

March 5, 2020

Dear Colleagues,

Thank you for taking the time to read my chapter "Ambivalent Animus: Homosexuality and Socialism in East Germany." It is the third chapter of my book manuscript, currently titled *States of Liberation: Homosexuality between Dictatorship and Democracy in Cold War Germany*.

The book examines homosexuality in East and West Germany from 1945 until the fall of the Berlin Wall in 1989. In so doing it aims to understand the relationship between homosexuals and the state in each Germany. The book's first section deals with the persecution of homosexuality, which occurred in very different ways in East and West Germany. In comparing how and why that persecution took place, I argue that homophobia, the term scholars typically use to describe and explain anti-gay persecution, is in fact too broad a concept to be of use to historians of homosexuality.

Chapter Three falls squarely in the middle of this first section and is the reader's first real introduction to East Germany (Chapter One provides background on homosexuality in Germany up to 1945, and Chapter Two looks at homosexuality in West Germany between 1949 and 1969). Relying on files from the East German secret police (Stasi) archive and from municipal government archives, it describes the East German dictatorship's ambivalent approach to homosexuality and the ramifications its policies had on the everyday lives of gay men.

I am in the midst of revising my manuscript and plan to submit it for peer review at the end of the summer. Your comments and critiques will therefore be extremely useful to me.

As a final note, I am aware that there are missing footnote numbers—this is not an oversight, but rather an unfortunate side-effect of using track changes in Word.

Again, thank you. I very much look forward to our discussion.

My best,

Sam

## CHAPTER 3

### *Ambivalent Animus:*

#### *Homosexuality and Socialism in East Germany*

Across the Iron Curtain, things were at once different and the same. On the evening of January 30, 1954, a gay West Berliner wandered to the eastern half of the city. At a bar in central Berlin he met two young military officers, whom he invited home with him.<sup>1</sup> Though the men did not return with him that night, they agreed to meet again the following week.<sup>2</sup> On February 6, after drinks, they made their way to his apartment in Schöneberg, one of Berlin's traditionally gay neighborhoods. En route, the two officers arrested the man, because "they arrived at the view that he was an intelligence agent who wanted to abduct them."<sup>3</sup> Over two months later, East German prosecutors charged him under §175 and crimes under Allied Control Council Directive Nr. 38, which governed the prosecution of Nazi sympathizers and partisans.<sup>4</sup>

We must imagine the poor man would have been scared. Were he convicted, he might have faced years of hard labor in an East German prison. But the prosecutor abruptly reversed course after the trial and recommended that the non-sodomy charges be dropped. He justified his decision with the argument that there was no proof that he wanted to turn them over to an espionage agency.<sup>5</sup> On the charge of §175, the court declared him not guilty.<sup>6</sup> Had the man been caught attempting to pick up two young men in West Berlin in 1954, he almost certainly would have been convicted under the law, which in West Germany criminalized a vastly more expansive set of activities.

Strange as the case may seem, it is actually a good window into the East German gay subculture and the communist regime's interactions with it. Unlike West Germany, which remained on a path similar to its National Socialist predecessor, East Germany broke early with that past. Its courts revoked the Nazi-era version of §175, no longer persecuting gay men as the Hitler state had and West Germany continued to do. But pockets of anti-gay animus lingered within East Germany. While a ubiquitous fear of prosecution did not weigh gay men down in the East, the party ensured that homosexuals would have no place in the government or the military. More than anything else,

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<sup>1</sup> Stasi Archive (*Die Behörde des Bundesbeauftragten für die Stasi-Unterlagen* or BStU), MfS - AU, Nr. 390/58, 45.

<sup>2</sup> BStU, MfS - AU, Nr. 390/58, 47.

<sup>3</sup> BStU, MfS - AU, Nr. 390/58, 47.

<sup>4</sup> "Control Council Directive No. 38," October 12, 1946, [http://germanhistorydocs.ghi-dc.org/sub\\_document.cfm?document\\_id=2307](http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=2307).

<sup>5</sup> BStU, MfS - AU, Nr. 390/58, 79.

<sup>6</sup> BStU, MfS - AU, Nr. 390/58, 81.

East Germany's tenuous hold on legitimacy and its fraught relationship with the West shaped the lives of its gay citizens.

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When it came to homosexuality, the German Democratic Republic started off on a progressive note. The Soviet Union and the Socialist Unity Party that ruled the GDR positioned the new country as an “anti-fascist” alternative to the supposedly fascist and imperialist Federal Republic.<sup>7</sup> In its early years, the regime tried many former Nazis, purging them from positions of power, in stark contrast to West Germany's amnesty policies.<sup>8</sup> The communist regime contended that its legitimacy stemmed from its successful repudiation (and the Federal Republic's continued complicity with) the Nazi past. In a legal context, this meant Nazi-era laws, including §175, had to go. That Germany's socialist and communist parties had pressed for §175's repeal since the 1920s further legitimated the law's reform.<sup>9</sup>

The regime's anti-fascism and the party's traditional antipathy toward §175 led East Germany to nullify the law in 1950. Regional courts in Halle and Berlin as well as the new Supreme Court found §175 to be “characteristically nazistic and therefore void.”<sup>10</sup> The Weimar-era version that thereafter obtained made it substantially harder to win convictions, for it criminalized only “intercourse-like” acts. These changes explain why the East German court found the man from West Berlin not guilty under §175—he had not engaged in penetrative sex with either of the two officers.

In 1957 the government promulgated a new *Supplementary Criminal Code*. Its §8 held that no crime existed, whatever the criminal code might say, if there were no “injurious consequences for the GDR.”<sup>11</sup> This meant that, in theory, prosecutors would no longer apply §175 in cases of consensual sex between adult men.<sup>12</sup> Nonetheless, Erik Huneke, Klaus Berndt, and Vera Kruber all recently discovered evidence that the GDR continued to employ §175 until 1959 and possibly beyond. But, various publications from the late 1950s and early 1960s indicated that, in general,

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<sup>7</sup> Herf, *Divided Memory*, 163.

<sup>8</sup> Fulbrook, *Reckonings*, 240-245.

<sup>9</sup> Marhoefer, *Sex and the Weimar Republic*, 128; Beachy, *Gay Berlin*, 237.

<sup>10</sup> OLG Halle, “Beschluss v. 20.9.1948—1 Ws 53/48,” *Neue Justiz: Zeitschrift für Recht und Rechtswissenschaft*, 1949, 144.

<sup>11</sup> *Gesetz zur Ergänzung des Strafgesetzbuches*, 11 December 1957, §8.

<sup>12</sup> Bert Thinius, “Erfahrungen schwuler Männer in der DDR und in Deutschland Ost,” in *Homosexualität in der DDR: Materialien und Meinungen*, ed. Wolfram Setz (Hamburg: Männerschwarm Verlag, 2006), n. 9; There exist numerous references to a Berlin *Kammergericht* decision of the same year holding that consensual acts between adult men could not be prosecuted. These mentions are generally un-cited, however, and I have not found any evidence of such a ruling. See in particular Stümke, *Homosexuelle in Deutschland*, 166.

consensual adult homosexuality was no longer punished.<sup>13</sup> “Homosexual activity is punished in the GDR,” the 1964 *Dictionary of Sexology* averred, “only when a considerable social danger exists.”<sup>14</sup> Surviving criminal accounts suggest that after 1957 prosecutors employed §175 in cases in which the accused had in some way endangered the regime. At the same time, the GDR continued to employ §175(a) to punish both the so-called seduction of youth and male prostitutes, both of which the government considered a threat to society.

Because of these court decisions and reform efforts, East Germany convicted far fewer men under §175 than West Germany. Whereas Western courts sentenced over fifty thousand men between 1949 and 1969, the socialist regime convicted far fewer.<sup>15</sup> In the period 1957-1959, the only years for which we have precise East German figures, West Germany annually convicted over six times as many people, per capita, than did East Germany under §175.<sup>16</sup> Significantly, East German courts in those three years annually convicted sixty percent fewer men, per capita, under §175 than did the Weimar Republic between 1919 and 1932. This discrepancy suggests that even if the Supplementary Criminal Code did not eradicate §175 completely, the East German state was less interested in pursuing sodomy convictions than even the libertine Weimar Republic had been (see Figure 5). Though East Germany only officially abolished §175 and §175(a) in a new criminal code promulgated in 1968, gay men thus enjoyed a *de facto* liberalization sometime after 1957, years ahead of West Germany.

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<sup>13</sup> Erik Huneke, *Morality, Law, and the Socialist Sexual Self in the German Democratic Republic, 1945-1972*, 208; Klaus Berndt and Vera Kruber, “Zur Statistik der Strafverfolgung homosexueller Männer in der SBZ und DDR bis 1959,” *Invertito: Jahrbuch für die Geschichte der Homosexualitäten* Vol. 12 (2010): 88; Klaus Berndt, “Zeiten der Bedrohung: Männliche Homosexuelle in Ost-Berlin und der DDR in den 1950er Jahren,” in Rainer Marbach and Volker Weiß, ed., *Konformitäten und Konfrontationen: Homosexuelle in der DDR* (Hamburg: Männerschwarm Verlag, 2017), 21-27.

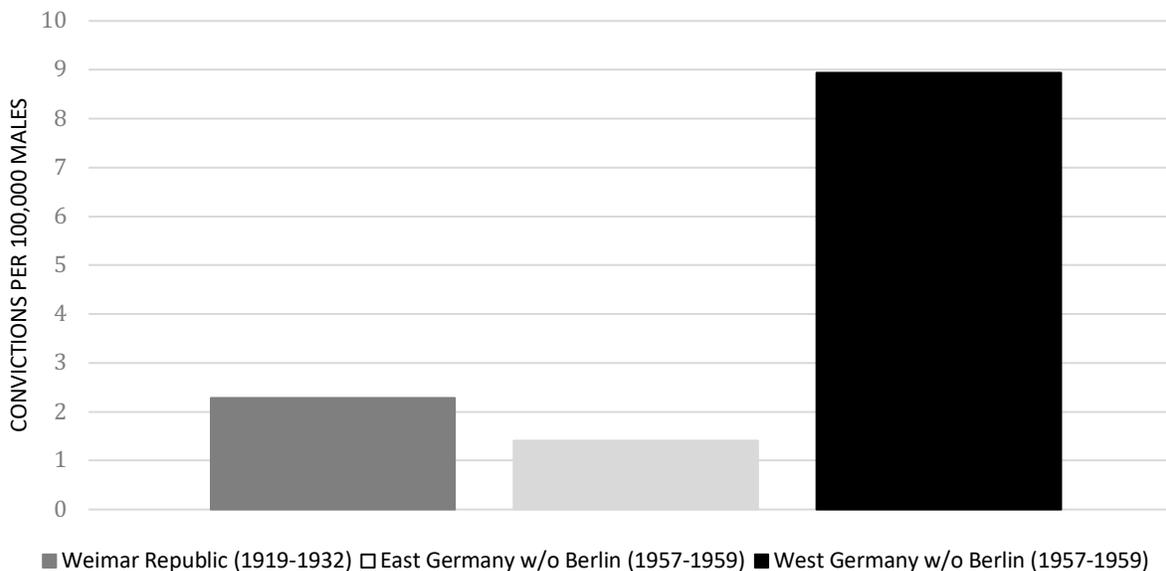
<sup>14</sup> Karl Dietz and Peter G. Hesse, *Wörterbuch der Sexuologie und ihrer Grenzgebiete* (Rudolstadt: Greifenverlag, 1964), 138; Hilde Benjamin, *Das Strafrecht der sozialistischen Demokratie* (Berlin, 1958), 13.

<sup>15</sup> Good statistics do not exist for convictions under §175. The East German *Statistisches Jahrbuch*, unlike its West German counterpart, never published statistics of sodomy convictions. One estimate puts the total number of convictions at four thousand between 1949 and 1969; Pretzel, *NS-Opfer unter Vorbehalt*, 185. Klaus Berndt and Vera Kruber's discovery only provides complete statistics for the years 1957-1959. For more on the debates surrounding §175 repeal in the GDR see Erik Huneke, “Morality, Law, and the Socialist Sexual Self in the German Democratic Republic, 1945-1972” (University of Michigan, 2013), 179–225.

<sup>16</sup> Berndt, “Zeiten der Bedrohung,” 25.

Figure 5: Annual §175 convictions per capita

Sources: *Statistisches Jahrbuch für das Deutsche Reich*; *Statistisches Jahrbuch für die Bundesrepublik Deutschland*; *Statistisches Jahrbuch der Deutschen Demokratischen Republik*; Stümke, *Homosexuelle in Deutschland*, 90; BArch-Koblenz, B 141/85386, 24.



Like West Germany, the seduction of minors remained a central preoccupation of East German courts and prosecutors. While courts had curtailed §175's application against consenting adults, §175(a) remained in force. In 1950, the Berlin *Kammergericht* upheld the validity of §175(a) on the grounds that "the seduction of young people poses an especial danger for society."<sup>17</sup> In the case of a paramedic convicted under the law, for example, the court found that while the accused "had been seduced (*verführt*) in his earliest childhood," this had not stopped him from seducing young men himself. It berated him, because "he knew [...] that indecent acts could lead to severe bodily and emotional damage."<sup>19</sup>

Berndl and Kruber's statistical findings also provide evidence that seduction of youth remained a priority for the socialist regime. Whereas convictions under §175 remained six times higher per capita in West Germany than in East Germany for the period 1957-1959, convictions per capita under §175(a) were roughly equal.<sup>20</sup> These figures encompass prosecutions for both the so-called seduction of youth and for male prostitution. As Maria Borowski has revealed in her study of sexual advice publications in the early GDR, the socialist state considered both to be ongoing social

<sup>17</sup> Kammergericht Berlin, "Urteil vom 21. Februar 1950—1 Ss 165/49," 100.

<sup>19</sup> BStU, MfS, AU, Nr. 31/60, Bd. 2, 174, 134.

<sup>20</sup> Berndl, "Zeiten der Bedrohung," 24-25.

concerns.<sup>21</sup> These anxieties could overlap in the same case. In one case from 1950, the police picked up a 14-year-old student named Fred V. along with one Werner W. The two had engaged in mutual masturbation and fellatio in a ruin near the Friedrichstrasse train station.<sup>22</sup> The police determined that whereas Fred had engaged in “rent boy activity for a longer time,” Werner was not guilty of a “seduction” under §175(a). Later that year, the Berlin-Mitte district court sentenced Fred to youth prison for a period between nine and thirty-three months for male prostitution.<sup>23</sup>

Although some might find it surprising, given the GDR’s overwhelming distrust of any independent group, the regime evinced little of West Germans’ fear of gay cliques. While references to cliques cropped up every so often in East German sexology and political speech, it was never imbued with the same significance as it was in West Germany.<sup>24</sup> Nor was it a common trope in East German discourse. Sexologist Kurt Freund’s 1963 book *Homosexuality Among Men*, the first East German monograph dedicated to homosexuality, mentions cliques not once.<sup>25</sup> Even while reporting on gay espionage, major East German newspapers did not rely on the idea that gay men were likely to form conspiracies that threatened the state or society.<sup>26</sup>

The East German Supreme Court even referred to the lack of gay cliques in socialist society as one reason to expunge the Nazi-era version of §175. Its judges stated that Nazism had required a draconian sodomy statute, “because the *Männerbunde* which it fostered provided more social opportunities between men. Homosexuality thus endangered society and the army according to National Socialist thought.”<sup>27</sup> The communist court believed, along with many other Germans from the period, that the masculinity that had dominated fascist society had, in fact, caused the consolidation of gay cliques. But in antifascist East Germany, which officially promoted gender equality, such protections were no longer necessary.<sup>28</sup>

Things changed in 1953. The early 1950s were a time of instability for the dictatorship. The Soviet occupiers had forced the large Social Democratic Party (SPD) to merge with the smaller

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<sup>21</sup> Maria Borowski, *Parallelwelten: Lesbisch-Schwules Leben in der frühen DDR* (Berlin: Metropol, 2017), 84-100.

<sup>22</sup> LAB, C Rep 341, Nr. 4433, 1.

<sup>23</sup> LAB, C Rep 341, Nr. 4433, 1, 13, 47.

<sup>24</sup> Erik Huneke, “Morality, Law, and the Socialist Sexual Self in the German Democratic Republic, 1945-1972,” 186; Kyle Frackman, “Persistent Ambivalence: Theorizing Queer East German Studies,” *Journal of Homosexuality* Vol. 66, no. 5 (2019): 681.

<sup>25</sup> Kurt Freund, *Die Homosexualität beim Mann* (Hirzel, 1965).

<sup>26</sup> E.g., Cobra, “‘Verfassungsschutz’ mit §175: Riesenskandal um ‘Verfassungsschutzamt’ als Agentenzentrale,” *Berliner Zeitung*, December 4, 1953; “Panik im RIAS: Verlagerung des NATO-Senders nach Luxemburg geplant,” *Berliner Zeitung*, November 11, 1961.

<sup>27</sup> Oberstes Gericht, “Urteil vom 28. März 1950—3 Tst. 9/50,” 215.

<sup>28</sup> On gender policy in East Germany see, *inter alia*, Heineman, *What Difference does a Husband Make?*, 176-208; Herzog, *Sex after Fascism*, 184-219; Fulbrook, *The People's State*, 141-178.

German Communist Party (KPD) in April 1946 to create the Socialist Unity Party that ruled the GDR until 1990. Though Social Democrats outnumbered Communists in the new party, the USSR ensured the latter's dominance. Between 1948 and 1950 around 200,000 Social Democrats were forced out, of whom at least five thousand were imprisoned.<sup>29</sup> After mammoth uprisings on June 17, 1953, sparked by low standards of living and high work quotas, courts sentenced at least eighteen individuals to death and over a thousand to terms in prison.<sup>30</sup>

These uprisings needled the regime's insecurities in a peculiar way. Much as in the early Federal Republic, a struggle for legitimacy defined the GDR. Just as West Germany strove to secure its existence in the face of the Nazi past, so too the East scrambled to win sufferance, if not enthusiasm, for its rule. In the words of Jeffery Herf, the "dictatorship rested on the fear and mistrust of the majority of Germans. Vivid memories of past mass support for the Nazis [...] deepened the Communists' willingness to establish a second German dictatorship."<sup>31</sup> Most East German leaders, unlike their counterparts in the West, had spent the war in exile or in prison. They had returned home with a conquering army.<sup>32</sup> The regime's paranoia vis-à-vis its citizenry, which Andrew Port has called a "siege mentality," led to the imposition of a fantastical surveillance state.<sup>33</sup> This state of affairs made the regime both deeply afraid of the population it ruled and highly sensitive to discontent.

One victim of these purges was Max Fechner, East Germany's first Minister of Justice. A former SPD member and victim of Nazism, Fechner was accused in 1954 of sodomy and sedition.<sup>34</sup> After the 1953 uprisings, the secret police had delved into Fechner's sexual history, searching for compromising material. They discovered he had had an affair with his chauffeur between 1952 and May 1953 and uncovered at least one other man whom he allegedly had attempted to seduce.<sup>35</sup>

When the police submitted a summary of their investigation on October 29, 1954, it included the claim that Fechner had "repeatedly engaged in unnatural fornication (homosexual) with men who stood in a professional relationship of dependency."<sup>36</sup> A year later on May 24, 1955, the East German Supreme Court sentenced Fechner to eight years of hard labor. Its ruling described

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<sup>29</sup> Christoph Kleßmann, *Die doppelte Staatsgründung: deutsche Geschichte 1945 - 1955*, (Bonn: Bundeszentrale für Politische Bildung, 1991), 268.

<sup>30</sup> Henry Ashby Turner Jr., *Germany from Partition to Reunification* (New Haven: Yale UP, 1992), 62–63, 77.

<sup>31</sup> Herf, *Divided Memory*, 37.

<sup>32</sup> Herf, *Divided Memory*, 13, 21.

<sup>33</sup> Andrew I. Port, *Conflict and Stability in the German Democratic Republic* (Cambridge: Cambridge UP, 2007), 99ff.

<sup>34</sup> BStU, MfS, AU, Nr. 307/55, Bd. 2, 27.

<sup>35</sup> BStU, MfS - AU, Nr. 307/55, Bd. 1, 65; BStU, MfS, AU, Nr. 307/55, Bd. 2, 81.

<sup>36</sup> BStU, MfS, AU, Nr. 307/55, Bd. 2, 98.

him as “not only politically, but also morally depraved.”<sup>37</sup> Not only did his purge mark a shift in language around homosexuality, it also slowed government progress on a new penal code that would have repealed §175 and §175(a).<sup>38</sup> The year after the uprisings saw a surge of those convicted under §175 sentenced to hard labor, a sign that they had also been convicted for other crimes. Most likely these men, like Fechner, had been charged with §175 in addition to other political crimes, their convictions an attempt to stabilize the regime.

The shift was also visible in a rise in anti-gay newspaper articles in the mid-to-late 1950s. Just as West Germans saw in homosexuality a danger encroaching from the East, socialist newspapers wrote of homosexuality as a symptom of Western decadence. As the regime worked to consolidate its rule, newspaper articles paid greater attention on West German politicians’ gay sex scandals and held up supposedly proliferating homosexuality as a symbol of the West’s degeneracy (see Figure 6).<sup>39</sup> Sensationalist headlines such as “Tiergarten is a criminal’s paradise” or “Male prostitutes, murders, and thieves” headed stories about West German homosexuality.<sup>42</sup> The regime clearly believed these stories played on the public’s anti-gay sympathies and could help discredit capitalist democracy. Homosexuals became a kind of “other” through whose denigration the regime sought to consolidate support.

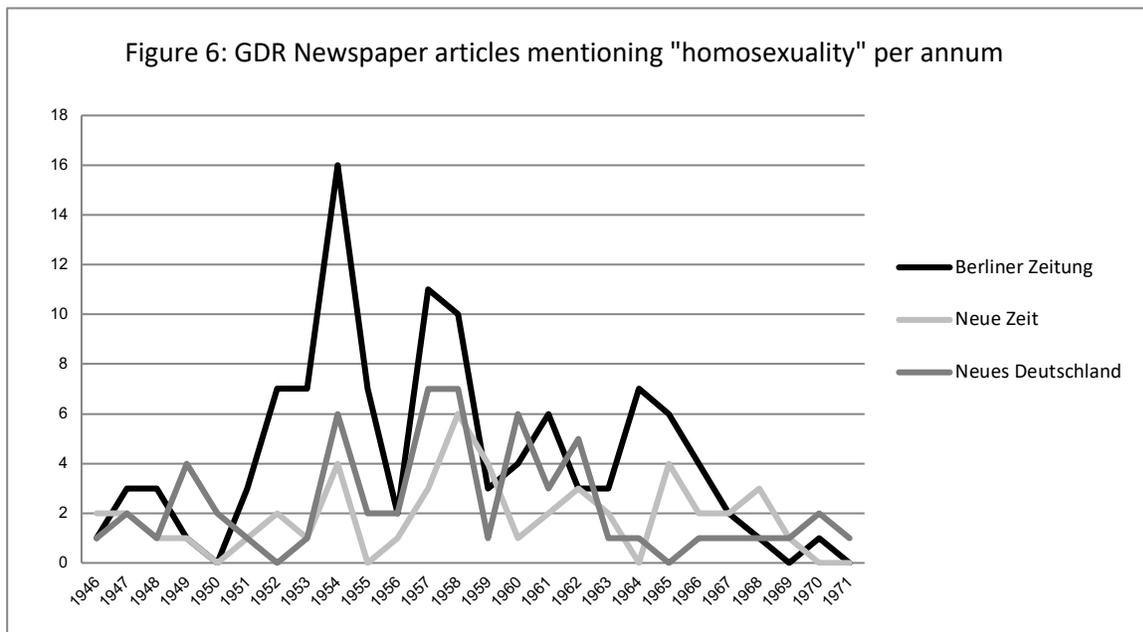
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<sup>37</sup> BStU, MfS, AU, Nr. 307/55, Bd. 2, 144.

<sup>38</sup> Günter Grau, “Liberalisierung und Repression: Zur Strafrechtsdiskussion zum §175 in der DDR,” *Zeitschrift für Sexualforschung* 15 (2002): 12. Huneke, *Morality, Law, and the Socialist Sexual Self in the German Democratic Republic, 1945-1972*, 197.

<sup>39</sup> “Onkel Tobias’—ein Unhold,” *Neues Deutschland*, August 18, 1955; “Homosexueller Minister a.D. im ‘Klub der 300,’” *Berliner Zeitung*, October 31, 1954; “Kronzeuge homosexuelle.”

<sup>42</sup> “Tiergarten ein Verbrecherparadies: Enthüllungen der in Hamburg erscheinenden ‘Bildzeitung,’” *Berliner Zeitung*, October 23, 1953; “Strichjungen, Mörder und Diebe,” *Berliner Zeitung*, July 8, 1955.



The idea that homosexuality was a symptom of capitalism was common in socialist thought. Günter Grau, for instance, reports that a proposed East German penal reform in 1958 commented, "The bad economic relations prevailing under capitalism [...] were important contributing factors to the spread of homosexuality."<sup>43</sup> Dagmar Herzog notes too that East German doctors, such as Rudolf Neubert, asserted homosexuality was far more common in capitalist societies.<sup>44</sup> But the desire to tarnish capitalism by association was not all that was at work in the East German anti-gay animus of the 1950s and 1960s. No, the regime's seemingly schizophrenic treatment of gay people—legal liberalization coupled to anti-gay rhetoric and acts of persecution—also came from a slightly different source.

Consider the case of Heinz K., a Stasi officer living in Karl-Marx-Stadt (now Chemnitz). On February 11, 1961, Heinz brought his drunken friend P. home from a bar. "Because of the consumed alcohol," Heinz later explained to interrogators, P. "lay quite inert on the bed. How long I pleased myself with his body, I can't say, because I fell asleep during the act."<sup>45</sup> Although P. went to the police to report the rape, Heinz was not charged. According to the police he "promised to change."<sup>46</sup> But the problem did not go away. P. started telling anyone he could find that "in the GDR there is no law." Nothing had happened to Heinz, he alleged, "because he is protected by the

<sup>43</sup> Günter Grau, "Return of the Past: The Policy of the SED and the Laws Against Homosexuality in Eastern Germany Between 1946 and 1968," *Journal of Homosexuality* Vol. 37, no. 4 (1999): 15.

<sup>44</sup> Herzog, *Sex after Fascism*, 197.

<sup>45</sup> BStU, MfS - GH, Nr. 70/61, Bd. 1, 7.

<sup>46</sup> BStU, MfS - GH, Nr. 70/61, Bd. 1, 10.

MfS [Stasi].”<sup>47</sup> After P. denounced the regime in front of a crowd of around one hundred people, police officers arrested him. They charged him under §20 of the supplementary criminal code, which punished “defamation of the state” with up to two years in prison.<sup>48</sup>

Only at that point, once Heinz’s actions had “endangered the trust of the populace” in the regime, did the secret police proceed against him.<sup>49</sup> In subsequent investigations, his colleagues discovered Heinz had slept with numerous other men, including one Horst T., who was serving a twenty-five year sentence for espionage.<sup>50</sup> Heinz’s behavior, a Stasi report from June 1961 indicated, warranted prosecution under §175, because he was a public menace who “is reckless and hotheaded and has no regard for the morality or health of his fellow beings.”<sup>51</sup> The Stasi decided that, because Heinz’s behavior posed such a danger to the regime’s reputation, they would nonetheless prosecute. In October, a court sentenced him to eight months in prison. A convicted rapist, Heinz received such a light sentence (fourteen months less than his victim received) because the court believed he would be able once again to “create a respected place [for himself] in our society.”<sup>52</sup>

Heinz’s case captures the ambivalent animus that shaped gay life in East Germany in the 1950s and 1960s. Even while the regime was largely uninterested in prosecuting sodomy cases, even those of violent rape, it was also deeply afraid that any association between it and known homosexuals might taint its public reputation. These were the anxieties that led to §175 prosecutions. Heinz’s fate suggests that only when homosexual acts became a clear danger to the state, whether because they exposed perceived moral failing or because they opened up new avenues for foreign espionage, would the government prosecute gay men.

Heinz’s case was not uncommon. The judicial system certainly considered homosexuality to be a threat to the proletarian paradise, in particular in cases brought after the 1957 supplementary criminal code focused courts’ attention on acts with “injurious consequences for the GDR.” Judges harangued men convicted under §175, accusing them of denigrating the morality of the working class. In 1959 a court excoriated two men whose conduct, according to the judge, was “especially reprehensible, because they both come from working families and have broken the laws of our

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<sup>47</sup> BStU, MfS - GH, Nr. 70/61, Bd. 1, 11.

<sup>48</sup> “Gesetz zur Ergänzung des Strafgesetzbuches,” December 11, 1957, <http://www.verfassungen.de/de/ddr/strafrechtsergaenzungsgesetz57.htm>.

<sup>49</sup> BStU, MfS - GH, Nr. 70/61, Bd. 2, 100.

<sup>50</sup> BStU, MfS - GH, Nr. 70/61, Bd. 1, 13.

<sup>51</sup> BStU, MfS - GH, Nr. 70/61, Bd. 1, 13, 83.

<sup>52</sup> BStU, MfS - GH, Nr. 70/61, Bd. 2, 100.

workers' and farmers' state in such vulgar fashion." Their acts were dangerous because they "intensely injured the shame and moral feeling of the workers."<sup>53</sup>

In a similar case, the court inveighed against the accused for destroying the people's trust in the regime. In 1959 a paramedic with the border police was charged with having "attacked the ethical-moral views of the proletariat" by seducing men under his care.<sup>55</sup> Such cases could result in severe sentences. One man charged with both treason and sodomy, for instance, found himself sentenced to thirteen years of hard labor. Another was sentenced to a lifetime of hard labor.<sup>56</sup>

Jennifer Evans uncovered similar language in her study of the mining town Wismut. In one case, a defendant received a two-year sentence for "trampling on the moral values of the working people," as Evans puts it. While Evans arrives at a different conclusion, namely that such language is evidence of the regime's efforts to "impos[e] norms of productivity and legal principles designed to enhance the socialist transformation," it is clear that homosexuality figured in how the regime conceived of its relationship to its citizens.<sup>57</sup> Its fear of popular animus against homosexuals (though no evidence exists that East Germans were particularly ill-inclined towards gay people) spurred the regime's occasional persecution of gay men. When prosecutors employed §175, they did so to punish men whom they believed had marred the regime's moral profile.

The army and Stasi were particularly forbidding places for gay men. The East German military and police adopted formal policies to exclude homosexuals early in its existence. In December 1955 Stasi Minister Ernest Wollweber signed an order explicitly mentioning the case of a Stasi officer "G." who was a homosexual. "For this reason," the order conveyed, "his immediate dismissal had to be enacted."<sup>59</sup> This policy remained in force until the late 1980s.

Because the regime feared homosexuality might taint its moral legitimacy, cases arising under §175 also often had a political component. The party sometimes relied on homosexuality as an excuse to dispose of troublesome members. In 1947, for instance, one Dr. Rudolf K. found himself on the wrong end of a purge. A local woman had accused him of molesting her son and his friend, who averred that when they had visited Rudolf.<sup>61</sup>

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<sup>53</sup> BStU, MfS - GH, Nr. 647/59, Bd. 2, 223.

<sup>55</sup> BStU, MfS, AU, Nr. 31/60, Bd. 2, 131.

<sup>56</sup> SHStAD, 11120 StAW LG DD, Nr. 2552, 28; SHStAD, 12916 Bezirksstaatsanwaltschaft Dresden, Nr. 309, 88.

<sup>57</sup> Jennifer V. Evans, "The Moral State: Men, Mining, and Masculinity in the Early GDR," *German History* 23, no. 3 (July 1, 2005): 367–69, <https://doi.org/10.1191/0266355405gh345oa>.

<sup>59</sup> BStU, MfS, BdL/Dok. Nr. 403, 2.

<sup>61</sup> BStU, MfS, AU, Nr. 307/55, Bd. 5, 137.

While such purges seem to have spiked after the 1953 uprisings, as late as April 1966 an SED member was faced with an intra-party trial for having had sex with an eighteen-year-old, thereby violating §175(a). The party eventually sentenced him to one and a half years of hard labor.<sup>62</sup> Although the GDR rarely prosecuted sex between adult men, homosexuality could become a significant liability for party members. To borrow a phrase from historian Laurie Marhoefer, being gay or engaging in homosexual activity reduced one's "social capital" in East Germany. On their own, such proclivities would not necessarily land one in prison, but they certainly put one at greater risk for prosecution.<sup>63</sup> Of course, homosexuality was not the only behavior that the party policed among its officials. As Paul Betts has argued, the SED went to great lengths to ensure those in positions of authority lived up to the censorious standards of the new "socialist personality."<sup>64</sup>

In contrast to other states during the mid-twentieth century, East Germany's ambivalent efforts were not aimed at forging what American historian Margot Canaday has called a "straight state."<sup>65</sup> Rather, they were directed at generating support from the populace by casting the West as a place of decadence, crime, and sexual perversion, and East Germany as an anti-fascist land of moral probity. When it came to homosexuality, those impulses led in opposite directions. Whereas West German law sanctioned far-reaching campaigns against homosexuality for two decades, the communist regime's efforts were sporadic precisely because they were reactive. While some historians have drawn on medical tracts to argue that homosexuality's supposed threat to the nuclear family motivated East Germany's occasional homophobia, such language does not always show up in Stasi records or court decisions.<sup>66</sup> But when homosexual conduct threatened to tarnish the regime, the judicial mechanism sprang to life. Leniency and harshness alike aimed to shore up support for the regime among East German citizens.

The fact that East and West Germany quickly diverged on the juridical question of homosexuality creates an opening to probe why it is that societies in general police so-called deviant sexualities. What is curious about East and West Germany is that neither the "othering" hypothesis nor the "biopolitical" hypothesis described in the introduction satisfactorily explains their divergent treatment of gay men (to say nothing of their total apathy vis-à-vis lesbianism). West German

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<sup>62</sup> BStU, MfS, WR, Nr. 683, 48–50.

<sup>63</sup> Laurie Marhoefer, "Lesbianism, Transvestitism, and the Nazi State: A Microhistory of a Gestapo Investigation, 1939–1943," *American Historical Review* 121, no. 4 (October 2016): 1170.

<sup>64</sup> Betts, *Within Walls*, 33.

<sup>65</sup> Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton UP, 2011).

<sup>66</sup> Jennifer V. Evans, "Decriminalization, Seduction, and 'Unnatural Desire' in East Germany," *Feminist Studies* 36, no. 3 (October 1, 2010): 555; Borowski, *Parallelwelten*, 86–91.

persecution was motivated not by the eugenic concerns that drove its other pro-natalist policies, but rather by quasi-fascists fears of the seduction of youth and of the supposed threat gay conspiracies posed to the new democracy. While East Germany did engage in a kind of “othering,” using homophobic rhetoric to discredit the capitalist West, its ambiguous treatment of gay men stemmed from competing impulses to legitimize socialist rule.

In neither case did the state make homosexuals an exemplary minority through whose persecution it could consolidate the majority’s support, as did the United State during the Lavender Scare.<sup>68</sup> Rather, the vagaries of de-nazification and the fragility of legitimacy shaped each state’s treatment of gay men. Both regimes used homosexuality as an avenue to legitimize and stabilize their regimes. Yet, they did so in divergent ways that set the two countries on radically different paths. They suggest that the policing of sexuality fulfills a far more contingent set of social and political needs. In fact, the contingency apparent in the formation, consolidation, and continuation of anti-gay animus in both Germanies indicates scholars should be wary of using the term homophobia, which is too broad and too divorced from historical context to be of analytical use to historians of sexuality.

Although the East German government nurtured popular animus while also fearing it, there was no active persecution of gay men comparable to that in West Germany. Gay men, it is true, were more vulnerable to prosecution for other crimes, in particular those related to party politics or national security. In comparison to how the regime dispatched its political opponents, resorting in some cases to execution, its treatment of homosexuals was lenient. But East Germany’s repudiation of the National Socialist past produced no vibrant gay scene. It was still a dictatorship, after all, and one that distrusted private life. As in West Germany, gay men in the East continued to inhabit a subculture characterized by silence, taboo, and everyday violence.

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Though most gay men were not targets of prosecution in East Germany, their lives bore striking similarities to their West German confreres. As in the West, the Democratic Republic’s gay subculture arose as a network of public toilets, swimming pools, train stations, forests, and bars known to cater to gay clientele. To take one example, Carsten I., a gay man born in May 1954 in a small village near Potsdam, explored his sexuality in ways typical of the West’s gay subculture. His first sexual experiences came in public baths, when he noticed glory holes drilled into the walls of changing cabins. One time peering through, he saw “a big male penis.” That day while swimming he

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<sup>68</sup> David Johnson, *The Lavender Scare*, 15-39.

noticed men staring at him. One even reached into his swimming trunks. After showering, Carsten went home with the man.<sup>69</sup>

Later in his teenage years, Carsten recalls queuing at a sausage stand near the Potsdam central station when, “I had the feeling that someone had grabbed my ass.” He turned around and saw “a Russian officer” who then left the line for a nearby forest. Among the snow-covered trees, “He lay out his jacket and we fooled around.” They met several more times in public places, “where we thought we would not be found out.”<sup>70</sup>

Public sex was common. In Dresden in 1963 the police arrested two judicial clerks at the monument to victims of the Nazis in the Ehrenhain graveyard. The officer who caught them reported, “The one person had the genitals of the other in his mouth.”<sup>71</sup> Like the Zoo train station in West Berlin, prostitutes and gay men flocked to the Friedrichstraße train station and Alexanderplatz in the city’s eastern half. Peter Rausch, who would later become a leader of East Germany’s gay movement, recalls going to the toilets on both Alexanderplatz and Schönhauser Allee, one of East Berlin’s main thoroughfares, to look for sex as a teenager in the mid-1960s.<sup>72</sup> Similarly, Rainer E., an East German born in the 1950s, remembers an older man picking him up on Alexanderplatz in central East Berlin at the age of fifteen.<sup>73</sup>

There were fewer bars for gay men in the Democratic Republic than in West Germany. This fact had to do with socialist society and that East Germany was a significantly poorer country than the Federal Republic, and the regime’s ambivalent regard for homosexuality. While the Eastern provinces of Brandenburg had always been less developed than the prosperous states of southern Germany and the Rhineland, the Soviet Union exacerbated the problem by appropriating significant industrial wealth from East Germany until 1953.<sup>77</sup> In 1951, the government promulgated a Stalinist five-year program, which focused on developing the country’s heavy industry to the detriment of consumer staples.<sup>78</sup> At the same time, socializing was largely organized around, by, and for the party, while constrained by an oppressively family-oriented social ethic. Both economic necessity and the dictatorship’s inherent suspicion of civil society hampered social life in East Germany. Gay life was

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<sup>69</sup> Carsten I., interview, November 11, 2016.

<sup>70</sup> Carsten I., interview, November 11, 2016.

<sup>71</sup> Saxony Main State Archive in Dresden (*Sächsische Hauptstaatsarchiv Dresden* or SHStAD), 11455 Bezirksgericht Dresden, Nr. 3868, 1.

<sup>72</sup> Peter Rausch, interview, January 31, 2017.

<sup>73</sup> Rainer E., interview, April 11, 2017.

<sup>77</sup> Turner, *Germany from Partition to Reunification*, 68.

<sup>78</sup> André Steiner, *The Plans That Failed: An Economic History of East Germany, 1945-1989* (New York: Berghahn Books, 2010), 50.

not immune to the necessities of building socialism. Even worse, of course, was the society available to lesbian women. As in West Germany, women in the east were encouraged to marry and become mothers. While lesbian acts between consenting adults were never criminalized (in any German state), taboo and prejudice remanded lesbians to isolated lives.<sup>80</sup> “Homosexual life,” the East German sexologist Rudolf Klimmer complained, “plays out in quiet and in the private sphere.”<sup>81</sup>

For East Berliners, nothing could rival the offerings of West Berlin. In the divided capital, men regularly slogged to West Berlin for its wider selection of bars. One East German cross-dresser named Willi told the Stasi in 1953 that he regularly went to a handful of Western bars including Elli’s Beer Bar and Kleist Casino in the gay neighborhood around Nollendorfplatz.<sup>82</sup> Only the Berlin Wall’s construction on August 13, 1961, stanching the flow of visitors.

That said, there existed some bars, which catered to gay clientele and whose numbers expanded in the late 1960s and 1970s. Carsten I. remembered that during his teenage years in Potsdam there was one bar in the city known as a gathering place for intellectuals and homosexuals. By around 1960, Café Möwe, the Presse-Café, and Esterhazy Keller in East Berlin had all become popular places for gay people to socialize.<sup>83</sup> A number of gay-oriented bars eventually sprang up in the Prenzlauerberg neighborhood in later decades.<sup>84</sup>

As in the West, the subculture was a dangerous place. Prostitutes both attacked their johns and could be victims of violent crime themselves. In 1962, for instance, two men assaulted Johannes H., a policeman, in a toilet. One of the men “ripped his watch from his wrist,” while the other “snatched his briefcase.”<sup>85</sup> In 1957 Bernhard C. and Erich K. picked up seventeen-year-old Christian K. at an East Berlin cinema and raped him.<sup>86</sup>

Of the brutalities gay men faced in their everyday lives, suicide was perhaps one of the most horrific. In Imperial and Weimar Germany, activists had begun to talk about suicide as a way to illustrate the violence that §175 visited on gay men.<sup>88</sup> In both postwar German states, gay suicide remained an all-too-frequent phenomenon. In one case, thirty-year-old East German army officer

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<sup>80</sup> Borowski, *Parallelwelten*, 247.

<sup>81</sup> Rudolf Klimmer, “Die Situation in der DDR,” in *Weder Krankheit noch Verbrechen: Pläydoyer für eine Minderheit*, by Rolf Italiaander (Hamburg: Gala Verlag, 1969), 275; For more on Rudolf Klimmer’s work in the GDR, see Erik Huneke’s dissertation. Erik Huneke, “Morality, Law, and the Socialist Sexual Self in the German Democratic Republic, 1945-1972.”

<sup>82</sup> BStU, MfS - AU, Nr. 1030/58, Bd. 1, 51.

<sup>83</sup> BStU, MfS - GH 90/78, Bd. A, 58, 253.

<sup>84</sup> *Spartacus International Gay Guide*, 3rd ed. (Amsterdam: Euro-Spartacus, 1973), 109ff.

<sup>85</sup> SHStAD, 11464 BDVP Dresden, Nr. 3.77, 15.

<sup>86</sup> LAB, C Rep. 330, Nr. 50, 2.

<sup>88</sup> Huneke, “Death Wish.”

Karl H. shot himself after being discharged for “homosexual acts.” In a final letter the young man wrote that he “had parted from life in order to avoid a scandal.”<sup>89</sup> Johannes H., the policemen mentioned above, hanged himself on November 29, 1962, after being was attacked in a public toilet. The ensuing investigation into his sexual predilections and the possibility of dismissal were too much for him to live with.<sup>90</sup>

On March 15, 1966, non-commissioned officer Gert Z. of the Stasi committed suicide. Another officer named Peter L., who in January had been discharged and imprisoned for “severe sodomy (*schwerer Unzucht*),” had named Gert as someone who “would also perpetrate homosexual acts.”<sup>91</sup> The Stasi decided Gert would also have to be fired. Ministry officials noted that while Gert could in theory be punished under §175, homosexuality was no longer prosecuted “pursuant to court practice.”<sup>92</sup> Rather than face the ignominy of dismissal, Gert shot himself in the head.<sup>93</sup>

Thus, gay life in East Germany was not so very different from that in the West. It existed in the grimy and unlit way stations of the subculture, where men cruised for sex, picked up prostitutes, and did their best to avoid public notice. As in the West, crime was a regular feature of gay life, and unknown numbers of gay men continued to take their own lives.

Most curious about that similarity is that the external forces shaping each subculture were different. The West engaged in far-reaching policing and juridical persecution based on Nazi-era law. By contrast, the East was a relatively poor dictatorship that remained highly inimical to any form of privacy. Where the West German subculture evolved as the result of state-sanctioned animus, in East Germany it resulted from a more general distrust of unsanctioned association. By standards today, both would have been horrifying places to live.

In 1969, by which time East Germany had formally repealed §175, Rudolf Klimmer wrote, in a collection of essays published in Hamburg, “In spite of [the] progressive lawmaking, homosexual life in the GDR has not changed.” While observing the “harsher criminal laws” in West Germany, Klimmer (mistakenly) lauded its more diverse assortment of “homosexual magazines and bars as well as a widespread homosexual prostitution” and lambasted the dearth of gay opportunities in the East. Astonishingly, he complained that because “young people all have work” in the GDR

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<sup>89</sup> BStU, MfS - HA I, Nr. 14841, 259–60.

<sup>90</sup> SHStAD, 11464 BDVP Dresden, Nr. 3.77, 17.

<sup>91</sup> BStU, MfS - GH, Nr. 194/85, 10.

<sup>92</sup> BStU, MfS - GH, Nr. 194/85, 11–12.

<sup>93</sup> BStU, MfS - GH, Nr. 194/85, 70.

there is “hardly any homosexual prostitution here.”<sup>94</sup> Communism, it seemed, was inimical to gay life in more ways than one.

That Klimmer’s polemic vastly overrated the situation in West Germany and undervalued the subculture that existed in the East should be clear. But its assumptions about what constitutes a healthy gay subculture should give us pause. When the Berlin Wall fell in 1989 and gay East Germans were able to fully experience the Western subculture, many came away bitterly disappointed, as Josie McLellan has also noted. The West offered a commercialized and soulless reflection of the intimate subculture that evolved in the socialist Republic.<sup>95</sup>

For all that historians of sexuality look beyond the capitalist West—and indeed even castigate the correlation between homosexuality and consumer capitalism—we have not yet let go of the teleological baggage that continues to tell us whether a gay minority is free or oppressed. To name just one example, the gay historian John D’Emilio, in his much-cited essay on “Capitalism and Gay Identity,” writes, “Through the 1930s this subculture [in the West] remained rudimentary.”<sup>96</sup> A subculture can only be “rudimentary” if one believes it exists as a stage on the way to a less “rudimentary” subculture. Invariably, the more advanced a subculture is assumed to be something resembling what the author—typically writing from the comfort of a so-called gay mecca—himself enjoys. In this way Klimmer’s analysis of homosexuality in East Germany remained stubbornly transfixed by a specific type of capitalist, consumerist experience. The lives of gay East Germans should, at the very least, open our minds to the possibility that not all successful—if that is the word we wish to use—minorities look the same and that the lack of a commercialized, urban subculture does not always imply the juridical persecution of that minority.

West Germany’s efforts to abolish §175, which only came to fruition in 1969 after two decades of struggle, would illustrate this grim reality in stark terms. Liberalization of the criminal code was paired with a recommitment to stigma as intellectuals, doctors, and politicians alike made clear that gay men and lesbians had no place in West Germany society. Although gay life and politics in East and West Germany continued along very different paths, they both would reveal that anti-

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<sup>94</sup> Klimmer, “Die Situation in der DDR,” 275.

<sup>95</sup> Norton G., interview, September 17, 2016; Josie McLellan, *Love in the Time of Communism*, 141. Dagmar Herzog notes a similar phenomenon with East Germany’s distinctive Freikörper Kultur. Dagmar Herzog, *Sex after Fascism*, 216-219.

<sup>96</sup> John D’Emilio, “Capitalism and Gay Identity,” in *Powers of Desire: The Politics of Sexuality*, ed. Ann Snitow, Christine Stansell, and Sharan Thompson (New York: Monthly Review Press, 1983), 106.

gay animus takes many guises—political, medical, legal, social, and culture—that do not always wax and wane in unison.