

## FINAL SOLUTION OF THE HOMOSEXUAL QUESTION?

### The Antihomosexual Policies of the Nazis and the Social Consequences for Homosexual Men

Günter Grau

It is undeniable that historical research in the Federal Republic of Germany has achieved considerable results in the attempt to shed light upon National Socialism. This is what political scientists have said.<sup>1</sup> However, and this needs to be added, it is also undeniable that historical research has excluded or neglected certain issues. These particular issues include questions about the fate of victims of sterilization and of those who were stigmatized as 'asocials'. Other subjects have suffered a similar lack of attention: forced-labor victims, those persecuted as a result of having contracted forbidden mixed marriages, those killed in the 'Euthanasia' program, as well as the question of the effect of Nazism on the social position of homosexual men and women.<sup>2</sup> According to recent estimates, homosexuals in Germany then numbered between 1.5 and 2 million.

Serious controversy about the fate of this group appeared late in scholarly discourse. Even though some essays touched on this topic at the end of the 1960s, research efforts gained prominence only during the second half of the 1970s. Today a range of studies and publications examines different perspectives on National Socialist policies against homosexuals. A number of viewpoints, statements, and hypotheses on the subject will be explored and evaluated here.

In the late 1970s and early 1980s researchers became increasingly interested in analyzing this special topic. Even now, however, there is a widespread notion that the issue is marginal. Research and its dissemination are still the exception in comparison with, for example, the vast number of publications about members of groups that were persecuted for political, religious, and eugenic reasons. A conscious attempt to link the sociohistorical environment for homosexuality and homosexual men and women in the Third Reich to what Dirk Blasius calls the 'broader context of historical process',<sup>3</sup> has not been identified. For the most part, relevant research projects have been treated separately from one another. In reappraising this special part of German history there has been a general lack of conceptualization of the matter as a distinct and important issue.

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<sup>1</sup> C. Hoffmann and E. Jesse, "Vergangenheitsbewältigung – ein sensibles Thema. Über Geschichtsbewusstsein und Justizielle Aufarbeitung", *Neue politische Literatur* (1987): 451.

<sup>2</sup> The position of lesbian women has to be considered separately. Their situation in the Third Reich can only partly be described in terms of clear-cut criteria of persecution (for more details, see Claudia Schoppmann, *Nationalsozialistische Sexualpolitik und weibliche Homosexualität* (Pfaffenweiler, 1991).

<sup>3</sup> D. Blasius, 'Das Ende der Humanität. Psychiatrie und Krankenmord in der NS-Zeit', in *Der historische Ort des Nationalsozialismus*, ed. W. Pehle (Frankfurt/M., 1990), p. 52.

From the beginning, the process of critical reflection has been connected with the controversy over how to interpret the changes National Socialism wrought in the social image of homosexuality. The primary concern has been the immediate consequences of Nazi policies, based on that image, for homosexual men and women. For a long time, any public debate wavered between two extreme evaluations. One camp asserted that the persecution was not an injustice; others insisted that Nazis had every intention of physically destroying all homosexuals. The cause for the latter speculation can be understood in terms of the political interest that inspired its re-appraisal of the past. This speculation has been especially oriented homosexual movement of the Federal Republic of Germany. They still have one common characteristic: they all attempt to restore history to the victims, as they say, to 'rehistoricize' them, so that they can regain a forward-looking perspective. They attempt to encourage survivors to view their fate no longer as a private affair, but to inform future generations about what happened.

For many years the above reappraisal has been carried out in direct confrontation with official policy. This is so because the main body of German politicians has long believed that Nazi proceedings against homosexuals were legally and socially justifiable. They have refused to grant the victims a status analogous to that of others recognized as persecuted under the Nazi regime. They have declared that the Nazis acted out of military necessity as well as in line with traditionally widespread sanctions to prevent criminal behavior all of which has meant that homosexuals were not considered subject to 'typical' Nazi injustice.<sup>4</sup> At the same time, this interpretation has evaded any necessity of prosecuting the perpetrators. In this regard, recall that neither the Nuremberg trials nor those of medical doctors invoked any crimes committed against homosexual men as such. Even later, there were no publicized trials either in the Federal Republic of Germany or in the German Democratic Republic that called to account prosecutors, judges, military officials, or doctors who were proven to have taken part in such measures.

The most important goal has been to sensitize the public to the fate of this 'forgotten' group of victims. The first autobiographical works by homosexual men were important milestones in this regard.<sup>5</sup> These works were followed by thematic exhibitions in large cities, wreath-layings in honor of victims of fascism, and initiatives to erect memorial plaques in locales that

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<sup>4</sup> See, among others, H.G. Stümke and R. Finkler, *Rosa Winkel – Rosa Listen. Homosexuelle und 'Gesundes Volksempfinden' von Auschwitz bis heute* (Reinbek, 1981); C. Goschler, *Wiedergutmachung: Westdeutschland und die Verfolgten des Nationalsozialismus (1945-1954)* (Munich, 1992); M. Sartorius, 'Wider Gutmachung' – Die versäumte Entschädigung der schwulen Opfer des Nationalsozialismus', in C. Schulz, Paragraph 175 (*abgewickelt*). *Homosexualität und Strafrecht im Nachkriegsdeutschland. Rechtsprechung, juristische Diskussion und Reformen seit 1945* (Hamburg, 1994), pp. 88-124.

<sup>5</sup> See, for example, W. Harthauer, 'Der Massenmord an Homosexuellen im Dritten Reich', in *Das Grosse Tabu*, ed. W.S. Schlegel (Munich, 1967); H. Heger, *The Men with the Pink Triangle* (Boston, 1980); R. Plant, *The Pink Triangle: The Nazis Was against Homosexuals* (New York, 1986).

were and are centers of homosexual life and culture. All these endeavors have not only shed light upon the fates of homosexual men in the Third Reich, but have also led to the inclusion of representatives of homosexual emancipation groups in discussions regarding reparations at the end of the 1980s. For the first time, homosexual victims of the National Socialist regime have had their own proponents represent claims for appropriate compensation in parliamentary forums. This is especially important because it is obvious that in trying to render justice to the victims, the historical dimension was previously unduly confined. For the contemporary gay and lesbian community, the shadow of the pink triangle, the antihomosexual stigma that was attached to the gay prisoners in the extermination camps by the National Socialists, still weighs heavily on German homosexuals. This opinion derives from the assumption that the majority of homosexual men were exterminated in the concentration camps of the Nazis.

Even today, the view that the Nazis intended a final solution of the homosexual question dominates a great many publications. Those who put forward this argument also insinuate a well-calculated and long-term program. They claim that with the openly announced goal of eliminating homosexuality, the Nazis pursued a policy that led to a destructive campaign, a 'homocaust' that was similar to the intended extermination of all Jews.<sup>6</sup> According to this theory, any homosexual man who caught the attention of the system would have become, like the Jew, a victim of the mass-murder process. The number of victims is estimated accordingly and amounts to between 100,000 and 1.5 million.<sup>7</sup> An extermination of the Third Reich's trial statistics, however, reveals that these numbers are wildly exaggerated. Between 1933 and 1945, about 50,000 homosexual men and youths were sentenced by the Nazi criminal courts. According to the records, about 5,000 of those sentenced were deported to concentration camps after serving their sentences.<sup>8</sup>

In such characterizations of a perceived 'final solution' of the homosexual question there surely must be a serious mistake in its proponents' failure accurately to differentiate the high-level programmatic-ideological statements from the actual process of putting anti-homosexual notions into practice. If a parallel is drawn with insufficient care and rigor between Himmler's rhetoric about the elimination of homosexuality and the destinies of individually murdered homosexual men, the National Socialist antihomosexual policy may appear to have been a

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<sup>6</sup> L. Crompton, 'Gay Genocide: From Leviticus to Hitler', address delivered to Gay Academic Union, New York University, November 1974; F. Rector, *The Nazi Extermination of Homosexuals* (New York, 1981); M. Consoli, *Homocaust. Il nazismo e la persecuzione degli omosessuali* (Milan, 1991).

<sup>7</sup> Heger, *Men with the Pink Triangle*; H. Grün, *Zur Situation der Homosexuellen in der Weimarer Republik und im Deutschen Faschismus. Frühlingserwachen. Beiträge zur sozialen und sexuellen Befreiung* (Hamburg, 1981).

<sup>8</sup> There is much dispute about the numbers: see R. Lautmann, 'The pink triangle', *Journal of Homosexuality* 6/1 (1981): 141-60; B. Jellonek and R. Lautmann, eds., *Wider das vergessen. Die Verfolgung von Homosexuellen im Dritten Reich* (Paderborn, 1998).

program for the eradication of all homosexuals. If one differentiates, however, between the publicized anti-homosexual ideology and the reality of the day-to-day practice of persecution, the 'final solution' here appears in another light. Himmler's phraseology really did point toward the elimination of homosexuality. Nevertheless, he had in mind the image of homosexuality, to him a form of degeneracy, as it emerged in public life. With his ideology, he did not strive for the extermination of each and every homosexual who was caught in the act of committing a 'sexual offence'. If Himmler spoke of the homosexual as the bearer of homosexuality, he nearly always used the singular case. This shows that what he had in his sights was the homosexual type, and obviously not the fate of each individual homosexual man taken into custody by the persecuting apparatus', as Burkhard Jellonnek has correctly observed. And furthermore: 'If a homosexual man could convincingly demonstrate under Gestapo questioning that he was not homosexually active, and if the proof to the contrary did not fall into the hands of the Gestapo, he would escape prosecution. The crucial point was carefully to prove that the subject has engaged in homosexual activity, and not just that he homosexual inclinations. This was a further difference from the practice of anti-Semitic persecution, in which it was quite immaterial whether someone observed the rules of their faith in everyday life or had renounced the Jewish religion altogether'.<sup>9</sup>

Furthermore, the assumption that the Nazis had a long-term, social strategy for a 'final solution' for homosexuals does not withstand the test of a critical examination. In this context, one must remember that even though the persecution of homosexual men during National Socialist rule assumed specific characteristics, it was not a specific feature of National Socialism per se. Since 1871 homosexuality had been punishable under article 175 of the Penal code of the German Empire.<sup>10</sup> There was an efficiently functioning police and justice apparatus in the 'Second Reich', as Nazi terminology called it. Thus the antihomosexual policy of the Nazis did not start from zero. Hitler, Himmler, and their companions neither had to work out a special program, nor invent a new law, nor install a new apparatus. The Nazis had to come to power in order to push through what they propagated before 'seizure of power': the formation of society according to racist-nationalist (völkisch) ideals.

Fewer than twenty relevant regulations, secret commands, and special rules illustrate the Nazis' proceedings against homosexuals. Among these were a prohibition of bars and other sites where homosexuals might assemble and the proscription of certain types of magazine and books. There was a sharpening of penal sanctions (changes to article 175 of the Reich Penal code), the extension of the grounds for compulsory castration, the threat of capital punishment for members of the SS and police, and special regulations dealing with the

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<sup>9</sup> B. Jellonnek, *Homosexuelle unter dem Hakenkreuz* (Paterborn, 1990), p. 219.

<sup>10</sup> G. Bleibtreu-Ehrenberg, *Tabu Homosexualität. Die Geschichte eines Vorurteils* (Frankfurt/M., 1978).

Wehrmacht and the Hitler Youth.<sup>11</sup> If one attempts to categorize these measures over time, three rather discrete periods can be discerned:

The first phase extends from the 'seizure of power' to 1935. It is characterized by the elimination of the institutions and associations that were active in the sexual reform movements, as well as by the first campaign against homosexuals, including an immense propaganda effort in 1934 after the so-called Röhm coup.<sup>12</sup> Terror directed against individuals by police and Gestapo, as well as other deliberately planned actions against homosexuals, their clubs, and their meeting places marked this phase. Finally, alteration of the criminal laws (reinforcement of article 175)<sup>13</sup> marked a definite break with the past.

The second phase lasted from 1935 to the beginning of the war. It was characterized by a significant increase in the number of persons arrested under article 175, the second antihomosexual campaign of the Third Reich, the demagogic so-called 'Cloister Trials' of Catholic clerics.<sup>14</sup>

The third phase lasted from the beginning of the war until the collapse of the regime, and it extended physical terror, formally legalized deportations to concentration camps, introduced capital punishment in 'especially severe cases', and increased efforts to introduce forced castration.

All of this seems to invite an interpretation of the Nazis' systematic proceeding as increasingly ferocious. Had that been the case, one might have expected that any planned extermination would have been prepared prior to 1939 and, at least partially, realized after 1939. However, looking at the statistics of sentences handed down under article 175, one detects a different tendency. It is true that the number of judgments rather drastically increased up to and during 1938. Afterwards, the records indicate a decrease.<sup>15</sup> The quantitative decline in the number of sentences clearly demonstrates that the proceedings were enforced with reduced determination. This development was influenced by a number of

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<sup>11</sup> F. Seidler, *Prostitution, Homosexualität, Selbstverstümmelung. Probleme der deutschen Sanitätsführung 1939-1945* (Neckargmünd, 1977).

<sup>12</sup> M. Höhne, *Mordsache Röhm. Hitlers Durchbruch zur Alleinherrschaft 1933-1945* (Reinbek, 1984); O. Gritschneider, *'Der Führer hat Sie zum Tode verurteilt...'. Hitlers 'Röhm-Putsch' – Morde vor Gericht* (Munich, 1993).

<sup>13</sup> The tougher provisions under article 175 were a) the amendment to the old version of 175. The concept of 'unnatural sex acts' was replaced with the considerably broader one of 'sex offense'. The former had applied only to intercourse-like acts, a 'sex offense' between men now designated any kind of self gratification in the presence of another man. An 'offense' was also committed when the member of one male touched the body of another 'with sexual intent'; and b) the introduction of a new article 175a. Abuse of a relation of dependence upon service or employment, sex acts with young people under twenty-one years of age, and homosexual prostitution were considered 'serious sex offences' and were punishable by up to ten years' penal servitude.

<sup>14</sup> H. G. Hockerts, *Die Sittlichkeitsprozesse gegen katholische Ordensangehörige und Priester* (Mainz, 1971); U. von Hehl, *Priester unter Hitlers Terror. Eine biographische und statistische Erhebung, Veröffentlichungen der Kommission für Zeitgeschichte, series A, source no. 37* (Mainz, 1984).

<sup>15</sup> G. Grau, ed., *Hidden Holocaust? Gay and Lesbian Persecution in Germany 1933-1945* (London, 1995), p. 154.

circumstances, mainly by the declining official interest in publicly highlighting the image of any considerable criminal disobedience. Faced with preparations for the war, they became more interested in mobilizing as many males as possible for the Wehrmacht. This actual, if not theoretical, reversal of their course probably also reflected a realization on the part of many officials that persecution had not successfully worked the desired 'prevention'. In addition, the focus of the Gestapo's responsibilities was redirected after 1938. Thereafter it was increasingly involved in preparation for the extermination of the Jewish people.

IN connection with the thesis of the final solution of the homosexual question, evidence forces us to reject speculation that a special institution set up by Himmler in 1936 took a leading part in the persecution policy. The Reichszentrale zur Bekämpfung der Homosexualität und Abtreibung (Reich Office for Combating Homosexuality and Abortion) belonged to a system of fifteen central registration offices that had either been taken over from departments existing before 1933 or founded in 1936 during the course of the reorganization of the Criminal Police. Although its name can be associated with a centrally coordinated function, this institution essentially fulfilled registration requirements. These included recording personal data of convicted as well as suspect persons, registering transvestites and abortionists, and controlling the manufacture and sale of abortion and birth control items. Individual cases called for special operations by squads assigned by the Reichszentrale (e.g., in connection with the so-called Cloister Trials). There is no proof that the Berlin Reichszentrale specifically directed and planned the persecution of homosexuals. With a personnel force of only eighteen employees, that institution would not have been capable of doing such work.

In light of the previously listed measures, the regulations, secret commands, laws, and prohibitions, one can understand that the proceedings in this area were not carried out thoroughly. We can, however, discern a differentiated effort to deter the 'homosexual minority' from their sexual practices. The purpose was to integrate them as heterosexuals into mainstream society, or failing that, to force them to do without sex. The main issue was to be 'Umerziehung', or reeducation. In tandem, criminal law threatened drastically increased punishments. Together, these measures were supposed to deter homosexuals. Whoever would not respond was liable to deportation to a concentration camp 'for reeducation through work'. Even so-called incorrigibles, according to Himmler, could be used as workers to the advantage of the public, as long as they were castrated.

Consequently, the sexually active homosexuals who were 'caught' were not all lumped together. Rather, the Nazis attempted to find punishments according to the 'severity' of the act, punishments that would constitute an appropriate deterrent for the future. For this purpose, the Nazis ultimately devised homemade theories of homosexuality that divided homosexual men into 'Hanghomosexuelle' (habitual homosexuals) and

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'Gelegenheitshomosexuelle' (opportunistic homosexuals), those who seduce and those who are seduced, and so on. 'All these particular classifications had two characteristics in common', observed Rüdiger Lautmann, 'a wide margin of discretion [in judging] the 'guilt' of a homosexual offender or for determining a sanction, and the assumption of curability is always present'.<sup>16</sup>

Offenders who relapsed and those who seduced youngsters were subject to draconian punishments. Criminal records revealed that they were usually deported to concentration camps after serving their sentence.

Although only some homosexuals were physical victims of National Socialist persecution, the day-to-day life of every German homosexual during the Third Reich was deeply affected and influenced by the official repressive policies. Political officials and society together rejected homosexuality. No special forces could protest against the rigorous policies.

Homosexuals were not expected to resist. They were not safe from denunciation that might arise from heterosexual surroundings. Moreover, unlike socialists, communists, and the Jews, they were not able to form a more or less coherent subculture inside or outside the camps and were, therefore, left totally defenseless. Those who did not perish in the camps reacted by conforming to accepted patterns of public behavior. Homosexual men who were older than thirty got married in order to artificially balance their peculiarity with the behavior that society expected. The manner in which the repression and accommodation affected the interacting homosexual subcultures that still existed can be inferred (at least partially) from the trial records. In their behavior many men manifested a split identity.

To date, long-term effects, that is entrenched prejudice and its ongoing expressions after 1945, have generally not been explored. Moreover, we do not know how surviving gay men – and the majority did survive – have psychologically overcome that period and what the consequences were for their sexual identity. In any case, all homosexuals were victims, whether incarcerated in concentration camps, jailed, or untouched by persecution. In the end, the racist Nazi regime had a negative effect on all homosexuals.

Guenther Grau, "Final Solution of the Homosexual Question?", Michael Berenbaum (Ed.), *The Holocaust and History: The Known, the Unknown, the Disputed, and the Reexamined*, Bloomington, IN, Indiana University Press, 1998, pp. 338-344.

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<sup>16</sup> R. Lautmann, 'Categorization in Concentration Camps as a Collective Fate: A Comparison of Homosexuals, Jehovah's Witnesses and Political Prisoners', *Journal of Homosexuality* 19/1 (1990): 86. Copyright © 2007 Yad Vashem The Holocaust Martyrs' and Heroes' Remembrance Authority



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