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AMONG ABNORMALS: THE QUEER SEXUAL POLITICS OF GERMANY'S

WEIMAR REPUBLIC, 1918-1933

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## ABSTRACT OF THE DISSERTATION

Among Abnormals: The Queer Sexual Politics

of Germany's Weimar Republic, 1918-1933

By

LAURIE MARHOEFER

Dissertation Director: Belinda Davis

This is a study of the politics of non-normative sexualities under the Weimar Republic, Germany's first parliamentary democracy, which was founded in the aftermath of World War I and toppled by the Nazis. In chapters analyzing political struggles over media with sexual content, lesbian subcultures, eugenic sterilization, women's sex work, venereal disease, men's sex work, and male homosexuality, I argue that progressive reforms of laws on non-normative sexualities during the Weimar period went hand in hand with increasing state interference in the lives of a small group of sexual outsiders. Reforms such as the 1927 deregulation of women's sex work and the 1929 vote in a Reichstag committee to repeal Paragraph 175, Germany's law against male homosexual sex, are not simply evidence of an increasingly tolerant attitude toward non-normative sexualities, they are also evidence of a shift in how Germans, particularly progressives, expected the state to manage sexualities. I analyze the role played in new forms of state management of sexualities by ideas of the biological origins of sexualities (from eugenics to sexology),

by related concepts of ability and disability, by discourses of race, class, and gender, and by activists for homosexual emancipation.

## ACKNOWLEDGMENTS

I write these acknowledgments in the final days of more than five years of work that has amounted to this dissertation, and these few words are the sweetest that I have written in the course of the whole project. It is a sincere and deep pleasure to thank the people who helped. Foremost, I thank my adviser, Belinda Davis, whose generous support for this dissertation saw it through many adventures and heartbreaks. I thank my dissertation committee, Dagmar Herzog, Temma Kaplan, Seth Koven, and Joan Scott. Thanks to the staffs of the archives. Special thanks to the staff and volunteers of Spinnboden Lesbenarchiv. I thank the Rutgers history faculty and staff, and the members of the 2007-2008 seminar at the Rutgers Institute for Research on Women. Particular thanks to Matt Matsuda. Enormous thanks to the people of New Jersey and Rutgers University.

I was fortunate to be at Rutgers with a cohort of graduate students who were determined to write and teach history for social and economic justice, and to interrogate race, class, gender, and sexuality in their work. I extend my thanks to them in a moment of threatening economic collapse and looming environmental crisis, weeks before an election that seems likely to determine the fate of the U.S. Their belief in the power of history to effect justice, even in small ways, augments my own hope, even now. Sandra Mendiola, Chad Pearson, Jessica Anderson Hughes, Terry Younghwa, Allison Miller, Vanessa Holden, Jennifer Miller, Christopher Mitchell, Rachel Schnepfer, Amy Tims, Marie Villefranche, Rebecca Tuuri, Carla MacDougall, Melissa Stein, Cynthia Kreisel,

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My love and thanks to my parents, Barbara and Joe Marhoefer, for their dedication to my education throughout my life and for their unflagging support for this project over many years. Thanks and love to my siblings John Marhoefer, Mary Beth Gaiaarin, and Melinda Maher, and their partners and children.

My grandmother Teresa McGeary died at 95 as I was finishing the archival research for this dissertation. Though I wish she were here to see me finish a project that she encouraged me to pursue, I am glad to have this space to remember Grandma and her sister Rita, who died earlier that same year. Though Grandma was proud that I was in graduate school, I always tried my best to obscure the topic of this dissertation in our conversations, although she had been a young woman in the U.S. in the 1920s and probably knew more about the politics of sexual "immorality" than she let on. Aside from history, Grandma taught me about bravery, family, and faith.

Stephanie Clare lived with this dissertation for years. This kind of cohabitation entailed sitting through impassioned, repetitive tirades about sterilization, vacationing in

Berlin in January, making dinner without help, and putting up with a writing process that brought with it mind-cracking stress and a few weeks when I barely left our dining room table—all this even as she was writing her own dissertation. In Germany, the romantic tragedy of having traveled thousands of miles from the object of my own “immoral” affection in order to read through piles of moldering files about “immorality” was not lost on me. Though it is probably not much consolation to her, at least now that I have written a history of abnormals, I can give an expert’s confirmation that our abnormal love is indeed world historical.

## DEDICATION

To Mom and Dad



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## Introduction

When in July 1919, a German-Jewish doctor opened an institute in Berlin for the scientific study of sexuality, the German right accused him and Germany's new democratic Republic of imperiling the entire nation. The doctor was Magnus Hirschfeld, renowned in Germany—infamous to many people—as an expert on sexuality and a spokesman for the repeal of Germany's law against male homosexual sex. He founded his Institute for Sexual Science (*Institut für Sexualwissenschaft*) amid political chaos. Just months before the Institute opened, Germany's monarchy fell as a wave of revolution and resistance to World War I swept the country. An interim government surrendered, and for the first time all adult men and women voted in a national election to form a constitutional assembly. The same month that the Institute opened, the National Assembly adopted a constitution for the first German parliamentary democracy. The summer of 1919 was a turbulent time to open a scientific institute. With political factions fighting in the streets, Berlin was so violent that the National Assembly sat in the city of Weimar. But Hirschfeld thought that there had never been a better time to take the unprecedented step of institutionalizing sexology, the new scientific discipline that he had helped to pioneer. July 1919 was the moment he had waited for for more than twenty years.<sup>1</sup>

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<sup>1</sup> On Hirschfeld's long-term goal of founding such an institute, see Rainer Herrn, "Von Traum Zum Trauma. Das Institute Für Sexualwissenschaft," in *Magnus Hirschfeld: Ein Leben im Spannungsfeld Von Wissenschaft, Politik und Gesellschaft*, ed. Elke-Vera Kotowski and Julius H. Schoeps (Berlin: bebraverlag, 2004). 174-176.

This Institute, perhaps the first institutional home for the scientific study of sexuality, had come into being, Hirschfeld believed, because of the Weimar Republic. He called the Institute a “child of the Revolution.”<sup>2</sup> And in a practical sense, it was. The new regime, led in 1919 by the German Social Democrats (*Sozialdemokratische Partei Deutschlands*, hereafter SPD), had confiscated the Institute building, a mansion near Berlin’s grand central park, from an ally of the monarchy and sold it to Hirschfeld. The new Institute consisted of staff experts in sexuality, well-appointed consultation rooms, sponsored lecture series, libraries of books, photographs, and case histories, and living quarters for Hirschfeld himself. Hirschfeld hoped that the Weimar Republic’s founding would begin a new era in German sexual politics, one in which the government would back the more humane, scientific approach to questions of sexuality espoused by the Institute. He expected the Republic to immediately repeal Paragraph 175, Germany’s law against male homosexual sex.<sup>3</sup> The law’s repeal would affect Hirschfeld personally. Though he never admitted as much publicly, he was privately a lover of other men, and had been threatened with Paragraph 175, though no accusations against him ever reached the public eye or a court.<sup>4</sup> The advocacy group for the repeal of Paragraph 175 that Hirschfeld had co-founded in 1897, the Scientific Humanitarian Committee (*Wissenschaftlich-humanitären Komitees*, hereafter WhK), rushed to hail the revolution and the new regime: “From our point of view, the great upheavals of the last weeks can only be greeted with joy. The new era brings us freedom to speak and to write, and with

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<sup>2</sup> Hirschfeld, quoted in Herrn, 176. Hirschfeld had a two-fold meaning in this quotation. In one sense he meant a revolution of much longer dureé—the advances of nineteenth century science, or possibly the emancipation of Germany’s Jews, according to Herrn.

<sup>3</sup> Manfred Herzer, *Magnus Hirschfeld: Leben und Werk Eines Jüdischen, Schwulen und Sozialistischen Sexologen* (Frankfurt/Main: Campus Verlag, 1992). 29.

<sup>4</sup> Herrn, 176-177. Ibid. Charlotte Wolff, *Magnus Hirschfeld: A Portrait of a Pioneer in Sexology* (London: Quartet Books, 1986). On men who accused Hirschfeld of homosexual acts, probably in order to blackmail him, see GStAPK HA I. Rep. 76 VIII B Nr. 2076 7-8. On Hirschfeld’s own sexuality, see Chapter 1.

the liberation of all that was formerly suppressed, we can be allowed with certainty to assume that this new era will also bring a just reckoning with regard to what we have worked for many years to achieve.”<sup>5</sup>

This dissertation, a study of sexual politics under the Weimar Republic, begins with a perception shared by Germans across the political spectrum: war, revolution, and the Republic’s founding had put the politics of sexuality on crucial new terms. A newspaper reported sexual revolution under way. “Ten years ago, none of us thought possible some of what we live with today,” the *Kölnische Zeitung* held in 1924.<sup>6</sup> “...We have, doubtlessly over the course of the past years, experienced a sexual revolution, and even if it hasn’t done us much good, it’s a reality...” War and revolution alone had not brought this “sexual revolution.” To some Germans, including Hirschfeld, this “sexual revolution” promised a better life and a more just society. To others, it constituted a dire national problem. In May 1919, at the first meeting that the West German Morality Club could manage to hold given the civil violence following Germany’s surrender, a club member declared: “The war has caused enormous damage in the area of morality.” He was not talking about the moral perils of wartime mass killing; rather, he meant “the moral filth in the cinemas, theaters, and in trashy literature.”<sup>7</sup> The club’s leader recalled more than a decade later that the “military collapse was followed by the economic collapse, and the two together allowed the moral collapse.”<sup>8</sup>

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<sup>5</sup> *Vierteljahrsberichte des Wissenschaftlich-humanitären Komitees* (1919) quoted in Hans-Georg Stümke, *Homosexuelle in Deutschland: Eine politische Geschichte* (München: Beck, 1989)

<sup>6</sup> “Eros vor Gericht.” *Kölnische Zeitung* April 23 1924.

<sup>7</sup> Gellmann, quoted in Adolf Sellmann, *50 Jahre Kampf für Volkssittlichkeit und Volkskraft. Die Geschichte des Westdeutschen Sittlichkeitsvereins von seinen Anfängen bis heute (1885-1935)* (G. Meiners m.b.H., Schwelm i. Westf., 1935) 81. In this speech, he also complained about crime and youth running amok. This is just one of many examples of this discourse.

<sup>8</sup> Sellmann, 79.

Observers of “sexual revolution” circa 1918 often acknowledged, as did the author in the *Kölnische Zeitung* quoted above, that sexual and gender norms had been in flux for many years. The rapid growth of cities following German Unification in 1871 seemed to coincide with a boom in female prostitutes. Scandals involving homosexuality and the Kaiser’s inner circle had rocked the nation around the turn of the century. The women’s movement argued for an end to double standards of morality. Well before World War I, the West German Morality Club had complained of moral decline, as had many Germans. Yet, as I will show throughout this study, many commentators with a variety of viewpoints on sex claimed that the advent of the Republic had brought the dawn of a new era. Self-identified lesbians claimed that their social clubs enjoyed a new toleration and openness. Religious leaders warned that more and more young women were “seduced” into working as prostitutes. Advocates of censorship claimed that a “wave” of pornography was breaking across the nation. Germans of varying views on sexuality all demanded that the state do something about these changes. Some blamed the state for them. Others envisioned using the state to steer further changes.

Regardless of whether they welcomed or assailed “sexual revolution,” Germans assumed that it was intimately bound up with the Weimar Republic itself. The reception of Hirschfeld’s Institute is one example of how matters of sexuality seemed deeply political and at the same time in crisis, and how Germans looked to the new Republic to resolve them. The Institute had not been open a month before the right-wing, antisemitic *Staatsbürger Zeitung* denounced it as a threat to Germany. The Institute’s veneer of science was just a cover; it was really a meeting place where wealthy men could purchase

the company of younger men.<sup>9</sup> The newspaper held that particularly in 1919, such “circles” of homosexuals must not be tolerated. To do so was to threaten the nation, “the moral renewal of the German *Volk*” so necessary in the wake of a lost war. As Germans mourned two million dead and four million injured soldiers, the nation needed “healthy progeny, in order to recover from the wounds of the lost war. We must not abandon our youth, who are our hope, to homosexual seduction.”<sup>10</sup> Above all, teenaged boys, the source of Germany’s future military power, must be protected from the “homosexual seduction” that would ruin their masculine strength.

The first battle over the Institute for Sexual Science is one incident in a multi-episodic, national struggle over how the new Republic ought to encourage or discourage various forms of sexual conduct. These battles were freighted with importance because Germans believed that the Republic really could change the experiences of sexuality for its citizens. For some, the Republic opened up space for sexuality to change and become more “modern.” For others, Germany’s defeat in war created a desperate need for “moral renewal.” But moral renewal was being sabotaged by the Republic, by left and moderate political factions, and by democracy itself. From the Weimar Republic’s 1919 founding to the 1933 Nazi seizure of power, Germans made competing claims on the state for radically divergent forms of management of sexuality. Progressives like Hirschfeld greeted the dawn of a new age in which modern rationality would replace old, tired sexual norms. They looked to the Republic to reform laws restricting male homosexual

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<sup>9</sup> *Staatsbürger-Zeitung* 1919 August 10. Wilhelm Bruhn, a member of the racist wing of the German National People’s Party (*Deutschnationale Volkspartei*), edited the *Staatsbürger Zeitung*. On Bruhn, see Lewis Hertzman, *DNVP: Right-Wing Opposition in the Weimar Republic, 1918-1924* (Lincoln, Nebraska: University of Nebraska Press, 1963).

<sup>10</sup> Casualty figures from Richard Bessel, *Germany After the First World War* (U.S.A.: Oxford University Press, 1995) 6.

sex, media with sexual content, abortion, birth control, and women's prostitution. People on the right, such as the editors of the *Staatsbürger Zeitung*, claimed that "immoral" sexuality threatened the nation in the war's aftermath more than it ever had before, and that Germany was failing in this test, collapsing into a moral swamp for which the Republic itself, with its lax regulation of sexual matters, was to blame.

Often, questions of sexual politics boiled down to two competing ways of conceptualizing the cause of non-normative sexualities. This was particularly true in the case of homosexuality, and it played out in the *Staatsbürger Zeitung's* attack on the Institute for Sexual Science. Although the article in the *Staatsbürger Zeitung* did not charge the new government outright with "toleration" of the Institute, bureaucrats were sensitive enough to the implication that a faction within the Prussian government demanded a police investigation of the newspaper's claims. The Berlin police defended Hirschfeld. They did so by taking one side in a debate over sexuality and politics that characterized the Weimar era, particularly when questions of homosexuality were at stake. This debate turned on the question of the origins of unorthodox sexualities: were they contagious, spread by seduction, or were they innate and therefore incapable of spreading? Hirschfeld had spent his career proving that homosexuality and other non-normative sexualities (such as transvestitism) resulted from innate, biological causes present at birth. The Berlin police took up this claim. They described the Institute's work as advocacy of the "not uncommon opinion that homosexuality is not a vice, but rather an inborn predisposition" and research into "sexual life." Such research "can only be welcomed," the police held.<sup>11</sup>

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<sup>11</sup> GStAPK HA I. Rep. 76 VIII B Nr. 2076 2-3.



The apparent irreconcilable tension between models of non-normative sexuality as contagious and models of it as biological runs throughout the history recounted in this dissertation. Although biology and seduction were posed as oppositional by their advocates, tensions between the two types of models proved complex, and finally oddly reconcilable in a 1929 vote taken in a committee of the Reichstag to repeal Paragraph 175. The two discourses are represented in the vocabulary of their advocates. Adherents to seduction models decried “immorality” (*Unsittlichkeit*) and “vice” (*Laster*). Advocates of scientific approaches spoke of “abnormal” (*abnormal*) sexuality. Which discourse a person deployed often predicted (or determined) her or his proposals for how the state ought to manage sexualities.

Sexual politics did not pit one faction against another in a simple dichotomy of progressives and conservatives. Prominent factions involved in battles over sexual politics included feminists, sex reformers, activists for homosexual emancipation, police men and women, sex workers, artists, communists, government bureaucrats, pornographers, liberal politicians, transvestite social club organizers, newspaper editors, social workers, nationalist and antisemitic politicians (including the Nazis), self-identified homosexual men and women, Catholic and Protestant morality activists, Catholic politicians, and the German Social Democrats. All had distinct, often conflicting points of view. Moreover, the state on which these factions made claims was internally divided, and its political leadership changed with a rapid regularity that undermined German democracy itself. This cacophonous clash of interests produced, over time, a curious compromise that held out the promise of an ambivalent liberation to some sexual outsiders, including Hirschfeld. This dissertation ultimately seeks to

historicize this liberation. It was ambivalent in the sense that it brought less state intervention in the lives of some sexual outsiders and more in the lives of others.

This dissertation charts the apparent success or near-success of reforms backed by Hirschfeld and others on the moderate left, including feminists and social democrats. Reformers mobilized arguments about the biological origin of non-normative sexual desires and behaviors that were researched and elaborated by Hirschfeld's Institute for Sexual Science. This wave of reform cumulated in the 1927 Law to Fight Venereal Disease (*Reichsgesetz zur Bekämpfung der Geschlechtskrankheiten*) and a 1929 vote taken in a committee of the Reichstag to repeal Paragraph 175, the law against men committing “unnatural, obscene acts” with other men. Historians have read both of these reforms as signs of the era's increasingly tolerant attitudes toward sexual outsiders.<sup>12</sup> In one sense they are surely correct. The 1927 law largely deregulated female prostitution, freeing many female sex workers and their clients from police interference. Although the disruption of the parliamentary process stopped the 1929 vote against Paragraph 175 from becoming law, the vote portended an end to the policing of many forms of male homosexual sex. In addition, it would likely have made it more difficult for blackmailers to practice extortion against men who had sex with men. Many blackmail cases resulted in the suicide of the men being blackmailed. Altogether, these two reforms promised to improve the lives of many sexual outsiders, and in some cases to save their lives.

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<sup>12</sup> James Steakley, “The Emergency of a Gay and Lesbian Political Cultural in Germany,” in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, Mark Blasius and Shane Phelan, eds. (New York: Routledge, 1997) 133-134. Wayne R. Dynes, “Magnus Hirschfeld,” in Michael J. Tuirkus. ed. *Gay and Lesbian Biography* (Detroit: St. James Press, 1997) 228. Julia Roos, “Backlash against Prostitutes' Rights: Origins and Dynamics of Nazi Prostitution Policies,” in *Sexuality and German Fascism*, ed. Dagmar Herzog (New York Berghahn Books, 2005).

However, when these reforms are read in the larger context of Weimar-era sexual politics, they no longer seem unambiguously liberating or tolerant. This context included a movement for legalized eugenic sterilization that bore directly on the politics of non-normative sexuality. In this broader context, these reforms do not seem to be a growing disinterest on the part of the state in sexualities, but rather a shift in the character of that interest. This new form of management depended on medical knowledges of the biological origins of sexual behaviors. I argue that a trend toward a new, medicalized form of state management of sexualities is evident not just in German history, but in socialist and progressive politics in Europe in this period more generally. This new mode of state management did not entail blanket toleration of sexualities. Rather, activists, particularly socialists, liberals, feminists, sex reformers, and homosexual emancipation activists, drove the state to intervene more dramatically in the lives of a quite small group of Germans, while extending toleration to the majority of sexual “abnormals,” so long as they remained within certain bounds. This activism expanded the field of legal sex acts. But its limited toleration for many depended directly on increasing intervention in the lives of a few. It was a freedom for some sexual outsiders predicated on the performance of respectability and good citizenship, and it likewise suggested that other sexual outsiders were bad citizens who would abuse sexual freedom to the detriment of the nation.

This is not to argue that history ought to condemn Weimar-era advocates for sexual liberation. Hirschfeld serves as an example. Stigmatized as a Jew as well as for his sexual politics, Hirschfeld fought for his vision of sexual liberation, with which very few Germans wholeheartedly agreed, even as Nazis and other opponents disrupted his

lectures and, on at least one occasion in the 1920s, attacked him and beat him unconscious. He is justly remembered today as a brave advocate for sexual freedom. I seek to examine Hirschfeld's activism in its historical context, to keep him in history rather than to pull him out of it. In his exceptional synthetic history of the Weimar era, Eric Weitz writes of the sex reform movement (of which Hirschfeld was a leader), "later generations can applaud the efforts and engagement of the sex reformers, whatever their limitations, and wonder whether, in sexual matters, we have really traveled all that far from the 1920s."<sup>13</sup> I agree that we can applaud the efforts of all those who fought for sexual freedom in the Weimar era. But I insist that we consider the particular character of the sexual liberation that they sought and the claims on the state that they made. The 1920s were not, in fact, our times, however much we might empathize with them. During the Republic, a growing state toleration of some manifestations of homosexuality, sex work, and other non-normative practices *was predicated on* spreading state control over other sexualities, on eugenics, and on the duties of citizens to have certain kinds of sex in the service of the nation. Definitions of homosexuality and modes of homosexual activism that are still current in Europe and North America have roots in this era, roots that this dissertation seeks to historicize.

This dissertation narrates Weimar-era sexual politics by examining the sexual politics of four proposals concerning how the German state managed non-normative sexualities. Some of these four proposals became law, and some did not. They are a 1926 media censorship law, a 1927 law on venereal disease and women's sex work, proposals for a sterilization law, and the 1929 vote to repeal Paragraph 175. Two of the

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<sup>13</sup> Eric Weitz, *Weimar Germany: Promise and Tragedy* (Princeton, NJ: Princeton University Press, 2007). 330.

reform movements did win new laws (the 1926 Law to Protect Youth from Trashy and Filthy Writings (*Gesetz zur Bewahrung der Jugend von Schund- und Schmutzschriften*) and the 1927 Law to Fight Venereal Disease (*Reichsgesetz zur Bekämpfung der Geschlechtskrankheiten*)). Two did not, but likely would have resulted in the passage of the laws had the parliamentary process not fallen into shambles after 1929 and had the Nazis not taken power. These were the effort to strike Paragraph 175 and the effort to pass a sterilization law. Four chapters of the dissertation examine these four reform movements and trace an overall trajectory of sexual politics. A final chapter examines the role that sexual politics played in the Republic's demise, the Nazi seizure of power, and the legacy of Hirschfeld's work following his 1934 death in exile.

These four sites of contestation about law and non-normative sexuality demonstrates that over the course of the Weimar era, a coalition concerned with media's spreading of non-normative sexualities was marginalized or forced into compromise by a coalition that backed medicalized, progressive approaches to non-normative sexualities. In the Republic's early years, advocates for media censorship fought to crackdown on what they complained was media that spread sexual deviancy. They worked from the belief that non-normative desires and practices were contagious through media and through personal contact. The *Staatsbürger Zeitung*'s attack on Hirschfeld's new Institute mobilized such a notion, arguing that if moral laws did not constrain homosexuality, it would spread. These censorship advocates won the passage of a censorship law in 1926. But successive progressive legal reforms—the movement for a sterilization law, the 1927 law on women's sex work and venereal disease, the 1929 vote

to decriminalize some forms of male homosexuality—demonstrate the political success of biological models that attributed sexualities to innate physical attributes.

The results of these politics focused state interest on some supposedly deviant bodies. From the point of view of some of the people affected by the legal reforms, biological models of what made non-normative sexualities dangerous to the state brought liberation. The 1927 reform of the laws on women's sex work did make that work perfectly legal, freeing many female sex workers from police harassment. But from the point of view of other people affected by these reforms, the new laws did not bring liberation. The 1927 law also gave welfare and social workers the authority to force "suspicious" people to undergo venereal disease treatment, sometimes confining them to hospitals for months at a time. The repeal of Paragraph 175 would have decriminalized sex between men while cracking down on men's sex work. Advocates of repealing Paragraph 175, including Hirschfeld, argued for it by classifying male sex workers as biological criminals. Overall, this mode of management was tolerant of some sexual "abnormals" and at times violently interventionist in the lives of others, especially poor and working class people.

### *The Weimar Republic*

Sexual politics in the Weimar era had much to do with the political history of the Republic. The regime that the Weimar Republic replaced, the German Reich, dated from the 1871 unification of German states into a greater nation and fell in the winter of 1918. The Reich, or Kaiserreich, was an autocratic system which invested power in the

monarch (the Kaiser), his appointed ministers, the military, and the bureaucracy. The system included a relatively weak parliament, the Reichstag. The national government was established in 1871 over a confederation of states and territories conquered in the wars of unification. Prussia, with its capital Berlin, was the largest and most powerful of the German states.

In 1914, Kaiser Wilhelm II led Germany into World War I with considerable public support. Over the course of the war and especially after 1916, the military assumed much of the state's day-to-day governing function. By 1918, Germans had endured years of starvation and mass casualties. Revolution broke out in the form of urban riots and mutinies in the armed forces. The Kaiser abdicated and the military sought to transfer power to oppositional (but not revolutionary) Reichstag parties, foremost the Social Democrats, the Reichstag's largest party, and at the same time to force them to sign an armistice. The circumstances that ended the First World War proved disastrous for German democracy, as the right, at times led by the very generals who demanded an armistice, held the Republic forever responsible for the defeat and the harsh postwar settlement. Within Germany, political factions battled for control, as right-wing paramilitaries fought communist revolutionaries and the Social Democrats and their allies consolidated control over the state, in part by using the right to violently put down the left, ensuring lasting enmity between the SPD and the German Communist Party.<sup>14</sup>

A transitional regime headed by the SPD and its allies, the Catholic Center Party (*Zentrum*), and the liberal Progressive People's Party organized elections for a National Assembly in January 1919. The resulting 1919 Constitution of the German Reich

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<sup>14</sup> Eberhard Kolb, *The Weimar Republic*, trans. P.S. Falla and R.J. Park, Second ed. (New York: Routledge, 2005). 3-34.

established parliamentary democracy, with the Reichstag empowered to make law. A president directly elected by the people provided a strong executive. The president appointed a chancellor, who was charged with forming a government based on a Reichstag majority. The constitution extended social welfare provisions as basic rights of citizens, though it did not directly challenge capitalism. It extended the franchise to women for the first time in German history. It contained an extensive list of rights of citizens. These included rights to social welfare, free expression, and religious freedom. Some of these new rules for politics—particularly those affecting censorship and public health—changed sexual politics, as this dissertation shows. Yet, many elements of the Kaiserreich remained intact, such as the bureaucratic structures of the state. The 1871 penal code—including Paragraph 175--remained in force, though a project to revise the penal code had been underway before the war and would proceed under the Republic. A fateful provision in the constitution allowed the president to bypass the Reichstag by authorizing the chancellor to rule by decree in a state of emergency. The state of emergency provision proved a crucial tool for those who dismantled parliamentary democracy in the 1930s.<sup>15</sup>

The legacy of 1918 left a political spectrum that was breathtakingly broad and crowded. The politics of sexuality were one site of struggle amongst political factions that proved extremely ill suited to coalition parliamentary politics. One extreme of the spectrum was the radical right, initially tiny parties of an antisemitic, *völkish* and eventually fascist ideology including the embryonic Nazi Party, founded in 1919. The more traditional right included monarchists, militarists, antisemites, and believers in elite,

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<sup>15</sup> Kolb, 18-20.



conservative nationalism and dictatorship, represented by the German National People's Party (*Deutschnationale Volkspartei*, DNVP). The liberal Progressive People's Party split into two liberal parties, the German Democratic Party (*Deutsche Demokratische Partei*, DDP) and the more conservative German People's Party (*Deutsche Volkspartei*, DVP). The Catholic Center Party (*Zentrum*) and its regional branch, the Bavarian People's Party (*Bayerische Volkspartei*) relied on Catholic voters (who comprised roughly a third of the electorate). The Zentrum had something of a split character, joining the SPD to back welfare provisions, but resistant to the secularism that marked social democratic and liberal politics, and staunchly devoted to a sexual politics that brought it into cooperation with the DNVP. To the Zentrum's left was the SPD. On the far left was the German Communist Party (*Kommunistische Partei Deutschlands*, KPD).<sup>16</sup>

Each of the major parties commanded a substantial electoral base, but none boasted anything like a decisive majority. The fate at the polls of the SPD, whose leader Friedrich Ebert served as the Republic's first (of two) presidents, reflected the deep divisions in German politics. In elections to the National Assembly in 1919, the SPD won 37.9% of the vote, the largest slice of the national vote that any party ever received over the Republic's fourteen years.<sup>17</sup> The three parties that had led in the Republic's founding, the SPD, the liberals, and the Zentrum, together drew 76.2% of the vote in 1919, but afterward never combined for more than 50% of the vote.<sup>18</sup> Governing coalitions were hard to form, and fell too frequently: fifteen came and went before Hitler's chancellorship. The divisions in parliamentary politics and the instability of

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<sup>16</sup> Kolb, 12-13.

<sup>17</sup> Kolb, 17. The Nazi Party vote peaked at 37.3 % in the Reichstag elections of 31 July 1932. Kolb, 224.

<sup>18</sup> Richard Evans, *The Coming of the Third Reich* (New York: Penguin, 2003).

coalitions amounted in the minds of many voters to a crisis of legitimacy for the Republic itself, and are part of the story of why democracy failed. In the 1930s, even the centrist parties swung to the right, and some of their leaders declared despair with parliamentary democracy.<sup>19</sup>

Many histories of the Weimar Republic are chiefly concerned with its ill fate; this is not true of this dissertation. Between about 1924 and 1929, Germany enjoyed what Eberhard Kolb calls a “phase of relative stabilization.” But worldwide Depression hit hard, putting about a third of workers out of work by the 1930s and leading to a radicalization of politics. The Nazi Party vote rose exponentially as the Depression got worse. It was this electoral swell that the nationalist president Paul von Hindenburg and his advisers sought to harness by appointing Hitler Chancellor in January, 1933. But democracy failed first with the creation under Chancellor Heinrich Brüning in 1930 of dictatorship via the emergency decree provision and within the constraints of the Weimar Constitution, and then with the appointment of Hitler and destruction of the Constitution, which took decisive form in the March, 1933 Enabling Law. For almost forty years, historians have examined why democracy failed.<sup>20</sup> Many rate the Republic’s chances of survival as bleak from the outset.<sup>21</sup> Indeed, millions of Germans opposed the parliamentary system itself; roughly 30 percent of voters consistently backed parties that

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<sup>19</sup> Evans, 88-96.

<sup>20</sup> Key works on why democracy collapsed and how the Nazis were able to take power include Karl Dietrich Bracher, *Die Auflösung der Weimarer Republik. Eine Studie zum Problem des Machtverfalls in der Demokratie* (Villingen, Schwarzwald: Ring-Verlag, 1971); Hans Mommsen, *The Rise and Fall of Weimar Democracy* (Chapel Hill: University of North Carolina Press, 1998). For a synthetic review of work on democracy’s collapse, see Peter Fritzsche, “Did Weimar Fail?” *The Journal of Modern History* 68 (September 1996) 629-656. For exhaustive reviews and bibliographies of histories of the Weimar Republic, see Kolb and Dieter Gessner, *Die Weimarer Republik* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2002).

<sup>21</sup> Fritzsche, “Did Weimar Fail?” For another dismal view of the Republic’s chances, see Evans, *The Coming of the Third Reich* (New York: Penguin, 2003).

officially opposed democracy (the Nationalists and the Communists). However, the state established in 1919 did last fourteen years, two years longer than its successor, the Nazi state. Even the Communists and the Nationalists took part in the democratic system, although at times they did take steps to undermine the Republic as they did so.<sup>22</sup> The system collapsed only with the onset of an economic crisis of unprecedented proportions coupled with a concerted effort to institute dictatorship undertaken by right politicians who controlled the presidency, politicians who eventually handed power to the Nazis.<sup>23</sup> Despite the Republic's collapse, it oversaw a distinct period in German history, and its history must not be written with only its end in mind.<sup>24</sup>

My study chiefly concerns not the fall of the Republic, but the politics that Germans hammered out in the admittedly unstable Weimar system. Issues of sexuality also drove wedges between political parties, contributing to the difficulties in forming governing coalitions. In my final chapter, I address the role of sexual politics in the disintegration of the Republic. But the bulk of my study concerns the sexual politics that developed before democracy failed.

With dynamic Reichstag coalitions and diametrically opposed political parties, one might expect sexual politics under the Republic to be in constant flux. But this was not the case. There were forces of stability in Weimar-era politics. Although for much of the Republic's existence the SPD chose to remain in opposition rather than to join governments, the Zentrum joined all but one of the ruling coalitions before Brüning's dictatorial chancellorship. Under the leadership of Gustav Stresemann, the German

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<sup>22</sup> For instance, on Communist support for the coup against the SPD-led coalition government of Prussia, support predicated on the long-term goal of left revolution, see Kolb, 127-128.

<sup>23</sup> For an argument on how the right, not the left, deserves primary blame for the fall of democracy, see Weitz, *The Weimar Republic: Promise and Tragedy*.

<sup>24</sup> Peukert makes this point in *The Weimar Republic*, xii.

People's Party suppressed its nationalist and anti-democratic factions and anchored coalitions during the Republic's relatively stable middle years. In addition, the heads of federal ministries remained in power through successive governments, bringing consistency especially to foreign affairs, labor policy, and, most crucial for question of sexuality, welfare policy.<sup>25</sup> Finally, the government of Prussia, Germany's largest state, remained consistently dominated by the SPD in coalition with the Zentrum, up until the right-wing faction around President Hindenburg carried out a 1932 coup against the state government headed by Otto Braun. Fifty-seven percent of Germany's population, and more than half of its territory, belonged to Prussia, and the stability of the Prussian regime did much to stabilize the entire Weimar system.<sup>26</sup> As the 1919 scandal over Hirschfeld's Institute demonstrates, the Prussian administration harbored factions that backed various programs of sexual politics, and the Zentrum-controlled Welfare Ministry proved a dissident component. But Prussia provided the SPD with a base from which to wage its politics, and added some stability to the entire system.<sup>27</sup> Because of its size and the fact that it contained Germany's supposedly debauched capital city, Prussia exercised considerable influence over sexual politics. The Prussian Interior Ministry ran the Berlin police. Overall, the result of diverse, hard fought and at times brutal democracy, together with some consistency, was that sexual politics were deeply contentious, and the state's management of sexualities shifted over time as one faction gained traction over another. However, each successive governing coalition did not bring in radically new policies on sexualities.

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<sup>25</sup> Evans, *The Coming of the Third Reich*, 86-87.

<sup>26</sup> Kolb, 70-71.

<sup>27</sup> Dietrich Orlow, *Weimar Prussia 1918-1925: The Unlikely Rock of Democracy* (Pittsburgh: University of Pittsburgh Press, 1986), — — —, *Weimar Prussia 1925-1933: The Illusion of Strength* (Pittsburgh: University of Pittsburgh Press, 1991). Evans, *The Coming of the Third Reich*, 89.

*Male Homosexuality and Activism in the Weimar Republic: Magnus Hirschfeld  
and the Homosexual Emancipation Movement*

This study examines the larger context of the Weimar-era homosexual emancipation movement. Magnus Hirschfeld was the most prominent public spokesperson in the Weimar era for social and legal toleration of homosexuality as well as other non-normative sexualities. His career in many respects paralleled the German homosexual emancipation movement before 1918, so it is worth reviewing both here.

Born in 1868 to a locally prominent doctor and a literary mother, Hirschfeld grew up in a Jewish family in Kolberg, a seaside spa city on the Baltic. Medicine seems to have been his father's plan for his sons. Both Hirschfeld and two older brothers became doctors. But Hirschfeld also wanted to be a writer, and wavered during the years of his university and medical studies between a practical career as a doctor and a bohemian life as an artist. He lived for a time in 1890s Munich, then a center of the avant garde, mixing with artists and writers. Practicalities drove him to complete his medical degree.<sup>28</sup> In 1896, he moved to Berlin, which in the 1890s was known for its homosexual scene.<sup>29</sup> That same year, at the age of 28 Hirschfeld launched his career as an expert on homosexuality by publishing a pamphlet, *Sappho and Socrates, How Can the Love of Men and Women for Persons of the Same Sex Be Explained?* (*Sappho und Socrates, Wie erklärt sich die Liebe der Männer und Frauen zu Personen des eigenen Geschlechts?*)

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<sup>28</sup> Wolff, 21-32.

<sup>29</sup> For example, August Bebel mentions Berlin in conjunction with widespread male and female homosexuality in his 1879 *Die Frau und der Sozialismus*, quoted in Herzer, *Magnus Hirschfeld: Leben und Werk eines Jüdischen, Schwulen und Sozialistischen Sexologen* 34-35.

1896 was a year in which homosexuality was much in the public eye. The immediate context and partial inspiration for Hirschfeld's *Sappho und Socrates* was the 1895 trial and conviction of Oscar Wilde for "gross indecency" in Britain, which had inspired much discussion in Germany. Hirschfeld wrote in the pamphlet that the enormous injustice of the Wilde trial, as well as the suicide of a homosexual patient, had drawn his attention to the issue of homosexuality.<sup>30</sup> 1896 saw the beginning of another important publication on male homosexuality—perhaps the first German periodical addressed to issues of same-sex sex and love by men who identified themselves as such.<sup>31</sup> That year, the 21-year-old Adolf Brand founded a magazine, *Der Eigene* (*The Self-owning Subject* or *The Special*).<sup>32</sup> Brand preferred the term "homo erotic" to "homosexual." *Der Eigene* propounded visions of highly spiritual, hyper-masculine and at times nationalistic love between men. Brand and his circle, which included Benedict Friedländer, were influenced by anarchism and Romanticism. Brand initially allied himself with Hirschfeld, but rejected biological models of male homosexuality, but they fell out around 1903. Their notions of sexuality were worlds apart and in direct tension. Brand and his circle sought an all-male community of manly, German "homo erotics." *Der Eigene* authors often contrasted their ideal type with what they described as the effeminate, Jewish "homosexuals" in Hirschfeld's work.<sup>33</sup>

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<sup>30</sup> Herzer, 53. Wolff, 33.

<sup>31</sup> Keilson-Lauritz, p. 61; 63-64. Brand served in the German army for two years during the First World War. Around 1920, he married Elise Behrendt, a nurse who knew about and accepted his passion for men. They lived together in Berlin until both were killed in the bombing of February 1945. *Der Eigene* as the first homosexual periodical: Dobler, *Von Andern Ufern*, 35.

<sup>32</sup> Marita Keilson-Lauritz, *Die Geschichte Der Eigenen Geschichte: Literatur und Literaturkritik in Den Anfängen Der Schwulenbewegung* (Berlin: Rosa Winkel, 1997). 61; 63-64. *Der Eigene* had a double meaning of "the special" and "the self-owner" and is difficult to translate. Brand was influenced by the philosopher Max Stiner's theory of the self.

<sup>33</sup> Ramsey, "The Rites of *Artgenossen*," p. 105.

With *Sappho und Socrates*, Hirschfeld began the work that was to make him famous: he combined his status as a medical doctor and scientist with journalistic writing to advocate for progressive sex reform. Though the pamphlet came out under a pseudonym, in it Hirschfeld figured himself as he did in all of his subsequent work: as a medical doctor disinterested in homosexuality as a personal matter. As he did in his subsequent work, he based his argument for decriminalization on the fact that homosexuality was biological but not a pathology. He wrote that homosexuality was both abnormal and natural, like a birth defect. “The abnormality of the sex drive in comparison with its normal condition has nothing to do with illness in the common sense of the word, but rather is to be considered another constraint on evolution (*Hemmungen der Evolution*) similar to hare lip, clef palate, anaspadia, split uterus (*geteilten Gebärmutter*), umbilical hernea, etc.”<sup>34</sup> Since “what is natural cannot be immoral,” he wrote, male homosexuality ought to be decriminalized. “Indeed,” he wrote, “the state acts against its own interest” in doing so, in “damaging and threatening...worthy citizens.”<sup>35</sup>

Hirschfeld’s pamphlet joined a well-established body of medical literature on same-sex love and other supposedly abnormal sexualities. From about 1870, German and French psychiatrists increasingly researched sexual anomalies and the connection between sexual perversion and mental illness. The 1890s saw a wave of publications on same-sex love in German and French, with the Austrian psychiatrist Richard von Krafft-Ebing’s classification scheme for sexual anomalies described in successive editions of his *Psychopathia sexualis* gaining in influence. In the last decades of the nineteenth century,

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<sup>34</sup> Quoted in Herzer, *Magnus Hirschfeld: Leben und Werk Eines Jüdischen, Schwulen und Sozialistischen Sexologen*

<sup>35</sup> Quoted in Herzer, 55, 54.

the emerging social sciences, including psychiatry and criminology, increasingly sought biomedical explanations. French psychiatrist Benedict Auguste Morel's theory of hereditary degeneration, which dated from the late 1850s, continued to shape research, as did Charles Darwin's theory of evolution. The growing medical literature on same-sex sex and love generally named it a form of sexual pathology and attributed it to mental illness or hereditary degeneracy. This was Krafft-Ebing's rough position until near the end of his life.<sup>36</sup> The establishment of psychiatric expertise, especially in court cases, contributed to this trend. Psychiatrists argued that the mentally ill could not be held legally responsible for their actions, and needed the attentions of psychiatrists.<sup>37</sup> The growth of research on sexuality did not make sexual anomalies part of the core curriculum in German medical schools. Hirschfeld learned little about sexuality in general during his medical studies, save for one professor who lectured on "pederasty" as a likely inherited degeneration, a "malady" that courts ought to treat as obviating in the afflicted "sufficient control of their mental facilities to be held liable for their actions."<sup>38</sup>

*Sappho und Socrates* also joined an alternative, marginalized body of literature by men who loved other men (or spoke on their behalf) and demanded legal and social toleration. The best-remembered among these authors is the lawyer and journalist Karl Heinrich Ulrichs. He published *Forschung über das Räthsel der mannmännlichen Liebe*

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<sup>36</sup> Harry Oosterhuis, *Stepchildren of Nature: Krafft-Ebing, Psychiatry, and the Making of Sexual Identity* (Chicago: University of Chicago Press, 2000). Hubert Kennedy, *Ulrichs: The Life and Works of Karl Heinrich Ulrichs, Pioneer of the Modern Gay Movement* (Boston: Alyson Publications, Inc., 1988).

<sup>37</sup> Michel Foucault, *The History of Sexuality: Volume I: An Introduction*, trans. Robert Hurley (New York: Random House, 1978), Oosterhuis, *Stepchildren of Nature: Krafft-Ebing, Psychiatry, and the Making of Sexual Identity*, Franz X. Eder, "Sexuelle Kulturen in Deutschland und Österreich, 18.-20. Jahrhundert," in *Neue Geschichten Der Sexualität*, ed. Franz X. Eder and Sabine Frühstück (Wien: Turia und Kant, 2000). On the growth of sexology in Britain, see Lucy Bland and Laura Doan, ed., *Sexology Uncensored: The Documents of Sexual Science* (Chicago: University of Chicago Press, 1998). Herzer, pp. 55-56.

<sup>38</sup> James D. Steakley, "'Per Scientiam Ad Justitiam: Magnus Hirschfeld and the Sexual Politics of Innate Homosexuality,'" in *Science and Homosexualities*, ed. Vernon A. Rosario (New York: Routledge, 1997).



(*Research into the Riddle of Love Between Men*) in a series of pamphlets, the first in 1863.<sup>39</sup> Ulrichs coined the term *Urning*, feminine spirits born in men's bodies. He identified himself as such, and advocated for decriminalization of "unnatural" sex acts between men, since, he argued, such sex was in fact natural. Ulrichs's efforts met with frustration when upon German unification in 1871, Prussia's law against male homosexual sex, among the harshest in the German states, was adopted for the entire Reich. Ulrichs left Germany for the friendlier legal climate of Italy, and died there in 1895. He helped to fashion Ulrichs's historical reputation, republishing many of Ulrich's articles. Hirschfeld's theorization of homosexuality drew heavily on Ulrich's theory of *Urnings*. Hirschfeld also republished Karl Maria Kertbeny, the German-Hungarian writer and correspondent of Ulrichs's who also advocated against the criminalization of male homosexuality and coined "homosexuality" (*Homosexualität*) and, years later, "heterosexuality" (*Heterosexualität*).<sup>40</sup>

As the scientific study of sexuality developed in the late nineteenth century, expert doctors like Krafft-Ebing and activists like Ulrichs wrote and published in tension. Ulrichs rejected the pathologization of male-male love propounded by Krafft-Ebing and other medical men.<sup>41</sup> The two exchanged private letters. Both received letters from their readers, including many letters from men who loved other men and shared Ulrichs's activist impulses. Some of these men belonged to social circles or clandestine

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<sup>39</sup> This most famous of Ulrich's works was republished in 1975 and published in English translation in 1994. Carl Heinrich Ulrichs, *Forschung Über Das Räthsel Der Mannmännlichen Liebe* (New York: Arno Press, 1975), Karl Heinrich Ulrichs, *The Riddle Of "Man-Manly" Love: The Pioneering Work on Male Homosexuality*, trans. Michael A. Lombardi-Nash, 2 vols. (Buffalo, NY: Prometheus Books, 1994).

<sup>40</sup> Kennedy, *Ulrichs: The Life and Works of Karl Heinrich Ulrichs, Pioneer of the Modern Gay Movement*. Oosterhuis, *Stepchildren of Nature: Krafft-Ebing, Psychiatry, and the Making of Sexual Identity*. Wolfram Setz, ed., *Die Geschichte Der Homosexualität und Die Schwule Identität an Der Jahrtausendwende: Eine Vortragsreihe Aus Anlaß Des 175. Geburtstags Von Karl Heinrich Ulrichs* (Berlin: Verlag rosa Winkel, 2000).

<sup>41</sup> Kennedy, 197-198.

communities of like-minded men scattered across Europe. In response to letters, the testimonies of his clients, and perhaps the arguments of Ulrichs and later Hirschfeld, Krafft-Ebing eventually changed his position, calling for decriminalization of male homosexual sex. In his final article on the topic, published in Hirschfeld's journal *Jahrbuch für sexuelle Zwischenstufen* (*Yearbook for Sexual Intermediaries*), he admitted that he had been wrong: what he called "contrary sexual feeling" was neither a form of degeneration nor an illness.<sup>42</sup> The conversion of such a giant in the nascent field of sexology must have heartened Hirschfeld and other advocates, but the bulk of expert medical opinion maintained that homosexuality was a form of mental illness and/or degeneracy.

Hirschfeld's status as a scientific expert put him in a political position that differed from that held by Ulrichs and later Brand. Ulrichs and Brand identified themselves in print as lovers of men. Hirschfeld did not. Hirschfeld's biographers agree that he had romantic and sexual relations with other men. His relationships with Karl Giese and Li Shiu Tong left the most extensive historical records.<sup>43</sup> His sexuality was no secret among his friends and fellow activists.<sup>44</sup> But his public advocacy depended on his image as a neutral, scientific expert, and he never made any public claims about his own sexuality or identity.

Hirschfeld's opponents did make public claims about his sexuality. Sexologists who criticized his theories hinted at his sexuality in order to discredit his authority,

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<sup>42</sup> Oosterhuis, especially 172-173.

<sup>43</sup> Herzer. Wolff. Steakley, "*Per Scientiam Ad Justitiam*: Magnus Hirschfeld and the Sexual Politics of Innate Homosexuality".

<sup>44</sup> See the interviews by Wolff, 420-444. Christopher Isherwood, *Christopher and His Kind, 1929-1939* (New York: Farrar, Straus, Groulx, 1976). 18-28.

accusing him of “propagandistic activity” and “certain motives.”<sup>45</sup> Attackers on the antisemitic right did not hesitate to claim that Hirschfeld himself had perverse desires.<sup>46</sup> In 1920, a police report to the Prussian government held that among his fellow medical experts, Hirschfeld was regarded in “general opinion” as having homosexual tendencies and that on several occasions, men had denounced him to the police for engaging in or seeking homosexual sex himself, though no formal charges were ever filed against him.<sup>47</sup> But Hirschfeld never made any public claims about his own sexuality or identity. He likely carried on his personal life with varying levels of discretion, perhaps growing more open at home in his Institute for Sexual Science. But he did not claim to be one of the homosexuals whom he defended.

In the year following the publication of *Sappho und Socrates*, Hirschfeld and a handful of other men founded the *Wissenschaftlich-humanitären Komitees* (Scientific Humanitarian Committee, hereafter WhK), an advocacy organization for legal and social toleration of homosexuality that may have the first of its kind in the world. Other founders of the WhK included Eduard Oberg, a railroad official who contacted Hirschfeld after reading his pamphlet. Max Spohr, the pamphlet’s publisher, was another founder. Spohr had published a series of pamphlets on homosexuality over a period of years before he published Hirschfeld’s pamphlet.<sup>48</sup> Other early members of the WhK were Richard Meienreis, a university professor, Hermann Freiherr von Teschenberg, an Austrian lawyer and self-identified transvestite.

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<sup>45</sup> Siegfried Placzek, *Homosexualität und Recht* (Leipzig: Georg Thieme, 1925). 2, 4.

<sup>46</sup> For instance, see the *Staatsbürger-Zeitung* clipping, GStAPK HA I. Rep. 76 VIII B Nr. 2076, 1.

<sup>47</sup> GStAPK HA I. Rep. 76 VIII B Nr. 2076, 7-8.

<sup>48</sup> Herzer, 56.

The WhK and Hirschfeld achieved national fame in the years before the Republic's founding. The WhK repeatedly and unsuccessfully petitioned the Reichstag to repeal Paragraph 175. Its petitions included the signatures of hundreds of notable men, including Albert Einstein and Thomas Mann. During the Kaiserreich, Hirschfeld allied himself with the SPD, although the WhK remained a non-partisan organization. One of the WhK's greatest successes came in 1898, when August Bebel, the founder and leader of the SPD and an acquaintance of Hirschfeld's, denounced Paragraph 175 during a speech to the Reichstag.<sup>49</sup> Under the auspices of the WhK, Hirschfeld founded two journals in the new field of sexology and published some of the men who are recognized as the founders of that field. Hirschfeld also published a series of books on matters of sexuality not limited to homosexuality, establishing credentials as a sexologist.

The problem facing the WhK and men who had sex with men in general was not simply Paragraph 175, it was blackmail that depended on the law. Blackmail appears to have been a far more frequent occurrence than simple Paragraph 175 prosecutions; indeed, critics of Paragraph 175 argued that it ought to be repealed because it was so rarely enforced.<sup>50</sup> Hirschfeld wrote that nearly all wealthy homosexuals had been blackmailed.<sup>51</sup> Hirschfeld himself appears to have been the victim of blackmail plots. In 1920, as part of the investigation of Hirschfeld's new Institute for Sexual Science, the police prepared a dossier on prior criminal matters involving Hirschfeld. It described how around 1916, several men arrested during the war for being "pederasts and

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<sup>49</sup> Herzer, *Magnus Hirschfeld: Leben und Werk eines Jüdischen, Schwulen und Sozialistischen Sexologen*

<sup>50</sup> On enforcement of Paragraph 175, see Edward Ross Dickinson, "Policing Sex in Germany, 1882-1982: A Preliminary Statistical Analysis," *Journal of the History of Sexuality* 16, no. 2 (2007).

<sup>51</sup> Hirschfeld, *Homosexuality*, 979-1006. See also Jens Dobler, *Von Anderen Ufern: Geschichte der Berliner Lesben und Schwulen in Kreuzberg und Friedrichshain* (Berlin: Bruno Gmünder Verlag, 2003). 32.

transvestites” told police that they had had sex with Hirschfeld. These accusations came to nothing. Some time later, the men approached the police and claimed that they had retracted their previous accusations against Hirschfeld because he had bribed and blackmailed them to do so. Police found this second set of accusations “groundless.”<sup>52</sup>

Although something more complex than simple blackmail seems to have been going on here, incidents in which a man would claim to the police that he had had sex with another man often constituted the final step in a blackmail plot. Blackmailers had sex with men and then threaten to reveal the relationship to the man’s family, to his colleagues, or to the police. Blackmail could take place even when sex had not. In 1921, *Die Freundschaft*, a magazine for and by homosexual men, reported the case of a blackmailer who went with a young man to his apartment apparently on the pretext of a tryst, then upon arrival at the apartment pulled a gun on the young man and demanded money. He later went to the police and tried to initiate a Paragraph 175 case against the young man. Instead, the police arrested him for blackmail.<sup>53</sup> Blackmailers worked in a world where many relationships between men had an economic dimension. Relationships between older, middle class, often married men and younger, working class men appear to have been somewhat common. Sometimes this was as subtle as the older man paying for the younger man’s accommodations or loaning him money in the course of a relationships. Other encounters were brief exchanges of sex for money.<sup>54</sup>

Blackmail was enough of a problem for men who had sex with men that *Die Freundschaft* published a list of accused blackmailers along with their descriptions, so that readers would know whom to avoid. Blackmail and sex work were linked, the

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<sup>52</sup> GStAPK HA I. Rep. 76 VIII B Nr. 2076 7-8.

<sup>53</sup> “Ein Erpresser,” *Die Freundschaft* 2-8 July [1921] in GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3.

<sup>54</sup> See Chapter 4.

magazine informed its readers. It warned that many of the “line boys” (male sex workers who worked the streets) would resort to blackmail if broke.<sup>55</sup> Many men who were being blackmailed saw suicide as the only way out of the crisis. Hirschfeld reserves some of his most bitter language for blackmailers, calling them, in a weird echo of the antisemitic slurs used against Hirschfeld and other Jews, “vampires”<sup>56</sup> and “leech[es].”<sup>57</sup> Even without blackmail, the pressure of living a double life drove men to suicide. One was Eduard Oberg, a founder of the WhK.<sup>58</sup> Another was Leopold von Meerscheidt-Hüllessem, a police official who led the division for the enforcement of Paragraph 175 and was an early member of the WhK. Von Meerscheidt-Hüllessem was married and had three sons. He took his own life in 1901. Before he died, he sent Hirschfeld a manuscript denouncing Paragraph 175 as unjust.<sup>59</sup>

A series of scandals involving male homosexuality between 1900 and 1910 made Hirschfeld famous and appear to have forever compromised his reputation as an impartial scientist. The scandals began with the suicide in Capri of Alfred Krupp, the scion of the important arms manufacturing family. Krupp was rumored to have killed himself because the Italian police were after him for seducing underage men. Following the Krupp suicide, there appears to have been a rash of suicides of prominent men, some involving blackmail. The WhK saw increasing demand for lectures by its affiliated experts, and Hirschfeld worked increasingly as an expert witness in court cases involving Paragraph 175 and blackmail.<sup>60</sup>

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<sup>55</sup> “Warnung,” *Die Freundschaft* 2-8 July [1921] in GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3.

<sup>56</sup> Hirschfeld, *Homosexuality*, 989.

<sup>57</sup> Hirschfeld, *Homosexuality*, 1001.

<sup>58</sup> Wolff, 106.

<sup>59</sup> Wolff, 63-64.

<sup>60</sup> Wolff, 61-67.

A crisis broke in 1906, when Maximilian Harden, an editor of a weekly newspaper, published a series of articles that alleged that homosexual men were placed highly in the Kaiser's government. Harden charged that these men would betray state secrets under the threat of blackmail or because they were involved with foreigners. His charges centered on Count Philip Eulenburg, one of the Kaiser's closest advisers. Harden claimed that Eulenburg was the lover of a French diplomat. Harden also held that Kuno von Moltke, the military commandant of Berlin, was a homosexual. Harden set off a round of accusations and libel suits that lasted several years. Brand waded into this fray, charging in print that the German Chancellor Bernhard von Bülow was a homosexual. Von Bülow sued him for libel and won, and Brand received a jail sentence. For years afterwards, Brand continued to claim that members of the Kaiser's inner circle were homosexuals. He apparently received his information from von Meerscheidt-Hüllessem, who previous to his suicide seems to have been compiling information on highly placed homosexual men as part of an attempt to spur the repeal of Paragraph 175.<sup>61</sup>

Hirschfeld also got involved in what became known as the Eulenburg Affair to his detriment, but unlike Brand, he was not an accuser. When von Moltke sued Harden for libel, Harden's lawyer called Hirschfeld as an expert witness. At this point in Hirschfeld's career, he already had a national reputation as an expert on homosexuality. The national newspaper *Der Tag* called Hirschfeld Europe's premier authority on the topic. The legal question of whether or not Harden had libeled von Moltke turned on a matter of fact: was von Moltke a homosexual? Hirschfeld testified that he was, adding that it was no great offense to call someone a homosexual in print. Harden was found not

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<sup>61</sup> See Polizeipräsident, Abteilung IV report of 15 Sept. 1921 to the Interior Ministerium, GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3, 118.

guilty of libel, but at a second trial after an annulment of the first judgment, Hirschfeld was called to testify again and withdrew his assertion that von Moltke was a homosexual. This change in his testimony resulted from the fact that von Moltke's soon-to-be ex-wife stopped asserting that he was homosexual. The whole affair impinged on Hirschfeld's credibility as an impartial scientist but at the same time made him even more famous. He was attacked as no true scientist, but rather as a spreader of homosexuality. Antisemitic publications attacked him as a Jewish poisoner of German morality. His enemies passed out antisemitic leaflets outside of his apartment and disrupted his lectures. Eulenburg himself blamed the scandals that ended his political career on "international Jewry."<sup>62</sup> The WhK suffered a drop in membership following the Eulenburg Affair. The organization's troubles were compounded by a split between Hirschfeld and Brand that dated from 1903. Brand founded a competing organization, the *Gemeinschaft der Eigenen*.

The Republic's founding ushered in a new era in German homosexual emancipation. On one hand, it improved the fortunes of existing organizations and leaders: of the WhK, of Hirschfeld and of Brand, whose magazine *Der Eigene* won some respite from censorship and whose *Gemeinschaft der Eigenen* set about purchasing a country mansion to host meetings of its members. The Republic also presided over the emergence of new leaders and new organizations. Social clubs and bars for both men and women had existed in big cities since well before 1918. But after the revolution, a boom in publications made the homosexual emancipation movement far more visible. In

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<sup>62</sup> Wolff, 61-83. Herzer, 20-21. Quotation of Eulenburg in Herzer, 21. On the Eulenburg Affair, see Isabel Hull, *The Entourage of Kaiser Wilhelm II, 1888-1918* (Cambridge: Cambridge University Press, 1982), James Steakley, "Iconography of a Scandal: Political Cartoons and the Eulenburg Affair in Wilhelmin Germany," in *Hidden from History: Reclaiming the Gay and Lesbian Past*, ed. Martha Vicinus Martin Duberman, and George Chauncey (New York: Meridian, 1989).



addition, two new quasi-political leagues for homosexual emancipation formed in the early 1920s: local “friendship leagues” (*Freundschaftsbünde*) associated with the magazine *Die Freundschaft* and Friedrich Radszuweit’s *Bund für Menschenrecht* (*League for Human Rights*) which mostly absorbed the friendship leagues.<sup>63</sup> Radszuweit built a publishing empire over the course of the Weimar years. His company put out books on issues involving sexuality as well as several magazines, including one for women, *Die Freundin* (*The Girlfriend*). As a supplement inside *Die Freundin* the Radszuweit publishing house ran *Der Transvestit* (*The Transvestite*) for male and female transvestites, people who dressed in the clothing of the other sex (some transvestites sought romance and sex with people of the same sex, though not all did.) The *Bund für Menschenrecht* also petitioned the government against Paragraph 175, though neither Radszuweit nor Brand achieved the fame of Hirschfeld nor the political influence of the WhK. Neither sought nor claimed the status of impartial sexologists. Both self-identified in print as lovers of other men. Neither based their arguments for legal and social toleration of homosexuality on scientific authority.<sup>64</sup> Hirschfeld’s reputation as a learned expert and his growing international fame, as tinged in Germany with innuendos about his personal life as it might have been, gave him political clout.

Changes in homosexual activism under the Republic were even more marked for female homosexual and transvestite activists. Before 1918, female homosexuality had been up for discussion on the national level. Women had formed communities based on

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<sup>63</sup> Glenn Ramsey, "The Rites of Artgenossen: Contesting Homosexual Political Culture in Weimar Germany," *Journal of the History of Sexuality* (2008).

<sup>64</sup> Dobler, *Von andern Ufern*, 36. Friedrich Radszuweit, “Weihnachtsgedanken” *Die Freundin* 17 Dec. 1930.

same-sex love and romance.<sup>65</sup> Big cities had been home to some bars or social clubs for women.<sup>66</sup> But the Weimar era saw the growth of an extensive commercial social scene for women based in Berlin and advertised in several magazines—*Frauenliebe* (later named *Garçonne*) and *Die Freundin* --produced for and to varying extents by self-identified homosexual women. It also saw the emergence of political leaders like Lotte Hahm, a self-identified transvestite who led a social club for women and later a wing of the *Bund für Menschenrecht* for transvestites.<sup>67</sup>

### *Gender, Sexuality, and Politics During the Weimar Republic*

The Weimar Republic is still remembered today, in Germany and elsewhere, as a time and place of gay and lesbian liberation, sexual experimentation, and debauched frivolity famously memorialized by Christopher Isherwood, who wrote that he came to Berlin in 1929 because “Berlin meant Boys.”<sup>68</sup> This memory of the Weimar era is traceable to several sources. During its lifetime and immediately following its collapse, the Republic won a reputation in right-wing circles for being decidedly sexually immoral. As I argue in subsequent chapters, following the war many Germans felt that sexual

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<sup>65</sup> On female homosexuality during the Kaiserreich, see: Marti Lybeck, "Gender, Sexuality, and Belonging: Female Homosexuality in Germany, 1890-1933" (University of Michigan, 2007). Lillian Faderman and Brigitte Ericksson, *Lesbians in Germany: 1890's-1920's* (Tallahassee: Naiad Press, 1990). *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950: Geschichte, Alltag und Kultur*, (Berlin: Edition Heinrich, 1992).

<sup>66</sup> Dobler, *Von andern Ufern*, 39. Lybeck, “Gender, Sexuality, and Belonging.” On a scandal involving one Berlin women’s club around 1909, see Lybeck and also “Der “Damenklub”” *Berliner Tageblatt* 22 April 1909.

<sup>67</sup> Heike Schader, *Virile, Vamps und Wilde Veilchen: Sexualität, Begehren und Erotik in Den Zeitschriften Homosexueller Frauen im Berlin Der 1920er Jahre* (Königstein/Taunus: Ulrike Helmer Verlag, 2004).

<sup>68</sup> Isherwood, *Christopher and His Kind, 1929-1939*. 10. For a seductive contemporary homage to sexual chaos in Weimar-era Berlin, see Mel Gordon, *Voluptuous Panic: The Erotic World of Weimar Berlin* (Los Angeles: Feral House, 2000).

norms had changed irrevocably. The German right drew on this discourse, and claimed that one of the problems with democracy itself was that it promoted moral degeneration. After 1933, the official Nazi state version of the Republic held it to be the Jewish republic of sexual corruption.<sup>69</sup>

Compounding the Republic's reputation during its existence was Germany's international reputation. Much to the right's woe, Germany had been associated with sexuality since well before 1918. The nineteenth century pioneers of the scientific study of sexualities, like Richard von Krafft-Ebing, were German or Austrian, as were early activists for toleration of homosexuality, like Karl Heinrich Ulrichs. Berlin and Vienna were the world centers of medical research on sexuality by 1900.<sup>70</sup> In addition, a series of scandals around 1905 implicated the highest levels of the Kaiser's government in male homosexuality. These were the 1902 Krupp suicide and the series of accusations and trials between 1906 and 1908 that most prominently involved Prince Eulenburg.<sup>71</sup> Finally, the German homosexual emancipation movement was, according to many historians, the first of its kind. It, and Berlin's bars, nightclubs, and social clubs for women who loved other women and men who loved other men gained international attention during the Republic.<sup>72</sup>

The Republic's association with sex also owes to the fact that during its incumbency, some Germans capitalized on Germany's reputation for unusual sexual doings (which predated the Republic). Guidebooks and club owners promoted Berlin's

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<sup>69</sup> Dagmar Herzog, *Sex After Fascism: Memory and Morality in Twentieth-Century Germany* (Princeton: Princeton U. Press, 2005) 20-21.

<sup>70</sup> Oosterhuis, *Stepchildren of Nature: Krafft-Ebing, Psychiatry, and the Making of Sexual Identity*.

<sup>71</sup> Hull, *The Entourage of Kaiser Wilhelm II, 1888-1918*. Steakley, "Iconography of a Scandal."

<sup>72</sup> *Broadway Brevities* Oct. 12, 1931, 5. Eugen Szatmari, *Berlin: Was Nicht im Baedeker Steht* (R. Piper & Co.: Munich, 1927). Curt Moreck, *Führer durch das "lasterhafte" Berlin* (Leipzig: Verlag moderner Stadtführer, 1996 [1931]).

image for “vice” in order to attract tourists.<sup>73</sup> Isherwood writes that Berliners staged perversion in order to make money:

In the West End there were also dens of pseudo-vice catering to heterosexual tourists” where screaming boys in drag and monocled Eton-cropped girls in dinner jackets play-acted the high jinks of Sodom and Gomorrah, horrifying the onlookers and reassuring them that Berlin was still the most decadent city in Europe. (Wasn’t Berlin’s famous “decadence” largely a commercial “line” which the Berliners had instinctively developed in their competition with Paris? Paris had long since cornered the straight girl-market, so what was left for Berlin to offer its visitors but a masquerade of perversions?)<sup>74</sup>

Ruth Roellig writes that famous bars for homosexuals like *Eldorado* were mainly run for tourists.<sup>75</sup> “Every foreigner must go there once,” according to Roellig’s guidebook to Berlin’s lesbian scenes, “in order to be oriented to big city night life.”<sup>76</sup> Popular literature both before and during the Republic spread the impression that sexual norms were in decay and strange and sinister sexualities were spreading along with crime, particularly in big cities. This included Alfred Döblin’s novels about miserable female prostitutes and homicidal lesbians, a host of mass-market paperback “moral histories” (*Sittengeschichte*), as well as pseudo scientific or anthropological studies (including some by sex reformers). This popular science took on topics like fetishism, male and female prostitution in Berlin, the sexual misery of the working class, the erotic excesses of the so-called new woman, lesbianism, and a syphilis epidemic. Such works lent a tinge of perdition to imaginings of sexualities that seemed anything but “managed” by the state.<sup>77</sup> In addition, during the

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<sup>73</sup> Curt Moreck, *Führer durch das “lasterhafte” Berlin* (Leipzig: Verlag moderner Stadtführer, 1996 [1931]). Hendrick De Leeuw, *Sinful Cities of the Western World*. (Citadel Press: New York, 1934). John Chancellor, *How to Be Happy in Berlin* (Arrowsmith: London, 1929).

<sup>74</sup> Isherwood, *Christopher and His Kind, 1929-1939*. 29.

<sup>75</sup> Roellig, *Berlins lesbische Frauen*, 23.

<sup>76</sup> Roellig, 23.

<sup>77</sup> Alfred Döblin, *Die beiden Freundinnen und ihr Giftmord* (Berlin: Verlag Die Schmiede, 1924), *Berlin Alexanderplatz: Die Geschichte vom Franz Biberkopf* (Berlin: S. Fischer, 1929). Heinz Schmeidler, *Sittengeschichte von Heute: Die Krisis der Sexualität* (Dresden: Carl Reissner Verlag, 1932). Hans Alexander, *Vom Baume der Erkenntnis* (Leipzig: Orla-Verlag). Hans Ostwald, *Männliche Prostitution*

Weimar years the German press trumpeted a crime wave supposedly in progress. The press also sensationalized cases of sexual serial murder (*Lustmord*). Most famous among these was the trial, conviction and execution of Fritz Haarmann, whose crimes the antisemitic, right-wing press blamed on Hirschfeld and the homosexual emancipation movement.<sup>78</sup> All of this cultural production portrayed sexual chaos that was the order of the day and that might or might not be containable by rational, scientific sex reform.

Deep contentions over gender and the participation of women in politics and society were related to perceptions of sexual chaos. An organized women's movement had fought since the nineteenth century to put issues of gender and sexuality before the German public.<sup>79</sup> But many Germans perceived the era of the Republic as one of fundamental changes in gender. Women and men wrote about the "New Woman," an imagined type who had existed before the war but supposedly had a heyday under the Republic. She was a young, unmarried woman (though she would likely marry someday). She worked in a big city, lived independently of her family, and took part in masculine cultural activities like drinking and smoking, or playing sports, or driving a

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(Leipzig: Verlag von Ernst Mueller, 1925). WEKA (Willy Pröger), *Stätten Der Berliner Prostitution* (Berlin: Auffenberg, 1930). Erich Wulffen, *Irrwege des Eros* (Dresden: Avalun-Verlag, 1929). Johannes Scherr (and Max Bauer), "Die moderne Frau (die neueste Zeit), *Weib, Dame, Dirne: Kultur- und Sittengeschichte der Deutschen Frau* (Dresden: Paul Aretz Verlag, 1928) 311-322. Heinz Marteneau, *Sappho und Lesbos* (Leipzig: Eva-Verlag, 1931). Ludwig Levy-Lenz, "Forward" Ludwig Levy-Lenz, ed. *Sexual-Katastrophen: bilder aus dem modernen Geschlechts- und Eheleben* (Leipzig: A. H. Payne, 1926) ix-xii. German publishers were making money off of moral histories and pseudo scientific or anthropological studies of supposedly deviant sexualities such as prostitution well before the Republic, but shifts in the publishing business (see Chapter 1) may have made these ventures increasingly profitable and increased the volume of such works. May of these types of works date to the decade after 1900. On one author in this genre, see Peter Fritzsche, "Vagabond in the Fugitive City: Hans Ostwald, Imperial Berlin and the Grossstadt-Dokumente," *Journal of Contemporary History* 29, no. 3 (1994).

<sup>78</sup> Maria Tatar, *Lustmord: Sexual Murder in Weimar Germany* (Princeton: Princeton University Press, 1995). Thomas Kailer, "Werewölfe, Triebtäter, minderwertige Psychopathen. Bedingungen von Wissensgenerierung. Der Fall Haarmann." Carsten Kretschmann, ed. *Wissenspopularisierung*. Berlin 2003. 323-359.

<sup>79</sup> See Richard Evans, *The Feminist Movement in Germany, 1894-1933* (London: Sage, 1976). Nancy R. Reagan, *A German Women's Movement: Class and Gender in Hanover, 1880-1933* (Chapel Hill: University of North Carolina Press, 1995).

car. She attired herself in clothing that accented her masculinity and wore her hair in a bob (*Bubikopf*). The New Woman was as much a cultural construct as she was an accurate descriptor of women's lives, but she crystallized wide-ranging debate over women's increasing participation in the workforce, the women's movement, and apparently changing norms of gender and sexuality.<sup>80</sup>

The war accelerated changes in the economy that brought some women into certain sectors of the workforce. The percentage of women working outside the home remained basically steady at about a third from 1907 to 1925. But composition of this demographic changed. Fewer women worked as domestic servants. More worked in industry and in certain white-collar professions. In the Weimar years, jobs that had not existed before or had been held by men became generally recognized as women's jobs. These included shorthand typist, assembly line worker, shop assistant, primary-school teacher, and social worker. These jobs were increasingly deemed appropriate for young, as yet unmarried women, or older women who would never marry (married women who worked outside the home could be branded *Doppelverdiener*, double-earners). The majority of German women did not work outside the home, and those who did tended to earn less pay and prestige than men. At the same time, smaller numbers of women struggled to enter higher education and the upper reaches of some professions. The number of women studying for university degrees rose. Sixteen percent of university

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<sup>80</sup> Petra Bock, "Zwischen Den Zeiten--Neue Frauen und Die Weimarer Republik," in *Neue Frauen Zwischen Den Zeiten*, ed. Petra Bock and Katja Koblitz (Berlin: Edition Hentrich, 1995), Detlev Peukert, *The Weimar Republic: The Crisis of Classical Modernity*, trans. Richard Deveson (New York: Hill and Wang, 1989), Cornelia Usborne, *The Politics of the Body in Weimar Germany: Women's Reproductive Rights and Duties* (Ann Arbor: University of Michigan Press, 1992), 85-89. Atina Grossmann, "Girlkultur or Thoroughly Rationalized Female: A New Women in Weimar Germany?," in *Women in Culture and Politics: A Century of Change*, ed. Judith Friedlander (Bloomington: Indiana University Press, 1986), Lynne Frame, "Gretchen, Girl, Garçonne? Weimar Science and Popular Culture in Search of the Ideal New Woman," in *Women in the Metropolis: Gender and Modernity in Weimar Culture*, ed. Katharina von Ankum (Berkeley: University of California Press, 1997).

students in the winter semester of 1931-1932 were women. Small numbers of women made headway in high-profile professions, becoming doctors (more than 4,000 in 1930), university professors (twenty-four by 1933), and Reichstag members (forty in the 1930 Reichstag).<sup>81</sup>

Anxious social observers linked these longer-term changes in gender norms to supposedly abrupt changes in women's sexual behavior. National birthrates had been falling across Europe since the nineteenth century, but in the Weimar era, smaller families gained visibility. Fearful critics blamed women's indifference to marriage and use of birth control and abortion for the shrinking population that, they claimed, imperiled the nation's future.<sup>82</sup> Women's morals were of as much concern as was the (albeit related) falling birthrate. Everyone from feminist sex reformers to Catholic moralists complained that young women living under the Republic were having casual sex outside of marriage, transmitting venereal disease, and doing sex work.<sup>83</sup> One critic summed up this ethos of concern when he blamed the war for pushing women into (perhaps not necessarily in this order): "...unchaste love affairs, debauchery, abortion, miscarriage, infanticide, venereal disease, perversity, prostitution and suicide."<sup>84</sup> People who voiced these fears about women's sexuality often lumped them together with other notions of how the war and the Republic's founding had imperiled sexual norms.

Historians have written many excellent studies of the politics of gender and sexuality during the Weimar Republic, but this study differs from existing works in ways

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<sup>81</sup> Peukert, *Weimar Republic*. Usborne, *Politics of the Body*. 85-86.

<sup>82</sup> On the German birthrate in the Weimar era and its attendant discourses, see Atina Grossmann, *Reforming Sex: The German Movement for Birth Control and Abortion Reform, 1920-1950* (New York: Oxford University Press, 1995). 3-5.

<sup>83</sup> Usborne, *Politics of the Body*. 85-89.

<sup>84</sup> Erich Wulffen, *Irrwege des Eros* (Leipzig: Avalun-Verlag, 1929) 11.

that enable it to reach some new and different conclusions. Historians have approached issues of gender and sexuality in this period from three basic perspectives: that of women's and gender history, that of the history of the German welfare state, and that of gay and lesbian history. Many historians of women and gender have focused on women's reproductive sexuality, often addressing their studies to popular concerns over the falling birth rate.<sup>85</sup> They have also written about the movement to reform Germany's laws on women's sex work, and on representations of women's sexuality in cultural productions.<sup>86</sup> Works that have influenced my study the most might be grouped roughly into histories of women's sex work under the Republic—studies by Elisabeth Meyer-Renschhausen and Julia Roos--and histories of broader themes in the politics of gender and sexuality. Comprising the second group are Cornelia Osborne's foundational study of the politics of especially women's bodies under the Republic, Atina Grossmann's history of movements for birth control, sex reform, and legal abortion, and Annette Timm's study of the politics of fertility under successive German regimes. My study contributes to work on women's sex work by narrating not only the political struggles over how the state ought to manage women's sex work, but by placing these struggles within the larger ongoing battles over the proper state relationship to non-normative

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<sup>85</sup> Renate Bridenthal, Atina Grossmann, and Marion Kaplan, eds. *When Biology Became Destiny: Women in Weimar and Nazi Germany*. (New York: Monthly Review Press, 1984); Cornelia Osborne, *The Politics of the Body in Weimar Germany: Women's Reproductive Rights and Duties* (Ann Arbor: University of Michigan Press, 1992). Atina Grossmann, *Reforming Sex: The German Movement for Birth Control and Abortion Reform 1920-1950* (New York: Oxford, 1995); Annette Timm, "The Politics of Fertility: Population Politics and Health Care in Berlin, 1919-1972" (University of Chicago, 1999).

<sup>86</sup> Elisabeth Meyer-Renschhausen, "The Bremen Morality Scandal," *When Biology Became Destiny*: 87-108. Julia Roos, "Weimar's Crisis through the Lens of Gender: The Case of Prostitution" (Carnegie Mellon University, 2001). Roos, "Backlash against Prostitutes' Rights." Patrice Petro, *Joyless Streets: Women and Melodramatic Representation in Weimar Germany* (Princeton: Princeton University Press, 1989); Richard W. McCormick, *Gender and Sexuality in Weimar Modernity: Film, Literature, and "New Objectivity"* (New York: Palgrave, 2001). Dorothy Rowe, *Representing Berlin: Sexuality and the City in Imperial and Weimar Germany* (Burlington, VT: Ashgate, 2003). Julia Sneeringer, *Winning Women's Votes: Propaganda and Politics in Weimar Germany* (Chapel Hill University of North Carolina Press, 2002).



sexualities. During the Republic, right and religious public opinion held that women's sex work was not an isolated issue, but was one of the most disturbing facets of the spread of "immoral" sexuality. Considering women's sex work alongside men's sex work, male and female homosexualities, and other supposedly "immoral" sexualities reveals a complex dynamic of state management of non-normative sexualities that existing studies have not elaborated. I have relied on the work of Meyer-Renschhausen and Roos, who disagree over the implications of the politics of women's sex work for German women. Though my conclusions come closer to Meyer-Renschhausen's than to Roos's, Roos's masterful analysis of feminist, social democratic, and communist discourses of women's sex work has been crucial to this study, as has Roos's detailed portrait of sex worker activism in Hamburg.

In addition, this study's central category (non-normative sexualities) reveals a different political dynamic than do histories of the female body in politics, sex reform, or fertility politics. Usborne, Grossmann, and Timm are all drawn to the phenomena of the falling birthrate, the national panic over the falling birthrate, and pronatalist politics. But sexuality is not solely reproductive, nor (as this dissertation shows) are the politics of sexuality reducible to the politics of reproduction. I have drawn on the excellent studies of the politics of the falling birthrate, birth control, and abortion, but have kept these politics away from center stage. Doing so leaves space to engage with gay and lesbian history. It also shows that anxieties about sexuality that reached the national political level in Germany were not just about reproduction, and sometimes were not about reproduction at all.

Any study of sexuality and politics in the Weimar era must grapple with Detlev Peukert's important work. For the past twenty years, Peukert's work has framed debates among historians about welfare and inspired many critiques. My study engages with histories of the welfare state, and ultimately makes an argument about an interventionist state and management of sexuality that may support Peukert, although his many critics are right to call for more nuance in his analysis. I will briefly reviewing the Republic's status as a welfare state here, in order to facilitate a critique of Peukert and his critics.

The Weimar Republic was among Europe's most extensive welfare states. At least, this was true on paper in the form of the 1919 Constitution. The new constitution created obligations between the Republic and its citizens that, according to Peukert, had precedent only in the model of the nascent Soviet Union.<sup>87</sup> State-backed welfare provisions in Germany began with national social insurance schemes in the 1880s. By 1914, municipal governments, private organizations, and in certain instances the national government ran a list of welfare programs including health initiatives, support for pregnant women, and poor relief.<sup>88</sup> But following World War I, consensus formed around the notion that the rebuilding of Germany would entail, as Young-Sun Hong writes, "expanded and more aggressive state welfare policies."<sup>89</sup> Among the 1919 Constitution's provisions were national (Reich) government authority over poor relief, population policy, maternity protection, youth welfare, public health, and labor law (Article 7), and Reich authority to create a social insurance program to cover health,

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<sup>87</sup> Peukert, *Weimar Republic*.

<sup>88</sup> On the history of welfare in Germany from the 1880s, see Yong-Sun Hong, *Welfare, Modernity, and the Weimar State, 1919-1933* (Princeton, NJ: Princeton University Press, 1998). Hong's critique of Peukert's argument about Weimar-era welfare is basically similar to Grossmann's argument about Weimar-era sex reform.

<sup>89</sup> Hong, 34.

ability to work, motherhood, the financial consequences of old age, and disability (Article 161). Article 163 expressed a corresponding obligation on citizens: that barring infringements on their personal freedom, they ought to “employ their spiritual and physical forces in a manner conducive to the common welfare.” This article also stated that in the event that citizens could not support themselves with work, the state would support them.<sup>90</sup> The Constitution described marriage as the “foundation...of the nation’s preservation and growth,” and provided for “equality of the sexes,” “protection of motherhood” and “maintenance of the purity and health of the family” (Article 119). It cited the duties of parents, with the state’s help, to raise children to achieve “physical, mental, and social fitness” (Article 120). It bound the state to protect young people from “exploitation and moral, intellectual or physical neglect” (122). Although the Weimar period did see an expansion of the German welfare state, the 1919 Constitution’s vision was substantially unrealized due to problems financing it resulting from Germany’s weak economy as well as to political disagreement. The Constitution made no specifications as to actual legislation, and passing laws to meet its provisions proved a contentious process. Major welfare legislation did, nevertheless, take form, including the 1922 Reich Youth Welfare Law, the 1923 Reich Juvenile Court Law, regulations on social welfare passed by emergency decrees in 1924, and an extensive unemployment insurance program passed in 1927.<sup>91</sup>

The welfare state is critical for this study because it provided a site for claims about sexual politics and for state management of sexualities. Sex reformers worked in

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<sup>90</sup> Hong, *Welfare, Modernity, and the Weimar State, 1919-1933*.

<sup>91</sup> Peukert, *Weimar Republic*, 130-131.

publicly funded health clinics.<sup>92</sup> The 1927 reform of the law on women's sex work transferred the supervision of some prostitutes from the police to social workers employed in public health bureaucracies.<sup>93</sup> This reform included an initiative to set up free medical care for venereal disease. Public health officials, prison officials, and eventually Prussian bureaucrats all joined the movement for eugenic sterilization, arguing that it would reduce state costs for poor relief, special education, and incarceration.<sup>94</sup> The Constitution's identification of a state interest in maternity and family, the development of youth, and equality between the sexes all found expression in some of the reform movements regarding sexual politics that are chronicled in this study.

Therefore, this study must grapple with Peukert's identification of a sinister tendency in welfare. Peukert argues (along with other students of the nineteenth century state including Michel Foucault) that expanding welfare provisions meant that social workers and state bureaucrats increasingly pressured the recipients of welfare services to live according to norms. These norms, based on statistical models of populations, were the bailiwick of the developing social work profession. Peukert's argument is that as the Depression of 1929 strained welfare programs, service providers moved to a model of selection. He argues that service providers used social science (including eugenics) to determine who among their clients could actually be reformed by intervention and who could not. He argues that they reserved resources for the former category.<sup>95</sup> Peukert agitated a whole generation of historians of gender and sexuality when he held that these

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<sup>92</sup> See Grossmann, *Reforming Sex*; Timm, "The Politics of Fertility."

<sup>93</sup> See Chapter 4.

<sup>94</sup> See Chapter 3.

<sup>95</sup> Detlev Peukert, *Grenze Der Sozialdisziplinierung. Aufstieg und Kries Der Deutschen Jugendfürsorge, 1878-1929* (Bund-Verlag, 1986), Peukert, *Weimar Republic*, Detlev Peukert, "The Genesis of The "Final Solution" From the Spirit of Science," in *Reevaluating the Third Reich*, ed. Thomas Childers and Jane Caplan (Holmes & Meier, 1993). Peukert, "The Genesis of The "Final Solution" From the Spirit of Science."

policies of “selection” by welfare authorities “helped pave the way” for the Nazi mass killings.<sup>96</sup> His work may be taken here as representative of a trend in histories of the Republic to emphasize continuities between the Weimar and Nazi eras in order to show that the Nazi era was no mad aberration in German history.<sup>97</sup> Paul Weindling’s history of medicine and racism is another influential work in this vein. Weindling argues that World War I intensified concerns about national health and fitness. As a result, he argues, eugenic thinking gained authority in the 1920s. He sees this as part of a 1920s political impetus to replace political or democratic decision-making with scientific or medical decision-making. All this, Weindling argues, found later expression in murderous Nazi state programs.<sup>98</sup>

Peukert, Weindling, and other historians who underscored continuities between the Weimar and Nazi eras set off a debate about continuity and change between the two periods in terms of welfare, sexual, and gender politics. I build on this debate but ultimately side step it by working primarily to narrate the Republic’s history on its own terms, aside from questions of continuity with the later period. Grossmann and others who emphasizes radical breaks between the two periods have established space to consider the Weimar era on its own terms. Grossmann’s 1995 *Reforming Sex: The German Movement for Birth Control and Abortion Reform 1920-1950* charts a broad stretch of history, in impressive analytic detail. She traces the rise of the sex reform movement during the Republic, the establishment of public health social services on the

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<sup>96</sup> Peukert, *Weimar Republic*. 146. For other critiques especially of Peukert’s argument about science, see Childers and Caplan, eds. *Reevaluating the Third Reich*.

<sup>97</sup> For a review of this historiography, see Atina Grossmann, *Reforming Sex: The German Movement for Birth Control & Abortion Reform 1920-1950*. (New York: 1995, Oxford U. Press) v-x.

<sup>98</sup> Paul Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870-1945* (Cambridge: Cambridge University Press, 1989).

local level by sex reformers and by branches of the German government, the mass movement for legal birth control and abortion during the Republic, the sex reform movement's destruction by the Nazis after 1933, and the fate of sex reform in exile and in the two Germanys after 1945. I have relied on Grossmann's history of German sex reform, a movement that included internationally active medical experts like Hirschfeld as well as social workers and doctors (who were often women) struggling to extend health services to working class people. In addition, I have drawn on her history of the movement for legal abortion that peaked in the early 1930s. I have also worked to build on Grossmann's critique of Peukert (which I will briefly review below) in order to find a new perspective on Weimar-era sexual politics that does not foreground the Nazi period.

Grossmann rightly warns against reading strong continuities between eugenics in the Weimar-era sex reform movement and later Nazi eugenic programs.<sup>99</sup> *Reforming Sex* examines how sex reformers and doctors who ran public clinics used eugenic concepts. Weindling, Usborne, and others have read these eugenics as precursors of Nazism. Grossmann rejects this reading, noting the lack of continuity in personnel from the Weimar to the Nazi era, and indeed the persecution of Weimar-era sex reformers by the Nazis.<sup>100</sup> My aim is to take this critique of Grossmann's and to apply it back to the Weimar era, not to read a continuity between the Weimar and the Nazi era (though I do analyze how Weimar era sexual politics fed into the politics that brought the Nazis to power in 1933) but rather to analyze Weimar era politics themselves. Aside from all questions about the Nazi state, what were Weimar-era eugenic policies? To put this more clearly in terms of my own study, why did a Weimar-era activist like Hirschfeld back

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<sup>99</sup> Grossmann, *Reforming Sex*.

<sup>100</sup> Usborne, *Politics of the Body*.

some forms of eugenic sterilization, and why did he see eugenic sterilization as related to sexual emancipation for homosexual men and other sexual “abnormals”?

Setting aside the question of continuities or discontinuities with the Nazi period and asking rather about the nature of Weimar-era politics themselves allows this study to move beyond the very important debate and revisions sparked by Peukert.<sup>101</sup> Like Grossmann, Roos describes a radical break in terms of state policies toward women’s sex work in the Weimar and Nazi eras (a break that Annette Timm’s study of Nazi-era prostitution policies underscores).<sup>102</sup> I do not take issue with Roos’s nuanced analysis of how the Nazis broke with the Weimar era way of regulating women’s sex work; I also agree with Grossmann about important discontinuities between the two regimes. However, as I evaluate the Republic’s response to women’s sex work, or the movement for eugenic sterilization, on their own terms, so to speak, rather under the rubric of questions about continuities with the Nazi period, these movements become considerably more pernicious in my narration than they do in either Grossmann or Roos. This may be because unlike Grossmann or Roos, who were writing against then-dominant continuities arguments, I do not center a comparison of the Weimar and Nazi eras. Such comparisons tend to make the Weimar era seem overall like a kinder and gentler time, with reason. However, when the continuities debate is set aside, the Weimar period’s own trends toward medicalization and bodily intervention become more apparent. My own study, along with Timm’s work on population policy and Meyer-Renschhausen’s study of

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<sup>101</sup> Peukert opens his *Weimar Republic* declaring that he will do just this. He writes that his study, unlike most, will historicize the Weimar era as a distinctive period rather than projecting its end backward onto its history. Peukert, *Weimar Republic*, xii.

<sup>102</sup> Roos, “Backlash Against Prostitute’s Rights.” Timm, “Sex With a Purpose: Prostitution, Venereal Disease, and Militarized Masculinity in the Third Reich,” Dagmar Herzog, ed. *Sexuality and German Fascism* (New York: Berghahn Books, 2005) 223-255.

women's sex work, seems to be sidestepping the debate over continuities, and yet finding, as Peukert does, interventionist tendencies in the Weimar era state, although I do not connect these tendencies directly to later Nazi programs.

The Republic had far more in common with other European welfare states than with the Nazi state. I hope that my study will enable comparisons between the Republic and other democratic, welfare-oriented European states of the same period. I sketch some such comparisons in my Conclusion. The Weimar era debate on eugenic sterilization drew on a similar debate in Denmark, as well as on well-established sterilization laws in the U.S.. Similar debates on male homosexuality and on sterilization took place in Sweden.<sup>103</sup> These kinds of comparisons with regimes synchronic with the Republic raise more general questions about non-normative sexualities, democracy, and welfare states.

My study also engages with, and is indebted to, gay and lesbian history. Beginning in the 1980s, German scholars, often working in gay and lesbian political movements, wrote histories of homosexual women and men during the Weimar Republic. Their work, and the movements it supported, resulted in the creation of archives devoted to gay and lesbian history, including Spinnboden Lesbenarchiv and the Schwules Museum in Berlin.<sup>104</sup> This study is especially indebted to work by Ilsela Kokula and Claudia Schoppmann.<sup>105</sup> This first wave of gay and lesbian history included a few

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<sup>103</sup> Jens Rydström, *Sinners and Citizens: Bestiality and Homosexuality in Sweden, 1880-1950* (Chicago: U. of Chicago Press, 2003) pp. 159-188.

<sup>104</sup> *Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950 Geschichte, Alltag und Kultur* (Berlin: Edition Henrich, 1992).

<sup>105</sup> Ilse Kokula, *Weibliche Homosexualität Um 1900 in Zeitgenössischen Dokumenten* (Munich: Verlag Frauenoffensive, 1981). — — —, *Jahre Des Glücks, Jahre Des Leids: Gespräche Mit Ältern Lesbischen Frauen: Dokumente* (Kiel: Frühlings Erwachen, 1986), Claudia Schoppmann, "Der Skorpion": *Frauenliebe in Der Weimarer Republik* (Kiel: Frühlings Erwachen, 1985), — — —, *Nationalsozialistische Sexualpolitik und Weibliche Homosexualität* (Pfaffenweiler: Centaurus, 1997), — — —, *Days of Masquerade: Life Stories of Lesbians During the Third Reich*, trans. Allison Brown (New York: Columbia University Press, 1996).



English-language studies, the most influential being James Steakley's *The Homosexual Emancipation Movement in Germany*, first published in 1975.<sup>106</sup> German scholars in this genre have generally been shut out of high-profile academic jobs in Germany, but they continue to document and analyze the Weimar period. In terms of more recent work, I have relied on the journal *Invertito*, Stefan Micheler's study of homosexual men under the Republic and Nazi state, Heike Schader's analysis of lesbian magazines, Kristen Plötz's study of the geography of lesbian scenes, Jens Dobler's work on the Weimar period, Manfred Herzer's biography of Magnus Hirschfeld, and studies connected to the ongoing movement to re-found Hirschfeld's Institute for Sexual Science led by the Magnus Hirschfeld Society (*Magnus Hirschfeld Gesellschaft*).<sup>107</sup> My study is likewise informed by the debate among German scholars on Hirschfeld's investment in eugenics.<sup>108</sup>

Despite the fact that Germany had perhaps the first political movement of self-identifying homosexuals, and despite the Republic's reputation as a "golden age" for gay

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<sup>106</sup> Erickson, *Lesbians in Germany: 1890's-1920's*. James Steakley, *The Homosexual Emancipation Movement in Germany* (Salem, New Hampshire: Ayer, 1993 [1975]).

<sup>107</sup> *Invertito: Jahrbuch für die Geschichte der Homosexualitäten* 2 (2000) ("Homosexualitäten in der Weimarer Republik 1919-1933"). Stefan Micheler, *Selbstbilder und Fremdbilder der "Anderen". Männer begehrende Männer in der Weimarer Republik und der NS-Zeit*. (Konstanz: UVK Verlagsgesellschaft mbH, 2005). Heike Schader, *Virile, Vamps und wilde Veilchen: Sexualität, Begehren und Erotik in den Zeitschriften homosexueller Frauen im Berlin der 1920er Jahre* (Königstein/Taunus: Ulrike Helmer Verlag, 2004). Kristen Plötz, *Einsame Freundinnen? Lesbisches Leben während der zwanziger Jahre in der Provinz*. Hamburg: MännerschwarmSkript Verlag, 1999. Jens Dobler, *Von anderen Ufern: Geschichte der Berliner Lesben und Schwulen in Kreuzberg und Friedrichshain* (Berlin: Bruno Gmünder Verlag, 2003) — — —. "Zensur von Büchern und Zeitschriften," *Invertito: Jahrbuch für die Geschichte der Homosexualitäten* 2 (2000) ("Homosexualitäten in der Weimarer Republik 1919-1933"): 83-104. Manfred Herzer, *Magnus Hirschfeld: Leben und Werk eines jüdischen, schwulen und sozialistischen Sexologen* (Frankfurt/Main: Campus Verlag, 1992). Elke-Vera Kotowski and Julius H. Schoeps, eds. *Der sexualreformer Magnus Hirschfeld: Ein Leben im Spannungsfeld von Wissenschaft, Politik und Gesellschaft* (Berlin: be.bra wissenschaft, 2004). See the Magnus Hirschfeld Gesellschaft's website: <http://www.hirschfeld.in-berlin.de/>.

<sup>108</sup> Major texts of this debate, which focuses on the question of continuity between Weimar-era eugenics as influential on Hirschfeld and Nazi-era eugenics, are collected in Andreas Seeck, ed. *Durch Wissenschaft zur Gerechtigkeit? Textsammlung zur kritischen rezeption des Schaffens von Magnus Hirschfeld* (Münster: Lit, 2003).

men and lesbians, histories in English have not kept pace with the growing literature in German. It seems that a flourishing of historical studies in English may be underway, if recent works by Marti Lybeck and Glenn Ramsey are indicative of a trend.<sup>109</sup> I am particularly indebted to Lybeck's sophisticated analysis of cultures of female homosexuality under both Kaiserreich and Republic. All of these gay and lesbian histories in both German and English provide to a foundation from which to write a history that puts the movement for homosexual emancipation in its larger context, that of sexual politics more generally. To this end, my study proceeds from an analytic category that is not identical with "lesbian" or "gay."

*Why a History of Non-normative Sexuality? Queer History and the Conceptual Framework of this Study*

This is a study of the politics of non-normative sexuality during the Weimar Republic. By "non-normative," I mean sex or desire that transgressed dominant social norms, and was therefore stigmatized as "immoral" by some, or medicalized as "abnormal" by others. In Weimar-era Germany, non-normative sex included: commercial sex, sex between women, sex between men, sex between more than two people, extramarital male-female sex, exhibitionism, fetish practices, masturbation, and the use of pornography. (This list is not meant to be inclusive.) This study is not only about politics, but also about the people whose romances, desires, and liaisons were

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<sup>109</sup> Marti Lybeck, "Gender, Sexuality, and Belonging: Female Homosexuality in Germany, 1890-1933," PhD Dissertation, University of Michigan, 2007. Glenn Ramsey, "The Rites of Artgenossen: Contesting Homosexual Political Culture in Weimar Germany." *Journal of the History of Sexuality* (2008): 85-109.

included in the category “immoral” sexuality. These were people who called themselves homoerotics, homosexuals, lesbians, exhibitionists, and transvestites. They were women and men who did sex work. They were women and men who pursued other forms of sexuality and romance that were stigmatized as “immoral” or “abnormal.” As famous as the Weimar Republic is for sexual experimentation, and as often as Germans discussed sexual “abnormality” and “immorality” between 1918 and 1933, no single study has considered these categories and the politics they animated in and of themselves. Yet, when the frame of historical analysis is “immoral” or “abnormal” sexuality, a particular sexual politics comes into view.

None of the women and men who appear in the pages of this dissertation would have called themselves (or others) “queer.” I refer to sexualities with the more temporally neutral “non-normative” rather than “queer.” Nevertheless, a desire to write a queer history, or to undertake a historical process shaped by queer studies, animates this project (and is thus reflected in its title). “Queer” was initially posed as a mode of subject-less critique.<sup>110</sup> The analytic advantage to having critique without subjects or identities was supposedly to analyzing the process of normalization of sexualities and break deadlocks produced by identity politics. A body of academic work with roots in the 1990s and in the U.S., together with a trend in U.S. activism, posited as the central dynamic in sexual politics a process of normalization resulting in a divide between “queer” and “normal” sexuality. In 1984, well before “queer theory,” Gayle Rubin argued that the central conceptual organizers in modern sexual politics are hierarchies ranking sex acts in terms of how dangerous they are. Though not all “bad” acts are

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<sup>110</sup> Teresa de Lauretis is often credited with originating the term “queer theory” at a 1990 conference.

considered equally dangerous, all “bad” acts are lumped together.<sup>111</sup> A 2005 review of “queer studies” put it like this: “Queer has no fixed political referent.”<sup>112</sup> It therefore enables the drawing of “[a]ttention to those hegemonic social structures by which certain subjects are rendered “normal” and “natural” through the production of “perverse” and “pathological” others.”<sup>113</sup> In the 1990s, people hoped that this kind of analysis would build into “resistance to regimes of the normal.”<sup>114</sup> But despite the failure so far of “queer” to animate a transformative and coalitional Left politics in the U.S., the category “queer” can be useful to historians.

To take my own study as an example, “non-normative” is a category that prioritizes a central, if messy, divide between acceptable and unacceptable sexualities. It allows for a history that considers the politics of this divide, rather than the politics of any single type of sexuality or sexual identity. This has certain advantages. For one, it allows for identity categories to be historicized. As this study shows, the category “homosexual” (of the biological variety) has its own history. It took shape because of the politics of the normative/non-normative divide. Activists elaborated it in order to divert the state’s attention from some forms of sexuality while accentuating the danger of other forms of sexuality. Studies that start with categories within the non-normative tend not to focus on how those categories were being constructed, and end up portraying the Republic as a basically tolerant period when it came to non-normative sexualities. Histories of homosexual female and male subcultures have a singular focus on these

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<sup>111</sup> “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality.” reprinted in Abelove, Barale and Halperin, eds. *The Lesbian and Gay Studies Reader*, (New York: Routledge, 1993).

<sup>112</sup> David L. Eng with Judith Halberstam and José Esteban Muñoz, “What’s Queer About Queer Studies Now?” *Social Text* Fall/Winter 2005 p. 3.

<sup>113</sup> Eng et al paraphrasing Michael Warner’s introduction to *Fear of a Queer Planet*, Eng et al p. 3.

<sup>114</sup> Michael Warner quoted in Eng et al, p. 3.

identities, and often do not examine the efforts of men and women in these scenes to distinguish themselves from other sexual “abnormals.”<sup>115</sup> For instance, the vote against Paragraph 175, Germany’s law against male-male sex, is analyzed just for its potential effects on “homosexuals,” and is often taken simply as a victory for them, when in fact the vote resulted in part from the discursive exclusion of many men who had sex with men from the very category “homosexual.”<sup>116</sup>

In addition, various sexual outsiders fared better or worse in politics because of shifts over time in notions of which sexualities were non-normative and which were dangerous. These sorts of histories are best elaborated by considering non-normative as a broad field, rather than choosing subcategories within it. For example, historians differ in their assessments of the 1927 prostitution reform, but a study that considers only female sex workers, and therefore not the subsequent move to crack down on male sex workers (in the 1929 reform of Paragraph 175), or the pathologizing of lower-waged or lower-classed female sex workers, not to mention the intentional distancing of lesbians from female sex workers, is more likely to conclude that the Republic was an increasingly good time to be a female sex worker.<sup>117</sup> In studies that do not consider “immorality” as a field of discourse, the overall arch of the politics of non-normative sexualities gets obscured.

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<sup>115</sup> Eldorado: Homosexuelle Frauen und Männer in Berlin 1850-1950 Geschichte, Alltag und Kultur (Berlin: Edition Henrich, 1992). Claudia Schoppmann, *Der Skorpion: Frauenliebe in der Weimarer Republik* (Hamburg: Fruehlings Erwachen, 1985). Glenn Ramsey, “The Rites of Artgenossen: Contesting Homosexual Political Culture in Weimar Germany,” *Journal of the History of Sexuality*, (January 2008) pp. 85-109. For a very different approach that makes clear the efforts of homosexual women to police the category of female homosexuality, see Lybeck, “Gender, Sexuality, and Belonging.”

<sup>116</sup> James Steakley, “The Emergency of a Gay and Lesbian Political Cultural in Germany,” in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, Mark Blasius and Shane Phelan, eds. (New York: Routledge, 1997) 133-134. Wayne R. Dynes, “Magnus Hirschfeld,” in Michael J. Tuirkus. ed. *Gay and Lesbian Biography* (Detroit: St. James Press, 1997) 228.

<sup>117</sup> Julia Roos, “Backlash Against Prostitutes’ Rights.”

Historians need non-identitarian ways to think about the history of sexuality. We need queer history and gay and lesbian history; they are two very different projects. Gay and lesbian history began to be produced in the 1970s in the U.S. as part of an activist project, and activists and their successors carried the project into the academy.<sup>118</sup> This history remains useful: demonstrating that sexuality is historical and that gay men and lesbians existed in the past are ways to oppose a conservative culture that contains these non-normative sexualities in part by seeking to erase them. But the critique that gay and lesbian history stabilizes gay identity and fails to interrogate race, class, and gender, among other categories, is still alive and well.<sup>119</sup> Indeed, modern academic history was developed as part of the project of nation-building, and gay and lesbian history seems to run the risk of succumbing to the temptation to build a certain sense of belonging for only some people based on certain narratives, identities, and hero figures. Such a project of gay and lesbian nationalism would (and does) cover over other queer histories.

In addition, gay and lesbian history has done less to challenge master historical narratives than it could. The history of sexual outsiders has much to say about master historical narratives, and ought to be written as such. The modern European state's involvement with sexuality is deeply entwined with politics that reach far beyond identity categories such as "homosexual," as this study demonstrates, but studies that begin with

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<sup>118</sup> This is by no means meant to be a complete citation of gay and lesbian history, but exemplary works in the tradition I am referring to include: Jonathan Ned Katz, *Gay American History: Lesbians and Gay Men in the U.S.A.* (T.Y. Crowell, 1976). Hans-Georg Stümke, *Homosexuelle in Deutschland: Eine Politische Geschichte* (München: Beck, 1989). Martha Vicinus Martin Duberman, and George Chauncey, ed., *Hidden from History: Reclaiming the Gay and Lesbian Past* (New York: Meridian, 1990), Elizabeth Kennedy and Madeline Davis, *Boots of Leather, Slippers of Gold: The History of a Lesbian Community* (Routledge, 1993).

<sup>119</sup> Scott Bravmann, *Queer Fictions of the Past: History, Culture, and Difference* (Cambridge: Cambridge University Press, 1997).

the category “homosexual” tend to miss some of this state involvement. Joan Scott wrote in 1988 that initially, women’s history documented women in the past who had not been documented before, but their inclusion in history did not change the master historical narratives that had been written already about universal and male subjects. Scott called for “attention to the conflictual processes that establish meanings.”<sup>120</sup> Queer history would likewise historicize categories of sexuality, paying attention to both their outsides and insides as well as to the politics that they figure in. I hope that my work examines how sexuality is imagined, normalized or abnormalized, and policed, and shows how those processes were of great importance to German politics.

Yet “queer” in the academy appears lately to be in peril of fading into obsolescence. “Queer” can apply to non-normative sexualities, including those that were not between people of the same sex, à la Rubin’s scheme. However, “queer” became a synonym for “gay and lesbian” or “GLBT,” zapping some of its analytic power and drawing critiques. Cathy Cohen pointed out in 1996 that in the contemporary U.S. not only same-sex sexualities, but “heterosexual” sexualities, such as those of unmarried mothers on welfare, were stigmatized and managed by the government.<sup>121</sup> Don Kulick argued that the male clients of female sex workers were the queerest people in Sweden circa 2005.<sup>122</sup> In addition, “queer” as deployed inside and outside the academy, often has an implicit white, middle-class, able-bodied, often male, U.S. citizen referent. In both academic practice and politics, “queer” has been critiqued for betraying its own transformative potential by erasing, rather than interrogating and resisting, “hegemonic

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<sup>120</sup> Joan Scott, “Introduction,” *Gender and the Politics of History* (New York: Columbia U. Press, 1988) 5.

<sup>121</sup> Cathy J. Cohen, “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?” in E. Patrick Johnson and Mae G. Henderson, eds. *Black Queer Studies: A Critical Anthology* (Durham: Duke U. Press, 2005) pp. 21-51.

<sup>122</sup> Don Kulick, “Four Hundred Thousand Swedish Perverts,” *GLQ* 11:2 (2005) pp. 226-227.

social structures.”<sup>123</sup> To me, this diluted analytic “queer” does not seem up to the tasks posed by current dire politics. These bleak times—global environmental crisis and economic devastation in the non-Western world, to evoke just two looming sets of problems-- seem to call for critiques of global politics, race, the category human, and relations with the non-human. Yet, returning to the normative/non-normative divide seems to offer the opportunity to consider sexuality and constructions of the human, to examine histories of race and disability, and perhaps to develop “queer” beyond the myopia for which it had been critiqued.<sup>124</sup> I hope that an inclusive “queer” or, in my use, “non-normative” will position historians to pay attention to how sexuality is deployed together with gender, race, ideas about bodily ability, nationalism, class, and a host of other factors to animate processes of state management.

Queer history entails a certain archival practice. Rather than arrive at the archive to research a pre-chosen category such as “homosexual,” a historian can find the normative/non-normative in the archive and follow it. I did this in the Prussian State Archive (*Geheime Staatsarchiv Preussischer Kulturbesitz*), where I began by reading the files on “immorality” (*Unsittlichkeit*) in their entirety; I continued this practice with files under the same title at the German Federal Archive (*Bundesarchiv Lichtefelde*). “Immorality” has a certain provenance: it tended to be used by religious activists and people who adhered to a non-scientific and relatively traditionalist view of sexuality, vice, and sin. Progressive scientific reformers like Hirschfeld eschewed it. They used

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<sup>123</sup> Cathy J. Cohen, “Punks, Bulldaggers, and Welfare Queens.” Jasbir Kaur Puar, “Transnational Configurations of Desire: The Nation and its White Closets,” in Brigit Brander Rasmussen, Eric Klinenberg, Irene J. Nexica, and Matt Wray, eds. *The Making and Unmaking of Whiteness* (Durham: Duke University Press, 2001) 167-183.

<sup>124</sup> See for instance Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007).



“abnormal” (*abnormal*) to describe sexualities that deviated from what they held to be a biologically determined norm in the human population. “Immoral” connoted some acts, like adultery, which were not “abnormal” per se. “Abnormal” was basically an attempt to re-classify some of the types of sexualities that would be filed under “immorality,” to make them the business of no one, or of doctors, rather than the police. But both categories include the sexualities that are the focus of this study: same-sex sexuality, sex work, masturbation, pornography, and in some cases promiscuity or extramarital sex. The benefit of working from the government’s term for troublesome sexualities in a study of state management, law, and politics is that the state’s management of sexualities—the work of the bureaucrats who kept those hundreds of pages of documents in files labeled “immorality”—set the terms of political struggles. My central concern is the politics of the very category “immorality.” Therefore, it was a good place to start, although I did not stop there.

Germans archives and libraries are full of material about sexuality during the Weimar Republic. Many histories of this topic could be written. This study does not focus on several movements that were pulled into the politics of “immorality” but are already the subject of excellent studies: the sex reform movement, the phenomena of the New Woman, the nudity movement, the movement for legal abortion and contraception, and the women’s movement. The most glaring omissions are the issues of birth control and abortion; files on “immorality” contained many documents pertaining to them. Rather than working with these documents myself, I have relied on Grossmann’s work. These are the only topic included in “immorality” files that is de-prioritized in my study. Many of my sources are police and government files; such archives have been called

archives of repression from which stories of self-liberation cannot be unproblematically told.<sup>125</sup> I see these archives as archives of management rather than repression, and I seek to use the techniques of social history to read between the lines of what police and government officials wrote to find the narrations authored by sexual outsiders themselves.

### *Chapter-by-Chapter Overview of this Dissertation*

In Chapter 1, I examine the sexual politics of the Republic's early years and the movement to reinstate government censorship of media with sexual content following the Republic's founding. This movement was comprised of a diverse coalition of religious morality leagues, partisans of the Zentrum, and nationalist, conservative, and right wing politicians. They claimed, with some justification, that the Republic's less stringent censorship provisions had enabled a flood of media portraying non-normative sexualities immediately following the revolution. They blamed this media for actual shifts in dominant norms of sexuality, which, they claimed, threatened Germany with moral ruin and was the fault of the Republic and democracy in general. This anti-Republic, often religious, at times antisemitic censorship movement reached its apex in 1926, when the Reichstag passed the relatively toothless Law to Protect Youth from Trashy and Filthy Writings (*Gesetz zur Bewahrung der Jugend von Schund- und Schmutzschriften*).

After the mid-1920s, the movement for censorship became increasingly obsolete in sexual politics. However, it set the basic terms of sexual politics for the duration of the

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<sup>125</sup> Matthew Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (Chicago: University of Chicago Press, 2005).

Republic, and shaped the activism of those who opposed it, including Hirschfeld. One of these basic terms was the debate over what caused homosexuality and whether or not it could spread through media. Advocates of censorship made arguments about how depictions of non-normative sexuality in media could “seduce” people into sexual “immorality.” Some of these arguments proceeded from the tenants of Christianity. Others acquired a veneer of science. The Republic’s more relaxed censorship had allowed for a boom of magazines written for and by male and female homosexuals, which became primary targets of censorship proponents. Defenders of the magazines, Hirschfeld most famous among them, countered theories about seduction to homosexuality by arguing that homosexuality had a biological basis and could not be affected by what a person read. This contrast between theories about the mutability of homosexuality and theories of its unchanging, biological basis structured sexual politics for the remainder of the period.

Chapters 2, 3 and 4 analyze a shift in sexual politics toward the ascendancy of biological models of non-normative sexualities. As the 1920s progressed, a strange coalition of political movers and shakers—homosexual and feminist activists, conservatives and Social Democrats—formed around various concepts of non-normative sexualities as biological, some of which drew on eugenics. Increasingly, sexual politics were less concerned with media and more concerned with certain deviant bodies. The battle against dirty media had been waged by a coalition of the Zentrum, right, radical right and antisemitic politicians, and religious morality leagues. A broader coalition formed behind biological models: right, radical right and antisemitic politicians, Social Democrats, homosexual activists including Magnus Hirschfeld, feminists, and liberals.

Though the Zentrum mainly opposed a biopolitical approach to “abnormal” sexuality through 1933 (fighting the three proposed legal reforms and keeping up its agitation for stricter censorship), it was increasingly obsolete in sexual politics.

This shift toward biological models took form in three successful or proposed legal reforms of the late 1920s and early 1930s: growing support for a sterilization law, the successful 1927 reform of the laws on women’s sex work and on venereal disease, and the 1929 vote in a committee of the parliament to rewrite the law against sex between men (Paragraph 175). All were hailed by progressives as more “modern” and “scientific” approaches to sexual “immorality.” Though historians generally adopt grim tones to write about the proposed sterilization law, both the 1927 sex work and venereal disease law and the 1929 move to strike Paragraph 175 have been hailed as victories for the forces of sexual liberation. Yet in their logic, all three reforms were intimately related. All drew on a growing faith in the power of medicine and eugenics to manage some forms of “abnormal” sexuality as well as crime, poverty, disability, and, with the onset of the Depression, the Weimar state’s inability to fund its welfare commitments. Under the new biopolitics of “abnormal” sexuality, some of the people stigmatized in the censorship debates were now targeted for medicalized management. However, some of them, notably respectable male homosexuals, were now to be pitied, but left alone. In addition, new categories of disability were drawn into sexual politics, targeting people considered biologically *minderwertig* (of little worth): alcoholics, prostitutes, criminals, pedophiles, mentally ill people, physically and mentally disabled people, and others. “Immorality,” not to mention criminality and poverty, was still contagious, but it was understood to

spread through families according to Mendel's laws of heredity, not from stranger to stranger via dirty books and movies.

Chapter 2 examines Weimar-era agitation for a sterilization law. Calls for legally regulated, eugenic sterilization had been in the press since well before 1918, and during the Republic, diehard advocates for sterilization practiced it despite its technical illegality. With the onset of the Depression, sterilization of a somewhat different sort gained support from right and left. "Voluntary" sterilization, which was hardly voluntary in practice, would supposedly save money and rescue the nation from biological degeneracy. Sterilization was bound up with the politics of "abnormal" sexuality. It was based on eugenic ideas that used sexuality as a primary marker of eugenic "degeneracy." In addition, sterilization procedures (which were not always distinct from castration) could supposedly control an "abnormal" sex drive.

Chapter 3 analyzes events in 1927, as the Reichstag abolished the nation's system of police-supervised women's prostitution and replaced it with "The Law to Fight Venereal Disease" (the *Reichsgesetz zur Bekämpfung der Geschlechtskrankheiten*). The law was designed, quite explicitly, to make government oversight of women's sex work a public health matter rather than a police matter. It also institutionalized a new government approach to the problem of venereal diseases, which had no effective treatment and which experts advised were spreading in near-epidemic proportions. The reform established a system of publicly funded clinics at the state (*Länder*) level to identify and treat people suspected of having a venereal disease. It empowered the clinics to confine uncooperative people for compulsory treatment. They could also preemptively confine people whom they suspected would be uncooperative. These

people were already well known to social workers. Many of them were defined as eugenically degenerate in sterilization discourse: poor people, socially marginal people such as homeless people, the “feebleminded,” and women “known to the police” as prostitutes, especially those who solicited on the street. One effect of the law was medicalized surveillance of some men and women according to perceptions of their sexuality and related ideas of debility and criminality.

Chapter 4 narrates the 1929 Reichstag committee vote to repeal Paragraph 175, the law against men having sex with men. Though the breakdown of parliamentary democracy in the 1930s ensured that the vote never obtained the force of law, homosexual emancipation activists hailed it as a resounding victory. This vote marked an odd moment in the sexual politics of the Weimar era. It united advocates of biopolitics and advocates of censorship. They voted together to strike Paragraph 175 from the penal code not in order to liberate homosexuals, but in order to replace the law with a new regime for policing sex between men. Censorship advocates saw the fall of Paragraph 175 as the potential end to what they called “homosexual propaganda,” the homosexual magazines they had sought to censor since the Republic’s founding. If the law were repealed, activists would have no reason to drag homosexuality into the public eye and into media. This was, in fact, a vote against the homosexual press. Believers in sexuality’s biological origins, including Social Democrats, voted to replace Paragraph 175 with a new law that provided harsh penalties for male sex work. They, along with censorship advocates who now appeared ready to come around to some form of biological determinacy, reasoned that biological homosexuality was not extremely dangerous so long as it was confined to a small, discrete group of possibly biological

homosexuals dwelling in the moral sumps of Germany's big cities. The real social dangers associated with homosexuality, they reasoned, were behaviors that might spread it—prostitution, “propaganda,” the seduction of teenaged boys—and the heterosexual “criminal degenerates” who made their livings from it. This group of supposedly biological criminals comprised male sex workers and men who used Paragraph 175 to blackmail their sex partners. Though these men had sex with other men, homosexual activists led by Magnus Hirschfeld denied that they were “actual homosexuals,” arguing that in fact, they were heterosexual biological criminals. Hirschfeld used eugenics to make this argument. The result of the proposed 1929 reform would have been the inclusion of some men who had sex with men—sex workers, blackmailers—in the category of “biological degenerates” to be managed with eugenics. This vote demonstrates a strange coalition at work to implement a biopolitical approach to “immorality,” a coalition that other activists for homosexual emancipation, like Kurt Hiller, came to fear. The WhK split over the question of whether it ought to oppose or support the 1929 vote; Hirschfeld resigned the leadership of the organization, and the remaining activist, led by Hiller, vowed to fight the reform.

Chapter 5 considers how the Nazi party took part in Weimar-era sexual politics. In Weimar-era Nazi party propaganda, race, above all Jewishness, were set in the center of the “immorality” discourse, and “immorality” in general was blamed on the Jews. Nazi authors attributed homosexuality (personified by Hirschfeld), prostitution, “pornography,” and the decline of the family to a conspiracy run by money hungry, perverse Jewish men. Yet, Nazi newspapers seem to have almost completely abandoned this imagery (which made a comeback after 1933) around the same time that the party

began to win a substantial slice of the national vote. In the early 1930s, major Nazi party newspapers (*Der Angriff* and the *Völkischer Beobachter*) made infrequent, vague, and coded references to “the corruption of our Volk,” but did not seem to make sexuality and “immorality” a central campaign issue. By toning down its antisemitic imagery, the party brought its rhetoric roughly in tune with “immorality” rhetoric like that of the Zentrum, which had been increasingly marginalized in sexual politics as biological models of sexuality gained ascendancy. Yet, Zentrum voters remained unlikely to vote Nazi, perhaps in part because of a homosexual scandal within the Nazi Party that broke in the national press in the early 1930s.

Perhaps the more significant effect that sexuality issues had in electoral politics was to drive another wedge between the Zentrum and the SPD. These two “parties of the Republic” took opposite sides in sexual politics over the entire course of the Republic, with the SPD increasingly backing biological models while the Zentrum remained committed to censorship efforts and resisted eugenics. This observation does not add much to scholarship on Nazi electoral gains, as Zentrum voters proved unlikely to vote Nazi.<sup>126</sup> It does, however, emphasize the polarization of Weimar politics, particularly a fundamental rift on questions of non-normative sexuality within the Weimar Coalition that contributed to the Republic’s parliamentary instability and eventual co-option by the forces of the right.

In the Conclusion, I consider how the Weimar Republic’s sexual politics suggest a new way to narrate sexuality and the early twentieth century welfare state. What are sexual “biopolitics,” and how do they relate to welfare, citizenship, and homosexual

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<sup>126</sup> Thomas Childers, *The Nazi Voter: The Social Foundations of Fascism in Germany, 1919-1933* (Chapel Hill: University of North Carolina Press, 1983).



emancipation? How do they demand that we read the history of same-sex sexuality alongside the history of disability? What similarities does the Weimar Republic bear with other democratic states of its era? These questions, I argue, lead to a new formulation of the history of sexual politics in Germany and beyond.

## Chapter 1

### Media and Sexual Revolution in the Early Weimar Republic

On a winter night in 1920, the curtain of Berlin's Linden Cabaret did not rise on schedule for a performance of Celly D'Rheidt's ballet. When the performance's scheduled start time came and went, and the cabaret's manager came on stage and told the audience to "be patient, because the dancers are not yet dressed."<sup>127</sup> This was a joke. D'Rheidt and her husband had come to Berlin after the war to produce what she called a new form of dance. She described this new form as the modern staging of ancient dances in light clothing or no clothing.<sup>128</sup> The manager's joke was that she and her dancers wore such minimal costumes that donning them could hardly account for the delay in beginning the performance. One man in the audience did not find the manager's joke funny. He was a Protestant priest and expert on "sexual immorality" named Father Hoppe. His visit to the Linden Cabaret that night would cumulate years later in the trial of D'Rheidt, her company, and the cabaret's manager for obscenity.

What a priest was doing at a risqué cabaret show in 1920 is part of the story of the battles over state censorship of media with sexual content that preoccupied Germans especially in the Republic's early years. This Hoppe was probably the same Hoppe of Berlin who had recently published a pamphlet called *Sexual Bolshevism and Defense*

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<sup>127</sup> On the scene in the cabaret and Heinz Fuss's joke, see the description of Hoppe's testimony in the January, 1922 decision against D'Rheidt, GStAPK I. HA Rep. 84 a Nr. 8100, 239-262.

<sup>128</sup> Caecilie Seweleh (Celly de Rheidt) et al case, Landgericht I., Berlin. 13 Feb. 1922. I. HA Rep. 84 a Nr. 8100 pp. 218-262.

*Against Same (Sexueller Bolschewismus und seine Abwehr*, 1921), which blames the sex reform movement for spreading venereal disease and eugenic degeneracy. He would go on to publish several other pamphlets, including *Help for Parents and Protection For Youth: Strength Through Purity (Elternhilfe und Jugendschutz: "Kraft durch Reinheit"* 1936), which warns parents to protect their children from "evil people" who might teach them to masturbate.<sup>129</sup> He went to D'Rheidt's show that night in order to save Germany from what he believed was a deadly threat posed by media that portrayed sexual content, including live theater performances.

During the Republic's early years, morality activists like Hoppe warned that the 1918 revolution and the Republic's founding had unleashed a "wave of moral filth" on Germany. They acknowledged that norms of sexuality had been changing before the war, and that the war's disruption of Germany society had worsened the moral situation "...the moral degeneration in our big cities did not begin in 1918, but it is undeniable that morals have loosened in the post-war period," *Germania* reminded its readers in 1932.<sup>130</sup> "Ten years ago, none of us thought possible some of what we live with today," the *Kölnische Zeitung* held in 1924. "...We have, doubtlessly over the course of the past years, experienced a sexual revolution..."<sup>131</sup> Throughout the years of the Republic, activists against media with sexual content battled to increase censorship.

One important cause of this moral degeneration, critics alleged, was the Republic's insufficient censorship of media. At the first meeting that the West German

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<sup>129</sup> Ludwig Hoppe, *Elternhilfe und Jugendschutz: "Kraft durch Reinheit"* (Walter Kersten Halle, 1936). On Hoppe, see also Paul Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870-1945* (Cambridge: Cambridge University Press, 1989). 368.

<sup>130</sup> "Kampf um die Volksmoral. Das presse-Echo der Braucht'schen Sittlichkeitserlasse," *Germania* 26 Aug. 1932.

<sup>131</sup> "Eros vor Gericht." *Kölnische Zeitung* April 23 1924.

Morality Club in May 1919 could manage to hold in the midst of the civil violence following Germany's surrender, a club member declared that, "The war has caused enormous damage in the area of morality." He was not talking about the moral perils of wartime mass killing; rather, he meant "the moral filth in the cinemas, theaters, and in trashy literature."<sup>132</sup> The club's leader recalled more than a decade later that the "military collapse was followed by the economic collapse, and the two together allowed the moral collapse (*beidem gefellte sich der sittliche Zusammenbruch*)."<sup>133</sup> This state of affairs could, they argued, bring down the German nation à la Sodom and Gomorrah because media had the power to "seduce" innocent people into sexual corruption. The Berlin League to Fight Public Immorality (*Berliner Verein zur Bekaempfung der oeffentlichen Unsittlichkeit*) clipped an article that expressed all this and mailed it to the Prussian government along with a plea to shut down D'Rheidt's show and stop "the scandal of the naked dance."<sup>134</sup> The article held that "the war with its results" (i.e. revolution) "developed" pre-existing tendencies. Capitalist greed was only accelerating the "escalating moral wildness (*Sittenverwilderung*)" and speeding Germany toward "moral collapse." "We are nearing Sodom's end," the author concluded.<sup>135</sup> This discourse of changing sexual norms as linked to media (for some, implicitly Jewish) and capitalism appealed to Catholic and Protestant morality activists, Zentrum politicians, and the far right.

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<sup>132</sup> Gellmann, quoted in Adolf Sellmann, *50 Jahre Kampf für Volkssittlichkeit und Volkskraft. Die Geschichte des Westdeutschen Sittlichkeitsvereins von seinen Anfängen bis heute* (1885-1935) (G. Meiners m.b.H., Schwelm i. Westf., 1935) 81. In this speech, he also complained about crime and youth running amok.

<sup>133</sup> Sellmann, 79.

<sup>134</sup> Letter of 12 March 1920, letter of April, 1920, see these and other letters in GStAPK I. HA Rep. 84 a Justizministerium Nr. 8100.

<sup>135</sup> "Sodoms Ende" *Rheinische Zeitung* 6 March 1920.

Although advocates of censorship succeeded in tightening restrictions, by the later 1920s it seemed that they had failed to stem the tide of “filthy” media. To take Celly D’Rheidt’s ballet as an example, Hoppe and his allies won a years-long fight to see her convicted under the obscenity statute, but Berlin grew famous for risqué cabaret nevertheless. In a series of reforms—the 1927 reform of laws on women’s sex work and venereal disease, the 1929 vote against Paragraph 175, and to some extent the movement to pass a sterilization law—their approach to changing sexual norms as a problem essentially of media proved vulnerable to claims that sexual behavior had rather to do with biology.

This chapter analyzes the battles over the censorship of media with sexual content: film, live performance, radio, gramophone records, and print materials. These battles resulted in renewed restrictions, most prominently the 1926 Law to Protect Youth from Trashy and Filthy Writings (*Gesetz zur Bewahrung der Jugend von Schund- und Schmutzschriften*), that sought to control media with sexual content, but which were relatively lax. Historians have written a good deal about Weimar-era censorship.<sup>136</sup> With the exception of Jens Dobler, they are not primarily interested in media that actually dealt with sex. Often, historians leave this kind of media—magazines with homosexual themes, personal ads for sexual partners, erotic cabaret—on the sidelines of their analysis. Instead, they reserve the spotlight for analysis of media that did not have sexual themes, such as adventure novels for young adults, which advocates of censorship labeled

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<sup>136</sup> Klaus Petersen, *Zensur in Der Weimarer Republik* (Stuttgart: J.B. Metzler, 1995), — — —, “The Harmful Publications (Young Persons) Act 1926: Literacy, Censorship, and the Politics of Morality in the Weimar Republic,” *German Studies Review* 15 (1992), Margaret F. Stieg, “The 1926 German Law to Protect Youth against Trash and Dirt: Moral Protectionism in a Democracy,” *Central European History* 23 (1990), Dieter Breuer, *Geschichte Der Literarischen Zensur in Deutschland* (Heidelberg: Quelle und Meyer, 1982). Karl Christian Führer, “A Medium of Modernity? Broadcasting in Weimar Germany, 1923-1932,” *The Journal of Modern History* no. 69 (1997).

*Schund* (“trash”). Dobler’s study of censorship of homosexual magazines concludes that despite restrictions on their sale to minors and their display, these magazines enjoyed a period of relative toleration under the Republic.<sup>137</sup> In this chapter, I consider the overall affect of the censorship battles on Weimar-era sexual politics, as well as on sexual outsiders themselves, their communities and their political movements.

In the chapter’s first section, I examine the D’Rheidt case as an example of changes in norms of sexuality following the war and the efforts of people who blamed these changes on media to roll them back. In the chapter’s second section, I consider the involvement of the homosexual emancipation movement and Magnus Hirschfeld in these politics. The publishers and editors of homosexual and transvestite magazines had to content with censorship proponents who claimed that the magazines actually spread homosexuality. To fight off censorship, Magnus Hirschfeld described homosexuality as having a strictly innate, biological origin. Though censorship proponents won the passage of a stricter provision aimed at media with sexual content in the 1926 Law to Protect Youth from Trashy and Filthy Writings (*Gesetz zur Bewahrung der Jugend von Schund- und Schmutzschriften*), they did not manage to suppress media to the degree that they sought. Hirschfeld’s model, however, went on to have further political utility.

In the chapter’s third section, I examine the possibility that censorship advocates were not completely wrong. Did laxer censorship change the ways in which some people experienced sexualities? Republic-era censorship enabled a boom of more than twenty magazines for male homosexuals, transvestites, and female homosexuals. (In transvestite magazines as well as in Magnus Hirschfeld’s work, transvestites were defined as women

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<sup>137</sup> Jens Dobler, “Zensur Von Büchern und Zeitschriften Mit Homosexueller Thematik in Der Weimarer Republik,” *Invertito: Jahrbuch für die Geschichte der Homosexualitäten* 2, no. Homosexualitäten in der Weimarer Republik 1919-1933 (2000).

and men who had an innate urge to dress in the opposite sex's clothing and to live as the opposite sex. They did not necessarily want to have erotic relationships with people of their same sex.) Some of the people who read and wrote for these magazines apparently believed that access to these magazines had helped them to "realize" that they were sexually non-normative, and had helped them to find likeminded people.

### *The Fight to Censor Celly D'Rheidt's Ballet*

When the curtain finally rose in the Linden Cabaret, Father Hoppe watched dances including "The Vampire" (*Der Vampyr*). For this dance, D'Rheidt danced the part of the vampire with the stage set as a graveyard. She was naked above the waist, save for stars drawn in red lipstick around her nipples. (At D'Rheidt's trial two years later, Hoppe's testimony as to the obscenity of D'Rheidt's ballet focused on costumes worn by the female dancers, so abundant information as to the costuming of D'Rheidt's troop survives.) An innocent woman, danced by Hedwig Gralla, somehow stumbled into the graveyard, where the vampire danced a predatory dance and seduced her into some kind of submission. Hoppe recalled two years later that Gralla's costume consisted of a small beaded apron over a "small triangular piece of cloth" and over her breasts, a "thin, see-through veil." The dance reached a climactic point as D'Rheidt's character bit Gralla's and drank her blood. But a male dancer, the Gralla's character's lover (danced by Willy von Droste) appeared to rescue her. Sitting in the audience, Hoppe took offense at this dance and others, finding that the nudity of the female dancers, together with their movements, caused "coarse carnality and obscenity."

Celly D'Rheidt's cabaret was a political problem, according to censorship advocates. This was in part because the dance was itself immoral, constituting a form of prostitution.<sup>138</sup> But there was another, even more pressing justification for censorship: media could change general moral norms. This could happen supposedly by example, as the *Dresdener Anzeiger* reported in 1920 in an article on the film *Lili, Sittenbild aus Berlin W.* (*Lili: A Moral Portrait of West Berlin*) about a female sex worker who becomes pregnant. According to the newspaper, "The entire film is a school of immorality, and it is suited to corrupt young girls."<sup>139</sup> This sort of notion of media's pernicious power proceeded from assumptions that a correct moral sense could exist (or be educated into existence) and that this moral sense could also be damaged or confused. A film could "injure the sense of shame and morality in sexual relations."<sup>140</sup> Media could inspire or awaken erotic feelings in a person and tutor them in ways that violated good morality. New technologies compounded the threat of media to moral norms. Films figured prominently in a series of battles over media censorship in the Republic's early years. Experts in the 'seduction-through-media' school of thought like Albert Hellwig, a judge (*Amtsrichter*) and Karl Brunner, a former secondary school (*Gymnasium*) teacher turned technical adviser to the Berlin police, explained how the medium of film itself threatened sexual propriety. Simple images could supposedly have a similar effect. Brunner warned in 1914 that cheaply available postcards of naked women would injure the "shame feeling" of male youths who bought them.<sup>141</sup> This was a political problem, a

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<sup>138</sup> See the Berliner Verein zur Bekaempfung der oeffentlichen Unsittlichkeit letter of 8 March 1920, GStAPK I. HA Rep. 84 a Nr. 8100, 108.

<sup>139</sup> "Filmzensur," *Dresdener Anzeiger* 28 Feb. 1920.

<sup>140</sup> Prosecutor's report, Landgericht I Berlin, 12 Jan. 1920. GStAPK I. HA Rep. 84 a Nr. 8100. 107

<sup>141</sup> Karl Brunner, "Konfiszierte Kunst," *Berlin Lokal-Anzeiger* 25 Jan. 1914.



problem that the government ought to address, because the nation itself had a moral character that was at risk.

The threat that D’Rheidt posed to Germany, according to proponents of censorship like Hoppe, was that her depictions of eroticism—in particular, the scantily clad and naked female bodies in her show--would awaken erotic sensations in viewers, leading to an overall spread of “immoral” eroticism. This was supposedly true not just of cabaret, but of all media. The Berlin League to Combat Public Immorality wrote that “shamelessness” unhindered in all kinds of “public depictions—movies, theater, dance performances, erotic and perverse literature and press” was all greedy and “unclean speculation on base (*gemein*) instincts that produced “moral brutalization” (*Verwilderung*) among the general public.”<sup>142</sup> A prosecutor who favored going after D’Rheidt wrote that if the government did not close down D’Rheidt’s ballet, the general public would take it that the government did not find D’Rheidt’s ballet objectionable, and that in that eventuality “exist the danger that of further moral illness of our Volk.” Failure to act would amount to a government invitation to “people who pursue their economic goals by whipping up sexual instincts.” The “Volk’s morality” could be “poisoned.”<sup>143</sup>

This argument was not new. Since the nineteenth century, German activists had fought “filthy” and “trashy” print media (*Schmutz und Schund*) media. Censorship proponents included members of Catholic and Protestant morality leagues. Although they made the Weimar Republic infamous as a moral nadir, they had complained of essentially the same things before 1918. Brunner, for instance, had edited a journal for

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<sup>142</sup> Berliner Verein zur Bekaempfung der oeffentlichen Unsittlichkeit, letter of 12 March 1920. GStAPK I. HA Rep. 84 a Nr. 8100, 193.

<sup>143</sup> Generalstaatsanwalt, Kammergericht. 24 Aug. 1920. GStAPK I. HA Rep. 84 a Nr. 8100.

the anti-*Schmutz* and *Schund* movement since 1910.<sup>144</sup> The morality leagues were frequently joined in their complaints by the Zentrum (Catholic Center Party) and by nationalists, monarchists, and antisemites on the right. Those in this loose coalition who opposed democracy on principle also blamed democracy. Catholics blamed godless materialism and capitalism. Antisemites blamed the Jews. Even when not explicitly antisemitic, the discourse of “filthy” media appears to contain coded antisemitic attacks: speculation on “mass instincts” by media outlets that sold sex was implicitly coded as something done by big publishing houses owned by Jews. But after 1918, all these censorship proponents claimed that the situation had grown radically worse because of differences in censorship practices under the Republic versus previous regimes.

On paper, the Republic’s censorship laws did not differ much from those of the Kaiserreich. But in practice, Republic censorship was lax compared to the Kaiserreich, and, according to censorship advocates, even more lax compared to the wartime military censorship, although wartime military censorship bureaus were both under staffed and under funded. Under the Kaiserreich, Paragraph 184 of the Reich Criminal Code banned the sale, distribution, manufacture, promotion and display of “obscene” (*unzüchtig*) publications, illustrations or representations, as well as their sale or distribution to people under sixteen.<sup>145</sup> In the decade and a half before the First World War broke out, German police had stepped censorship of “obscene” media. In 1910, Germany joined an international convention against “obscene publications” and the “white slave trade” and

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<sup>144</sup> Stieg, 30.

<sup>145</sup> Gary D. Stark, “Pornography, Society, and the Law in Imperial Germany,” *Central European History* XIV (September 1981) p. 213; pp. 216-217. Paragraph 184 was tightened somewhat in 1900 after a years-long struggle by Catholic and Protestant morality clubs, the Zentrum, right-wing antisemites, and conservative parties (the Lex Heinze affair). This revision increased fines and prison terms and criminalized the manufacture, promotion, or distribution of obscene print materials to people under sixteen. R. J. V. Lenman, “Art, Society, and the Law in Wilhelmine Germany: the Lex Heinze,” *Oxford German Studies* (8) 1973, pp. 86-113.

as a result, centralized and strengthened the policing of “obscene” print media.<sup>146</sup> Censorship and pornography suppression efforts were centralized in POLUNBI<sup>147</sup>, a single police command under the Prussian Interior Ministry. The movement against *Schmutz* and *Schund* greeted these changes. The national Catholic periodical *Germania* claimed in 1914 that centralization had “had very favorable results and in some places has completely paralyzed the sale of obscene publications” although there were still difficulties in undertaking “radical proceedings against *Schmutz* production.”<sup>148</sup> From about 1900 to 1914, prosecutions under Paragraph 184 increased markedly.<sup>149</sup>

At least on paper censorship under military control went even further than had intensifying pre-war censorship toward creating the media climate in Germany that prewar censorship opponents of *Schmutz* and *Schund* had sought. The military censor suppressed all kinds of media, from reports of unrest among women facing high food prices and scarcity to pacifist sentiments.<sup>150</sup> It also censored media with sexual content: magazines and newspapers, theater and opera, cabarets, music halls, films, humor magazines, and postcards. Military censors could suppress material that had sexual content but could not be suppressed under the Kaiserreich because it did not meet the legal definition of “obscene.” Military censors also banned “trashy” literature (*Schund*)

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<sup>146</sup> See BArch Lichtefelde R 3001/ 6261.

<sup>147</sup> “POLUNBI” is an acronym for Deutsche ZentralPOLizeistelle zur Bekämpfung UNzüchtiger Bilder, Schriften und Inserate bei dem Preußischen Polizeipräsidium in Berlin, or Central German Police Commission to Fight Obscene Images, Writings, and Advertisements, Prussian Police Headquarters, Berlin. (The acronym itself translates roughly as “Police (POL) Obscenity (UN) Images (BI).”)

<sup>148</sup> “Ein neues internationales Abkommen zur Bekämpfung der Schmutzlitteratur.” *Germania* 23 June 1914.

<sup>149</sup> Stark, pp. 219-220. See also Stieg, 27-28

<sup>150</sup> Belinda Davis, *Home Fires Burning: Food, Politics, and Everyday Life in World War I Berlin* (Chapel Hill: U. of North Carolina Press, 2000) pp. 104-105. Gary D. Stark, “All Quiet on the Home Front: Popular Entertainments, Censorship, and Civilian Morale in Germany, 1914-1918,” in Frans Coetzee and Marilyn Shevin-Coetzee, eds. *Authority, Identity and the Social History of the Great War* (Providence: Berghahn Books, 1995) pp. 57-80.

including adventure novels that supposedly caused youth delinquency.<sup>151</sup> Publications banned by military order included adventure books about American cowboys, detective stories, and popular scientific books on flagellantism, fetishism, masochism, sadism, homosexuality, sexual hygiene, prostitution, free love, and sex reform.<sup>152</sup> Restrictions on media were compounded by the fact that overall media production, including of media with sexual content, dropped off during the war.

The Weimar Constitution abolished the censorship. However, it made several exceptions to this general abolition.<sup>153</sup> These included an allowance for laws to establish a film censor. It allowed for censorship to protect “youth” from “filthy” and “obscene” literature. And it allowed for the establishment of measures to protect youth from public performances. This meant that Paragraph 184 survived intact where it concerned media with sexual content. This has led some historians to argue that the “flood” of “filthy” and “trashy” material was more in the imaginations of the outraged censorship advocates than anywhere else.<sup>154</sup> I disagree. To me, the situation of media with sexual content seems to have changed significantly with the advent of the Republic, both because of censorship practices and because of changes in the economics of media. Advocates of censorship did complain that censorship had become dangerously lax under the Republic, especially

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<sup>151</sup> On the battle against Schund before 1945, see Margaret F. Stieg, “The 1926 German Law to Protect Youth Against Trash and Dirt: Moral Protectionism in a Democracy,” *Central European History* 23 (1990) 22-56. On Schmutz and Schund after 1945, see Dagmar Herzog, *Sex after Fascism: Memory and Morality in Twentieth-Century Germany* (Princeton: Princeton University Press, 2005). 109.

<sup>152</sup> GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 Bd. 11.

<sup>153</sup> The decree on censorship was limited by a number of regulations, including rule by decree under Article 48. These regulations were used to suppress portions of the press at varying times, notably during decrees of national emergency as after the assassination of the foreign minister Walther Rathenau. However, such limits do not appear to have been used against the homosexual press nor against other media with sexual content. On suppression of the Weimar-era press, see Modris Eksteins, *The Limits of Reason: The German Democratic Press and the Collapse of Weimar Democracy* (Oxford: Oxford University Press, 1975). 70-72. Dennis E. Showalter, *Little Man, What Now?: Der Stürmer in the Weimar Republic* (Hamden, Conn: Acron Books, 1982). 52-53.

<sup>154</sup> Stieg, 35.

in comparison to the military censor. The situation was compounded by new technologies: cheaper print production and the expanding film industry. Hellwig, an expert on the dangers of film, wrote in a newspaper article in the fall of 1919 that for months people in “reasonable circles” had complained of the “rapid flood” of *Schund* films, which were nothing but “business speculations on dirty mass instincts that have flooded in under the protection of the newly won “freedom”...the only good result of this is that it is proof against the Constitution’s general abolition of censorship.” Hellwig noted that the recent release of several “Enlightenment films” (*Aufklärungsfilme*) on topics of sexuality, including homosexuality, were a “danger to public order, peace, and safety” and had “seriously endangered...morality.” Here Hellwig echoes fears about post-war political instability and armed uprisings from both the political left and right, and ties them to sexual disorder. For Hellwig, the Republic’s dangerous laxity showed up in contrast not to the *Kaiserreich*, but to the wartime military regime. Censorship during the war, he wrote, was viewed by public and experts alike as “a pleasant technical step forward,” now sadly repealed like so many other “exemplary” military-imposed social controls.<sup>155</sup> Some regional control allowed provinces to establish their own censorship boards, but Prussia had none.

In addition, at war’s end, the bureaucracy of censorship was left in disorganization, a disorganization compounded by the 1919 Constitution’s general abolition of censorship. For live performances, this meant no more “pre-censorship”; censors would not vet a show before it opened to the public.<sup>156</sup> Now, police would

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<sup>155</sup> “Der Kampf gegen die Schundfilme,” *Der Tag* Oct. 18, 1919.

<sup>156</sup> See Grzesinski, Prussian Interior Minister report of 17 June, 1927 and Severing, Minister of the Interior report 18 Jan. 1927, *GStAPK I. HA Rep.* 84 a Nr. 8100, 425-427 and 428-431. Also Wolfgang Heine, “Zurück zur Zensur. Eine Warnung,” *Vossische Zeitung* 11 Nov. 1925.

investigate a performance only when they received a complaint against it from an offended citizen.<sup>157</sup> Father Hoppe played this role in the D’Rheidt case. The priest had to watch the show and take offense in order to complain. This legal situation put anti-*Schmutz* and *Schund* crusaders in awkward positions. Had Hoppe gone to see the cabaret merely in order to complain about it? If so, he could hardly complain. The court ultimately found that Hoppe and another witness were “thoroughly serious men” who “in no way” went to see the dance solely in order to take offense.<sup>158</sup> Such a finding itself raised a question that the court did not address: why, then, did Hoppe go to the cabaret at all, especially as he himself testified that the Linden Cabaret could hardly be mistaken for an artistic venue? The strange position of censorship advocates as both enemies of obscenity and consumers of obscene material came up repeatedly. The communist organ *Rote Fahne* attacked Brunner in 1921 on these grounds, noting that his job as a police expert was to find and then read literature that would “arose sexual emotions in other people.”<sup>159</sup>

Even aside from the new, shakier legal grounds of censorship, Berlin police seemed disinclined to meet the demands of censorship advocates. This was true in D’Rheidt’s case. Censorship advocates first succeeded in bringing her show to the attention of the police in 1920. The police sent a three-man panel of experts to view the cabaret incognito and to decide whether an obscenity proceeding against D’Rheidt would be successful. This panel included Brunner, who predictably found the show obscene. He found that the dancers’s breasts were “brashly arrayed in a lewd display” and that a

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<sup>157</sup> Paul Schleisinger, “Nacht Tänze” *Vossische Zeitung* 23 Jan. 1922. “Aus Gross-Berlin. Der Prozes gegen Celly de Rhendt” *Die Zeit* Jan. 15, 1922.

<sup>158</sup> GStAPK I. HA Rep. 84 a Nr. 8100, 239-262.

<sup>159</sup> “Die Mucker triumphieren,” *Rote Fahne* 1 Nov. 1921.

belly dancing sequence was especially obscene “because the movements, which are performed with great verve and potency in a way that is calculated to have a direct and arousing effect (*Wirkung auf die Sexualsinne*).”<sup>160</sup> His two colleagues, one of whom was the director of the German Theater League (*Deutschen Bühnenvereins*) and the other of whom was an advisor to the prosecutor’s office, did not. They reported that the scant clothing of the dancers was “on the border” of what was permissible, but that there was artistic worth in the performance, and that the “erotic movement” of the dancers was not itself obscene.<sup>161</sup>

Brunner was particularly upset about one dance, *The Nun* (*Die Nonne*). In *The Nun*, D’Rheidt portrayed a young nun whose superiors were threatening to throw her out of her convent for breaking her vow of chastity. The nun flees into a church. There, a statue of the Virgin Mary comes alive and dances with her. When the nun removes all of her clothing and stands fully naked before the alter clutching a crucifix, the living statue blesses her. This dance may have been a critique of religious morality activists like Brunner. They (and he) reacted to it with ire.<sup>162</sup>

However, a naked nun was not enough to get the police to close down D’Rheidt’s show. They did apparently tell her to cut *The Nun* out of her show, but D’Rheidt and her troop continued to perform. Officers went to view the show, then met with her husband and business manager Alfred Seweleh. The police later denied that they mentioned anything about the legal obscenity of the show to Seweleh during that meeting. But after the meeting D’Rheidt’s troop stopped performing *The Nun*. Police memos show that at

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<sup>160</sup> Generalstaatsanwalt, Kammergericht. 24 Aug. 1920. I. HA Rep. 84 a Nr. 8100, 124-126.

<sup>161</sup> Oberstaatsanwalt memo, 21 June 1920, GStAPK I. HA Rep. 84 a Nr. 8100, 127.

<sup>162</sup> GStAPK I. HA Rep. 84 a Nr. 8100, especially 239-262.

the time of this meeting, Brunner had lost an internal battle and the police had determined that the performance was not, in fact, legally obscene.<sup>163</sup>

In general, anti-censorship forces in the Prussian government and the Berlin police claimed to be aware of a post-war fad for nude or scantily clad reviews, but declined to close them down. In 1925, Zentrum members of the Prussian state parliament (*Landtag*) to curtail the “in-no-way-artistic nudity movement (*Nacktkulturbewegung*)” in theater and cinema in the interests of the “wellbeing of the youth.”<sup>164</sup> The Prussian Interior Minister responded by defending the nudity movement in general. The Ministry conceded the “growing frequency of nudity in the post war period in revues, cabarets and variety stages” but wrote that “what is needed is not political measures, but rather an improvement of the public’s taste.”<sup>165</sup>

The 1920 investigation of D’Rheidt and her troop was dropped, but Hoppe did have his day in court. Two years later, prosecutors who favored censoring the ballet succeeded in bringing obscenity charges against D’Rheidt, several of her dancers, her manager and husband Seweleh, and the manager of the Linden Cabaret. It is unclear what changed the Prussian government’s policy on D’Rheidt. One credit claimed that the campaign against D’Rheidt was really an attempt to discredit the Republic. D’Rheidt’s show might be not so different from prostitution, Paul Schlesinger wrote, but why bring it into the public eye and waste public funds on a court case when Berlin was full of such “nightlife”? “The factions that happily distinguish themselves through denunciation in matters like this one ought to believe that one should not speak so much about things that

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<sup>163</sup> GStAPK I. HA Rep. 84 a Nr. 8100, 120, 129-134, 239-262.

<sup>164</sup> Porsch et al, Große Anfrage Nr. 43, Prussian Landtag 3 April 1925, see GStAPK I. HA Rep. 84 a Nr. 8100, 349.

<sup>165</sup> Prussian Interior Ministry 27 June 1925, GStAPK I. HA Rep. 84 a Nr. 8100, 351-356.



one likewise should not see. It is a known that these circles have a political interest in distorting the scandal in order to show the world how bad things are under the Republic.”<sup>166</sup> By the time of D’Rheidt’s 1922 trial, the ballet had been in performance for two years, something D’Rheidt’s lawyers brought up to no avail. D’Rheidt, Seweleh, and a few others were found guilty of charged related to producing an obscene ballet and received fines. On appeal, the Reichsgericht upheld the convictions, but cut the total amount of the fines from 40,000 M to 4,700 M.<sup>167</sup> The Reichsgericht decision came down in October of 1922, when 4,700 M was equivalent to between 1 and 2 U.S. dollars, or about 20 U.S. dollars at their 2007 value.<sup>168</sup> D’Rheidt’s conviction demonstrates divisions among state officials over sexuality and censorship, and the willingness of some judges to adhere enforce censorship in order to fight moral decay. However, two years of performances followed by reduced fines were not the total ban on cabarets like D’Rheidt’s that censorship advocates had sought.<sup>169</sup>

Throughout the Weimar years, the movement against “filth” and “trash” (*Schmutz* and *Schund*) sought harsher censorship. By the mid-1920s, they had established film censorship boards, restricted radio licenses to prevent objectionable content, and established censorship boards to restrict the sale of “trashy” and “obscene” print material to minors.<sup>170</sup> This censorship, however, was of a different character than Kaiserreich censorship, and less stringent than wartime censorship. Though police, government

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<sup>166</sup> Paul Schleisinger, “Nacht Tänze,” *Vossische Zeitung* 23 Jan. 1922.

<sup>167</sup> GStAPK I. HA Rep. 84 a Nr. 8100, 296-280.

<sup>168</sup> R.L. Bidwell, *Currency Conversion Tables: A Hundred Years of Change* (London: Rex Collings, 1970) 22-23.

<sup>169</sup> On D’Rheidt, see also Peter Jelavich, *Berlin Cabaret* (Cambridge: Harvard University Press, 1996).

<sup>170</sup> Radio licensing was set up to prevent competition between broadcasting companies, because it was thought that such capitalistic competition produced *Schmutz* and *Schund* in other media forms. Karl Christian Führer, “A Medium of Modernity? Broadcasting in Weimar Germany, 1923-1932” *The Journal of Modern History* 69 (December 1997) 722-753.

bureaucrats, anxious moralists and conservative politicians tried again and again, few ever claimed to have stemmed the tide of “filthy” media that seemed never to crest.

### *Censorship and the Homosexual Emancipation Movement*

Sexual outsiders took advantage of the new censorship climate under the Republic. Before 1918, a group of “homoerotic” men led by Adolf Brand had put out two magazines for men of similar persuasions. In contrast, under the Weimar Republic over twenty periodicals written for and by transvestites, homosexual men, and lesbians went on sale at newspaper kiosks in big cities across Germany, and by subscriptions in small towns in Germany and beyond.<sup>171</sup> Looking back in 1927, Magnus Hirschfeld wrote,

Since 1919, the so-called “homosexual press” has played a certain role. To be sure, there were some periodicals that appeared even earlier, such as Adolf Brand’s *Der Eigene*—intellectually a top-flight production. Since the war, there has been an absolute tidal wave of homosexual journals, although in our opinion there is really no excuse for some of them.<sup>172</sup>

The growth of these magazines changed the homosexual emancipation movement. These changes under the Republic depended in part on changes in censorship of magazines about homosexuality, lesbianism, and transvestitism. The immediate postwar years saw a flood of publications. The German Foreign Office admonished the Prussian Minister of the Interior in 1919 to do something to stop the “distribution of every

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<sup>171</sup> James Steakley, *The Homosexual Emancipation Movement in Germany* (Salem, New Hampshire: Ayer, 1993 [1975]), 98-99.

<sup>172</sup> Magnus Hirschfeld, “Die Homosexualität,” Leo Schidrowitz, ed. *Sittengeschichte des Lasters* (Vienna: Verlag für Kulturforschung, 1927) p. 310. Quoted in James D. Steakley, *the Homosexual Emancipation Movement in Germany* (Salem, New Hampshire: Ayer, 1993 (first pub. 1975) p. 78. Trans. Steakley.

pamphlet that fosters homosexuality (*Päderastie*)<sup>173</sup> and other degenerations of sexuality...[which are] flooding not only Berlin and the other big German cities, but also the largest centers of German traffic in neutral foreign nations...” The Foreign Office blamed greed, capitalism, and the Republic’s extension of freedom of the press: “.....The most shameless business speculation is exploiting the newly won press freedom in Germany, causing disparaging criticisms of Germany, above all, of course, in countries such as England, where morality calls for greater restraint in public discussions of sexual things than it does in Germany.” This literature was damaging Germany’s “moral credit” abroad and hindering the work of the Foreign Office.<sup>174</sup> In response to the Foreign Office’s letter, the Berlin police claimed that they were doing what they could under existing law, seizing films and post cards, but that it was difficult to censor the homosexual periodicals under Paragraph 184 because they did not meet the legal definition of “obscene,” save with respect to their personal advertisements. So police kept some publications under military censorship as long as they could. Of the homosexual magazines, Berlin police wrote that, “the prevalence of these print media (*Presserzeugnisse*) is, in the meantime, being partially held back by the military command (*Militärbefehlshaber*).”<sup>175</sup> Police also used postwar paper rationing to keep what they considered “filthy” periodicals from publishing.

Efforts to censor the homosexual press were compounded by the fact that following the revolution, police and prosecutors were confused as to the legal grounds for the censorship of media with sexual content. POLUNBI’s work was suspended during

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<sup>173</sup> *Päderastie* was used to mean coerced sexual relations between men and boys, but was also used to mean male-male sexual relations more broadly.

<sup>174</sup> Auswaertiges Amt. Berlin, 26 Aug. 1919. To the Min. of Interior. GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 Bd. 11 p. 462.

<sup>175</sup> Eugen Ernst report, Sept. 1919, I. HA. Rep. 77 Tit. 380 Nr. 7 Bd. 11, 464-466.

the war, apparently both because the military censors assumed its duties and because the war abrogated the international convention that created it.<sup>176</sup> Military censorship ended following 1918, but It took years to get POLUNBI up and running again. It seems to have been reorganized and expanded in 1921.<sup>177</sup> In addition, police were confused as to the legal state of censorship under Republic law. The Berlin police wrote the Prussian Minister of the Interior in October 1919 that though they favored expanding POLUNBI, “now the legal situation of fighting *Schmutz* literature is unclear.”<sup>178</sup> Apparently referring to the dire consequences of the end of the military censor, a Berlin prosecutor wrote in 1921 that, “nothing has been as demoralizing for the Volk as the inundation of the market since the abolition of the censor with obscene and lewd print media of different sorts. One filthy magazine is barely driven out of the public realm when more of the same character appear....” books “of the lowest sort” are “thrown onto the market en masse” and pictures that depict “sexual acts of a perverse nature” are sold on the Berlin streets.<sup>179</sup>

In addition, changes in the economics of print publication made it possible for small publishing companies such as the one run by Radszuweit to turn a profit putting out magazines and books. Production costs for print media had been falling since the late nineteenth century and continued to fall.<sup>180</sup> During the Republic, the overall number of books and magazines on sale in Germany continued to increase.<sup>181</sup> Improved technology

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<sup>176</sup> POLUNBI suspended because international convention abrogated: Dobler, “Zensur von Büchern und Zeitschriften,” p. 91.

<sup>177</sup> GStAPK I. HA Rep. 77 Tit. 2772 Nr. 2 Bd. 1. GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 Bd. 11 p. 494.

<sup>178</sup> Policepres. To Min Interior, 30 Oct. 1919, GStAPK I. HA Rep. 77 Tit. 2772 Nr. 2 Bd. 1.

<sup>179</sup> GStAPK I. HA Rep. 77 Tit. 2772 Nr. 2 Bd. 1.

<sup>180</sup> Gary D. Stark, “All Quiet on the Home Front,” pp. 58-59.

<sup>181</sup> The number of periodicals on sale in Germany reached 4,000 titles in the mid 1920s. See Anton Kaes, Martin Jay, Edward Dimendberg, eds. *The Weimar Republic Sourcebook* (Berkeley: U. of California Press, 1994) 641.

for reproducing photographs resulted in an expanding trade in cheap postcards sold on the sidewalks of big cities.

Laxer censorship and a flurry of homosexual and transvestite magazines alarmed crusaders against *Schmutz* and *Schund*. They had argued for decades that media representations of non-normative sexualities could actually cause moral decay in readers, listeners, or viewers. Thus, depictions of homosexuality in mass media could actually *create* more homosexuals. This notion was actually borne out by a scientific report prepared in 1920 under the auspices of Karl Brunner. Brunner had banned the sale at street kiosks of the magazine *Freundschaft*, which, according to its lawyer, sought to help homosexuals recognize their nature and was not obscene.<sup>182</sup> To support his suppression of *Freundschaft* and his campaign to have prosecutors bring obscenity charges against more publications, Brunner tasked fifteen medical experts to report on the following question: “Is it possible that people with normal sexuality, especially while in puberty, could be lured into homosexuality through reading and example?”<sup>183</sup> The medical experts took a month to report back. They found that the answer was yes: people with “normal” sexuality, especially those in the midst of puberty, could be brought over to homosexuality through reading and example.<sup>184</sup> This explanation for the spread of sexual “abnormality” made censorship the “solution” that sexual conservatives sought.

The report explicitly rejected a biological cause of homosexuality, which they saw as in direct opposition to the “seduction” thesis they backed. They noted that interests

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<sup>182</sup> Karl Schultz to Polizeipraesidium, 13 Dec. 1920. GStAPK HA I. Rep. 76 VIII B Nr. 2076, 16.

<sup>183</sup> Brunner, to Medizinalabteilung, 23 Dec. 1920. GStAPK HA I. Rep. 76 VIII B Nr. 2076 p. 15.

<sup>184</sup> 26 Jan. 1921, GStAPK HA I. Rep. 76 VIII B Nr. 2076 p. 19-22.

groups had lately tried through film,<sup>185</sup> popular literature, and newspapers to promote the view that homosexuality was an inborn variety of nature, which “according to the latest model (*Darstellung*) is due to a special structure of the gonads (*Keimdrüse*)” that made the development of a homosexual sex drive “inevitable” in the same way that heterosexuality developed inevitably in people with normal gonads. This theory of biology, the experts noted, made external influence insignificant in the development of homosexuality. Proponents of homosexuality’s biological origins, they noted, often offered as proof case histories of individuals who expressed homosexual behaviors or desires very early in life. Here, in this type of proof, the medical experts thought that they had found the source of the erroneous biological model and split in expert opinions on the origins of homosexuality. They wrote that experts in sexual psychopathology (*Sexualpsychopathologie*) often dealt with cases “in which homosexuality seems inborn due to the person’s own report of their life,” but that a more careful treatment of these cases “reveals that the early initiation (*Einsetzen*) of the anomaly is only seeming, and can be attributed to retrospective misinterpreting and auto suggestive falsification of memories due to influences that came later.”<sup>186</sup>

They objected that sexuality had an extraordinary dependence on “the influence of concepts” with regards not just to homosexuality, but also in cases of “fetishism, sadism, etc.,” even though some people might be born homosexual. This was particularly true in young people, “in whom sexuality is not very strongly developed.” Such young people might encounter homosexual behavior or desire in single-sex environments: “through mutual masturbation in boarding schools, through drunken sexual excitement in

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<sup>185</sup> This was most likely a reference to *Anders als die Andern*, a film about the injustice of Paragraph 175 which Hirschfeld helped to write and appeared in.

<sup>186</sup> GStAPK HA I. Rep. 76 VIII B Nr. 2076 pp. 19-22.

the lack of normal cohabitation possibilities.” Along with such experiences, “the abnormal sex drive is brought to develop...through the suggestions of sexual psychopathological publications and the suggestive influence of homosexuals.” Personal contacts, exacerbated by single-sex environments, alcohol, and predatory homosexual individuals, worked together with reading. To take an example, the fifteen medical experts considered how Richard von Krafft-Ebing’s *Psychopathia Sexualis*, one of the most respected nineteenth and early twentieth century sexological studies, had undoubtedly had an “unhealthy” influence on Germany’s youth: “As certain as it is that the wide distribution of Krafft-Ebing’s *Psychopathia sexualis* in its time led to more sexual anomalies, it is likewise certainly expected that the distribution of homosexual propaganda will have a similar effect.”<sup>187</sup> They called on the government to suppress magazines like *Freundschaft*.

According to this kind of theory, seduction to “abnormal” sexuality could happen in the absence of media. But censorship proponents thought that media magnified the risk of seduction. So, personal contacts could “seduce” teenagers to “immoral” sexuality; thus, conservatives feared the prospects of female sex workers aggressively soliciting students walking to and from the university, or homosexual men lurking outside of schools. But through media, sexual “abnormals” could reach far more teenagers than they could through personal contacts. One example of many Reichstag petitions came in 1925, when the Bavarian People’s Party (a regional breakaway from the Zentrum) demanded a censorship law to fight “public immorality” in writings, pictures, theater, and film, in

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<sup>187</sup> GStAPK HA I. Rep. 76 VIII B Nr. 2076 pp. 19-22.

order to “protect youths from seduction and to secure the general public from the dangerous libidos of sexually abnormal people.”<sup>188</sup>

It was especially Germany’s generation of teenagers—teenaged boys above all—who were susceptible to seduction to abnormal sexuality, according to medical experts and politicians. The direction of a person’s sexuality was particularly pliable during puberty, and male sexuality was more pliable than female sexuality. Many experts (even some homosexual activists) agreed that the age of consent to sex should be set higher for men than for women because teenaged boys were more susceptible to homosexual seduction than were teenaged girls.<sup>189</sup> It is no surprise that the sexuality of teenaged boys was of particular concern: during the Weimar era, they were a demographic supposedly in crisis. The war decimated the generation of men who would have helped raise the teenagers of the Weimar years; lacking their fathers, uncles and older brothers, these teenaged boys were at risk, yet the nation’s vitality and military strength depended on them.<sup>190</sup> In addition, adult male homosexuals supposedly sought sex with teenaged boys, while lesbians felt scant attraction to adult teenaged girls. Siegfried Placzek, one of the most frequently cited authors on homosexuality, law, and medicine (and a proponent of a biological model of homosexuality) wrote that, “the male homosexual has a predilection for youths, indeed, for lads (*Knaben*), while the homosexual woman mostly does not experience such...primary interest in female children—a difference that is not only important for the current protection of youth from seduction...also but that explains the

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<sup>188</sup> GStAPK I. HA Rep. 84 a Nr. 8100. Reichstag Antrag Nr. 346, 15 Jan. 1925 (Bayrischen Volkspartei). p. 318.

<sup>189</sup> Ratibor et al. *§175 muß bleiben! Denkschrift des Verbandes zur bekämpfung der öffentlichen Unsittlichkeit an den Deutschen Reichstag* (Köln: Koltz & Kreuder, 1927) pp. 32-33 (in GStAPK HA I. Rep. 84a Nr. 8101 Bd. X)

<sup>190</sup> Detlev Peukert, *Jugend zwischen Krieg und Krise: Lebenswelten von Arbeiterjungen in der Weimarer Republik*.



fact that homosexual women remain free from the threat of the law.”<sup>191</sup> Teenaged girls and boys, and especially boys, must be protected from “sexual revolution.”

Thus, to fight “immorality,” defenders of sexual propriety did not fought “immoral” sex acts not by trying to imprison or constrict the bodies actually committing these acts, but rather by limiting what could be depicted about them in media, thereby trying to cordon off the “perverse” sections of the population from the idealized innocent (who was often imagined as a teenaged boy dwelling in the countryside). In 1929, Hans Harmsen of the Worker’s Community for Volks Health (*Arbeitsgemeinschaft für Volksgesundheit*) recalled that for ten years, his club had worked against he “exterior and interior collapse of 1919” because “the moral dangers of the war made regular ethical education work necessary in particular for the young generation.” The club worked to save minors from seduction by female prostitutes and from contracting venereal disease, from “seduction...to same-sex sexual intercourse and from...immoral literature.”<sup>192</sup>

From 1919 through 1922, prosecutors brought a series of obscenity prosecutions in an attempt to stem the flow of supposedly “filthy” media in the early years of the Republic.<sup>193</sup> Results in court were mixed, with the government losing some high profile cases and facing opposition from defenders of artistic freedom. Two cases in this early 1920s series of prosecutions were against magazines that dealt with same-sex sex and romance, *Freundschaft* and *Der Eigene* did result in fines and prison sentences under §184 for their publishers and editors, but even so they seem to have established the impossibility of effectively suppressing the homosexual press.

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<sup>191</sup> Siegfried Placzek, *Homosexualität und Recht* (Leipzig: Georg Thieme, 1925) 11.

<sup>192</sup> Hans Harmsen, *Kulturell-Sittlich Notstände der letzten zehn Jahre und ihre Wandlung* collected in *GStAPK I. HA. Rep. 77. Tit. 2772 Nr. 8 Bd. 3*.

<sup>193</sup> Paul Fechter, “Die Freiheit der Kunst” *Deutsche Allgemeine Zeitung* October 10, 1925.

*Freundschaft* was a magazine newly published after the Republic was founded, and linked to a new group of activists.<sup>194</sup> Brand had founded *Der Eigene* more than twenty years previously. police had largely suppressed *Der Eigene* since the war's end, cutting off the paper supply to the magazine, threatening Brand, and carrying out seizures of the magazine that even the police seem to have thought were quasi-legal.<sup>195</sup>

The homosexual press had been subject to censorship in the form of paper rationing, but rationing of paper expired in the years after the war. Government oversight of the paper supply to the publishing houses, which dated from the war, had been used to suppress various publications considered “flighty” and “trashy” by the police, including *Freundschaft* and *Der Eigene*.<sup>196</sup> The paper supply censorship had drawn public complaint, and when it expired in 1920 the Reich Economics Ministry warned the Berlin police to act against the two magazines: “It’s certain that after the abolition of rationing the *Schmutz* and *Schund* literature will grow strongly. The magazine *Der Eigene* is already for sale on the street again.”<sup>197</sup>

Faced with the declining utility of these other means, prosecutors brought Paragraph 184 charges against both *Freundschaft* and *Der Eigene*. But it was unclear from the beginning whether they would meet the legal definition of “obscene.” There was disagreement in the bureaucracy about whether the cases were even worth bringing. Although the police noted of *Der Eigene*, “...every page of the magazine glorifies the world of Urings and the fight against Paragraph 175,” and in the small advertisements,

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<sup>194</sup> Steakley, *Homosexual Emancipation Movement*, 78; Glenn Ramsey, “The Rites of *Artgenossen*: Contesting Homosexual Political Culture in Weimar Germany,” *Journal of the History of Sexuality* Vol. 17, No. 1 Jan. 2008. 94-95.

<sup>195</sup> GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3, 46-55.

<sup>196</sup> Reichswirtschaftsminister to the Pr. Interior Min. 22 Oct. 1920. GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3, 59.

<sup>197</sup> Reichswirtschaftsminister to the Pr. Interior Min. 22 Oct. 1920. GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3, 59.

“homosexuals seek partners for same-sex sex,” they doubted that the contents of the magazine left any grounds for a Paragraph 184 charge.<sup>198</sup> Brunner urged prosecution, and after some debate, it went ahead.<sup>199</sup> The case against *Freundschaft* went to trial first. Prosecutors focused on *Freundschaft*’s ads and charged its publishers under Paragraph 184 and with pimping for facilitating sex for money through the personal ads.

The case turned on whether or not *Freundschaft* could “seduce a “normal-sexual” to homosexuality” and, therefore, whether homosexuality was inborn or acquired. In their defense, *Freundschaft*’s publishers marshaled a host of medical experts who deployed a biological model of homosexuality in opposition to the charge that *Freundschaft* was creating homosexuals. The case dragged on for a year, as expert after expert testified. Max H. Danielsen, who took over as publisher of the magazine after the court case, reported in *Freundschaft* that at times during the trial one thought they were at “a medical seminar.” The most prominent expert witness was Hirschfeld, who testified often as a medical expert in censorship cases, as well as in cases involving homosexuality.<sup>200</sup>

In court, Hirschfeld described his biological model: homosexuality was purely physical, present from youth, and could be proven only with physical evidence. He cited Steinach’s experiments as proof that hormones caused homosexuality.<sup>201</sup> In “exceptional cases,” he said, people who were not homosexual might practice same-sex sex, but homosexuality was like colorblindness or left-handedness. Though a right-handed person could be pressured to write with the left hand, they could not become left-handed.

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<sup>198</sup> Polizeipraesident, report on *Der Eigene*. 8 Sept. 1920 GStA I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3, 49-50.

<sup>199</sup> GStA I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3 pp. 59-62; 76-77; 98.

<sup>200</sup> Hirschfeld as an expert witness in other censorship cases: GStA I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3. Hirschfeld as a frequent expert witness: Placzek, *Homosexualität und Recht* (Leipzig: Georg Thieme, 1925) 2-6.

<sup>201</sup> See chapter 4.

Therefore, no single magazine had the “wizardly power” to seduce people to homosexuality. *Freundschaft* agreed: “...there can be no doubt that Hirschfeld’s view is the reigning one...it is not right...that anyone could be seduced to homosexuality by reading a magazine.”<sup>202</sup> This argument did not work in this case: the publishers were convicted of obscenity and pimping in the summer of 1921 and sentenced to several weeks in jail.

Though the publishers of *Freundschaft* lost, their case seems to have set a precedent allowing the homosexual press to publish. When they appealed their convictions to the Reichsgericht, the high court found that the mere presence of homosexual themes did not make the magazine obscene. This did not help *Freundschaft*, because the high court ruled that short stories that depicted “homosexual sexual intercourse” [underlining in original] did make a magazine obscene, and *Freundschaft* had published such a story. (In the short story in question, “homosexual sexual intercourse” is, at best, implied: two men kiss in a bedroom, and one entreats the other to stay with him.<sup>203</sup>) The court also found magazine’s classified ads obscene, and the publishers guilty of pimping because the classified ads, for which advertisers paid, were used to arrange sexual encounters. The seduction thesis was given as grounds for the convictions: because the ads were “in a public magazine that is accessible to everyone,” the high court found, they were “a great danger for young and immature people, who could easily be seduced through them to sodomy (*Unzucht*).”<sup>204</sup> Ideas of seduction to

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<sup>202</sup> Max H. Danielsen, “Der 2tägige Prozess gegen die “Freundschaft”” *Freundschaft*, 2-8 July [1921] collected in GStA I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3.

<sup>203</sup> Walter, “Er kam zu mir des Nachts” *Freundschaft* Nr. 13 [1920 or 1921]. Reprinted in the Reichsgericht decision, GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3, 130-146.

<sup>204</sup> GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3, 130-146.

homosexuality led to the magazine's defeat in court, despite its deployment of the biological model.

However, the *Freundschaft* decision also delineated bounds within which the court would tolerate the magazine. Discussions of homosexuality as an identity were not in and of themselves found obscene. The magazines could avoid Paragraph 184 prosecutions by refraining from depictions of same-sex sex (no matter how implicit), and by making sure that their classified ads were not being used to arrange trysts (or at least by making it possible for the magazine's publishers to claim that they thought the ads were not being used to arrange trysts). *Freundschaft* moved to do this immediately after the trial. It warned its readers that its classified ads were to promote nothing but "ideal friendship" and that henceforth inspect all letters in response to classified ads must go through the magazine. The publisher would read them himself and send back "any that in any way have an obscene outlook."<sup>205</sup> The precedent set in the *Freundschaft* case seems to have reflected, or established, a sketchy realm in which homosexual magazines, as well as other media that dealt with non-normative sexuality, could come onto the German market under the Republic.

When Brand went to court about six months after the *Freundschaft* trial, facing the same legal situation that the *Freundschaft* had faced,<sup>206</sup> he made a very different argument against censorship. Brand was increasingly marginalized among the activists groups fighting Paragraph 175, but it is worth reviewing his views on sexuality because

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<sup>205</sup> Der Verlag, "Zur Beachtung." *Freundschaft*, 2-8 July [1921] collected in GStA I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3. Editors wised up to the presence of sting operations on their personal ads. Radszuweit warned advertisers that sting operations might be being run through their ads. Friedrich Radszuweit, "Spitzeltum" *Die Freundin* Feb. 1932.

<sup>206</sup> Prosecutors saw the *Freundschaft* case as a model and brought the same charges against Brand. Generalstaatsanwalt, Kammergericht, Rhode to Min. of Interior, 5 July 1921 GStA I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3. p. 105.

they represent one of several alternative models of sexuality within the homosexual emancipation movement that were ultimately eclipsed in politics by the biological model. Brand flat out rejected the biological model of non-normative sexuality, particularly in Hirschfeld's formulation of it. He argued that personal freedom demanded the repeal of Paragraph 175. He expounded this point in *Der Eigene* around 1927: Paragraph 175 was itself a crime not just against men who sought sex with other men, but against everyone: "...[I]t is only so-called homosexuals, but rather every person who has a right to...self direction...in situations in which his own body and his own sexual experience are in question."<sup>207</sup> This argument did not work in court in 1922 any better than the biological model had worked for the publishers of *Freundschaft*; Brand was convicted of publishing obscene material and fined.<sup>208</sup> But Brand stuck to it throughout the Weimar years. To him, Hirschfeld's biological model conflated "homo erotic" men too much with eugenic inferiors. He also criticized Hirschfeld for erasing bisexuality.<sup>209</sup> Yet, it was Hirschfeld's model, as expressed in the *Freundschaft* trial, which became known as the "modern" approach to sexuality, and gained political force in the later years of the Republic.

In 1926, proponents of censorship won the passage of the Law to Protect Youth From Filthy and Trashy Writings. Paragraph 184 remained in effect: police could still ban "obscene" media that offended the public. The 1926 *Schmutz* and *Schund* law allowed for censorship of material that was not "obscene" (*unzüchtig*) but rather was *Schmutz*, "filth" or *Schund*, "trash" in the interest of protecting youth. These new categories made it possible to censor the homosexual press, although this censorship turned out to be somewhat toothless. The law established two regional censorship boards

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<sup>207</sup> Adolf Brand "Entgegnung" *Der Eigene* Nr. 8 XI Jahrgang, Heft 8 [probably 1927], 268-269.

<sup>208</sup> "Was ist unzüchtig? 'Solange §175 St.-G.-B. besteht...!'" *Volks Zeitung* Nr. 11, 7 Jan. 1922.

<sup>209</sup> Adolf Brand, "Die Verschärfung des §175," *Eros* Nr. 6.

(in Munich and Berlin) and a national appeals board (in Leipzig). Print media was referred to the boards for review, and if the boards found that a periodical or book met the definition of *Schmutz* or *Schund* (filth or trash), meaning that it lacked artistic merit. If it did, the board considered whether it endangered youth. Material that met these criteria was placed on a list, in common parlance the “*Schund* list.” Periodicals went on the list for a period set by the review board, usually a year or less. Material on the list could not be sold to minors and could not be displayed in kiosks. The 1926 law fit the conventions anticipated in the constitution of 1919’s recognition of the need for censorship to protect youth. But the law was a far cry from what censorship advocates wanted, they who had hailed military censorship as a real solution to Germany’s immorality problem.

Proponents of censorship like Brunner quickly claimed that the 1926 law was not working.<sup>210</sup> In addition, the 1926 law’s implementation rested with the censorship committees, which at times proved loath to censor anything. Regional variations affected censorship—the Munich board was far more conservative than the Berlin board. Even on paper, it was far less than what censorship proponents had sought.

Debate in the national press on post-war censorship and on the 1926 law focused on efforts by Brunner and others to censor art and literature, such as the play *Reigen* and the work of George Groß.<sup>211</sup> “Since the censor fell in 1918, we have had enormous intellectual and creative freedom,” wrote Paul Fechter in 1925. However, Fechter claimed that opponents of this freedom were censoring the work of artists and writers on the political left: “people are being punished for their politics.”<sup>212</sup> Other critics of

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<sup>210</sup> Stieg, 52-55.

<sup>211</sup> “‘Ecce Homo’ under Anklage!” *Vorwärts* 3 Jan. 1924. “Der Kampf gegen Georg Groß” *Vossische Zeitung* 3 Jan. 1924. On the debate especially as pertains to *Schund*, see also Stieg, 37-48.

<sup>212</sup> Paul Fechter, “Die Freiheit der Kunst,” *Deutsche Allgemeine Zeitung* 10 Oct. 1925.

censorship argued on behalf of artistic license. "...Certain right circles are only waiting to smuggle the censor, which the new constitution abolished, back in," held the *Berliner Tageblatt* in 1921, as the government prepared a draft of the law that eventually passed in 1926. "The danger is that in practice...the concepts of *Schmutz*, *Schund* and "protection of youth"...will hinder poetic and artistic freedom..."<sup>213</sup> Critics of the movement to censor *Schmutz* and *Schund* in the 1920s often referred to the Kaiserreich era debate on censorship and the so-called "Lex Heinze."<sup>214</sup> The freedom of the homosexual press was not a central issue in the 1926 debate. Most public opponents of censorship readily conceded that Germany's youth did need protection from some forms of media. "Everyone wishes to protect the youth," wrote Wolfgang Heine, "but...we are defending against...restrictions of intellectual freedom."<sup>215</sup>

Even many of the 1926 law's prominent opponents probably would have conceded that magazines targeted at homosexual men, homosexual women, and transvestites ought to be on the *Schmutz* and *Schund* list. Following the law's passage, many did spend considerable time on the list.<sup>216</sup> Paragraph 184 allowed for the single issues of magazines to be confiscated by the police as obscene. Individual issues of magazines were ceased, including issues of *Die Freundin* and *Der Eigene*, but Paragraph 184 actions remained relatively rare.<sup>217</sup> The magazines had to content with placement on the *Schmutz* and *Schund* list and the restrictions on their sale at street kiosks that this entailed. But the fact that the 1926 law was tailored to protect youth meant that this was

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<sup>213</sup> "Eine "Lex Heinze" in Sicht?" *Berliner Tageblatt* 14 Jan. 1921.

<sup>214</sup> On the Lex Heinze, see R. J. V. Lenman, "Art, Society, and the Law in Wilhelmine Germany: the Lex Heinze," *Oxford German Studies* (8) 1973, 86-113.

<sup>215</sup> Wolfgang Heine, "Zurück zur Zensur. Eine Warnung." *Vossische Zeitung* 11 Nov. 1925.

<sup>216</sup> Dobler, "Zensur Von Büchern und Zeitschriften Mit Homosexueller Thematik in Der Weimarer Republik."

<sup>217</sup> Dobler, "Zensur von Büchern und Zeitschriften," 102.



not stringent censorship. It is unclear how much being listed hurt the magazines. Radszuweit, who published several magazines of these magazines, denied that it even hurt his business, though given how hard he fought to keep his publications off the list, this claim was probably somewhat disingenuous.<sup>218</sup> Placement on the list certainly did not drive them out of business. It affected the street sale of magazines. Even readers who were of age would have had to ask for the magazines by name at kiosks, since they could not be displayed. To ask for *Die Freundin* by name would for some people be to publicly identify one's self as a homosexual, something many men and women had to avoid. However, the magazines relied on subscriptions for some of their business, and these were not affected. A climate of laxer censorship allowed these magazines to flourish. Their flourishing may have contributed to the sexual revolution some Germans claimed to be experiencing in ways that went beyond the perceptions of the censorship advocates.

### *Media as a Component of Sexual Revolution*

Despite what publishers and their defenders argued in court, stories published in Weimar-era magazines suggest that some people did experience their sexuality differently depending on what they read. These short stories do not necessarily refute the notion that homosexuality or transvestitism had a biological basis. Yet, they suggest that a biological predisposition, if one did indeed exist, was not enough to inspire a person to act on her desires, to experience his body in a new way, or to find love. In these stories,

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<sup>218</sup> Friedrich Radszuweit, cited in Dobler, "Zensur von Büchern und Zeitschriften mit homosexueller Thematik in der Weimarer Republik," 101.

all these things are possible because of a moment of recognition of one's true nature. Recognition could come through contact with a stranger, reading a magazine, or traveling to a certain place. These stories suggest that in the first years of the Republic, communities of homosexual men and women may have grown in part because of the boom in media catering to them.

In a short story in *Freundschaft*, this recognition happens for Jürgen, a worker at a North Sea island resort, when he meets a vacationing man who seduces him. Though as a child Jürgen had felt different from other boys and had avoided girls, it was not until he met his lover that he realized “what my desire (*Begehren*) was. And I knew in the same moment that I was lost...So I remained alone, completely alone...” Jürgen meets a second vacationing man, whom he starts up a relationship with and whom he can visit “in the east,” assumedly ending his isolation.<sup>219</sup>

Jürgen's story is in part about the geography of sexuality. The story's characters assume that a North Sea island is not a place where a man who desires other men will find partners, and Jürgen's life seems to demonstrate this. People who wrote about the geography of non-normative sexuality often located it in cities. This includes the sexual conservative line about “moral degeneration” in cities and the “urban perversion” of Berlin, which was even touted by guidebooks.<sup>220</sup> The notion that people who conceived of their sexuality as “abnormal” were isolated in the countryside may be an oversimplification; indeed, magazines routinely carried advertisements for bars and social

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<sup>219</sup> Walter, “Er kam zu mir des Nachts” *Freundschaft* Nr. 13 [1920 or 1921]. This is the story that is reprinted in the Reichsgericht decision against *Freundschaft* as an example of a depiction of sex between two men. GStAPK I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3 pp. 130-146.

<sup>220</sup> Curt Moreck, *Führer durch das “lasterhafte” Berlin* (Leipzig: Verlag moderner Stadtführer, 1996 [1931]), 30; 132.

clubs in smaller cities and towns.<sup>221</sup> Yet, people who self-identified as sexual outsiders wrote about queerness as located in cities. Such an image of queerness seems to contradict Hirschfeld's biological model, which he proved in part by establishing that homosexuality existed in equal proportions in every place around the globe.<sup>222</sup> Yet it does not: rather, it complicates the notion of biological homosexuality. Homosexuality may be biological, but "realization" is triggered by certain situations that are more likely to happen in certain locations.

Geography was one factor in "realization;" media was another. They could work in tandem. An article called "The Lack of Understanding of Small-Town People" by Lo Hilmar-Neiße that ran in one of the lesbian magazines in the early 1930s decries the plight of the isolated small town "lesbian," (*Frau, deren Natur sie zu dem eigenen Geschlecht treibt...die Lesbierin*) who "has no opportunities to live out her desires (*Treiben*)" and is "damned to isolation." In contrast, the big city lesbian dwells in the heart of a community of other lesbians and enjoys toleration from "modern fellow humans." The ability of big-city-dwellers to overcome isolation and form lesbian communities is presented as (literally) a process of buying a newspaper: a big-city lesbian "can buy a newspaper on any street corner that connects her to people of her same nature, and she can finally find spiritual (*geistig*) connections with her own species (*Artgenossinnen*), for example by joining one of many organizations..."<sup>223</sup> It is not only the city that saves this woman from isolation. It is the lesbian magazine she can buy on

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<sup>221</sup> Kristen Plötz, *Einsame Freundinnen? Lesbisches Leben während der zwanziger Jahre in der Provinz* (Hamburg: MännerschwarmSkript Verlag, 1999).

<sup>222</sup> Cite Hirschfeld on the queer empire. (conference paper)

<sup>223</sup> Lo Hilmar-Neiße, "Der Unverstand der Kleinstädter," *Garçonne* 1931, Nr. 5.

the street corner, very much like the Berlin-based lesbian magazine in which this article ran.

In a material way, media did enable Germans to form communities and economies based on non-normative sexualities.<sup>224</sup> This was true with respect to coded personal advertisements that allowed people to find partners. These ads did not just pertain to same-sex sex. They also connected male and female sex workers with clients, people interested in S and M sex with partners, and couples with third parties. A 1922 ad for “Sir, 30...seeks side work...irrespective of which type” turned out to have been placed by Karl Methner, who wrote in response to a police set-up letter that he was a sex worker who took male and female clients. He was convicted of promoting “obscene sex” by placing the ad, and fined.<sup>225</sup> Non-commercial non-normative sex between men and women was also arranged through the small advertisements. A 1923 ad read “A young married couple” seeks “social connection. Wouldn’t it be nice if we were similarly sympathetic?” As part of a sting operation, the police wrote a phony letter to the advertisers that claimed to be from an interested couple. The advertiser, Richard Bock wrote back on behalf of himself and his wife: “Wouldn’t it be lovely if we could exchange our wives and enjoy communal love?...We are 26 and 28 years old. My wife is skinny and red-blond. I am dark and of middle height.”” Bock was convicted of violating the law by placing “obscene” material in media, and received a substantial fine.

Media also helped people organize a host of Berlin bars and social clubs for male and female homosexuals and for transvestites. Magazines ran ads for bars, dances and

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<sup>224</sup> For a study of media and gay and lesbian communities in the U.S., see Martin Meeker, *Contacts Desired: Gay and Lesbian Communications and Community, 1940s-1970s* (Chicago: University of Chicago Press, 2006).

<sup>225</sup> GStAPK I. HA. Rep. 77 Tit. 2772 Nr. 2a Bd. 1 pp. 59-60. He was fined 15,000 M and charged 300 M a night, so he was fined 50 times his nightly rate (however, this was during the hyperinflation).

social clubs that told readers where to find them and how to get in touch with them. Photographs in the magazines such as the pictures *Die Freundin* ran of the dashing club leader, promoter, and later transvestite activist Lotte Hahm, transmitted norms of dress in the lesbian scene. The personal ads, in mainstream periodicals as well as in magazines targeted to sexual outsiders, literally connected people with friends and lovers, and sex workers with clients. Books for sale transmitted the romance of an imagined community of lesbians to people who, because of geography or impoverishment, could not go out to parties and clubs like those Hahm ran. Men's and women's scenes (dance parties, moonlight cruises, magazines) were also businesses, and although certainly not all Germans could afford to buy many of their products, they did well enough to remain afloat in Germany's turbulent economy, even after the Depression hit. Hilmar-Neiße concludes that the purpose of publishing a magazine like *Garçonne* is for such isolated women to "come together in these pages."<sup>226</sup>

Yet, the magazine in Hilmar-Neiße's article does more than enable community formation. By narrating lesbianism, it made lesbianism itself possible. Hilmar-Neiße writes that small town lesbians may be attracted to women they happen to see on the street, but that this desire is doomed to frustration because, "most women or girls of small towns have absolutely no concept of ""lesbian love," and that therefore lesbians in such town must live "without the slightest hope of their love being requited." One of the characters in her story indeed has realized that she is a lesbian. But the other has not, and cannot, unless she happens to read about lesbian desire, which, isolated in the country, she will never do.

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<sup>226</sup> Lo Hilmar-Neiße, "Der Unverstand der Kelinstädter," *Garçonne* 1931, Nr. 5.

In another *Garçonne* short story, through reading about lesbianism, a woman has a physical, erotic experience that is new to her. This character, Loni, is also isolated in the countryside, “completely alone in a small but picturesque house...”<sup>227</sup> One day, a character who is only identified as “a traveling woman” passes through the pastoral setting and gives Loni a magazine (it is, of course, a lesbian magazine). Alone in her house that night, Loni reads an article in the magazine about Radclyffe Hall’s novel *The Well of Loneliness*, which features the life story of a “female invert,” including her sojourn in the Parisian lesbian scene of the 1920s. As she reads, she feels a physical sensation of desire that was new to her: “...a deep passion filled her heart. A personal and intimate feeling grew in her. This was the first time that Loni had been able to read such a magazine. This new experience awakened in her all the tender and warm feelings that had slumbered in her...” Through reading more and more (*Garçonne* itself, as well as Hall’s novel) Loni comes to yearn for a girlfriend. She uses *Garçonne* to find one. The story ends thus: “Through the personal ads of *Garçonne*, Loni met a beloved girlfriend, with whom today she has joy and happiness in the remote house on the edge of the woods where she tends her chicken farm.”

It is not immediately clear what Loni’s sense of her own sexuality was like before she read a lesbian magazine and a lesbian novel, what it was that “slumbered” in her. It is clear that reading the stories in those texts engenders in her a new experience of desire for the love of another woman. In Loni’s story, the physical experience of queer desire and the process of reading a story about queer desire are inseparable. Certainly this short story was part of the business of self-promotion (*The Well of Loneliness* was indeed for

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<sup>227</sup> “Skizze,” (Sketch) by Anny Dolder-Uhl *Garçonne* 1931, Nr. 25.

sale in Germany's lesbian magazines after it was banned in Britain). But this self-promotion is configured in terms very similar to those of the "seduction through media" thesis used to censor magazines including *Garçonne*. Why would the magazine publish such a potentially self-destructive story?

Stories like these in which reading inspires recognition complicate, but do not necessarily reject, the biological model of "abnormal" sexuality. In a letter to the editor of another lesbian magazine, *Die Freundin*, the author's biopolitics are clearer. The author of the letter was a transvestite named Elvira Karstens. Karstens described herself as a transvestite, meaning that she was born a male, but had an innate urge to dress and live as a woman. Karstens writes that transvestitism is an innate, biological condition. This was the party line in *Der Transvestit* and *Die Welt der Transvestiten*, magazines for and by transvestites that appeared intermittently on the back page of *Die Freundin*. Torri Fricke wrote in a 1925 issue of *Der Transvestit* that "Every real transvestite has cherished the secret wish to live his life as much as possible as a woman (or man, respectively) since childhood..."<sup>228</sup> Despite this inborn destiny, Karstens writes that for much of her life she did not realize that she was a transvestite. She tells of a moment of realization when this condition changed. Growing up as a boy, she had been ashamed of her desire to dress in women's clothing and had fought against it. But as an adult she came upon *Die Freundin*, read the stories of other transvestites in its pages, and found "enlightenment regarding my nature."

Karstens has a moment of recognition like Loni's. Reading *Die Freundin* did not make her a transvestite. Rather, it made her realize that she was a transvestite. This

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<sup>228</sup> Torri Fricke, "Einiges über das Problem der Namensänderung für Transvestiten," *Der Transvestit* 15 May 1925.

moment of recognition achieved through reading appears in people's narrations of their own sexuality. A self-identified lesbian, the communist activist Hilde Radusch, remembered in the 1980s that during the Republic, the German lesbian novel *Der Skorpion* (*The Scorpion*) "made an enormous impression on me...For me the book was a revelation, I recognized myself in it..."<sup>229</sup> According to Karsten's story, Karstens was, physically, a transvestite before she read *Die Freundin*, just as the author of the story of Loni probably assumes that Loni was physically a lesbian. Yet, without reading about transvestitism or lesbianism, the people in these stories will never realize the nature of their own sexuality. In the story of Loni, the difference between not realizing one's lesbianism and realizing one's lesbianism is pronounced. Loni does not feel lesbian desire until she reads about it. In these stories, sexual "abnormality" is biological, yet without storytelling, it cannot be experienced. Even Hirschfeld, the most prominent proponent of the biological model of homosexuality, wrote that "intelligent" people were more likely to recognize their homosexuality by reading, and that "unintelligent" people might never do so.<sup>230</sup> Though I hesitate to argue that reading really did transmit non-normative desires and practices, my analysis of these tropes suggests that that media was, in several senses, instrumental in the self-fashioning of subjects. Or at least, some of these subjects apparently imagined that it was.

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<sup>229</sup> Hilde Radusch, quoted in Schoppmann, *Der Skorpion*.

<sup>230</sup> Hirschfeld, *Homosexuality of Men and Women*, 46.



### *Chapter Conclusion*

I have argued that changes in censorship following the 1918 revolution made media that depicted non-normative sexualities a flashpoint of national debate. Throughout the Weimar years, the movement against “filth” and “trash” (*Schmutz* and *Schund*) sought harsher censorship. By the mid-1920s, they had established film censorship boards, restricted radio licenses to prevent objectionable content, and established censorship boards to restrict the sale of “trashy” and “obscene” print material to minors.<sup>231</sup> This censorship, however, was of a different character than Kaiserreich censorship, and far less stringent than wartime censorship: restricting the sale of a publication to adults was not the same as ceasing and destroying it. Though police, government bureaucrats, anxious moralists and conservative politicians tried again and again, few ever claimed to have stemmed the tide of “filthy” media that seemed never to crest. Media content changed after 1918. I have suggested that for some people, these changes seem to have enabled new experiences of sexualities.

The censorship debates demonstrate a particular model of sexual “immorality” and politics of fighting it. To counter Brunner’s claim that homosexual magazines spread homosexuality, Hirschfeld argued that homosexuality had a simple biological origin. It came in part out of the war, revolution, and Republic’s founding. The logic of the biological model depends on the censorship debates: by showing that homosexuality was not contagious, Hirschfeld and others sought to show that it was not dangerous. As the

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<sup>231</sup> Radio licensing was set up to prevent competition between broadcasting companies, because it was thought that such capitalistic competition produced *Schmutz* and *Schund* in other media forms. Karl Christian Führer, “A Medium of Modernity? Broadcasting in Weimar Germany, 1923-1932” *The Journal of Modern History* 69 (December 1997) 722-753.

1920s wore on, the biological model gained credence and state resources were allocated according to ideas about how to manage non-normative sexuality with biopolitical means. According to this politics, showing that a condition was biological did not in any way make it not seem a threat to the nation. This different kind of management targeted some of the same “abnormals” that censorship had. But it proved willing to ignore others who had been the targets of censorship, such as homosexual men.

## Chapter 2

### Managing the Biology of “Immorality” I: Sterilization, Eugenics, and Non-normative Sexualities

Sometime around 1925, school officials and local medical authorities in the German state of Saxony had a nine-year-old boy sterilized to stop him from masturbating at school. Years prior to his sterilization, the boy, “F.S.,” had been classified as difficult to teach and enrolled in a special school (*Erziehungsanstalt*). He did well there, but his parents could not afford the cost of the school. F.S. was transferred back to his first school. Teachers there complained about him. He was caught masturbating and allegedly enticing other students to do the same. The masturbation was allegedly the grounds for sending F.S. to see the school doctor, who diagnosed him with “hereditarily feeble-mindedness (*Schwachsinn*).” “Feeble-minded” (*Schwachsinn* or *blödsinnig*) was an eugenic category in popular and medical usage in the mid-1920s. “Feeble-minded” people supposedly inherited bad hereditary material. This material produced in them a certain kind of insufficient intellectual functioning, which necessitated special education for them, and also made it essentially impossible for them to internalize moral norms. They were supposed to be very likely to pass their hereditary defect on to their offspring.

The school doctor referred F.S. to a surgeon, who sterilized him. (It is unclear whether F.S.’s parents gave their consent or not. The operation probably broke the

federal law against bodily injury even if the child's parents did consent.<sup>232</sup>)

Sterilization did not stop F.S. from masturbating at school. In another attempt to control his sexuality, school officials forced F.S. to wear "special (*entsprechend*) pants"<sup>233</sup> that he apparently could not open by himself.

F.S.'s alleged behavior can be read either as solitary sex activity, apparently in the bathroom at school, or sex acts together with other, probably male, students (hence the charge of teaching others to masturbate.) In either case, the problem with F.S. was that he engaged in sexual behavior that violated a variety of norms. An additional problem was that F.S. seemed to be seeking to spread this non-normative behavior by tutoring his fellow students in it. Historians often consider eugenic sterilization as an issue having primarily to do with reproduction, and indeed ideas about F.S.'s reproductive potential could have been used to justify his sterilization. As "feeble-minded," F.S. could be expected to pass on his defects to his children. Sterilizing him would accomplish a social good by preventing the lives of people like him. However, F.S.'s reproductive potential was not the primary impetus for his sterilization. School officials called for sterilization in order to stop F.S.'s masturbation and enticement of other students. School officials and doctors thought that sterilization would destroy the boy's disorderly desires and acts, though they likely also saw benefit in preventing F.S. from someday fathering defective children.

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<sup>232</sup> A Reichsgericht decision taken before 1923 held that sterilization was only permissible on medical grounds, which probably did not include eugenic grounds. See the discussion of the murky legality of four sterilizations of children by the surgeon Braun in 1922-1923: Sachsen Justice Min. to Reich Min. of the Interior, 4 Aug. 1923 pp. 72-78 and Reichsgesundheitsamt report, 26 Jan. 1924. pp. 82-84 BArch Lichtefelde R 86/ 2374. See also "Tagesgeschichtliche Notizen" *Muenchener medizinischen Wochenschrift* 25 Jan. 1924, 1924 in BArch Lichtefelde R 86/ 2374, p. 126.

<sup>233</sup> The story of "F.S." is from Otto Kaus, "Der Fall Böters," *Das Tage-Buch* March 7, 1925. Heft 10 Jahrgang 6. pp. 338-343. Kaus, who was outraged by the story, reports that he read the boy's file.

Throughout the years of the Republic, Germans debated whether or not to pass a law establishing legal, regulated eugenic sterilization carried out on the advice of experts. Proponents of eugenic sterilization had sought to legalize it since well before World War I. Following the war, sterilization won more advocates. Some argued that the war's destruction of millions of healthy men necessitated limits on the reproduction of inferior men and women.<sup>234</sup> Despite the bodily injury law, between 1918 and 1933 many Germans were sterilized without their consent, as prosecutors looked the other way. Some were sterilized on the orders of doctors and hospital administrators who sought to control their non-normative sexuality regardless of their fertility.<sup>235</sup> Doctors were only occasionally prosecuted for performing sterilizations; the few doctors who publicly said that they had sterilized people on eugenic grounds were not prosecuted.<sup>236</sup> With the onset of the Depression, varying forms of eugenic sterilization won support from political factions as diverse as the Social Democrats and the Nationals as a way to solve the state's inability to fund its welfare commitments.<sup>237</sup> Ultimately parties across the political landscape, from the Social Democrats to the Nazis, backed government-organized

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<sup>234</sup> On pre-1918 sterilization proposals, see Christoph Schneider, *Die Verstaatlichung des Leibes: Das "Gesetz zur Verhütung erbkranken Nachwuchses" und die Kirche* (Konstanz: Hartung-Gorre Verlag, 2000) 22-23. On rhetoric about the need for sterilization following the mass death caused by the First World War, see Carol Poore, *Disability in Twentieth-Century German Culture* (Ann Arbor: University of Michigan Press, 2007). 45.

<sup>235</sup> See Burleigh, 23 for the director of an asylum in Saxony who admitted after the Nazis came to power that he had instigated technically illegal sterilizations during the Republic.

<sup>236</sup> The Reichsgesundheitsamt noted in 1925 that even sterilization undergone voluntarily by adults was probably illegal, and that a new law would be required to allow sterilization even in cases where adults requested it in order to control their own fertility. Reichsgesundheitsamt to the Reich Interior Min., 19 Feb. 1925, BArch Lichtefelde R 86/ 2374, 185-194. There were prosecutions of doctors who performed sterilizations on the request of patients who wanted a reliable means of birth control. These were not eugenic sterilizations. Bock, 43. See also Grossmann, *Reforming Sex*.

<sup>237</sup> On the growth of support for sterilization after the Depression hit, see Grossmann, 70-75 and 143-145; Weindling, 578; Burleigh, *Death and Deliverance*, 33-34; Bock, 48-49.

sterilization in one from or another, though the forms they proposed varied widely.<sup>238</sup>

Following the 1932 von Papen coup against the SPD in Prussia, the Prussian bureaucracy prepared to pass a voluntary sterilization law, but the Nazis came to power and passed their own sterilization law before the draft Prussian law passed.<sup>239</sup> This sterilization would hardly have been “voluntary” in practice, since many of the people to be sterilized were either children or had already been legally adjudicated incapable of making choices and committed to institutions and asylums. Indeed, it rarely makes sense to call Weimar-era eugenic sterilization “voluntary;” almost all proposals stipulated that sterilization be initiated by officials in power (doctors in institutions, prison officials), not by the people under their power who were to be sterilized.

This chapter is about the eugenic discourse that had to do with non-normative sexualities that emerged in debates about whether or not to establish legal eugenic sterilization. As the story of F.S. shows, some people saw sterilization as an effective way to control non-normative sexualities. Sterilization was also a way to control reproduction. But it was not always only a way to control reproduction.<sup>240</sup> In eugenic

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<sup>238</sup> On multiparty support for eugenic schemes under the Republic, see also Poore, *Disability in Twentieth-Century German Culture*. 45.

<sup>239</sup> The Nazi seizure of power radically altered the fate of this law. It is impossible to say for sure whether Prussia’s draft sterilization law would have passed had the Republic survived for longer. Bock seems to rate its chances of being passed by decree in Prussia, and perhaps in the Reich, as high. But she argues that it could not have passed the Reichstag because of Zentrum opposition to sterilization. She writes: “In a Germany ruled by parliament, the sterilization law had barely a chance.” Gisela Bock, *Zwangsterilisation im Nationalsozialismus: Studien Zur Rassenpolitik und Frauenpolitik* (Opladen: Westdeutscher Verlag, 1986). 52. However, the SPD’s receptiveness to some kind of state-sanctioned, quasi-voluntary sterilization, together with strong support for sterilization on the part of Nazis and Nationalists would have made the Zentrum’s position more difficult in the 1930s. The Reichstag penal code reform committee did reject a proposal to legalize sterilization, but this may not have been an outright rejection of sterilization. A newspaper reported that there was consensus among legal experts that a sterilization law, not a reform of the existing criminal code, was needed. *Vossische Ztg.* 2 July 1932 “R.L.” In any event, by 1932 the Republic saw a growing movement in favor of eugenic sterilization.

<sup>240</sup> In his study of Swiss eugenics, Thomas Huonker notes literature from the 1910s that held that masturbation could be stopped by sterilization/castration. See Huonker also in general on concepts of morality and eugenics in the Swiss context. Thomas Huonker, *Diagnose: "Moralisch Defekt": Kastration,*

sterilization discourse, concerns about non-normative sexualities were not separated from concerns about their reproductive potential. Although no eugenic sterilization law passed under the Republic, eugenic models of non-normative sexualities came into play in both the 1927 reform of the laws on venereal disease and women's sex work (the topic of Chapter 3) and the 1929 vote on whether to repeal Paragraph 175 (the topic of Chapter 4).

Nine-year-old F.S.'s masturbation was a very different act from other sexualities that I call "non-normative." At first glance, F.S. does not seem to have had much in common with a discrete, well-placed man who had sex with other men and thought of himself as "homosexual," or with a working class woman employed in a brothel. Yet in politics, F.S. and these two hypothetical adults had something crucial in common. Under the Weimar Republic, a loose coalition of progressive reformers formed behind the notion that the state ought to draw on biological or medical models of sexuality in order to relate to all three of the people mentioned above. I argue that sterilization was part of a trend toward state management of non-normative sexualities with medical or biological means. Such plans proceeded from biological models of what caused non-normative sexualities and often drew on the science of eugenics. Sexual outsiders were forced to negotiate this trend toward medicalized management. Political proponents of biological models were successful in marginalizing or co-opting the approach to non-normative sexualities as problems relating to media that the state ought to address through censorship policies. I argue over the course of this chapter and the two that follow it that increasingly during the Republic, issues of non-normative sexualities appeared in the

national press and in Reichstag debates in connection with biology and medicine, not in connection with battles about media. As an introduction to this chapter and the two that follow it, below I elaborate a framework for a reevaluation of the history of eugenics as it pertained to the politics of non-normative sexualities in this period.

Coined by the English scientist Francis Galton in 1883, the term “eugenics” denoted a loose system of ideas about how populations of humans might be improved as they reproduced over time. With “eugenics,” Galton expressed widely circulating notions that a long list of human mental, physical, and moral traits were passed from one generation to the next, and that by managing this transmission through the science of eugenics, humanity’s future could be improved and chronic social ills cured. In her 2004 book on eugenics in American modernism and the Harlem Renaissance, Daylanne K. English simplifies this, describing eugenics as “the science of breeding better humans.”<sup>241</sup> Sterilization was just one eugenic scheme. Ways to promote the birth of superior babies and to prevent the births of inferiors ranged from birth control to welfare assistance for pregnant women to genetic marriage counseling to incarceration of intellectually disabled people to prevent their reproduction. Eugenics drew on nineteenth century innovations in the life sciences. These included Charles Darwin’s theory of evolution through mutation (Darwin was Galton’s cousin). Also influential was the Austrian monk Gregor Mendel’s discovery of the transmission of hereditary factors from one generation of pea plants to the next (these hereditary factors later came to be called genes). French naturalist Jean Baptiste Lamarck’s theory of the inheritability of acquired characteristics lost ground to Darwinism and Mendelian models over the course of the nineteenth century, but some

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<sup>241</sup> Daylanne K. English, *Unnatural Selections: Eugenics in American Modernism and the Harlem Renaissance* (Chapel Hill: University of North Carolina Press, 2004). 1.



scientists in Europe and elsewhere hung on to Lamarckian models into the 1940s.<sup>242</sup> Across Europe, eugenic schemes proved attractive to a wide range of political actors, from racist radical nationalists to social democrats.<sup>243</sup> Frank Dikötter writes that “eugenics belonged to the political vocabulary of virtually every significant modernizing force between the two world wars.”<sup>244</sup> Many adherents of eugenics also believed in scientific racism. However, many adherents of eugenics rejected ideas of race. This was certainly the case in Germany. Progressive advocates of eugenics like the socialist Alfred Grotjahn and the left-center German League for National Regeneration and the Study of Heredity (*Deutscher Bund für Volksausfertung und Erbkunde*) rejected theories of the “aryan” race espoused by eugenicists affiliated with the German right.<sup>245</sup> Eugenics was a Europe-wide intellectual movement bolstered by international organizations, and had adherents beyond Europe, including in the U.S., Canada, Brazil, China, and Japan particularly in the late nineteenth century and the first half of the twentieth.<sup>246</sup>

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<sup>242</sup> Nancy Leys Stepan, "Eugenics in Brazil 1917-1940," in *The Wellborn Science: Eugenics in Germany, France, Brazil, and Russia*, ed. Mark B. Adams (Oxford: Oxford University Press, 1990). 120.

<sup>243</sup> Frank Dikötter, "Race Culture: Recent Perspectives on the History of Eugenics," *The American Historical Review* 103, no. 2 (1998).

<sup>244</sup> Ibid. 467.

<sup>245</sup> Sheila Faith Weiss, "The Race Hygiene Movement in Germany 1904-1945," in *The Wellborn Science: Eugenics in Germany, France, Brazil, and Russia*, ed. Mark B. Adams (Oxford: Oxford University Press, 1990). 9-10. On Grotjahn, see Paul Weindling, *Health, Race and German Politics between National Unification and Nazism, 1870-1945* (Cambridge: Cambridge University Press, 1989).

<sup>246</sup> Thomas Etzemüller, "Sozialstaat, Eugenik und Normalisierung in Skandinavischen Demokratien," *Archiv für Sozialgeschichte* no. 43 (2003). Richard Sonn, "Your Body Is Your's: Anarchism, Birth Control, and Eugenics in Interwar France," *Journal of the History of Sexuality* 14, no. 4 (2005), Mark B. Adams, ed., *The Wellborn Science: Eugenics in Germany, France, Brazil, and Russia* (Oxford: Oxford University Press, 1990), Dikötter, "Race Culture: Recent Perspectives on the History of Eugenics.", Yuehtsen Juliette Chung, *Struggle for National Survival: Chinese Eugenics in a Transnational Context* (New York: Routledge, 2002), Natalia Gerodetti, "From Science to Social Technology: Eugenics and Politics in Twentieth-Century Switzerland," *Social Politics* 13, no. 1 (2006), Gunnar Broberg and Nils Roll-Hansen, ed., *Eugenics and the Welfare State: Sterilization Policy in Denmark, Sweden, Norway, and Finland* (East Lansing, MI: Michigan University Press, 1996), Nancy Ordover, *American Eugenics: Race, Queer Anatomy, and the Science of Nationalism* (Minneapolis: University of Minnesota Press, 2003), Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley: University of California Press, 2005), Angus McLaren, *Our Own Master Race: Eugenics in Canada, 1885-1945* (Toronto: McClelland and Stewart, 1990).

The German eugenics movement dates from the 1890s, when two doctors, both of whom had worked in mental hospitals, published volumes arguing for social policy based on eugenics.<sup>247</sup> One of them was Alfred Ploetz. He interned under the Swiss psychiatrist and later influential eugenicist Auguste Forel. Ploetz coined the term *Rassenhygiene*, (race hygiene) a rough equivalent in German for the English “eugenics.”<sup>248</sup> He led in the founding of a journal devoted to eugenics in 1904 and a society for the promotion of eugenics in 1905. He was a firm believer in the existence and superiority of an “Aryan” race. But eugenics in a form different from Ploetz’s eugenics appealed to Germans whose politics diverged from his. In the sex reform movement, eugenic hierarchies of the “healthy” and the “unhealthy,” the “fit” and the “unfit” circulated widely even as sex reformers rejected antisemitism.

Eugenics in a progressive context like sex reform was so different from the theories of Ploetz or of his antisemitic follower Fritz Lenz that it is only with great caution that the two can be categorized together. For example, during the Weimar era the National League for Birth Control and Sexual Hygiene (*Reichsverband für*

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<sup>247</sup> On eugenics in Germany, see Jürgen Kroll Peter Weingart, Kurt Bayertz, *Blut und Gene. Geschichte Der Eugenik und Rassenhygiene in Deutschland* (Frankfurt a.M.: Suhrkamp, 1988), Hans Walter Schmuhl, *Rassenhygiene, Nationalsozialismus, Euthanasie: Von Der Verütung Zur Vernichtung "Lebensunwerten Lebens" 1890-1945* (Göttingen: Vandenhoeck & Ruprecht, 1987). Michael Burleigh, *Death and Deliverance: 'Euthanasia' in Germany C. 1900-1945* (Cambridge: Cambridge University Press, 1994), Weindling, *Health, Race and German Politics*. Kurt Nowak Jochen-Christoph Kaiser, Michael Schwartz, ed., *Eugenik, Sterilisation, "Euthanasie": Politische Biologie in Duetschland 1895-1945: Eine Dokumentation* (Berlin: Buchverlag Union, 1992), Sheila Faith Weiss, *Race Hygiene and National Efficiency: The Eugenics of Wilhelm Schallmayer* (Berkeley: University of California Press, 1987). Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill: University of North Carolina Press, 1995).

<sup>248</sup> *Rassenhygiene* (race hygiene) could mean either schemes to improve a population or schemes to increase a population regardless of quality. It necessarily connoted neither notions of “race” as elaborated in scientific racism, nor antisemitism, a nuance that tends to be lost when it is translated as “race hygiene.” *Eugenik* (the Germanized version of the English word) generally had a meaning equivalent to the English. See Weiss, “The Race Hygiene Movement in Germany,” 8, 16-17. When German authors use *Rassenhygiene* to discuss schemes for improving a population, I translate the term as “eugenics” while clarifying the author’s views on race or on population increase.

*Geburtenregelung und Sexualhygiene*) ran clinics to distribute sex advice, arrange for birth control and facilitate abortion. Trade unions, leftist Social Democrats, and anarchist groups financed the group's Berlin clinic. The National League promoted satisfying marital sex and control of fertility because it held that these things promoted the birth of quality babies as well as improving the life conditions of working class people. The group also sponsored discussions of eugenic sterilization, but sterilization was far from its focus.<sup>249</sup> Charlotte Wolff, a psychiatrist who ran a birth control clinic in Berlin during the Republic and took part in the sex reform movement, described the eugenics that she called "intrinsically connected" with feminist sex reform thus: "Eugenics...is the science concerned with sexual relationships which should be individually satisfying, and best suited to produce children healthy in body and mind."<sup>250</sup> This sort of eugenics thinking became entangled with sexology. Both eugenics and sexology emerged in the 1890s and drew on then-current sciences of heredity and the biological basis of conditions such as mental illness. Krafft-Ebing linked various perversions to heredity factors, although by the end of his career he had determined that one perversion, homosexuality, was not a form of hereditary degeneracy.<sup>251</sup> In 1913, Hirschfeld joined with Iwan Bloch (who went on to become one of the most influential German sexologists of the era) Alfred Grotjahn (a social democratic proponent of eugenics who sat on Prussian government committees

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<sup>249</sup> Atina Grossmann, *Reforming Sex: The German Movement for Birth Control and Abortion Reform, 1920-1950* (New York: Oxford University Press, 1995). xi, 22-24.

<sup>250</sup> Charlotte Wolff, *Magnus Hirschfeld: A Portrait of a Pioneer in Sexology* (London: Quartet Books, 1986). 92. On Wolff, see her autobiography — — —, *Hindsight* (Olympic Marketing Corp, 1981). and her interview with James Steakley, James D. Steakley and Charlotte Wolff, "Love between Women and Love between Men: Interview with Charlotte Wolff," *New German Critique*, no. 23 (1981).

<sup>251</sup> See for instance *Psychopathia Sexualis: With Especial Reference to the Antipathic Sexual Instinct: a Medico-Forensic Study*, Harry E. Wedeck, trans. (New York: Arcade, 1998) 47. Harry Oosterhuis, *Stepchildren of Nature: Krafft-Ebing, Psychiatry, and the Making of Sexual Identity* (Chicago: University of Chicago Press, 2000).

on eugenics during the Republic) and others to found the Medical Society for Sexual Science and Eugenics (*Aertzliche Gesellschaft für Sexualwissenschaft und Eugenik*).<sup>252</sup>

During the Republic, eugenics proved extremely ideologically versatile and increasingly politically relevant. Germans across the political spectrum advocated a wide variety of state-backed eugenic measures.<sup>253</sup> The development of a welfare state, together with the economic crises that strained it, raised questions about whether eugenics ought to be paired with welfare in order to make welfare efficient and effective. Across Europe, eugenic ideas were increasingly influential in the interwar period.<sup>254</sup> Under the Republic, Germany undertook state-funded eugenic programs, such as voluntary eugenic marriage counseling and efforts to educate the public about eugenics.<sup>255</sup> This chapter is about just one eugenic scheme that was debated, but never adopted under the Republic: state-regulated eugenic sterilization, whether “voluntary” or not.<sup>256</sup> The interwar period saw pressing and mutually influential debates on state-organized eugenic sterilization in Germany and in the Scandinavian countries.<sup>257</sup> Literature and expertise from the U.S.

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<sup>252</sup> Wolff, *Magnus Hirschfeld: A Portrait of a Pioneer in Sexology*. 130. See also Weindling, *Health, Race and German Politics*. 102-105; 325; 340-341.

<sup>253</sup> Michael Schwartz, *Sozialistische Eugenik: Eugenische Sozialtechnologien in Debatten und Politik Der Deutschen Sozialdemokratie 1890-1933* (Bonn: J.H.W. Dietz, 1995), — — —, *Konfessionelle Milieus und Weimarer Eugenik* (München: R. Oldenbourg, 1995). Ulrike Manz, *Bürgerliche Frauenbewegung und Eugenik in Der Weimarer Republik* (Königstein: Ulrike Helmer Verlag, 2007).

<sup>254</sup> Dikötter, "Race Culture: Recent Perspectives on the History of Eugenics." Etzemüller, "Sozialstaat, Eugenik und Normalisierung in Skandinavischen Demokratien."

<sup>255</sup> Annette Timm, "The Politics of Fertility: Population Politics and Health Care in Berlin, 1919-1972" (University of Chicago, 1999). 184-253. Weindling, *Health, Race and German Politics*. 361-364 and 399-440.

<sup>256</sup> On sterilization in Germany, see Christoph Schneider, *Die Verstaatlichung Des Leibes: Das "Gesetz Zur Verhütung Erbkranken Nachwuchses" und Die Kirche* (Konstanz: Hartung-Gorre Verlag, 2000), Bock, *Zwangsterilisation im Nationalsozialismus: Studien Zur Rassenpolitik und Frauenpolitik*. Reiner Pommerin, *Sterilisierung Der Rheinlandbastarde. Das Schicksal Einer Farbiggen Deutschen Minderheit 1918-1938* (Düsseldorf: Droste Verlag, 1979). Jochen-Christoph Kaiser, ed., *Eugenik, Sterilisation, "Euthanasie": Politische Biologie in Duetschland 1895-1945: Eine Dokumentation*.

<sup>257</sup> Etzemüller, "Sozialstaat, Eugenik und Normalisierung in Skandinavischen Demokratien.", Gesine Bär, "'Wir Stehen Nicht Allein': Schwedische Eugenik im Spiegel Der Deutschen Nationalsozialistischen Rassenforschung," *Nordeuropaforum*, no. 2 (2002). Stefan Kühl, *The Nazi Connection: Eugenics, American Racism, and German National Socialism* (New York: Oxford University Press, 1994).

states and the Swiss canton that had instituted government-regulated sterilization in the period between 1905 and 1910 influenced these debates.<sup>258</sup> By the 1930s, all of the Scandinavian nations, democracies and welfare states all, had passed laws establishing eugenic sterilization.<sup>259</sup>

Sterilization discourse is important in a study of non-normative sexualities in this period for two reasons. At times, as in F.S.'s case, advocates of sterilization held it up as a way to control non-normative sexualities. In addition, the categories of people to be sterilized that were current in sterilization discourse were formed by norms of sexuality. This was true of both reproductive and non-reproductive sexualities. Sterilization and the eugenic concepts that it raised played a role in the politics of non-normative sexualities. I am particularly interested in how progressives such as sex reformers, Social Democrats, and homosexual emancipation activists took part in the politic of eugenic sterilization, and what they perceived their stakes in it to be.

My aim in this chapter is to read the sterilization discourse with attention to what it meant in terms of non-normative sexuality. Although it is not simple to articulate what eugenic sterilization had to do with the politics of non-normative sexuality, it does seem to have had something crucial to do with it. Historians often discuss eugenic sterilization in terms of the politics of reproduction. Questions of sexuality aside from reproduction are often left in the background. However, there are many connections between sterilization and non-normative sexuality aside from its reproductive potential. Scholars

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<sup>258</sup> Philip R. Reilly, *The Surgical Solution: A History of Involuntary Sterilization in the United States* (Baltimore: Johns Hopkins University Press, 1991). Gerodetti, "From Science to Social Technology: Eugenics and Politics in Twentieth-Century Switzerland."

<sup>259</sup> Etzemüller, "Sozialstaat, Eugenik und Normalisierung in Skandinavischen Demokratien.", Volker Roelcke, "Zeitgeist und Erbgesundheitsgesetzgebung im Europa Der 1930er Jahre: Eugenik, Genetik und Politik im Historischen Kontext," *Der Nervenarzt* 73, no. 11 (2002). Roll-Hansen, ed., *Eugenics and the Welfare State: Sterilization Policy in Denmark, Sweden, Norway, and Finland*.

have noted that issues of morality and non-reproductive sexuality came up in sterilization debates. For example, Natalia Gerodetti describes concerns about “unruly sexualities” and moral norms in the Swiss discourse of sterilization.<sup>260</sup> Scholars have examined how categories of disability were formed in part with reference to sexual norms. Pamela Block narrates how in the U.S., women with cognitive disabilities were portrayed at varying times as sexually dangerous or sexually vulnerable.<sup>261</sup> Scholars have shown that sexual outsiders were categorized as disabled. Stephanie Wahab explains how during the First World War, social workers in the U.S. labeled female sex workers “feeble-minded” (a category of intellectual disability) and institutionalized them.<sup>262</sup>

In addition, historians have examined connections between eugenic sterilization and male homosexuality in politics. Peter Boag shows that a 1912 scandal involving male homosexuality in Portland, Oregon led to a sterilization law targeting male homosexuals.<sup>263</sup> Boag’s study seems a case that is simple enough to generalize from: at times, political leaders and medical experts visited sterilization or castration on male homosexuals as a form of social control.<sup>264</sup> Yet in other cases, male homosexuals are not the people targeted for sterilization, yet activism on their behalf seems related in complex ways to political movements for sterilization. Historians have noted how activists for homosexual emancipation in Germany seemed to have to deal with issues of eugenics by

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<sup>260</sup> Gerodetti, "From Science to Social Technology: Eugenics and Politics in Twentieth-Century Switzerland." 63.

<sup>261</sup> Pamela Block, "Sexuality, Fertility, and Danger: Twentieth-Century Images of Women with Cognitive Disabilities" *Sexuality and Disability* 18, no. 4 (2000).

<sup>262</sup> Stephanie Wahab, "'For Their Own Good?': Sex Work, Social Control and Social Workers, a Historical Perspective," *Journal of Sociology and Social Welfare* (2002).

<sup>263</sup> Peter Boag, *Same-Sex Affairs: Constructing and Controlling Homosexuality in the Pacific Northwest* (Berkeley: University of California Press, 2003). On castrations of men diagnosed as homosexual in Switzerland, see Huonker, *Diagnose: "Moralisch Defekt": Kastration, Sterilisation und Rassenhygiene im Dienst Der Schweizer Sozialpolitik und Psychiatrie 1890-1970*.

<sup>264</sup> On Nazi-era castrations of men who had sex with men, see Geoffrey Giles, "'The Most Unkindest Cut of All': Castration, Homosexuality and Nazi Justice," *Journal of Contemporary History* 27, no. 1 (1992).

virtue of some kind of conceptual overlap between homosexuality and eugenics.

Gunter Schmidt, Ralf Dose, and Nancy Ordovery all note that Magnus Hirschfeld used eugenic categories, but they basically present this as a tactical mistake that the prevalence of eugenics forced upon him and focus on his argument that homosexuality was not a eugenic degeneracy.<sup>265</sup> Jens Rydström shows that political questions about sterilization and castration came up in debates about whether to decriminalize sex between men in Sweden in the 1930s and 1940s, and that the decriminalization of male homosexual sex in the 1940s was passed along side a castration law aimed at sex offenders, most of them pedophiles.<sup>266</sup> Theo van der Meer examines how what he calls eugenic “folk beliefs” in the Netherlands conflated castration and sterilization and promoted the castration of mostly male sex criminals (most of whom would be classified as pedophiles under current Dutch law) from the 1930s to the 1960s.<sup>267</sup> Van der Meer notes that in the 1930s, activists on behalf of homosexual men as well as progressive sex reformers supported castration for sex offenders and argued that it would benefit them, while opposing any similar operation for homosexual men who were not sex offenders.<sup>268</sup>

These are disparate cases, and I do not aim to provide an overarching explanation as to what connects eugenics, sterilization, and non-normative sexuality in each of them. However, a few points seem worth investigating. The first is that perhaps the emphasis in historical literature on eugenics as a scientific movement to control reproduction

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<sup>265</sup> Gunter Schmidt, "Allies and Persecutors: Science and Medicine in the Homosexuality Issue," *Journal of Homosexuality* 10, no. 3/4 (1984), Ordovery, *American Eugenics: Race, Queer Anatomy, and the Science of Nationalism*, Ralf Dose, *Magnus Hirschfeld: Deutscher--Jude--Weltbürger* (Teetz: Hentrich & Hentrich, 2005).

<sup>266</sup> Jens Rydström, *Sinners and Citizens: Bestiality and Homosexuality in Sweden, 1880-1950* (Chicago: University of Chicago Press, 2003).

<sup>267</sup> Theo van der Meer, "Eugenic and Sexual Folklores and the Castration of Sex Offenders in the Netherlands (1938-1968)," *Studies in History and Philosophy of Biological and Biomedical Sciences*, no. 39 (2008).

<sup>268</sup> *Ibid.* 196.

overlooks the implications of eugenic sterilization for non-reproductive sexualities. If one thinks about eugenics without concentrating on reproduction, what different narrations and historical connections emerge? Yet, is sterilization not performed to control reproduction really “eugenic”? It is possible to argue that sterilization applied to control a person’s disorderly but non-reproductive sexuality was not technically eugenic sterilization, since eugenics was the science of improved human breeding. But this argument does not hold. Take pedophiles as an example. The Social Democrat’s newspaper *Vorwärts* advocated their castration or sterilization. (In the 1920s, an operation that would destroy a man’s reproductive capabilities but leave his sex drive intact—the vasectomy--was new. Not all authors agreed that vasectomy would leave the sex drive intact.<sup>269</sup> Castration, generally thought to destroy a person’s sex drive, meant the removal of the testicles for men and the removal of the ovaries for women.<sup>270</sup>).

*Vorwärts* argued that such a surgery would free male sex offenders from the sexual desires that they could not control, and indeed could never hope to control except with surgery, since those desires had innate biological origins. Not only was this sexuality innate and biological, according to *Vorwärts*; it was also hereditary. The newspaper described the family of one sex offender, ridden with signs of eugenic degeneracy, and concluded that he was fated to commit sex crimes and could only hope for some normalcy after surgery. Here, eugenic heredity seems to be proof for the biological and unchangeable origins of sexuality, and both justify sterilization and/or castration. F.S.’s story demonstrates a related point: disorderly sexuality could be both a sign of eugenic

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<sup>269</sup> In this period, sterilization and castration were still in the process of being distinguished as two separate procedures with two separate sets of results. In Boeter’s 1923 article, which I have quoted at length, they are not distinguished. Goddard, in contrast, notes that doctors had developed sterilization procedures that affected reproductive abilities but left the sex drive intact. *The Kallikak Family*, 107-108.

<sup>270</sup> BArch Lichtefelde R 86/ 2374, 353-421.



degeneracy and, coupled with eugenic degeneracy, a reason in and of itself for sterilization. F.S.'s behavior had to be stopped, but since he was "feeble-minded," he could not be taught to stop it. Sterilization followed.

The second point worth investigating has to do with how discourse of eugenics and discourses of decaying sexual norms and spreading non-normative sexualities seemed to subsume each other in Germany in this period. Advocates of eugenic sterilization claimed that it could solve social problems of sexual disorder by preventing sexual outsiders (such as female sex workers) from transmitting their biological disposition to sexual disorder to their many offspring. Eugenic categories consisted in part of sexual markers. Stigmatized sexualities functioned to identify people as eugenically degenerate. Experts explained the phenomena of women's sex work by pointing out that most female sex workers were eugenically inferior. Eugenicists and sex reformers explained that eugenically degenerate people, such as people with epilepsy and alcoholics, were sexually non-normative, often hypersexual. In a particularly fluid category, "feeble-minded," ideas of normal and abnormal sexuality, ideas of disability and abnormal bodies and brains, and class markers all overlapped and mutually constituted.<sup>271</sup> Experts could diagnose one woman as "feeble-minded" because of her sexual practices, another because of her score on an intelligence test, and a third because of her lackluster (by bourgeoisie standards) housekeeping.<sup>272</sup>

The Weimar era saw key eugenic interventions in the politics of non-normative sexuality. Eugenics comes into play in the two chapters of this dissertation that follow

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<sup>271</sup> On categories of disability in Weimar-era politics and culture as they pertained to disabled veterans of World War I, see Poore, *Disability in Twentieth-Century German Culture*. 1-43.

<sup>272</sup> Henry Herbert Goddard, *The Kallikak Family: A Study in the Heredity of Feeble-Mindedness* (New York: MacMillan, 1914 [in German 1914, 1925]).

this one. During the 1927 reform of Germany's laws on women's sex work and on venereal disease transmission, politicians, bureaucrats, and social workers at times drew on eugenics in order to predict which Germans were more likely to spread venereal disease via their hypersexuality or immoral sexuality. In Chapter 3, I explore eugenics and other systems of conceptual connection between sexuality and biology in the 1927 reform. German activists for homosexual emancipation could not help but grapple with these connections between eugenics and non-normative sexualities. Yet at times, their activism seemed to actually owe something to eugenics, although they struggled against the view popular among sexologists that homosexuality was itself an eugenic degeneracy. In Chapter 4, I examine how the WhK negotiated eugenic political rhetoric during the 1929 vote to repeal Paragraph 175.

This chapter examines a series of connections between eugenic sterilization and non-normative sexualities. The first section is about sexual disorder in the work of Heinrich Boeters, a practitioner of eugenic sterilization and very public advocate of it who allied himself with factions on the political right. The second section analyzes support for sterilization of pedophiles in *Vorwärts*. The third section narrates how norms of sexuality helped to make up the category "feeble-minded," a category of disability. The fourth section examines connections between eugenics, sexuality, and the welfare state in growing support, especially after 1929, for state-regulated eugenic sterilization. In the final section, I address the important literature on continuities and discontinuities in eugenic sterilization politics under the Republic and under the Nazi state and consider similarities between the politics of sterilization under the Republic and the politics of sterilization under other European welfare states in the same period.

*Eugenic Sterilization as a Means to Eliminate Biologically Based Non-normative Sexualities, Part I: Heinrich Boeters*

Sterilization was technically illegal under the Republic because it fell under the federal definition of illegal bodily injury. However, despite the bodily injury law, between 1918 and 1933 some Germans were sterilized without their consent as prosecutors looked the other way. Some were sterilized on the orders of doctors and hospital administrators who sought to control their non-normative sexuality regardless of their fertility. For instance, one director of an asylum in Saxony admitted that he instigated technically illegal sterilizations during the Republic.<sup>273</sup> Doctors were only occasionally prosecuted for performing sterilizations; the few doctors who publicly said that they had sterilized people on eugenic grounds were not prosecuted. I am concerned primarily with sterilizations of people who were perceived as eugenic “problems.” These people were often coerced into accepting sterilization. People who sought sterilization as a means of birth control, for the most part aside from issues of eugenics, are in a separate category. Sterilizations for birth control were also legally murky. The Reichsgesundheitsamt noted in 1925 that even sterilization undergone voluntarily by adults was probably illegal, and that a new law would be required to allow sterilization even in cases where adults requested it in order to control their own fertility.<sup>274</sup> Some doctors who sterilized patients on their request and for birth control were prosecuted.<sup>275</sup>

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<sup>273</sup> Burleigh, *Death and Deliverance: 'Euthanasia' in Germany C. 1900-1945.*, 23.

<sup>274</sup> Reichsgesundheitsamt to the Reich Interior Min., 19 Feb. 1925, BArch Lichtefelde R 86/ 2374 p. 185-194.

<sup>275</sup> Bock, *Zwangsterilization*, 43.

The official who oversaw F.S.'s sterilization, Heinrich Boeters, was a national proponent of eugenic sterilization. He published article after article in a host of regional German newspapers and journals on the power of eugenic sterilization to eliminate non-normative sexualities, as well as on its power to improve the national hereditary stock. Boeters himself has been somewhat dismissed by historians (as he was by some contemporaries) in part because of the eventual mental breakdown that got him adjudicated incapable of making decisions (*Enmündigung*) which was the same legal situation facing many of the people whose sterilization he arranged.<sup>276</sup> But although historians and many contemporaries saw Boeters as a crank, he was no lone individual; he was the mouthpiece for a very pro-sterilization government in the state of Saxony, where F.S. and many other people were sterilized during the Weimar Republic.<sup>277</sup>

Boeters, a medical doctor appointed to municipal posts (including district medical officer in Zwickau) had been involved since well before the First World War in what he called "racial hygiene" (*Rassenhygiene*), by which he meant questions of how society would deal with "life unworthy of life": blind people, deaf people, "feeble-minded" (*Blödsinnigen*), mentally ill people, people with epilepsy, "feeble-minded" criminals, and others.<sup>278</sup> Since becoming district medical officer in Zwickau, according to a newspaper article he published in the early 1920s, he had been able to sterilize twelve "feeble-minded" (*blödsinnig*) children, having "influenced" their families to give

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<sup>276</sup> Contemporaries note his mental instability: Otto Kaus, "Der Fall Böters," *Das Tage-Buch* March 7, 1925. Heft 10 Jahrgang 6, 338-343. Historians note it: Burleigh *Death and Deliverance*, 36-42.

<sup>277</sup> On Boeters as a crank, see Otto Kaus, "Der Fall Böters."

<sup>278</sup> Heinrich Boeters, "Die Unfruchtbarmachung der geistig Minderwertigen," *Zwickauer Tagblattes*, Boeters to Reichsgesundheitsamt, 1923. BArch Lichtefelde R 86/2374 pp. 5-15. On Boeters, see Burleigh, pp. 36-37. See Pommerin, pp. 37-38, at one point Boeters called for "gypsies" to be sterilized.

permission. Judges and prosecutors assured Boeters that this was legal, he claimed. Indeed, he was never prosecuted.<sup>279</sup>

In a 1923 article, Boeters favored sterilization for several reasons. Sterilization re-introduced nature to the equation: these defectives would not have survived natural selection because of the welfare state. The “inferior” (*minderwertig*) were out-reproducing worthy Germans (either because venereal disease was making “worthy” people infertile, or because they were choosing not to reproduce). This trend was eating away at the quality of the entire nation. Sterilizations were cheaper than institutionalization. They were humane; institutionalized people could be released after sterilization. In addition, Boeters argued, sterilization or castration could “gentle” mentally inferior or ill people who were really “beasts.”

The foundation of Boeter’s argument for sterilization is a biological model of how sexuality works, as well as an assumption that disorderly sexuality is at the root of a host of social problems including, but not limited to, the birth of “inferior” children. He writes that secretions from the male and female gonads produce the sex drive. “The sex drive develops to be especially strong” in “the mentally ill and the feeble-minded (*blödsinnig*), because every moral restriction and hesitation before seeking pleasure is eliminated...” This non-normative sexuality causes problematic reproduction, and preventing the births of more and more “inferiors” is one utility Boeters sees in sterilization, but it is not the only utility. Hypersexuality, which sterilization or castration can control, is dangerous in and of itself. This is demonstrated by the case of F.S. (discussed above), whom Boeters recommended for sterilization. Boeters saw “inferior”

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<sup>279</sup> Heinrich Boeters, “Die Unfruchtbarmachung der geistig Minderwertigen,” *Zwickauer Tagblattes*, Boeters to Reichsgesundheitsamt, 1923. BArch Lichtefelde R 86/2374 pp. 5-15.

people as walking vehicles of moral sexual contamination. In the 1923 article, he worries that sterilized “feeble-minded” (*blödsinnig*) girls will pose both a moral and health (by which he probably means venereal disease) danger to male youths, who might have fewer misgivings about sleeping with them following their sterilization. Therefore, he writes, such operations must be kept secret.

Boeters fears the sexuality of eugenic degenerates both because of reproduction and aside from reproduction. This is because it is hormonal secretions, not reproduction, that are at the heart of Boeter’s vision. Hormonal secretions cause both hypersexuality and animal-like behavior in “inferior” people. He writes that mental illness may be caused by secretions from the sex organs, which “poison” people’s brains, causing both illness and hypersexuality. The “poison” of sex hormones functioning in overdrive makes people into “beasts.” He writes of mentally ill men who are like “dangerous bulls” or “fury-blinded boars.” Here, Boeter’s rhetoric echoes that of imperialist imaginings of colonized people, as well as the hysterical rhetoric about French colonial troops occupying the Rhineland. By surgically altering hormone production, sterilization or castration can “gentle” these people.<sup>280</sup>

Boeters described himself as having been heavily influenced, even converted, by the example of sterilization in the U.S.<sup>281</sup> He wrote that in the 1890s, he traveled more than once to New York as a ship’s doctor, met American colleagues with whom he corresponded until the First World War, and learned about U.S. innovations in

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<sup>280</sup> Heinrich Boeters, “Die Unfruchtbarmachung der geistig Minderwertigen,” *Zwickauer Tagblattes*, Boeters to Reichgesundheitsamt, 1923. BArch Lichtefelde R 86/2374 pp. 5-15.

<sup>281</sup> Tens of thousands of people were sterilized in the U.S. between 1907 and the 1960s; about half of U.S. states had sterilization laws during this period. Sterilizations in the U.S. were conducted on eugenic and/or racial grounds. Philip R. Reilly, *The Surgical Solution: A History of Involuntary Sterilization in the United States* (Baltimore and London: Johns Hopkins University Press, 1991).

sterilization. These included castrations to heal epilepsy and to treat chronic tuberculosis. Boeters poses sterilization as a way to save state healthcare funds, a way to stop non-normative sexualities, and a way to produce workers. He claimed to have observed male tuberculosis patients who had been castrated, and to have seen with his own eyes how their erotic hallucinations and masturbation stopped, how they were “cleaner and better-natured,” how some could again hold down jobs. Thanks to castration, he wrote, these men were on their way to be released from the institutions. This was good for the men and good for their families, and it saved the state lots of money. But sadly, Boeters feared that this perceived “modern” procedure was “only possible in America.”<sup>282</sup>

In the early 1920s, Boeters campaigned to make sterilization clearly legal, and to set up a legal framework to regulate and promote it. He never found the support he sought on the national level. Nationally prominent experts on matters involving sterilization were generally critical of him. But they did not reject sterilization entirely; rather, they argued that the science to support it was not in place.<sup>283</sup> He found no shortage of newspaper and magazines willing to publish his screeds, though he found no shortage of opposition from the Catholic Church.<sup>284</sup> And he did find regional support in the early 1920s from the governments of the states of Thuringia and Saxony. Saxony’s government called for a sterilization law and protected the surgeon who performed the

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<sup>282</sup> Heinrich Boeters, “Die Unfruchtbarmachung der geistig Minderwertigen,” *Zwickauer Tagblattes*, Boeters to Reichgesundheitsamt, 1923. BArch Lichtefelde R 86/2374 pp. 5-15.

<sup>283</sup> Erich F. Dach, “Stimmen berühmter Aerzte” *Berliner Börsen-Courier* 22 Aug. 1924.

<sup>284</sup> “Zur Frage der Unfruchtbarmachung der geistig Minderwertigen” *Leipziger Lehrerzeitung* Nr. 29, Nov. 1924; “Sterilisation. Schwachsinnige sollen keine Nachkommen haben—Chirurgen und Geistesranke—Der Einspruch der Kirche.” *Tag* 11 March 1926. There are a series of articles critical of Boeters in BArch Lichtefelde R 86/ 2374. Catholic opposition: “Ein einschneidendes dänisches Gesetz” *Kölnische Volkszeitung*, 17 Aug. 1929.

sterilizations that Boeters ordered.<sup>285</sup> Even when Boeters was suspended from his post and declared legally incompetent to make decisions (*Enmündigung*) Saxony stood by his calls for sterilization.<sup>286</sup> Thuringia also supported eugenic sterilization.<sup>287</sup> This regional coalition for eugenic sterilization contrasted with the Prussian government's resistance to sterilization before the Depression, and with the resistance of Bavaria, which in 1922 called on the Reich to outlaw birth control, sterilization, and abortion.<sup>288</sup> The Reich Health Office rejected Saxony's proposals for compulsory eugenic sterilization, calling it "an extraordinarily grave interference with [an individual's] personal rights."<sup>289</sup> Sterilization on the national level made little headway before the Depression, though quasi-legal eugenic sterilizations were carried out. But ideas of sterilization as a way to manage non-normative sexuality were not unique to Boeters.

*Eugenic Sterilization as a Means to Eliminate Biologically Based Non-normative Sexualities, Part II: The Social Democrats, Pedophilia and Sterilization or Castration*

The SPD organ *Vorwärts* presented sterilization not as a way to prevent or punish murder sprees like Fritz Haarmann's, but as a scientific solution to the plague of a sexual drive orientated toward children that pedophiles themselves were calling for. In 1926, *Vorwärts* reported the case of "M.", a man who had spent 16 years in jail for repeated

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<sup>285</sup> Reich Gesundheitsamt report, 26 Jan., 1924. BArch Lichtefelde R 86/ 2374 p. 82-84.

<sup>286</sup> Sächsisches Min. für auswärtigen matters, 19 April 1924. R 86/ 2374 p. 128-130. Sächsisches Min. for foreign matters to Reich. Min. Interior, 13 Dec. 1923. BArch Lichtefelde R 86/ 2374 p. 69. Note, however, that officials of Saxony rejected Braun's finding (like Boeters) of hypersexuality in the "feeble-minded" and of need for sterilization to protect people from crime, etc. Resulting from over active sex drive. BArch Lichtefelde R 86/ 2374 pp. 72-78.

<sup>287</sup> Thueringisches Wirtschaftsministerium, 16 July 1923. To the Pres. of the Reichsgesundheitsamts (sic) and Reichs Interior Min. BArch Lichtefelde R 86/ 2374 pp. 16-17.

<sup>288</sup> Weindling, *Health, Race and German Politics*, 371.

<sup>289</sup> Bumm, Reich Health Office, to Reich Min. of Interior, 19 Feb. 1925.



molestation convictions. In 1925, someone at the jail where “M.” was serving time (perhaps a prison doctor or official) suggested to him that he have his gonads removed. (Many people in Weimar-era prison for crimes like M.’s probably received such “proposals” from officials or prison doctors and experienced varying degrees of pressure to undergo sterilization.) “M.” seized on castration as a chance to “free himself from his deformed sex drive” and to avoid molesting more children and landing back in jail once he finally finished his sentence.

By 1926, M. was out of jail and on trial again for “obscene behavior” with an immature child. M. had his defense attorney ask the court to order his castration. But the court would not allow it. (Even if M. asked for sterilization, it was technically bodily injury and therefore illegal.) *Vorwärts* wondered why, suggesting that M.’s sexuality was a hereditary degenerate condition that nothing but surgery could change. The newspaper noted that he was “already fated to be a morals criminal (*Sittlichkeitsverbrecher*) upon birth M.’s mother was a whore, his father and both his brothers were sex criminals.”<sup>290</sup> In this 1926 article about M., *Vorwärts* presents castration as the solution to M.’s problem, but does not advocate for a law that would allow it. Indeed, there was no consensus on this point. The Justice Minister argued in a Reichstag debate two years later that the incarceration of criminals or sex criminals like “M.” could not be replaced by sterilization, since sterilization would not stop them from committing crimes.<sup>291</sup>

*Vorwärts* easily folded stories of convicted pedophiles who requested sterilization into calls for a sterilization of other people, with compulsion if necessary. In 1930,

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<sup>290</sup> “Der Sittlichkeitsverbrecher. Wie schützt sich die Gesellschaft?” *Vorwärts* Nr. 197, April 28 1926. Magnus Hirschfeld was supposed to testify at “M.”’s 1926 trial, but a Dr. Pranger appeared instead.

<sup>291</sup> “Um das neue Strafrecht. Die Sicherungsverwahrung—Koch-Weser zur Frage der Sterilisation” *Berliner Tageblatt* 31 Oct. 1928.

*Vorwärts* published an unsigned, appreciative article on Denmark's sterilization law, which, the paper noted, covered people with "abnormally strong or diseased" sex drives, by which they certainly meant pedophiles though may have meant others in addition. The article then makes an apparent reference to M.'s case, as paper lamented the injustice of denying sterilization to such people when they requested it. But the article went on to note that these legal issues also applied to institutionalized "abnormal persons" whom doctors or institution directors wanted sterilized, and that it was not possible to get consent from such people who had "inferior (*Minderwertig*)" intelligence. Therefore, the article concludes that it was therefore necessary to have a legal provision for compulsory sterilization on a doctor's orders. An SPD member representing the German government made a similar demand at a 1931 international congress in Copenhagen on welfare for people with disabilities, calling for sterilization as well as for compulsory registration for "feeble-minded" people.<sup>292</sup>

Following the onset of the Depression, Social Democrats sought to use the penal code reform to legalize eugenic sterilization. The envisioned sterilization was not, in fact, entirely in keeping with M.'s case; it was on eugenic grounds. In 1931, the Social Democrats in the penal code reform committee proposed an amendment along the following lines: "A habitual criminal who is dangerous to public security can be sterilized with his consent, if a doctor's certification confirms the concern that his bad hereditary inclination would be passed on to his descendents."<sup>293</sup> This was voluntary sterilization of criminals. As an SPD member noted himself in his proposal to the Copenhagen

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<sup>292</sup> "Sterilisation von Männer erlaubt. Freispruch des Grazer Chirurgen Schmerz" *B.Z. am Mittag*, 10 April 1931 (in BArch Lichtefelde R 86/5631).

<sup>293</sup> "Unfruchtbarmachung von Verbrechern. Ein Antrag in Srafrechtsauschuß des Reichstages." *Der Abend* Feb. 7, 1931.

conference that same year, when people of “inferior” intelligence were in question, sterilization could not be voluntary. The proposal for habitual criminals, however, was voluntary. Yet, it was not to be initiated by the person to be sterilized, but rather most likely by prison officials. The penal code reform committee ultimately rejected several attempts by its members to legalize sterilization.

The SPD supported castration in the case of M. and others like it both because of ideas about the hereditary nature of certain traits (ideas that therefore can be called “eugenic”) and because of ideas about the power of castration or sterilization to alter a person’s sex drive. Thus, members of the SPD called for sterilization of a habitual criminal because of concerns about heredity. Castration could address the problem of pedophilia, on the other hand, by destroying the abnormal sex drive that drives pedophiles inexorably to re-offend. This “abnormal” sex drive arises directly from the pedophile’s biology. Others called for the castration of pedophiles. People such as the rapist of an 11-year-old girl were “constitutionally abnormal,” “primitive,” “socio-biologically ill,” committers of “bestiality.” Jail would not change their malfunctioning glands, so they ought to be castrated.<sup>294</sup> Castration was likewise seen as a “cure” for the dangerously abnormal sex drives of people who committed *Lustmord* (sexual murder). Proposals for sterilizing sex criminals came up during the Haarmann serial killer case of the mid-1920s, as did [apparent] conflation between “*minderwertig*,” mental illness, homosexuality and *Lustmord*.<sup>295</sup> Such people could not in any way control their

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<sup>294</sup> J.R. Spinner, “Sexualverbrechen” *Vorwärts* 11 Aug. 1931. This article appeared with the disclaimer that the editors did not necessarily agree with its argument, but published it in the interest of debate. Sterilization of “abnormally inclined sexual criminals” should be investigated: Martin Segall, “Unfruchtbarmachung?” *Magdeb. Ztg.* 20 Oct. 1931.

<sup>295</sup> On the Haarmann case, see Thomas Kailer: Werewölfe, Triebtäter, minderwertige Psychopathen. Bedingungen von Wissensgenerierung. Der Fall Haarmann. In: Carsten Kretschmann (Hg.):

biological sex drives. Only biological intervention in the form sterilization could achieve that management. In *Vorwärts's* portrayal of this issue, even the biological pedophiles themselves called for their sterilization.

*The Use of Sexual Markers in the Construction of Eugenic Categories*

Dystopian sexuality was a central criteria by which to recognize eugenically inferior people, although non-normative practices like masturbation or promiscuity were often not the only criteria used to justify someone's sterilization. "Feebleminded" people, as constructed in the discourse of the sterilization debate, were quite literally and by definition amoral: They were too muddled in their minds to understand what sexual norms and morality. They could be recognized primarily on the basis of their sexuality, though their degeneracy manifested in additional ways. "Feebleminded" people all supposedly shared some kind of lower level intellectual functioning. Children who went to special education schools could be called "feebleminded."<sup>296</sup> Men and boys could be "feebleminded," as in "criminal biological" research that found that many men in prison were "feebleminded."<sup>297</sup> But the designation seems to have been used more often for women and girls. Female sex workers, "morally endangered" women as well as men, unmarried single mothers and "promiscuous" women were all called "feebleminded."

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Wissenspopularisierung. Berlin 2003, S. 323-359. See also Tatar, *Lustmord*. Sterilization discussed in Haarmann case: Erich F. Dach, "Stimmen berühmter Aerzte" *Berliner Börsen-Courier* 22 Aug. 1924. Schorn, "Die Unfruchtbarmachung von Menschen als Strafmittel" *Kölnische Volkszeitung*. 20 Jan. 1929. On the *Lustmord* and pedophilia cases and Nazi attacks on homosexual men, see Stefan Micheler, "Homophobic Propaganda and the Denunciation of Same-Sex Desiring Men under National Socialism," in *Sexuality and German Fascism*, ed. Dagmar Herzog (Berghahn Books, 2005).

<sup>296</sup> W. Winkler, "Erbliche Minderwertigkeiten und ihre national-sozialbiologische Bedeutung" *Reichsbote* Dec. 7 1928.

<sup>297</sup> Fetscher's report submitted by the Saechsische Min. of the Interior, 7 Nov. 1931. BAArch R 3001/ 5690.

Though factors aside from sexuality (such as poverty) could contribute to a diagnosis of “feeble-minded,” alarmist pro-eugenics arguments portrayed “the feeble-minded” again and again as a horde of hypersexual women gathering to corrupt Germany. Because “feeble-minded” women did not know to avoid the normal lusts of men, they would be seduced into promiscuous or premarital sex; therefore, one commentator recommended, the seduction of “feeble-minded” women by men ought to be made a specific crime.<sup>298</sup>

Sterilization advocates and practitioners in Saxony, Boeters among them, seem to have been especially impressed with the danger of “feeble-minded” sexuality aside from the issue of reproduction, perhaps because of the influence of U.S. eugenic literature. One surgeon who worked with Boeters wrote that “there is no doubt that the uninhibited sex life of these feeble minded people (*Swachsinnigen*) brings an enormous amount of harm into the world,” though he claimed that a majority of “feeble-minded” people had normal sex drives. The Justice Ministry of Saxony accepted this premise and used it to argue that sterilization would actually be good for “feeble-minded” people, releasing them from “an excess of sexual activity” as well as “protect[ing] the public from the prevalence of criminal acts against morality.”<sup>299</sup> At times, biological and moral degeneration seemed to coalesce into the same condition, as in a 1923 report federal government report: “In a large number of mentally or morally *minderwertigen* people, the morbid degeneration is based on an inherited predisposition.”<sup>300</sup> In the discourse of “feeble-minded,” biology became the cause of sexual immorality.

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<sup>298</sup> Promiscuous sex: proposal to make seducing “feeble-minded” minor women a particular crime. “Die Unzücht in Paragraphen” *Montag Moregn* 21 Oct. 1929.

<sup>299</sup> Sachsen Justice Min. report 16 Oct. 1923, BACh R 86/ 2374 pp. 72-78.

<sup>300</sup> Report for the Reich Interior Minister, 15 Oct. 1923. BACh R 86/ 2374 pp. 24-27.

The reproduction of “feeble-minded” people was of concern:

“Feeble-mindedness” was supposedly itself hereditary, and “feeble-minded” people supposedly passed degeneracy to their offspring, who turned out not necessarily “feeble-minded,” but criminal, or degenerate in other ways. Various authors of eugenic texts held that homosexuality, alcoholism, and impoverishment were all caused by inherited “degeneracy.” In addition, “degeneracy” supposedly caused forms of disability including mental illness, mental disability, physical disabilities including blindness and deafness, and epilepsy. The combination of “feeble-minded” people’s hypersexuality with their hereditary degeneracy promised disaster, because through promiscuity they achieved extraordinary rates of reproduction, and their children were bound to become wards of the state. “Feeble-minded women are perpetually becoming the mothers of illegitimate children,” a newspaper article explained, because “feeble-minded” people lack “knowledge” and “self control.” Only sterilization could “protect” such women from repeated births.<sup>301</sup> A “feeble-minded girl” who “had born 5 illegitimate children in 8 years, each with a different father,” was justly (though illegally) sterilized by a health department, another newspaper told its readers.<sup>302</sup> Even in marriage, “feeble-minded” women proved remarkably fertile according to a study of Rostock families, though whether this was believed to be due to hypersexuality is not clear. The study found that “feeble-minded families” had twice as many children as the average family; in Munich, a study found that the families of children in special education schools were up to 60% more fertile. The alleged hypersexuality of “feeble-minded” women was at the heart of

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<sup>301</sup> “Sterilisation. Schwachsinnige sollen keine Nachkommen haben—Chirurgen und Geistesranke—Der Einspruch der Kirche” *Tag* 11 March 1926.

<sup>302</sup> R. Fetscher “Künstliche Unfruchtbarmachung” *Berliner Tageblatt* 17 Feb. 1931.

concerns that biologically degenerate people were out-reproducing “more valuable stock.”

But reproduction was not the only threat that the “feeble-minded” posed to society. Lacking the facilities to grasp moral norms and animated by enormous lust, “feeble-minded” people supposedly gravitated towards masturbation, sex work, crime, and other sorts of social disorder. One of the most vivid instances of the stigmatization of “feeble-minded” people as sexually immoral, given to sex work, masturbation, and other immoral activities, is the enormously influential study done in the U.S., *The Kallikak Family*.<sup>303</sup> Translated into German in 1914, this narrative of “feeble-mindedness” in an extended family was often invoked in Weimar-era debates on sterilization.<sup>304</sup> A review in the journal of the German Society to Fight Venereal Disease (*Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten*) declared the Kallikak study proof of the “completely hereditary character” of feeble-mindedness as well as the fact that “Feeble-mindedness is...responsible in the first line for social damage.”<sup>305</sup> The government of Saxony repeatedly cited *The Kallikak Family* in a 1923 appeal to the Reich to pass both voluntary and compulsory sterilization.<sup>306</sup> The book came out in several German editions and was repeatedly cited by German authors.

The U.S. itself was an enormously influential perceived world leader in eugenic sterilization, with sterilization laws on the books in many U.S. states and thousands of

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<sup>303</sup> Henry Herbert Goddard, *The Kallikak Family: A Study in the Heredity of Feeble-Mindedness* (New York: MacMillan, 1914 [in German 1914, 1925]).

<sup>304</sup> Hartkopf, “Das wissenschaftliche Für und Wider” *Kölnische Ztg.* 1 Nov. 1929, Otto Kankeleit, *Die Unfruchtbarmachung aus rassenhygienischen und sozialen Gründen* (München: J.F. Lehmanns Verlag, 1929) p. 55.

<sup>305</sup> *Mitteilungen der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten* Nr. 5, Band 19. (Leipzig: Johann Ambrosius Barth, 1921) 124-125.

<sup>306</sup> Sächsischen Min. für auswärtigen Angelegenheiten, 26 June 1924, BArch Lichtefelde R 86/ 2374, pp. 353-421.

sterilizations being performed each year.<sup>307</sup> German authors on sterilization, for and against it, discussed the U.S. example more than any other country.<sup>308</sup> In the U.S., *The Kallikak Family* (1912) was the most famous of the white family studies that seemed to prove the transmission of “degeneracy” from generation to generation in accordance with Mendel’s law of heredity, and therefore the existence of a eugenic hereditary hierarchy among white Americans (these studies took the biological inferiority of non-white Americans for granted).<sup>309</sup>

*The Kallikak Family* reveals a world of “feeble-minded” men, women, and children sunk deep into mindless sexual depravity. This disorderly sexuality is a problem both because of and beyond its reproductive potential. Though Henry Herbert Goddard is listed as *The Kallikak Family*’s author, the book is as much a product of his assistant Elisabeth S. Kite, who conducted all of the research and basically wrote an entire chapter herself. Kite, the tireless fieldworker shut out of the upper reaches of her profession because of her gender, is herself a fascinating character as she appears in the book. She is chillingly devoted to the eugenic worldview.<sup>310</sup> (Upon meeting one epileptic girl, Kite describes her as “a lump of humanity.”)<sup>311</sup> Kite looks vigilantly for the sexual disorder that she knows accompanies “feeble-mindedness,” and unflinchingly describes it. Their

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<sup>307</sup> About half of U.S. states had sterilization laws between 1907 and the 1960s. Sterilizations in the U.S. were conducted on eugenic and/or racial grounds. Philip R. Reilly, *The Surgical Solution: A History of Involuntary Sterilization in the United States* (Baltimore and London: Johns Hopkins University Press, 1991).

<sup>308</sup> Against sterilization in Germany: Erich F. Dach, “Unfruchtbarmachung Minderwertiger” *Berliner Börsen-Courier* 19 Aug. 1924. For revising the bodily injury law so that doctors in institutions had discretion to sterilize (a very limited pro-sterilization position): Ebermayer, “Die Unfruchtbarmachung Minderwertiger,” *Magdeb. Ztg.* 27 July 1929.

<sup>309</sup> English, *Unnatural Selections: Eugenics in American Modernism and the Harlem Renaissance*, 144-145.

<sup>310</sup> On Kite and eugenic researchers like her as “New Women,” see English, *Unnatural Selections: Eugenics in American Modernism and the Harlem Renaissance*.

<sup>311</sup> Goddard, *Kallikak Family*, 91.



immoral behavior most often takes the form of promiscuous extra marital sex and parenthood, but includes incest, bigamy, “sex perver[sion]” (in men), childhood masturbation, alcoholism, and women’s sex work.<sup>312</sup>

*The Kallikak Family* typifies strong similarities between eugenic discourse, and racist, imperialist discourse. “Feeble-minded” people are often described as essentially animals or essentially children in adult bodies. In one section, “feeble-minded” adults are “pathetic child-man or child-woman, who through matured sex powers, which they do not understand, fill our land with its overflowing measure of misery and crime.”<sup>313</sup> A Kallikak woman who had children and relationships with multiple men is not living a life of “voluntary reaction against social order, but simply a blind following of impulse...she has never known shame...her philosophy of life is the philosophy of the animal.”<sup>314</sup> Likewise, the German Catholic theologian and eugenics proponent Joseph Mayer wrote that “...two male idiots (*Blöden*) are like orangutans.”<sup>315</sup> These images bear a striking resemblance to European imaginings of the sexuality of colonized people. Descriptions of the super powerful sex drives of the “feeble-minded” sometimes sound very much like descriptions of colonized people. During the national panic over French African troops occupying the Rhineland (whose German children were in some cases sterilized)... Did this discourse of sexuality define the “feeble-minded” as primitives within the German nation in need of colonization? Was the move by doctors and welfare workers to manage this population a sort of internal colonization?

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<sup>312</sup> Goddard, *Kallikak Family*, 20; 24; 25; 63.

<sup>313</sup> Goddard, *The Kallikak Family*, 92.

<sup>314</sup> Goddard, *The Kallikak Family*, 65.

<sup>315</sup> Joseph Mayer, *Gesetzliche Unfruchtbarmachung Geisteskranker* Freiburg, 1927. On Mayer, see Weindling, *Health, Race and German Politics*, 434.

*The Kallikak Family* presents women's sex work as caused by hereditary degeneracy. Women on the degenerate side of the family do not simply fall into sex work, they make a business of it: "...eight of the descendants of the degenerate Kallikak branch were keepers of houses of ill fame, and that in spite of the fact that they mostly lived in a rural community where such places do not flourish as they do in large cities."<sup>316</sup> Heredity explains this, according to Goddard and Kite. It is "one of the easiest things" for feeble-minded girls "to fall into is a life of prostitution, because they have natural instincts with no power of control and no intelligence to understand the wiles and schemes of the white slaver, the cadet, or the individual seducer..." Indeed, the physical beauty of Kallikak women as well as their congenital amorality make them ideal sex workers. The study notes again and again that "feeble-minded" women are pretty: "She was pretty, with olive complexion and dark, languid eyes, but there was no mind there."<sup>317</sup> Another woman is "pretty, graceful, but of low mentality."<sup>318</sup> German politicians made similar links. In a 1918 debate in the Reichstag on the regulation of VD and prostitution, politicians demand that the state provide "protection for the feeble-minded, who fall into prostitution in large numbers."<sup>319</sup> In addition, Kite and Goddard saw a link between venereal disease and "feeble-mindedness." They tracked reports of syphilis infections among family members, apparently on the assumption that the sexual disorder caused by feeble-mindedness spread VD.<sup>320</sup>

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<sup>316</sup> Goddard, *The Kallikak Family*, 68.

<sup>317</sup> Goddard, *The Kallikak Family*, 73.

<sup>318</sup> Goddard, *The Kallikak Family*, 27.

<sup>319</sup> Debate in the Reichstag Committee for Bevölkerungspolitik 20 Feb. 1918. BArch Lichtefelde R 86/4594.

<sup>320</sup> Goddard, *The Kallikak Family*, 33-34.

The high fertility of degenerate people is a problem in *The Kallikak Family*, as when Kite, standing amidst the children she has diagnosed as “feeble-minded” with a glance, falls into a mental lament that this family will undoubtedly “produce more feeble-minded children with which to clog the wheels of human progress.”<sup>321</sup> But reproduction seems to actually be a symptom of a larger problem: a general immorality caused by feeble-mindedness, which in turn causes “all forms of social misery that burden the modern society” including more sexual disorder, crime, alcoholism, and poverty.<sup>322</sup> Traits that are reported to be hereditary in Kallikak family include alcoholism, blindness, criminality, deafness, epilepsy, insanity, syphilis, “sexually immoral[ity],” and tuberculosis.<sup>323</sup> Sterilizing the “feeble-minded” could therefore supposedly solve a range of social problems.

Family studies like *The Kallikak Family* proved influential. They were seen as scientific proof of sterilization’s efficaciousness and received quite differently than were Boeter’s screeds. German researchers produced studies of families in Rostock, Munich and Frankfurt am Main that mirrored the Kallikak study’s use of simple Mendelian heredity to show various forms of degeneration traveling through the generations. A Prussian government expert explained in 1932, as that state drafted a sterilization law, that family studies particularly convincing in showing Mendel’s laws at work in the inheritance of mental illness, alcoholism, venereal disease, and other traits that ended up

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<sup>321</sup> Goddard, *The Kallikak Family*, 78.

<sup>322</sup> *Mitteilungen der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten* Nr. 5, Band 19. (Leipzig: Johann Ambrosius Barth, 1921) 124-125.

<sup>323</sup> Goddard, *The Kallikak Family*, 33-34.

increasing the state's welfare costs.<sup>324</sup> Alcoholism was often linked to eugenic degeneration (in a Lamarckian turn, as both effect and cause) and (therefore) to "abnormal" sexuality. One member of the Prussian Health Commission explained at a 1932 meeting that alcoholism was both the result of hereditary degeneration and a cause of it.<sup>325</sup> Another member noted that criminality was connected to heredity.<sup>326</sup>

Discussions of "feeble-minded" fertility frankly mapped this eugenic category over class categories: respectable wealthy and middle class people were not "feeble-minded." "It's important to note that the lower the total general number of children is, the higher the social position of their parents is....The better the mental [hereditary] inclination (*Anlage*) is, the smaller the number of descendants will be."<sup>327</sup> Thus, the fact that "feeble-minded" women had many children alarmed those Germans who were inclined to worry about the biological status of the nation and society. Eugenics in general essentially made class markers and socio economic position biological, as other studies have shown.<sup>328</sup> "Feeble-minded" people are generally imagined to be dwelling in poverty, unable to support themselves, like the Kallikaks. With the onset of the Depression, German advocates of sterilization made this a central point in their arguments.

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<sup>324</sup> July 1932 Health Commission meeting, reprinted as "Die Eugenik im Dienste der Volkswohlfahrt" *Veröffentlichungen aus dem Gebiete der medizinischen Verwaltung* XXXVII, Band Heft 5 (Berlin: Richard Schoetz, 1932).

<sup>325</sup> July 1932 Health Commission meeting, reprinted as "Die Eugenik im Dienste der Volkswohlfahrt" *Veröffentlichungen aus dem Gebiete der medizinischen Verwaltung* XXXVII, Band Heft 5 (Berlin: Richard Schoetz, 1932).

<sup>326</sup> The Nazi representative at this meeting spoke about dangers of race mixing. July 1932 Health Commission meeting, reprinted as "Die Eugenik im Dienste der Volkswohlfahrt" *Veröffentlichungen aus dem Gebiete der medizinischen Verwaltung* XXXVII, Band Heft 5 (Berlin: Richard Schoetz, 1932).

<sup>327</sup> W. Winkler, "Erbliche Minderwertigkeiten und ihre national-sozialbiologische Bedeutung" *Reichsbote* Dec. 7 1928.

<sup>328</sup> Dikötter, "Race Culture: Recent Perspectives on the History of Eugenics.", Etzemüller, "Sozialstaat, Eugenik und Normalisierung in Skandinavischen Demokratien."

Sterilization's application to non-normative and non-reproductive sexuality demonstrates the entanglement of categories of disability and categories of sexual disorder. Epileptics were supposedly sexually disordered. "Feeble-minded" sometimes indicates a person with an intellectual disability and at other times is assigned purely according to sexual markers, as when experts claimed that all female sex workers were "feeble-minded." Eugenic sterilization discourse also makes manifest connections between ideas of sexuality and ideas of class and crime. All three were supposedly symptoms of eugenic degeneracy that was inherited according to Mendel's laws. Non-normative sexuality in a mother (such as sex work) could transmute into criminality or the incapacity for waged work and resulting financial destitution in children. Historians have noted that certain eugenic categories, such as "feeble-minded," are clearly not always biological, but at times are based on social constructions of normative sexuality.<sup>329</sup> Yet, all these categories—sexuality, disability, health—are social constructions. A non-human world exists, and mental illness, physical variety, and sexual desire may be connected to it. But all are narrated and thereby made intelligible. At times, these narrations depend on one another.

### *Growing Support for State-Managed Sterilization on Eugenic Grounds*

Sterilization seemed to gain some ground before the Depression when coupled with the concept of voluntarism, although historians note that eugenic measures increased in popularity as the Depression threatened. "Voluntary" sterilization was envisioned as a

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<sup>329</sup> Natalia Gerodetti, "From Science to Social Technology: Eugenics and Politics in Twentieth-Century Switzerland," *Social Politics* Vol. 13 Nr. 1 Spring 2006, p. 65

way to sterilize eugenic inferiors and biological criminals while circumventing arguments about individual rights. In practice, “voluntary” sterilization would be achieved by pressuring people in institutions and prisons (some of whom were legally incapable of making decisions) to apply for sterilization, or to offer them incentives to do so. A 1928 debate on sterilization in the Reichstag penal code reform committee shows that even before the Depression, eugenic sterilization was held to have gained some scientific grounding since Boeter’s campaign of the mid 1920s. Though the penal code reform committee ultimately failed to legalize sterilization, “voluntary” eugenic sterilization had some support.

Reichstag penal reform committee members from the German People’s Party and Bavarian People’s Party called in 1928 for legal sterilization “in the interest of eugenics” that would allow for people in institutions to be released if they underwent sterilization. Both the Reich Justice Minister and a Reich Health Office official spoke against this proposal. The Health Office representative said that, “the most famous experts in Germany are against compulsory sterilization” because the science to support it was lacking. However, he noted that “voluntary” sterilization could be useful.<sup>330</sup> Ebermayer, an advisor to the reform committee, came out against “compulsory” sterilization because it was “a severe interference in the personal rights of the individual” despite its “racial hygienic and social advantages.” But he distinguished it from “voluntary” sterilization, writing that, “the heads of institutions, doctors, etc., would be credited if they would use the influence that they have over “inferior” (*minderwertig*) people to get them to agree voluntarily to undergo sterilization.” He also advocated the locking up of the “mentally

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<sup>330</sup> “Um das neue Strafrecht. Die Sicherungsverwahrung—Koch-Weser zur Frage der Sterilisation” *Berliner Tageblatt* 31 Oct. 1928.

inferior (*minderwertig*)” and criminally mentally ill, and using protective custody (*Sicherungsverwahrung*) to segregate habitual criminals, all with the goal of keeping them from reproducing.<sup>331</sup> Despite evidence of some support for “voluntary” sterilization, the penal code reform committee voted against a proposal that would have legalized “voluntary” eugenic sterilization in the fall of 1929 (before the Depression hit Germany).<sup>332</sup>

The Depression radicalized the politics of eugenic sterilization: sterilization gained support,<sup>333</sup> and eugenicists gained influence.<sup>334</sup> The economic threatened the state’s welfare commitments to its citizens.<sup>335</sup> This changed the terms of the debate about eugenic sterilization. The Reich Health Office called in 1932 for a high-level meeting on sterilization, noting that “in light of the primary importance of the growing public costs of welfare for the mentally inferior (*Minderwertig*).”<sup>336</sup> Sterilization was now cast as a solution to the crisis of the welfare state, as well as to sexual disorder and crime. All these arguments for sterilization had existed before the Depression. But the economic crisis seemed to lend them weight that they had not had before, as did the supposed crime wave of the 1930s.

Throughout the years of debating eugenic sterilization, the categories to be used to identify who ought to be sterilized developed into categories that, when an economic crisis hit, took on new saliency. In this discourse, sterilization and castration were at times conflated. In Boeter’s articles of the early 1920s as well as in Depression-era

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<sup>331</sup> Ebermayer, “Die Unfruchtbarmachung Minderwertiger” *Magdeb. Zeitung*, 27 July 1929.

<sup>332</sup> Ebermayer, “Juristische Folgerungen” *Kölnische Zeitung* 1. Nov. 1929.

<sup>333</sup> Grossmann, *Reforming Sex* 70-75; 143-145.

<sup>334</sup> Weindling, *Health, Race and German Politics*, 578; Burleigh, *Death and Deliverance*, 33-34.

<sup>335</sup> Weindling, *Health, Race and German Politics*, 441.

<sup>336</sup> Pres. Reichsgesundheitsamt to Min. of Interior, 2 March 1932. BArch Lichtefelde R 1501/ 126248, p. 78.

debates, sterilization was presented as a solution to several problems. One problem was exponential increase of the number of Germans with certain supposedly hereditary conditions, to prevent expanding families such as one that a Frankfurt am Main proponent of eugenic sterilization called a “dynasty of feeble-minded.”<sup>337</sup> Another, supposedly related problem was crime, including sex crimes such as pedophilia, *Lustmord*, and perhaps in some cases consensual homosexual sex. Another was poverty. All were related to the supposedly disorderly sexuality of the people targeted for sterilization, and disorderly sexuality itself (such as that of female sex workers) was supposedly also a problem that sterilization could solve. In the plans and proposals about each of these categories, it is apparent that sterilization was a way to manage far more than the “quality” of future German births.

The Württemberg Doctor’s Association (*Württemberg Aertzkammer*) proposed a national involuntary sterilization law in 1932 because of a “qualitative decline” in the German population, which it warned would produce financial incapability as well as ethical incapability.<sup>338</sup> The German Medical Association (*Deutsche Aertztervereinsbund*) sent its own draft of a sterilization law to the Reich government in 1932. It provided for voluntary sterilization with medical and legal approval of an individual’s request for his or her sterilization, on the grounds that the person would likely pass a hereditary defect (including mental illness, “feeble-mindedness,” or epilepsy). This system was justified on economic grounds that posed sterilization as a solution to both welfare and penal system costs: The number of hereditarily unfit people who relied on welfare or fell into the prison system was growing, and Germans capable

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<sup>337</sup> “Sterilisiert wird auch in Berlin.” *B.Z. am Mittag* 14 Sept. 1932.

<sup>338</sup> “Ein ernstes Problem,” *Deutsches Volksblatt*, Stuttgart, 28 Nov. 1932.



of work were having to pay more and more for them.<sup>339</sup> The German Medical Association urged the Reich to pass a sterilization law by decree (a *Sondergesetz*).<sup>340</sup>

A newspaper editor in Magdeburg wrote in 1931 that “the recently observed increase in coarse crimes of a serious kind” and rising crime “above all in the big cities” raises the question of sterilizing “asocial elements in the interest of safety and racial hygiene.” This was by way of introduction to an article by Martin Segall calling for eugenic sterilization of alcoholics, mentally ill people, and criminals, to spare government welfare costs. Segall concluded by suggesting that sterilization might be able to protect society from “abnormally inclined sex criminals” as well.<sup>341</sup> Following Papen’s take-over of the Prussian government in July, 1932, support for “voluntary” sterilization as part of a scheme of welfare differentiated according to an individual’s capacity to do productive work.<sup>342</sup> The *Vossische Zeitung* predicted that in light of the Prussian government’s work, voluntary sterilization for the “mentally inferior (*minderwertig*), sexual criminals, etc.” would soon be legal.<sup>343</sup> Meetings took place in the Reich Interior Ministry, and a compulsory sterilization law was under discussion when the Nazis took power.<sup>344</sup>

There was no total agreement on the terms of eugenics. At a 1923 meeting of the Prussian Health Department’s committee of experts on “population and racial hygiene” experts argued that sterilization ought to be restrictions that, according to current research, really were hereditary diseases, and that “criminals and asocials” did not meet

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<sup>339</sup> Rudolf Lennhoff, “Freiwillige Sterilisierung,” *Vossisches Zeitung* 2 Dec. 1932.

<sup>340</sup> Deutscher Aerztevereinsbund to the Reichmin. Interior, 7 Nov. 1932., BAArch Lichtefelde R 1501/126248, pp. 101-102.

<sup>341</sup> Martin Segall, “Unfruchtbarmachung?” *Magdeburg Zeitung* 20 Oct. 1931.

<sup>342</sup> Michael Burleigh, *The Third Reich: A New History* (New York: Hill and Wang, 2000) 142; 456.

<sup>343</sup> “Freiwillige Sterilisation wird erlaubt” *Vossische Zeitung* 15 Oct. 1932.

<sup>344</sup> Weindling, *Health, Race and German Politics*. 457.

this criteria.<sup>345</sup> Yet, eugenic categories and traits were routinely linked to disorderly sexuality, such as hypersexuality, sex work, and masturbation. Goddard wrote that in *The Kallikak Family* he and Kite found “paupers, criminals, prostitutes, drunkards, and examples of all forms of social pest with which modern society is burdened. From this we conclude that feeble-mindedness is largely responsible for these social sores.”<sup>346</sup> Sterilization was posed as a way to stop sexual disorder, as well as a way to save the Republic from bankrupting welfare costs and prison system costs, and as a solution to the crime wave.

This attribution of non-normative sexuality, crime, poverty, and disability to bodies that were born formed in the wrong way marked the rise of eugenics in the 1930s. With it came new ways to think about sexuality and the relationship among “normal” Germans, the state, and “abnormal” Germans. In the early 1930s, many Germans were demanding the right to make choices about their sexuality and fertility with greater access to birth control and legal access to abortion. Some of the same people were also demanding that both sexual expression and reproductive freedom be taken away from certain Germans, who were defined as biologically incapable of having sex in the best interest of the welfare state.

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<sup>345</sup> Dec. 1, 1923 session, BArch R 86/ 2374, 51-52.

<sup>346</sup> Goddard, 116.

*Sterilization Under the Weimar Republic: Continuities With Nazi Sterilization, or Continuities With Other Democratic Welfare States?*

The Weimar-era debate on whether Germany ought to allow or require eugenic sterilization raises crucial questions about continuities between the Weimar era and the Nazi era. Beginning in 1934, Nazi programs forced hundreds of thousands of Germans to undergo sterilization on eugenic and/or racial grounds.<sup>347</sup> Later, the Nazi state institutionalized the mass murder of Germans in asylums and hospitals on eugenic and/or racial grounds. These programs include T-4 and the “children’s euthanasia” program. Under them, doctors, nurses, and other officials murdered tens of thousands of adults and children incarcerated in German asylums and hospitals and later in areas under German occupation.<sup>348</sup>

Existing studies of Weimar eugenics focus on continuities or discontinuities with the Nazi period. Initially revisionist historians emphasized continuities between Weimar eugenics and Nazi eugenics in order to show that the Nazi era was no mad aberration in German history.<sup>349</sup> Historians have found continuities in many places: racial hygiene activists, scientists and doctors,<sup>350</sup> and welfare workers.<sup>351</sup> Some argue that Nazi sterilization built on Weimar-era sterilization, particularly with respect to the law in

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<sup>347</sup> Bock, *Zwangsterilisation im Nationalsozialismus: Studien Zur Rassenpolitik und Frauenpolitik*.

<sup>348</sup> See Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill: U. of North Carolina Press, 1995).

<sup>349</sup> My review of this debate draws heavily on Atina Grossmann, *Reforming Sex: The German Movement for Birth Control & Abortion Reform 1920-1950*. (New York: 1995, Oxford U. Press) v-x.

<sup>350</sup> Weindling, *Health, Race and German Politics*.

<sup>351</sup> David Crew, *Germans on Welfare: From Weimar to Hitler* (New York: Oxford University Press, 1998). Wolfgang Ayass, *Das Arbeitshaus Breitenau: Bettler, Landstreicher, Prostituierte, Zuhälter, und Fürsorgeempfänger in der Korrekptions- und Landesarmenanstalt Breitenau (1874-1949)* (Stuttgart: Franz Steiner Verlag Wiesbaden, 1987).

preparation in Papan's Prussia in 1932.<sup>352</sup> Atina Grossmann's critique is that efforts to show continuities went so far as to erase radical breaks between the Weimar era and the Nazi era.<sup>353</sup> Grossmann makes the crucial point that Weimar-era proponents of sterilization did not envision the kind of sterilization programs that came later, and that Weimar-era sterilization was not Nazi-era sterilization.<sup>354</sup> Not all Germans supported ideas and programs that dovetailed more neatly with Nazi goals after 1933. I find that the continuities studies are not at odds with this critique, as they do not seek to prove total identity between the Weimar Republic and the Nazi state. Welfare workers like those studied by David Crews and Wolfgang Ayass did not all favor genocidal welfare policies, but after 1933 opponents of eliminationist welfare were silenced, and proponents proceeded to get rid of 'asocial' and 'degenerate' clients. In many cases, the Nazis enabled believers in eliminationist eugenics to act in ways they could not under the Weimar Republic. Paul Weindling writes that the synthesis between Nazism and eugenics was a process of adaptation and appropriation on both sides."<sup>355</sup>

Though my primary aim is not to intervene in the continuities debate, I do see two continuities between sterilization under the Weimar Republic and Nazi state sterilization. One applies only to a certain right, radical strand of sterilization discourse typified by Heinrich Boeter's arguments. This is a tendency to use sterilization as a way to beg the question of state- or doctor-administered mass murder. This kind of discourse was not unique to Germany; it was posed in similar ways in debates in the U.S., for example.<sup>356</sup>

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<sup>352</sup> Weindling, 522-525; Burleigh, *Death and Deliverance*, 42.

<sup>353</sup> Atina Grossmann, *Reforming Sex: The German Movement for Birth Control & Abortion Reform 1920-1950*. (New York: 1995, Oxford U. Press).

<sup>354</sup> Grossmann, *Reforming Sex*, 70-75; 143-145.

<sup>355</sup> Weindling, *Health, Race and German Politics between National Unification and Nazism*, 7.

<sup>356</sup> Ian Dowbiggin, *A Merciful End: The Euthanasia Movement in Modern America* (USA: Oxford, 2003).

The second continuity is in the eugenic categories at issue in the Weimar Republic, which were deployed by the Nazis in the service of a very different sterilization program. Both of these dynamic imply a biopolitical relationship between citizens and state, the definition of some citizens as “abnormal,” and their sterilization.

For some authors, sterilization was a way to talk about mass murder without exactly talking about mass murder. Boeter’s sterilization argument is an example of the wink-wink, nudge-nudge relationship of a certain strand of the pro-sterilization discourse and contemporary calls for “euthanasia,” (that is, mass murder of people in asylums and hospitals, as well as the right of suffering individuals to take their own lives).<sup>357</sup> The winking and nudging are accomplished by deploying temporarily to cushion the author against explicit calls for mass murder. Shifting the time frame of events enables Boeters to argue that certain categories of people defined by “defective” biology and existing in the present moment ought not to exist in the past (ought not to have been born) or in the future (ought not to reproduce). Such an argument raises a genocidal question, and was meant to. Boeters writes in an article he published in the early 1920s that as he encountered blind, deaf, “feeble-minded” (*Blödsinnigen*), mentally ill people, people with epilepsy, and “feeble-minded” criminals in his medical practice and sent them to institutions, he became convinced that “above all else, it would have been better if these poor people (*Menschen*) had never existed.” Since the “question of the “destruction of life unworthy of life,” is not yet solved, he writes, these people must be cared for, “even if the sight of them rouses revulsion and loathing. Here, he endorses the view that certain people ought not to have been born.

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<sup>357</sup> On the possibilities of conflating the right to commit suicide and “euthanasia” in a very different historical context, see Susan M. Wolf; see also Daniel Bergner, “Death in the Family, *New York Times Magazine*, Dec. 2, 2007.

This proposition begs the question of whether they ought to be killed in the here-and-now, and Boeters acknowledges that that question is indeed at issue, but that no consensus on it exists.<sup>358</sup> Therefore, sterilization arises as a solution to the “problems” posed by the need to care for disabled people and others “as long as the question of the “destruction of life unworthy of life” is not yet solved. This roundabout way of coming to sterilization allows Boeters to publicly raise mass murder as a “solution” to the problems he discusses. He tellingly fails to denounce it.

Boeter’s “life unworthy of life” reference is to the 1920 tract “Permission for the Destruction of Life Unworthy of Life” by Karl Binding and Alfred Hoche. The Binding and Hoche piece begins by affirming the right of an individual to commit suicide and quickly segues into a proposal for the “euthanasia” of people nearing inevitable death, the extinguishing of the “pointless” lives of “incurable idiots,” people in comas, and mentally ill people, justified by the benefits to both families and society anticipated by the weeding out of such people.<sup>359</sup> The piece sparked a national debate, but did not garner much explicit public support, though it did garner references such as the one Boeters makes, which is a coded public statement of at least tacit support, as I argue below in more detail (this debate on “euthanasia” and this genre of statement was not unique to Germany, as I argue below). In the Weimar era, Boeters explicitly locates sterilization within the rhetoric of murder, figuring it as perhaps a stopgap measure while the perhaps more definitive “solution” to these “problems” is, in fact, mass murder. Not all proponents of sterilization explicitly linked their arguments to the “euthanasia” debate, and certainly not

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<sup>358</sup> For another example of this kind of rhetoric, see Michael Burleigh, *Death and Deliverance: ‘Euthanasia’ in Germany, c. 1900 to 1945*, 38.

<sup>359</sup> On Binding and Hoche, see Burleigh, 15-20.

all of them also favored mass murder. Boeters, however, apparently did, and his work represents a certain radical variety of the sterilization rhetoric.

A crisis of resources drove Boeters to see the necessity of euthanasia, and perhaps even to practice euthanasia. The “euthanasia” discussion that Boeters refers to took place in the shadow of World War I. Michael Burleigh describes how under government rationing during the war, doctors and asylum directors watched as the inmates of German hospitals and institutions died en masse of starvation.<sup>360</sup> Burleigh estimates the death rate at about 30% of the entire pre-war asylum population; in Saxony, the wartime death rate in asylums was 2.5 times the 1911-1914 rate.<sup>361</sup> In Boeter’s rhetoric, the war is a break point because resources for the care of asylum inmates were cut off. He wrote that in his first post as a regional medical officer (beginning in 1907), Boeters advocated for sterilization of asylum inmates, but received no support. There were two reasons for this. One was what was to him was a specious brand of humanitarianism, but he also writes that because no logistical crisis threatened, money to care for the “inferior” flowed. The war changed this. Boeters even suggesting a certain amount of intentionality on his part in the wartime deaths in asylums and hospitals. He writes (slipping into the passive voice as he does so) that although he had no time for “race hygiene (*Rassenhygiene*) during the war, through verification of “medical nutrition certificates...valuable foodstuff” was not given to “those unworthy of life.”<sup>362</sup> Arguing for sterilization during the Republic, Boeters suggested that the carnage of the war made objections to sterilization pathetic.<sup>363</sup>

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<sup>360</sup> Burleigh, 11-26.

<sup>361</sup> Burleigh, 11.

<sup>362</sup> Heinrich Boeters, “Die Unfruchtbarmachung der geistig Minderwertigen,” *Zwickauer Tagblattes*, Boeters to Reichgesundheitsamt, 1923. BArch Lichtefelde R 86/2374 pp. 5-15.

<sup>363</sup> Heinrich Boeters, “Die Unfruchtbarmachung der geistig Minderwertigen,” *Zwickauer Tagblattes*, Boeters to Reichgesundheitsamt, 1923. BArch Lichtefelde R 86/2374 pp. 5-15.

Yet, in his reconstruction of his war experiences, it is not the conditions of soldiers, but the ability of the state to allocate resources that drives him beyond sterilization, to murder.

In his conclusion to *The Kallikak Family*, Goddard hints that mass murder may be the solution to the problems identified by its eugenic methods. In the beginning of a concluding chapter entitled “What is to Be Done?,” he writes, “For the low-grade idiot, the loathsome unfortunate that may be seen in our institutions, some have proposed the lethal chamber. But humanity is steadily tending away from the possibility of that method, and there is no probability that it will ever be practices.”<sup>364</sup> A debate on whether to simply murder (“euthanize”) “biological degenerates” went on in the U.S. as well as in Germany.<sup>365</sup>

Some German proponents of sterilization were quite frank about the fact that they saw it as a substitute for mass murder, mass murder being impossible in the present moment because so many would reject it on moral grounds. One supporter of sterilization wrote in 1932 that killing the people in question would be perhaps a better solution, but was not possible in the over-sensitized moral climate.<sup>366</sup> An advisor to the Reichstag’s penal code reform committee noted that proponents of sterilization saw it as a sort of ‘Plan B’ because mass murder faced opposition on moral grounds: they argued that if the situation doesn’t exist “to get rid of these people directly,” at least they could be sterilized.<sup>367</sup> In 1933, with Nazi eugenic legislation looming, Rudolf Kraemer of the German Association of the Blind (*Reichsdeutschen Blindenverband*) published a

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<sup>364</sup> Goddard, 101. Goddard himself endorses segregating “degenerates” in single sex institutions to prevent them from procreating as a preferred policy, sterilization as a secondary preferred policy.

<sup>365</sup> Dowbiggin, *A Merciful End: The Euthanasia Movement in Modern America*.

<sup>366</sup> Michael Burleigh, *Death and Deliverance: ‘Euthanasia’ in Germany, c. 1900 to 1945*, 38.

<sup>367</sup> Ebermayer, “Die Unfruchtbarmachung Minderwertiger” *Magdeb. Ztg.* 27 July 1929.



pamphlet against eugenics. Founded in 1912 and counting about 14,000 members by 1933, The German Association of the Blind was one of a cadre of advocacy organizations through which disabled Germans sought to expand their rights under the new democracy.<sup>368</sup> Kraemer notes a general association of eugenics and “euthanasia” as early as 1895, when a man later called “the father of eugenics in Germany” wrote that newly born handicapped children ought to be killed with “a small dose of morpheme.”<sup>369</sup> This discourse may bespeak isolated “euthanasia” murders during the Republic. One of the heads of the T-4 program testified that “euthanasia” had been carried out (probably in asylums or hospitals) during the Weimar Republic.<sup>370</sup>

The salient relationship between state or doctor administered sterilization and mass murder organized by the state and administered by doctors and other medical workers in this case is that some of the preliminary conceptual steps for a sterilization program and a mass murder program are the same. “Problem” individuals were identified, in part according to a biological model of sexuality. A particular sort of relationship between German citizens, German doctors and the German state was implied in the sterilization rhetoric. This relationship took form because the biology/sexuality of some Germans was a threat to the entire society and/or biological nation. Doctors and the German state were responsible for managing such a threat. They would use medicalized intervention in the bodies of some people who were grouped into certain categories to do so. This is a biopolitical sort of relationship. It imbues bodies, citizens, doctors, and the state with certain duties, obligations, and inherent threats, all linked to biology and

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<sup>368</sup> Poore, *Disability in Twentieth-Century German Culture*. 56.

<sup>369</sup> Alfred Plötz quoted in Rudolf Kraemer, *Kritik der Eugenik: Vom Standpunkt des Betroffenen* Reichsdeutschen Blindenverband E.V. (Berlin: Adolf Berg & Co., 1933) Kraemer denies that only crackpots called for “euthanasia,”

<sup>370</sup> Weindling, 523.

sexuality. Insofar as it exists in Weimar-era rhetoric, it marks a continuity with Nazi state programs.<sup>371</sup> It never existed in practice during the Weimar Republic.

Biopolitics can be mobilized according to eugenic ideas or racial ideas (the two ideologies not always being distinct).<sup>372</sup> Shortly after the Nazis came to power, the German government sterilized hundreds of Afro-Germans children in an effort to achieve racial purity. Colonized people as well as people of African descent in Germany had been imagined to have hyper, predatory, and disorderly sexuality. Although it is clear that some Weimar-era officials welcomed the coming of the Nazis as a chance to apply sterilization to Afro-Germans, as far as my research shows, Africans and Afro-Germans did not figure centrally in the Weimar-era discourse of sterilization.<sup>373</sup>

The potentially murderous discourse of sterilization was confined to a radical sector of sterilization activism. Most proponents of sterilization after 1929 did not raise the possibility of mass murder. They articulated a different kind of biopolitics in that

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<sup>371</sup> Weindling makes a very similar argument, but without respect to sexuality. Weindling, *Health, Race and German Politics*.

<sup>372</sup> Some people believed in eugenics but not in race. In a posthumously published book, Hirschfeld rejects biological racism but endorses eugenics, though writing as Nazi Germany enacted indiscriminate forced sterilization based on race and politics as well as eugenics he seems to have grown agnostic on sterilization. He did however believe in a hierarchy of “civilizations” with Europe most advanced, though he explicitly rejected the argument that the fact that different “civilizations” existing in apparent different temporal/historical moments at the same time was due to biology. In fact, he believed something like the opposite: He argued that the trans-historical existence of homosexuals in all civilizations as proof of the biological basis of homosexuality. Hirschfeld, *Racism* Eden and Cedar Paul, translators and editors (Port Washington, NY and London: Kennikat Press, 1973) [First published in 1938] and Hirschfeld, *The Homosexuality of Men and Women*. A position that endorsed eugenics while rejecting racism was not unusual in Europe and North American in the first half of the twentieth century. See for example Daylanne K. English on W.E.B. Du Bois in *Unnatural Selections: Eugenics in American Modernism and the Harlem Renaissance*. (Chapel Hill: University of North Carolina Press, 2004.)

<sup>373</sup> The Mayor of Worms sent the following missive to the Nazi Party in April 1933: In Worms as a result of the occupation there are “a large number of colored (farbiger) children, the great majority of whom are from relationships between colored occupation soldiers and white women. We ask you to encourage the responsible office to issue a law that would rule out a further reproduction of these verrassten people (Menschen).” Bürgermeisterei Worms to the Gauleitung NSDAP, Darmstadt, 26 April 1933. BArch R 1501/ 126248, p. 239. See Pommerin, *Sterilisierung Der Rheinlandbastarde. Das Schicksal Einer Farbigen Deutschen Minderheit 1918-1938*.

they did not envision genocide. Yet, the implied relationship between state, the welfare and wellbeing of “normal” Germans, and the danger posed by “abnormals” is very similar in majority sterilization discourse. To analyze this discourse, it is necessary to set aside the question of continuities with the Nazi state.

Though Weimar-era sterilization gets considerable scholarly attention, it is rarely taken as a stand-alone topic. Weimar-era sterilization is most often discussed as in the debates reviewed above, as a prologue to Nazi eugenics, despite the fact that Nazis were never major players in the Weimar-era sterilization debates. Historians sketch a brief story of growing support for sterilization throughout the Weimar era, peaking with the drafting of a voluntary sterilization law in Prussia in 1932. These histories are often based on the views of elites and on legislative proposals.<sup>374</sup> This focus on elite views does not account for the popular debate on sterilization that took place in the press during the Republic and the ways in which “immoral” sexuality figured in that debate. My aim in this chapter is not to join the continuities debate. Rather, I aim to take Weimar on its own terms. Grossmann is certainly right: Weimar-era sterilization was not Nazi-era sterilization. So, what was Weimar-era sterilization? If Weimar-era sterilization is not read through the shadow of Nazism (as much as that is possible) what histories emerge of a modernist, democratic European welfare state of the 1920s?

The capacity of eugenics to provide conceptual management for many “problems” accounts for its popularity. When Germans in the Weimar era discussed eugenic measures like sterilization, they assumed that these measures could control the “quality” of future generations as well as current social problems with sexualities regardless of

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<sup>374</sup> Burleigh, *Death and Deliverance: 'Euthanasia' in Germany C. 1900-1945*. Christoph Schneider, *Die Verstaatlichung des Leibes: Das “Gesetz zur Verhütung erbkranken Nachwuchses” und die Kirche* (Konstanz: Hartung-Gorre Verlag, 2000) pp. 25-28.

reproduction. Eugenics defined a host of people as *both* non-normative and biologically degenerate: people who had “immoral” sex (such as sex workers and “promiscuous” single women), disabled people, and male criminals. Eugenic measures were hailed as concrete solutions to many national crises supposedly caused by these people. These crises included the declining birth rate, but also the epidemic of venereal disease, the moral demise of young German men, the crime wave, and the bankruptcy of the welfare state.

A certain strand of arguments about sterilization fit very easily into a vision of a democratic welfare state. This discourse, which I locate in the work of Social Democrats and sex reformers, including Magnus Hirschfeld (see Chapter 4), demands attention not for possible continuities with Nazi sterilization (Grossmann is rightly skeptical of such continuities) but for continuities with other European welfare states, such as the Scandinavian states. This vision of sterilization was part of an emerging, biopolitical way to view relations between state and citizens. These emerging biopolitical relations are clear in the history of non-normative sexuality: the biological wellbeing of the population (“normal” Germans) was a good, and it could be achieved by medicalized state intervention in the bodies of “abnormal” Germans. Ideas of the rights of people to control their own bodies did not apply to these “abnormals.” Many “abnormals” (though certainly not all) were so defined according to constructions of non-normative sexuality.

On the other hand, I do see a strong continuity between a certain radical and right strand of sterilization discourse. This discourse, typified in the work of Heinrich Boeters, shows that even in the Weimar era, some authors used sterilization as a way to raise the question of state-sponsored mass murder. However, the welfare state sterilization

discourse and the more radical and murderous strand were separated by political imperatives. Boeters and people on the right who advocated sterilization did not do so out of a vision of democracy and state welfare. Social Democrats and others did.

In the economic crisis of the 1930s, Germans argued that the existence of the welfare state depended on using sterilization to control both reproductive and non-reproductive sexuality. The state ought not to pay for “problems” that sterilization could prevent or solve in the present. Those to be sterilized were not worthy of welfare state support. The 1927 prostitution and venereal disease law that is the topic of the next chapter created explicit duties for citizens to control their sexual behavior and provided legal penalties if they did not. The German welfare state was increasingly bound up with notions of sexuality and citizenship.

### *Chapter Conclusion*

The move from a politics of censorship to one of eugenics represents a shift to a vision of the state’s role that sees its facility to manage the bodies of its citizens as primary to its role in the fight against non-normative sexualities. I call this second sexual politics “biopolitical.” I emphasize that it was a particular way for a democratic welfare state to relate to its citizens, for citizens to relate to one another, and for medical and sex experts to relate to both the state and their fellow citizens. I draw on Michel Foucault’s “biopower,”<sup>375</sup> as well as on critiques of Foucault that analyze the politics of state killing

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<sup>375</sup> Foucault, Michel. *The History of Sexuality: Volume I: An Introduction* Robert Hurley, trans. (New York: Random House, 1979). Part V.

and race.<sup>376</sup> A useful way to examine the significance of biopolitics is to put in the foreground of one's vision *the form of the relationship* amongst people and between people and the state.<sup>377</sup> In this chapter and the two that follow it, I seek to show a recurring pattern of the relations between state and citizens and among citizens. In this pattern of relations, it is taken as an urgent national need to undertake the management of the particularly dangerous biology of some people. Though this management often has to do with reproduction, it does not only have to do with reproduction. It also has to do with designations between "good" (orderly, healthy, moral) and "bad" (disorderly, unhealthy, immoral) sexualities.

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<sup>376</sup> Mbembe, Achille. "Necropolitics." *Public Culture* 15.1 (2003): 11-40. Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995).

<sup>377</sup> Stephanie Clare, "Sovereign Artists," (New Brunswick, NJ: Rutgers University, 2007).

### Chapter 3

#### Managing the Biology of “Immorality” II:

#### Women’s Sex Work and the Battle Against Venereal Disease

A woman by the last name of Rahn was walking in Berlin after midnight in February 1925 and (apparently unbeknownst to her) drew the attention of two policemen. Women’s sex work was legal in Germany in 1925, but it was only legal if a woman registered with the police and submitted to their supervision. Watching from enough of a distance that she seems not to have noticed them, the two policemen apparently took Rahn for an unregistered, and therefore illegal, prostitute. Rahn was not, in fact, registered as a prostitute, though she may not have been one; she could have just been out for a late-night walk. Whatever her intentions, the two policemen (who were probably in plainclothes)<sup>378</sup> followed her as she passed near Potsdamer Platz, where Walter Kroneid left a café and came up the street toward her. What happened next demonstrates the considerable power to regulate some women’s lives that the police held under the system of state-regulated women’s prostitution.

Rahn approached Kroneid and took his arm. She spoke to him as they walked together down the street. He claimed to have initially been unsure what she wanted, though her gender, her presence in that neighborhood around 1 am, and her taking of his arm probably made him suspect that she was a prostitute. If Kroneid had that suspicion

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<sup>378</sup> Less than a year before, plainclothes police patrolling in the same neighborhood for Regulation violators broke up a live sex show. See the Ziegler case, GStAPK I. HA. Rep. 77 Tit. 2772 Nr. 2a Bd. 2. Given that Rahn appears not to have noticed them following her, it is likely that the police who arrested her were also in plainclothes.

as he walked with Rahn down the street, he had no chance to confirm or debunk it. He and she had not gone twenty steps together before the two policemen stopped them and arrested Rahn. The grounds for her arrest were suspicion of illegal prostitution. Under the prostitution law, the police could arrest any woman that they suspected of being an unregistered prostitute. They took Kroneid for her pimp rather than her client, and brought pimping charges against him, although they did not arrest him.<sup>379</sup> Hauled off to the police station, Rahn, however, faced serious legal problems. Women under arrest for unregistered or “clandestine” sex work could be forced by the police to register as prostitutes, to undergo regular, mandatory gynecological exams, and to stay out of certain parts of the city.<sup>380</sup>

This was Regulation (*Kontrolle* or *Reglementierung*), Germany’s system of legal, police-regulated women’s sex work, in action.<sup>381</sup> In the mid-1920s, Regulation varied by region, as it had since German unification in 1871. In some cities, Regulation meant police-regulated, legal brothels confined to certain streets in which female sex workers were required to live and work. In Berlin and elsewhere, police oversaw sex work by women who did not have to work and live in brothels. A federal law abolished these disparate systems in 1927, two years after Rahn’s arrest. With the abolition of Regulation, Germany legalized women’s sex work, supposedly without restriction or police oversight (with a few exceptions). Police-supervised brothels were closed.

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<sup>379</sup> GStAPK I. HA. Rep. 77 Titel 435 Nr. 6, 173-177. Kroneid complained and the pimping charges were dropped.

<sup>380</sup> On regional variations in police-mandated registration policies, see Julia Roos, “Weimar’s Crisis through the Lens of Gender: The Case of Prostitution” (Carnegie Mellon University, 2001), 42-43. In some cities, women were entitled to a court hearing on their police-mandated registration.

<sup>381</sup> Though it varied by region, people understood “Regulation” as a social institution, so I have capitalized it in order to distinguish it from “regulation” meant more generally.



The abolition of Regulation resulted from a redefinition of what made women's sex work dangerous to society. Regulation fell because the dire danger associated with women's sex work was no longer thought to be the moral threat that it posed. Rather, in the midst of what experts said was an epidemic of venereal disease exacerbated by World War I, the great danger of prostitution was ostensibly the biological threat it posed by spreading venereal disease. The 1927 law that abolished Regulation, the "Law to Fight Venereal Disease" (*Reichsgesetz zur Bekämpfung der Geschlechtskrankheiten*, hereafter the 1927 VD Law) established a new national scheme for fighting the spread of venereal disease.<sup>382</sup> Venereal disease (*Geschlechtskrankheit*) was defined in the 1927 law as including "syphilis, tripper [gonorrhea], and Schanker [chancre, ulcers caused by syphilis] on any part of the body."<sup>383</sup> Following the war, experts across Europe published statistics showing venereal disease rates on an exponential rise.<sup>384</sup>

The fact that neither reliable treatments nor tests for syphilis and gonorrhea existed made rising venereal disease rates a dire problem. Penicillin was not discovered until the late 1920s and was not widely available as a treatment for venereal disease until the 1940s. Slavarsan, a chemotherapeutic compound, was the current state-of-the-art treatment, but it was not a reliable cure and carried risky, sometimes deadly side

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<sup>382</sup> Annette Timm provides a detailed discussion of the law as a public health matter and of its connections with notions of population politics. Annette Timm, "The Politics of Fertility: Population Politics and Health Care in Berlin, 1919-1972" (University of Chicago, 1999). My focus in terms of the 1927 law is on sexual outsiders and the creation of categories of sexual outsiders. This is one reason that my overall evaluation of the law emphasizes its invasive character more than does Timm's study.

<sup>383</sup> See the copy of the 1927 law in Reichsgesundheitsamt, "Ratschläge an Aerzte ueber die Mitwirkung bei der Bekaempfung der Geschlechtskrankheiten" R.v. Decker's Verlg, Berlin, undated. BArch Lichtefelde R 4901/ 549, 265-288. Passed through the Reichstag Feb. 18, 1927, the law took effect on Oct. 1, 1927.

<sup>384</sup> Claude Quétel, *History of Syphilis*, trans. Judih Braddock and Brian Pike (Cambridge: Polity Press, 1990). 176-210.

affects.<sup>385</sup> Prophylactic measures included condoms and pills. The sale and advertisement of both of these were restricted by obscenity laws because they supposedly promoted extra-marital sex; the 1927 law loosened restrictions on advertising and selling contraceptive materials that were for protection against venereal disease.<sup>386</sup> Post-sex disinfectants were also believed effective, and during the war, these were distributed to soldiers. But with infection rates rising dramatically, advocates of comprehensive, state-run venereal disease prevention programs claimed that none of the available treatments or preventative measures would be enough. Syphilis and gonorrhea were formidable opponents, nasty diseases believed to be highly contagious and capable of causing infertility, serious disability, and death. They were frequently blamed for Germany's falling birthrate, as in a 1918 federal government draft for a venereal disease law.<sup>387</sup>

A sense of the state of venereal disease treatment in the early 1920s comes through in a review of treatment options and control techniques by Alfred Blaschko, a dermatologist<sup>388</sup>, researcher on venereal disease, and co-founder (in 1902) of the German Society for Fighting Venereal Disease (*Deutschen Gesellschaft zur Bekämpfung von Geschlechtskrankheiten*). Before his death in 1922, Blaschko was one of the foremost advocates for regulations like what became the 1927 law. In a 1921 article, he argued for the need to put aside qualms about promoting extra marital sex in order to stop the spread

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<sup>385</sup> Birgit Adam, *Die Strafe Der Venus: Eine Kulturgeschichte Der Geschlechtskrankheiten* (Pößneck: Orbis Verlag, 2001). 107-111. Ernst Bäuml, *Amors Vergifteter Pfeil: Kulturgeschichte Einer Verschwiegenen Krankheit* (Frankfurt am Main: Edition Wötzel, 1997). 148-194. For a case of accidental Salvarsan poisoning, see Elisabeth Meyer-Renschhausen, "The Bremen Morality Scandal," in *When Biology Became Destiny: Women in Weimar and Nazi Germany*, ed. Atina Grossmann Renate Bridenthal, Marion Kaplan (New York: Monthly Review Press, 1984).

<sup>386</sup> BArch Lichtefelde R 86/2902, for example Preußischer Justiz Ministerium to the Reichsminister des Innern, 18 Sept. 1931. Grossmann, *Reforming Sex* 18-19.

<sup>387</sup> See Feb. 1918 draft laws submitted to Reichstag by the Reichskanzler (Graf von Hertling) in BArch Lichtefelde R 4901/549, 26-28.

<sup>388</sup> Syphilis was classified as a skin disease.

of diseases, and described disinfection procedures. He reported that Germany had three “early treatment centers.” Posters in men’s public bathrooms advertised Berlin’s clinic.<sup>389</sup> If a patient arrived less than two hours after having had sex, staff at the clinic would apply chemicals to the penis or urethra. Blaschko argued that these sorts of clinics were not enough. He argued that disinfectant materials ought to be available in bordellos and in the bathrooms of bars. Blaschko quoted a poster that reflects some of the gravity of the problem facing Germany. The poster warned that venereal diseases spread not just through sex, but through “close bodily touch,” that people who contracted them might “look very healthy.” All of this had to do with norms of sexuality and notions of morality, and the poster reflected that: “Especially dangerous are people—men, women, and girls—about whom one can assume that they lead a frivolous moral life. There is only one way to remain healthy: avoid sex with such people. Disinfection after sex is possible if it is undertaken quickly.”<sup>390</sup>

Advocates of more comprehensive venereal disease controls had long cited female sex workers as spreaders of infection, so it made sense to link new VD regulations with new regulations for women’s sex work. The 1927 law made government oversight of women’s sex work a public health matter rather than a police matter. At the same time, it established national provisions to control the spread of venereal disease not just among female sex workers and their clients, but in the population at large. The law caused a system of clinics to be established at the provincial (*Länder*) and city levels to identify and treat both men and women suspected of carrying venereal disease. It

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<sup>389</sup> These posters were not in women’s bathrooms. See Fritz Lesser, “Die Technik der Prophylaxe bei der Frau,” report of the Deutsche Gesellschaft zur Bekämpfung der Geschlechtskrankheiten, Sept. 1921. BArch Lichtefelde R 86/2804.

<sup>390</sup> Blaschko, “Organisation der Prophylaxe,” report of the Deutsche Gesellschaft zur Bekämpfung der Geschlechtskrankheiten, Sept. 1921. BArch Lichtefelde R 86/2804.

provided for free care for people who could not pay to see a doctor. The 1927 law also empowered public health officials to find the sources of venereal disease outbreaks. Some of the powers granted to public health officials were considerable. They could receive reports from doctors on people who had VD, to order such people to get tested for VD, and to force them to get treatment by locking them in special hospital wards, sometimes for months.

The 1927 law falls within the rubric of this study because it pertains to sexual outsiders. Among these were women who did sex work, people classified as “feeble-minded” and other people, such as homeless men, who were supposedly sexually disordered and therefore dangerous spreaders of venereal disease. In addition, the law represents an instance of a developing way for the German state to engage with the “problem” of sexual outsiders in the terms of biology and medicine. In the form of the 1927 law, people like these experienced a shift in the way that the German state sought to manage their sexuality. The shift was away from concerns about “immorality” and toward fears about the biological consequences of sexuality. At times, eugenic discourse expressed some of these fears. In addition, the law created sexual, medical duties incumbent on all Germans. It required that not just female sex workers but everyone know their venereal disease status, and if infected refrain from sex get treatment. The result was medicalized interference in some people’s lives in part because of their non-normative sexuality.

In this chapter, I analyze the shift from Regulation to the medicalized management of some sexually non-normative people under the 1927 VD Law. Like the near-repeal of Paragraph 175 that is the topic of Chapter 4, the 1927 VD Law increased

tolerance of some sexual outsiders while imposing new sorts of management on others. Like schemes for eugenic sterilization, the 1927 reform treated non-normative sexualities as biological “problems” to be addressed by state welfare agencies. Compared to the censorship politics described in Chapter 1, the 1927 law was marked by very different notions of what caused non-normative sexualities, what made them dangerous, and what the state ought to do about them. The discourse around the 1927 law elaborated notions of connections between sexualities, biology, and danger.

*The Discourse of Venereal Disease and Non-normative Sexuality in the Weimar Republic*

Like the discourse of “dirty” and “trashy” media, the discourse of venereal disease pre-dated World War I. Like anti-*Schmutz* and *Schund* activists, anti-venereal disease activists claimed that the war had made things dramatically worse. In fact, the Weimar Republic’s “new” 1927 VD Law was far from new. One of the 1927 VD Law’s central premises, making it a crime to knowingly spreading VD, been proposed in 1892, in 1909, and enacted in a milder form by emergency decree in 1918.<sup>391</sup> Despite these precedents, experts in venereal disease claimed that war and revolution had had a transformative effect on the VD problem. They began to sound this alarm during the war. They often attributed the spread of venereal disease to the sexual habits of soldiers. Blaschko, wrote in the German Medical Weekly (*Deutschen Medizinischen Wochenschrift*) in 1914 that, “It is easy to understand that the tearing (*Herausreissen*) of

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<sup>391</sup> Reichstag debate in the Committee for Bevölkerungspolitik on the draft of a Gesetzes zur Bekämpfung der Geschlechtskrankheit. session on 20 Feb. 1918. BArch Lichtefelde R 86/ 4594. Paul Weindling reports that compulsory powers for VD treatment existed since as early as the 1860s in several Länder. *Health, Race and German Politics Between National Unification and Nazism 1870-1945* (Cambridge: Cambridge University Press, 1989), 357-358.

hundreds of thousands, indeed millions of healthy young men from their normal lives (*Lebensbedingungen*), the long separation from their women and beloved, and the daily contact with women and girls of other countries and nations will cause sexual debauchery.”<sup>392</sup> The perception that VD was spreading in the Germany army, largely due to sex workers, remained as the war went on. Another anti-VD activist wrote in 1915, “From different sources comes the report that already, since some portions of the troops have been able to have sex with prostitutes in the homeland or in the field, a substantial spread of VD can be noted, and indeed it seems to be spreading to a degree that will surpass the rate of the 1870/71 war.”<sup>393</sup> This discourse of VD and war often located the great threat of VD at the front, but this was not exclusively the case. In a 1918 article in the *Journal of Dermatology* (*Dermatologische Zeitschrift*), Paul Mulzer blamed women’s sex work on the home front for the spread of VD in the army. He argued that the wives and girlfriend of the troops who, while left alone and in desperate economic conditions on the home front, turned to prostitution, and then infected their husbands and boyfriends while the latter were home on leave.<sup>394</sup> Mulzer valorized Regulation, writing that women registered as prostitutes under knew how to deal hygienically with VD infection.

The wartime discourse of VD linked women’s sex work and VD, a conceptual link that eventually found expression in the 1927 VD Law. Advocates of more government control of VD assumed that women’s sex work spread VD, that war caused more women’s sex work and that therefore, the war was spreading VD. The League for

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<sup>392</sup> A. Blaschko, “Die Bekämpfung der Geschlechtskrankheiten im Kriege,” *Deutschen Medizinischen Wochenschrift* Nr. 40, 1914.

<sup>393</sup> A. Neisser, “Krieg, Prostitution und Geschlechtskrankheiten,” *Deutschen Medizinischen Wochenschrift* Nr. 3, 1915. See also A. Neisser, “Krieg und Geschlechtskrankheiten” *Frankfurter Zeitung* 27 May 1915.

<sup>394</sup> Paul Mulzer, “Zur Bekämpfung der Geschlechtskrankheiten im Felde und in der Heimat,” Berlin, Verlag von S. Karger, *Dermatologische Zeitschrift* special printing, 1918. reprint from Band XXV, Heft 4.

German Families and People's Strength (*Volkskraft*) wrote in 1921 that during the war, "the massive growth of prostitution worked like a devouring poison."<sup>395</sup> Soldiers were infected, and when they traveled home, they could be agents of further infection. But female sex workers were the initial agents of infection, activists asserted, and because they had sex with many different partners, they were the more dangerous agents of infection. Those who believed that Regulation was effective might add that *unregistered* female sex workers were the greatest source of infection. One person wrote the federal government in 1916 to suggest that prostitutes who violated Regulation be confined to work houses, in order to protect the troops.<sup>396</sup> Some experts also made a general association between women and venereal disease infection. Fritz Lesser, a member of the German Society for Fighting Venereal Disease, wrote in the Society's 1921 report that women were "infection carriers" of venereal disease. He described how they themselves did not get sick, but infected the men with whom they had sex.<sup>397</sup>

During the Weimar Republic, the association between female prostitution and venereal disease persisted. Both proponents and opponents of Regulation at times portrayed female sex workers as disease personified, morally empty women whose very physical presence could spread infection. For example, a group opposed to the closing of state-regulated brothels in Altona warned that when female sex workers lived in regular apartment houses, they would spread their venereal disease infections via the communal toilets to entire families.<sup>398</sup> Part of this fear had to do with medical and popular understandings of these diseases: they were held to be contagious through contact besides

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<sup>395</sup> BArch Lichtefelde, R 4901/ 549 pp. 157-158.

<sup>396</sup> Feb. 9, 1916 letter. BArch Lichtefelde R 1501/ 113735 pp. 81-88.

<sup>397</sup> Fritz Lesser, "Die Technik der Prophylaxe bei der Frau," report of the Deutsche Gesellschaft zur Bekämpfung der Geschlechtskrankheiten, Sept. 1921. BArch Lichtefelde R 86/2804.

<sup>398</sup> Bürger Verein von 1848, e.V. von Altona, 17 May 1927. GStAPK I. HA Rep. 76 VIII B Nr. 3813.

sex acts, as I discuss below. But this imagery of chronically infectious female sex workers also stemmed from a belief that they were the essential source of venereal disease.

The 1918 demobilization was insufficiently anticipated by both the German military and the German government. Anti-VD activists claimed that the “hasty” demobilization caused a venereal disease epidemic. Even before the war’s end, they had warned that the government must disinfect soldiers before releasing them from the army. But the military rejected strong-armed measures, such as a plan to require all soldiers known to have VD to visit clinics upon their release from the army.<sup>399</sup> Instead, leaders initiated emergency regulations. A Kaiserreich VD Law had failed to pass due to the overthrow of the government. This law was very similar to the VD law that eventually passed in 1927.<sup>400</sup> In the winter of 1918, the new interim government under SPD leadership instituted its central provisions by emergency decree. They are very much consistent with the provisions of the 1927 law, but they were not backed by a massive allocation of resources to fight venereal disease.

Signed by the future first president of the Republic and SPD leader Friedrich Ebert and others, the 1918 emergency decree on venereal disease gave authorities the power to force men and women suspected of having venereal disease to get treated if they seemed likely to infect others. It also provided for up to three years in jail for anyone who had sex while knowing that they were infected. It also introduced a duty to wonder about one’s venereal disease status by providing jail time for anyone who had sex without knowing for sure if they were infected so long as they were in a position to suspect that

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<sup>399</sup> 22 May 1918 letter, BArch Lichtefelde R 4901/ 549 p. 15. See also Timm diss, pp. 73-74. See Bessel, p. 234\*

<sup>400</sup> BArch Lichtefelde R 4901/ 549 pp. 8-11; pp. 26-28. Timm dissertation, pp. 69-70.



they had a VD.<sup>401</sup> The 1918 emergency regulations did apply to men, but they were apparently rarely enforced against men.<sup>402</sup> This emergency decree only went out of effect with the 1927 passage of the VD law. Another emergency decree provided VD care for returning troops. The federal government did not require exams, but gave the *Länder* money to provide free exams for VD to returning soldiers and their dependents.<sup>403</sup>

A supposed increase in venereal disease infections caused by war was cited as having made even stricter venereal disease controls necessary under the Republic.<sup>404</sup> During the Weimar years, years, advocates of what the president of the German Society for Fighting Venereal Disease called “a modern and systematic fight against venereal disease”<sup>405</sup> would press to make the 1918 emergency decree official law and to expand its powers. They generally presented anti-VD efforts during the demobilization as insufficient.<sup>406</sup> Seven years after the war ended, the government was still pointing to the war as the cause of the VD crisis, with its attendant dissolution of family morality, spread of VD among the troops, and supposedly hasty demobilization (as well as the spread of VD by occupation troops).<sup>407</sup>

During the Republic, venereal disease became linked to forms of non-normative sex besides women’s sex work. They were extra marital sex and promiscuity between

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<sup>401</sup> GStAPK Rep. 77 II Titel 435 Nr. 6 p. 142.

<sup>402</sup> Timm diss, pp. 69-70.

<sup>403</sup> Draft of a Gesetzes z. Bek. der GK. ReichMin. of the Interior to the Reichstag. Nr. 975. 6 June 1925. Drucksachen des Reichstag, Carl hehmanns Verlag, Berlin. BArch Lichtefelde R 86/ 4594.

<sup>404</sup> Many studies were conducted to find whether venereal disease rates were increasing, but altogether it is impossible to say whether this was in fact the case. Nevertheless, popular rhetoric held that venereal disease rates had exploded following the war. See Timm diss, Bessel.

<sup>405</sup> Jadassohn, “Ansprache zur Eröffnung der Festsitzung der 25 Jahresversammlung der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten am 28 October 1927”, Sonderdruck of the *Mitteilungen der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten* Nr. 11/12 1927.

<sup>406</sup> “Sexuelle Gefahren. Studien im Reichsgesundheitsamt.” *Vorsisscher* [sp?] *Zeitung* Nr. 89, 23 Feb. 1921.

<sup>407</sup> Draft of a Gesetzes z. Bek. der GK. ReichMin. of the Interior to the Reichstag. Nr. 975. 6 June 1925. Drucksachen des Reichstag, Carl hehmanns Verlag, Berlin. BArch Lichtefelde R 86/ 4594.

women and men. “The frequent actuality that inside of a short time a man will have sexual intercourse with more than one woman, or a woman with more than one man, is the main source of the spread of venereal disease,”<sup>408</sup> the president of the German Society for Venereal Disease declared. Though experts acknowledged that VD could spread from one spouse to another, additional momentum behind supposedly skyrocketing VD rates was supposed to be coming from promiscuous sex.

The government linked venereal disease to both a drop in the birth rate and an increase in disabilities among the population: “Venereal diseases have a direct connection to the fatal (*verhaengnisvollen*) drop in the birth rate,” by making both men and women sterile, causing stillbirths, infecting children and causing blindness.<sup>409</sup> Somewhat ironically, this drop in the quantity of births and in their “quality” was attributable not to a lack of Germans having sex, but to Germans having the wrong kind of sex: That is, sex in circumstances in which one was likely to catch or spread VD. These kinds of sex, predictably, were also categorized as “immoral.”

### *Compulsory Treatment and the Nature of Venereal Disease*

The venereal disease crisis seemed to call for compulsion, criminalization, and threats like those in the 1918 emergency regulation, rather than education or appeals to voluntarism, because of the nature of VD. Venereal diseases did not always have obvious visible symptoms. A person might not realize that he or she had a VD; his or her

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<sup>408</sup> Draft of a Gesetzes z. Bek. der GK. ReichMin. of the Interior to the Reichstag. Nr. 975. 6 June 1925. Drucksachen des Reichstag, Carl hehmanns Verlag, Berlin. BArch Lichtefelde R 86/ 4594.

<sup>409</sup> Draft of a Gesetzes z. Bek. der GK. ReichMin. of the Interior to the Reichstag. Nr. 975. 6 June 1925. Drucksachen des Reichstag, Carl hehmanns Verlag, Berlin. BArch Lichtefelde R 86/ 4594.

partner might not realize it. Moreover, VD infection was easy to hide. The Reich Health Department instructed doctors that people remained infectious for years following treatment, though they might have no symptoms.<sup>410</sup> And all parties had a powerful incentive for ignoring or hiding VD infection. The government argued that “warnings and enlightenment alone,” would not work against the engine behind the spread of venereal disease, the “unchecked sex drive.”<sup>411</sup>

Once a person caught VD, she or he was prone to spread it to many others. The Berlin Health Department probably helped spread VD-panic with a brochure for teachers in Berlin’s working class secondary schools (*Berufs- and Fachschulen*). The brochure warned that VDs spread not only through sex “but through other direct or indirect touching: kissing, sleeping together, eating, bathing, infected sponges, thermometers, chamber pots, sharing cigarettes, wind (musical) instruments, etc.” Teachers were instructed on how to identify students and that “at the least suspicion of a VD” the student should see a doctor, and if a student was found to have a VD, the student should be excluded from school until a doctor determined that the danger of infection had passed.<sup>412</sup>

This was the logic of compulsory treatment: VD was highly infectious, but often invisible. Its invisibility made it both easy to hide and easy to overlook. Some Germans would, in fact, hide their infections if they could, and continue to have sex. To deal with these deceptive infected people, the state needed strong tools, like compulsory treatment

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<sup>410</sup> Reichsgesundheitsamt, “Ratschläge an Aerzte ueber die Mitwirkung bei der Bekaempfung der Geschlechtskrankheiten” R.v. Decker’s Verlag, Berlin, undated. BArch Lichtefelde R 4901/ 549 pp. 265-288.

<sup>411</sup> Draft of a Gesetzes z. Bek. der GK. ReichMin. of the Interior to the Reichstag. Nr. 975. 6 June 1925. Drucksachen des Reichstag, Carl hehmanns Verlag, Berlin. BArch Lichtefelde R 86/ 4594.

<sup>412</sup> 19 Aug. 1927. Magistrat Gesundheitsamt Berlin; 22 June 1928. GStAPK I. HA Rep. 76 VIII B Nr. 3813. Despite the belief in venereal disease’s highly infectious nature, I have encountered no mentions of the possibility of spreading it through same-sex sex.

and criminal penalties. Other Germans might overlook the fact that they were infected. Therefore, a new duty must be made incumbent on all Germans: They must be alert to the possibility that they might have a VD, and take appropriate steps.

The 1927 VD Law provided even more tools for dealing with people who might conceal a VD infection. It gave a surveillance mandate to health workers and doctors. It put state resources behind the mandate that all Germans pay attention to their VD status, setting up a network of free clinics and providing for free VD treatment. The 1927 VD Law created a legal obligation to be a good sexual citizen not only by not spreading one's venereal disease, but by remaining alert to one's risk of contracting a venereal disease and getting tested when that risk grew great. Yet proponents of the law knew even before it passed that some Germans would not ever live up to this new duty.

Who were these Germans who were likely to knowingly spread VD? Though a study showed venereal disease across the various socio economic brackets of the German public<sup>413</sup>, in the rhetoric of venereal disease control, the dangerous spreader of venereal disease was imagined in particular terms. For one thing, she or he was imagined to be deceptive about her or his illness. In its orders as to how to implement the 1927 VD Law, the Prussian government made sure to explain what to do about "people who are known to frequently change sex partners and who can therefore be expected to seek to mask a possible sexual illness by means of deception." Health departments should require such people to repeatedly get tested to prove that they were not ill, and health departments should check carefully to make sure that these people were not forging their test

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<sup>413</sup> Tjaden, "Die Geschlechtskrankheiten in Bremen," *Sonderabdruck aus dem Reichs-Gesundheitsblatt* 1926 Nr. 7 and 8.

results.<sup>414</sup> The government directed doctors who began treating people “who practice sexual intercourse with frequently varying partners” to avoid ever certifying that the person was healthy, thus forcing them to see the doctor regularly for treatment indefinitely.<sup>415</sup> The president of the German Society to Fight Venereal Disease declared 1927 that the tendency of people ill with VD to keep their infections secret was one of the Society’s primary objectives to fight against.<sup>416</sup>

Other particularities distinguished the dangerous spreaders of venereal disease. The Prussian government determined that in average circumstances, people who were known to have a venereal disease would initially be required to show proof of treatment. Only if they failed to do this would police and welfare workers order them hospitalized for the duration of their treatment. However, the government ordered that some people should not be given this first chance to seek treatment on their own, but should be hospitalized right away. These people included those with a “reckless lifestyle,” or “lack of intelligence (*Einsicht*).” “Life conditions” such as “homelessness, an over-crowded dwelling place, or the professional activity of the ill person.” That is, sex workers, promiscuous people, people of low intellect (perhaps the feeble-minded), homeless people and poor people living in crowded conditions could not be trusted to abstain from sex while suffering from a venereal disease, and must be hospitalized.<sup>417</sup> The new VD Law must be implemented in conjunction with welfare for the “morally endangered” and, in

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<sup>414</sup> Prussian Ministry for Volkswohlfahrt 31 Aug. 1927. BA Lichtefelde R 4901/ 549, pp. 246-259.

<sup>415</sup> The federal government eventually ordered the Prussian government to stop this; see that case + footnote it.

<sup>416</sup> Jadassohn, “Ansprache zur Eröffnung der Festsitzung der 25 Jahresversammlung der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten am 28 October 1927”, Sonderdruck of the *Mitteilungen der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten* Nr. 11/12 1927.

<sup>417</sup> Crowded living conditions were of concern because of the risk of an infected person spreading their venereal disease to others in close quarters but without sexual contact. For a very similar figuring of homeless men as sexually disordered in late nineteenth century Britain, see Seth Koven, *Slumming: Sexual and Social Politics in Victorian London* (Princeton: Princeton U. Press, 2004) 70-87.

necessary cases, with the use of protective custody for youth.<sup>418</sup> The President of German Society to Fight Venereal Disease in 1927 also spoke of the need to fight VD by providing welfare for homeless and jobless people, and making payments to “working female youth” in order to “guarantee their minimum living conditions (*Lebensminimum*)” and the necessity of fighting both alcoholism and pornography, which were dangerous in conjunction with VD.<sup>419</sup> A certain kind of venereal disease sufferer needed extra stringent measures coupled with extra welfare, because this type of person could not be trusted to exercise her or his sexuality in accordance with the public interest. This was a person “likely to knowingly spread VD.” The law’s proponents noted the need to weigh “personal freedom” against “the necessity of protecting the public from infestation (*Schädlinge*),” but found that the danger of VD justified infringements on personal freedom in the form of compulsory treatment.<sup>420</sup>

In comparison to the 1918 regulations, the 1927 VD Law made compulsory treatment a far more concrete reality by devoting substantial resources to it. The 1927 law provided free care for people who could not pay for VD treatment. Its passage caused an expansion of the public health bureaucracy.<sup>421</sup> The 1927 VD Law created a new public health bureaucracy to find infected people and, if necessary, to force them into a doctor’s care. Free treatment and the network of free clinics were a large financial investment and kept the law from passing for many years. It was these costs, not the

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<sup>418</sup> Pr. Min. for Volkswohlfahrt 31 Aug. 1927. BA Lichtefelde R 4901/ 549, pp. 246-259.

<sup>419</sup> Jadassohn, “Ansprache zur Eröffnung der Festsitzung der 25 Jahresversammlung der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten am 28 October 1927”, Sonderdruck of the *Mitteilungen der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten* Nr. 11/12 1927.

<sup>420</sup> Reichstag debate in the Committee for Bevölkerungspolitik on the draft of a Gesetzes z. Be. der GK. session on 20 Feb. 1918. BArch Lichtefelde R 86/ 4594.

<sup>421</sup> Local health and welfare clinics certainly predated the 1927 law, but the law and the resources behind it allowed for an expansion of the clinic network and a reconceiving of the duties of welfare workers. See Weindling, p. 354.

question of the abolition of Regulation, that derailed the law. Prussian leaders had blocked an earlier version of the law because of costs that it claimed would “be very difficult to meet” making enforcing the law “an impossibility.”<sup>422</sup> With the national panic over VD, the political will (perhaps also the financial stability) for the federal government to shoulder these costs was in place by 1927. In 1927, the federal government arranged to reimburse the *Länder* for the costs of free care and Prussia agreed not to squelch the law again.<sup>423</sup> But the law had been in the works since 1918: Even as late as 1927, the war was used as a new justification for these measures.<sup>424</sup>

*Medicalized Management of Sex Work and Other Forms of Non-normative Sexuality  
Under the 1927 VD Law*

The 1927 law changed the way that the German state managed the supposedly biologically infectious sexuality of female sex workers, as well as the sexuality of a host of other women and men who had not been affected by the previous laws on female prostitution. This new form of management was medical, run by welfare workers, not the police. The new VD law put the all-important battle against VD in the hands of people like Elisabeth Wolf, the director of welfare services in Frankfurt am Main, who oversaw the city’s VD clinic. The year following the law’s passage must have been an exiting moment in Wolf’s career, as the machinery of the German state shifted, and resources

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<sup>422</sup> BArch Lichtefelde R 4901/549 p. 174; p. 198-199.

<sup>423</sup> BArch Lichtefelde R 4901/549, pp. 202-203.

<sup>424</sup> Many studies were done to show whether or not VD rates were really on the rise. By 1927, even the president of the Society to Fight Venereal Disease admitted that they were not: Jadassohn, “Ansprache zur Eröffnung der Festsitzung der 25 Jahresversammlung der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten am 28 October 1927”, Sonderdruck of the *Mitteilungen der Deutschen Gesellschaft zur Bekämpfung der Geschlechtskrankheiten* Nr. 11/12 1927.. See also literature on these rates of infection, Bessel, Timm, etc.

were poured into a campaign against VD with public health bureaucrats like herself at its head. Frankfurt am Main's expanding public health VD bureaucracy was charged with providing free VD care to three categories of people: people who had venereal disease, people who were suspected of having them, and "morally endangered people." In that first year, Frankfurt am Main hired four times more women to do VD welfare work than it had employed previously; many, if not all of them, worked for Wolf.<sup>425</sup> All over Germany, local governments were building or expanding public VD clinics like Wolf's in order to meet the new law's requirement of free care for those who could not pay. The city of Berlin simply took the approximately 5,500 city employees who had formerly worked administering Regulation and sent them to work at the city's expanding network of VD clinics.<sup>426</sup>

The 1927 law armed VD clinics with new powers to stop the spread of VD by finding people who were infected and forcing them to get treatment. The Prussian government directed that "in all cases in which a VD is diagnosed, the source of the infection must be researched" and anyone infected by the infected person should be informed.<sup>427</sup> The clinics became a kind of VD detective agency, questioning patients about their sexual partners, collecting reports of people with VD as well as people who seemed likely to spread VD. In its implementation orders for the 1927 law, the Prussian Government empowered health departments to investigate streets, nightclubs, and bars, in order to keep people suspected of being ill VD and of spreading VD under "surveillance" (*Ueberwachung*). The government noted that the law allowed female police officers to

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<sup>425</sup> Frankfurt a.M. Magistrat To the Pr. Min. for V. and Regierungspräsidenten, signed Graf. 10 July 1928. GStAPK I. HA Rep. 76 VIII B Nr. 3813.

<sup>426</sup> GStAPK I. HA Rep. 76 VIII B Nr. 3813 Berlin Magistrat to Pr. Min f. V. 9 July 1928.

<sup>427</sup> Prussian Min. for Volkswohlfahrt, 31 Aug. 1927, BArch Lichtefelde R 4901/ 549 pp. 246-259.



investigate women who were suspected of spreading VD.<sup>428</sup> Doctors were instructed to ask patients about their sexual histories, in order to determine if they had unknowingly infected past partners or the people they shared lodging with, and to make sure that those people got treatment.<sup>429</sup>

The law gave doctors additional powers of coercion. The federal government instructed them to tell their patients that it was illegal to break off VD treatment until a doctor pronounced one cured. Patients who did break off treatment were to be reported to health departments, who might have them confined for compulsory treatment.<sup>430</sup> Doctors were required to report people in the interest of public health. They were required by law to report a person to a health department if because of the person's profession or "personal circumstances" they seemed likely to have a VD or be at risk of contracting and spreading a VD. As medical experts, they had a power to denounce that the Reichstag tried to limit to them alone: the law directed health departments to ignore anonymous reports and provided a year of jail time for giving unwarranted reports of suspected VD-ill people to health departments. If a person avoided treatment, her or she could be fined; if the person seemed to health officials to pose a great risk of spreading VD, he or she could be confined in a hospital ward and forced to undergo treatment.<sup>431</sup> The 1927 law thereby made possible considerable interference in German's bodies, "a

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<sup>428</sup> Prussian Min. for Volkswohlfahrt, 31 Aug. 1927, BArch Lichtefelde R 4901/ 549 pp. 246-259.

<sup>429</sup> Reichsgesundheitsamt, "Ratschläge an Aerzte ueber die Mitwirkung bei der Bekaempfung der Geschlechtskrankheiten" R.v. Decker's Verlg, Berlin, undated. BArch Lichtefelde R 4901/ 549 pp. 265-288.

<sup>430</sup> Reichsgesundheitsamt, "Ratschläge an Aerzte ueber die Mitwirkung bei der Bekaempfung der Geschlechtskrankheiten" R.v. Decker's Verlg, Berlin, undated. BArch Lichtefelde R 4901/ 549 pp. 265-288.

<sup>431</sup> BArch Lichtefelde R 4901/ 549, Pr. Staatsministerium, pp. 227-240.

more severe intervention into personal freedom,”<sup>432</sup> something some bureaucrats expressed concern about. To most politicians, however, the danger of VD more than justified this intervention.

Though the free clinics treated people who came of their own volition seeking testing and treatment, the great hope of stopping the supposed VD epidemic was not patient voluntarism. Of the more than 1,000 patients the Frankfurt am Main clinic saw in the first year of the new VD law, only 23 people came to the clinic of their own volition.<sup>433</sup> About 10% of the clinic’s patients, 107 people, had been found out and summoned to the clinic through the investigative work of the VD clinic staff themselves. Most, about half, were referred by the hospital. But others were reported by a list of other agencies and officials: the health department, youth welfare workers, doctors, the police, out-of-town officials, church-run welfare service offices, the city’s sex advice clinic, and other welfare agencies or officials. Although the 1927 Law directed clinics to ignore reports of VD carriers from private persons, Wolf reported that “private persons” had reported 10 of the VD clinic’s patients. The Frankfurt am Main VD clinic did more than traffic in third-party reports of supposedly ill people. It also worked with other welfare agencies to help their patients escape the social conditions that supposedly promoted VD infection, such as by helping people finding housing or jobs. But the clinic was also the hub of a network of surveillance.

Berlin’s network of 17 clinics (*Beratungstelle*) had more voluntary clients than clients who were reported and/or forced to undergo treatment. Nevertheless, in the law’s

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<sup>432</sup> “Ausschuß fuer den Reichshaushalt” 330. Session of 7 March 1928. BArch Lichtefelde R 1501/ 126314 p. 4.

<sup>433</sup> Since the VD law provided that people reported for having VD could chose their own doctors, people who could afford medical care likely went to private doctors, not the clinic. This is reflected in the high percentage of poor and working class patients that Wolf reports.

first year alone, doctors reported thousands of Berliners to these clinics. Doctors, police, and health department workers forced hundreds of Berliners to undergo VD treatment. Although thousands of people came to these clinics in the 1927 law's first year, and 9,000 were treated for VD, *Vorwärts* reported that "compulsory healing...is not often used. Although there are 6,000 prostitutes in Berlin, police help was required only 350 times to compel the ill [people] to comply with a doctor's orders." That is, Berlin police forced 350 people to get medical treatment for VD. Some of these people likely were confined in hospitals. *Vorwärts* assumed that they were female sex workers and was impressed that more sex workers had not resisted VD treatment (apparently sharing the assumption that such women would not volunteer for treatment).<sup>434</sup>

In addition, according to the newspaper doctors reported 2,000 people to the Berlin clinics (doctors were required by the 1927 VD Law to report people who avoided VD treatment). According to *Vorwärts*, the fact of only 2,000 referrals "speaks of the increase of population's trust in the organizations of the health department." *Vorwärts*, organ of the Social Democrats, concluded that what it saw as the infrequency of "compulsory" measures demonstrated "the population's increased trust in the health department agencies." The paper praised the law for its feminism, writing that it "treats the sexes the same" and therefore promotes "the healing of all people who are ill with VD."<sup>435</sup>

Men, women and children were confined in special hospital wards as a result of the new law, sometimes for months at a time.<sup>436</sup> Though treatment helped those who

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<sup>434</sup> *Vorwärts*, "Kampf den Geschlechtskrankheiten!" 5 Oct. 1928

<sup>435</sup> *Vorwärts*, "Kampf den Geschlechtskrankheiten!" 5 Oct. 1928

<sup>436</sup> Erich Langer et al, "Die Beschäftigung von Kranken, insbesondere Geschlechtskranken, während des Krankenhausaufenthaltes" Sonderabdruck, *Zentralbl. f. d. ges. Hygiene* Bd. XX, Heft 1, Julius Springer,

were sick, confinement caused these people a host of problems. Boredom was among them, though surely not the most serious. Aside from daily medical treatments, people in the venereal disease wards often had nothing to do.<sup>437</sup> Some took to bothering the nursing staff, or so officials reported. Men played cards and women stitched. In 1929, one concerned society called for organizing activities for these people. A kindergarten should be set up for children, and they should be given books and toys. The monotony of the children's lives was not the society's primary concern: preventing childhood masturbation was. The society's report described how although a school hour had already been arranged in one hospital, it had proven to be not enough to "divert the children from the idea of unceasing involvement with the genitals."<sup>438</sup> Confined adults ought to be taught useful skills during their idle time on the ward, such as bookbinding or penmanship. Or, perhaps a choir could be organized. What about library books? "The borrowing of books from the public library (*Volksbibliothek*) for the hospitals must be refused because if it were allowed the public would avoid the library out of fear that they could somehow be infected by these books."<sup>439</sup>

Compulsory reporting and treatment, clinic building, and the enthusiasm of public health workers to combat VD with the new tools at their disposal all seem to have contributed to create a ballooning patient population that public health workers felt might

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Berlin. in BArch R 86/4594. See also Rjurik Lallberg complaint, especially letter of 26 Nov. 1926, BArch (Lichterfelde) R 4901/1221 pp. 7-16.

<sup>437</sup> Erich Langer et al, "Die Beschäftigung von Kranken, insbesondere Geschlechtskranken, während des Krankenhausaufenthaltes" Sonderabdruck, *Zentralbl. f. d. ges. Hygiene* Bd. XX, Heft 1, Julius Springer, Berlin. in BArch R 86/4594.

<sup>438</sup> Erich Langer et al, "Die Beschäftigung von Kranken, insbesondere Geschlechtskranken, während des Krankenhausaufenthaltes" Sonderabdruck, *Zentralbl. f. d. ges. Hygiene* Bd. XX, Heft 1, Julius Springer, Berlin. in BArch R 86/4594.

<sup>439</sup> Erich Langer et al, "Die Beschäftigung von Kranken, insbesondere Geschlechtskranken, während des Krankenhausaufenthaltes" Sonderabdruck, *Zentralbl. f. d. ges. Hygiene* Bd. XX, Heft 1, Julius Springer, Berlin. in BArch R 86/4594.

even be too large for them to handle. Cities like Berlin and Frankfurt am Main pleaded with the Prussian government for help paying for care for the “influx” of “VD-suspected and frequently-changing-sexual-partners types of people” in the wake of the 1927 reform.<sup>440</sup> Wolf’s clinic stood in the midst of what her fellow Frankfurt am Main bureaucrats described as an epidemic of VD in the city. The city’s VD ward was “constantly overfilled.”<sup>441</sup>

### *Suspicion and Venereal Disease Under the 1927 VD Law*

This new bureaucracy of VD surveillance operated by virtue of a singularly fuzzy concept: suspicion. According to the 1927 law, people suspected of spreading venereal disease could be ordered to be treated or be sent to a hospital, if such actions would protect the population at large. The law made Germans responsible for finding out whether or not they were infected. People who ought to suspect that they had a VD were required to get treatment or face prosecution. Doctors were required by law to report ill people who seemed to them, because of their profession or “personal circumstances” likely to spread the infection.<sup>442</sup> About half the Frankfurt am Main clinic’s patients—537—were referred because they were “ill.” Many probably had already been diagnosed at the hospital. That means that about half of patients were referred because of something besides confirmed illness—suspicion based on information that they had had sex with an infected person, suspicion based on a report about them, or suspicion based on their

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<sup>440</sup> GStAPK I. HA Rep. 76 VIII B Nr. 3813 Berlin Magistrat to Pr. Min. f. V. 9 July 1928.

<sup>441</sup> GStAPK I. HA Rep. 76 VIII Nr. 3813 Frankfurt am Main magistrate to Pr. Min. f. V. 5 March 1929.

<sup>442</sup> See the copy of the 1927 law in Reichsgesundheitsamt, “Ratschläge an Aerzte ueber die Mitwirkung bei der Bekaempfung der Geschlechtskrankheiten” R.v. Decker’s Verlg, Berlin, undated. BArch Lichtefelde R 4901/ 549 pp. 265-288.

behavior. For example, Wolf reports that 86 people were reported because they were “exposed” or “at risk” (*Gefährdung*) of contracting VD. 36 people were reported because the clinic received “expert information” that the person had “frequently changing sexual partners” or was a pimp. Experts held that one of the great dangers of VD was that a person could have it and spread it while experiencing no symptoms, without even realizing that they themselves were sick.<sup>443</sup> Thus, the only way to stop VD was to act on suspicion.

Suspicious did not always turn out to be correct. Of the 936 people reported to the Frankfurt am Main clinic (that includes 23 people who reported themselves) 187 turned out not to have a VD. That is, in one year almost 200 people who were not in fact ill with VD were reported to this one clinic. The VD clinic acted on these wrong suspicions because the law’s provision for reporting urged, and in the case of doctors mandated, the reporting of suspicious people. Thus, the new VD law cast a very wide net. For instance, doctors denounced people who were not even their own patients. Emma Bunge got a letter from the Berlin police in the summer of 1927 ordering her to either get treatment for her VD or to prove that she was not infected.<sup>444</sup> Bunge was mystified; someone had denounced her, but the police refused to say who. “Though these completely unfounded accusations I have lost my job, incurred costs of 10 M in the producing of the certificate, and view this accusation as a coarse injury to my honor,” she complained. The denunciation was an act of malice (*Willkürakt*) by some private person, Bunge wrote, and withholding the accuser’s name made it impossible for her to protect

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<sup>443</sup> Need citation.

<sup>444</sup> This was before the law officially went into effect, but the Länder were authorized to implement interim measures.

herself.<sup>445</sup> Letters from the police to the Prussian government reveal that it was a Dr. Schmidt who had reported Bunge to the police. He said that she had infected one of his patients.<sup>446</sup> That is, Schmidt wrote the police after his infected patient claimed to have had sex with Bunge. This case illustrates that although the new VD law stipulated that denunciations had to come from doctors or health departments, but other people had some room to manipulate the system. It is possible that Schmidt's patient told the truth about a sexual encounter with Bunge. But it would have been possible for him to give Bunge's name to Schmidt disingenuously, as Bunge claimed that he had. Berlin police routinely kept the source of denunciations secret from people who were denounced.<sup>447</sup>

Other people challenged the invasiveness of the new law. The Wiesbaden health department ordered Sofie Limbach to get a VD check in the winter of 1929 because health department officials knew that she had "frequently changing sexual partners." When the exam turned up no evidence of VD, the health department discounted it, claiming it was not thorough enough. The health department ordered Limbach to have weekly exams. She charged that this was nothing but the re-institution of Regulation, and hired a lawyer. The Prussian Ministry of Welfare denied that this was a return to Regulation, but asserted that save for the regular schedule, this was how the new venereal disease system was supposed to work. The ministry found that the health department had overstepped its authority by scheduling regular exams for Limbach. However, health officials could order her to have a second exam, a government official wrote; they just

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<sup>445</sup> GStAPK I. HA Rep. 76 VIII B Nr. 3813 Emma Bunge to Pr. Min. f. V. 25 Nov. 1927.

<sup>446</sup> GStAPK I. HA Rep. 76 VIII B Nr. 3813 Polizeipraesident Berlin to the Pr. Min. f. V. 10 Dec. 1927.

<sup>447</sup> GStAPK I. HA Rep. 76 VIII B Nr. 3813 Polizeipraesident Berlin to the Pr. Min. f. V. 10 Dec. 1927. If denunciations turned out to be false, police did reveal the source to the person.

could not schedule them indefinitely by standing order.<sup>448</sup> Indeed, the federal government seemed to aim to organize regular medical exams for sex workers when it instructed doctors to avoid giving a certificate confirming that a patient had been treated and was no longer infectious in the cases of “people who practice sexual intercourse with frequently varying partners and about whom it is to be feared that they will expose themselves over and over to the danger of infection,” a description sure to be read by most doctors as referring to sex workers.<sup>449</sup>

Some of the people who were reported to Wolf’s clinic apparently tried to duck the surveillance of their bodies, despite the real risk VD may have posed to their health. Wolf’s clinic referred 40 people to the health department because of their “inaccessibility” and the danger that they would spread their STD; by the year’s end, 39 reported people had been deemed “inaccessible to care.” Some of these people likely avoided the clinic workers, perhaps by moving to another city. This avoidance of the clinic must be considered alongside the fact that about a fifth of those reported in the first year were not in fact sick.

Suspicion allowed for all kinds of ideas about what types of sexuality were prone to VD infection to be used as the main pretext for reporting someone for VD. Thus, a person’s “frequently changing sexual partners” (which was often bureaucratic code for “sex worker”) could, by itself, prompt a report. VD was presented as an “immorality” problem, making people who had certain kinds of “immoral sex” (extra marital, promiscuous, and, for female-male pairings, commercial) suspicious. Agencies set out from day one to target them. The Prussian government’s orders to agencies for

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<sup>448</sup> GStAPK I. HA Rep. 76 VIII B Nr. 3813 Pr. Min. f. V to Dittmar, 18 July 1929; Pr. Min. f. V. order 18 July 1929.

<sup>449</sup> Prussian Min. for Volkswohlfahrt, 31 Aug. 1927, BArch Lichtefelde R 4901/ 549 pp. 246-259.



implementing the new law stipulate that, “For an effective fight against VD health measures are not enough, they must necessarily be supplemented by social welfare in cases where in addition to the bodily illness there is a moral endangerment or waywardness (*Verwahrlosung*).”<sup>450</sup> The implementation orders told doctors to evaluate the risk an individual posed according to what kind of sex they practiced: “Should the profession or personal conditions of the ill person seem to the doctor to make the danger of infection particularly great, in every such case the doctor must make a referral (*Anzeige*) right away to the health department.”<sup>451</sup> A lack of middle class respectability characterized many patients in Wolf’s eyes: she makes special mention of the 222 single mothers who were reported to the clinic.<sup>452</sup> Health workers went after ‘morally endangered’ people or people who had “frequently changing sexual partners.”<sup>453</sup> These terms designated people who had heterosexual sex outside of marriage: sex workers and those who did it for non-commercial reasons. Thus, under the new law, government workers sought to maintain the kind of VD supervision of female sex workers that had previously existed, while expanding this supervision to include many other people who had not been under such surveillance before. Though the law made a duty to manage one’s VD status incumbent on all Germans, in both letter and practice it located the VD threat primarily in some bodies and not others through the deployment of suspicion. Some people were more suspicious than others.

Women were targeted by the new law’s provisions if police and welfare officials thought that they were sex workers. Government directives suggest that bureaucrats

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<sup>450</sup> Prussian Min. for Volkswohlfahrt, 31 Aug. 1927, BArch Lichtefelde R 4901/ 549 pp. 246-259.

<sup>451</sup> Prussian Min. for Volkswohlfahrt, 31 Aug. 1927, BArch Lichtefelde R 4901/ 549 pp. 246-259.

<sup>452</sup> Wolf report footnote.

<sup>453</sup> May need citation.

frankly saw the new law as a transfer of health supervision of some sex workers, such as women formerly registered under Regulation, from police to welfare agencies. The Prussian Government's implementation orders note that women's sex work was legal under the 1927 law. However, the government tacitly told the police to report female sex workers to health departments: the implementation orders called on police to report anyone they suspected of having a VD to health departments, especially any women thought to be violating the 1927 law's provisions against offensive public soliciting or soliciting near churches and schools, etc.<sup>454</sup> Doctors were informed by the Reich Health Department that ill female sex workers ( "women who can prove no self-supporting profession and who are suspected prostitutes") should be given no chance to voluntarily submit to a doctor's treatment; for them, compulsory hospitalization for VD treatment "must be the rule."<sup>455</sup>

Women who had complied with Regulation and had registered as sex workers did not enjoy freedom from state scrutiny under the 1927 reform; rather, the instruments of that scrutiny passed from police to welfare workers. Women who were formerly registered under Regulation were certainly targets of the new VD law. Police simply referred former Regulation women to health departments. This was happening even before the 1927 reform passed, as some cities closed their brothels on local initiatives. Fearing that women living in Leipzig's brothels would end up living on the streets, and to protect the city's "street scene, Leipzig reported women registered under Regulation to welfare workers when that city closed its brothels in 1925 and 1926. Welfare agencies

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<sup>454</sup> Prussian Min. for Volkswohlfahrt, 31 Aug. 1927, BArch Lichtefelde R 4901/ 549 pp. 246-259.

<sup>455</sup> Reichsgesundheitsamt, "Ratschläge an Aerzte ueber die Mitwirkung bei der Bekaempfung der Geschlechtskrankheiten" R.v. Decker's Verlg, Berlin, undated. BArch Lichtefelde R 4901/ 549 pp. 265-288.

offered help to Leipzig women, help that a newspaper report said they were happy to receive, such as assistance paying rent and buying food; even so, a few of the women “escaped” the oversight of the welfare agencies by moving to another city.<sup>456</sup> 94 women whom Wolf calls “former Regulation girls without [current] profession”; that is, women formerly registered under Regulation who seemed to have kept doing sex work, were reported to the Frankfurt am Main VD clinic.

The fact that following the 1927 reform the fight against VD was waged upon the bodies of both men and women was hailed by many as the law’s chief asset, a supposedly feminist reform.<sup>457</sup> Men were apparently occasionally forced to undergo VD testing before the 1927 law,<sup>458</sup> and the 1918 emergency VD regulation did, in theory, apply to men. But the new VD law appears to have expanded VD policing of men, although one critic complained that the 1927 law was not applied sufficiently to men.<sup>459</sup> In Frankfurt am Main, city health officials went after homeless, itinerant men. Homeless men, who were often coded as sexually disordered<sup>460</sup>, seem to have been likely to fall under suspicion of harboring VD. Other types of men were also suspicious. The federal government encouraged doctors to focus on sailors and prisoners, who, it said, were likely to spread VD.<sup>461</sup>

In a 1928 speech Zentrum Reichstag delegate Helene Weber argued that the 1927 VD Law was not living up to its potential because it was not being enforced against

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<sup>456</sup> “Die Schließung der Bordelle” *Leipziger Volkszeitung* 23 Nov. 1925 [date unclear] collected in BArch R 1501/113735, p.114.

<sup>457</sup> See Timm diss, pp. 166-170.

<sup>458</sup> Rudolf Neumann complained in 1924 that Berlin police had ordered him to get tested. See GStA Rep. 77 II Titel 435 Nr. 6 pp. 196-204. They suspected he was a pimp.

<sup>459</sup> Timm diss, 174.

<sup>460</sup> See Chapter 2.

<sup>461</sup> “Ausschuß fuer den Reichshaushalt” 330. Session of 7 March 1928. BArch Lichtefelde R 1501/ 126314 p. 4.

enough men. Critics of the law claimed that all it had done was to drive women out of the state-run bordellos and into public view. Weber tacitly acknowledged that the law was not working out entirely as hoped, but she blamed this on the failure to go after certain types of men. She urged that health departments pay attention to “wandering youths” and prisoners.<sup>462</sup>

The 1927 VD Law marked a transition in how many Germans saw sex work and venereal disease. In earlier discourse, women’s sex work and VD had been closely linked. After 1927, moral conservatives still found women’s sex work repugnant and worthy of criminalization. But in the 1927 law made manifest a new version of what was socially dangerous about venereal disease and “immoral” sexuality. Now, certain kinds of sexuality that both men and women engaged in were dangerous for biological reasons (because they spread disease). Discreet women’s sex work, perhaps especially when clients were upper class, did not fall into this category of biologically dangerous sexuality; public women’s sex work with working class clients apparently did, as did the sexuality of men in several categories.

### *“Immorality” and Biology Under the 1927 VD Law*

Like the proposals for state- or doctor-run sterilization programs discussed in the previous chapter, the 1927 VD law linked “immorality” to biology. In the law and its enforcement, the German state located biological danger (venereal disease) within some forms of “immoral” sexuality. Yet the 1927 VD Law bore other similarities to

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<sup>462</sup> “Stenographischen Bericht des Reichstags”, 409, session 24 March 1928. (In BArch Lichtefelde R 1501/ 126314, pp. 6; 9.)

sterilization politics. At times, a eugenic conceptual framework was used to pin the likelihood of VD infection on some people and not others. The supposedly promiscuous sexuality of “feeble-minded” people was linked to VD. The government advised doctors that compulsory hospitalization and VD treatment “is also especially advised for feeble minded and otherwise physically abnormal persons.”<sup>463</sup> This order was in keeping with the belief that “feeble-minded” people, being fundamentally amoral and therefore prone to promiscuity, sex work and other kinds of sexual disorder, also frequently contracted and spread VD. *The Kallikak Family* study thus tracked syphilis cases in the “degenerate” branch of the Kallikak family.<sup>464</sup>

The imagined connection between the eugenically “inferior” (*minderwertig*), the “morally endangered,” and VD infection was pronounced enough that officials tasked with fighting the spread of VD feared that people had the mistaken impression that *only* “inferior” (*minderwertig*) or “morally endangered” people had VD. The 1928 brochure for teachers in Berlin’s working class secondary schools (*Berufs- and Fachschulen*) warned that it was not true that everyone who had a VD was “morally endangered or of little worth (*minderwertig*).” However, the brochure did not argue that there was no connection between “inferiority,” “moral endangerment” and VD, and therefore left open the possibility “inferior” people were more likely to catch VD.<sup>465</sup>

Elisabeth Wolf’s report demonstrates her belief that eugenics and sexual behavior had something to do with each other. Wolf collected and reported eugenic data on the VD

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<sup>463</sup> Reichsgesundheitsamt, “Ratschläge an Aerzte ueber die Mitwirkung bei der Bekaempfung der Geschlechtskrankheiten” R.v. Decker’s Verlg, Berlin, undated. BArch Lichtefelde R 4901/ 549 pp. 265-288.

<sup>464</sup> K. Family, 33-34.

<sup>465</sup> 19 Aug. 1927. Magistrat Gesundheitsamt Berlin; 22 June 1928. GStAPK I. HA Rep. 76 VIII B Nr. 3813.

clinic's patients. 57 patients were "hereditarily burdened" (*Erbliche Belastung*), she wrote, due to alcoholism, mental illness and epilepsy. Wolf reported this data without comment beyond noting that the numbers might be off because her staff found it very difficult to determine whether a patient had hereditary degeneracy. She did not need to add any conclusions: the eugenic literature of her time linked hereditary degeneracy and queer sexual behavior, and the venereal disease management policy of her government linked queer sexuality and VD. As Chapter 2 showed, all three of the conditions she tracked—alcoholism, mental illness and epilepsy—were linked in eugenic/sterilization literature to sexual immorality. As "degenerate" conditions, they could also be linked to sex work. Eugenic texts created the figure of the homeless person, the mentally ill person, the alcoholic person, the criminal, the person with epilepsy, the disabled person and the sex worker—all biological degenerates, all sexually disorderly and all, therefore, prone to VD infections.

The new VD regime and eugenics also overlapped in their categories. Both VD policing and sterilization proposals identified some of the same people as dangerous. As a way of finding VD infection, "suspicion" led health officials to the same people as the discourse of eugenics and sterilization did. These people included female sex workers, especially working class female sex workers, homeless men, and "wayward" male youths. Especially female sex workers who did street soliciting or who had been registered with Regulation tended to draw health department concern; these women also figured in the discourse of eugenics and sterilization.

What to make of connections between eugenics, sterilization, and VD? Public debates of the 1927 VD law rarely openly deployed eugenic categories. Therefore, rather

than read the 1927 VD law as part of eugenics, I read both VD and sterilization as related, though not the same. Both are biopolitical approaches to queer sexuality. Though VD policing did not proceed on strictly eugenic grounds, both VD policing and the more clearly eugenic sterilization proposals targeted many of the same people. This common targeted group was formed in part according to class bias. But a primary determinant as to whether a person belonged in the targeted group, in terms of both sterilization and the 1927 VD Law, was queer sexuality.

*Was the 1927 VD Law Good for Female Sex Workers?*

My argument that the 1927 VD Law imposed medicalized controls on a certain class of people, some of them female sex workers, touches on a debate among historians about whether or not the 1927 law bears significant similarities to Nazi state policies. Historians on one side of this debate have emphasized the law's interventionist qualities, as I have, and have linked them to Nazi programs. Gisela Bock argues that the law laid the foundation for brutal Nazi prostitution policies.<sup>466</sup> Paul Weindling puts the law in a context of growing medical authority and application of that authority to political problems to the exclusion of democratic means, a dynamic that he argues had roots in the Weimar era but blossomed into mass murder under the Nazi dictatorship.<sup>467</sup> Julia Roos disputes this focus on continuities with the Nazi state. Roos argues that the 1927 law was a significant dissimilarity between the Weimar and Nazi periods, and that "the

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<sup>466</sup> Gisela Bock, "Keine Arbeitskräfte in diesem Sinne," cited in Julia Roos, "Origins and Dynamics of Nazi Prostitution Policies," in Dagmar Herzog, ed. *Sexuality and German Fascism* (New York: Berghahn Books, 2005) 68.

<sup>467</sup> Weindling, 358-359.

nationwide abolition of state-regulated prostitution in 1927 led to significant improvements in prostitutes' civil and legal status."<sup>468</sup> Roos argues that Nazi policies were formed in the midst of a backlash against the 1927 law.

The medical and interventionist provisions of the law that I have emphasized would seem to place my argument in the camp of Bock and Weindling, but this is not my intention. I seek to set questions of continuities with the Nazi period aside and to inquire as to the nature of the 1927 Law and its connections to notions of citizenship, sexuality, and the welfare state in the Weimar period. In terms of the 1927 law's history within the Weimar period itself, I agree in part with Roos. The reform did improve work conditions for some female sex workers. After the reform, police no longer harassed many women who did sex work. These included women whose work did not concern police and public officials, such as those who did not solicit on the street and those with wealthy clients. It does not seem that women doing these kinds of work were high priorities for police even before 1927, but most of them did not register with the police and therefore worked illegally before 1927. The blanket legalization of their work undoubtedly benefited them. However, women who did other types of sex work do not seem to have enjoyed such a clear benefit. Women who solicited on the street seem to have been harassed by police before 1927 and by police and social workers after 1927. In addition, some women who lived and worked in the state-run brothels that the 1927 reform abolished actively fought to keep their brothels open. I conclude, therefore, that the 1927 benefited some female sex workers more than others. Because of its complex outcomes, I hesitate to declare it a victory for female sex workers. Rather, the reform was a new form of state management

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<sup>468</sup> Roos, "Origins and Dynamics of Nazi Prostitution Policies," 68.



of sexualities. It consisted in a shift of the state's interest to certain people based on the spread of venereal disease. This meant that the state's interest shifted away from other people, but it did not mean a general loss of state interest in managing sex work.

German feminists had campaigned for decades against Regulation, the system of police-supervised women's prostitution abolished by the 1927 VD Law. The story of Rahn's 1925 arrest that begins this chapter illustrates one of their complaints: Regulation empowered the police to arrest any women on suspicion of unregistered or "clandestine" prostitution, at any time, and force her to register, which would mean her submission to regular medical exams and other restrictions on sex worker's lives. Under "emergency" regulations put in place in 1918, police could order a "clandestine prostitute" to undergo a medical exam and possibly be confined to a hospital for weeks or months of forced treatment if she were found to have a venereal disease.<sup>469</sup>

If Rahn was, as police alleged, a "clandestine" sex worker, her counterpart in terms of Regulation was a registered sex worker. The stipulations of Regulation varied quite widely from region to region, but everywhere in Germany, being a registered prostitute meant that a woman must lead much of her life in accordance with police regulations. Some women registered voluntarily. Others were forced to register by the police when suspected, as Rahn was, of selling sex. Registered women had to undergo regular medical exams. Police dictated where registered sex workers could work and live. Some cities required them to live and work only in registered brothels on one

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<sup>469</sup> Anna Marx challenged her assignment to the Regulation in 1914 by suing the police, but lost. Probably a successful challenge was rare. For Marx's case, see LA A Pr Br Rep 031-03 #3103. For a 1924 case of compulsory treatment, see See GStA Rep. 77 II Titel 435 Nr. 6 p 204. For a pre-1927 case of compulsory treatment that resulted in the woman's death, see Elisabeth Meyer-Renschhausen, "The Bremen Morality Scandal," in Renate Bridenthal, Atina Grossmann and Marion Kaplan, eds. *When Biology Became Destiny: Women in Weimar and Nazi Germany* (New York: Monthly Review Press, 1984) pp 87-108.

certain street, such as Bremen's Helene Straße. Some cities, such as Berlin, had no registered brothels, but did require registered prostitutes to stay in some neighborhoods and out of others.<sup>470</sup> Feminists argued that this was sexist...<sup>471</sup> Feminists charged that these kinds of restrictions were sexist, especially in light of the fact that the clients of sex workers (assumed by feminists to be male) faced no legal penalties.<sup>472</sup>

Regulation, with its police surveillance of women's lives and its compulsory medical examinations and treatment, was brutal,<sup>473</sup> and a majority of women doing sex work before 1927 seemed to have avoided registering.<sup>474</sup> Yet, many women who were registered as prostitutes and for whom sex work was a long-term career saw Regulation as a means of legitimizing themselves as professionals who offered safe services. They cast their unregistered competitors as amateurs who spread venereal disease. This position appears to reflect the fact that having made a serious investment of their social capital by registering as prostitutes, these women depended on the competitive advantage over "clandestine" sex workers that Regulation was, in fact, supposed to convey.

Some registered sex workers lobbied against the 1927 reform, at times putting themselves at odds with the reforms feminist proponents. These sex workers were employed in police-regulated brothels in the minority of German cities that ran such establishments. By the local terms of Regulation, these women had to live and work in the brothels. They paid a portion of their earnings to brothel owners. Some women who

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<sup>470</sup> Various restrictions on registered women: Roos, dissertation, pp. 34-35 and pp. 39-49.

<sup>471</sup> See Meyer – R on this, feminist arguments.

<sup>472</sup> On the feminist campaign against Regulation and for reform of women's prostitution, see Roos dissertation, chapter 3.

<sup>473</sup> See Meyer-Renschhausen, Dorothy Rowe's *Representing Berlin: Sexuality and the City in Imperial and Weimar Germany*, Roos, etc. [need citation] on brutality of Regulation.

<sup>474</sup> Abolitionists argued that 90% of women who did sex work before 1927 were not registered. Julia Roos, "Backlash against Prostitutes' Rights: Origins and Dynamics of Nazi Prostitution Policies," in Dagmar Herzog, ed. *Sexuality and German Fascism* (New York: Berghahn Books, 2005) p. 70.

lived in brothels had chosen to join; others were forced by the police to join after having been caught allegedly doing “clandestine” prostitution.<sup>475</sup> Abolishing Regulation meant closing the brothels, something feminists and other progressive reformers welcomed. But at least some inhabitants of the brothels saw this as an attempt to throw them out of their homes. Eight women who lived and worked in Bremen’s Helene Straße also petitioned in 1927 in defense of Regulation. Helene Straße was the required address for registered prostitutes in Bremen. The Helene Straße women attested that they had chosen their work and had not been forced into it. They claimed middle class respectability, defending the homes they had established in Helene Straße. Bremen feminist leaders tried to silence them. They dismissed their petition as a ploy by desperate women incapable of rejoining “respectable society.”<sup>476</sup> Backed by a host of local women’s organizations, the city ended Helene Straße’s special status in April 1927.

The life circumstances of women who lived and worked in legal brothels probably made the closing of the brothels very difficult for them and their families. In advance of the 1927 reform, Elga Kern interviewed the 35 women of Baden’s bordellos and wrote a book about their lives. Kern’s reporting was clearly influenced by the social stigma on prostitution; she describes the women’s lives as “hopeless” and “Golgotha”-like because of their profession, and Kern presents communist revolution as the solution to the “problem” of prostitution. Yet, some of what the woman told Kern seems not to have been the result of her own prejudice. The youngest woman was 24, the oldest 39; most were between the ages of 25 and 30. Most were working class, and all reported that the

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<sup>475</sup> “Wie sie zur Prostitution kamen. 35 Lebensfragmente bordellierte Mädchen.” *Leipziger Volkszeitung* 28 July 1928.

<sup>476</sup> Elisabeth Meyer-Renschhausen, “The Bremen Morality Scandal,” in Renate Briendenthal, Atina Grossmann and Marion Kaplan, eds. *When Biology Became Destiny: Women in Weimar and Nazi Germany* (New York: Monthly Review Press, 1984) p 99.

need to make an independent living drove them into sex work.<sup>477</sup> However, they had a variety of reasons for joining the brothel, reflecting their individual circumstances and feelings about the work. Some were forced to join by police, having been caught doing “clandestine” work. Some said they joined the brothel because of hunger and poverty, or to escape a brutal pimp. Some said that other women advised them to join. One woman said she joined because she wanted to earn a lot of money. Others said they joined because they were single mothers supporting children. Kern notes that many of these women were supporting children, and writes that the children were the most important things in these women’s lives. Kern writes that the brothel was a place for these women to live besides the streets.

Kern reports that many of the women wished to find other work, but that most claimed to have no plan for what to do once the new VD law went into effect and the brothel was closed. This stated lack of a plan may indicate that these women intended to keep doing sex work. If this was their intention, they might not have told Kern, given her view that their work constituted an abomination. Kern does not report the women’s thoughts on the new VD law. However, her report leaves a reader with the impression that the end of Regulation and the closing of the brothel will cause troubles for these women.<sup>478</sup> The Leipzig police warned that if that city’s 35 regulated bordellos were closed, their 135 inhabitants would end up on the street (nevertheless, Leipzig’s brothels were closed by local regulation in 1925).<sup>479</sup> At least some women for whom sex work as

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<sup>477</sup> In a 1912 study consisting of interviews with 70 registered women, many women emphasized that high earnings compared to other jobs open to women initially drew them to sex work. See Roos diss, pp. 97-98.

<sup>478</sup> “Wie sie zur Prostitution kamen. 35 Lebensfragmente bordellierte Mädchen.” *Leipziger Volkszeitung* 28 July 1928.

<sup>479</sup> “Die Schließung der Bordelle” *Leipziger Volkszeitung* Nov. 1925 collected in BArch R 1501/113735, 114.

a long-term, primary occupation, some of whom depended on legal brothels for housing, did not welcome the abolition of Regulation.<sup>480</sup>

What about “clandestine” sex workers? Their thoughts on whether to abolish Regulation are harder to gauge. Since their work was illegal before 1927, these women did not enter the debate on the 1927 VD Law, or at least did not identify themselves as “clandestine” workers when they did so. However, many of them probably supported the abolition of Regulation. Depending on the kind of sex work they did, the new law likely improved their work conditions by legalizing their work. For one thing, they now could call the police help them deal with violent clients, robbery, or exploitative boyfriends.<sup>481</sup> (However, even after the 1927 reform sex workers had good reasons to avoid the attention of the police, who could report them to the health department.)

The most tangible benefit of the end of Regulation for “clandestine” workers was the end to the threat of police raids, arrests, and the consequences that could follow, confinement in a police-run brothel or mandatory regular medical exams. Yet, policing only seems to have ended for a subset of formerly “clandestine” sex workers. To examine this issue, it is important to see sex work as a variety of jobs. When German

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<sup>480</sup> On women’s opposition to the closing of brothels where they worked, see also Roos, “Weimar’s Crisis Through the Lens of Gender,” 123-127.

<sup>481</sup> I know of only a few complaints of violence in their work that sex workers made to police (Sander case; pimp club case.). However, it is possible that sex workers rarely reported violence to the police, even after the 1927 reform. Sex workers of the late 20<sup>th</sup> century talk about violence in their line of work as one of its primary difficulties, and take great care, when they can, to minimize it (See Support and Advice for Escorts (SAAFE) <http://www.saafe.info>). They argue that making women’s sex work illegal just makes it more dangerous for sex workers (See the International Prostitutes Collective, <http://www.allwomenscount.net>), but in two late 20<sup>th</sup> century studies, sex workers said that even when their work is legal, they do not report attacks by clients, pimps or robbers to the police because the police will not help them (Roberta Perkins and Garry Bennett, *Being a Prostitute* (Sydney: George Allen & Unwin, 1985) 238-241. Teela Sanders, *Sex Work: A Risky Business* (Devon: Willan Publishing: 2005) pp. 72-92, pp. 89-90.). These studies cannot be simply applied to the Weimar era, a very different historical time and place. Yet, they emphasize the fact that the lack of known reports of violence against sex workers can be read in at least two ways: as a lack of violence, or as a lack of reports of violence. Violence was in fact something Weimar-era sex workers faced: See the serial killer cases [Note the famous serial killer cases: they targeted female sex workers.]

discussed “prostitution,” they might mean any job within a range: street soliciting, sex shows held in private apartments, work in madam-run brothels, work in private apartments. “Prostitution” also encompassed a range of approaches in terms of casualness or professionalism, from a woman’s one-time exchange of sex for material support, to a woman’s years-long work in a brothel that provided the primary means of support for her and perhaps for her children. Though they usually meant women’s prostitution, men did do sex work and men’s sex work was at times discussed in the press or government, though in very different terms.

Both before and after the 1927 reform, police were more tolerant of some forms of sex work. Before the 1927 reform, the Berlin police aimed to manage sex work rather than eradicate it. Areas of Berlin were known as places where sex workers sought clients, in part because of a police containment policy.<sup>482</sup> In at least one case, the Berlin police refused to crack down on sex work in one of these areas in order to contain it there. The neighborhood was near Berlin’s Alexanderplatz. It was known in 1924 for the cheap, short-term hotels crowding the area used by sex workers who picked up clients on the streets. Neighbors called on the police to end the sex businesses. But the police called such calls “senseless,” since “in the best case” prostitution would just be pushed into other neighborhoods where people who were not used to living next door to sex work would react with outrage, and justifiably so.<sup>483</sup> The strategy confined street soliciting and hourly hotels to a working class neighborhood already known for sex work. This kept street sex work out of the “better” parts of the city.

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<sup>482</sup> Friedrichstraße was perhaps the most famous. For a list of what the police considered Berlin’s main areas in 1923, see GStA Rep. 77 II Titel 435 Nr. 6, p. 99.

<sup>483</sup> GStA Rep. 77 II Titel 435 Nr. 6, p. 159.

One perhaps central predictor of how the police would respond to sex work was how public they perceived a specific job to be. The anxious public discourse of prostitution focused on more “public” sex work, especially street soliciting. This work was supposedly more visible to “respectable” Germans. “The prostitute” as depicted in media convulsions about “tripper and syphilis in our delightful, clean, respectable...villages!”<sup>484</sup> was almost always a woman and a street worker.<sup>485</sup> The responses of moral conservatives to the 1927 VD Law prioritized the issue of sex work’s visibility and presence in public. People opposed the VD law because, they said, it would allow women’s sex work to be more visible and to spread throughout cities. They argued that closing regulated brothels made it impossible for respectable women to walk in the streets without male companions.<sup>486</sup> Their concerns reflect the twin objectives of keeping sex work out of public view and keeping it in certain parts of cities. They feared closing the brothels would bring sex workers into the public eye, where their bad example would spread immorality.<sup>487</sup> If the brothels were closed, the 1848 Citizen’s Club of Altona (*Bürger Verein von 1848, e.V. of Altona*) wrote to the Prussian government, at least prostitution should be restricted to the streets where they stood and kept out of the rest of the city.<sup>488</sup>

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<sup>484</sup> GStAPK I. HA Rep. 76 VIII B Nr. 3813 Lembke to Prussian Min. f. V. 9 April 1927, enclosed copy of Struve to Lembke.

<sup>485</sup> A 1910 booklet explains that prostitutes are “as a rule” women. “Separat-Abdruck aus dem Handwörterbuch der Staatswissenschaften” (Jena: Verlag Gustav Fischer, 1910) in BArch R 1501/113735. Following the 1927 reform, Leipzig police are concerned about preventing the city’s “street scene” from suffering, and report former residents of the city’s bordellos to welfare agencies. “Die Schließung der Bordelle” *Leipziger Volkszeitung* 23 Nov. 1925 [date unclear] collected in BArch R 1501/113735, p.114.

<sup>486</sup> Buerger Verein von 1848, E.V. of Altona, 17 May 1927. GStAPK I. HA Rep. 76 VIII B Nr. 3813.

<sup>487</sup> Haus- und Grundbesitzer Verein Quedlinburg to the Minister of the Interior and the Pr. Min. for V. from the, 30 April 1927. GStAPK I. HA Rep. 76 VIII B Nr. 3813.

<sup>487</sup> See GStA Rep. 77 II Titel 435 Nr. 6, pp. 168-170.

<sup>488</sup> To the Pr. Min for V., 9 June 1927. GStAPK I. HA Rep. 76 VIII B Nr. 3813.

Though it abolished Regulation, the 1927 VD Law did place some restrictions on women's sex work, including on the publicity and geography of women's sex work. The law prohibited publicly or offensively soliciting. Conservatives won a provision banning prostitution in the proximity of a church, school, place where young children gathered, apartment where children over 3 but under 18 lived, or in a town of fewer than 5,000 inhabitants. It also left the pimping law substantially in place.

After the 1927 VD Law passed, people complained that these provisions were not enough, and that sex work had indeed spread into the public eye and throughout public space. The DNV complained in the Reichstag that the law had just sent the women from the brothels into public.<sup>489</sup> Citizens of Essen complained that not only had many women now taken up sex work, they worked on every city corner.<sup>490</sup> A newspaper complained "since the new law for fighting VD went into effect, in Duisburg in the streets and bars, professional illicitness (*Unzucht*) has increased considerably....The molestation (*Belaestigung*) of the population through whoring and pimping is increasing all the time."<sup>491</sup> The administration of Albertus University, Koenigsberg, complained to the government about "exceptionally active prostitution traffic" on a street where many students daily passed back and forth from university buildings or lived. The students must walk through "a wring (*Kranz*) of prostitute revues" and because of the new VD law, the police were helpless to clear the street.<sup>492</sup>

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<sup>489</sup> "Stenographischen Bericht des Reichstags", 409, session 24 March 1928.

<sup>490</sup> To the Pr. Landtag's committee on fighting STDs, 8 Nov. 1927. GStAPK I. HA Rep. 76 VIII B Nr. 3813.

<sup>491</sup> Oct. 1928 newspaper articles, GStAPK I. HA Rep. 76 VIII B Nr. 3813.

<sup>492</sup> Public and offensive soliciting was banned under the 1927 law, but apparently students were not complaining to the police about the soliciting. Rektor and Senat of Albertus University, Koenigsberg, 21 march 1927. To the Reich Min for W., K and V. Sent same letter to Pr. Min for Wissenschaft, K und V. BArch Lichtefelde R 4901/ 549.



This discourse about geography must have influenced policing before the 1927 reform. It prioritized separating women's street soliciting into designated parts of the cities and keeping these women out of the public eye as much as possible. Not all sex work involved street soliciting. Many sex workers used ads in cheap newspapers to find clients.<sup>493</sup> Before 1927, "clandestine" bordellos connected sex workers and clients. Ida Schulz was tried in 1923 for running one. She used technology (the telephone) to connect workers and clients, making street soliciting unnecessary. Ostensibly Schulz ran a boarding house for Japanese students. She actually ran a network of 40-50 young women doing sex work. Police confirmed this when they raided the boarding house and made many arrests. The service worked over the phone. Clients telephoned and used code words to place their "orders." Schulz's lawyer denied that she was a professional pimp, telling the court that in "her gullibility" Schulz "was taken advantage of by the Japanese." The court did not buy this argument, but did take pity on Schulz after hearing about her 82-year-old mother, whom she supported. Schulz got a fine instead of jail time.<sup>494</sup>

Berlin police took a somewhat tolerant attitude in the case of another "clandestine" bordello. Martha Henning ran a brothel out of her 3-room Berlin apartment. Although the police had arrested Henning several times, they displayed a tolerant attitude toward her business. When the Prussian government got an anonymous letter about the 53-year-old Henning's illegal business in 1923, the police did not exactly rush to shut the bordello down. In fact, Berlin police explained to the Prussian Interior Ministry that Henning was just one in a circle of perhaps 50 madams who were well

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<sup>493</sup> See Chapter 1.

<sup>494</sup> "Ioshiwara im Zentrum Berlins. Hinter den Kulissen eines Fremdenpensionales" *Berliner Tageblatt* 29 Aug. 1923.

known to “well-to-do men and to the entire criminal police force” for the “clandestine” prostitutes they employed. The police report suggested that Henning’s business was not such a dire problem. They reported that the women who worked for Henning were mostly over 18, worked “out of their own initiative,” and anyway had already been “morally corrupted” before they came to work for a madam like Henning. They defended Henning against some of the charges in the anonymous letter. They describe her as employer for whom women liked to work because she affected a motherly demeanor and plied them with clothes and spending money. They reported that Henning did not use violence against women working in her brothel and therefore did not belong to the ranks of the worse sort of female pimps. They dismissed the letter as the malicious work of one of Henning’s competitors. This does not mean that police left Henning free to run her business. Henning had served several jail terms for pimping. Police wrote that “naturally” from time to time they charges against the women who worked for her and their male clients. However, they argued that it was not possible for them to shut the business down by throwing Henning out of her apartment.<sup>495</sup>

It seems that women who worked in brothels like those run by Henning and Schulz were not subject to the same intensity of police attention as were more public forms of sex work. Even so, following the 1927 law, these women were no longer subject to arrest. Given that their work did not arouse the same discursive ire as did more public work, it seems likely that after 1927, women who worked in these kinds of brothels would not have been as likely to be reported to social workers under the 1927 law as were women who worked on the streets. However, the question of whether their

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<sup>495</sup> GStA Rep. 77 II Titel 435 Nr. 6, 78-81.

work conditions improved after 1927 is complicated by the fact that the reform changed the legal situation for Henning and Schulz themselves very little. “Pimping” remained a crime. It did make it easier for female sex workers to rent rooms without their landlords committing “procurement;” However, actual procurers, including madams like Henning or Schulz, were still doing illegal work.<sup>496</sup>

The pimping law caused difficulties for female sex workers beyond criminalizing madams. Pimping was defined in law very broadly as living off of the wages of a female sex worker. Many different types of relationships could run afoul of it. This included perhaps the type of relationship that comes to mind for many as “pimping”—men who brutalized and exploited female sex workers. Such men were charged under the pimping law. In one such case, a 40-year-old registered sex worker by the last name of Kittler reported a World War I veteran who was living off of her earnings, as well as the earnings of another sex worker, to Berlin police in 1926. He lived with the women, apparently had relationships with them, and beat up one of them regularly. He claimed to belong to a club of pimps and tried to get Kittler to call off the police by threatening her with retaliation from this club; Kittler remained steadfast and he ended up jailed for six months.<sup>497</sup> However, not all relationships that fell under the pimping law were brutal and exploitative. Long-term relationships between a woman who did sex work and a man could easily fall under the pimping statute, even when the man valued the relationship for

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<sup>496</sup> The 1927 reform affected the legal status of “pimping” by narrowing its definition so that it would not apply to the landlords of sex workers who were uninvolved in their business. See Roos, “Weimar’s Crisis Through the Lens of Gender,” 130-131. Timm, “The Politics of Fertility,” 162. But see R 4901/ 549 “Bek. zur GK” The GK law: official copy [pages. 41-48]—the 1927 law did do something by adding “bordello” to §180, which is the prostitution statute; i’m not sure if it legalized bordellos or not... the official law in BA R 4901/549 says: “§180 applies to running a bordello. Renting to people over 18 only punishable if the person is using the premises for Unz.” but see the Sanders case—he’s charged in the 1930s under 181a of getting living from a woman’s sex work; this law seems to only apply to men. However, Henning was convicted (before 1927) under §180.

<sup>497</sup> LA A Rep. 358-01 Mf. Nr. 718.

reasons of affection and desire, not money, because he occasionally asked his girlfriend for money.<sup>498</sup> Such relationships could be useful to women in their work—some may have called on friends or lovers for protection from out-of-control or violent clients.<sup>499</sup> Madame were accused of exploiting the women who worked in their brothels. But madams could also provided services to sex workers, such as finding clients, vetting clients, and making other safety provisions. The fact that the pimping law was not refined to make it more useful to sex workers dealing with violent exploitation reflects the fact that the primary purpose of the 1927 Law was not to improve the conditions of women's sex work.

People involved in less public forms of sex work, such as madam services, were certainly not left in peace by the police before 1927. The stories I have recounted only came to my attention because the people involved were busted. Another example is the story of a bar owner who lost his license in 1923 after neighbors complained that he was

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<sup>498</sup> LA A Rep. 358-01 Mf. Nr. 640. The man in this case had his own steady source of income: he was a Berlin police officer. Nevertheless, he was charged with pimping. On the amalgamation of exploitation and support in partnerships between female sex workers and men in late 20<sup>th</sup> century Britain, see Maggie O'Neill, *Prostitution and Feminism: Toward a Politics of Feeling* (Cambridge: Polity Press, 2001) pp. 75-77.

<sup>499</sup> Hedwig Steinfurt claimed that she was afraid to go with a client to an isolated spot and asked her lover and his friend to follow her for her safety, though a judge did not believe this story and found that instead Steinfurt had asked her lover and his friend to go with her so that they could rob her client. Even so, her excuse indicates that calling on a friend or lover for physical protection was something Steinfurt saw as normal in her profession. LA A Rep. 358-01 Mf. Nr. A 641- A 642. The Weimar-era debate in Germany on the dangers of prostitution was about the dangers of disease and moral decay spreading from prostitutes to others, but sex workers probably faced the danger of violent clients. A 2003 study in the U.S. found that female sex workers were 18 times more likely to be murdered than women of similar demographic background. A British study from the same period found that women who work indoors and in the company of others were far less likely to encounter violence from clients. Hilary Kinnell, "Murder Made Easy: The Final Solution to Prostitution?" in Rosie Campbell and Maggie O'Neill, eds. *Sex Work Now* (UK: Willan Publishing, 2006) pp. 141-168. I do not want to apply a study done in a different historical time and place to Weimar-era Germany, but similarities between conditions of sex work in 1920s Germany and early 21<sup>st</sup> Century Britain and North America are part of the reason that I take Steinfurt's statement, though probably a lie, as reflective of sincere concerns that she had about her work.

directing bar patrons to a clandestine brothel nearby.<sup>500</sup> But where did the priorities of the police lie? Charges of the police going lax on bordellos (or possibly being in cahoots with them) were leveled against the Berlin police in another case; they denied them.<sup>501</sup> A periodical attributed a court's lenient sentencing of the organizers of a naked dance performance to the fact that the court "knows that the West Berlin aristocracy cannot be disturbed in their pleasure."<sup>502</sup> A reporter who apparently stumbled upon a bar that was connecting clients with sex workers wrote the Berlin police in 1925 and argued that their patrols to enforce Regulation in the Freidrichstraße, a center of street soliciting, were "a joke" and that they ought, instead, to patrol this sort of bar to stop the growth of prostitution, since "Berlin has enough whores."<sup>503</sup>

In contrast, police seem to have hardly been lax in policing street soliciting. Berlin police quickly arrested Rahn, the woman whose story opens this chapter. People in Frankfurt am Main complained in 1924 that police there were so intently focused on the streets that they were even stopping respectable men seen in female company on the street after 11 pm. The *Frankfurter General-anzeiger* of Frankfurt am Main charged that police had stopped and questioned returning home after a night out with their wives.<sup>504</sup> It was certainly not the case that under Regulation police only went after "clandestine" street workers and left other kinds of "clandestine" sex workers alone. But it seems that street workers were their focus because of anxiety associated especially with public and visible sex work.

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<sup>500</sup> GStA Rep. 77 II Titel 435 Nr. 6, pp. 181-195.

<sup>501</sup> See GStA Rep. 77 II Titel 435 Nr. 6, pp. 168-170.

<sup>502</sup> "Wie man sich in Berlin W. amüsiert." *Freiheit*, 6 June 1921.

<sup>503</sup> Anonymous to police, Pr. Min. Interior, etc. 14 March 1925. GStA Rep. 77 II Titel 435 Nr. 6 p. 178.

<sup>504</sup> "Polizei" *Frankfurter General-anzeiger* 20 Dec. 1924, p. 3. See also Regierungspraesident, Wiesbaden, 23 Feb. 1925 to the Pr. Minister of the Interior. GStAPK Rep. 77 II (Ministerium des Innern) Titel 435 Nr. 6, 166.

I have argued that a pattern of policing sex work persisted both before and after the 1927 reform. Police tended to focus on street workers and to take class into account, either confining street work to working class neighborhoods, or tolerating discreet sex work in wealthier neighborhoods. The nature of police power allows for such discretionary harassment, especially of people who lack the social and financial capital to protest effectively, which during the Weimar Republic focused on women who worked in public or for lower wages. After 1927, the context around this pattern of policing changed, because police were supposed to stop focusing on sex work in general and to leave its primary management to health workers. However, insofar as police still moved against sex workers after 1927, they tended to take measures against the same women: Street workers, working class women, and women they knew were sex workers because these women had been registered workers under Regulation and had occupied police attention therefore before 1927. And these women also tended to draw a disproportion amount of the attention of health and welfare workers charged with enforcing the 1927 VD Law.

After the reform passed, some sex workers did not enjoy freedom from police harassment. Three years following the reform, Magnus Hirschfeld wrote about women's reaction to the new law in volume III of his massive study *Sexology (Geschlechtskunde)*. Hirschfeld praised the law, calling its legalization of women's sex work a "modern worldview of sexual matters." However, he faulted vague provisions in the law that he described as allowing for the police to harass sex workers. Hirschfeld claimed to have heard from many women that police were targeting them and making their work difficult. He quotes one woman as saying that the police-regulated bordellos were better "because

at least we had a warm parlor there where we could wait for the men,” instead of standing on street corners in danger of police harassment. Another woman said: “Whether the police are called morals police (*Sittenpolizei*) or health police, to us it’s the same, they are the same ‘bullies’ as before, and also with the doctors that we must go to nothing has changed...”<sup>505</sup> Hirschfeld also quotes the activist Anna Pappritz complaining that the conditions of prostitution had gotten worse following the 1927 law, because sex workers “are once again being treated as a particular class of people” which according to her made it difficult to “rescue” them from sex work.<sup>506</sup> Hirschfeld and Pappritz blame what they recognize as police and welfare worker targeting of some sex workers after 1927 on the failure of the police to properly enforce the 1927 law. Roos makes a roughly similar argument, casting this sort of harassment of sex workers as part of a general resistance to the 1927 law on the part of police and conservative political factions. Roos marshals a host of evidence to show how some police forces and local leaders did resist enforcing the 1927 law’s provisions that deregulated sex work.<sup>507</sup>

There may be no significant difference between maintaining on the one hand, as do Hirschfeld and Pappritz, that on paper the 1927 law improved work conditions and would have to a greater extent in practice had resisters not sabotaged it, or on the other hand, that the 1927 reform was a fundamental change in the way the state managed women’s sex work that amounted to a great change for some female sex workers and not much of a change for others. The difference here may be akin to splitting hairs. My objective here is to point out that aspects of policing changed. It seems vital here to recall

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<sup>505</sup> Magnus Hirschfeld, *Geschlechtskunde* Band III. “Einblicke und Ausblicke” (Julius Püttmann, Verlagsbuchhandlung, Stuttgart, 1930), 349.

<sup>506</sup> Hirschfeld, *Geschlechtskunde* Band III. 349-350.

<sup>507</sup> Julia Roos, “Backlash against Prostitutes’ Rights: Origins and Dynamics of Nazi Prostitution Policies,” in *Sexuality and German Fascism*, ed. Dagmar Herzog (New York Berghahn Books, 2005).

that the 1927 reform was at least nominally about fighting venereal disease, not about improving the conditions of women's sex work. The law did legalize women's sex work and likely freed some sex workers from both police and welfare worker interference. However, in the context of a general study of non-normative sexualities and law in this period, statement of the woman quoted by Hirschfeld resonates: whether morals police or health police, some women were still policed. But the form of that policing, and its goals, had changed. Assuming that Rahn, the woman whose story begins this chapter, was indeed a "clandestine" sex worker as the police charged, the abolition of Regulation did not, in fact, improve her work conditions, because as a street worker known to the police, Rahn would have been subject to many of the new regulations for venereal disease control put in place by the 1927 VD Law.

### *Conclusion*

Though it decriminalized and deregulated women's sex work, the 1927 "Law to Fight Venereal Disease" was no general liberalization of the state's attitude toward women's sex work. Both before and after the law, a particular subset of female sex workers faced medicalized intervention and the threat of compulsory treatment for VD. After 1927, the government resources set to back compulsory treatment made it a more likely problem for many women. The new law expanded the bureaucracy of compulsory treatment. Its stipulation for free VD care for all Germans caused the investment of far more resources in VD clinics. And it applied compulsory treatment to a larger group of Germans. It gave health bureaucrats the power to compel VD treatment for everyone,



men and women, former “clandestine” sex workers as well as women who had registered with Regulation. Berlin’s re-assignment of 5,000 city workers whose jobs had been to run Regulation to the post-1927 VD clinics is illustrative: this was a shift in state management of sexuality, not an end to it. This was medicalized intervention on a grander scale. It received support from a range of political actors, but especially from the center and left. It represents a shift in how Germans understood “immoral” sexuality. Those who fought to retain Regulation, but they lost out to a medicalized discourse that emphasized disease and health and called the notions of “immorality” that underpinned Regulation outdated.

What did the 1927 law have to do with the sterilization discourse described in the previous chapter? Elisabeth Wolf’s collection of eugenic data on the patients at her venereal disease clinic marks a clear and specific similarity. Here, and elsewhere, eugenics could be used to explain the spread of venereal disease. “Feeble-minded” people, by this rational, could not be trusted not to reproduce or not to spread venereal disease. Their sexuality had to be controlled for the good of the nation. Yet most discussions of the 1927 reform did not draw on eugenics. Nevertheless, broad similarities exist between the two schemes for legal reform. Both identified some bodies as threatening to the nation in part because of the non-normative sexualities those bodies expressed. Both schemes treated people in certain categories as incapable of controlling their own bodies. These categories of people were formed in part by notions of norms of sexuality. In both schemes, the biological welfare of the nation was prioritized above the decisions individual men and women might make about their own bodies. Both schemes looked to the state to solve these “problems.” Specifically, they looked to doctors, social

workers, and school officials rather than to the police. In the chapter that follows, I examine another legal reform scheme that cast some sexual outsiders as biological problem cases while extending toleration to others, though this reform did involve the police. This was the 1929 vote to repeal Paragraph 175.

## Chapter 4

### The 1929 Vote to Strike Paragraph 175 and the Split of the Scientific Humanitarian Committee WhK

In the fall of 1929, just before the global economic depression hit Germany, a committee of the German parliament voted to repeal Paragraph 175, the law against male homosexual sex. When it seemed that the vote would obtain the force of law, many homosexual emancipation activists hailed it as a resounding victory.<sup>508</sup> Hirschfeld was among those celebrating. He had fought for more than three decades for the law's repeal. Historians have read the 1929 vote as a sign of Weimar-era toleration of gays and lesbians.<sup>509</sup>

Yet, the 1929 vote seems to have set off a fight amongst the leaders of the WhK that ended with Hirschfeld's resignation from the organization just a month after the vote. The remaining activists, a younger generation led by the legal scholar Kurt Hiller and the KPD member Richard Linsert, dedicated the organization to fight to keep the vote against Paragraph 175 from becoming law. The Reichstag committee that voted down Paragraph 175 did so in order to replace it with a new law, Paragraph 297, which would have set a new age of consent for men and cracked down on male sex workers. Hiller wrote that "the liberation struggle of homosexuals" had achieved a "first success" with the 1929

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<sup>508</sup> *Frauen Liebe*, "Der Paragraph 175 aufgehoben," 1929 Nr. 4.

<sup>509</sup> James Steakley, "The Emergency of a Gay and Lesbian Political Cultural in Germany," in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, Mark Blasius and Shane Phelan, eds. (New York: Routledge, 1997) 133-134. Wayne R. Dynes, "Magnus Hirschfeld," in Michael J. Tuirkus. ed. *Gay and Lesbian Biography* (Detroit: St. James Press, 1997) 228. In 1929, the mainstream German press presented the 1929 vote against Paragraph 175 as almost certainly heralding the law's eventual demise. Had the parliament not been disrupted by Nazi and Communist maneuverings, the paragraph might have fallen. See *BZ am Mittag*, "Wird der Paragraph 175 endgültig abgeschafft?" 18 Oct. 1929.

committee vote, but that “when the headlines of certain newspapers rejoice or moan in outrage (*entriistet posaunten*): ‘Paragraph 175 has fallen!’ that’s misleading. The notorious Paragraph 175 of the penal code has in no way been stricken by the committee; it is somewhat softened in one respect, but in other respects it has been sharpened considerably.”<sup>510</sup> Hiller saw the new age of consent for men and the new, heavy penalties for sex work done by men as a revision of Paragraph 175 that the WhK, as an advocacy organization for homosexuals, was bound to fight against. Hirschfeld apparently did not.

In light of how differently leaders of the WhK reacted to the 1929 vote, this chapter inquires as to what the vote meant and as to what kind of emancipation it promised to sexual outsiders. The debate on the vote in the Reichstag committee pitted believers in the seductive power of media against advocates of biological models of homosexuality. Crucially for the fate of Paragraph 175, these two schools of thought proved compatible. Key members of the committee voted against Paragraph 175 in order to curtail the homosexual press. At the same time, the law that was to replace Paragraph 175 drew on scientific and sometimes eugenic notions of what a “homosexual” was and what forms of sex between men were really dangerous to the nation. Almost none of the Reichstag committee members who voted to repeal Paragraph 175 saw their vote as a move toward homosexual liberation. Rather, they viewed it as a revision of the laws on male homosexuality in order to address the real social threats—not men having sex with men in private, but the homosexual press, sex work, and the blackmailers who drove men to suicide. Striking the old law and replacing it with the new were both justified by rhetoric steeped in eugenics and social bias about “criminal degenerate types” who

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<sup>510</sup> Kurt Hiller, “Gefängnis für männliche Prostituierte?” *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 25, Nov. 1929, 201. On Hiller’s opposition, see also Kurt Hiller, “Das neue Sexualstrafrecht und die Schwarze Gefahr” *Die Weltbühne* Nr. 32 August 5, 1930. 191-196.

preyed on homosexuals. The WhK split apart in part because its leaders could not agree on whether or not to fight against this if it could mean the decriminalization of private, non-commercial sex between adult men.

The dynamics of sexual politics that have been the topics of previous chapters came into play in the 1929 vote. Alone, the 1929 vote against Paragraph 175 does seem to be a sign of growing toleration of male homosexuality on the part of the German state. And it was, in part. But it was also a sign of a shift in what kinds of male homosexuality politicians considered dangerous. Its logic has much in common with the 1927 Law to Fight Venereal Disease. Both redirected state management of non-normative sexualities toward some sexual outsiders and away from others. Both reforms depended on medical, biological and at times eugenic models of sexuality. Both reforms reflected the fears of sexually disordered and eugenically degenerate people like male and female sex workers. Diverse calls for legal eugenic sterilization reflected similar fears. The 1929 vote proved that at least some politicians who believed that media posed the greatest threat to moral norms could join with advocates of biological models to contain homosexuality in a small, perhaps biologically predetermined population. Repealing Paragraph 175 could, they believed, achieve what the 1926 Law to Protect Youth From Trash and Filth had not: if Paragraph 175 fell, the homosexual press would go out of business. In the context of these other battles over sexual politics, the 1929 vote seems an instance of a new form of state management of non-normative sexualities. It did promise liberation to some men. But it was not a result of state disinterest in male homosexuality. Rather, it proceeded from a shift in that interest.

*The 1929 Vote Against Paragraph 175: A New Scheme for Policing Male  
Homosexuality*

From the newspapers, one would think that the October 16, 1929 vote to strike Paragraph 175 decriminalized male homosexuality. The headlines ran from “A Cultural Step Forward”<sup>511</sup> to “A Victory for the Corruptors of the Volk.”<sup>512</sup> The vote on Paragraph 175 came in the course of the Herculean effort by a Reichstag committee to revise Germany’s entire penal code.<sup>513</sup> The October 16 vote did not create new law; Paragraph 175 remained in force following the vote. To truly strike the law would take a second vote in committee and a vote before the full Reichstag. Nevertheless, observers took the Oct. 16 vote as a sign that Magnus Hirschfeld and the homosexual emancipation movement had in effect achieved the fall of Paragraph 175, for which Hirschfeld and the WhK had fought for almost thirty years.<sup>514</sup> The *BZ am Mittag* rated as high the chances of the full Reichstag voting in accordance with “the committee’s progressive legal view,” to strike Paragraph 175.

The paper found it particularly likely that the full Reichstag would vote down Paragraph 175 because of who joined the one-vote majority that struck the law in committee. Though the majority that voted against Paragraph 175 was made up of parties that had long supported decriminalizing male homosexuality—Communists, Social Democrats, and the left-liberal German Democrats—it was joined by Professor Dr.

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<sup>511</sup> *Berliner Tageblatt* 17 Oct. 1920.

<sup>512</sup> *Deutsche Zeitung* 17 Oct. 1929.

<sup>513</sup> See “Das neue Strafrecht” *Dresdener Anzeiger* 27 Feb. 1930.

<sup>514</sup> The committee did not technically vote against Paragraph 175, but voted to strike a proposed law, Paragraph 175, from the reformed penal code. Paragraph 175 basically was Paragraph 175, a general criminalization of sex between men re-numbered for the new law books and somewhat extended with a more vague definition of the acts prohibited.

Wilhelm Kahl of the right-liberal German People's Party (*Deutschen Volkspartei*).

Kahl was a respected legal authority. According to the *BZ am Mittag*, "The prospects for the final striking of Paragraph 175 are particularly strong because Kahl, the old master of law, has come out in favor of its abolition. His authority is acknowledged not only in the ranks of his own party...but also far beyond it."<sup>515</sup> On the day of the vote, the WHK's magazine recalled years later, "everything hinged on Kahl."<sup>516</sup> Kahl himself wrote: "Mine was the decisive vote."<sup>517</sup>

Kahl seemed an unlikely supporter of homosexual emancipation. He broke with his party to vote against Paragraph 175.<sup>518</sup> A member of the Reichstag since the Kaiserreich, he chaired the penal reform committee and led the effort to reform the penal code. As the reform stagnated and died because of chaos in the Reichstag in the 1930s, the press chronicling Kahl's doomed efforts to rescue the penal code reform repeatedly referred to it as his life's work.<sup>519</sup> His vote against Paragraph 175 violated his party's moral conservatism, and the conservative press castigated him for it.<sup>520</sup> The vote may have threatened his political career. Following it, Kahl's party balked at nominating him for another term in parliament despite his gravitas, though the party eventually gave in and he returned to the Reichstag.<sup>521</sup>

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<sup>515</sup> "Wird der Paragraph 175 endgültig abgeschafft?" *BZ am Mittag* 18 Oct. 1929.

<sup>516</sup> Ernst Hauenstein, "Wilhelm Kahl," *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 33 April/August 1932, 382-387.

<sup>517</sup> Wilhelm Kahl, "Paragraph 175 Ernstes aus dem Strafrechtsausschuß" *Vossische Zeitung* 25 Oct. 1929.

<sup>518</sup> Wilhelm Kahl, "Paragraph 175 Ernstes aus dem Strafrechtsausschuß" *Vossische Zeitung* 25 Oct. 1929.

<sup>519</sup> See the clippings in BArch R 3001/ 6033.

<sup>520</sup> The details of the criticisms of Kahl are from the socialist paper *Vorwärts* and may be exaggerated, but Kahl's own article refuting criticism shows that criticism existed. "Klub zum Schutze der Unzucht" *Vorwärts* 5 Sept. 1930. Wilhelm Kahl, "Paragraph 175 Ernstes aus dem Strafrechtsausschuß" *Vossische Zeitung* 25 Oct. 1929.

<sup>521</sup> "Gerüchte um Professor Kahl" *Vossische Zeitung* 23 July 1930.

Yet Kahl's views on homosexuality were a far cry from the WhK's. During the penal reform committee's October 16, 1929 debate, and in a subsequent newspaper article, he declared that homosexuality was not "morally allowable." He denied that an innate condition caused it. Even if science had proven homosexuality's biological basis, Kahl would not have become a proponent. He told the committee on October 16 that "homosexuality, under all circumstances, whether there's a disposition to it or not, is an exercise of the sex drive that goes against nature. According to the two-sex order of nature, the sexual organs are intended for reproduction."<sup>522</sup>

Despite his stated opposition to homosexuality, Kahl had supported striking Paragraph 175 since the Kaiserreich. He had even written legislation in 1911 that would have struck it. He gave three reasons to strike Paragraph 175. One was a liberal argument: homosexual sex injured no third party, and "one must take the view that adult people have free use of their own bodies." A second was a practical argument: Paragraph 175 was unworkable as a law, because of the difficulty of getting convictions. Evidence was hard to find, and expert witnesses who testified as to homosexuality's biological basis often won acquittals for defendants. But Kahl's main argument was that Paragraph 175 caused worse evils than simple homosexuality: propaganda and blackmail. A better law was needed to stop these actual dangers.<sup>523</sup> "The abolition of [Paragraph 175] does not mean the recognition of equal rights, but rather means the sad establishment of the fact that the law has failed, and that its side effects, like blackmail and propaganda, make

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<sup>522</sup> The WHK reprinted the official text of the debate. *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929. Wilhelm Kahl, "Paragraph 175 Ernstes aus dem Strafrechtsausschuß" *Vossische Zeitung* 25 Oct. 1929.

<sup>523</sup> Wilhelm Kahl, "Paragraph 175 Ernstes aus dem Strafrechtsausschuß" *Vossische Zeitung* 25 Oct. 1929.



it doubtful that the law can be sustained.” Kahl ended his speech by reminding his peers that he had been of this opinion since 1911.<sup>524</sup>

Kahl’s did not vote to simply decriminalize sex between men: he voted to replace Paragraph 175 with a better law, Paragraph 297, which criminalized only certain kinds of sex between men. He wrote that striking Paragraph 175 allowed for a “considerable extension and sharpening of the law that is in force today.” This “extension and sharpening” was achieved the day after the vote against Paragraph 175, when a much larger majority of the committee voted in favor of Paragraph 297. Paragraph 297 provided for heavy prison terms (six months to five years) for male prostitution, for a man over twenty-one who seduced a man under twenty-one, and for a man who used his position at work to pressure another man to have sex.<sup>525</sup> By replacing the old law with the new, Kahl sought to make it easier to police “actual dangers to state and society” posed by male homosexuality.<sup>526</sup> These were blackmail, the seduction of young men, and seductive media. He had sympathy for actual homosexuals: preventing blackmail was a humanitarian issue for Kahl, a matter of preventing the suicides of homosexual men who despite their disgusting sexuality, did not deserve death at the hands of petty criminal blackmailers. Aside from blackmail, he sought to keep male homosexuality from spreading through seduction and media.

Kahl was not unique in his sympathy for men who found themselves in the power of blackmailers regardless of their engagement in homosexual sex. In 1926, Berlin newspapers reported the suicide of Otto Zöhn, a “happily married” bank clerk and the

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<sup>524</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929.

<sup>525</sup> Wilhelm Kahl, “Paragraph 175 Ernstes aus dem Strafrechtausschuß” *Vossische Zeitung* 25 Oct. 1929.

<sup>526</sup> Wilhelm Kahl, “Paragraph 175 Ernstes aus dem Strafrechtausschuß” *Vossische Zeitung* 25 Oct. 1929.

father of a child who supported his family on a modest salary.<sup>527</sup> In a suicide note, Zöhn wrote that he had killed himself to escape from a blackmailer, Aloys Dämon. Dämon was a skinny twenty-year-old, occasional sex worker, and according to the court “beggar and vagabond.”<sup>528</sup> He had met Zöhn some months earlier at a train station. Zöhn probably initially paid him for sex. Later, Dämon demanded increasing payments not to expose Zöhn’s homosexuality to his family and employer. Press coverage of Dämon’s subsequent trial presented him as a “little devil” and Zöhn as a helpless victim. The press expressed the wish that rather than meet Dämon’s blackmail demands or kill himself to escape him, he had had the “courage” to go himself to the police, “whose help in these matters is always discreet.”<sup>529</sup> Indeed, other men who had been blackmailed by Dämon had gone to the police and apparently had not faced Paragraph 175 charges themselves. They testified against Dämon at his trial, which resulted in a conviction for causing the death of Zöhn.<sup>530</sup>

Even if they ought to be protected from blackmail, homosexuals could not be permitted to seduce “normals.” Therefore, homosexual “propaganda” must be stopped. Voting down Paragraph 175 would actually accomplish this: if tolerated, homosexuals would cease their propaganda. The literature of the movement against Paragraph 175, he told his constituents in his newspaper article responding to criticism of his vote, was often “revolting propaganda for homosexuality” that could corrupt the young. “I can’t warn enough against this, parents and teachers cannot be asked urgently enough, to

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<sup>527</sup> “In Erpresserhänden” *Berliner Stadtblatt* 23 Dec. 1926.

<sup>528</sup> LA A Rep. 358-01 Mf. Nr. 718.

<sup>529</sup> “In Erpresserhänden” *Berliner Stadtblatt* 23 Dec. 1926.

<sup>530</sup> LA A Rep. 358-01 Mf. Nr. 718.

protect the youth from such filth and trash.”<sup>531</sup> Decriminalizing sex between men was the best means of fighting this filth, because in the absence of Paragraph 175, homosexuals would stop grasping for the public’s attention. “Only through the abolition of the law will the boundless agitation and propaganda for the spread of homosexuality be finally gotten rid of (*der Boden entzogen werde*).”<sup>532</sup>

Kahl’s arguments typify the spirit of the vote against Paragraph 175. The logic behind the vote was to contain homosexuality by infringing on seduction, and at the same time to suppress blackmailers/male sex workers, who likely were biological criminals, not biological homosexuals. Communists and Social Democrats did argue for decriminalization because of a biological model of homosexuality (though SPD members largely held it to be an illness). But others who voted down Paragraph 175 voted out of concerns about blackmail and propaganda, not emancipating homosexuals. And though some set aside the question of homosexuality’s biological origins, many accepted that both male sex work and black mail had biological origins. They voted to crackdown on biological criminals: blackmailers and male sex workers (who were often imagined as one and the same).

The theory of seductive media proved itself alive and well in the 1929 debate, and well able to work in tandem with a belief in biological homosexuality as well as a eugenic concept of crime as based in degenerate biology. Ehlermann of the left-liberal German Democrats striking Paragraph 175 because without it, homosexual propaganda would decrease. He was convinced that a “considerable number” of cases homosexuality were constitutional, but still held seduction through “propaganda” to be a dangerous

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<sup>531</sup> Wilhelm Kahl, “Paragraph 175 Ernstes aus dem Strafrechtsausschuß” *Vossische Zeitung* 25 Oct. 1929.

<sup>532</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929.

possibility that striking Paragraph 175 would prevent. Several speakers called the question of whether homosexuality was innate an open one, or argued that aside from Hirschfeld, most sex researchers believed that seduction to homosexuality was possible, especially during puberty.<sup>533</sup> A Social Democrat explained that since puberty lasted longer for men than for women, the age of protection for men should be higher.<sup>534</sup> A Justice Ministry official said that according to the Berlin police, from 18 to 21 the “sexual orientation during this dangerous age can easily be steered in the wrong direction” and that “adult homosexuals especially like to hit on (*heranmachen*) minors.”<sup>535</sup> The Justice Ministry opposed striking Paragraph 175. Its representative described how “frequently people who want male-male obscene activity worm themselves (*sich einschlichen*) into sports clubs, the Wandervogel, etc., in order to approach minors of under 21 who are not yet sexually mature and to drag them in the wrong direction.”<sup>536</sup> The higher age of consent for men than for women passed with overwhelming support.

Strathmann of the traditional right-nationalist German National People’s Party, who on October 16 had given a long speech in defense of Paragraph 175, comforted himself with the knowledge that on October 17 a crackdown on male sex workers, that “serious danger to the moral health of the Volk,” would pass easily.<sup>537</sup> He was right. Aside from the Communists, no one defended male sex workers. (Female prostitution had been legal without restriction since 1927.) Ehlermann of the centrist-liberal German Democrats saw no contradiction between the legality of women’s sex work and the

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<sup>533</sup> For the later view, see von Guérard’s speech, *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929 185-186.

<sup>534</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 213.

<sup>535</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 214.

<sup>536</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 222.

<sup>537</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 210.

provision of up to five years in prison for men's sex work. He explained that the example of "abnormal prostitution" was incomparable with "normal" prostitution as practiced by female sex workers and male clients. He feared male sex work's power to seduce, but to sex work, not to homosexuality. If lazy criminal types learned of male prostitution, they would chose it to make easy money instead of respectable employment.<sup>538</sup>

Throughout the October 16 and 17 debates on Paragraph 175, many committee members expressed the view that two kinds of men had sex with other men, "homosexuals" who were driven by "abnormal" desire, and "degenerate heterosexual criminals" who were driven by economic need. Penal reform committee members reasoned that blackmailers and sex workers were dangerous, while "homosexuals" who engaged in neither blackmail nor sex work were not. This was because, supposedly, blackmailers and sex workers were biologically, hereditarily criminal. One centrist-liberal explained that most male sex workers were not homosexual, "but are rather heterosexually inclined and are simply making a business of using the pitiable (*bedauernswerte*) abnormal dispositions of others for commercial purposes."<sup>539</sup> Male sex workers were also blackmailers: "The worst source of danger from male prostitution is blackmail..."<sup>540</sup> A representative of the Catholic Center Party (*Zentrum*) distinguished between "actual homosexuals" and the male prostitutes who lacked homosexual inclination but "exploit[ed] them" in order to avoid "honest work."<sup>541</sup> The distinction was repeated in a newspaper article on the reform of §175: Prostitutes were "criminal vermin

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<sup>538</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 218.

<sup>539</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 218.

<sup>540</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 218.

<sup>541</sup> *Ibid.*, 211.

(*Gesindel*)” but not homosexual; most homosexuals were not criminals, only “sad victims of nature as a result of their unhappily abnormal libidos.”<sup>542</sup> The new law, §297, would crack down on the hereditary criminals. A government prosecutor explained in a newspaper article that laws like §175 could not change people, since homosexuality is caused by “illness.” Moreover, he wrote, the disgusting nature of the sex that otherwise respectable male homosexuals desired forced them into the hands of degenerate criminal types: “In the vast majority of [blackmail] cases the active partner [in the sex act] is a respectable, sickly inclined person, while the passive one is often of-little-worth (*minderwertig*), acting less out of inclination than out of calculation...this is a fertile ground for blackmail.”<sup>543</sup>

The 1929 votes demonstrate consensus on the new regime to regulate sex between men. Almost everyone on the committee voted for Paragraph 297, the harsh criminalization of male sex work, seduction of men under twenty-one, and the use of one’s position to pressure a sex partner. The vote to strike Paragraph 175 split the committee, but opponents and proponents of the old law basically agreed: homosexuality was not something to be promoted, and seduction and sex work ought to be stamped out. This new regime for fighting dangerous sexual outsiders was consistent with biological models of homosexuality and of criminality and sexual disorder among “degenerates.” The Social Democrats, for example, argued against Paragraph 175 by asking rhetorically whether “people who are constitutionally ill should be punished for their constitutional abnormality.”<sup>544</sup> This was hardly a recognition of Hirschfeld’s argument that

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<sup>542</sup> Dr. Ernst Müller-Meinigen, “Reform des Strafrechts,” collected in BArch Lichtefelde R 3001/ 6033, p.104.

<sup>543</sup> Köhler, “Staatsanwalt und §175,” *Berliner Börsen-Courier* 19 Oct. 1929.

<sup>544</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929, 187.

homosexuality was natural and not an illness or a degeneracy, but it was a biological model. However, SPD members agreed that striking Paragraph 175 would get rid of homosexual propaganda, spoke for the higher age of consent for men, and did not vote against the crackdown on sex work.

Members of the German Communist Party voiced the only coherent counter position to the consensus on reforming the law's treatment of sex between men. They argued that homosexuality was not normal, but not unnatural, and ought, like lesbianism, to be decriminalized.<sup>545</sup> They denounced Paragraph 297 as a re-criminalization of male homosexuality. They denied that seduction to homosexuality was a pressing social problem. They called Paragraph 297 a re-criminalization of homosexuality. "The draft [Paragraph 297] would only punish abnormals, which confirms that it would maintain Paragraph 175," said Communist Party Representative Dr. Alexander.<sup>546</sup> Of course, most of the committee would have agreed with Alexander: Paragraph 297 was a way to sharpen the criminalization of some forms of sex between men. In their newspaper, Communists trumpeted their support for decriminalizing male homosexuality, and what they called the hypocrisy of re-criminalizing it a day after it had been decriminalized.<sup>547</sup> But even the Communists did not note that the new law's vague paragraphs defining male prostitution as soliciting would have allowed police to crackdown on men's public sex even if no money was exchanged.<sup>548</sup> This effective ban on public sex went un-remarked upon, but would have effectively limited legal male-male sex to men over twenty-one

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<sup>545</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 24, Sept./Oct. 1929.

<sup>546</sup> *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 26 Dec. 1929/ Jan. 1930, 222.

<sup>547</sup> "Paragraph 175 gestrichen — und wieder eingeführt" *Die Rote Fahne* Nr. 208 Oct. 18 1928.

<sup>548</sup> A ban on sex in public places might well have disproportionately affected working class men. See Matthew Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (Chicago: University of Chicago Press, 2005).

who were in private and stood neither to profit commercially nor professionally from the act.

The 1929 penal code reform effectively divided men who had sex with men into two groups: those who did so because they were constitutionally homosexual and those who did so even though they were not constitutionally homosexual. In the discourse around the reform, the second group were often figured in the language of eugenics as constitutionally criminal. The constitutionally homosexual would be free of criminal punishment so long as they remained discreet and refrained from “seduction.” The other men who had sex with men, either for money or in the course of blackmail (or both) would be subject to serious criminal penalties.

#### *Hirschfeld's Support for the 1929 Reform of Paragraph 175*

Reichstag members could very well have lifted the distinction between “real” homosexuals and male sex workers directly from Hirschfeld's books. Hirschfeld was not unique here. Many homosexual emancipation activists formulated “homosexual man” and “male prostitute” or “lesbian” and “female prostitute” as fundamentally opposed categories. In Hirschfeld's work, this distinction made sense because homosexuality was not fundamentally about sex acts. He wrote that a man's having sex with a man in no way indicated whether he was homosexual. Rather, homosexuality was an innate biological condition that caused sexual desire as well as a range of other feelings and behaviors. That is, “homosexual” was a type of body whether one had sex with men or not. If he could only prove this, Hirschfeld thought, Paragraph 175 would crumble,



because Germans would recognize that it made not sense to criminally punish people for their innate, harmless natures. This was the main strategy of his activism for homosexual emancipation. He co-founded the WhK and later the Institute for Sexual Science as organizations dedicated to both scientific research and activism against Paragraph 175. After he died in exile in 1935, his motto, “per scientiam ad justitiam,” was carved on his gravestone.<sup>549</sup>

Beginning in the late nineteenth century, sexology and eugenics developed alongside each other. Both were sciences largely outside of academia. Both drew on work in the life sciences on evolution, heredity, and endocrinology. As I noted in Chapter 2, German advocates of sex reform in the Weimar era generally integrated eugenic concepts into their activism. These included the notion that healthy and pleasurable sex produced healthier and higher quality babies. Thus is it not surprising that Hirschfeld drew on eugenics in his scientific work. Historians have contended with Hirschfeld’s connection to eugenics. A long debate raged on it raged in German-language publications that began in 1983 with an article by Volkmar Sigusch about whether Hirschfeld’s use of eugenic concepts linked him to later Nazi eugenic programs and how historians ought to evaluate his activism in light of this. Hirschfeld’s stand on eugenic sterilization fueled this debate. In volume III of *Sexology (Geschlechtskunde, 1930)*, Hirschfeld praised sterilization advocate Heinrich Boeters for bringing “the important question of sterilization” to Germany.<sup>550</sup> The eugenic measures that Hirschfeld

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<sup>549</sup> James Steakley, “*Per scientiam ad justitiam*: Magnus Hirschfeld and the Sexual Politics of Innate Homosexuality” in Vernon A. Rosario, ed. *Science and Homosexualities* (New York and London: Routledge, 1997) 140.

<sup>550</sup> Quoted in Andreas Seeck, “Einführung,” in *Durch Wissenschaft Zur Gerechtigkeit? Textsammlung Zur Kritischen Rezeption Des Schaffen Von Magnus Hirschfeld*, ed. Andreas Seeck (Münster: Lit Verlag, 2003). 12-13.

supported first and foremost were marriage counseling, sex advice, birth control, and “sterilization” (vasectomy) performed at the request of a patient who wanted to control his own fertility as a means of birth control. However, he also supported eugenic sterilization. He wrote in volume III of *Sexology* that compulsory sterilization was at times advisable for a person not in command of their mental facilities. Thus, like many of his contemporaries, Hirschfeld was comfortable with the eugenic sterilization of the mentally disabled or of people categorized as mentally disabled. He also supported compulsory castration for a small class of sexual criminals, those who committed acts of severe sexual violence.<sup>551</sup> According to Andreas Seeck’s 2003 review of the debate on Hirschfeld and eugenics, consensus emerged that Hirschfeld was no forerunner of Nazism. I certainly agree, and do not seek to reopen that question here. In addition, Gunter Schmidt and others argued that Hirschfeld’s biological model of homosexuality was vulnerable and dangerous, in a way that Hirschfeld apparently did not perceived or underestimated. Hirschfeld argued that homosexuality was biological but not a pathology, but many found it a small step from his model to the notion that homosexuality was a biological condition that could be cured. Schmidt critiques such efforts to “cure” homosexuality by West German scientists well after 1945.<sup>552</sup>

It is possible to narrate another history of Hirschfeld’s connection to eugenics. The point that Schmidt and others make, that Hirschfeld’s biological determinism fed into science and politics that moved to suppress homosexuality and to “cure” homosexuals, and that Hirschfeld does not seem to have anticipated this, is an important

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<sup>551</sup> See Seeck’s review of Hirschfeld’s take on eugenic sterilization and of the many conflicting and inaccurate descriptions of it in various historical evaluations of him, Seeck, “Einführung.” Seeck’s edited volume includes excerpts of the major texts in this debate.

<sup>552</sup> Seeck, “Einführung.” Gunter Schmidt, “Allies and Persecutors: Science and Medicine in the Homosexuality Issue,” *Journal of Homosexuality* 10, no. 3/4 (1984).

one. Yet, I wonder whether the explanation that he overlooked this possibility does too much to lift Hirschfeld out of his own time. Of course Hirschfeld would not have, and in his lifetime did not, supported Nazi persecutions of gay men. He would not have agreed with later claims that the political problem of homosexuality could be cured by surgically altering homosexuals. However, it is not the case that he overlooked the possibility that his scientific research might be used to “cure” a man of his desire for other men. During World War I, an Austrian physician developed these kinds of surgeries with support from Hirschfeld, who referred some of his own patients for surgery. Far from seeing the surgeries as threatening, Hirschfeld promoted them in his lectures.

Hirschfeld put much stock in the experiments of Eugen Steinach. He claimed that they proved his theory of homosexuality’s immutable biological origins. Hirschfeld wrote that homosexual bodies were distinguished from “normal,” heterosexual bodies either by an abnormal brain or by abnormal hormonal functioning (his view on the exact physical location of homosexuality shifted over the course of his career).<sup>553</sup> Steinach was an Austrian anatomist acclaimed in Germany during and after World War I for surgically altering homosexual men’s sexual desires. He did this by removing their testicles and replacing them with “normal” testicles taken from heterosexual men.<sup>554</sup> Steinach and Hirschfeld apparently saw one another as important collaborators in the search for the bodily location of homosexuality and cited one another’s work.<sup>555</sup> Steinach aimed to

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<sup>553</sup> Over his career, Hirschfeld changed the location of homosexuality in his model from the brain to the hormones. See Steakley in Rosario, ed. 142; 144.

<sup>554</sup> Details of Steinach experiment: Gunter Schmidt, “Allies and Persecutors: Science and Medicine in the Homosexuality Issue” *Journal of Homosexuality* Vol. 10 (3/4), Winter 1984, pp. 133-135. Fame of Steinach’s experiments: Ludwig Levy-Lenz, “Forward” in Levy-Lenz, ed. *Sexual-Katastrophen: bilder aus dem modernen Geschlechts- und Eheleben* (Leipzig: A. H. Payne, 1926) pp. IX-XII. *Das Tage-Buch* March 7, 1925. Heft 10 Jahrgang 6. Otto Kaus, “Der Fall Böters,” pp. 338-343.

<sup>555</sup> Steinach wrote in his 1916 study: “...homosexuality can also be ascribed to the existence of a hermaphrodite pubertal gland, just as Hirschfeld rightly postulated...” Schmidt, 137.

“cure” homosexuality. Hirschfeld certainly did not. He aimed to win its social and legal acceptance. He advocated “adjustment therapy” for homosexuals, which consisted in their working with an expert like himself to accept their nature and to find happiness in their lives. However, in Hirschfeld’s eyes Steinach’s work did not seem threatening to homosexuals at large; it even seemed to promise an important proof in favor of homosexual emancipation.

Steinach began in 1916 by turning “normal” animals into hermaphrodites via gonad transplants, or so he claimed. Hirschfeld’s sexology apparently provided him with justification to apply his method to humans. At least eleven homosexual or bisexual men underwent Steinach’s procedure. The method consisted of castrating them, then transplanting “normal” testicular tissue into their bodies. A few of the tissue transplants came from heterosexual men castrated to combat their excessive or delinquent sex drive; the rest were from undescended testicles that men had had removed. Steinach and his collaborators hoped that the operations would eliminate the men’s homosexuality and even allow them to father children. At first, they reported remarkable success: “There was a marked decrease in the homosexual drive, an extreme reduction in its intensity and its frequency...heterosexual tendencies developed fully; the ennui in the company of women vanished.”<sup>556</sup>

Five years went by and the remarkable results evaporated. Gunter Schmidt describes this: “All the homosexuals remained homosexual, but were now also unilaterally castrated.”<sup>557</sup> By 1926, a surgeon concluded that Steinach’s method had been

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<sup>556</sup> Lichtenstern, quoted in Schmidt, 134.

<sup>557</sup> Schmidt, 134.

“generally given up,”<sup>558</sup> due to inability to reproduce his results. However, while the Steinach surgery craze lasted, Hirschfeld proved a devoted supporter, going so far as to print Steinach’s address in his journal so that interested men could contact him, and to directly refer two men to one of Steinach’s collaborators.<sup>559</sup> Steinach’s work on homosexuality’s biological cause was very much within the realm of eugenic sterilization. Heinrich Boeters, the so-called apostle of eugenic sterilization, was also influenced by Steinach’s experiments.<sup>560</sup>

Hirschfeld held Steinach’s transplants up as proof that homosexuality had innate biological origins and that therefore Paragraph 175 should be repealed. In the 1919 film *Different from the Others* (*Anders als die Andern*) Hirschfeld (playing himself, a respected scientific expert on sexuality) describes Steinach’s experiments on animals to a lecture audience. The experiments “prove that sexual intermediates who seemingly differ only on a psychological level are in fact physically determined,” Hirschfeld (playing Hirschfeld) says. He segues directly from Steinach to a denunciation of Germany’s “legal discrimination against homosexuals” despite “50 years of scientific research in this area.” He concludes “may justice soon prevail over this grave injustice, science conquer superstition, love achieve victory over hatred!” then descends from the podium to receive the audience’s congratulations.<sup>561</sup> Steinach’s testicle transplants *were* that science that Hirschfeld hoped would “conquer superstition” and free homosexuals from “legal discrimination.” He surely did not believe that they would lead to a wide, perhaps

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<sup>558</sup> Mühsam, quoted in Schmidt, 134.

<sup>559</sup> Schmidt, 133-134. Another citation of Steinach to prove Hirschfeld: See Wolff, p. 173.

<sup>560</sup> Boeters and Steinach: Otto Kaus, “Der Fall Böters,” *Das Tage-Buch* March 7, 1925. Heft 10 Jahrgang 6, pp. 338-343. Hirschfeld and Steinach: See Chapter 4.

<sup>561</sup> *Anders als die Andern* Richard Oswald, director. Kino International re-release (2000) Reconstruction by Filmmuseum München. James Steakley, trans. DVD minute 38.

government-organized effort to end male homosexuality by forcing unwilling me to have Steinach's surgery. This is despite his support for government-organized, involuntary eugenic sterilization and castration of violent sex offenders. Yet, in another moment, he expressed ambivalence. Upon hearing of a surgeon who proposed brain operations to eliminate homosexuality, he hoped that the "brain center for homosexuality" would be found only "when we have come to see homosexuals in the right light and be certain that such operations are superfluous."<sup>562</sup>

I am not reviewing Hirschfeld's connections with Steinach in order to paint Hirschfeld as a proto-Nazi or advocate of surgical cures for homosexuality. He was neither. However, this history suggests something about Hirschfeld's activism that seems to have been very much of his generation, and perhaps not fully intelligible to the generation of activists that included Hiller and Linsert. Hirschfeld's profound faith in the biological origins of sexuality led him to support Steinach's work, eugenic sterilization, and the repeal of Paragraph 175. In Hirschfeld's science and advocacy, all three of these issues are strongly related. Hiller and Linsert saw the 1929 reform of Germany's laws on male homosexuality as a step forward and a step backward. They warned of the threat of sterilization to homosexual men. They feared that if the government castrated pedophiles because of their biological sexuality, it could begin to castrate homosexuals for similar reasons without too much conceptual trouble. Hirschfeld, on the other hand, does not appear to have seen things in at all the same way. Too him, eugenic sterilization in certain cases, castration of violent sex offenders, and the repeal of Paragraph 175 were all

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<sup>562</sup> Magnus Hirschfeld, *Die Homosexualität des Mannes und des Weibes* (2<sup>nd</sup> ed., 1920) p. 427, quoted in Gunter Schmidt, "Allies and Persecutors: Science and Medicine in the Homosexuality Issue" *Journal of Homosexuality* Vol. 10 (3/4), Winter 1984, 135.

scientific progress in the realm of sexual politics. He believed that this kind of progress would bring social and legal toleration of homosexuality.

The 1929 vote to repeal Paragraph 175 while cracking down on men's sex work and blackmail seems to Hirschfeld not to have been a step forward and a step backward, but rather to have been compatible with his overall vision of sexuality and politics. His theories of sexuality did much to prove that male homosexuals, male prostitutes, and blackmailers were all fundamentally biologically different beings who therefore ought to be treated differently by the law. Scientific advances in law would liberate homosexuals while cracking down on other people whose biologically based sexuality made them dangerous. This seemed at the time neither dangerously myopic nor contradictory. In 1925, members of the Bavarian People's Party in the Reichstag called on the government to censor "filthy" media for the "protection of the youths against seduction and to secure the general public from the sex drives of sexually abnormal people, which are dangerous to public safety."<sup>563</sup> In a response signed by Hirschfeld, Hiller, and other WhK leaders, the WhK began by explicitly agreeing with the Bavarian People's Party that society should be protected from the sex drives of sexually abnormal people when dangerous. But it argued that it made no sense to characterize all "sexually abnormal people as "dangerous to society" by definition. The statement goes on to describe scientific advances supported by the WhK that had shown homosexuality to be no vice, but an inborn constitution. The statement concludes: "At the same time that new and stronger restrictions carrying the force of legal punishment are put into place against the sex drives of certain abnormally inclined people, which are dangerous to society, there must be a

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<sup>563</sup> GStAPK I. HA Rep. 84a Nr. 8100, 318.

rescinding of legal regulations that cruelly and senselessly threaten the private lives of abnormally inclined people when it is not the case that they are dangerous to society.”<sup>564</sup>

This kind of scheme—backing regulation for some “abnormals” while insisting that no such regulation was necessary for homosexuals—may have come to seem like a mistake to Hiller. It is also possible to read the WhK’s acceptance of a portion of the Bavarian People’s Party’s attack as a political strategy rather than a statement of conviction.

Indeed, Hirschfeld’s response to the 1929 vote can be read in this way: an activist giving in on part of his position in order to achieve a partial gain.

However, I am inclined to see Hirschfeld as in general comfortable with a scheme of regulation for some sexual abnormals predicated on deregulation for others. The way that he developed his model of biological homosexuality in tandem with eugenics seems to support such a reading. Hirschfeld’s model of biological homosexuality was compatible with eugenic notions of hereditary, though Hirschfeld did not present homosexuality as eugenic degeneracy. In the later volumes of *Sexology*, Hirschfeld appears to have been moving toward a more eugenics-compatible model of homosexuality. This would make sense given the popularity of eugenics in the later 1920s and early 1930s. He postulated that a homosexual child born in a family that was nearing degeneration was nature’s way of eliminating biological degeneration in a family. Because the homosexual would not reproduce, he or she was a way for nature to contain and eliminate the degeneration. Hirschfeld describes von Römer’s theory that homosexual children are “like the asexual blossoms of plants” and have the affect of “divert[ing]” a family line “otherwise leading to degeneration...while in the healthy generation of their normal siblings the line

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<sup>564</sup> Whk, 29 Jan. 1925. GStAPK I. HA Rep. 84a Nr. 8100, 320.



overcomes degeneration by means of this release or discharge and returns to full power.”<sup>565</sup> That is, homosexuals are a prophylactic for biological degeneration. Though not ready to completely endorse Römer’s model, Hirschfeld writes that,

Again and again, even I am compelled to believe that homosexuals, without being degenerate themselves, are a substitute for degeneration, perhaps less according to Römer’s complicated scheme and more simply described; that the nature of homosexuals serves as a preventive means against degeneration. This assumption is verified by the marriages and [offspring] of homosexuals. A large portion of these marriages [are] childless. However, if children are born to homosexuals, as opposed to their progenitors, many times these children bear the stamp of intellectual inferiority, unless a relative balance is created by an especially healthy partner. In any case, from the standpoint of eugenics, the marriage of a homosexual man or woman is always a very risky venture.<sup>566</sup>

In the 1919 film *Anders als die Andern*, Hirschfeld (playing Hirschfeld) declares that nature did not intend for homosexuals to have children. He maintained that most homosexual men shared with their family members “a relatively more pronounced frailness and oversensitivity of the central nervous system.”<sup>567</sup> In another case, he noted signs of eugenic degeneracy—alcoholism, mental illness, suicide—in the family of a homosexual woman.<sup>568</sup> For Hirschfeld, these signs of heredity just make the case for biological homosexuality stronger. They were useful proof, as were Steinach’s experiments. Given what appear to be common roots of eugenics and sexology in the nineteenth century life sciences, it makes sense that Hirschfeld would see eugenic notions of degeneration as ready proof for his theory. At times, Hirschfeld’s sexology and

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<sup>565</sup> Magnus Hirschfeld, *The Homosexuality of Men and Women*, Michael A. Lombardi-Nash, trans. (New York: Prometheus Books, 1991) [In German, 1920.] 450.

<sup>566</sup> Hirschfeld, *Homosexuality*, 451.

<sup>567</sup> Hirschfeld, *Homosexuality*, 78. See also 161-162. See James Steakley’s discussion of Hirschfeld’s “biological essentialism” (150) in Steakley in Rosario, ed. Havelock Ellis, with whom Hirschfeld corresponded, also held homosexuality to be biological and at least to a certain extent hereditary. Ellis was more clearly in favor of the theory of homosexuality as a “biological degeneracy,” though he argued for tolerance for homosexual men and women. Ordovery, 85-87.

<sup>568</sup> Hirschfeld, *Homosexuality*, 214.

Weimar-era eugenics seem to be mutually constituting. Like eugenicists and researchers into “criminal biology” (or the biological origins of criminality) he used bodily measurements and handwriting analysis to diagnose homosexuals.<sup>569</sup> He was not unique here: many sexologists used such techniques. They were the current state of the art in the science of heredity and socio-biology, and to Hirschfeld they did not seem dangerous.

Another component of Hirschfeld’s model of the biological “homosexual” is his reliance on eugenics to distinguish blackmailers and most male sex workers as *not* homosexual. Hirschfeld did not classify most male sex workers as homosexual: “The number of male prostitutes with a homosexual orientation is small compared to the heterosexual ones.”<sup>570</sup> He writes that both men and women do sex work out of a combination of environmental factors (financial need among them) and hereditary biological factors. He writes that all female sex workers suffer from some kind of “biological degeneracy” such as “feeble-minded (*minderwertig*) characteristics,” though wealthy women were more likely to avoid prostitution than poor women with the same biological dispositions.<sup>571</sup> He believed the same of men. He writes that men are driven into sex work by both “external circumstances” like financial need and “internal individual characteristics” like “a certain, mostly degenerated natural tendency...a stunting of the normal sense of shame...as is likewise frequently encountered in the case of degenerated persons.”<sup>572</sup> He describes male prostitution as a practice that spreads among homeless heterosexual men, men in jail, and boys who went to special education

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<sup>569</sup> Hirschfeld, *Homosexuality*, 214-214.

<sup>570</sup> Hirschfeld, *Homosexuality*, 817.

<sup>571</sup> Magnus Hirschfeld, *Geschlechtskunde* Band III. “Einblicke und Ausblicke” (Julius Püttmann, Verlagsbuchhandlung, Stuttgart, 1930). 372.

<sup>572</sup> Hirschfeld, *Homosexuality*, 817.

schools.<sup>573</sup> The Weimar-era discourse of eugenics held men in all three of these groups to be “feeble-minded” or “hereditarily criminal.”<sup>574</sup>

To Hirschfeld, blackmailers posed a far greater threat to male homosexuals than did male sex workers. His chief complaint about male sex workers is that they tend to commit blackmail. But he presents blackmail as the scourge of wealthy homosexual men in the first half of the twentieth century, which indeed it may have been.<sup>575</sup> Wealthy men who had sex with men did run a high risk of blackmail. Men did commit suicide in the face of blackmail. If a man, particularly a married middle class man like Otto Zöhn, was revealed to have had sex with another man, his reputation and career would be ruined. As I noted in the Introduction, a Weimar-era magazine for and by homosexual men published a list of accused blackmailers along with their descriptions, so that readers would know to avoid. Typically, the magazine lumped blackmailers and male sex workers together, warning that many of the “line boys” (male sex workers who worked the streets) would resort to blackmail if broke.<sup>576</sup> Hirschfeld, who seems to have been the victim of blackmail (see Introduction) reserves some of his most bitter language for blackmailers, calling them, in a weird echo of the Weimar-era antisemitic slurs used against Hirschfeld and other Jews, “vampires”<sup>577</sup> and “leech[es].”<sup>578</sup>

The division in Hirschfeld’s thinking between blackmailers and their victims had to do with class. Though he does discuss case histories of working class people in *The Homosexuality of Men and Women*, most of his case histories are from aristocratic or

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<sup>573</sup> Hirschfeld, *Homosexuality*, 819.

<sup>574</sup> As argued in Chapter 2.

<sup>575</sup> Hirschfeld, *Homosexuality*, 979-1006.

<sup>576</sup> *Die Freundschaft*, “Warnung,” 2-8 July [1921] in GStA I. HA. Rep. 77 Tit. 380 Nr. 7 adhib. 3. Ibid., “Erpresser und Erpresste.”

<sup>577</sup> Hirschfeld, *Homosexuality*, 989.

<sup>578</sup> Hirschfeld, *Homosexuality*, 1001.

wealthy people.<sup>579</sup> Since homosexuality is a biological phenomena, Hirschfeld insists that it is uniform across social class (as well as across national boundaries and throughout history). Yet, his default image of a homosexual seems to be a wealthy, cultured urbanite or landed aristocrat. For instance, he is probably not thinking of working class men with limited disposable income in hard economic times when he notes that male, effeminate homosexuals tend to all collect the same type of painting or print.<sup>580</sup> He describes only the rooms of middle class or wealthy people in his section on how homosexuals tend to have the same taste in interior decoration, which he offers as further proof of homosexuality's biological basis (and implicit proof of the biological basis of an individual's approach to interior decorating.)<sup>581</sup> The questionnaire that Hirschfeld used to diagnose homosexuals asks if the person is attracted to people of the lower class or people who are intellectually "beneath you."<sup>582</sup> Hirschfeld seems to imagine both male and female homosexuals as wealthy or middle class.

Hirschfeld only tacitly acknowledges existing institutions of relationships between working class and middle or upper class men, but such a scene existed.<sup>583</sup> In Berlin, bars catered to middle class or wealthy men who eroticized and sought out often-younger working class men. Christopher Isherwood writes in his memoir *Christopher and His Kind* that he came to Berlin seeking such a relationship: "...Christopher was suffering from an inhibition, then not unusual among upper-class homosexuals; he

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<sup>579</sup> Case history of a non-aristocratic farmer: Hirschfeld, *Homosexuality*, 89. Case history of a working class man: Hirschfeld, *Homosexuality*, 94.

<sup>580</sup> Hirschfeld, *Homosexuality*, p. 102

<sup>581</sup> Hirschfeld, *Homosexuality*, 207.

<sup>582</sup> Hirschfeld *Homosexuality*, p. 307.

<sup>583</sup> Hirschfeld *Homosexuality*, p. 211; 336; 338.

couldn't relax sexually with a member of his own class or nation."<sup>584</sup> He describes *The Cozy Corner*, a working class bar where wealthy or middle class men went to meet working class men. These relationships involved exchanges of money.<sup>585</sup> The working class men also dated women. Given that such a scene existed, Hirschfeld's moves to divide wealthy and middle class biological homosexuals from working class men who were their sex partners can be read as an effort by middle class and wealthy men to control the sexuality of working class men by turning the legal tables on them. Paragraph 175 made it possible to blackmail respectable men; the new Paragraph 297, with its heavy penalties for male sex work, would make it possible to threaten sex workers.

In *The Homosexuality of Men and Women*, Hirschfeld leaves open the possibility that some sex workers were not blackmailers.<sup>586</sup> Yet, he links all male sex workers to biological degeneracy. Young men in jail, he writes, "are instructed by the inmates in the criminal behavior closely associated with male prostitution—particularly theft and blackmail—...a fascinating idea that naturally ensnares individuals who have degenerate and criminal tendencies."<sup>587</sup> That is, men with "degenerate" and "criminal" tendencies are drawn to sex work, theft and blackmail. Though his thinking is not completely clear cut, Hirschfeld seems to imagine two categories of men who had sex with other men: biological homosexuals and biological degenerates. He favored sterilization for some "biological degenerates," including the "mentally retarded," whom he described elsewhere (as I have detailed above) as likely to take up sex work.<sup>588</sup>

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<sup>584</sup> Isherwood, *Christopher and His Kind*, p. 3.

<sup>585</sup> Isherwood, *Christopher and His Kind*, pp. 27-33

<sup>586</sup> Hirschfeld, *Homosexuality*, 982-983.

<sup>587</sup> Hirschfeld, *Homosexuality*, 820.

<sup>588</sup> Ralf Dose, *Magnus Hirschfeld: Deutscher—Jude—Weltbürger* (Teetz: Hentrich & Hentrich, 2005) 112.

In light of these views, it is not surprising that Hirschfeld could countenance a crackdown on sex workers in the course of the repeal of Paragraph 175. Indeed, it seems possible that he would have seen the decriminalization of consensual, non-commercial, private sex between adult men as part and parcel of such a crackdown. If he did so, it seems to be more because he sought to end blackmail than because he saw male sex workers as dangerous. Indeed, in 1930 he criticized the proposed Paragraph 297 for providing heavy jail terms for male prostitution and claimed that all experts in the matter opposed criminalizing male prostitution. He wrote that it injured no third party. He described how men who chose to do this work did so out of economic need, and chose it over “robbery, fraud or murder.”<sup>589</sup> It was good, Hirschfeld wrote, that they chose a non-violent, harmless way to make a living. This is a strong defense of male sex workers. Yet it is clear that Hirschfeld does not consider them to be homosexuals. Rather, he defends them as men in dire economic straits whose career options are sex work, robbery, fraud, and murder. This recalls his other characterizations of sex workers as impoverished and incapable of respectable work, possibly because they suffer from eugenic degeneracy. He does not seem to have felt strongly that the WhK, an organization founded to promote homosexual emancipation, ought to defend sex workers.

### *The Split of the WHK*

Hirschfeld apparently saw the 1929 vote to strike Paragraph 175 as the victory that he had sought for decades. Other leaders of the WhK disagreed. Hirschfeld resigned

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<sup>589</sup> Hirschfeld, *Homosexuality*, 350-351.

weeks after the vote against Paragraph 175. The WHK's remaining leaders dedicated themselves to fight against the sex worker crackdown. Though the WHK is often cited as the first gay rights organization in history<sup>590</sup>, its near-demise over the question of whether to defend male sex workers has been largely forgotten. Studies that mention Hirschfeld's resignation attribute it to differences in strategy with other WHK leaders without mentioning which strategy was at issue when he resigned, or mention Hirschfeld's feeling that he had achieved a victory without describing what I read as an acrimonious break between him and other WHK leaders over the 1929 vote.<sup>591</sup>

At the November 1929 meeting of the Committee, about five weeks following the vote, Hirschfeld resigned his leadership post. The WHK's magazine reported as much. But in the magazine's coverage, Hirschfeld's reasons for resigning were murky. The bare-bones report of this meeting in the magazine goes thus: The Committee voted unanimously that Paragraph 297 was a considerable sharpening of the law against sex between men, though it contained "small steps forward," and that therefore the Committee's fight must go on. Then, Hirschfeld resigned.<sup>592</sup>

A tribute to Hirschfeld in the same issue implicitly denies that his resignation was sudden, describing how he had been talking about resigning for years. However, its author allows that in addition to health concerns and exhaustion from personal attacks, "for Magnus Hirschfeld, an external impetus toward fulfilling his plan to resign at the

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<sup>590</sup> John C. Fout, "Sexual Politics in Wilhelmine Germany: The Male Gender Crisis, Moral Purity, and Homophobia," in *Forbidden History: the State, Society and the Regulation of Sexuality in Modern Europe*, John C. Fout, ed. (Chicago: U. of Chicago Press, 1992) 268.

<sup>591</sup> Dose, 62-63; Charlotte Wolff, *Magnus Hirschfeld: A Portrait of a Pioneer in Sexology* (Quartet Books: London, 1986) 227-228; 276. Any animosities between Hiller and Hirschfeld did not last forever. See Wolff, *Magnus Hirschfeld*, and Kurt Hiller's memoir. Kurt Hiller, *Leben Gegen Die Zeit*, vol. I (Logos) (Hamburg: Rowohlt, 1969).

<sup>592</sup> "Wichtige Beschlüsse der Obmannschaft des Wh.H.K. vom 24. November 1929, *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 25, Nov. 1929, 195.

current moment was also the fact that the work of the committee to abolish Paragraph 175 (Paragraph 296) reached a certain stage upon its first reading in the penal code reform committee.”<sup>593</sup> In his own farewell letter in the same issue, Hirschfeld seems to imply that the fight against Paragraph 175 would end when the reformed penal code passed, remembering his now-dead colleagues in the “homosexual liberation fight” whose work “we hope...will come to a good end in the foreseeable future.”<sup>594</sup> Charlotte Wolff reports in her biography of Hirschfeld that in 1929, he felt “satisfied” that his fight against Paragraph 175 had been “successful enough.”<sup>595</sup> Given how passionately the WhK sans Hirschfeld denounced the crackdown on sex workers after Hirschfeld’s resignation, a feeling of “enough” success on his part seems likely to have amounted to a major political difference with other WhK leaders. Hirschfeld controlled WHK finances, and seems to have pulled them out of what he saw as an unnecessary fight against the proposed male sex work law, Paragraph 297. Following his resignation, Hirschfeld liquidated the WhK’s business office. This put the organization in dire financial straits and hamstringing its fight against the proposed crackdown on men’s sex work.<sup>596</sup> A description of the WhK’s relations with Hirschfeld ran in the WhK’s newsletter more than a year after the liquidation of its business office. It is evidence for the fact that a disagreement over the organization’s finances took place: “...in the last months a friendly understanding with Dr. Magnus Hirschfeld has been reached, in which the personal relationships between him and some executive committee members have been renewed

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<sup>593</sup> Karl Besser, “Magnus Hirschfeld und das WHK” *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 25, Nov. 1929, p. 200. Paragraph 296 was the proposed new version of Paragraph 175 that the Reichstag committee voted down.

<sup>594</sup> Magnus Hirschfeld, “An die Mitglieder des WHK,” *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 25, Nov. 1929, p. 198-199.

<sup>595</sup> Wolff, *Magnus Hirschfeld*, 288.

<sup>596</sup> “Die organisatorische Umstellung des WHK. e. V.” *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 27, Feb./March 1930.



so that it can be assumed that the resolution of financial disagreement between him and the WhK will take as quick and friendly a course as possible.”<sup>597</sup>

I see it as likely that the WhK split in 1929 over the politics of the penal code reform committee vote, though certainly other factors must have contributed to the break. The WhK led by Kurt Hiller and Richard Linsert took a dim view of Paragraph 297, rejected a eugenic distinction between sex workers and other homosexuals, and warned of future eugenic measures against homosexuals. Hiller and Linsert were both younger than Hirschfeld. Neither had a background in science. Hiller had a law degree and had written a dissertation on law and the individual in which he examined the legal situation of homosexuality and suicide. Linsert was a member of the Communist Party, the only faction on the penal code reform committee to denounce the crackdown on men’s sex work. Hiller credited Linsert with doing much to convince the KPD to vote the way it did in 1929, writing that “only the KPD stood completely behind the standpoint of our committee [the WhK].”<sup>598</sup> The three men had worked together for years. Hirschfeld and Linsert had coauthored a book together. But aside from generational or philosophical differences, Hiller and Hirschfeld had butted heads for years.<sup>599</sup> All these factors likely contributed to Hirschfeld’s resignation. Ernst Hauenstein wrote that Hirschfeld’s resignation was prompted by an argument between him and Hiller over how to best to lobby Wilhelm Kahl, not by the 1929 reform itself.<sup>600</sup> Yet, the fact that Hiller and Hirschfeld had such divergent views of men’s sex work and of sterilization politics must

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<sup>597</sup> “Organisationische Mitteilungen” *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 29 Sept. 1930/Feb. 1931.

<sup>598</sup> Kurt Hiller, “Richard Linsert Tot” *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 34 Sept. 1932/Feb. 1933.

<sup>599</sup> Wolff, *Magnus Hirschfeld*.

<sup>600</sup> Ernst Hauenstein, “Wilhelm Kahl” *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 33, April/Aug. 1932.

have contributed to their break and to the nature of Hirschfeld's departure from the WhK. In the same issue of the magazine that reported Hirschfeld's resignation, Hiller denounced the criminalization of male sex work.<sup>601</sup> Hiller and Linsert, who wrote at length about male sex workers, refused to apply eugenic categories to them. Hiller went on to criticize calls to castrate pedophiles. He cautioned that such measures would lead to a law to castrate homosexuals and warned of Nazi calls for sterilization.<sup>602</sup>

It is possible that Hirschfeld left the WHK over personal differences and did indeed condemn the proposed 1929 reform. However, his resignation, his apparent view of the 1929 vote as a near-victory, and his move to liquidate the WHK business office, together with his rigorously theorized distinction between "actual homosexuals" and sex workers, make it seem that Hirschfeld held the protection of men's sex work to be a low priority.

Although Hirschfeld's model of biological homosexuality perhaps won the day in Weimar-era Germany, and went on to influence later conceptions of homosexuality and activism, it was not the only view on the topic in his time. An activist across the political spectrum from Hiller, the *Der Eigene* publisher Adolf Brand, had a similar critique of Hirschfeld's theory of biological homosexuality. Brand's problem with Hirschfeld's biological model had to do with eugenics. Brand saw himself as the champion of a certain subset of men who desired men, his manly "homo erotics," whom he felt compelled to defend against Hirschfeld. Brand claimed that Hirschfeld represented "sissies (*Jammerlappen*)," effeminate men who desired men and who were eugenic degenerates, "mental and moral inferiors (*Minderwertig*)."<sup>603</sup> Hirschfeld's biological model

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<sup>601</sup> Hiller, "Gefängnis für männliche Prostituierte?"

<sup>602</sup> Kurt Hiller, "Trieblosmachung von Sexualverbrechern" *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 33 April/Aug. 1932.

was constructed to represent these degenerate men, Brand charged, and it was leading the public to see all men who desired men as feminine degenerates. Hirschfeld argued Paragraph 175 was inhumane because biology forced “homosexuals” to offend against it. This incensed Brand, who wrote that Hirschfeld presented men as dominated by their sex drives, as “more senseless (*geistloser*) than animals,” lacking “every moral and social foundation and value.” In frustration, Brand perceived that Hirschfeld’s fame and many publications were leading the public to conflate his homo erotics with Hirschfeld’s “homosexual rabble...the pansy factory (*schwulen Betrieb*)” made up of “inferior (*Minderwertig*) and degenerates (*Entartete*),...aunties (*Tanten*), curs (*Tölen*) and political halfwits (*Trottel*), for whom this cultural war is not being fought!”<sup>603</sup>

In essence, Brand charged Hirschfeld with portraying all men who desired men as eugenic degenerates. He warned that “Hirschfeld’s theory...is, through scientific representation, leading homosexuals to be put on the same level as doll boys (male sex workers, *Puppenjungen*) and criminals...and is promoting a damaging assessment [of homosexuals].”<sup>604</sup> This echoes critiques of Hirschfeld put forward by Hiller and Linsert. Brand was politically on the right, Hiller and Linsert on the left. Brand, unlike Hiller and Linsert (and unlike Hirschfeld) accepted the notion that some men-desiring men were eugenic degenerates. Yet Brand, like Hiller and Linsert, warned that Hirschfeld was entangling men who desired men in eugenic discourse. Brand did so himself, but did not argue against Paragraph 175 based on his notions of masculinity and degeneracy. Rather,

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<sup>603</sup> Adolf Brand “Entgegnung” *Der Eigene* Nr. 8 XI Jahrgang, Heft 8 [probably 1927] pp. 268-269.

<sup>604</sup> Brand to the Staatsanwalt Dr. Seidenspinner, Berlin Kriminalgericht, 30 June 1928. BArch R 3001 5774 pp. 428-434.

he, like Hiller, made a more classically liberal argument about freedom and privacy and considered Hirschfeld's activism potentially dangerous.

### *Chapter Conclusion*

I argued in Chapters 2 (on growing support for a sterilization law) and 3 (on the fight against venereal disease) that increasingly in the late 1920s and early 1930s, German intellectuals and politicians understood non-normative sexualities to be social problems related to biology. Approaches to non-normative sexualities based in biology and medicine eclipsed the campaign against dirty media. In the 1929 vote against Paragraph 175, Reichstag members who feared dirty media even saw that their goals were compatible with those of politicians who advocated a biological model of homosexuality. Magnus Hirschfeld's work contributed to this trend toward biological explanations of sexualities. As more and more leaders, journalists, and activists assumed that non-normative sexualities had biological roots, they reconfigured the German state's relation to sexually non-normative people. In the course of this reconfiguration, Paragraph 175 was to be repealed. But as I have tried to show, its repeal was intimately linked to increasing state management of some sexual outsiders in the form of eugenic sterilization and the 1927 venereal disease law.

## Chapter 5

### Nazi Party Sexual Politics Under the Weimar Republic

In May of 1933, a few months after the passage of the Enabling Act made Germany a dictatorship under Nazi Party control, truckloads of young Nazi Party members arrived at the doors of the Institute for Sexual Science and asked for Dr. Hirschfeld. The Institute's housekeeper, Adelheid Frieda Martha Schulz, told them: "You can search the search the whole house, from top to bottom. Dr. Magnus Hirschfeld is not home, he has been away for a whole year already and you will not find him here."<sup>605</sup> Hirschfeld had left Germany on a speaking tour that took him around the world. He never returned. The government officially dissolved the Institute. The students ransacked it. Since the Nazis had come to power, the Gestapo had been at the Institute several times inquiring about questionnaires and letters from Nazi Party members in the Institute's archive. Institute staff had anticipated the final raid. They had already removed some valuable documents. Karl Giese, Hirschfeld's companion and the Institute's archivist, reported that he saved over 1,000 questionnaires completed by

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<sup>605</sup> Alexandra Ripa, "Hirschfeld Privat. Seine Haushälterin Erinnert Sich.," in *Magnus Hirschfeld: Ein Leben im Spannungsfeld Von Wissenschaft, Politik und Gesellschaft*, ed. Elke-Vera Kotowski and Julius H. Schoeps (Berlin: be.bra wissenschaft verlag, 2004). 68.

women and men. The Nazis carted away the Institute's library, archival materials, photographs, slides, and a bust of Hirschfeld. A few days later, a great public fire in front of the Berlin Opera consumed much of this material along with a host of published works by authors, all burned because Nazi students deemed them "un-German." They threw Hirschfeld's bust into the flames.<sup>606</sup>

The destruction of the Institute must have been welcomed wholeheartedly by the writers and editors at the *Staatsbürger Zeitung* who had claimed in 1919 that the Institute threatened Germany (and whose attack on the Institute in print I examined at the outset of this study.) Dagmar Herzog shows that once in power, Nazi propaganda flattened Weimar-era sexual politics into a general sexual chaos linked to Jews. They appealed especially to right-wing conservatives and to religious conservatives by portraying their dictatorship as having cleaned this up, (an image that proved difficult maintain in the long run as Nazi policies on sexuality alienated many religious conservatives).<sup>607</sup> Adolf Sellmann, the head of the Protestant West German Morality League summed up this vision of the rise of the Nazi dictatorship up in a 1935 book: "In one fell swoop everything in Germany was different. All filth and trash (*Schmutz und Schund*) disappeared from public view. The streets of our cities were clean again."<sup>608</sup>

However, as Herzog shows, Nazi sexual politics were in many respects quite remote from what a religious morality activist like Sellmann sought.<sup>609</sup> By destroying an

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<sup>606</sup> Wolff, *Magnus Hirschfeld*, 376-379. "Nazi Students Raid Institute on Sex" *New York Times* 7 May 1933.

<sup>607</sup> Dagmar Herzog, *Sex after Fascism: Memory and Morality in Twentieth-Century Germany* (Princeton: Princeton University Press, 2005). 15-27.

<sup>608</sup> Adolf Sellmann, *50 Jahre Kampf für Volkssittlichkeit und Volkskraft. Die Geschichte des Westdeutschen Sittlichkeitsvereins von seinen Anfängen bis heute (1885-1935)* (G. Meiners m.b.H., Schwelm i. Westf., 1935), 107.

<sup>609</sup> Herzog, *Sex after Fascism*. See also Dagmar Herzog, ed., *Sexuality and German Fascism* (New York: Berghahn Books, 2005).

institution of sexual science, sex reform, and homosexual emancipation, and by burning its books before they could corrupt readers, the Nazis were pandering to Hirschfeld's enemies, including activists against *Schmutz* and *Schund*. However, under the Republic, the Nazi Party found sexual politics a complicated realm in which to campaign for voters beyond the far right. Nazi views on sexuality were fundamentally antisemitic and racist. In matters of sexual politics, the Nazi Party supported some measures that various coalitions backed, but was overall unique, and therefore had difficulty appealing to some groups of voters on issues of sexuality, in particular to voters who sided with censorship advocates and were accustomed to the discourse of *Schmutz* and *Schund*.

In this chapter, I examine Nazi Party engagement in the Weimar-era politics of non-normative sexualities by analyzing Nazi appeals to one group: Zentrum voters. The rise of a coalition around biological and medical discourses of non-normative sexuality under the Republic left advocates of anti-*Schmutz* and *Schund* measures frustrated. This was particularly true of the Zentrum Party, which continued to advocate vainly for stronger controls on media and opposed eugenic sterilization, the 1927 reform of laws on women's sex work and venereal disease, and the 1929 vote against Paragraph 175. The Zentrum's ineffectiveness in sexual politics might have inspired its voters to turn to another party to represent their brand of sexual conservatism. Indeed, during campaigns for Reichstag seats in the early 1930s, the Nazi Party appealed directly to Zentrum voters on morality issues. Since the Nazis were actually rather far from the Zentrum on issues of sexuality, this required a re-tooling of the Nazi message on non-normative sexualities. Major Nazi party organs undertook this effort, as a study of two Nazi newspapers demonstrates. But no large-scale shift of voters from the Zentrum to the Nazis took

place. In addition, a homosexual scandal involving Nazi leader Ernst Röhm made it difficult for the party to claim to be poised to clean up immorality in Germany. The Nazi Party tried to use the politics of non-normative sexuality in order to win votes during Weimar-era elections. Some Nazi engagements with sexual politics, such as antisemitic, pornographic material in *Der Stürmer*, probably had a powerful appeal for voters comfortable with overt antisemitism and overt sexuality. However, sexual politics appears to have been a complex and difficult topic for Nazi appeals to many Zentrum voters who were familiar with the discourse of filthy and trashy media.

*Sexual Politics in Nazi Party Newspapers During the Elections of the Late Weimar Republic*

During the period of the Weimar Republic, the Nazi Party did not play a major role in any of the sexual politics that this study examines, from censorship to sterilization. Nazis were not major voices on any political issues, sexual or otherwise, until after 1929, when the Nazi Party began to win a significant slice of the national vote and a bloc of seats in the Reichstag. The Nazi Party went from a 2.6 percent share of the national vote in the May 1928 election to an 18.3 percentage share in the September 1930 election.<sup>610</sup> To make a bid for power, the Nazi Party needed votes beyond the far right. Though it certainly did not establish a dictatorship through its electoral strength alone, the July 1932 vote that made the party the Reichstag's largest was a crucial step in the eventual Nazi takeover.

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<sup>610</sup> Thomas Childers, *The Nazi Voter: The Social Foundations of Fascism in Germany, 1919-1933* (Chapel Hill: University of North Carolina Press, 1983). 125, 141.



Historians seek to explain why the Nazis grew from a small fringe party to the nation's largest party over such a short period of time. They conclude that with the onset of the Depression, Nazi party promises to end the chaotic Weimar Republic "system," to save the lower middle class and farmers, to put down impending Communist revolution, and to restore Germany's international might drove many Germans to vote Nazi.<sup>611</sup>

Recent studies have also emphasized the role of sexuality issues in these electoral campaigns, arguing that Nazi claims to be the only party that could restore traditional German morality allowed the party to marshal a backlash against Weimar-era sexual libertinism building amongst some sectors of the population. Eric Weitz writes that, "The Nazis were extremely successful in presenting themselves as a dynamic party that would resolve the Depression, reestablish morality, and restore German grandeur."<sup>612</sup>

However, the Nazi Party's positions on matters of non-normative sexualities made any appeals the party made to voters beyond the far right complicated to undertake, though party leaders clearly thought them worth undertaking. Between 1928 and 1932, the party changed the way it referred to sexuality in two of its major organ, the *Völkischer Beobachter* and *Der Angriff*. These are not the only party publications concerned with sexuality. Indeed, it is difficult to suss the significance of the shift in discourse in these two papers because they were published simultaneously with *Der Stürmer*. Edited by Julius Streicher, *Der Stürmer* regularly made explicit charges of Jewish sexual disorder, including in the form of pornographic cartoons. Streicher's paper's central theme on this topic was that of the Jewish man as a hypersexual predator, rapist, and murderer of "Aryan" women. *Der Stürmer* also linked homosexuality and

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<sup>611</sup> Ibid, Michael Burleigh, *The Third Reich: A New History* (New York: Hill and Wang, 2000).

<sup>612</sup> Eric Weitz, *Weimar Germany: Promise and Tragedy* (Princeton, NJ: Princeton University Press, 2007). 358.

Judiasm in attacks on Hirschfeld.<sup>613</sup> The Nazi Party used sexual politics to appeal to readers of *Der Stürmer* in a very different way than they did in the *Völkischer Beobachter* and *Der Angriff* and targeted different groups of voters with each. I hypothesize that because of its pornographic character, *Der Stürmer* was not a likely place to appeal to Zentrum-affiliated believers in the anti-*Schmutz* campaigns.

The *Völkischer Beobachter* was the major Nazi Party organ. The party published more than sixty different periodicals by 1930, and the *Völkischer Beobachter* accounted for roughly half of the total circulation of all of these. Its circulation neared three hundred thousand copies in 1930. By the end of 1932, *Der Angriff*, the Berlin-based paper edited by Joseph Goebbels, had become the second-largest Nazi Party publication, with a circulation of over one hundred thousand copies.<sup>614</sup>

The shift in the Nazi Party discourse of non-normative sexuality in the early 1930s consisted in downplaying Nazi antisemitism and echoing the “filthy” media pro-censorship discourse. In the 1930s, both *Der Angriff* and the *Völkischer Beobachter* made infrequent, vague references to issues of sexuality that seemed in keeping with the pro-censorship politics of “filthy” media and the “seduction through media” model of non-normative sexuality. These vague evocations and “filthy” media discourse contrasted sharply with *Der Stürmer*, with the discourse of non-normative sexuality in these papers before 1929, and with Nazi propaganda after 1933.

The pronounced antisemitic character of Nazi Party sexual politics, and the attribution of non-normative sexualities above all to pernicious conspiracies of Jews,

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<sup>613</sup> Dennis E. Showalter, *Little Man, What Now?: Der Stürmer in the Weimar Republic* (Hamden, Conn: Acron Books, 1982).

<sup>614</sup> Arne von Röpenack, *KPD und NSDAP im Propagandakampf der Weimarer Republik: Eine inhaltsanalytische Untersuchung in Leitartikeln von “Rote Fahne” und “Angriff”* (Stuttgart: ibidem-Verlag, 2002) 49, 54, 79, 87.

were apparent in *Der Angriff* still in October and November 1928. The newspaper also demonstrated the ways in which antisemitic Nazi sexual politics could both conflict and jibe with either the politics of censorship or the politics of biologically based sexuality. In this period, the overwhelming majority of articles about non-normative sexuality linked it to some antisemitic conspiracy theory. Normative sexuality was rarely, if ever, mentioned. One frequent Nazi theme was an old saw of the antisemitic right, the “white slave trade.” This was supposedly a worldwide conspiracy run by Jews that kidnapped “Aryan” women and forced them into sex work. When Berlin’s police chief Bernard Weiß denied its existence, *Der Angriff* told readers that of course Weiß, a Jew, would lie about the “white slave trade.”<sup>615</sup> Though “white slave trade” stories had to do with women’s sex work, they had not come up often in the debate on the 1927 VD Law, and the “white slave trade” was generally not linked to the 1927 reform.

Fundamentally antisemitic Nazi conceptions of the cause of non-normative sexuality were, in various instances, both compatible and at odds with the discourse of seductive, “filthy” media and with biological and medical takes on non-normative sexualities. Demonstrating compatibility with pro-censorship politics, in 1928 *Der Angriff* opined on the need to control sexual content in media. Unlike the common censorship discourse, however, it blamed Jews for “filthy” media. The paper claimed that Jews lusted for pornography, controlled the media, and hence produced pornography.<sup>616</sup> The paper charged that censorship restrictions, such as Paragraph 184 and the “Law to Protect Youth from Trashy and Filthy Writings” (*Gesetz zur Bewahrung*

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<sup>615</sup> “Gibt es einen Mädchenhandeln?” *Der Angriff* 15 Oct. 1928. “Mädchenhändler am Werk” *Der Angriff* 22 Oct. 1928. On Nazi attacks on Weiß, see LHsi-huey Liang, *The Berlin Police in the Weimar Republic* (Berkeley: University of California Press, 1970).

<sup>616</sup> Dax, “Wie Sie sich amüsieren. Film.” *Der Angriff* 15 Oct. 1928.

*der Jugend von Schund- und Schmutzschriften*), were being sabotaged.<sup>617</sup> It blamed Jews for obscene theater.<sup>618</sup> The paper associated sexual corruption with Jewish men in particular. *Der Angriff* warned its readers that male Jewish doctors and dentists regularly raped “German girls,” and that in general, Jewish men posed a sexual threat to “German” women.<sup>619</sup> Though at times *Der Angriff* echoed the pro-censorship discourse of “filthy” media, the overt antisemitism that it linked to censorship politics would tend to alienate many voters, including those who harbored more understated prejudices against Jews and found such zealous antisemitism crass.

Hirschfeld himself proved a convenient target for Nazi attacks, as did other sex reformers, many of whom were also Jewish.<sup>620</sup> In a 1928 attack, *Der Angriff* portrayed Hirschfeld as an embodiment of the malicious sexual disorder attributable to Jews. Antisemitism was central in this attack on Hirschfeld, and so were suggestions about the biological roots of non-normative sexualities. The attack on Hirschfeld demonstrates how Nazi antisemitism coincided with a biological model of sexuality. It also sounds concerns about media. The paper ran a large cartoon of his face that used typical antisemitic imagery to clearly identify Hirschfeld as Jewish. The article began with a biological explanation of the source of non-normative sexuality. It located sexual disorder in people who were hypersexual, “sick,” perverse, or biologically malformed. This group certainly included Hirschfeld and the movement for homosexual

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<sup>617</sup> “Schutz dem Schund!” *Der Angriff* 26 Nov. 1928.

<sup>618</sup> “Sexualorgien am Weihnachtsabend” *Der Angriff*, 24 Dec. 1928. “Wie Sie sich amuesieren” *Der Angriff* 23 July 1928.

<sup>619</sup> “Vom juedischen Arzt ueberfallen. Fuer deutsche Maedchen Spott und Hohn.” *Der Angriff* 18 June 1928.

<sup>620</sup> Atina Grossmann, *Reforming Sex: The German Movement for Birth Control and Abortion Reform, 1920-1950* (New York: Oxford University Press, 1995), Herzog, *Sex after Fascism*. 23.

emancipation. It also included sexual murderers (*Lustmörder*), pedophiles, and may have included disabled people and “feeble-minded” people:

There are people—or, more precisely, creatures with human faces—in whom thinking and feeling arise not from the brain, but rather are ruled by the lower body. In most cases this is due to severe hereditary burdens, the results of alcoholism and syphilis, which science identifies as hysteria and psychopathia. Every healthy *Volk* endeavors to exclude such sick elements and to make them as harmless as possible. Since 1918, the new German “democratic” regime and civil society has held back and allowed perversions to gain a place at the table in the realm of morality and erotics. Sexual murders have lately become “interesting personalities,” and the daily press competes to publicize and to sensationalize these and other similar matters. In particular, the respectable Sanitätsrat Dr. Magnus Hirschfeld, a Jew of course, has made it his life’s goal to make unnatural sinners (*Lasters*) out to be “natural” and to open door and gate to tolerance of them and the spreading of their vice.

Here, non-normative sexuality is related to eugenic degeneration; categories of disability and sexuality appear to be included. This biological disorder causes a range of behaviors that are essentially the same, so Hirschfeld’s movement of respectable homosexuals is linked to sexual murderers, and Hirschfeld is a sodomite and pedophile who “recruits” and uses his Institute for Sexual Science as a front to commit “sodomy” (*Unzucht*) and “boy defilement.” But also includes rhetoric about censorship and media. The article accuses Hirschfeld of “stir[ing] up public opinion through lectures, brochures,” and “periodicals.” What ties all these things together and provides the foundation is antisemitism.

The attack on Hirschfeld is distinct from other discourses in sexual politics because it is foremost and explicitly an antisemitic attack. The article accuses Hirschfeld himself of being homosexual, something he never admitted publicly. But in *Der Angriff*, Hirschfeld is a Jew before he is anything else. I do not mean to suggest that his sexual

and racial identities were separate in the Nazi worldview. But his Jewishness makes him the cunning leader of sexual degenerates rather than just another pervert. The article ends with what almost amounts to a death threat against Hirschfeld. It notes that Munich students nearly beat him to death after one of his lectures in 1920, and that “that is the only pleasantry that can be reported about the type Hirschfeld.”

In the electoral campaigns under the Republic in the early 1930s, this kind of antisemitic attack grew less common in *Der Angriff* and the *Völkischer Beobachter* as the newspapers repackaged Nazi sexual politics in ways that made them seem more like the pro-censorship politics of the Zentrum, religious Protestants, and others. Instead of calling readers’s attention to conspiracies of Jews, they made statements about morality that were so vague that readers could assumedly fill in the details according to their own opinions. They also explicitly called for censorship, and no longer in terms that were exclusively antisemitic. Antisemitism was far less pronounced, though still present.

The two newspapers did not frequently publish articles on non-normative sexualities in this period. For example, during the campaign for the March, 1932 presidential election, from January 1 to January 14 of 1932, the daily *Völkischer Beobachter* ran three articles that addressed non-normative sexuality explicitly. One was a front page complaint of “corruption of our *Volk*” (the “We Are Not Fighting For the Victory of a Party, We Are Fighting For the Preservation of our Volk” quoted at length above), the second was an article denouncing “filth” and “perverse” sexuality in Jewish-controlled theater, and the third was a small item on the increasing divorce rate.<sup>621</sup> In this same two-week period, the paper also ran several articles that did not explicitly mention

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<sup>621</sup> “Wir kämpfen nicht fuer den Sieg einer Partei, sondern fuer die Erhaltung unseres Volkes” *Völkischer Beobachter* Reichsausgabe 1/2 Jan. 1932. “Die unmoralische Anstalt” *Völkischer Beobachter* 9 Jan., 1932. *Völkischer Beobachter* Jan 10/11.

non-normative sexuality, but would probably have been linked to it by readers. These were an article in the Bavarian edition criticizing the supposedly Jewish-controlled press, which readers might have related to anti-*Schmutz* discourse (which at times coded the press as Jewish) and an article blaming Jews for jazz (jazz being frequently associated with the African Diaspora and hypersexuality), and an article on youth education (which some readers might associate with moral threats to youth.)<sup>622</sup>

Indeed, non-normative sexuality is noteworthy for where the newspapers failed to mention it. A list of grievances against the Republic that was published in the run-up to the pivotal July 1932 election seems a likely place to note the “moral corruption of the Volk.” The list does blame the Republic for the replacement “of the censor” with “a gagging of opinions (*Meinungsknebelung*) in press and propaganda.”<sup>623</sup> But this seems to refer not to the “filthy” media, which the paper claimed elsewhere was still out of control, but to government bans on Nazi Party activities. Issues of sexuality are not among the Nazi list of grievances against the Republic published just before a vote that the party hoped (futilely) would win the presidency for Hitler.

The downplaying of sexuality coincided with what appears to be a downplaying of antisemitism. For example, in the first 15 days of April 1932, one of the few explicit references to Jews in the daily *Der Angriff* was in 1932 article by Goebbels, in which he seemed almost defensive about Hitler’s antisemitism: “If he fights against the Jews it is not because he embraces a dull or stupid Antisemitism, but rather because in the Jews he

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<sup>622</sup> “Niedertraechtige Judenheße gegen Adolf Hitler” *Völkischer Beobachter* Bayernausgabe, 5 Jan 1932. *Völkischer Beobachter* Jan. 6/7. Gotthart Ammerlahn, “Vergeßt das “Jungvolk” Nicht!” *Völkischer Beobachter* 13 Jan 1932.

<sup>623</sup> “Freiheit, Schoenheit und Wurde!” *Völkischer Beobachter* 15 July 1932.

has recognized the symbol of the German decline.”<sup>624</sup> In this same period, only a few articles dealt explicitly with sexuality.

At the same time, the newspapers courted Zentrum voters on sexuality issues. A January 1932 front page *Völkischer Beobachter* article titled “We Are Not Fighting For the Victory of a Party, We Are Fighting For the Preservation of our Volk” is typical of the paper’s 1930s presentation of sexuality issues. It refrains from explicit antisemitism, hints at sexual decline, and connects sexuality to other issues.

For seventy years in Germany, depraved (*verruht*) bourgeoisie (*bürgerlich*) parties have consumed the strength of the national conscience and have delivered our Volk nearly entirely into Marxism. For seventy years, the parties of democracy, and later the strong Christian Zentrum, committing sodomy (*widernatürlicher Unzucht*) with the prophets of Bolshevism, have helped to corrupt our Volk...If our National Socialist movement were not a counterweight against Marxism today, tomorrow Germany would be Bolshevik.<sup>625</sup>

The metaphor of the Zentrum/SPD alliance as sodomy certainly would appeal to religious Catholics and Protestants who were horrified by the 1929 move to repeal Paragraph 175. (The legal definition of illegal sex between men was “unnatural (*widernatürlich*) obscene acts.”)<sup>626</sup> Such a crass mention of sodomy might have alienated others.

This article suggests that the Zentrum has been corrupted by the SPD via metaphorical homosexual seduction, a comment on sex, sexual politics, and politics in general. In addition, this article makes general references to German moral decline dating back to German Unification in 1871, and blames current moral corruption on Marxism. Yet, overall, the article is vague on what constitutes the “corruption” of the “Volk.”

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<sup>624</sup> Joseph Goebbels, “Adolf Hitler als mensch” *Der Angriff*, 4 April, 1932.

<sup>625</sup> “Wir kämpfen nicht fuer den Sieg einer Partei, sondern fuer die Erhaltung unseres Volkes” *Völkischer Beobachter* Reichsausgabe 1/2 Jan. 1932.

<sup>626</sup> “‘Christentum ist Kannibalismus...’ Die religionsfeindlichen Koalitionsbrüder des christlichen Zentrums” *Völkischer Beobachter* 22 July 1932.



Antisemitism is not explicit, though in general the newspaper coded both moral corruption and Marxism as Jewish. High profile, national debates on non-normative sexuality, such as the passage of the 1927 VD Law, go unmentioned.

However, vehement Nazi Party opposition to the repeal of Paragraph 175, portraying itself as the most effective political fighter against male homosexuality was a difficult task for the Nazi Party in 1932. In 1931, the SDP-affiliated *Munich Post* published private letters written by Ernst Röhm, the head of the Nazi Party's paramilitary force the SA (*Sturmabteilung*). Röhm letters were addressed to a friend of his and detailed his romantic adventures with men. In one letter, Röhm discussed trouble he had had with other Nazis because of his sexuality. "I make no secret of my inclination (*Einstellung*)," he wrote.<sup>627</sup> Röhm's letters were published in an effort to discredit the Nazi Party by portraying it as a movement of homosexual men. The *Munich Post* alleged that the Party's youth organization was an excuse for homosexuals to seduce teenaged boys.<sup>628</sup> The *Völkischer Beobachter* claimed that the letters were forged.<sup>629</sup> The Röhm scandal consumed the national press.<sup>630</sup>

Sexual politics was just one set of issues on which the *Völkischer Beobachter* sought to associate the Zentrum with the "system."<sup>631</sup> At least three other articles on this same front page claimed that the Nazi Party was a Christian party, something the

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<sup>627</sup> Cited in Herbert Heinersdorf, "Akten zum Falle Röhm," (II. Teil) *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 33 April/Aug. 1932

<sup>628</sup> The *Mitteilungen des Wissenschaftlich-humanitären Komitees* republished the *Munich Post* articles and published extensive commentary on the Röhm scandal in Nr. 31 Sept./Dec. 1931, Nr. 32 Jan/March 1932, Nr. 33 April/Aug. 1932, and Nr. 34 Sept 1932/Feb 1933.

<sup>629</sup> Cited in Herbert Heinersdorf, "Akten zum Falle Röhm" (II. Teil) *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 33 April/Aug. 1932. When Hitler had Röhm and other SA leaders assassinated for political reasons in 1934, the Nazi press claimed that the assassinations were an action to clean up a homosexual cabal.

<sup>630</sup> Florence Tamagne, *The History of Homosexuality in Europe: Berlin, London, Paris 1919-1939* (New York: Algora Publishing, 2004). 15.

<sup>631</sup> "Das Volk hat auf der ganzen Linie gesiegt!" *Völkischer Beobachter* 29 July 1932.

Zentrum disputed.<sup>632</sup> In other articles, the *Völkischer Beobachter* attacked the Republic as godless, disputed that Nazism was anti-Christian, and accused the Zentrum of countenancing the payment of war reparations under the Versailles treaty.<sup>633</sup> Nazi appeals to Zentrum voters failed. Zentrum voters are one of the few voting blocks that historians have identified as consistently unlikely to vote Nazi.<sup>634</sup>

The vain effort to woo Zentrum voters in part with appeals to their sexual politics serves as an example of how the prioritization of antisemitism in Nazi discourses of non-normative sexualities distinguished them. The Nazis sound exactly like neither the dirty media discourse nor scientific discourses. They were at times compatible with both, but the sum of their positions was identical with neither. The Nazis called for driving sexual content of media by wresting control of German media from the Jews. They promoted sterilization on both eugenic and racial grounds, criticizing the law in preparation in Prussia for failing to take race into account.<sup>635</sup> They opposed the 1927 VD Law, but debated its utility. Some Nazis argued for the law. Others accepted some of the arguments in favor of the law.<sup>636</sup> They opposed the repeal of Paragraph 175. These complex positions may be the result of internal disagreement. But they also stem from

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<sup>632</sup> *Völkischer Beobachter* Reichsausgabe 1/2 Jan. 1932. Zentrum disputes this: Childers, 113-114.

<sup>633</sup> "14 Jahre Kulturpolitik mit Gottlosen," 23 July, 1932; "Halt! Katholizismus und Nationalsozialismus!" 27 July 1932; "Das Volk hat auf der ganzen Linie gesiegt!" 29 July 1932, all in *Völkischer Beobachter*.

<sup>634</sup> Thomas Childers, *The Nazi Voter: The Social Foundations of Fascism in Germany, 1919-1933* (Chapel Hill: U. of North Carolina Press, 1983), 258. Detlev J. K. Peukert, *The Weimar Republic: The Crisis of Classical Modernity* Richard Deveson, trans. (New York: Hill and Wang, 1993) #.

<sup>635</sup> Report of the Pr. Landesgesundheitsrat session of 2 July 1932, BArch Lichtefelde R 3001 6094.

<sup>636</sup> See the debate on the law in the *Völkischer Beobachter*, 29 Sept. 1927, 5 Nov. 1927, 28 Dec. 1927, 11 Feb. 1928. The uniqueness of the Nazi take on women's sex work was made manifest in their approach to women's sex work once in power, which matched neither of the major positions for and against the 1927 VD Law. Roos, "Backlash against Prostitutes' Rights." Annette Timm, "Sex with a Purpose: Prostitution, Venereal Disease, and Militarized Masculinity in the Third Reich," in *Sexuality and German Fascism*, ed. Dagmar Herzog (New York: Berghahn Books, 2005).

the prioritization of antisemitism in the Nazi politics of non-normative sexuality in the Weimar period.

Zentrum voters might have been drawn to Nazi calls for censorship. However, when biological models of sexuality were at stake, the Zentrum and Nazi views clashed. One example of this is Nazi support for sterilization. Following the 1930 papal encyclical *Casti connubii*, which condemned eugenic sterilization, many Catholic voters (the Zentrum's main constituency) would have approached questions of sterilization warily.<sup>637</sup> Catholics had additional reasons not to vote Nazi, such as the party's anti-Christian reputation, which the Zentrum trumpeted.<sup>638</sup> Issues of sexual morality were insufficient to overcome Zentrum voter trepidation when it came to the Nazis. They were probably more of a draw for Protestant voters who were concerned about lax censorship, but in any event, they were not a major point of Nazi propaganda in the 1930s. Nazi sexual politics were neither the pro-censorship politics animated by fears of "seduction through media," nor a biopolitical approach to managing "abnormal" sexualities. This forced the Nazis to appeal beyond the antisemitic right by repackaging their discourse of non-normative sexuality. Repackaging may have made it easier for many to vote Nazi, but the Nazi Party does not appear to have considered sexual politics among its major assets in enticing a broad electorate.

Indeed, after 1933 Nazi state policies on non-normative sexuality matched none of the hegemonic positions on sexual politics during the Weimar era. Though the Nazi state instituted the strict censorship that activists against "filthy" media had long called for, Nazi promotion of supposedly healthy sex between women and men contravened the

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<sup>637</sup> However, prominent Catholics did back eugenics. Burleigh, *Death and Deliverance*, 42. Weindling, *Health, Race and German Politics*, 459.

<sup>638</sup> Childers, *Nazi Voter*, 113-114.

norms of sexuality that the censorship movement believed strict control of media would preserve. Nazi persecution of men who had sex with men proceeded according to both biological models and seduction models.<sup>639</sup> The dictatorship did ban women's street soliciting, a prime complaint of the disgruntled opponents of the 1927 VD Law. But the regime went on to harness women's sex work to its own ends, establishing its state brothels and using sex as an incentive.<sup>640</sup> The 1933 sterilization law exceeded all but the most radical plans for eugenic sterilization put forward under the Weimar Republic, though it used the eugenic categories that had circulated in Weimar-era debates.

The rise of the Nazi state drastically changed sexual politics. The activists I have written about did not fare well. Hirschfeld began a new life in exile in France, but suffered a stroke in May, 1935. He died on 14 May 1935, his sixty-fifth birthday about two years to the week that the Institute was destroyed. He had suffered from diabetes as an adult. Apparently on the run in Nazi-occupied Europe, Karl Giese took his own life in 1938.<sup>641</sup> Richard Linfert died in 1934 after a brief illness.<sup>642</sup> The Gestapo arrested Kurt Hiller shortly after the Nazis took power and imprisoned in a concentration camp. He survived and fled Germany. He returned after the war and became active in left politics.<sup>643</sup> The Nazis also arrested Lotte Hahm, the transvestite activist and social club leader. She was charged with "seducing" a young woman into lesbianism and sent to a concentration camp. Hahm survived the Nazi regime and later became active in politics

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<sup>639</sup> Geoffrey Giles, "The Denial of Homosexuality: Same-Sex Incidents in Himmler's SS and Police," in *Sexuality and German Fascism*, ed. Dagmar Herzog (New York: Berghahn Books, 2005).

<sup>640</sup> Timm, "Sex with a Purpose: Prostitution, Venereal Disease, and Militarized Masculinity in the Third Reich."

<sup>641</sup> Wolff, *Magnus Hirschfeld*, 410-416.

<sup>642</sup> Kurt Hiller, "Richard Linfert Tot" *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 34 Sept. 1932/Febr. 1933.

<sup>643</sup> Kurt Hiller, *Leben Gegen Die Zeit*, vol. I (Logos) (Hamburg: Rowohlt, 1969).

following the war.<sup>644</sup> The Nazis banned the homosexual press and shut down many bars for men and women.<sup>645</sup>

Nazi state policies on sexuality neatly matched none of the major political positions in the Weimar-era battles over non-normative sexuality. Crucial continuities exist between sexual politics in the Weimar and Nazi eras. But the history of the Weimar Republic has as much to tell us about sexual politics in “liberal” states as it does about Nazi sexual politics.

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<sup>644</sup> Claudia Schoppmann, *Days of Masquerade: Life Stories of Lesbians During the Third Reich*, trans. Allison Brown (New York: Columbia University Press, 1996).

<sup>645</sup> Jens Dobler, *Von Anderen Ufern: Geschichte Der Berliner Lesben und Schwulen in Kreuzberg und Friedrichshain* (Berlin: Bruno Gmünder Verlag, 2003).

## Conclusion

During the Weimar Republic, Germans debated what, if anything, the state ought to do about the non-normative forms of sexuality that certain factions claimed were increasingly common and threatening to the nation. In these political battles, advocates of toleration of sexual diversity or of sexual liberation for all did not face off against advocates of repression. Rather, two loosely defined coalitions fought to institute two different schemes for state management of sexualities. One coalition consisted of believers in media's power to spread sexual disorder advocated for censorship. They won what they regarded as a mostly empty victory with the passage of the 1926 Law to Protect Youth From Filthy and Trashy Writings. A more successful, more diverse coalition gathered behind various biological and medical models of non-normative sexualities. Toward the end of the 1920s and beginning of the 1930s, the German state increasingly approached perceived problems caused by non-normative sexuality as biological problems. This trend encompassed eugenics, but was not limited to eugenics. The 1929 vote against Paragraph 175 demonstrates that some advocates of media censorship and backers of biological explanations of homosexuality could join forces behind a reform that would have decriminalized some forms of male homosexuality, cracked down on men's sex work, and supposedly prevented both blackmail and homosexual "propaganda."

I narrate this trend toward reform based on biology and medicine not as liberation or toleration of sexual outsiders, but as a new form of state management of sexualities.

Two of the legal reforms or proposed reforms I have examined—the 1927 reform of laws on women’s sex work and on venereal disease transmission, and the 1929 vote against Paragraph 175—have been evaluated as greater state toleration of sexual outsiders. The fact that they actually changed the nature of and in some cases increased state interference in the lives of some sexual outsiders while extending toleration to others is one caution against this reading. Another caution consists in the connections between these two reforms and the movement for eugenic sterilization. I have examined what indeed the deregulation of female prostitution and decriminalization of private, non-commercial sex between adult men had to do with eugenic sterilization, the criminalization of male sex work, and venereal disease control. I argue that all of these things ought to be read together as the politics of non-normative sexualities. When they are read together, the emancipation that Magnus Hirschfeld and many other sexual outsiders hoped for seems a complex and historically specific matter.

In the Weimar period, reformers sought a new kind of relationship between the German welfare state and the sexuality of its citizens. I wonder whether this can be usefully analyzed as a kind of sexual citizenship, a perceived set of rights and duties *vis a vis* the state that was adjudicated differently to individuals depending on perceptions of their sexuality. Biological models of sexuality distinguished perceived dangerous non-normative sexuality from among other non-normative sexualities. These models identified some outsider sexualities as dangerous because they had a capacity to harm not just individuals, but the nation. Some harms were themselves biological threats to the German population: spreading venereal disease and hereditary degeneracy transmitted into the future through reproduction. Some harms were social or economic problems:

spreading non-normative sexualities, sex crime, crime in general, increasing welfare and prison expenditures. In all three cases, German politicians, social critics, activists, and bureaucrats envisioned using medical methods or physical intervention to manage dangerous non-normative sexualities. People with dangerous sexualities were forced to get venereal disease treatments, incarcerated in hospitals, or segregated from the general population in institutions. Some were sterilized.

The historical context in which I seek to position this admittedly tentatively defined sexual citizenship is not Nazi state biopolitics. Though important continuities between Weimar-era biopolitics and Nazi-era biopolitics exist, important differences exist as well. The distinguishing of dangerous non-normative sexuality accomplished by sexual citizenship was not a distinction between life and death, though under the Nazi State it transmuted into such a distinction. Weimar era sexual politics did not lead to the total exclusion of those deemed dangerous or “abnormal” from German society. Rather, their relationship with the state and its attendants (health bureaucracies, doctors deputized to use the state’s coercive power, welfare workers) would be fundamentally different from that of other Germans.

Can this be understood as a form of differentiated sexual citizenship? Such a historical model would note that categories of physical and mental disability, more broadly, medicalized ideas of what made a body “normal,” were frequently the criteria for excluding some Germans from full sexual citizenship. As excluded, they could be subject to a range of state compulsions. Germans included in sexual citizenship conversely took on duties. They were obligated to remain aware of their venereal disease status. They had to keep their sex discreet. Even some sexual “abnormals” could be



included in sexual citizenship, so long as their bodies could be recognized as “normal,” or at least as not biologically dangerous, and so long as they could keep their sexuality within the proscribed limits. Had the Weimar Republic survived the Depression and had the Nazis not taken power in 1933, a politics of sexual citizenship seems likely to have led to the actual decriminalization of private, non-commercial sex between consenting men over twenty-one years of age. Sexual citizenship is a way to read the decriminalization of male-male sex not as “liberation,” (though by other rubrics it could be read as liberation, and certainly may have been experienced as liberation by some people) but as a shift in systems of regulation. Many people remember the Weimar period as a time when sexual outsiders were tolerated, an era cut short by the rise of the Nazis. How does this popular history change when the Weimar period is rather narrated as a time when increasing state-managed biological intervention in the lives of some sexual outsiders was predicated on decreasing state interest in policing other sexual outsiders?

Weimar-era sexual politics seems to resemble trends in other European states contemporary with the Weimar Republic. I shy away from drawing strong conclusions with regard to this notion, as my work here is in its preliminary stages. However, I take this opportunity to suggest some possible connections, in particular in what may be a trend to institute both eugenic sterilization and the decriminalization of male homosexual sex. Denmark passed a eugenic sterilization law in 1929.<sup>646</sup> It decriminalized sodomy

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<sup>646</sup> Bent Sigvard Hansen, “Something Rotten in the State of Denmark: Eugenics and the Ascent of the Welfare State,” in Gunnar Broberg and Nils Roll-Hansen, *Eugenics and the Welfare State: Sterilization Policy in Denmark, Sweden, Norway, and Finland* (East Lansing: Michigan State U. Press, 1996) 9-76.

the following year.<sup>647</sup> Finland also passed a sterilization law in the 1930s. Thomas Etzemüller writes that in both Denmark and Finland, the “mildly mentally retarded” (*Geistesschwachen*) were seen as an enormous social danger because they lived in society unrecognized and had “above-average sexual activity and fertility and thereby passed on their mental weakness.”<sup>648</sup>

The terms of the Danish debate on sterilization bore similarities to the German debate during the Weimar Republic. Danish politicians cited German experts in the debate on the sterilization law that eventually passed,<sup>649</sup> and Germans followed the Danish debate.<sup>650</sup> In a 1930 article, the Social Democrat’s organ *Vorwärts* used the example of Denmark’s law to sketch for its readers a sterilization program to control abnormal sexuality. It described how Denmark’s new law allowed for people with an “abnormally strong or diseased” sex drive to be sterilized, but that in Germany even such people who asked for sterilization could not be sterilized. *Vorwärts* noted that since “feeble-minded” people were incapable of consent to sterilization, they would have to be sterilized by compulsion.<sup>651</sup>

In Sweden, the decriminalization of male-male sex in the 1940s was coupled with the passage of a castration law. Politicians argued that legal castration was needed to prevent sex crimes. Swedes who were castrated included institutionalized mentally ill

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<sup>647</sup> Jan Löfström, “Introduction: Sketching the Framework for a History and Sociology of Homosexualities in the Nordic Countries,” *Scandinavian Homosexualities: Essays on Gay and Lesbian Studies* (Binghamton, NY: Haworth Press, 1998), 8.

<sup>648</sup> Thomas Etzemüller, “Sozialstaat, Eugenik und Normalisierung in Skandinavischen Demokratien,” *Archiv für Sozialgeschichte* no. 43 (2003). 507.

<sup>649</sup> Bent Sigurd Hansen, “Something Rotten in the State of Denmark: Eugenics and the Ascent of the Welfare State,” in Gunnar Broberg and Nils Roll-Hansen, *Eugenics and the Welfare State: Sterilization Policy in Denmark, Sweden, Norway, and Finland* (East Lansing: Michigan State U. Press, 1996) 9-76.

<sup>650</sup> “Dr. E.” called for sterilization in Germany similar to what Denmark had just legislated in “Die Ausmerzungen Minderwertiger” *Reichsbote* 15 Feb. 1930.

<sup>651</sup> “Minderwertigensterilisierung in Dänemark” *Vorwärts* April 10, 1930.

people, sex criminals (including men who had sex with underage men). At the same time that the 1944 Castration Act passed, the Swedish state strengthened its oversight of sex work by minors. German sexology, including Hirschfeld's work, was influential in Sweden.<sup>652</sup>

European states that are quite regulatory of non-normative sex at times gain a reputation for being generally tolerant of sexual diversity. I may be accused of flagrant ahistoricity for drawing contemporary Sweden into my discussion, but I offer it only as a case of state regulation that seems to be capable of being read as tolerant and open from one view, but regulationist from another view. Don Kulick writes that in 2005, Sweden enjoyed a reputation for tolerance of sexual diversity. The Swedish state, according to Kulick, did not merely tolerate diverse sexualities, it distinguished good sex from bad sex, and regulated bad sex. He writes that Sweden had both “a generally affirmative attitude toward sex” and “some of the harshest sex laws in Europe—sex laws justified not by moral prudishness or religious conservatism but by individual fulfillment and the social good.”<sup>653</sup> These regulations included a law on HIV similar to Germany's 1927 VD Law. The Swedish law allowed for a person with HIV to be incarcerated without a criminal trial if doctors believed they might not inform their partners of their HIV status.<sup>654</sup> In part because of legal sex work there, the Netherlands has a reputation in the U.S. as sexually liberated place. Though I am tempted to refer to present-day Sweden and the Netherlands in order to suggest a brand of sexual politics linked to European social democracy and the sex reform movement of the 1920s that was at work in

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<sup>652</sup> Jens Rydström, *Sinners and Citizens: Bestiality and Homosexuality in Sweden, 1880-1950* (Chicago: U. of Chicago Press, 2003), 175; 325-326.

<sup>653</sup> Don Kulick, “Four Hundred Thousand Swedish Perverts,” *GLQ* 11:2 (2005), 208.

<sup>654</sup> Kulick, 208-209.

Germany in the 1920s and that might have survived longer in Germany had the Republic not fallen, such an argument would certainly be ahistorical and barely defensible in a historical study.

I do not seek to elaborate biopolitical sexual citizenship in Weimar-era Germany in order to issue a blanket warning against biological determinism. The social constructionist model that reigned during the Weimar Republic, seduction through media, did not prove particularly liberating for sexual outsiders. Joanne Meyerowitz notes that both social constructionist models and biological models can both be helpful to sexual outsiders or not, depending on the politics in which they are deployed.<sup>655</sup> This study demonstrates Meyerowitz's point. Yet, censorship politics and biopolitics led to very different sorts of government programs, and in Weimar-era Germany did lead to emancipation for some men from Paragraph 175, a result that Hirschfeld welcomed despite the misgivings of other activists. Hirschfeld's sexology and activism came out of a period in Germany when a reform movement that drew on biopolitics and eugenics seemed poised to actually win homosexual emancipation. Hirschfeld's work on the model of homosexuality as biological influenced activists that followed him in Germany and beyond.

Not all movements for queer liberation have made biological models of sexualities central. However, in the early twenty-first century, some activists for queer liberation in Europe and North America are deploying biological models to argue against legal discrimination. Genetics has replaced eugenics as the promised great and powerful key to the riddle of sexuality's connection to the body; indeed, genetics has been

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<sup>655</sup> Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge: Harvard University Press, 2002).

deployed to naturalize everything from homosexuality to race to capitalism.<sup>656</sup> At the same time, some activists for disability rights are deeply skeptical of genetics and its categorization of bodies.<sup>657</sup> Disability studies seeks to destabilize concepts of the “normal” body, calling for bodies and minds to be valued “in their incredible variety” rather than according to an able/disable binary.<sup>658</sup> Robert McRuer calls for both disability and homosexuality to be analyzed as a produced, often interlocking systems of meaning, not the natural order of things.<sup>659</sup> The disability rights movement in Germany has expressed concern about biomedical research and has sought to educate the German public about bioethical dilemmas.<sup>660</sup> During the Weimar Republic, activists for homosexual emancipation were hard pressed to explain how, if sexuality had a biological basis, their bodies were in fact “normal,” or at least, not dangerous by the rubric of biopolitics. This argument is quite possible to make. Hirschfeld did make it, comparing homosexuality to comparatively rare, natural variations such as left-handedness. However, the argument entailed establishing divisions from other sexual outsiders, not forming coalitions with other sexual outsiders. And prevailing discourses of

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<sup>656</sup> See, for example, David France, “The Science of Gaydar” *New York Magazine* June 25, 2007. Richard Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1996); Gregory Clark, *A Farewell to Alms: A Brief Economic History of the World* (Princeton: Princeton U. Press, 2007)

<sup>657</sup> Dieter Mattner, “Die Erfindung Der Normalität,” in *Der (Im)Perfekte Mensch. Vom Recht Auf Unvollkommenheit.*, ed. Stiftung Deutsches Hygiene-Museum und Deutsches Behindertenhilfe-Aktion Mensch e.V. (Ostfildern-Ruit: Hatje Cantz Verlag, 2001). Christopher Newell, “Critical Reflections on Disability, Difference and the New Genetics,” in Gabrielle O’Sullivan, Evelyn Sharman, and Stephanie Short, eds. *Goodbye Normal Gene: Confronting the Genetic Revolution* (Australia: Pluto Press, 1999), 59.

<sup>658</sup> Robert McRuer and Abby L. Wilkerson, “Introduction” *GLQ: A Journal of Lesbian and Gay Studies* Vol. 9 Nr. 1-2 (2003) 14.

<sup>659</sup> *Crip Theory: Cultural Signs of Disability and Queerness* (New York: New York U. Press, 2006).

<sup>660</sup> Stiftung Deutsches Hygiene-Museum und Deutsche Behindertenhilfe-Aktion Mensch e.V., ed., *Der (Im)Perfekte Mensch. Vom Recht Auf Unvollkommenheit* (Ostfildern-Ruit: Hatje Cantz Verlag, 2001), Carol Poore, *Disability in Twentieth-Century German Culture* (Ann Arbor: University of Michigan Press, 2007). 307-323.

homosexuality's biological basis continued to pathologize it, as the debate in the Reichstag penal code reform committee on Paragraph 175 shows.

Biological arguments, even genetic arguments, seem to put the definition of a "normal" body at issue. Disability activists today reject this recourse to biology and argue that "normal" body is a social, not a biological construct. Indeed, many scholars draw on Judith Butler's work to conceptualize the body itself as always a cultural produce before anything else.<sup>661</sup> Carolyn Dean writes: "Sexual pleasure is thus not a trans historical natural instinct. I do not mean to imply that sex has no basis in biology but to suggest that biology itself is inextricable from cultural meaning."<sup>662</sup> As sexual outsiders and disabled people have historically been categorized together, it is unsettling to see queer activists essentially making "normal" body arguments when a coalitional politics seems within reach.

No such thing as a gay gene exists now: geneticists argue that genes do not cause behaviors, and that no single gene could in any case cause such a complex behavior.<sup>663</sup> However, it is likely that one will be found (that is, it is likely that more scientists will believe that they have found one.)<sup>664</sup> When that happens, activists will face Hirschfeld's dilemma: they will have to explain that a biological abnormality is not a pathology. They may accept biopolitical regulation of some sexual outsiders or some "abnormal" bodies,

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<sup>661</sup> Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), — — —, *Bodies That Matter: On the Discursive Limits of Sex* (New York: Routledge, 1993).

<sup>662</sup> Carolyn J. Dean, *Sexuality and Modern Western Culture* (New York: Twayne, 1996).

<sup>663</sup> For a useful overview of the 1990s research on the gay gene and the gay brain and critiques of the studies, see Robert A. Nye, ed., *Sexuality* (Oxford: Oxford University Press, 1999). 285-305. See also: Joan Roughgarden, *Evolution's Rainbow: Diversity, Gender, and Sexuality in Nature and People* (Berkeley: University of California Press, 2005), Stephen Jay Gould, *The Mismeasure of Man* (New York: Norton, 1996).

<sup>664</sup> For example, see Natalie Angier, "Report Suggests Homosexuality Is Linked to Genes," *New York Times*, July 16, 1993. See also Roy Porter's critique of Simon LeVay's work, "Born That Way?" *New York Times*, August 11, 1996.

as Hirschfeld did. Yet, a social constructionist model of sexuality may not prove any more helpful. In 1929, the WhK wrote to the Berlin psychiatrist Arthur Kronfeld to get his opinion on whether homosexuality was an innate biological condition. Kronfeld wrote back that he supported striking Paragraph 175, but that he held the question of homosexuality's biological basis to be "fully irrelevant," and that furthermore, "whoever...assumes that proof of a constitutional basis of this kind is a prerequisite for the decriminalization of homosexuality makes a logical-methodological error...the decriminalization of homosexual behavior follows fundamentally from legal theory..."<sup>665</sup> Pursuing a politics of sexual diversity does not require locating the origin point of sexual diversity.

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<sup>665</sup><sup>665</sup> "Zur "konstitutionellen Bedingtheit" der Homosexualität" *Mitteilungen des Wissenschaftlich-humanitären Komitees* Nr. 26 Dec. 1929/ Jan. 1930.

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