,” 10.

blackmail, ruined lives, and suicide. He believed that there were many more cases of blackmail than came before the public because the current law made victims afraid to press charges against their oppressors for fear of being arrested themselves. The law, thus, provided the means for criminals to get away with victimizing innocent men. He saw this fact alone as “sufficient to induce lawmakers to not give these fiendish blackmailers the means and instrument of their extortion.”<sup>14</sup>

Kahl was genuinely concerned with the plight of those homosexuals who fell victim to blackmailers. This, however, was not the main reason he supported the removal of §175/296. What most disturbed him about its existence were the protests and disturbances it triggered from homosexual rights organizations. Eliminating the statute against consensual male sex would “stop the unrestrained agitation and propaganda in favor of homosexuality.” Kahl saw the meetings and publications of the homosexual emancipation groups not merely as efforts to change the legal code, but as advertising for homosexuality. Eliminating the law would, “silence the praise for homosexuality that is constantly heard at these meetings. At one such meeting the closing speaker had the unmitigated gall to say ‘We do not ask, we demand equality for homosexual activity.’” The legal code committee had to vote down the law in order to end the activities of the Bund, Gemeinschaft, and Komitee, which were propagating the misconception that homosexuality was acceptable. Repealing the law would mollify them and eventually make them superfluous; they and their publications would just disappear. Once this happened, Kahl was certain that there would be no more talk of the natural and benign nature of homosexuality,

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<sup>14</sup> “85. Sitzung,” 7; *Justizamt*, file R30071/5776, BArchiv, 49; “Bericht über die Verhandlung im Strafrechtsausschuß,” 7-8.

and this would actually serve to improve the moral quality of Germany by ending all public discussion of the subject.<sup>15</sup>

Paradoxically, then, shutting down the homosexual rights movement was Kahl's primary motive for voting to eliminate §175/296. He was not doing so out of any acceptance of the theory that homosexuality was a naturally occurring condition that should be treated as equal to heterosexuality, or from a conviction that as an inborn predisposition, it should not be punished. "At the same time, one must admit that homosexuality, if viewed objectively in any case, whether it derives from a constitutional disposition or from being seduced, is in every circumstance an unnatural activity. . . . The sexual organs should be used for reproduction. Homosexual practices represent an abnormal use of these organs." To justify himself to those on the committee who believed that removing penalties for sex between men signified an approval of homosexuality, Kahl assured them that his support for, "the repeal of §296 in no way represents an acceptance of homosexual activity or its equal status with heterosexual activity. Rather it is merely the result of the realization that the legal code is an unsuitable means of fighting perversity."<sup>16</sup> Obviously Kahl saw homosexuality as unnatural and perverse, and believed that its acceptance by society would have deleterious effects on Germany. Beyond the devastating effects of blackmail on men's lives, the arguments of the gay rights movement had not convinced him of the rightness of eliminating §175/296. He supported repealing the law out of fear that, if the movement continued its agitation, his fellow Germans might not be so hard to persuade.

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<sup>15</sup> *Justizamt*, file R30071/5776, BArchiv, 49; "Bericht über die Verhandlung im Strafrechtsausschuß," 7-8.

<sup>16</sup> *Justizamt*, file R30071/5776, BArchiv, 49, "Bericht über die Verhandlung im Strafrechtsausschuß," 7-8.

The Center Party's Schetter spoke again to rebut Dr. Kahl's central argument for eliminating §175/296 by asserting that abolishing the law would not stop the activities of the homosexual rights organizations. It might stop the gay rights propaganda currently being spread by the groups, but it would soon be replaced by other pro-homosexual activities. The effect on society would be just as bad, if not worse, since now the government by this action, would appear to condone homosexuality. "The individual tragedies of the past will be replaced by a tragedy for all of society in the future if we abolish the punishment of homosexual behavior." Eliminating penalties for such activity would lead to the "decay of the sustaining power of the nation."<sup>17</sup>

Schetter's argument did not alter Kahl's opinions. When the committee voted later in the day, all the members from the conservative factions voted to retain §175/296, except Kahl, who broke with his party's official position and voted for its elimination. His vote, combined with those of the fourteen members of the SPD, KPD, and DDP tipped the balance in favor of repealing the law by a two-vote margin, 15 to 13. "With this the punishment of homosexual acts has finally fallen after a decades long struggle."<sup>18</sup>

The next day, October 17, the committee voted to retain §297 by a vote of 21 to 3, with 4 abstentions. §297 raised the penalties for serious sexual offenses to ten years in prison; male prostitution and sex with a minor became punishable by up to eighteen years in prison. The age of sexual consent for males was set at twenty-one, five years higher than that for females. Ignoring their traditional support for the homosexual rights movement, five SPD delegates voted for maintaining the law. The remaining four Socialist members abstained. The only votes

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<sup>17</sup> "Bericht über die Verhandlung im Strafrechtsausschuß," 11.

<sup>18</sup> *Justizamt*, file R30071/5776, BArchiv, 49.

opposed to retaining the law all came from the three Communist party members of the committee.

Despite being only the vote of a Reichstag committee on one item in a draft for a new penal code, which did not change the enforcement of any existing laws, it was the subject of numerous press reports in the days immediately following. Newspapers across the country and across the political spectrum reacted to the vote. Depending on the publication's political stance this vote was either the worst possible decision for the future of Germany or the beginning of a hopeful new era.

The nationalist *Deutsche Zeitung* reported on the vote the next day in an article entitled “*Ein Sieg für Volksverbrecher*” [A Victory for Criminals]. Blaming the committee vote on the influence of “Jewish scholars” like the Komitee’s chairman it stated that, “Herr Magnus Hirschfeld and his disciples might now triumph” unless the entire Reichstag blocked the legislation.<sup>19</sup> Many of the right-wing newspapers echoed the arguments of the committee’s conservative delegates, seeing the vote as an indication of the decline of German moral values. The *Deutsche Bodensee Zeitung* described the vote as the beginning of a slide into permissiveness. “Maybe obscenity and seduction will also go unpunished in the future.”<sup>20</sup> The *München-Augsburger Abendzeitung* viewed the vote as a move by leftists intent on destroying the country’s morals as the first step toward overthrowing the government and creating a Soviet-style state in Germany. “It is the path of a slow but certain Bolshevizing of our cultural institutions. Apart from the crusade against the abortion law, the struggle for the elimination of §175 is one of the most important battles of the left in its campaign to undermine German family

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<sup>19</sup> *Justizamt*, file R30071/5776, BArchiv, 50.

<sup>20</sup> “Presse-Stimmen zur Streichung des Homosexualitäts Paragraphen durch den Strafrechtausschuß des Deutschen Reichstags,” *Blätter für Menschenrecht* 12 (December 1929): 11.

life and German decency.”<sup>21</sup> The *Zwickauer Tageblatt* ridiculed the entire notion of changing the law by asserting that, as long as homosexuality was soon to become legal on the basis of its congenital nature, the Reichstag might as well allow other crimes of the same nature to go unpunished. “If one follows the theories of Magnus Hirschfeld [on inborn predispositions], then murderers are afflicted with the same unfortunate desires as homosexuals.” The *Tageblatt* saw the function of laws, whether against homosexuality or murder, to maintain social order and protect decency and morality. Eliminating §175 did neither.<sup>22</sup> The editors of Berlin’s *Germania* also saw the vote as a sign of Germany’s decline. “The increase in real and fake homosexuals clearly indicates that the decay of our nation’s power is at hand.” Repealing §175 would open the door to all types of “reprehensible behavior.”<sup>23</sup> Echoing the argument presented by the Catholic Center’s Schetter and indicating a belief in the leftwing bias of the media, the paper declared that soon the press, playwrights, and film directors would take advantage of the change to spread “same-sex ideas under the cover of enlightenment” to German youths.<sup>24</sup>

A number of newspapers avoided the overheated rhetoric of their contemporaries and quietly expressed their hope that the full Reichstag would not be so foolish as to actually eliminate penalties for homosexual sex. The *Hannoverischer Courier* assured its readers that there was no need to be concerned by the committee’s actions because the full Reichstag would “most likely” overturn the committee decision when it voted on the final draft.<sup>25</sup> Even the *Deutsche Bodensee Zeitung* which had told its readers that the legalization of homosexuality

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<sup>21</sup> “Presse-Stimmen,” 12.

<sup>22</sup> “Presse-Stimmen,” 12.

<sup>23</sup> “Presse-Stimmen,” 12.

<sup>24</sup> “Presse-Stimmen,” 12.

<sup>25</sup> “Presse-Stimmen,” 12.

would lead to the acceptance of other immoral practices, declared that it “hoped that the Reichstag thinks differently” from the penal code committee.<sup>26</sup>

As was to be expected, newspapers allied with the left side of the German political spectrum had another opinion. It was not one of elation, however. Most considered the committee’s actions as either a simple acceptance of modern scientific thought or a sellout to bourgeois interests because of the retention of §297. The official Social Democratic newspaper *Vorwärts* discussed the vote in an October 17, 1929 article, “*Homosexualität keine Straftat*” [Homosexuality Is No Criminal Offense]. The piece described the debate surrounding §175/296 in detail and presented the arguments of the committee members, paying special attention to the statements of Moses and Rosenfeld, two of the SPD representatives. The article, however, neither praised nor denigrated the decision. It closed with a simple statement declaring that, “with this decision, the state’s ability to punish homosexual actions has, after a decades long fight, finally ended.”<sup>27</sup> The Social Democratic *Hamburger Echo* also found the committee’s decision rather unexceptional. Stating that sex laws were in reality class laws because officials used them by and large against workers and only rarely applied them to members of the other classes, the paper asserted that nothing had really changed. §297 remained in the draft, as did laws against prostitution and abortion. As far as the *Echo* was concerned, this vote had no effect and certainly was no cause for celebration.<sup>28</sup>

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<sup>26</sup> “Presse-Stimmen” 11.

<sup>27</sup> “Homosexualität keine Straftat”, *Vorwärts* (17 October 1929): 3; *Reichs Justizamt*, file R30071/5776, BArchiv, 49.

<sup>28</sup> Hermann Sievert, “Das Anomale Bestrafen: Homosexualität, Strafrecht und Schwulenbewegung im Kaiserreich und in der Weimarer Republik,” *Ergebnisse: Zeitschrift für Geschichtswissenschaft* (24 April 1984): 82.

The Communist party daily *Die Rote Fahne* was equally sanguine about the elimination of §175/296. The paper praised the decision as a “culturally progressive” step, but most of its comments concentrated on the vote to retain §297. As to be expected given the contentious relationship between the Communists and Social Democrats, much of this focused on the efforts of the KPD delegates to overturn the law, while the Socialists worked with their “bourgeois allies” to stymie their efforts. Ultimately, the Communist newspaper declared that nothing had changed. The elimination of penalties for sex between men was more than offset by increases in the punishment for other sexual offenses, sex with a minor, and “so-called male prostitution.” As the title of the article declared “*Paragraph 175 gestrichen – und wieder eingeführt*” [Paragraph 175 Eliminated – And Then Reinstated].<sup>29</sup>

The liberal *Berliner Tageblatt* of the day following the vote was much more upbeat, describing the decision in a piece entitled “*Ein kulturellen Fortschritt: Paragraph 175 gefallen*” [A Cultural Step Forward: Paragraph 175 Has Fallen]. The article praised the committee’s action as a “sound decision based on scientific evidence.” It also commended Wilhelm Kahl for his decision to break with his party to vote for the elimination of the law. It declared that, although the committee chairman was over 80 years old, he was more progressive than most of his political colleagues. “If all of his political friends were as young as he was, many of them would be better people.”<sup>30</sup>

Indicating that even the readers of liberal papers were somewhat alarmed by the committee’s decision, progressive newspapers found it necessary to reassure them that the effects of changing the law would be minimal. The October 19, 1929 edition of the *Berliner*

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<sup>29</sup> “Paragraph 175 gestrichen – und wieder eingeführt,” *Rote Fahne* (18 November 1929): 2.

<sup>30</sup> “Ein kulturellen Fortschritt: Paragraph 175 gefallen,” *Berliner Tageblatt* (17 October 1929), *Reichs Justizamt*, file R30071/5776, BArchiv, 51.

*Börsen-Courier* included an article written by a senior Berlin public prosecutor assuring its readers that the moral implications of eliminating §175/296 would be minor because, in reality, little would change from current circumstances since the law was so rarely enforced.<sup>31</sup> Berlin's *Montag Morgen* provided a history of the punishment of sexual offenses [*Unzucht*] in Germany and explained that the definition of such crimes changed over time. The recent actions of the Reichstag penal code committee were simply an indication of this and, therefore, no cause for alarm.<sup>32</sup>

Another indication of the level of uproar surrounding the committee's vote was that Wilhelm Kahl himself found it necessary to write an article for the *Vossische Zeitung* rebutting the one printed in the *Deutsche Zeitung* calling the committee's decision a "victory for criminals." To begin with, he explained that his vote for the elimination of §175/296 was not a spur of the moment decision; he had been in favor of overturning the law ever since he worked on the 1911 committee that had deliberated on the penal code. Kahl pointed out that if the full Reichstag approved the committee's decision, though consensual sex between adult men would be legal, the new legal code would increase the penalties for other forms of sexual conduct between men. He voted to eliminate §175/296 not to promote homosexuality, but to strengthen the laws that punish acts that "truly endanger the state and society." Explaining the reasoning he used in the committee debate, he stated that removing the statute from the penal code would shelter young people from the actions of the homosexual emancipation organizations by getting rid of the rationale for their existence. "Youths cannot be protected from public agitation by

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<sup>31</sup> "Staatsanwalt und P.175," *Berliner Borson-Courier* (19 October 1929), *Reichs Justizamt*, file R30071/5776, BArchiv, 52.

<sup>32</sup> "Die Unzucht in Paragraphen," *Montag Morgan* (21 Oct. 1929), *Reichs Justizamt*, file R30071/5776, BArchiv, 53.

homosexual groups for the reform of §175.” But they could be protected if there was no reason for such public agitation.<sup>33</sup>

Indicating an acceptance of both contemporary scientific theory and the ideas of the gay rights movement, Kahl also wrote that homosexuality had been proven to be an inborn condition. As such the state could not punish people for who they were. If a person acted out of a congenital predisposition, then there could be no crime in Kahl’s opinion and, thus, no assessment of guilt. The current law itself actually worked to encourage crime, the “tragedy of blackmail.” Finally, echoing a belief going back to the Enlightenment, the committee chairman stated that he believed legal codes were a “miserable” way to deal with moral issues.<sup>34</sup>

No matter what the political viewpoint of the newspapers, they were reacting to a vote by a legislative committee on a small part of the draft of a new penal code, something that had occurred ten times in the last twenty-one years. Nothing had actually changed. §175/296 had not been officially overturned. For that to happen the Reichstag had to approve the entire draft, and none of the ten previous drafts had even come before that body. That what was, in reality, a relatively small matter engendered such an intense negative response is an indication of just how effective the homosexual rights movement had been in getting its message out. The movement’s rhetoric and activities had become sufficiently widespread and well known to frighten conservative Germans into believing that this vote indicated that the full acceptance of homosexuality was right around the corner unless they fought tooth and nail against it. Conversely, from the other side of the political spectrum, the vote was seen as the successful culmination of the movement’s heroic efforts, despite the fact that the “success” occurred only

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<sup>33</sup> “§175: Ernstes aus dem Strafrechtausschuss,” *Vossische Zeitung* (25 Oct. 1929), *Reichs Justizamt*, file R30071/5776, BArchiv, 54.

<sup>34</sup> “§175,” 54.

because a member of a party opposed to gay rights voted in favor of it in order to wipe out the movement.

There was a mixed reaction on the part of German homosexuals to the decision. A number of people reacted to the committee's action as if the ultimate goal of legalizing homosexual activity had been achieved. Others were much more cautious, aware that nothing had actually changed and that nothing would until the Reichstag approved the committee's decision.

The Bund reported the vote immediately in all of its publications. Despite an awareness that the Reichstag still had to approve the final measure, and ignoring past results, the Bund's rhetoric, in most cases, stressed that this represented a complete victory. The December 1929 issue of the *Blätter für Menschenrecht* hailed the October vote as a success, but cautioned its readers that §175 remained in effect until the full Reichstag voted on a new legal code, which the editors did not believe possible until April 1932 at the earliest, given that much of the rest of the code still had to be debated. The article also criticized those "friends" who were acting as if the law had already changed. It further stated that the Bund had no problem with the retention of §297. The only complaint the organization had with the committee's decision was that it did not lower the age of sexual consent for males to eighteen to place it more closely to that set for females.<sup>35</sup> The same issue also included an abridged version of the actual transcript of the Reichstag committee meeting of October 16.<sup>36</sup>

Though the *Blätter* advised those who believed the law had already changed to be patient, other Bund publications were not so circumspect. In its first issue after the committee vote, the Bund's *Das Freundschaftsblatt* published an article by Radszuweit directly countering the

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<sup>35</sup> "§175 gefallen!" *Blätter für Menschenrecht* 12 (December 1929): 1-2.

<sup>36</sup> "Bericht über die Verhandlung im Strafrechtsausschuß," 2-11.

caveats contained in the *Blätter* by specifically stating that “we have now achieved our goal, the elimination of §175.”<sup>37</sup> Beyond acknowledging that there was more work to be done, the article stressed the idea of victory and never specifically cautioned readers that they were still liable to punishment under §175 until the new penal code was voted into effect.

The Bund’s paper for lesbians and transvestites, *Die Freundin* also reported the law’s repeal. The front-page article, again by Radszuweit, began by criticizing homosexual women for not fully participating in the struggle for equal rights for gay men because they did not face punishments for their actions. He did note, however, that lesbians were more caught up in the struggle for equal rights for women in general, and, thus, excused them for not fighting harder for the elimination of §175. Radszuweit called on all homosexual women to participate in the struggle now by attending the meetings the Bund was holding on the change in the law in order to keep themselves up to date on the struggle. Demonstrating the Bund’s usual belief in proper behavior, Radszuweit closed the article by calling on lesbians to unite with the men to “reject everything that might discredit the movement.”<sup>38</sup>

On October 29, 1929, almost two weeks after §175/296 was voted down, the Bund sponsored a large meeting in Berlin open to all homosexuals to discuss the committee’s decision. The conference issued a resolution calling for the fulfillment of Wilhelm Kahl’s dream, the end of public demonstrations by German homosexuals. “With the removal of §296 which the criminal law committee of the Reichstag carried out at its meeting on 16 October 1929, the chief demand of German homosexual men has been granted. There is, therefore, no cause for noisy propaganda to continue, particularly since the main reason for the elimination of §296 was to

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<sup>37</sup> Friedrich Radszuweit, “§175 gefallen!” *Das Freundschaftsblatt* 43 (25 October 1929): 2.

<sup>38</sup> Friedrich Radszuweit, “§175 gefallen!” *Die Freundin* 19 (6 November 1929): 1.

stop such activity by homosexuals.” Indicating the conservative attitude of this meeting, the resolution also stated that the attendees agreed with the committee’s decision to retain §297, but would like to see the age of sexual consent for males lowered from twenty-one to eighteen.<sup>39</sup>

Not surprisingly given that the meeting was held under the auspices of the Bund, the resolution expressly praised that organization for its work for the cause of homosexual rights, while specifically calling for it to stop its “propaganda activities” now that §175/296 had been overturned. It requested, however, that the Bund continue its social activities because “these also work for equal rights.” Though there was an awareness that the ultimate objective had not been completely achieved, the attendees reacted as if their goal had been met, or at least would ultimately be if homosexuals behaved themselves properly.<sup>40</sup> Local Bund chapters in Hamburg, Frankfurt and Breslau all passed their own resolutions supporting the actions of the Berlin meeting. These all thanked Radszuweit and the rest of the Bund leadership for their efforts thus far, but recommended that propaganda efforts be stopped immediately because they would “do more harm than good.”<sup>41</sup> Fulfilling Wilhelm Kahl’s hopes of keeping the homosexual rights movement quiet became the goal of the Bund from this point on. Radszuweit and the other leaders believed that Kahl’s continued support for the elimination of §175/296 was dependent upon an end to all public agitation by the homosexual groups. They also thought that, if the movement stopped its campaigning, other members of the Reichstag would see that Kahl’s argument that eliminating the law would eliminate the protests had been correct. Therefore, the Bund willingly accepted the resolution of the Berlin meeting and stopped its “noisy propaganda.”

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<sup>39</sup> “Aus der Bewegung,” *Blätter für Menschenrecht* 12 (December 1929): 19.

<sup>40</sup> Radszuweit, “§175 gefallen!” *Das Freundschaftsblatt*, 2.

<sup>41</sup> “Aus der Bewegung,” *Blätter für Menschenrecht* 12 (December 1929): 20.

Besides, the Bund considered it no longer necessary given that the goal of the movement had been attained. Now that the law gave German homosexuals equality, the movement should concentrate on gaining social acceptance. From this point on the mission of the Bund changed from working to remove §175 to confronting the social opprobrium facing homosexuals. The movement would have to seriously begin working to convince fellow Germans that homosexuals were moral and decent individuals. One means of doing this, consistent with Bund rhetoric, was for homosexuals to behave properly and present themselves as pictures of moral rectitude. “Self-discipline is what makes heterosexual men look like fine cultured human beings to women, and we must practice self-discipline as well, if we want to be judged as equals. We must in all situations act with extreme caution and care and practice a harsh and difficult self-restraint.”<sup>42</sup> Public agitation would not persuade the public that homosexuals were upstanding men. Only quiet interactions between homosexuals and their fellow citizens would achieve this. The only agitation now would occur within the Bund in order to persuade gay men to begin this. “For this struggle we do not need loud public propaganda. Rather we need forceful propaganda aimed at homosexuals themselves.”<sup>43</sup>

Other homosexuals also saw the committee’s decision as the culmination of their efforts and believed its acceptance by the full Reichstag was a mere formality, whether the homosexual community stopped its propaganda or not. *Die Freundschaft*, a journal associated with the Komitee, declared in its November 1929 issue that; “Extreme joy and satisfaction fills us, as it must every homosexual, as a result of the momentous vote of the criminal law committee. The tidings of this have raced through the towns and countryside like a wildfire while our ranks have

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<sup>42</sup> Neuhierl, “Selbstdisziplin,” *Blätter für Menschenrecht* 12 (December 1929): 17.

<sup>43</sup> Radszuweit, “§175 gefallen!” *Das Freundschaftsblatt*, 2.

breathed deeply of freedom.”<sup>44</sup> The author went on to offer special thanks to Wilhelm Kahl for his “sense of justice and humane feelings.” While aware that the decision still had to be ratified by the full Reichstag, *Die Freundschaft* editors believed that this would definitely occur because Kahl, whose high standing and powers of persuasion had won the day in the committee, would surely be able to “present his viewpoint powerfully and convince the majority of Reichstag members to support his position.”<sup>45</sup>

While assuring its readers that Kahl would once again carry the day for the homosexual emancipation movement, the editors of *Die Freundschaft* ignored the fact that Kahl was not a supporter of gay rights at all and had only voted for the measure in order ultimately to stop the publication of periodicals such as theirs. They had to be fully aware of this as, in its very next issue, the paper published an extract from the DVP representative’s article in the *Vossische Zeitung* which stated this directly. Though they did not edit out Kahl’s statements regarding “disagreeable agitation and propaganda,” the editors reduced it to a one-line statement at the bottom of the third page of the piece.<sup>46</sup>

While the editors of *Die Freundschaft* willfully ignored the reality behind Kahl’s support for repealing §175/296, they were not entirely blind to what had happened. In a commentary on the Kahl article, the editors complained that §297 had not been removed and that the age of male sexual consent had not been lowered to 16 years old. The lowering of the age of consent as well as the legalization of male prostitution were both goals of the Komitee from its inception. Again expressing an unfounded optimism, the editors explained that, since Kahl had based his approval

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<sup>44</sup> “§175 gestrichen vom Strafrechtsausschuß des Deutschen Reichstags,” *Die Freundschaft* 11 (November 1929): 162.

<sup>45</sup> “§175 gestrichen vom Strafrechtsausschuß,” 162.

<sup>46</sup> “Geh. Rat Prof. Dr. Kahl, M.d.R. zum §175,” *Die Freundschaft* 12 (December 1929): 179.

for the elimination of §175/296 on the “tragedy of blackmail,” he would surely soon realize that §297 also allowed that crime to flourish. Placing their faith in Wilhelm Kahl, the editors expressed hope that he would revise his opinion before the final vote in the Reichstag and support the removal of §297 as well.<sup>47</sup>

*Die Freundschaft* only partially reflected the official Komitee position on the vote to remove §175/296, which was completely contrary to that of the Bund in that it did not see the decision as a victory for the homosexual rights movement. Komitee leaders believed that nothing had changed in spite of the Reichstag committee’s action. The subtitle of the article describing the decision in the organization’s *Mitteilungen* summed up the group’s position succinctly, “§175 not struck down!” The stiffening of penalties for coerced or public homosexual activity and for male prostitution, and the setting of the age of consent for males five years higher than that for females, meant in the eyes of Komitee members, that homosexuals had not gained their freedom, and actually faced harsher circumstances than they did under the old system. In fact, in the *Mitteilungen*’s first article dealing with the committee’s decision, the elimination of §175/296 was given just one paragraph. The bulk of the article dealt with the retention of §297. As long as that statute remained in the draft, nothing concrete had changed. In fact, things had become worse.

The decision of the committee does not represent the striking of the law, but rather a worsening of the former §175 in two ways. While §175, according to the judgment of the courts, only applied to actions “similar to sexual intercourse” [*beischlafähnliche Handlungen*], the new §297 makes even the most harmless homosexual acts of affection, even kissing, punishable by law in cases where the “seducer” is an adult and his partner is younger than twenty-one, [even if over sixteen] . . . The second decision concerns male prostitution which is now specifically

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<sup>47</sup> “Geh. Rat Prof. Dr. Kahl, 180.

discussed and punished.<sup>48</sup>

The Komitee did not advocate sexual relations between adults and minors, but considered it to be hypocritical to have different consent ages for the two sexes, and believed it would lead to “intolerable, even grotesque consequences.” To illustrate, the editors of the *Mitteilungen* used the example of nineteen and twenty year old lovers who would be torn apart, the older possibly facing legal punishment, as soon as he reached his next birthday. In regard to male prostitution, the Komitee believed that it should be treated in the same manner as female prostitution, basically legal and tolerated.<sup>49</sup> Though it may appear that the Komitee was ignoring what had just happened to concentrate on secondary issues when it demanded that the age of sexual consent be lowered and that male prostitution be accepted, what the group was really calling for was complete equality for homosexuals. The existence of statutes that dealt differently with male and female sexual behavior meant that gay men were not being treated equally in the eyes of the law. The addition to the law of specific clauses dealing with other forms of male sexual activity, which had not existed under the previous §175, signified a tightening of the laws against homosexuality, not a relaxation, and outweighed the benefit of eliminating penalties for consensual sex between adult men. To acquiesce to the addition of §297 meant the acceptance of harsher laws aimed at homosexual actions. To members of the Komitee, until the laws governing male sexuality were the same as those pertaining to females, the movement had not achieved its goals, and the fight had to continue. For this reason the Komitee had no intention of

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<sup>48</sup> “Kundgebung des Vorstandes des W.H.K.: Der §175 nicht gefallen!” *Mitteilungen des Wissenschaftlich-humanitären Komitees* 26 (December 1929/January 1930): 207.

<sup>49</sup> “Kundgebung des Vorstandes des W.H.K.,” 207-208. Female prostitution was legal in Germany, though individual cities could regulate under what circumstances and where it could occur. After passage of the Law for the Prevention of Venereal Disease in 1927, the government placed female prostitutes under the control of medical authorities rather than police officials. Paul Wilder Chase, “The Politics of Morality in Weimar Germany: Public Controversy and Parliamentary Debate Over Changes in Moral Behavior in the Twenties.” Ph.D. diss., (State University of New York at Stony Brook, 1992), 219-220.

stopping its activities or ceasing its “noisy propaganda” until the Reichstag committee agreed to eliminate §297, a position that put it in direct conflict with the Bund.<sup>50</sup>

In hopes of pressuring the government, Komitee leaders began contacting other social reform organizations to enlist their help in the fight to eliminate §297. In the spring of 1930, Komitee vice-chairman, Kurt Hiller, attempted to convince the Hamburg chapter of the League for the Protection of Mothers [*Bund für Mutterschutz*] to add the legalization of male prostitution to the petition it planned to present to the Reichstag demanding the repeal of restrictions on abortion and birth control. The endeavor was not successful, but provides evidence that the Komitee was intent on continuing its usual activities.<sup>51</sup>

Aware that the law had not been eliminated, but seeing an opportunity to possibly help homosexual men caught under the statute as it now stood, Hirschfeld worked to convince the government to act as if §175 had already been struck down. This was reminiscent of his actions after the collapse of the monarchy at the end of World War I, when he wrote to various Prussian government officials trying to convince them to cease prosecuting cases under the statute with the argument that the Reich government would soon revise the legal code. Two days after the committee vote, on October 18, 1929, Hirschfeld wrote to Reich Justice Minister von Guérard asking that, because the legal reform committee had eliminated §175, all government actions pertaining to that law be ended immediately. In a letter replete with typographical errors, Hirschfeld listed five specific demands.

1. That all currently pending and proceeding cases under §175 of the Reich penal code (R.St.G.B.) be stopped.

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<sup>50</sup> “Aus der Bewegung,” *Blätter für Menschenrecht* 12 (December 1929): 19. The author of this article stated that the Berlin meeting had been called to protest an article that Hirschfeld had written for *Berlin am Morgan* in which he stated that propaganda efforts would continue until male prostitution was no longer a crime.

<sup>51</sup> Sievert, “Das Anomale Bestrafen,” 85.

2. That no currently imposed legal punishments under §175 of the R.St.G.B. (whether prison sentences or fines) be enforced.
3. That all currently pending disciplinary actions under §175 R.St.G.B. be abandoned.
4. That no new disciplinary actions under §175 R.St.G.B. be started.
5. That no information from criminal records regarding sentences under §175 R.St.G.B. be released.<sup>52</sup>

Not putting all of his faith in von Guérard, who supported retaining §175/296, Hirschfeld sent copies of the letter to the Reich interior minister and Reich finance minister, as well as their counterparts in the Prussian state government. In reply, the Prussian interior minister's office sent a letter to Hirschfeld on December 5, 1929, stating that little could be done at the moment regarding §175 cases as long as the law remained part of the penal code. The minister's office sent copies of its letter to all of the government officials to which Hirschfeld had sent his original missive. Hirschfeld's actions had little chance of success. After all, he was asking government officials to ignore laws that had been on the books and enforced for decades. As to be expected, none of them acquiesced to Hirschfeld's request and prosecutions under the existing statute continued.<sup>53</sup>

Hirschfeld was not alone in contacting government officials to ask that enforcement of the current law end. An unsigned letter dated May 16, 1930, and also containing numerous typographical errors, was sent to Reich Justice Minister Kurt Joël in the name of "the many correct-thinking individuals" of Mannheim. The author told Joël that §175 should be overturned because it had been widely known since 1869 that homosexuality was an inborn disposition. The writer also used the argument that "civilized countries" such as Italy, Belgium, Holland,

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<sup>52</sup> Magnus Hirschfeld to Reichsjustizminister v. Guérard, 18 October 1929, *Reichsjustizministerium – Petition - Anträge auf Beseitigung des P. 175 des St.G.B 296/R.S.G.B. Entwurf 1 June 1929 – 21 Mai 1934*, file R3004/5775, BArchiv, 24.

<sup>53</sup> Dr. Abegg of the Prussian Interior Ministry to Magnus Hirschfeld, 5 December 1929, *Anträge auf Beseitigung*, file R3004/5775, BArchiv, 37.

Switzerland, Luxembourg, and France had no laws punishing homosexuality and had suffered no deleterious effects as a result. These arguments were consistent with those of the homosexual rights movement. The author's last rationale for eliminating §175/296, however, ran very much counter to anything the movement used by way of argument. Espousing a belief that the Komitee, Bund, and Gemeinschaft had been working to counter since their beginnings, the writer close his letter by asking, "Why should society punish those who have been punished by nature already?"<sup>54</sup>

The Gemeinschaft had almost no reaction to the Reichstag committee's decision. During the summer of 1929, the organization printed a series of statements by prominent German writers and academics explaining why §175 should be removed. At the end of summer, before the committee even began debating the laws on sexual behavior, the group printed an article by Hans Natonek in *Der Eigene* entitled "" [The End of Our Fight for the Elimination of §175 which stated that the Gemeinschaft was giving up its efforts to overturn the law. Demonstrating the group's usual disdain for the concept of homosexuality, Natonek explained that the organization was giving up the fight because the people the effort to repeal the law aimed to help were not worth helping. They were "intermediates, painted and impudent . . . capering aunts, randy boy-chasers, and shameless exhibitionists." In an explanation following the piece, Adolf Brand wrote that in the future he and his supporters would no longer "squander . . . our valuable time, our work and our money for the abolition of §175, which is of only minor importance for us." The Gemeinschaft had always based its opposition to the existing law on the grounds that it impeded the ability of men to form close friendships with each other. The organization had never accepted the term homosexual, seeing it as connoting effeminacy and unmanliness, rather than

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<sup>54</sup> 16 May 1939 letter to Reichsjustizminister 16 May 1929, *Anträge auf Beseitigung*, file R3004/5775, BArchiv, 38.

the masculine virtues it believed necessary to revive German culture. By 1929, however, Brand and the Gemeinschaft had obviously come to believe that eliminating §175 did not infringe on the ability of men to form these relationships to a degree significant enough for the group to overcome its antipathy toward the effeminate homosexuals it had always detested.<sup>55</sup>

No matter how it was received by the three homosexual rights groups, the elimination of §175/296, even if only by a Reichstag committee, was an important event for all of them, one that should have united the fractious movement in a common effort to force the full legislature's approval of the measure. That is not what happened. Instead of bringing the movement together, it became even more divided as each group continued to work toward the acceptance of its own interpretation of the committee's action. Worse, the decision of the criminal code committee gave new life to the internecine fighting so common during the Weimar Republic. Only now, instead of criticizing tactics or ideology, individuals and groups were accused of working against the entire effort to gain equal rights for homosexuals at just the moment the goal appeared to be in reach.

For once, it was not the Gemeinschaft that was the chief creator of discord. The leadership of the organization was no longer concerned with overturning §175 and had chosen to concentrate solely on cultural rebirth. By late 1929 the organization's publications contained mostly pieces on *Freundesliebe* and culture. There was no need to attack the other groups' responses to the Reichstag committee's action, because the group's members had lost interest in the issue.<sup>56</sup>

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<sup>55</sup> <sup>56</sup> *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950: Geschichte, Alltag und Kultur* (Berlin: Frölich & Kaufmann, 1984), 24.

In fact, the *Gemeinschaft* and *Komitee*, which had been at odds for most of the decade, actually mended their relationship in 1929. Thanks to the efforts of one of the leaders of the *Gemeinschaft*'s Dresden chapter, the *Komitee* agreed to hold a joint meeting with members of the other organization in order to establish "the foundation of a new agreement" between the two groups. On December 1, 1928 the leadership of the *Komitee* met with its counterparts in the other organization. Foreshadowing the *Gemeinschaft*'s decision the following year to give up the fight entirely, Brand agreed that his organization would let Hirschfeld's group carry on the effort for the elimination of §175 and from that point on would be simply a "silent observer," only taking action when necessary. That action would concentrate solely on cultural, aesthetic, ethical, and religious issues. It would leave all other issues to the *Komitee*. Brand saw this division of labor as beneficial to the movement because each group would focus on what it did best. "Hope is reviving everywhere that the exhaustive efforts of Dr. Hirschfeld will finally lead to success and that the progress that his meetings with members of the legislature have started will soon bring an end to the current immoral legal code and the pariah status of homosexuals."<sup>57</sup> One year later, Brand explained his organization's withdrawal from the movement entirely on the grounds that it did not want to help homosexuals. In fact, the *Gemeinschaft* had always been a reluctant participant in politics, preferring to devote itself to cultural and esthetic concerns.

Because the *Gemeinschaft*'s leaders no longer felt compelled to criticize or attack rival organizations, this role fell, after fall 1929, to the *Bund für Menschenrecht*. As discussed above, this group's leadership saw the changing of the law as practically a *fait accompli* as long as homosexuals behaved properly and all "noisy propaganda" ceased. To this end, the group focused on making certain that this happened. Anybody that did not toe the line, and any

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<sup>57</sup> "Eine wichtige Vereinbarung zwischen W.H.K. und G.D.E.," *Extrapost Die Gemeinschaft der Eigenen* 3 (1929): 1.

organization that had the audacity to complain that the committee's actions had not gone far enough, faced vociferous attacks from the Bund.

The Bund could take this role because, as Radszuweit emphasized, it alone was responsible for how much the movement had achieved. "The Bund singularly and alone demanded the abolition of §175 and made counterproposals in regard to the protection of male youths and male prostitution that led to the present positive measures being enacted."<sup>58</sup> Combined with the statements in the Bund-sponsored resolution discussed above, Radszuweit positioned his organization as the sole motivating force behind the decision of the Reichstag committee. Readers of Bund publications were, of course, aware that two other homosexual rights organizations with two other leaders existed, and that their group had not been alone in working for the elimination of §175. Radszuweit dealt with this issue by writing that instead of aiding the cause of gay rights, the other two groups had actually delayed progress in the past and worked against the repeal of the law because the leaders of these organizations, the "so-called pioneers" of homosexual rights, had been more concerned with their own interests than with the movement itself. They were indifferent to working with the existing political powers and unwilling to make the compromises necessary to achieve the ultimate goal of eliminating §175.<sup>59</sup>

Hirschfeld and his Komitee had been working for thirty-three years and accomplished nothing, Radszuweit believed, because their arguments were flawed. Echoing one of Brand's views, he stated that Hirschfeld's emphasis on an inborn homosexuality connoted debility and effeminacy and implied to the general public that there was something wrong with gay men, all of which weakened his demands for equality. The Komitee's work for the legalization of male

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<sup>58</sup> Radszuweit, "§175 gefallen!" *Das Freundschaftsblatt*, 2.

<sup>59</sup> Radszuweit, "§175 gefallen!" *Das Freundschaftsblatt*, 2.

prostitution and the lowering of the age of sexual consent for males gave the impression that the movement was not concerned with equality, but with simply expanding the range of sexual options for gay men. Radszuweit believed that the actions of Hirschfeld and the Komitee demeaned the cause of homosexual rights making it unlikely that politicians would take their cause seriously. “The legislative body viewed homosexuals, as represented by Dr. Hirschfeld, as dismissively as their champion apparently does.”<sup>60</sup> This was written despite the Bund’s acceptance of the inborn nature of homosexuality and its own efforts to disseminate this idea to the general public throughout the Weimar era, as well as its 1925 resolution calling for the age of sexual consent to be the same for females and males.

Besides distracting the movement from its main goal, Radszuweit believed that Hirschfeld’s insistence on the legalization of male prostitution and his constant public work toward that goal conflated homosexuality with prostitution in the minds of many Germans, tying the cause of equality to behavior that many people considered immoral. Removing the penalties for prostitution would not help many homosexuals anyway as Radszuweit had determined through surveys and interviews with male prostitutes that eighty-one percent of them were heterosexual. Taking a very narrow view, the Bund leader declared that there was no reason for the homosexual rights movement to work for the legalization of prostitution if it meant mainly helping straight men.<sup>61</sup>

Radszuweit believed that Hirschfeld, himself, had not worked hard enough for the cause of homosexual rights because he spread himself too thin; his activities on behalf of his Institut and the Cartel for the Reform of Sexual Offense Laws distracted him. The Cartel itself weakened the

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<sup>60</sup> Radszuweit, “§175 gefallen!” *Das Freundschaftsblatt*, 2.

<sup>61</sup> “Aus der Bewegung,” 19.

effort for equality by calling for far too radical notions, such as the legalization of abortion and equal treatment for illegitimate children, along with the elimination of §175. As with the issue of prostitution, this resulted, in the Bund leader's judgment, in gay rights becoming tied to socially unpopular ideas that made it impossible to achieve the movement's goal.<sup>62</sup>

Hirschfeld and the Komitee had set back the cause of gay rights in the past with their radical demands. Now that the Reichstag committee had voted to change the law, they were also working to undermine this victory with their complaints that the decision did not go far enough. In an open letter to Hirschfeld published in *Das Freundschaftsblatt* in November 1929, Radszuweit berated him for continuing to clamor for the removal of §297, the lowering of the age of sexual consent for males, and the legalization of male prostitution rather than acquiescing to Kahl's hopes for the end of all propaganda efforts. Hirschfeld believed that the age of consent could be lowered because males reached sexual maturity by age fourteen, and their sexual orientation was firmly defined by that time. The Bund leader declared that this idea was not accepted by the majority of Germans who saw it as a means of seducing boys into homosexuality. Radszuweit further asserted that it was not even acceptable to the majority of homosexuals, who believed the age of consent should be no lower than eighteen. By stubbornly and unrealistically pressing this demand, Hirschfeld risked ruining any chance that the full Reichstag would accept the committee's decision, since, as he pointed out, Reich Justice Minister von Guérard had already stated that Hirschfeld's ideas would lead "directly to the cultivation of homosexuals." The same was true for Hirschfeld's fight for the legalization of male prostitution. Once again, Radszuweit asserted that not only was this idea too radical for the majority of the German population to accept, it was too much for most homosexuals. "Even

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<sup>62</sup> Radszuweit, "§175 gefallen!" *Das Freundschaftsblatt*, 2.

concerning this issue [of the legalization of male prostitution], the vast majority of homosexuals are opposed to it and do not understand why you want it.”<sup>63</sup>

Radszuweit went on to lecture Hirschfeld, who had helped found the movement, on the proper way to work for the cause of homosexual rights. If homosexuals were ever going to gain some semblance of legal freedom, it was necessary for them to frame their program so as not to upset or frighten the majority population. Focusing on radical demands only served to destroy any chance for success.

If one fights for liberation from antiquated laws for a minority that has been persecuted for centuries, and is really serious about that fight, then one must formulate his demands so that they have the possibility of success. Your demands, Herr Dr. Hirschfeld, which you have put forward for thirty-three years and still support today, are so obviously utopian, that they will not be satisfied even in the next fifty years.<sup>64</sup>

Radszuweit took this opportunity to bring up the old criticism that Hirschfeld’s emphasis on sexual variations, both in his speeches and at his Institut, implied not diversity but abnormality. He explained that the Komitee leader’s efforts for equality commingled with this and promoted the idea in the minds of heterosexual Germans that homosexuals were odd, further weakening the gay rights struggle. “Your constant efforts, Herr Dr. Hirschfeld, to haul out freaks and present these to the public as so-called homosexuals has impaired and hindered our fight in every way and, therefore, we have refused for this reason to follow you.”<sup>65</sup> Only thanks to the efforts of the Bund had the homosexual rights movement overcome his influence and come as far as it had.

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<sup>63</sup> Friedrich Radszuweit, “Offener Brief San.-Rat Dr. Magnus Hirschfeld, Berlin,” *Das Freundschaftsblatt* 44 (1 November 1929): 1.

<sup>64</sup> Radszuweit, “Offener Brief,” 1.

<sup>65</sup> Radszuweit, “Offener Brief,” 2.

But Hirschfeld was neither the only leader of a rival gay rights organization nor the sole obstacle to the elimination of §175; there was also the Gemeinschaft's Adolf Brand. Given Brand's much less public presence in the movement, Radszuweit had to reach into the past to find evidence of his deleterious effect on the cause of gay rights. He had already gone back four years to criticize Hirschfeld for his work with the Cartel in 1925. In Brand's case he went back to 1923 and the French occupation of the Ruhr. At that time the Gemeinschaft leader had declared that the homosexual emancipation movement should unite behind the government and stop its activities as long as foreigners occupied German soil. The Bund had criticized this idea at the time by asserting that German homosexuals did not have to support a government that treated them so shamefully. In 1929, Radszuweit called Brand's idea "utter nonsense," and declared that if the movement had followed his call, it still would be silent given that the Rhine River area of western Germany was not due to be completely free of foreign occupiers until June 30, 1930. If German homosexuals had listened to Brand's "laughable" demand, they would have done nothing and, thus, achieved nothing for the entire decade. Radszuweit asserted that only because the Bund ignored the Gemeinschaft leader and continued its pressure on the government did the committee eliminate the law six years later. Referring to the letters that Brand had written to government officials, Radszuweit stated that further proof of Brand's lack of dedication to the cause of gay rights was his effort to undermine both the Bund and its leader through "intrigue and hostility." Instead of presenting a united front to the authorities, Brand sought to destroy the Bund in order to build up his own reputation. The Bund, of course, was bigger than this and continued to work for the good of all homosexuals despite these attacks.<sup>66</sup> Given that Brand's letter-writing campaign was probably more detrimental to the cause of gay

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<sup>66</sup> Radszuweit, "§175 gefallen!" *Das Freundschaftsblatt*, 2.

rights than his call for supporting the government in the face of foreign occupation, it may seem peculiar that Radszuweit considered the latter worse than the former. The members of his organization, however, would have been more familiar with Brand's actions in 1923, which were public, than his private efforts to disgrace their leader in the eyes of government officials. One has to wonder, however, whether Bund members recognized that their leader was now engaging in the same type of character assassination for which he was admonishing Brand.

The draft legal code continued to be debated in the Reichstag committee throughout the following year with another discussion focusing specifically on §§296 and 297 on May 9, 1930. At that time the committee upheld its earlier decision to remove the statute. The homosexual rights movement saw this as confirmation that it was only a matter of time before the law would be permanently changed. This was not, however, a popular decision. The opponents of gay rights did not sit idly by. The conservative members of the committee had begun working to reinstate the law as soon as the committee voted to remove it seven months earlier. Kahl, despite pressure, could not be convinced to change his vote, and as long as he remained chairman of the committee, and party representation did not change, the vote held.<sup>67</sup>

Church groups also exerted pressure on the committee to change its stance. Representatives of the Committee of German Evangelical Churches wrote directly to the body calling for reinstatement into the draft of punishments for homosexual acts, as well as the retention of penalties for adultery and the dissemination of obscene materials. Challenging the contention of Kahl and others that the legal code should not be used to punish moral issues, the

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<sup>67</sup> Sievert, "Das Anomale Bestrafen," 85; Albrecht D. Dieckhoff, *Zur Rechtslage im derzeitigen Sittenstrafrecht* (Hamburg: Verlag für kriminalistische Fachliteratur, 1958), 93.

organization asserted that it was, on the contrary, an excellent means of shaping people's moral judgment and should continue to do so in order to protect traditional values.<sup>68</sup>

Lobbying from this direction was only to be expected. Political conservatives and traditional church groups had been opponents of the movement from its beginning. There were, however, concrete indications of trouble. In early 1930 a joint German-Austrian inter-parliamentary committee met to draw up a draft legal code coordinating the codes of both countries. The Austrian legal code was harsher regarding homosexuality than that of Germany, with more severe penalties for infractions and punishments for female as well as male offenders. The Austrian delegates to the law conference wanted the reinstatement of §175/296 and a tightening of §297 in the joint draft. In a setback for the homosexual rights groups, the Austrian delegates were able to have their way. On March 5, 1930, by a vote of 23-21 the penalties for violations of §297 were increased and §175/296 was retained in the draft code.<sup>69</sup> Because this was not a vote by the Reichstag, or even a Reichstag committee, the decision had no bearing on the actual German penal code, which is why two months later the committee was able to vote to maintain the elimination of §175/296 in its draft. Still, the episode served as a warning to members of the homosexual rights movement that there would be considerable difficulty in transforming the legislative committee's fall 1929 decision into law.

Political and economic events within Germany itself, however, combined to destroy the hopes of the homosexual rights movement. The penal code committee's vote occurred on October 16, 1929. Less than two weeks later, on October 29, the United States stock market crashed setting off that country's worst depression as well as a world financial contraction. By

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<sup>68</sup> Sievert, "Das Anomale Bestrafen," 85.

<sup>69</sup> Sievert, "Das Anomale Bestrafen," 84; *Eldorado*, 36.

this time Europe, and especially Germany, had become dependent on investment from the United States, and the flight of American capital from the continent, together with the closing of American markets to foreign goods, spread the financial collapse to Europe. Germany's economy, closely tied to American sources of credit, was already unstable and there were portents of trouble even before the American collapse. German unemployment had begun rising in 1928. Before the stock market crash, in the summer of 1929, approximately 900,000 people were out of work. By the fall of 1930 that figure jumped to over three million. Two years later over six million were unemployed. The situation was not much better in the agricultural sector of the economy where the catastrophic economic situation forced thousands of farmers into bankruptcy.<sup>70</sup>

The problem of unemployment, and unemployment benefits specifically, tore the German government apart. The Social Democrats refused to cooperate on any reduction of payments as a means of balancing the budget, while the conservative and centrist parties demanded it. With the government divided, Chancellor Hermann Müller of the SPD resigned in March 1930. The Catholic Center Party's Heinrich Brüning replaced him. When it became apparent that Brüning's conservative agenda for dealing with the economic crisis did not have enough support to pass the Reichstag, he promulgated it by presidential order under Article 48 of the Weimar Constitution. In hopes of gaining more support from the Reichstag, Brüning dissolved the legislature and called a new election. When it was held in September, votes for the National Socialist party jumped from 810,000 in the previous election to 6,500,000, increasing the party's representation in the Reichstag from twelve seats to one hundred seven, and making it the second

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<sup>70</sup> William Carr, *A History of Germany: 1815-1990* (London: Edward Arnold, 1991), 295-296. See also Goronwy Rees, *The Great Slump: Capitalism in Crisis 1929-1933* (New York: Harper and Row, 1971), Gilbert Ziebura, *Weltwirtschaft und Weltpolitik 1922/24-1931 : zwischen Rekonstruktion und Zusammenbruch* (Frankfurt: Suhrkamp, 1984)

largest party in the legislature. The Communists also made startling gains, increasing their representation from fifty-four seats to seventy-seven. The largest party in the reconfigured Reichstag was still the SPD with one hundred forty-three representatives, a loss of ten seats since the last election. The moderate Catholic Center Party followed the KPD in size with sixty-eight seats, an increase of eight, while the traditional conservative German National People's Party and German People's Party received seventy-one seats between them, a drop of fifty-seven. The German Democratic Party fell from twenty-five to twenty seats. The remaining sixty-two seats were divided between seven small parties.

The success of the Nazi party in the September 1930 elections greatly reduced the chances that the removal of §175/296 would pass the full Reichstag. The party had clamored against any reductions in penalties for same-sex relationships and was now a significant force in the legislature. On a practical level the reconfigured Reichstag meant a reorganization of the committee dealing with the new draft, and this in turn meant that the effort to rewrite the penal code had to begin all over again.

The new legislature set up a reconfigured committee on December 11, 1930 with Wilhelm Kahl retaining his position as chairman. Five days earlier, on December 6, Kahl's party, the German Peoples party, presented a proposed penal code to the full Reichstag that blended past drafts with the decisions of the joint German-Austrian conference of earlier in the year. This draft retained the repeal of §175/296, but increased the penalties for §297 along the same lines as the joint conference. The Reichstag did not take up the measure, but it became the starting point for the restructured committee's deliberations on a new legal code.<sup>71</sup>

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<sup>71</sup> Sievert, "Das Anomale Bestrafen," 85.

This committee continued work on rewriting the legal code for another seventeen months, with little results. Members debated §§296 and 297 in the January 13, 1932 session, but no vote was taken. This was the case with most of the committee's efforts because of obstructionist tactics by the Nazi members of the committee. The Nazi Party was committed to bringing down the republic. Denying it credit for reforming the legal code, and thus appearing effective to the German public, motivated committee members to sabotage its work whenever possible. Also working against the committee was the dire economic situation facing the country. The Reichstag's role in the actual governing of the country receded in importance because no majority could be formed. Presidential decrees rather than parliamentary majorities became increasingly important. Attempting to reassert its power, the increasingly marginalized Reichstag was more concerned with dealing with the economy than with the revision of the penal code and paid scant attention to the committee's actions, or lack thereof. Attempts at legal reform came to a complete standstill when Chairman Kahl died in May 1932. When Reichstag elections were held again at the end of July of that year, the National Socialists, with 230 seats, became the largest party in the body. At this point the penal code committee was suspended and all efforts at rewriting the law ended.<sup>72</sup>

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The economic collapse that occurred at the end of the 1920s destroyed the best chance of German homosexuals to achieve legal equality. It would have taken a miracle, or at least a miracle of political maneuvering, for the penal code committee's decision to eliminate §175/296 to be approved by the full Reichstag, even in the best of times. In fall 1929, when the vote occurred, the supporters of the decision, the Social Democrats, Communists, and German

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<sup>72</sup> Sievert, "Das Anomale Bestrafen," 86.

Democrats held slightly less than half the seats in the legislature. If all of the representatives from these parties voted their party line, the measure still would not have passed without the support of legislators from other parties.

This was precisely what German homosexuals pinned their hopes for success on. If enough representatives followed Kahl's lead and defected from their parties' official positions, the draft would pass. Success could also be had if the percentage of the vote for any of the three parties that supported the elimination of §175 increased at the expense of their opponents. The election of only a few more Socialists, Communists, or Democrats would tip the balance in the movement's favor. Instead of working to get out the vote for those parties, German homosexuals preferred to hope for the best, most convincing themselves that final victory was inevitable. This, of course, meant ignoring the strident objections of the movement's opponents to any change in the law. Yet whether within the criminal code committee itself or published in the conservative press, there was evidence that should have been difficult to ignore, indicating that a significant number of Germans had spurned the arguments of the homosexual rights movement. These people did not think that the current law ruined the lives of innocent, morally upstanding individuals, and held firm to the belief that any acceptance of homosexuality would lead to the seduction of young men and the destruction of German morals. Without a positive change in the Reichstag, that is, in the electorate, the measure would not pass.

The homosexual rights movement, however, did nothing whatsoever to work towards this change. Except for the Komitee, which limited its efforts to contacting government officials in hopes of convincing them to ignore existing law, the groups became, if possible, more politically passive after the vote than they had been before it. They did nothing to mobilize voters to vote for those parties that supported their goals. They did not even urge their own members to vote

for specific parties. They remained, as always, cautious, careful, and unwilling to actively participate in the democratic process for fear of alienating their members. All three organizations repeatedly throughout the Weimar Republic stressed that they stood above politics. As stated earlier, the idea of supporting one party over another was seen as too divisive by the leaders of the Bund, who feared that their movement would splinter as a result. Brand saw his members as far too refined and intelligent to become involved in the rough and tumble world of politics, and Hirschfeld and his Komitee placed all their confidence in the efficacy of scientific knowledge to change the situation for German homosexuals. Standing above politics when the support of politicians was needed and not participating in the democratic process when elections brought supporters into power was the surest way for the movement to fail. Unfortunately, the leaders of the Gemeinschaft, Komitee, and Bund never realized this.

The economic collapse that struck Germany beginning in 1930 changed the composition of the Reichstag in ways that adversely impacted the goals of the homosexual rights movement and would have made even active political activity by the movement a moot point. In the face of severe economic disruption, Germans turned away from the moderate parties and toward the extremes, which helps explain the increase in votes for both the KPD and the NSDAP in the September 1930 election. However, as the political middle disappeared, the anti-democratic, rightist, overtly homophobic parties were the biggest winners. Even without the Nazis' obstructionist tactics, all hopes for the approval of the repeal of §175 disappeared. The size of the bloc supporting such a measure shrank with each new election after September 1930. Even if it had not done so, dealing with the economic catastrophe easily trumped the acceptance of homosexual sex on the agenda of every party, whether it supported the cause of gay rights or not. On the brink of achieving its goals, events on the economic and political front conspired to

destroy the hopes of the German homosexual rights movement. Their cause became insignificant in the face of economic collapse. Worse yet, the financial problems facing Germany brought to power the most implacable opponents of gay rights.

## Chapter VII

### The End Comes

The October 16, 1929 decision of the Reichstag criminal code committee eliminating §175/296 from the German penal code failed to pass the full Reichstag. As with all the previous drafts, it never even came up for plenum debate. This was as close as the German homosexual rights movement ever came to achieving its goal during the Weimar Republic. Conservative opposition combined with dire political and economic developments conspired to make passage of the entire revised legal code, not just those sections dealing with homosexual acts, impossible. Mirroring this unfortunate turn of events, the situation of the three major homosexual organizations in Germany, the Gemeinschaft, the Komitee, and the Bund, rapidly deteriorated. Though not related to events on the national stage, for a number of reasons the movement began to collapse internally at almost the same time that it achieved its greatest “success.” Death and scandal altered the leadership of both the Komitee and Bund, and the Gemeinschaft stopped functioning as a gay rights organization to concentrate instead on issues of cultural renewal. Even had they wanted to launch a determined effort to pressure the full Reichstag to pass the revision, these changes made it difficult, if not impossible, for the organizations to do so.

As discussed in the previous chapter, the leader of the Gemeinschaft, Adolf Brand, decided to withdraw his organization from the fight for homosexual rights at almost the same moment that the Reichstag committee voted to eliminate §175/296 from its draft of a new criminal code. Seeing the removal of the law as something “of only minor importance” and the effort to do so as a squandering of the organization’s time, money, and manpower, the Gemeinschaft ceased its active participation in the movement to concentrate on furthering the acceptance of

*Freundesliebe*.<sup>1</sup> To this end, the organization continued to publish its journals and to recruit men suitable to lead the renewal of German society. However, the German economic collapse combined with the increasingly unstable political climate made it difficult to continue. In early 1931, *Der Eigene* ceased publication. After this point, the leader attempted to continue to reach his group's members and supporters through the *Extrapost der Eigene*, the newspaper of mainly personal ads that Brand was able to publish until only a bit later in the same year. The organization also continued to publish *Eros*, which managed to survive until the end of 1932. After January 1, 1933, however, the Gemeinschaft was without a literary vehicle.

Not that there were many members left to purchase Gemeinschaft periodicals even if they had existed. Before its demise in 1932, *Eros* contained a number of articles bemoaning the organization's dwindling membership numbers. The serious economic difficulties facing Germany made it increasingly difficult for many men to pay their dues and maintain their memberships. Equally important, the tense political situation drew men away from the organization. Escalating unemployment led to unrest, including violent confrontations between rival paramilitary groups. For the Gemeinschaft, the racist, misogynist, elitist rhetoric of the conservative and radical nationalist parties, including the National Socialists, had always exercised a degree of attraction, echoing much of its own ideology of rebirth through the creation of a virile, vibrant society. As a result of all of this the group's members began leaving the organization and, as the leadership suspected, joining the Nazi party. Defections in this direction were numerous enough for *Eros* to prophesy that there was little chance for the continued survival of the organization with both "Hitler's army" persecuting homosexuals and so many members "turning to Hitler." Adolf Brand found the flight to a group that openly declared its aim was to eliminate homosexuals from Germany highly disturbing. "Events of last year have

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thinned the ranks dramatically. . . . These former members of the *Gemeinschaft der Eigenen* have given their trust and support to the very person who marches at the apex of reaction, and whose own publication has publicly declared his intention that his government will hang all homosexuals from the gallows as soon as it comes to power.”<sup>2</sup> Brand went on to state that it would soon be impossible for the *Gemeinschaft*, which he asserted had once been the largest of any German “*homoeroten*” organization, to continue its fight and publish its periodicals because of declining membership.

Despite some shared ideological convictions, the loss of members to the rabidly anti-homosexual Nazi Party was particularly galling for the *Gemeinschaft* leadership. This organization, after all, believed itself made up of the best and brightest Germany had to offer, the men who would lead the cultural rebirth of the nation. That they were leaving to join a party of “cultural reaction” and “loutishness,” and destroying the *Gemeinschaft* in the process, had to be indescribably upsetting. Yet the publisher of *Eros* put a brave face on what was happening by declaring that it was still possible for the remaining members to stand together and “unconditionally assist our leader, Adolf Brand, financially and morally.”<sup>3</sup> That the article specifically mentioned the financial support of Brand is a good indication of just how desperate the situation had become not only for the organization, but for its leader.

Brand continued to rail against those homosexuals who abandoned his organization out of fear or for political reasons. He rationalized their leaving by explaining that these were obviously not up to the standards that the group required. They were “scoundrels,” “venal,” void

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<sup>2</sup> *Eros* 6(3), 1; *Anträge auf Beseitigung des P. 175 des St.G.B von Oktober 1907 bis 31 Mai 1929*, file R3001/5774, BArchiv.

<sup>3</sup> *Eros* 6(3), 2.

of “cultural and spiritual interests” and attracted to the “most common kitsch.”<sup>4</sup> In other words, the organization was better off without them. This sour grapes attitude very much represents Brand’s mindset in the waning years of the Weimar Republic. He just could not believe that the elite vanguard that he had nurtured for over thirty years and which was to lead the renewal of Germany would be so fearful, so self-interested, or so easily duped, as to desert his group in difficult times.

But abandon it they did. Not that it mattered after Adolf Hitler was named chancellor of Germany and the Nazis came to power. Shortly afterward, in March 1933, the government banned all homosexual organizations and their publications. The Nazis invaded Brand’s publishing house five times, confiscating his photographs, books, and journals.<sup>5</sup> However, he escaped arrest despite being having been the leader of one of the three major homosexual rights groups. Unlike leaders in the other two organizations, he was neither Jewish nor a leftist. He was married, and it is possible that this saved him from further harassment by the Nazi government. Brand survived until April 1945 when an Allied bombing raid killed both him and his wife.

The Bund also faced challenges in the tense climate of the early 1930s. In fall 1932 the Berlin chief of police banned all “homosexual dances.”<sup>6</sup> Though the group continued to hold social events, changes can be seen in the organization’s publications that reflected the

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<sup>4</sup> *Eros* 6(3), 2.

<sup>5</sup> On May 3, 1933 the Nazi officials confiscated 2,000 male nude studies for Brand’s *Deutsche Rasse*. They came again on September 2, 1933 and took 3,000 copies of *Der Eigene*. Two days later they returned and seized 3,000 copies of *Eros*. Police raided the publishing house again on November 15 and 24 confiscating remaining copies of *Gemeinschaft* publications that they had missed previously. Brand to British Sexological Society 29 November 1933 and 23 February 1934, British Sexological Society Papers, Misc. 2 ALS, Harry Ransom Center, University of Texas – Austin; *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950: Geschichte, Alltag und Kultur* (Berlin: Frölich & Kaufmann, 1984), 42.

<sup>6</sup> *Eldorado*, 41.

deteriorating situation for German homosexuals. The periodicals contained fewer ads for gay bars and restaurants. There were also fewer personal ads published after spring 1931. In May 1931, the listings of local chapters disappeared from the pages of *Das Freundschaftsblatt*. It is also apparent that, after reaching a circulation of 150,000 in 1930, Bund periodicals began to lose readers. In the summer of 1932 the *Blätter für Menschenrecht* stopped monthly publication and only appeared every other month because of declining sales. Advertising as double issues, the new *Blätter* fooled no one; it was no larger or longer than the previous incarnation had been.

The biggest blow to the Bund had nothing to do with either the economic or political situation in Germany. On April 3, 1932, the organization's leader Friedrich Radszuweit died, twelve days short of his fifty-sixth birthday. Radszuweit had been the leader of the Bund since its establishment in 1923. His publishing house published all of the organization's periodicals, as well as numerous books on homosexual topics. He was also the public face of the organization, writing many of the lead articles in all of the Bund publications, contacting public officials, and traveling all over Germany giving speeches to local chapters.

Vows to continue their fallen leader's work proved to be empty gestures; the Bund withered quickly. Radszuweit's brother Martin took over publication duties and on June 3, 1932, Paul Weber, who had been secretary of the Bund, became its last chairman. Having taken over at a very difficult moment, he never really got a chance to prove his abilities, because seven months later, Hitler came to power. The February/March 1933 double issue was the last issue of the *Blätter für Menschenrecht*. Other Bund periodicals stopped appearing one after another,

hastened by a raid on the publishing house carried out by the S.A. in February. In compliance with government orders, the Bund officially ceased to exist as of February 23, 1933.<sup>7</sup>

Problems for the Komitee began just after the Reichstag committee voted to eliminate §175/296. At almost the same time that the homosexual rights movement achieved its greatest success, the Komitee forced its leader, Magnus Hirschfeld, to resign. Hirschfeld had always been a controversial figure both within the movement and within Germany. His willingness to do anything to publicize his work for homosexual rights and to bring the issue of §175 to the public motivated him to appear as an “expert” witness at trials involving homosexual defendants, such as the Moltke case in 1906, appear in films, and give lectures on sexual variations and abnormalities. All this brought the movement the desired publicity, but also made Hirschfeld a well-known, and at times risible, figure in Germany. It also damaged the movement by making it appear cheap and interested more in sensationalism than substance. By 1925 he had garnered so much negative attention that he was kept in the background by the rest of the governing council after he helped found the Cartel for the Reform of Sexual Offense Laws.<sup>8</sup> His public notoriety, combined with his being Jewish, made him an easy target for both opponents of the movement and for *völkisch* activists. He had become a liability.

In 1929 rumors began to circulate within the homosexual rights community, started by a contraceptive company whose product Hirschfeld had failed to endorse, that the Komitee leader had accepted 30,000 marks in kickbacks from a birth control manufacturer he had endorsed. The money was supposedly payment for touting a vaginal contraceptive called Patentex, which he, in

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<sup>7</sup> *Eldorado*, 41; Hermann Sievert, “Das Anomale Bestrafen: Homosexualität, Strafrecht und Schwulenbewegung im Kaiserreich und in der Weimarer Republik,” *Ergebnisse: Zeitschrift für Geschichtswissenschaft* (24 April 1984): 37.

<sup>8</sup> James Steakley, *The Homosexual Emancipation Movement in Germany* (New York: Arno Press, 1975), 105; *Eldorado*, 90.

his role as head of his Institut, had earlier denigrated as ineffective. The rest of the Komitee's board of directors obviously found something amiss because on November 24, 1929, they forced Hirschfeld to resign from the organization he had founded.<sup>9</sup>

The Komitee explained his resignation as a mutual parting of the ways with Hirschfeld leaving for a combination of health reasons and a desire to devote more time to his Institut. In the Komitee's *Mitteilungen* a number of articles appeared explaining what had happened. All of them praised Hirschfeld for his "devotion and tireless work" for "hunted and persecuted people." To prove that the Komitee was not simply and heartlessly turning him out, the vice-chairman of the organization, Karl Besser, explained that Hirschfeld had been looking to pass the leadership on to other hands for over three years. As Besser explained, heading the movement had taken its toll and to continue in such a demanding role was becoming too much of a burden for the sixty-one year old Hirschfeld.<sup>10</sup>

Hirschfeld, himself, wrote a farewell to the organization he had founded and led for over thirty years. In a brief article of less than three hundred words, he gave no specific reasons for his departure, mentioning neither health problems nor a desire to devote more time to his Institut. He merely reminisced about the people who had founded the organization with him, and wished his successor good luck. He ended by vowing to continue the fight for homosexual rights on the basis of modern scientific research despite no longer being associated with the Komitee.<sup>11</sup>

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<sup>9</sup> *Institut für Sexualwissenschaft*, file R8069 #2/7 906/0.25/1 R.18, BArchiv, 53-58; *Mitteilungen des Wissenschaftlich-Humanitären Komitees: 1926 – 1933* (Hamburg: C. Bell Verlag, 1985), ix-xi.

<sup>10</sup> Otto Juliusburger, "Dem scheidenden Vorsitzenden Magnus Hirschfeld," *Mitteilungen des Wissenschaftlich-Humanitären Komitees* 25 (November 1929): 196; Karl Besser, "Magnus Hirschfeld und das WHK," *Mitteilungen des Wissenschaftlich-Humanitären Komitees* 25 (November 1929): 199-200.

<sup>11</sup> Magnus Hirschfeld, "An die Mitglieder des WHK," *Mitteilungen des Wissenschaftlich-Humanitären Komitees* 25 (November 1929): 198-199.

Nowhere in Komitee publications was the real reason for Hirschfeld's resignation divulged. At this moment of tenuous success, it could have been devastating to announce that the movement's most prominent leader had been removed for taking bribes. However, in surviving private letters members of the organization's governing council stated the real reasons behind Hirschfeld's departure. In one such letter, Richard Linsert explained the Patentex situation that led to the chairman's resignation. He also stated that Hirschfeld had diverted funds from the Komitee for his own personal use. This second allegation, found nowhere else, would have been even more damning to the movement. It is not surprising that the Komitee's leaders felt it crucially important to force Hirschfeld from power as quietly as possible and then to move on.<sup>12</sup>

With the loss of its guiding spirit, the Komitee began to drift. Immediately upon his removal, another doctor, Otto Juliusberger, became chairman. He lasted in the position for slightly more than a year before the organization's secretary, Richard Linsert, replaced him in 1931. Linsert's term was not much longer than that of his predecessor. He died of pneumonia on February 2, 1933 at the age of thirty-three.

In addition to his duties with the Komitee, Linsert was a member of the central committee of the German Communist Party.<sup>13</sup> Under his prodding, the Komitee strengthened its ties with the party and became more overtly political, frequently printing anti-Nazi articles in its publications.<sup>14</sup> The immediate impact of Linsert's association with the KPD was positive because it insured the party's continued support for the homosexual rights cause, all the more

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<sup>12</sup> *Mitteilungen des Wissenschaftlich-Humanitären Komitees*, ix-xi.

<sup>13</sup> W.U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* (Berlin: Verlag rosa Winkel, 1980), 51.

<sup>14</sup> See for example: "Nationalsozialismus und Inversion," *Mitteilungen des Wissenschaftlich-Humanitären Komitees* 32 (January/March, 1932): 340-345, which was followed by pieces on the Röhm Affair countering articles coming from the Nazi press in every article of the journal from this point.

important because the Social Democrats had begun to back off of their support for the movement in the face of economic collapse. Though the KPD made some use of the Röhm Affair in 1931 and 1932, the SPD's greater willingness to use homosexuality as a means of belittling its opponents further shook the confidence of the Komitee in its former ally.<sup>15</sup>

Hitler's chancellorship spelled the end of the Komitee just as it did the other two organizations. The increasing power of the Nazis convinced Hirschfeld, who had embarked on a world speaking tour in 1932, to stay out of the country. He settled in Paris, but continued his travels, giving speeches and meeting with supporters of the movement.<sup>16</sup> The last issue of both the *Mitteilungen* and *Die Freundschaft* appeared in February 1933, just after Linsert's untimely death. At this point, Vice-chairman Kurt Hiller took over the chairmanship of the Komitee until it officially dissolved on June 8, 1933. By this time, it was an organization in name only, all of its work having ceased months before.

As the most public, and because of Hirschfeld, most Jewish face of the homosexual rights movement, the Komitee faced a more vicious assaults from the Nazis than the other two organizations. On March 7, 1933, Nazi Storm Troopers raided Hiller's apartment and on March 23, he was arrested and sent to the Sachsenhausen concentration camp where he remained for nine months. Upon his release he fled to Prague and then to London where he stayed until the end of the war. Hirschfeld's *Institut für Sexualwissenschaft* was one of the first targets of the Nazis, plundered by them almost immediately upon coming to power. Storm Troopers removed

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<sup>15</sup> *Mitteilungen des Wissenschaftlich-Humanitären Komitees: 1926 – 1933*, xiv; "Kundgebungen der Vorstand des WHK," *Mitteilungen des Wissenschaftlich-Humanitären Komitees* 33 (April/August, 1932): 372-380.

<sup>16</sup> In September 1933 Hirschfeld was staying at the Strand Hotel in London where he wrote the head of the British Sexological Society asking to meet with him. Hirschfeld to George Ives, 30 September 1933, British Sexological Society Papers, Misc. 2 ALS, Harry Ransom Center, University of Texas – Austin.

and destroyed more than 12,000 books, as well as most of the 35,000 pictures housed there.<sup>17</sup> The Institut's holdings provided much of the material for the first large burning of "degenerate" books, which took place at the Opernplatz in Berlin on May 10, 1933. On November 18, 1933, the Nazi-controlled Prussian state government appropriated all assets of the Magnus Hirschfeld Foundation, which funded the Institut and other Hirschfeld projects. Four months later, in March 1934, the government took over all Institut buildings including its founder's home.<sup>18</sup> Hirschfeld himself never returned to Germany. While attempting to set up a French version of his Institut, he died in Paris on his sixty-seventh birthday, May 14, 1935.

Eliminating the gay rights organizations was only the first step in the Nazis' assault on German homosexuals. For the self-appointed guardians of public morals and the nation's racial health, degenerate homosexuals were an obvious and an easy target, because there was little chance that their fellow countrymen would come to their aid or protest their treatment. When the Nazi government ordered the rights groups disbanded, it also closed all same-sex bars, restaurants, and clubs. On February 23, 1933, the Prussian interior minister ordered all establishments in that state closed that catered to "persons who indulge in unnatural sexual practices." A year later, on February 10, 1934, in a crackdown on "professional criminals" the government placed anyone with two convictions under §175 under permanent police surveillance.<sup>19</sup>

On June 28, 1935, the government enacted a new, harsher version of §175. In many ways the changes were not Nazi innovations but rather adaptations of measures from the Reichstag

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<sup>17</sup> Steakley, *The Homosexual Emancipation Movement*, 37.

<sup>18</sup> *Eldorado*, 37-38.

<sup>19</sup> On Günter Grau, ed. *Hidden Holocaust? Gay and Lesbian Persecution in Germany 1933 – 1945*, trans. Patrick Camiller (London: Cassell, 1995), 27-29.

committee's draft of 1929. Unlike the previous version of §175 which listed only "unnatural sex acts" as punishable offenses, this version included specific provisions for individuals that used force or position to engage in a same-sex act, engaged in such acts with a male under age 21, or worked as a male prostitute. These clauses had all been part of the 1929 draft's §297 (which the Komitee had argued against and the Bund had found unobjectionable). There was one very significant difference between the 1929 draft wording and the new 1935 statute, however. The German government removed the word "*widernatürlich*" [unnatural] from the law. The sexual act no longer had to be deemed unnatural to be illegal. Any action considered by a court to be a sexual act between men could now be judged as a violation of §175. And the new law broadened the definition of what constituted such an act. Previously the law had been used almost solely to prosecute cases of sodomy between men. Under the new interpretation, any kind of contact, including kissing, hugging, and holding hands was technically a violation of the law. The courts even interpreted long glances between men as violations under the revised statute.<sup>20</sup> This change in the law made it much easier to persecute individuals under §175 and opened the door to a flood of criminal proceedings against homosexuals now that it was no longer necessary to prove that actual sexual contact between men had occurred. In 1932, the year before Hitler came to power, German courts convicted 801 men for violations of the statute. By 1939, the number of convictions had jumped to 7,614, an increase of over 900%.<sup>21</sup> After their release from prison, many of the convicted men were not given their freedom. The government placed these individuals in "protective custody" to shield them from the "indignation

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<sup>20</sup> Steakley, *The Homosexual Emancipation Movement*, 116.

<sup>21</sup> Steakley, *The Homosexual Emancipation Movement*, 92.

of society” and sent them to concentration camps where they faced abuse from both guards and fellow prisoners because of their sexual orientation.<sup>22</sup>

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The Gemeinschaft, Komitee, and Bund never achieved their goals during the Weimar Republic. The democratic government did not eliminate, or even reduce, penalties for homosexual acts between consenting adult men. The closest to victory the three groups came was the vote of a Reichstag committee to remove §175 from the 1929 draft of a new legal code, a decision that never came before the full legislature. However, a vibrant homosexual subculture and the existence of three homosexual rights groups, no matter how different they were, provided gay Germans with options that no other homosexuals in the world had at the time. Gay, or at least gay-friendly, bars, restaurants, and clubs existed in most of the western world’s major cities, but in Germany gay men and women had public, and in the case of the Bund publicly-registered, organizations that provided not only entertainment, but safe meeting places, help in case of legal trouble, and a sense that one was not alone. Their publications, available from street vendors, gave information on matters, both political and cultural, of specific interest to homosexuals.

Moreover, these organizations offered a public voice willing to challenge societal, legal, and religious proscriptions, and succeeded in making homosexual rights a topic of political conversation in Germany. Unfortunately for the hopes of German homosexuals, the three groups were never successful in turning their rhetoric and efforts into concrete results. The Gemeinschaft, Komitee, and Bund policy of not allying with one party in a severely fragmented political system, such as was the case in the Weimar Republic, allowed the groups to adjust to

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<sup>22</sup> Grau, *Hidden Holocaust?*, 27-29.

changing political realities and not risk alienating their members whose political views ran the gamut from communist to conservative nationalist. However, not giving consistent political support to one party meant that these organizations never received consistent party support in return for their efforts to change the legal code.

The failure of the three groups to work together, except on very rare occasions and for very short periods, such as the institution of the Action Committee for the Elimination of §175 in 1920, combined with their inability to keep from publicly denigrating each other, served to weaken whatever political clout they might have had. The insistence by each group, especially the Gemeinschaft and Bund, that theirs was the one true path and all that did not follow it were working against the cause of gay rights made it impossible to present a united front to politicians, government officials, and the public.

It also severely limited the political space in which the groups could operate. Under the Weimar electoral system, in Reichstag elections Germans voted not for candidates, but for party lists. Party representation in the legislature was apportioned based on the percentage of popular vote each received. Fifteen percent of the popular vote translated into fifteen percent of the Reichstag seats. As a result, even small fringe parties gained a voice in the government. In the extremely politically fragmented Germany of the 1920s every party needed every vote it could get, making each one very important. This could have given the homosexual rights movement, even discounting their combined claims of millions of supporters, some small bit of electoral power if the three organizations had been able to coordinate their members' votes and been willing to participate actively in the democratic process. But the Gemeinschaft, Komitee, and Bund were never able to fully utilize their numbers for political action, both because their members were too dispersed across the political spectrum and too divided by their conceptions of

homosexuality. Thus, no party could be totally won over to the fight for homosexual equality, because no party could be sure it would win a significant number of homosexual votes in exchange for its championing the cause. Only the German Communist Party, feared and loathed by a great part of the German electorate, remained mostly steadfast in its support for the repeal of §175. That support, it should be said, owed more to Marxist ideology and the emulation of progressive laws in the USSR than it did to any calculation of homosexual electoral support. Nonetheless, even the KPD was willing to use homosexuality as a weapon against its opponents if it suited its purpose, as can be seen during the Haarmann and Röhm scandals.

Whatever support the movement received from political figures, it was unwilling to actively seek the support of the masses. The Komitee, Bund, and Gemeinschaft limited themselves to contacting government officials and party leaders, rather than ever reaching out to the public to gain its support. Gemeinschaft members, of course, saw the masses as beneath them, and said so. The Komitee and Bund discussed the necessity of reaching the people if they were going to be successful, but these attempts focused on publicizing the plight of German homosexuals and the inborn nature of their condition, never on gaining the political support of their intended audience. It is obvious from the refusal of all three organizations to actively court the masses for support that their leaders believed the public too tradition-bound, too religion-influenced, and too homophobic to ever be converted to the cause of gay rights. This failure to attract political support in a democratic system proved a very grave mistake.<sup>23</sup>

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<sup>23</sup> The actions and reactions of the homosexual rights movement was really no different from that of the Jewish rights organizations in the Weimar Republic. They, too, declined to make appeals to the masses and focused their efforts on public officials and the courts. A significant difference between the two, however, was that the Jewish organizations were working to defend the legal equality and protection from antisemites that Jews in Germany already had, whereas the gay rights groups were endeavoring to acquire these basic rights. The latter was at a decided disadvantage in this regard. See for example: Arnold Paucker, "Der jüdische Abwehrkampf," in *Entscheidungsjahr 1932: Zur Judenfrage in der Endphase der Weimarer Republik*, ed. Werner E. Mosse and Arnold Paucker (Tübingen: J.C.B.Mohr, 1966); Dirk Walter, *Antisemitische Kriminalität und Gewalt: Judenfeindschaft in der Weimarer Republik* (Bonn: J.H.W. Dietz, 1999).

Even if the three organizations had been willing and able to effectively use their meager political clout, during much of the Weimar Republic they operated from a defensive position rather than a proactive one. The Gemeinschaft, Komitee, and Bund represented a self-identifying minority of Germans. In order to gain members, the organizations had to convince this minority to overcome the social opprobrium they faced if their sexuality became known, as well as their own ambivalent feelings regarding their orientation. Brand, Hirschfeld, and especially Radszuweit spent much of their energy reaching out to German homosexuals in order to attract them to the movement and, once having signed on, to keep them dedicated to the cause. At the same time, they had to respond to the fallout from the Haarmann and Röhm scandals, shore up the weakening of political support that resulted, and deal with attacks, whether real or perceived, from rival organizations while attempting to further the cause of homosexual rights. Their focus as a result was more often on doing damage control because of the scandals or on dealing with challenges from within the movement, than it was on formulating a political agenda and taking a consistently proactive position to achieve it. Feeling themselves under constant assault from not only the society around them, but the leaders of the other gay rights groups, Brand, Hirschfeld, and Radszuweit were never able create a cohesive strategy for achieving their goals.

All three of the organizations had great difficulty overcoming the contemporary popular and medical conceptions of homosexuality, often showing themselves unable to formulate and present a coherent message. Of the three organizations, only the Komitee maintained an unwavering stance. Seeing homosexuality as a biologically-determined condition, it placed its faith solely in the efficacy of scientific research to explain homosexuality as an inborn, benign, naturally occurring variation of human sexuality. Disseminating that information rationally

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would convince the majority of Germans that laws restricting homosexual activity were outdated and in need of change. The problem with this approach was that it did not address the issues of effeminacy and weakness that people had come to attach to the term *homosexual*. In fact, by continually arguing the existence of a congenital basis to same-sex attraction, the Komitee unwittingly supported this perception by implying that all homosexuals operated from the same set of internal mechanisms. The advantage for the Komitee given its science-oriented position was that all of its members held the same basic beliefs about the nature of homosexuality and why the law needed to be changed. It also resulted, however, in a relatively small and homogenous group of mostly medical and legal professionals.

The Gemeinschaft, on the other hand, saw homosexuality completely as a social construct connoting effeminacy, weakness, and unmanliness, not as a biological condition. The Bund, while believing that homosexuality was congenital, saw society's reaction to it as based on the same social construct. Because of this neither group was willing to rely solely on scientific research to achieve their goal of eliminating §175. The Gemeinschaft adamantly opposed both the Komitee's explanation of homosexuality as a naturally occurring, benign condition and contemporary medicine's view of it as a debilitating, abnormal mental and physical state. In fact, Gemeinschaft members doubted that such a being as a homosexual even existed. As far as they believed, everybody was bisexual. If there was such an innate condition, they were willing to accept, as did the majority of Germans, that individuals so afflicted were weak and effeminate creatures capable of destroying the moral fiber of Germany. Members saw themselves, therefore, as part of an enlightened vanguard elite, not as homosexuals. The Gemeinschaft, therefore, based its efforts for repealing the law not on issues of fairness or equality, but on the detrimental effect §175 had on the ability of men to form the close, intimate friendships with

other men that its members believed necessary for the creation of a virile, vibrant society. This put the organization in the untenable position of supporting the elimination of a law that helped the very people it detested. As a result the group wavered between castigating and ridiculing homosexuals as the antithesis of everything manly, while decrying the unfairness of a legal code that caused undeserved misery to this same group. This explains in part Adolf Brand's ability to work with the Komitee to change the law one day and then publish scathing attacks on the same organization the next, as well as the Gemeinschaft's active support for eliminating the law followed by retreats into sullen silence. The group's love/hate relationship with the cause of homosexual rights, combined with the same relationship with the other two organizations, ultimately weakened its position within the movement and damaged its efforts to change the law.

The Bund did not have the problem of vacillating between ideologies. It embraced both the scientific and the virile, holding that homosexuality was inborn, while also believing in the importance to society of loving bonds between masculine men. While Komitee members believed that scientific information would persuade lawmakers to repeal the law, Bund leaders did not believe that this alone would work because it did not adequately challenge the accepted ideas of debility and degeneration. They were much more confident that the path to homosexual rights lay in persuading the German public that gay men were not the licentious, weak-willed, and effeminate creatures modern society believed them to be, but as upright, resolute, and masculine as "normal" men. The Bund leadership, therefore, worked to portray their organization's members as exactly the same as heterosexuals except for the direction of their sexual attraction. For this reason, they actively endeavored to keep those men judged too flamboyant or too effeminate, in other words too stereotypically homosexual, out of their group's ranks, and published stories that echoed those of the Gemeinschaft on the many strong and virile

men of the past who approved of intimate same-sex relationships. Taking this broad stance, and combining it with the numerous social events for which the Bund was known, allowed the organization to become the largest of the three homosexual rights groups in the Weimar Republic. Unfortunately, it also weakened its ability to take an active political role for it could not do anything that might challenge the carefully crafted image of respectability it worked so hard to project. At the same time, it could not afford to upset, and possibly drive off, members, many of whom joined solely for the dances, tours, and parties.<sup>24</sup>

A major problem for the homosexual rights movement in 1920s Germany, then, centered on the concept of homosexuality both as it was defined by the dominant society and within its own ranks. The disunity within the movement and the three organizations' rationales for wanting to change the law depended to a large degree on how each group defined that concept. The medical community beginning in the nineteenth century defined an innate same-sex attraction as aberrant. Though traditional religious attitudes continued to exercise great influence on the German public's beliefs about homosexuality, the medical view of it as abnormal had gained much acceptance by this time. Komitee members embraced the concept. As the medical professionals many of them were, they had been schooled in this belief and saw nothing wrong with it. To them, the idea that homosexuality was innate formed the basis for their opposition to laws restricting it. People should not be legally punished for feelings and desires with which they were born and over which they had no power. However, unlike much of the medical establishment and popular opinion of the day, Komitee members defined abnormal in this case as a state deviating from the norm, not inherently positive or negative. Gay members of the

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<sup>24</sup> In Steakley's, *The Homosexual Emancipation Movement*, published in 1975 and one of the first works dealing with the German homosexual rights movement, he states that the Bund ceased its involvement in the effort to repeal §175 and became strictly a social club, 77.

Komitee accepted their orientation precisely because it was inborn and saw themselves as different from their German brothers and sisters, but not as less than them. Bund and Gemeinschaft members also saw the scientific explanation of homosexuality as connoting abnormality. They, however, saw abnormal not as simply deviating, but as negatively different from the norm. They were fighting to live their lives the way nature intended them without the danger of legal punishment, but they were not the scientifically-categorized homosexuals of modern scientific theory. Hence the only sporadic use of the term in the publications of these groups. They had very much accepted society's perceptions of homosexuals as somehow less than normal and refused to define themselves as such. While the Komitee attempted to redefine the term in a positive way, members of the Gemeinschaft and, to a lesser degree, the Bund, chose to separate themselves from the concept. Apart from efforts to gain recognition or to stake out territory as the leading organization within the movement, all of which worked to make it difficult to create one cohesive homosexual rights effort, it was this difference in understanding that served to fundamentally weaken the unity of the homosexual rights movement.

This conception of homosexuality played out as well in the arguments used by the three homosexual rights groups in their attempt to persuade Germans that repealing §175 was the right course of action. Much of that effort centered on educating people that there was nothing physically, mentally, spiritually, or morally wrong with homosexuals. This involved convincing heterosexuals that homosexual men were equally as masculine as their straight counterparts. The emphasis on respectability and the presentation of great figures in art, literature, and government were intended to prove that the contemporary view of homosexuals was not true. Sexual orientation did not make a homosexual any less of a man. In the eyes of the Gemeinschaft in

fact, it made him more of one. Because society's perception of homosexuals was incorrect, there was no need for laws restricting their actions.

Unfortunately, the other tactic used by the three organizations to convince Germans that the law needed to be changed directly challenged the idea that homosexual men were just as masculine and strong as heterosexual males. The unrelenting appeals to the public's sympathy by presenting the terrible circumstances under which German homosexuals lived were meant to move away from the scientific rationale for repealing §175 and to gain support not only for rewriting the laws, but for full social acceptance as well. The danger of blackmail; the possible loss of one's family, friends, and job if exposed; and the danger of physical attack were very real threats for not only gay men, but gay women as well, and it is understandable why the homosexual rights movement publicized these circumstances. The problem with this approach, especially when combined with the tales of suicide so often published, in a society that saw "real" men as stoic, restrained, and strong-willed was that it presented homosexuals as having none of these traits. They were not strong enough to deal with the circumstances of their lives, so they killed themselves. They were unable to control their sexual appetites, so they slept with partners they did not know well, hence the danger of blackmail. These were the basic arguments used by opponents of homosexual rights, including the members of the Reichstag committee drafting a new penal code, to explain their opposition to repealing §175. Whether these were fair assessments of homosexuals or not, the impression given by the constant emphasis on the dire plight of gay men was one of weak and pathetic individuals unable to control their own lives, rather than strong masculine ones.

The failure of the tactics used by the gay rights organizations, whether contacting public officials, offering publications and lectures to the general public, or petitioning the Reichstag,

was a direct result of a failure of leadership within the groups themselves. Whether out of naiveté or sheer stupidity, the leaders of the three organizations often worked against their own efforts. On the part of Hirschfeld this can be seen in his relentless attempts to convince German imperial and Prussian state bureaucrats to ignore existing laws. His efforts to convince government officials to break the law indicate a total lack of understanding of the German civil bureaucracy, which was recognized as highly efficient and incorruptible. His insistence that the age of sexual consent for boys be lowered to at least sixteen, even after the Reichstag penal code committee's vote and despite overwhelming evidence that the majority of the public opposed this represented a complete misreading of public opinion at a time when the public would have been most useful to the cause of gay rights. The biggest offender in this regard, however, was Adolf Brand. Throughout the Weimar Republic, the Gemeinschaft leader demonstrated a total lack of political sophistication and a complete inability to see the consequences of his actions. Almost every public step he took harmed the gay rights movement in some way. His letters to government officials castigating the Bund and Komitee are just one example of this problem for they served to present internal differences to the very people who could have helped the movement. His inclusion of pictures of naked boys and young men with these missives simply hurt his cause even more.

The biggest failure of the homosexual rights movement in Weimar Germany, however, was not that it was too divided or insufficiently politically astute. It was that the movement's tactics never succeeded in changing the opinions or reaching the hearts and minds of average middle class and working class Germans regarding homosexuality. To them, homosexuals continued to be feared as mentally ill individuals or lustful sinners who represented a danger to their children, their morals, and their very nation. Despite their publications and lectures, the three groups

rarely reached out to anyone but government officials and educated elites. Ten thousand authors, judges, university professors, doctors, lawyers, bureaucrats, and teachers ultimately signed the Komitee's petition to eliminate §175; individuals who made up part of the intellectual and cultural elite of the country. There were no butchers or farmers, no clerks or bank tellers.<sup>25</sup> Hirschfeld held lectures and programs for legal and government officials explaining the nature of homosexuality. His speeches to the general public often centered more on birth control, than homosexuality. Institut lectures that concentrated solely on the latter topic were often poorly attended or offered more titillation than information.<sup>26</sup> The Bund and Gemeinschaft offered almost no lectures at all open to the general public.

It is understandable that the leaders of the movement contacted government officials, legal authorities, and doctors. The repeal of §175 required the support of politicians, lawyers, and judges who enforced the existing laws, as well as medical experts who researched sexuality. In a society that respected educational and cultural leaders, as was the case in Germany at this time, it also makes sense that these were the people the groups contacted to gain support for their goals. However, the failure to reach out to the rest of German society was a fatal mistake. Weimar Germany was a democracy, decisions, at least until 1930, had to be made by elected representatives dependent on the support of the general public. Without that support, the efforts of the homosexual rights movement would ultimately go nowhere. Having the support of only the elites of society might have worked under the old, prewar, imperial system of government, but it was not enough in the democracy of the 1920s. As long as the majority of society viewed homosexuality as, at best, aberrantly abnormal or, at worst, outright dangerous, the goals of the

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<sup>25</sup> *Das 30 Jährige Jubiläum des W.H.K.*, file R8071/1, Bundesarchiv (BArchiv), Berlin, 4-14.

<sup>26</sup> "Aus anderen Zeitung," *Blätter für Menschenrecht* 8/9 (23 April 1928): 7.

gay rights movement could not be attained. This was what Representative Strathmann of the Reichstag penal code committee had said in the 1929 debate over retaining §296 of the draft legal code. As long as social opprobrium continued, it did not really matter if the law was changed or not.

Just how fatal this mistake was is seen in the post-Weimar period of the 1930s. There was no opposition to the arrests of German homosexuals or to the closing of gay businesses immediately after the Nazis came to power. There was no need for the Nazis to work to anathematize homosexuality because, in the minds of most Germans, it already was. This is not to hold Brand, Radszuweit, or Hirschfeld accountable for what happened to homosexuals under the Nazi regime. They could not know what was coming. Radszuweit and Hirschfeld believed that once the legal sanctions were removed from homosexual behavior, the public would eventually come around to accepting it; their overriding objective was to do whatever was necessary to change the law or to at least weaken its enforcement in the interim. Contacting politicians, judges, and lawyers made the most sense to achieve this.

That being said, the Gemeinschaft, Komitee, and Bund's policy of only reaching out to educated and cultural elites and ignoring the rest of German society, not only failed to result in the repeal of the existing law, it left the door open for groups like the Nazis to use the existing abhorrence of homosexuals to their benefit. They could use gay men as political scapegoats, arresting and attacking them, while declaring that they were defending traditional German values and morals, and engender no complaints from the general public. Thirty-five years of lectures, meetings, and letters aimed almost solely at intellectual, political, and cultural elites did nothing to alter the perceptions of the majority of Germans. When it came to homosexual rights, these were the people that mattered, and the movement never successfully reached them.

The cost of this failure can be seen in the very last item in the Reich Justice Ministry's file on the effort to eliminate §175, which it maintained from October 1907 to May 1934. It is a handwritten postcard from Albert Kakuschke to the Reich justice minister. A year before the government made the law harsher, Kakuschke asked that the following addition be made to §175, "A 175er who seduces someone who is normally sexually inclined to commit an unnatural sexual act, should be castrated."<sup>27</sup> While castration was a topic of debate in medical circles concerned with curing homosexuality, this message was not about treating the condition. It was about punitive violence towards a minority that had been unable, not only to gain full legal rights for sexual expression, but to convince its fellow citizens that its members were valuable human beings unworthy of cruel treatment.

Despite the failures and mistakes, the attempt to achieve homosexual rights in Germany was not a foolhardy one. Gay Germans saw penalties against homosexuals in other countries being either eliminated or weakened all around them. France and the southern European states had removed penalties in the nineteenth century, while Norway, Czechoslovakia, and the Soviet Union had changed or were considering changing their laws after World War I. The members of the homosexual rights movement were certain that a nation as enlightened, moral, and advanced as Germany would surely do the same. It just needed to be educated and prodded. While not succeeding in its ultimate goal of equality, the movement was successful in providing safe and open spaces for homosexuals to meet, talk, and socialize not just in major urban areas, but in many small and medium cities. It was also responsible for opening discussion of the issue of homosexuality beyond narrow medical fields. The decision by the Reichstag penal committee to repeal §175 was a direct result of the actions of the Komitee, Bund, and Gemeinschaft, and

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<sup>27</sup> Albert Kakuschke to Reichsjustizminister, *Reichsjustizministerium – Petition - Anträge auf Beseitigung des P. 175 des St.G.B 296/R.S.G.B. Entwurf 1 June 1929 – 21 Mai 1934*, file R3004/5775, BArchiv, 44.

represented the first legislative success for the movement since the German empire was founded. It was, granted, a very small victory, but it was a significant one. While the committee decision did not stand much of a chance of passing the full legislature at the time, given the very slow nature of penal reform in Germany, it was possible that later elections could bring enough Social Democrat, Communist, and German Democratic party representatives into the Reichstag to thwart conservative obstructionism so that the revised legal code could pass somewhere down the road. The economic collapse after 1930 made this impossible. Ultimately, despite their repeated efforts to shoot themselves in the foot, the leaders of the homosexual rights movement did succeed on a number of levels and were defeated not by their own actions, but by economic powers beyond their control.

## **APPENDICES**

**Appendix A**

**PARAGRAPH 175**

§175 Unnatural Sexual Acts

Unnatural sexual acts committed between men or between a person and an animal shall be punished by imprisonment; a loss of civil rights may also be imposed.

## Appendix B

### Articles of Association of the *Gemeinschaft der Eigenen*

#### The *Gemeinschaft der Eigenen*:

- 1) appeals only to those people who know that the deepest experience the earth affords is not in seeking animal lust, but in the unnamable pleasure and ecstasy of the old gods, who transfigured every urge through beauty and for whom the joy between men was the sanctity of life itself . . . ,
- 2) teaches that self-determination over body and soul is the most important foundation of all freedom, and that sexuality and love are the deeply intertwined roots and golden crown of our existence. . . . The G.D.E. advocates the right of personal freedom . . . ,
- 3) strives to again set friend-love beside woman-love as having completely equal rights in the intercourse of the sexes . . . ,
- 4) is of the opinion that it is self-evident that sexuality is as necessary as eating and drinking – but believes that a man of intellect and culture will always endeavor, as much as possible, to perform the most important function of life at a beautifully spread table and in pleasant company . . . ,
- 5) takes the view that all people are bisexual because we have inherited parts from both our fathers and mothers. . . . ,
- 6) [because of the danger of young innocent girls being seduced by unscrupulous and immoral young men ] the G.D.E. obviously stands up for full equality for unmarried mothers and illegitimate children in relation to married mothers and legitimate children . . . ,
- 7) shows a young man the correct path and the proper means to help him avoid the evil [of prostitution] without difficulty . . . ,
- 8) Masturbation. The G.D.E., as regards this, provides the correct path and the proper means to achieve a healthy moderation in this without difficulty . . . ,
- 9) sees in the friendship of youths the safe and only possible path, as well as the tested and reliable means to overcome the frightful institution of prostitution and finally end the sexual misery of our time. . . . [It will] protect girls and women from infection and avert the poisoning and polluting of their blood . . . It teaches him about the fact that the natural and moderate satisfaction of boys among themselves is no sin, but rather a clever device of nature. . . . The G.D.E. advises the young man to have sexual intercourse with no woman before marriage, but rather until then to seek his highest pleasure of human contact, his moral strength, his bodily release, his spiritual calm, and his inner peace in the intimate intercourse with a friend. . . . ,
- 10) suggests to all young men to marry only when a really great, noble love for a girl of their choice binds them, and when they find the value and beauty of life that their friend gave them for so long before marriage in a new and different form with a woman. . . . . The G.D.E. believes that the position of women and the institution of marriage will only come out better through the competition with friendship . . . Adultery and the infection of the family from course, sensual lust may be thrown out and become something totally unknown in the future, as soon as a husband can turn to a friend. . . . ,
- 11) holds it as obvious that only beautiful and noble people, in love, should copulate, and that no young man should marry before he has seen his beloved naked, just as he also

- sees the comrades of his youth and the companions of his games naked. . . . The G.D.E. demands this in the interest of race improvement and, in the interest of sexual health in general, the promotion of a noble culture of nudism as well. . . . ,
- 12) condemns all population politics as senseless and dangerous to the public, because they are bent on using every means to bring as many children as possible into the world, in order to make, once again, huge amounts of cheap cannon fodder for militarism and capitalism. The G.D.E. shows young people that the production of children is not at all the purpose of love – and not even the purpose of sexual intercourse. . . . ,
  - 13) advocates above everything else the moral and social rebirth of the love of friends, the recognition of its natural right to exist in public and private life, just as it existed, promoting art and freedom, in the time of its highest regard in ancient Greece. . . . ,
  - 14) wants that man once again takes pleasure in man, in the interest of freedom, the Fatherland, and culture. It therefore promotes a close joining of man to youth and of youth to man, so that through respect and mutual trust, and not least through the offering of the one to the other, through the care of the older for the younger, through assistance in his education and progress, as well as through the promotion of his whole personality, each individual learns loyalty, voluntary subordination, civil virtue, a noble ambition free from all social climbing, a noble courage constantly ready to act, and a willingness and joy in working for the national cause! . . . which will show Germany the path to the heights and inner greatness. . . . ,
  - 15) fights for the conviction that, after the madness of war, the right of self-determination for all races, peoples, and religions must be an inviolable principle for us . . . ,
  - 16) claims for the artist and writer the unconditional right to celebrate the love for a friend just as highly as the love for women . . . ,
  - 17) shows that the mendacity of the state and the hypocrisy of the petit bourgeoisie are our worst enemies, since they mark as vice the most harmless and the highest pleasure of life, the joy of man in man . . . ,
  - 18) pushes for the repeal of all laws that are hostile to life and natural law, and which constantly prevent us from being human. It demands of the current government and legislature in particular the repeal of §175, since it benefits only male prostitution and blackmail and since it is a constant crime of the state against the right of personal freedom. [The G.D.E. is against censorship laws] since the guardianship that it presents is a lasting offence to all adult persons, who are able to protect themselves from smut in word and picture all by themselves . . . [It is against the anti-abortion law] since it is a woman's affair and hers alone to do with her body and its fruit whatever she will. . . . The G.D.E. explicitly emphasizes, however, that it demands the repeal of all these laws solely in the interest of personal freedom. . . . As long as no third party is harmed . . . the state has no right to intervene with monetary fines or imprisonment. . . . ,
  - 19) fundamentally opposes all noisy agitation and therefore sees as its most distinguished task to pave the way for its ideals through quiet action from person to person . . . ,
  - 20) admits men of all political stripes into its ranks . . . ,<sup>28</sup>

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<sup>28</sup> Adolf Brand, "Was wir wollen," in *Satzung der GdE* (Berlin: Die Gemeinschaft der Eigenen, 1925), 5-22.

The remaining fifteen articles concern organizational matters, membership requirements, dues, social events, and the yearly convention. Article Thirty-four discusses the creation of a nude beach, but only if members promise to behave themselves at the risk of being expelled from the group. Article Thirty-five explains that the Gemeinschaft is looking for a clubhouse at which to hold retreats and the convention. This is not to be some ugly new building, but rather an old cloister or castle. To make this possible, all members were asked to contribute 1,000 RM.<sup>29</sup>

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<sup>29</sup> Brand, "*Was wir wollen*," 22-32.

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**Films**

*Cabaret*. Directed by Bob Fosse. Screenplay by Jay Allen. Produced by Cy Feuer. 124 minutes. Warner Home Video, 1992. Videocassette.

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### **EDUCATION**

UNIVERSITY OF ILLINOIS AT CHICAGO, Chicago, Illinois

Ph.D. in History, 2006

Major Field: Europe, 1648 - present

Minor Fields: Modern Germany, Imperial Russia, Twentieth-Century United States

Dissertation: Our Hour Has Come: The Homosexual Rights Movement in the Weimar Republic

MARQUETTE UNIVERSITY, Milwaukee, Wisconsin

Master of Arts in History, 1995

Major Fields: Nineteenth- and Twentieth-Century Europe

Minor Field: Twentieth-Century United States

Thesis: A Candid Word: Vatican Knowledge of and Reaction to the Holocaust

MARQUETTE UNIVERSITY, Milwaukee, Wisconsin

Bachelor of Arts in Psychology, December, 1979

### **HONORS**

Marion S. Miller Dissertation Fellowship - 1998

Deena Allen Memorial Fellowship – 1998

John B. and Theta Wolf Award – 1999, 2001

### **AFFILIATIONS**

German Studies Society

Phi Alpha Theta History Honors Society

Committee on Lesbian and Gay History

### **LANGUAGES**

GERMAN AND FRENCH, reading proficiency

### **TEACHING EXPERIENCE**

**INSTRUCTOR, Columbia College, 1999 – present**

HIST 49-1601: U.S. History to 1877

HIST 49-1602: U.S. History from 1877

HIST 49-7680: History of Chicago

**INSTRUCTOR, Roosevelt University, 2001 – present**

HIST 106: The United States to 1865

HIST 107: The United States Since 1865

HIST 111: The World to 1500  
HIST 304: Camelot to Watergate, 1960 – 1973  
HIST 404: Camelot to Watergate, 1960 – 1973 (graduate level)  
HIST 340: The 1960s: History in Global Perspective  
HIST 440: The 1960s: History in Global Perspective (graduate level)

BGS 390: Seminar in Social Sciences  
BGS 390: Seminar in Social Sciences (online version)

**VISITING LECTURER, University of Illinois at Chicago, 2001**

HIST 104: American Civilization Since the Late Nineteenth Century

**INSTRUCTOR, Illinois Institute of Technology, 2002 – present**

HIST 380: Topics in History – Modern Nationalism  
HIST 380: Topics in History – Colonization and Decolonization  
HIST 311: 20<sup>th</sup> Century Europe, 1890 – 1945  
HUM 102: Industrial Culture

**INSTRUCTOR, North Park University, 2003**

HIST 2020: Traditions of the West II

**NON-TEACHING WORK EXPERIENCE**

**THESIS COORDINATOR**, University of Illinois at Chicago, January 2003 - present  
**OFFICE MANAGER**, Hessler Assurance Designs, September, 1992 – July, 1995  
**BAKERY PRODUCTION MANAGER**, Luther Manor, June, 1988 – August, 1992  
**STORE MANAGER**, Open Pantry Convenience Stores, July, 1985 – June, 1988  
**DEPARTMENT MANAGER**, Kohl's Department Stores, July, 1975 – December, 1984

**PAPERS and PUBLICATIONS**

**“ANTI-MODERN MODERNISM: THE GEMEINSCHAFT DER EIGENEN AND THE HOMOSEXUAL RIGHTS MOVEMENT IN THE WEIMAR REPUBLIC,”**  
March, 2001

10<sup>TH</sup> Annual Plesur Conference: Different Paths? Germany and Britain in the Twentieth Century, held at the State University of New York at Buffalo.

A discussion of the Gemeinschaft der Eigenen as both a liberal group demanding gay rights and a reactionary group demanding a return to a traditional German society.

**"A PURE FORM: HOW THE GRIMMS CHANGED THEIR FAIRY TALES,"** April, 2001

Midwest Graduate Seminar in German Studies, held at the Goethe-Institut Chicago, Illinois.

While presenting their collected tales as the essence of pure “Germanness,” they deliberately changed them to suit both popular taste and their own bourgeois values.

**“HOMOPHOBIA AND ANTISEMITISM”**

Richard Levy, ed. *Antisemitism : A Historical Encyclopedia of Prejudice and Persecution*.  
Santa Barbara: ABC-CLIO, 2005.

**“MAGNUS HIRSCHFELD”**

Richard Levy, ed. *Antisemitism : A Historical Encyclopedia of Prejudice and Persecution*.  
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