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The German Invention of Homosexuality*

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They [the Germans] are not satisfied simply being pederasts, like the rest of the world. They have to invent homosexuality. Where science goes and finds itself a niche, my God? They study pederasty, just as they study epigraphy. . . . Pederasts with emphasis, sodomites with erudition! And in place of men simply making love together, through vice, they are homosexuals with pedantry. Go to Berlin, I tell you—see you in Berlin. That is the journey.¹

There have always been men and women who pursue erotic love with their own sex. The evidence, though sometimes elusive and often suppressed, is obvious and incontrovertible.² The significance ascribed to same-sex eroticism and to the term “homosexual” is another matter altogether and a vexing issue for scholars.³ Certainly gay history has identified entire networks of premodern men who sought sex with other men. Fifteenth-century Florence created a special office to police male prostitution. Early modern Spain and Germany interdicted and severely punished the crime of sodomy.⁴ Some historians have argued that the origins of modern homosexuality can be traced to the early

* I would like to thank the fellows of my class at the National Humanities Center, especially Ben Kiernan, Alice Kessler-Harris, Sheryl Kroen, Rachel Weil, and Bill Sewell for their comments and suggestions as this project took shape, as well as the outside reviewers for the *Journal of Modern History*. I am especially indebted to Jonathan Fine and Dagmar Herzog for their incisive and critical engagement with my argument. Of course, the views expressed here (as well as any mistakes) are entirely my own.

¹ Octave Mirbeau, “Berlin-Sodome,” in *La 628-E8* (Paris, 1907), 410; author’s translation from the French. See also *Sketches of a Journey: Travels in an Early Motorcar: From Octave Mirbeau’s Journal “La 628-E8”* (New York, 1989).

² See David F. Greenberg, *The Construction of Homosexuality* (Chicago, 1988); Louis Crompton, *Homosexuality and Civilization* (Cambridge, 2003); or the essays in Gilbert Herdt, ed., *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History* (New York, 1996).

³ For a recent and extremely valuable review of the issues surrounding the ascription of labels and identities, see Barry Reay, “Writing the Modern Histories of Homosexual England,” *Historical Journal* 52 (2009): 213–33.

⁴ See, for Florence, Michael Rocke, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence* (New York, 1996); for Spain, Cristian Berco, *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain’s Golden Age*

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eighteenth century, when premodern same-sex subcultures fostered minority identities distinct from a “heterosexual” majority. In the decades after 1700, certain London taverns or “molly houses” became exclusive venues for men (“mollies”) seeking sexual contact with other men.⁵ The eighteenth-century Netherlands witnessed a similar phenomenon of male “sodomites” who established secretive networks based on erotic same-sex attraction.⁶ Enlightenment Paris also harbored large groups of male “pederasts” who sought the sexual companionship of other men and developed, arguably, the identity of a sexual minority.⁷ Certainly these Dutch, English, and French subcultures have been well documented with contemporary printed materials as well as police and trial records. But whether they influenced or even conditioned modern sexual identities remains an open question.⁸

The nineteenth century has served as the more common focus for identifying the emergence of a modern homosexual identity. Since Michel Foucault’s *The History of Sexuality: An Introduction* (1976), many historians of sexuality have argued that a hetero/homosexual binarism emerged only after 1869 following the coinage of “homosexuality,” which, according to Foucault, introduced the homosexual as a new “species” of being. Some interpretations of Foucault’s work have emphasized the precise moment when the “homosexual” created a radical rupture in western understandings of sexual deviancy. According to this view, the social and cultural identities based on an

(Toronto, 2007); and for Germany, Helmut Puff, *Sodomy in Reformation Germany and Switzerland, 1400–1600* (Chicago, 2003).

⁵ See Alan Bray, *Homosexuality in Renaissance England* (New York, 1982; 2nd ed., 1995), 16–17, 88–93; Rictor Norton, *Mother Clap’s Molly House: The Gay Subculture in England, 1700–1830* (London, 1992); Randolph Trumbach, “Modern Sodomy: The Origins of Homosexuality, 1700–1800,” in *A Gay History of Britain*, ed. Matt Cook (Oxford, 2007), 77–106, and *Sex and the Gender Revolution*, vol. 1, *Heterosexuality and the Third Gender in Enlightenment London* (Chicago, 1998), 3–8, 53–59.

⁶ Theo van der Meer, “The Persecutions of Sodomites in Eighteenth Century Amsterdam: Changing Perceptions of Sodomy,” in *The Pursuit of Sodomy: Male Homosexuality in Renaissance and Enlightenment Europe*, ed. Kent Gerard and Gert Hekma (New York, 1989), 263–310, 286; and L. J. Boon, “Those Damned Sodomites: Public Images of Sodomy in the Eighteenth Century Netherlands,” in *ibid.*, 237–48.

⁷ Michel Rey, “Parisian Homosexuals Create a Lifestyle, 1700–1750,” *Eighteenth-Century Life* 9 (1985): 179–91, and “Police and Sodomy in Eighteenth-Century Paris: From Sin to Disorder,” in Gerard and Hekma, *The Pursuit of Sodomy*, 128–46; and the essays in *Homosexuality in Early Modern France: A Documentary Collection*, ed. Jeffrey Merrick and Bryant Ragan (Oxford, 2001).

⁸ Valerie Traub has argued that early modern same-sex love between women did not produce a modern lesbian identity but “demonstrate[s] the conditions of emergence for such an identity.” Perhaps a similar argument might be made for the “mollies” of Enlightenment London. Quoted from Traub, “The Psychomorphology of the Clitoris,” *GLQ: A Journal of Lesbian and Gay Studies* 2 (1995): 81–113, 85.

exclusive same-sex erotic attraction were virtually impossible before the nineteenth century.⁹

Other gay historians have supported Foucault's periodization but questioned his exclusive emphasis on medicalization. In his study of Sweden, Jens Rydström identifies a paradigm shift—effected without the influence of psychiatry—that began to distinguish sodomy from bestiality and that was accompanied by the growth of an urban same-sex-oriented subculture in Stockholm beginning in the 1880s.¹⁰ Dan Healey's work on Moscow and St. Petersburg documents a shift in same-sex relations around 1900 from an earlier model of adult men patronizing both younger male and female prostitutes to a subculture of men who desired exclusively other men.¹¹ Recent studies of Victorian London and Paris demonstrate, similarly, the growth of erotic same-sex subcultures in which groups of men pursued erotic and social relationships in established venues with other same-sex-desiring men.¹² Whether these late nineteenth-century networks can be traced back to the “mollies,” “sodomites,” or “pederasts” of the eighteenth century is theoretically debatable, but there are few demonstrable continuities.

Certainly the cosmopolitan culture and anonymity fostered by nineteenth-century European urbanization permitted the emergence of minority sexual communities. If we concede a qualitative shift, however, and not just numerical growth, we must also consider the kind of conceptual transformation addressed by Foucault. A central—if not perhaps the central—element that has characterized modern homosexuality is the understanding of erotic same-sex attraction as a fundamental element of the individual's biological or

⁹ Michel Foucault, *The History of Sexuality*, vol. 1, *An Introduction*, trans. Robert Hurley (New York, 1978), 43. The literature on this question is voluminous, and I cite sparingly. For the emphatically “constructivist” position on the “medicalization” of homosexuality, see Arnold Davidson, “Sex and the Emergence of Sexuality,” *Critical Inquiry* 14 (1987): 16–48, and “How to Do the History of Psychoanalysis: A Reading of Freud's *Three Essays on the Theory of Sexuality*,” *Critical Inquiry* 13 (1987): 252–77. See also the essays in Jan Goldstein, ed., *Foucault and the Writing of History* (Oxford, 1994). David Halperin offers a nuanced reading of Foucault's claim. See “Forgetting Foucault,” *Representations* 63 (1998): 93–120.

¹⁰ Jens Rydström, *Sinners and Citizens: Bestiality and Homosexuality in Sweden, 1880–1950* (Chicago, 2003), 43–54, 320–21.

¹¹ Dan Healey, *Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent* (Chicago, 2001).

¹² See Régis Revenin, *Homosexualité et prostitution masculines à Paris 1870–1918* (Paris, 2005); William Peniston, *Pederasts and Others: Urban Culture and Sexual Identity in Nineteenth-Century Paris* (New York, 2004); George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940* (New York, 1994); Matt Cook, *London and the Culture of Homosexuality, 1885–1914* (Cambridge, 2003); H. G. Cocks, *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London, 2003). See also Julie Abraham, *Metropolitan Lovers: The Homosexuality of Cities* (Minneapolis, 2008).

psychological makeup. Homosexuality has thus been defined and constructed around the debate over the innate character of sexual identity, whether governed by nature or nurture, biology or culture, genetics or environment. This idea of (homo)sexual personhood has a very recent history. The homosexual “species” emerged and took root in Germany after the mid-nineteenth century through the collaboration of Berlin’s medical scientists and sexual minorities. This confluence of biological determinism and subjective expressions of sexual personhood was largely a German phenomenon, moreover, and it clearly underpins modern conceptions of sexual orientation.

Foucault himself failed, however, to consider the sources of his own observations. Although he emphasized the word “homosexuality” and the work of the Berlin psychiatrist Karl Westphal, he never identified the German political, scientific, and cultural contexts that gave rise to the neologism and its science. To rectify Foucault’s apparent oversight, we should consider that it was Karl Kertbeny, a Hungarian-German author, who introduced the word in a pamphlet published in Berlin in 1869 to argue against the Prussian antisodomy statute.¹³ Kertbeny was neither the first nor last, moreover, but only one in a series of German activists who decried the German criminalization of same-sex eroticism. Both the intrepid advocates for legal reform and the German subjects of psychiatric study participated integrally in elaborating a science of homosexuality. The image Foucault has offered of a laboratory test tube in which medical professionals concocted new sexual identities is one-sided and misleading.

My aim therefore is to historicize the invention of the homosexual and to place this sexual identity firmly within the German milieu in which it emerged. In my analysis, I adduce four broad vectors of German history: the criminalization of male same-sex eroticism and the inclusion of the Prussian antisodomy statute as Paragraph 175 in the new German Imperial Criminal Code after 1871; the research methodologies of nineteenth-century German forensic and psychiatric professionals; the public engagement of literate middle-class Germans who openly protested Paragraph 175; and, finally, a remarkably free press. The Prussian antisodomy statute and Paragraph 175 prompted both public avowals of sexual difference (by self-identified sexual minorities) and theories elaborated by German psychiatrists that sexual orientation was somehow congenital or “hard-wired.”¹⁴ Scientists such as Ber-

¹³ See Karl Kertbeny, *§143 des Preussischen Strafgesetzbuches . . . und seine Aufrechterhaltung als §152 im Entwurfe eines Strafgesetzbuches für den Norddeutschen Bund* (Leipzig, 1869), and *Das Gemeinschädliche des §143 . . .* (Leipzig, 1869). Kertbeny’s identity as the author of these pamphlets was suspected earlier but only confirmed in 1905. See Manfred Herzer’s biographical introduction in Karl Maria Kertbeny, *Schriften zur Homosexualitätsforschung* (Berlin, 2000), 7–61.

¹⁴ On the history of Paragraph 175, see Philippe Weber, *Der Trieb zum Erzählen:*

lin's chief medical officer Johann Ludwig Casper, who studied Berlin's sexual "deviants" in the 1850s and 1860s, concluded that same-sex love was often a natural, inborn characteristic and not merely the perversion of a "normal" sexual tendency. And if some German scientists believed homosexuality to be a congenital trait, political activists asked, on what basis might sex acts between men be considered criminal at all?

This question mobilized the world's first self-consciously homosexual political organization, the Scientific-Humanitarian Committee (Wissenschaftlich-humanitäres Komitee, or WhK) founded in Berlin in 1897, which embarked on a remarkable campaign of public education. By 1908 the authoritative, broadly circulated, German-language encyclopedias *Meyers* and *Brockhaus*—which provided reliable, up-to-date references to Germany's burgeoning middle classes—included entries for "Homosexualität." The *Meyers* article explained that male and female homosexuals suffer from an "inborn and perverse feeling," that they could be found in all social classes, and that they likely made up 1.5–2 percent of the population.¹⁵ The *Brockhaus* entry cross-referenced "Homosexual" with "*konträre Sexualempfindung*" ("inverted sexual feeling") and "*Urningsliebe*" (the love of Urnings).¹⁶ The encyclopedia

Sexualpathologie und Homosexualität, 1852–1914 (Bielefeld, 2008); Florian Mildenberger, . . . in der Richtung der Homosexualität verdorben: *Psychiater, Kriminalpsychologen und Gerichtsmediziner über männliche Homosexualität 1850–1970* (Hamburg, 2002); Kai Sommer, *Die Strafbarkeit der Homosexualität von der Kaiserzeit bis zum Nationalsozialismus* (Frankfurt, 1998); Orlik Andreas Frank, *Die Strafbarkeit homosexueller Handlungen* (Aachen, 1997); Jörg Hutter, *Die gesellschaftliche Kontrolle des homosexuellen Begehrens* (Frankfurt, 1992); Hermann Sievert, *Das Anomale Bestrafen: Homosexualität Strafrecht und Schwulenbewegung im Kaiserreich und in der Weimarer Republik* (Hamburg, 1984); and Günther Gollner, *Homosexualität: Ideologiekritik und Entmythologisierung einer Gesetzgebung* (Berlin, 1974).

¹⁵ *Meyers Großes Konversations-Lexikon*, 16 vols. (Leipzig, 1908), 9:526.

¹⁶ *Brockhaus Konversations-Lexikon*, 17 vols. (Leipzig, 1908), 9:315, 10:599, 16:127. Karl Westphal had coined the more cumbersome *konträre Sexualempfindung* (often translated as "sexual inversion") in an 1869 case study, which defined the "pathological reversal" of same-gender sexual attraction. See Westphal, "Die conträre Sexualempfindung: Symptom eines neuropathischen (psychopathischen) Zustandes," *Archiv für Psychiatrie und Nervenkrankheiten* 2 (1869): 73–108. Karl Heinrich Ulrichs introduced the term "Urnig" in 1864 to describe men who were sexually attracted to other men (see discussion below). Though very obscure today, the term gained wide currency in German and in English and was used almost synonymously with "third sex" and "homosexual" into the twentieth century. The Victorian-era, English homosexual-rights activists John Addington Symonds and Edward Carpenter used the expression "Uranian love," as did a group of Cambridge classicists, sometimes dubbed the "Uranian poets," who wrote Greek-inspired pederastic poetry. See Edward Perry Warren, *A Defence of Uranian Love*, ed. Michael Matthew Kaylor (Kansas City, MO, 2009). Although Symonds and Carpenter almost certainly adopted the term from

entries suggested directly or implicitly that same-sex eroticism was a naturally occurring if uncommon phenomenon that affected a small percentage of the general population. The love that dared not speak its name, as Oscar Wilde put it, had many names, at least in German.

Understood as an immutable characteristic, homosexuality was indeed a German invention. But German linguistic innovation and political activism also gave rise to a broad cluster of conditions and identities that sometimes or even always denied the notion that same-sex eroticism reflected a congenital trait. The “masculinist” networks that coalesced around the Berlin activists Adolf Brand and Benedict Friedländer offer the best examples. Certainly Brand, Friedländer, and their followers rejected the WhK’s model of an inborn sexuality, but they also joined to protest Paragraph 175 and contributed to the broader phenomenon of Berlin’s “homosexual” community.¹⁷ While the notion of an inborn homosexuality captured and expressed the experiences of many literate middle-class Germans, it also gave rise to others, like Brand, who advanced their own competing models of same-sex desire. These internecine debates helped to give prominence, indeed preeminence, to Berlin’s incipient community of sexual minorities. The visibility of this community, moreover, enabled individuals outside Berlin to understand themselves, even without direct access to the German capital’s same-sex networks. As Jeffrey Weeks has argued, “The crucial factor is not the truth or mythic nature of identities, but identities’ effectiveness and political relevance.”¹⁸ To that we might add the importance of provocation. For many, “homosexual” encapsulated the characteristics, beliefs, and practices that shape individuals. It also offered the irritant that helped to spark the growth of a broad and often contentious community.¹⁹

Ulrichs and from the German sexological literature that cited him, Michael Matthew Kaylor disputes the notion that the Uranian poets were influenced by Ulrichs and argues instead that, as Classical scholars, they coined the expression independently. See Kaylor, *Secreted Desires: The Major Uranians* (Brno, 2006), 13.

¹⁷ On Brand and the other “masculinist” theoreticians and activists, see Harry Oosterhuis’s introduction to *Homosexuality and Male Bonding in Pre-Nazi Germany*, ed. Harry Oosterhuis and Hubert Kennedy (Binghamton, NY, 1991), 1–27; Marita Keilson-Lauritz, *Die Geschichte der eigenen Geschichte: Literatur und Literaturkritik in den Anfängen der Schwulenbewegung* (Berlin, 1997), 61–142; and Claudia Bruns, *Politik des Eros: Der Männerbund in Wissenschaft, Politik und Jugendkultur (1880–1934)* (Cologne, 2008).

¹⁸ Jeffrey Weeks, “History, Desire, and Identities,” in *Conceiving Sexuality: Approaches to Sex Research in a Postmodern World*, ed. Richard G. Parker and John H. Gagnon (New York, 1995), 33–50, 34.

¹⁹ I base this observation in part on my reading of queer theory. Just as Eve Kosofsky Sedgwick and others have questioned the essentialism of fixed gay and

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As it did in so many arenas, the French Revolution reformed, liberalized, and ultimately abolished the oppressive medieval laws that punished sodomy. The new French Penal Code adopted by the National Assembly in 1791 simply ignored sodomy—inspired by the liberal principle that the state should not meddle in private affairs—making France the first European state to decriminalize same-sex eroticism.²⁰ Spain, the Italian states, the Netherlands, and Belgium (after 1830) also decriminalized sodomy. In 1813 the new Bavarian code exempted same-gender sexual acts from criminal prosecution except in cases of the application of force or with children under the age of twelve.²¹ By 1848 other German states, including Württemberg, Baden, Hanover, and Brunswick, had followed suit, albeit with minor variations.

A few German states, including Prussia, maintained punishments for sodomy. Austria's antisodomy law generally mirrored the Prussian statute but was unique in German Central Europe for criminalizing sex between women. Other states, including the Kingdom of Saxony and the city-republics of Hamburg and Bremen, had broader definitions of sodomy that were correspondingly more punitive.²² After 1871 the new German Reich was broadly federalist, but Prussia shaped the Empire's legal institutions. As a consequence, the older Prussian antisodomy statute was introduced as Paragraph 175 into the new Imperial Criminal Code. In its final version, Paragraph 175 punished—and for much of Germany recriminalized—sodomy, which was

heterosexual identities, the German invention of an inborn homosexuality spurred a number of competing paradigms. Sedgwick bases her influential analysis of “minoritizing” and “universalizing” traditions in part on the division between Hirschfeld's WhK and the Berlin masculinists; see Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley, 1990), 88–90. I would resist drawing a direct parallel between the queer theoretical challenges of the 1990s and the homoerotic anarchism of Brand or the ideal of Greek pederasty espoused by Friedländer. More interesting is the dynamic created by claims of essentialism—whether by “Uranian” or “homosexual” rights activists such as Hirschfeld or by late twentieth-century gay and lesbian activists—and the challenges that follow. See also James Steakley, *The Homosexual Emancipation Movement in Germany* (New York, 1975), 54–68.

²⁰ A persistent misconception attributes the decriminalization of sodomy to either the Napoleonic Civil Code of 1804 or to the French Penal Code of 1810. See Michael Sibalís, “The Regulation of Male Homosexuality in Revolutionary and Napoleonic France, 1789–1815,” in *Homosexuality in Modern France*, ed. Jeffrey Merrick and Bryant T. Ragan (New York, 1996), 80–101.

²¹ Isabel Hull, *Sexuality, State, and Civil Society in Germany, 1700–1815* (Ithaca, NY, 1996), 345–50.

²² Sommer, *Die Strafbarkeit der Homosexualität*, 31–58.

understood as sexual penetration of one man by another, or the sexual acts of man and beast.²³

The promulgation of Paragraph 175 even ignored the counsel of Prussia's own expert medical advisors. The prestigious Royal Prussian Scientific Commission for Medical Affairs, whose members were appointed by the Prussian interior minister, had recommended in 1869 against the continued criminalization of sexual relations between adult men. Under the leadership of Berlin pathologist Rudolf Virchow, the Commission argued in 1869 that male-male sexual relations were "no more injurious than other forms [of illicit sexuality]," such as fornication or adultery, and claimed that it was unable "to offer reasons why sex between men should be criminalized when other forms of illicit relations are not punishable by law."²⁴ The Prussian minister of the interior rejected the Commission's recommendation, however, citing "popular German sentiment."²⁵

The enforcement of Paragraph 175 after 1871 posed a perennial challenge to the various courts of the German Reich. The new German Supreme Court, or Reichsgericht, founded in Leipzig in 1879, dissolved the highest courts of the territorial states, including the Supreme Court of Prussia, the Obertribunal. But before this, in 1876, the Obertribunal rendered a decision that had a powerful influence on subsequent interpretations of Paragraph 175. Recognizing the jurisprudence of more conservative states with broader definitions of sodomy, the Obertribunal construed Paragraph 175 to prohibit all sex acts that were "intercourse-like" (*beischlaf-ähnlich*). The older interpretation that the statute had prohibited only acts of "anal penetration" was abandoned and the scope of the law was broadened to ban nonpenetrative contact that merely

²³ Ibid.

²⁴ Quoted from the Prussian Scientific Deputation's formal position paper, reprinted in Richard von Krafft-Ebing, *Der Conträrsexuale vor dem Strafrichter*, 2nd ed. (Leipzig, 1895), 35–37.

²⁵ The clash between the progressive German medical establishment and conservative officials reflected a perennial tension of the Second Empire (1871–1918). Prussia's internal contradictions and outsized influence on the new German state created one of the signal peculiarities of German history. The University of Berlin, established in 1810 as the brainchild of the early nineteenth-century Prussian reformer Wilhelm von Humboldt (1767–1835), was a response in part to Prussia's catastrophic defeat to Napoleonic France just four years earlier. Moreover, it became the archetypal research university, eventually emulated throughout Europe and North America. German scientists and medical researchers dominated both original research and the application of new technologies, demonstrated clearly by the preponderance of German Nobel laureates, at least before 1933. At the same time, Prussia maintained a stifling and autocratic control over the legal and political culture of the new German state, which was undone in part only after 1918. The literature on Wilhelmine Germany is voluminous, but these themes are well covered in David Blackbourn, *The Long Nineteenth Century: A History of Germany, 1780–1918* (Oxford, 1998).

approximated intercourse.²⁶ The decision muddled definitions of sodomy and broadened the law, allowing wide-ranging and potentially inconsistent interpretations. This vague formulation suggested that any male-male sexual act that could be analogized to heterosexual intercourse was illegal.

The significance of the Obertribunal's interpretation became clear when the Reichsgericht adopted its reasoning in a case involving oral sex. The defendant was a man who had felled his sleeping bedmate. A lower court had found the "passive" partner—who, today, would likely be charged with sexual assault—innocent, since the sleeping partner experienced no pleasure. The lower-court judge reasoned that the sleeping partner did not "consciously introduce his male member into the mouth of the defendant"—in the manner that a man has sexual intercourse with a woman—and that the "passive" partner therefore could not be found guilty. On appeal the Reichsgericht reversed the decision but adopted use of the lower court's analogy to intercourse, reasoning that the law "does not require that the culpable act be participated in actively by both parties." The "passive" partner was indeed guilty—guilty of sodomy, not sexual assault—the Reichsgericht held, even though the sleeping partner was completely innocent.²⁷

The attempts of Germany's courts to create a coherent and consistent interpretation of Paragraph 175 were quixotic and arguably a failure. By 1900 the shortcomings of the jurisprudence had become a topic of public debate and frequently an argument for the statute's reform or even abolition. The definition of "intercourse-like" acts remained imprecise, resulting in a laundry list of sexual acts that might qualify as sodomy, which tended to include anal, oral, and intercrural intercourse, but less often frottage, petting, or mutual masturbation. Legal and medical scholars cited widely inconsistent applications of the law, reflecting Germany's federalism and the lack of consensus between lower and higher courts.²⁸ Berlin's progressive sexologists, when called as expert witnesses, compounded this problem. While legal categories criminalized specific sexual acts, the experts frequently identified an inborn

²⁶ *Die Rechtsprechung des königlichen Ober-Tribunals in Straf-Sachen* 15 (1876): 200. Hutter, *Die gesellschaftliche Kontrolle des homosexuellen Begehrens*, 44.

²⁷ *Rechtsprechung des Deutschen Reichsgerichts in Strafsachen* 10 (1888): 416–17.

²⁸ A partial list of these publications includes Melchior Grohe, *Der Urning vor Gericht* (Leipzig, 1893); Krafft-Ebing, *Der Conträrsexuale vor dem Strafrichter* (Leipzig, 1894); Magnus Hirschfeld, *§175 des Reichs-Straf-Gesetz-Buches: Die homosexuelle Frage im Urteile der Zeitgenossen* (Leipzig, 1898); James von Wilpert, *Das Recht des dritten Geschlechts* (Leipzig, 1898); Anonymous, *Eros vor dem Reichsgericht: Ein Wort an Juristen, Mediziner und gebildete Laien zur Aufklärung über die "griechische Liebe"* (Leipzig, 1899); Johannes Guttzeit, *Naturrecht oder Verbrechen? Über Liebe zum gleichen Geschlecht* (Leipzig, 1900); Friedrich Wachenfeld, *Homosexualität und Strafgesetz* (Leipzig, 1901); Leopold Löwenfeld, *Homosexualität und Strafgesetz* (Leipzig, 1908).

sexual orientation in their patients and demanded leniency by reason of reduced capacity. Those defendants who could enlist the most progressive and prominent expert witnesses—especially Hirschfeld and others based in Berlin—often received reduced sentences. Sympathetic sexologists and psychiatrists could thereby influence the application of the law, even if unable to effect reform.²⁹ For these reasons, the law was a crude and unwieldy tool for punishing consensual, same-sex eroticism. The law endured, however, providing constant stimulus for public debate and medical inquiry. It also represented a real threat—although more often realized through blackmail than law enforcement—to the reputations and livelihoods of men who risked erotic liaisons with other men. As such, it created the all-important context and stimulant for the evolution of the world's most expansive science of homosexuality.

CONFESSION AND THE SCIENCE OF SAME-SEX LOVE

The German criminalization of sodomy inspired the close study of “perversion,” leading to novel theories of same-sex attraction. As Harry Oosterhuis has claimed, “The new ways of understanding sexuality emerged out of a confrontation and intertwining of professional medical thinking and patients’ self-definition.”³⁰ Arguably the unwitting pioneer of this tradition was Johann Ludwig Casper (1796–1864), Berlin’s chief medical officer (*Stadtphysikus*) and forensic pathologist who trained at the University of Berlin and published the first scientific case study of a sodomite in 1852. Casper’s analysis—cited for generations by psychiatric practitioners—established a long line of scientific research that formed a cumulative literature on the psychological characteristics of erotic same-sex attraction. Before Casper, forensic physicians explained sodomy as a willful perversion and the product of sexual excess. Male “sodomites” were generally understood as oversexed predators who simply grew bored with women and heterosexual intercourse. Closely linked to sexual excess was masturbation, the other vice considered capable of perverting an otherwise normal individual to engage in same-sex acts, since it gave free rein to unhealthy fantasy. By threatening disequilibrium and excess, masturbation was also believed to produce mental disease and insanity, which might lead, likewise, to the practice of sodomy. As Isabel

²⁹ See Hutter, *Die gesellschaftliche Kontrolle des homosexuellen Begehrens*, 233.

³⁰ Harry Oosterhuis, *Stepchildren of Nature: Krafft-Ebing, Psychiatry, and the Making of Sexual Identity* (Chicago, 2000), 212. Of course, Oosterhuis’s notion that sexual identity was forged through the crucible of legal prohibition, forensic-medical analysis, and the self-identification of minority sexual subjects is heavily indebted to Foucault. See volume 1 of *History of Sexuality*, 101.

Hull aptly describes, masturbation was a “catchall symbolic category” that represented “immoderation.”³¹

These views of masturbation provided a compelling framework for explaining sodomy well into the nineteenth century. In his 1844 textbook on sexual pathologies, Heinrich von Kaan, a physician in Leipzig, argued that masturbation caused sodomy since it fostered a diseased fantasy life.³² Kaan’s study also offered a forensic guide for identifying sodomites: the peculiar physical traits of the passive sodomite included the “funnel-shaped” (*trichterförmig*) anus, which facilitated anal intercourse.³³ Ludwig Mende argued similarly that “the consummation of this depravity [sodomy] . . . leave[s] a lasting physical mark.” Mende speculated that “active” sodomites might also be physically identified, namely, by the shape and size of their penises: “Men with a thin and not very long prick (*Ruthe*) are especially susceptible to this vice, since they find little satisfaction with women and are likewise scorned by them.”³⁴ This diagnostic was recommended by other German pathologists, including Josef Hadermann, who suggested a rigorous investigation of the genitals of both passive and active sodomites.³⁵

The authors of these older works were representative of forensic science, both within and outside of German Central Europe, but they had little direct experience of the subjects about whom they theorized. By contrast, Casper examined defendants for physical evidence that might be presented as evidence in court. This work provided Casper with material for the case studies that he first published in 1852 in the inaugural issue of the *Quarterly for Forensic and Public Medicine*, a journal he founded and edited until his death in 1864. Casper began his first article on the subject with a scathing critique of the existing literature, which, he argued, lacked empirical evidence and repeated the unsubstantiated claims of older sources. Casper relied instead on eleven police cases that he had investigated as a forensic physician. The most significant was that of a Berlin aristocrat, Count Alfred von Maltzan-Wedell, tried and sentenced under the Prussian sodomy law in 1849 (Maltzan-Wedell

³¹ Hull, *Sexuality, State, and Civil Society in Germany*, 364. See also Thomas Laqueur, *Solitary Sex: A Cultural History of Masturbation* (New York, 2003); and Paul Derks, *Die Schande der heiligen Päderastie: Homosexualität und Öffentlichkeit in der deutschen Literatur, 1750–1850* (Berlin, 1990), 40–42.

³² Heinrich von Kaan, *Psychopathia sexualis* (Leipzig, 1844). See also the German translation of Kaan’s Latin text in Philipp Gutmann, *Zur Reifizierung des Sexuellen im 19. Jahrhundert: Der Beginn einer “scientia sexualis”* (Frankfurt, 1998).

³³ Kaan, *Psychopathia sexualis*, 47.

³⁴ L. J. K. Mende, *Ausführliches Handbuch der gerichtlichen Medizin für Gesetzgeber, Rechtsgelehrte, Aerzte und Wundärzte*, 5 vols. (Leipzig, 1819–32), 4:506–7, 509.

³⁵ Josef Hadermann, *Practische Anweisung zu solchen gerichtlich-medizinischen Unterweisungen, welche lebende Personen betreffen: Für Ärzte und Rechtsgelehrte* (Erlangen, 1840), 87.

died in a Berlin prison in 1858). In addition to interviews and physical exams, Casper studied the Count's journals, which gave detailed information about his sexual exploits, love interests, and the existence of a broad network of Berlin "sodomites."³⁶

Casper's analysis revealed an open-minded faith in empirical evidence and a willingness to question received wisdom. "I consider it my obligation to make available to science something that I encountered only through the accident of my official position," Casper wrote, "a rare good fortune to explore a dark province that science must acknowledge." The Count, Casper explained, had engaged in sex acts with other men for nearly thirty years but showed no awareness that his sexual activities were illegal. Endowed with a "feminine-childish essence" (*weibisch-kindliches Wesen*), the Count responded openly, "without inhibition" (*Unbefangenheit*), to every question. Casper marveled at the Count's heartfelt feelings: the "love and longing" (*Liebe und Verlangen*) with which he remembered his first affair; the "effusive nicknames" (*schwärmerische Epitheta*) he used for his lovers; and the "jealousy" (*Eifersucht*) he experienced when competing for affection.³⁷ The good doctor was clearly troubled by the Count's sexual life, but he marveled at the man's earnest and heartfelt affection for his lovers. The Count's psychological characteristics and apparent emotional attachment undermined conventional wisdom on perversion (and by extension on sodomy).

Casper also criticized the forensic manuals claiming that sodomites might be easily detected by physical symptoms. These included a broad range of debilitating viral and venereal diseases that were often observed to afflict prostitutes. Among Casper's eleven case studies introduced in 1852, not one suffered dropsy (*Wassersucht*), tuberculosis (*Schwindsucht*), or "wasting disease" (*Abzehrung*), a vague and archaic diagnosis for malnutrition and general ill health. Casper also cited the work of his deceased friend Alexandre Parent-Duchâtelet (1790–1835), the French hygienist who had studied Parisian prostitution. Those female sex workers who engaged in anal intercourse, according to Casper's recounting of Parent-Duchâtelet's famous study, did not possess the alleged physical signs of passive sodomy. Pederasts could not be recognized with certainty based on any external signs, Casper concluded, and the diagnostic markers sought by most forensic physicians lacked any empirical basis. Casper's most contentious claim, moreover, was that the "sexual inclination [*geschlechtliche Hinneigung*] of man for man among many of these unfortunates, though I presume only among a minority, is innate [*an-*

³⁶ Johann Ludwig Casper, "Ueber Nothzucht und Päderastie und deren Ermittlung Seitens des Gerichtsarztes," *Vierteljahrsschrift für gerichtliche und öffentliche Medicin* 1 (1852): 21–78.

³⁷ All direct quotations are taken from *ibid.*, 67–69.

geboren].”³⁸ In 1858 Casper argued more radically that “for most who are given to this [pederasty], it is innate.”³⁹ Casper’s revised claim that not just some but most “pederasts” suffered an innate predisposition relied on evidence from additional case studies; he concluded that no physical characteristics marked the “active” pederast, and the physical stigmata of the passive sodomite were dubious at best.⁴⁰ Persons drawn to love members of the same sex could not be known by their sexual acts, and all that remained was their psychological constitution.

Casper’s arguments sparked an important debate with the Parisian forensic pathologist August Tardieu (1818–79).⁴¹ Like the traditionalists whom Casper dismissed, Tardieu viewed same-sex intimacy as a symptom of perversion and sexual excess. In his influential *Étude médico-légale sur les attentats aux mœurs*, first published in 1857, Tardieu asserted—directly repudiating Casper—that same-sex love stemmed from vice or moral choice, not an innate constitution or mental illness.⁴² Based on more than 300 personal examinations of criminal suspects as well as prison and asylum inmates, Tardieu insisted that the “absence of positive signs is a very rare exception.” These signs, Tardieu continued, reflected the important distinction between two categories of pederasts, since “pederasty encompasses in some sense two roles,” one played by the “passive” and the other by the “active” partner.⁴³ Echoing the forensic science of Casper’s predecessors, Tardieu argued that passive pederasts had flaccid buttocks and funnel-shaped anuses with stretched or relaxed sphincters; active pederasts had either narrow and pointy, or long, tapered penises, deformed through the pressure of anal penetration.⁴⁴ Tardieu’s emphasis on the stigmata caused by specific sexual perversions—in this case anal intercourse—hewed closely to French medical theory, which, indebted to Lamarck, invoked physical traits instead of psychological abstractions, especially in legal contexts or courtrooms to ensure credibility with jurists and judges.⁴⁵

³⁸ Ibid., 62.

³⁹ Johann Ludwig Casper, *Practisches Handbuch der gerichtlichen Medicin*, 3 vols. (Berlin, 1858), 2:174.

⁴⁰ Johann Ludwig Casper, *Klinische Novellen zur gerichtlichen Medicin nach eigenen Erfahrungen* (Berlin, 1863), 170–73.

⁴¹ See the essays in *Homosexuality in Modern France*, ed. Jeffrey Merrick and Bryant Ragan (Oxford, 1996), especially Vernon Rosario, “Pointy Penises, Fashion Crimes, and Hysterical Mollies: The Pederasts’ Inversions,” 146–76.

⁴² August Tardieu, *Étude médico-légale*, 4th ed. (Paris, 1862), 213.

⁴³ Quoted from *ibid.*, 164.

⁴⁴ Ibid., 223, 236–37.

⁴⁵ On this point, see Robert Nye, “Michel Foucault’s Sexuality and the History of Homosexuality in Modern France,” in Merrick and Ragan, *Homosexuality in Modern France*, 225–42.

This Lamarckian belief in the physical marks of “active” and “passive” sodomites was complemented (and to some extent supplanted) by theories of degeneration, given scientific credence by an influential work on the subject published by physician Bénédict Augustin Morel in 1857.⁴⁶ Adapting Morel’s theory, Jean-Martin Charcot, the celebrated French psychiatrist of the fin de siècle, coauthored an article in 1882 that influenced the subsequent French study of homosexuality. Charcot explained that “sexual inversion” was one possible episode (*syndrome*) in a basic process of hereditary degeneration, and he compared it with “obsessions” such as kleptomania or alcoholism (dipsomania).⁴⁷ In Charcot’s estimation, “sexual inverts” were not corrupted libertines or perverts who lacked moral will but, rather, victims of heredity. The status of pederastic stigmata remained ambiguous within this paradigm, but other physical features were characteristic of degeneration, including “sexual inversion.” Subsequent French studies by Paul Sérieux, Julien Chevalier, and Dr. Lauppts (Georges Saint-Paul) were all heavily indebted to Charcot and to Morel.⁴⁸

As Régis Revenin has argued recently, “French medicine, in addition to recycling archaic anti-homosexual prejudices, also classed and stereotyped homosexuals according to a heterosexist model: the role of the ‘man’ was attributed to the mature, virile, hirsute and ‘active’ homosexual, and that of the ‘woman’ was taken by a young, effeminate, and ‘passive’ person.”⁴⁹ The French application of retrograde theory can be blamed in part, ironically, on the French decriminalization of sodomy, which preempted the medical investigation of same-sex eroticism among middle-class men. Only in connection with other criminal activity were French “pederasts” subjected to criminal or medical investigation.⁵⁰ As Karl Kertbeny noted, Tardieu’s theory that “ped-

⁴⁶ Bénédict Augustin Morel published his seminal work, *Traité des dégénérescences physique, intellectuelles et morales de l’espèce humaine* . . . , in 1857. For an overview of Morel’s influence and theories of degeneration more generally, see Daniel Pick, *Faces of Degeneration: A European Disorder, c. 1848–c. 1918* (Cambridge, 1989). The notion of cultural degeneration was popularized in Germany with the publication of Max Nordau’s *Degeneration* in 1892.

⁴⁷ Jean-Martin Charcot and Victor Magnan, “Inversion du sens genital,” *Archives de neurologie* 3 (1882): 53–60; 4 (1882): 296–322.

⁴⁸ Paul Sérieux, *Recherches cliniques sur les anomalies de l’instinct sexuel* (Paris, 1888); Julien Chevalier, *Une maladie de la personnalité: L’inversion sexuelle* . . . (Paris, 1893); Dr. Lauppts (Georges Saint-Paul), *Tares et Poisons: Perversion et perversité sexuelles; Une enquête médicale sur l’inversion. . . . La guérison et la prophylaxie de l’inversion* (Paris, 1896).

⁴⁹ Revenin, *Homosexualité et prostitution masculines à Paris 1870–1918*, 154.

⁵⁰ Robert Nye, “The History of Sexuality in Context: National Sexological Traditions,” *Science in Context* 4, no. 2 (1991): 387–406, and “Sex Difference and Male Homosexuality in French Medical Discourse, 1830–1930,” *Bulletin of the History of Medicine* 63 (1989): 32–51.

erasts" possessed pointy penises and funnel-shaped anuses was based on the study of French prostitutes and prison inmates. The absence of a French sodomy statute, Kertbeny argued, made it impossible for French doctors to study homosexuality as it really existed, in situ, in bourgeois society (*bürgerlichen Gesellschaft*).⁵¹ Instead of educated, bourgeois patients, French psychiatry relied on prevailing theory or, at best, on studies of institutionalized patients and prisoners.⁵²

The French context in which "sexual inversion" was theorized offers a perfect foil for explaining the innovations of German sexology. Casper's investigations of Count von Maltzan-Wedell—including interviews and the careful study of his personal journals—established a precedent and model for German psychiatry. The collaboration of subject and theorist was nowhere more apparent than in the correspondence of Karl Heinrich Ulrichs and Richard von Krafft-Ebing, the German physician and sexologist who held a chair in psychiatry at the University of Vienna. Here the usual authority of the doctor-patient relationship was complicated or even reversed since Ulrichs, not Krafft-Ebing, represents, arguably, the first theorist of an inborn homosexual subjectivity. With the twelve tracts that he published between 1864 and 1879, Ulrichs not only disclosed his own homosexuality but also propounded an emancipationist science of same-sex love.⁵³

Ulrichs's publications were of greatest significance for the incipient sexology that emerged in Berlin by the end of the century. In his first pamphlet, he introduced the term *Urnig* to denote a man sexually attracted to other men. Using characters from the account in Plato's *Symposium*, Ulrichs derived the word from the god Uranos who bore Aphrodite. Later he coined the term *Urninden* to denote female homosexuals or lesbians. Although he used the

⁵¹ §143 des Preussischen Strafgesetzbuches, 66–67.

⁵² For example, see Philippe Artières, "What Criminals Think about Criminology: French Criminals and Criminological Knowledge at the End of the Nineteenth Century," in *Criminals and Their Scientists: The History of Criminology in International Perspective*, ed. Peter Becker and Richard Wetzell (Cambridge, 2006), 363–75. The lone exception in my survey of French sexological literature is the study of Charles Féré, *L'instinct sexuel: Evolution et dissolution* (Paris 1899), which includes twenty-two original case studies drawn largely from Féré's psychiatric practice.

⁵³ Born in 1825 in the Kingdom of Hanover, Ulrichs studied law, theology, and history at the universities of Göttingen and Berlin. For several years, he served as a state bureaucrat in Hildesheim, located within the boundaries of the Hanoverian Kingdom. Forced to resign in 1853 due to rumors of sexual improprieties, Ulrichs revealed to close friends and family a few years later what he considered the fundamental element of his true character: his erotic attraction to other men. His twelve pamphlets on male homosexuality, published originally from 1864 to 1879, are available in English translation; see Karl Heinrich Ulrichs, *The Riddle of "Man-Manly" Love: The Pioneering Work on Male Homosexuality*, trans. Michael Lombardi-Nash, 2 vols. (New York, 1994).

pseudonym Numa Numantius, Ulrichs eventually published under his own name, and at the German Legal Congress held in Munich in August 1867 he introduced himself as an Urning to the great derision of his fellow jurists. Ulrichs also speculated that some invisible “germ” was responsible for Uranian love and that it would one day be discovered by biologists. For a time he agitated against the Prussian antisodomy statute, but he left Germany for Italy after Paragraph 175 criminalized sodomy in his native Hanover.⁵⁴

Although Ulrichs failed to prevent the imposition of Paragraph 175, his publications were broadly influential. He distributed his work to public officials, politicians, and medical doctors, and in 1866 he sent his first five pamphlets to Krafft-Ebing, who was just finishing an internship at the University of Vienna. The two men—doctor and activist—maintained a lifelong correspondence, and as Krafft-Ebing recounted later in a letter to Ulrichs, “The research in your writings on love between men has interested me in a high degree. . . . From that day on when you sent me your writings, I have given my full attention to the phenomenon. . . . It was the knowledge of your writings alone, which gave rise to my research in this highly important field.”⁵⁵ Krafft-Ebing’s scholarly oeuvre offers one of the clearest examples of the dialogue between doctor and patient that animated this production. He received unsolicited letters, confessions, and autobiographical statements—not unlike the unexpected pamphlets sent by Ulrichs—which he featured in his subsequent scholarship.

Krafft-Ebing’s first publication on same-sex love appeared in 1877, and the first edition of his *Psychopathia sexualis* was published in 1886.⁵⁶ This version included seventeen case studies of homosexuals (of a total of forty-five), and each subsequent edition added on average five or more homosexual case studies. The twelfth edition, published in 1903 soon after Krafft-Ebing’s death, presented 238 same-sex case studies.⁵⁷ In the second edition of a polemic arguing against the Austrian and German antisodomy statutes—first published in 1894—Krafft-Ebing also offered fifty new case studies of homosexuals.⁵⁸ What permitted Krafft-Ebing to produce such a volume of scholarship was not only his own university research and private practice but also the remarkable responses to his best-selling book. *Psychopathia sexualis* struck a receptive chord and inspired readers almost immediately. By the early

⁵⁴ See the biography by Hubert Kennedy, *Karl Heinrich Ulrichs: Pioneer of the Modern Gay Movement*, 2nd ed. (Concord, CA, 2005).

⁵⁵ Ibid., 70–71, 208–9; Oosterhuis, *Stepchildren of Nature*, 47–48, 66–67.

⁵⁶ Richard von Krafft-Ebing, “Ueber gewisse Anomalien des Geschlechtstriebes . . .,” *Archiv für Psychiatrie und Nervenkrankheiten* 7 (1877): 291–312.

⁵⁷ New editions of Krafft-Ebing’s *Psychopathia sexualis* appeared in 1877–94, 1898, 1901, and 1903.

⁵⁸ Krafft-Ebing, *Der Conträrsexuale vor dem Strafrichter*, 2nd ed. (Leipzig, 1895), 7, 93–97.

twentieth century it had become a cult classic among self-identified homosexuals. As one psychiatrist explained, Krafft-Ebing's work "found enormous distribution not only among a medical but also among a lay public, and *Psychopathia sexualis* became a kind of gospel [*Evangelium*] for all Urnings."⁵⁹

These correspondents often addressed Krafft-Ebing as a therapist or confessor, the sole person to whom they could entrust their secret, albeit only in anonymous letters. "I would never have thought," conceded one correspondent, "that I would express myself to a man who is not on our side."⁶⁰ For others, anonymity created the first and perhaps only opportunity to speak openly. "No one suspects my true being," wrote one reader, "only you, a stranger, can know me as neither father, mother, friend, nor wife can. To be allowed to admit the oppressive secret of my own nature is to benefit from a good deed."⁶¹ Some of Krafft-Ebing's informants found a compelling explanation of their "condition" in *Psychopathia* and viewed the doctor as a kind of medical savior. As one reader explained: "Since I have learned of your benevolent interest in our despised class, my heart has grown lighter."⁶² Clearly, reading *Psychopathia* for many was a voyage of self-discovery. "I would have known for certain that I am an Urning," claimed one reader, "if I had had your book at an earlier date."⁶³ And in the words of another: "Your publication has awakened in me a new understanding."⁶⁴

Many of Kraft-Ebing's readers had already discovered other sources and frequently mentioned Ulrichs's writings. As one reader explained, "When I was thirty years old, I found the work of Numa [Ulrichs's pseudonym], and I cannot describe what a salvation it was for me to learn that there are many other men who are sexually constituted the way I am, and that my sexual feeling was not an aberration but rather a sexual orientation determined by nature. . . . I no longer attempted to fight this orientation, and since I have given my Urning nature freer reign, I have become happier, healthier, and more productive."⁶⁵ For some, Ulrichs was the source of youthful self-discovery. "When I was about 24," one wrote, "I learned by reading Ulrichs that I am not the only man of this persuasion."⁶⁶ Another credited Ulrichs with solving the riddle of his existence: "I encountered a few books by Numa

⁵⁹ W. Stieder, "Zur Frage über den Uranismus," *Russische medicinische Rundschau* 7, no. 4 (1906): 389–401, quoted from 393.

⁶⁰ Richard von Krafft-Ebing, *Neue Forschungen* (Stuttgart, 1890), 43.

⁶¹ Krafft-Ebing, *Psychopathia sexualis*, 5th ed. (Stuttgart, 1890), 152.

⁶² Krafft-Ebing, *Neue Forschungen*, 55.

⁶³ Krafft-Ebing, *Psychopathia sexualis*, 5th ed., 150.

⁶⁴ *Ibid.*, 181.

⁶⁵ Richard von Krafft-Ebing, "Die conträre Sexualempfindung," *Jahrbücher für Psychiatrie* 4 (1883): 46.

⁶⁶ Krafft-Ebing, *Psychopathia sexualis*, 6th ed. (Stuttgart, 1891), 210.

Numantius [Ulrichs] and from these I was enlightened about my condition, which up to this point had been completely inexplicable.”⁶⁷ For a few, reading materials, including the publications of Ulrichs and Krafft-Ebing, took the place of human contact. “Even though I have never met another Urning,” one reader admitted, “I am very familiar with my condition because I have been able to read almost all of the relevant literature. Recently I was confronted by your work *Psychopathia sexualis*.”⁶⁸

Krafft-Ebing’s direct appeals for autobiographical confession inspired his correspondents. “Dear Sir!” began one such letter, “You seek biographies from different Urnings. In the interest of science I will not avoid indecency in providing you with the most exact autobiography. I will attempt to provide all relevant dates and with the greatest possible objectivity.”⁶⁹ *Psychopathia* also inspired many to hope that science would cultivate greater social acceptance. “The puzzle of our existence,” opined one reader, “can only be solved or at least illuminated by unprejudiced, thinking men of science.”⁷⁰ “I submit these lines,” wrote another, “in the interest of improving the future of my suffering fellow travelers [*Leidensgefährten*].”⁷¹ Many viewed their missives as a genuine contribution to Krafft-Ebing’s broader scientific project. “I will strive to provide the most objective information with the greatest economy. Note too that I have a radical and even cynical style and that I attempt above all to be true. Therefore I will not avoid strong expressions, since these characterize most succinctly the subjects I discuss.”⁷² “If I am not able to contribute much,” wrote another more modestly, “I can express some things that I hope you will accept and use as a building block for your work.”⁷³

The self-discovery described by the contributions to *Psychopathia* influenced in turn the evolution of Krafft-Ebing’s own views. Admittedly, Krafft-Ebing subscribed to degeneration theory, pioneered by Morel. The central principle of Krafft-Ebing’s interpretation was Darwinian, and he explained homosexuality as an illness, likely caused by inherited genetic factors. Since same-sex eroticism did not serve procreation, it represented a biological mistake or deformity.⁷⁴ For this very reason, Ulrichs, shortly before his death in 1895, rebuked Krafft-Ebing for depicting same-sex love as a form of insanity.⁷⁵ But Ulrichs’s influence on Krafft-Ebing is unmistakable. By the 1890s Krafft-Ebing supported openly the decriminalization of sodomy in both

⁶⁷ Ibid., 3rd ed. (Stuttgart, 1888), 83.

⁶⁸ Ibid., 5th ed. 161.

⁶⁹ Krafft-Ebing, “Die conträre Sexualempfindung,” 42–43.

⁷⁰ Krafft-Ebing, *Psychopathia sexualis*, 3rd ed., 87–88.

⁷¹ Ibid., 164.

⁷² Ibid., 88.

⁷³ Krafft-Ebing, *Psychopathia sexualis*, 5th ed., 161.

⁷⁴ Oosterhuis, *Stepchildren of Nature*, 177–94.

⁷⁵ Kennedy, *Karl Heinrich Ulrichs*, 287.

the Austrian and German empires.⁷⁶ Consistent with this position he was one of the first signatories of the Reichstag petition sponsored in 1897 by Hirschfeld and the WhK to repeal Paragraph 175.⁷⁷ In his final publication on homosexuality, an article in Hirschfeld's *Jahrbuch*, he renounced his own theory of sexual inversion, claiming that homosexuality "should not be viewed as a psychic depravity or even sickness." It posed no threat to youth, he opined, and it might even be united with the "noblest inspirations of the heart." He also honored Ulrichs, one last time, for his life's struggle to win full civil rights and acceptance.⁷⁸

Krafft-Ebing's reputation as a progressive proponent of homosexual emancipation was certainly deserved. His views were representative, moreover, of progressive German and Austrian psychiatrists, who accepted inversion or homosexuality as an innate and largely fixed sexual orientation. There were exceptions, of course. The Munich psychiatrist Albert von Schrenck-Notzing viewed same-sex eroticism as a perversion that might be cured through hypnosis and suggestion.⁷⁹ The distinguished Berlin psychiatrist Albert Moll—while rejecting Krafft-Ebing's theory of degeneration—was hesitant to view same-sex love as unambiguously congenital, although he supported the WhK campaign to reform Paragraph 175 and decriminalize sexual relations between consenting adults.⁸⁰ Of course, Freud launched his own theory with the publication of *Three Essays on the Theory of Sexuality* in 1905, which posited a primary bisexuality, the polymorphous perversity of children, and explained erotic same-sex attraction in adults as the product of a flawed or incomplete psychodynamic development. But even the Berlin medical doctor and sexol-

⁷⁶ Krafft-Ebing's *Der Conträrsexuale vor dem Strafrichter* was in large part an impassioned plea for eliminating the Austrian and German antisodomy statutes. An expanded second edition appeared in 1895.

⁷⁷ Magnus Hirschfeld, *Die Homosexualität des Mannes und des Weibes* (Berlin, 1914), 979.

⁷⁸ Richard von Krafft-Ebing, "Neue Studien auf dem Gebiete der Homosexualität," *Jahrbuch für sexuelle Zwischenstufen* 3 (1901): 1–36, quoted from 5–6. The 12th edition of Krafft-Ebing's *Psychopathia*, however, published posthumously in 1903, explained homosexuality as a manifestation of degeneration, and Krafft-Ebing's contemporaries interpreted this ambivalence according to their own theoretical predilections. While Albert Moll asserted that Krafft-Ebing had always considered homosexual orientation an organic abnormality, for example, Iwan Bloch and Havelock Ellis maintained that by the end of his life Krafft-Ebing had rejected degeneration as an explanation for homosexuality. See Bloch, *Das Sexualleben unserer Zeit in seinen Beziehungen zur modernen Kultur* (Berlin, 1907), 538–39; and Havelock Ellis, *Studies in the Psychology of Sex*, vol. 2, *Sexual Inversion*, 3rd ed. (Philadelphia, 1921), 70.

⁷⁹ Albert von Schrenck-Notzing, *Die Suggestions-Therapie bei krankhaften Erscheinungen des Geschlechtssinnes: Mit besonderer Berücksichtigung der conträren Sexualempfindung* (Stuttgart, 1892).

⁸⁰ Volkmar Sigusch, *Geschichte der Sexualwissenschaft* (Frankfurt/Main, 2008), 214–16.

ogist Iwan Bloch, who described same-sex eroticism as an “anti-evolutionary” anomaly, and therefore the “appendix” (or purposeless feature) of human sexuality, came to consider same-sex eroticism an inborn condition, which inspired him to support the legal emancipation of homosexuals.⁸¹ Of course, Paragraph 175, like the sword of Damocles, cast a shadow over the lives of German homosexuals. But the statute also created a productive tension—in contrast to the situation in France—that compelled both activists and medical practitioners to explain erotic same-sex attraction.

GERMAN PRINT CULTURE AND CENSORSHIP

The freedom to publish sexological literature was a significant factor in the work of scientists and homosexual rights activists. Notably, Krafft-Ebing’s *Psychopathia sexualis* was never censored in Germany, despite graphic first-person descriptions of homosexual acts. The work was first published as a specialized psychiatric textbook, of course, but demand spurred new and expanded editions that appeared nearly every year after 1887. Krafft-Ebing’s title also became an important source of income for its publisher, the Ferdinand Enke Verlag (in Stuttgart).⁸² By trumpeting the interests of science, German publishers could overcome censors who accepted claims that a work had serious scholarly merit. The status of scientific research in Germany combined with the influence of a powerful publishing industry permitted the appearance of homosexuality-themed works unparalleled in Europe or elsewhere in the world.⁸³

The precedent for not suppressing German titles on “inversion,” Urnings, and homosexuality had been established well before Krafft-Ebing’s *Psychopathia sexualis*. Ulrichs was one of the first to defeat censorship with the publication of his pamphlets. When his first two tracts appeared in 1864, Ulrichs and his Leipzig publisher Heinrich Matthes were charged for “degradation of family and marriage” and for advocating “illegal behavior.” Shortly after publication in May, local complaints led Leipzig officials to seize remaining copies of the pamphlets from Matthes, who distributed them from

⁸¹ Bloch, *Das Sexuelleben unserer Zeit in seinen Beziehungen zur modernen Kultur*, quoted from the 1908 edition, 591–92. Even before the initial publication of this work in 1907 Bloch had befriended Hirschfeld and signed the WhK petition in support of abolishing Paragraph 175.

⁸² By 1850 the Enke press had begun publishing academic and popular works on science, and it was highly regarded by 1900 for its list in research medicine. See the commemorative official history, *150 Jahre Ferdinand Enke Verlag: Ein Abriß der Verlagsgeschichte* (Stuttgart, 1987).

⁸³ Magnus Hirschfeld tallied 10,000 German-language publications on homosexuality released in the decade 1898 to 1908; *Homosexualität des Mannes und des Weibes*, 973.

his shop, at the Leipzig book fairs, and through postal orders. Further publication of the tracts was prohibited.⁸⁴ Neither the charge nor the trial conducted later that month was surprising, since the Kingdom of Saxony (where Leipzig was located) had an antisodomy statute more draconian than Prussia's. Of course, Casper's first essays on same-sex eroticism from the 1850s were relatively explicit, but they tended to appear in relatively inaccessible scientific journals or as medical textbooks. Ulrichs's pamphlets, by contrast, targeted a popular, nonspecialist public and argued passionately for the decriminalization of sex between consenting adult males. In short, these pamphlets—authored by an activist, not a medical doctor—were explicitly political and propagandistic, seeking to influence public opinion. An attempt to censor them was to be expected.

The case was heard in the Saxon district court in Leipzig, which rejected the prosecutor's charges, citing the "scientific value" of Ulrichs's publications. "It seems the pamphlets have been published," the judge explained, "without the intention of eliciting immorality."⁸⁵ As a consequence, the publication ban was lifted and the confiscated copies returned to Matthes. The decision discouraged the Leipzig prosecutor from filing charges against Ulrichs's ten subsequent pamphlets, which were distributed without difficulty.⁸⁶

This early victory was also an important harbinger of the relative tolerance that works on homosexuality would continue to enjoy for decades. After 1890 German publications on same-sex love, both scientific and popular titles, proliferated with remarkable variety and ease.⁸⁷ They continued to share important features with the early works of Casper, Ulrichs, and Krafft-Ebing. In 1891 psychiatrist Albert Moll (1862–1939) published *Die Conträre Sexualempfindung*, the first German-language study devoted exclusively to the phenomenon of homosexuality. Recognized as one of the founders of modern sexology, Moll earned his medical degree under Rudolf Virchow at the University of Berlin.⁸⁸ Moll's early monograph combined a literature

⁸⁴ Ulrichs published an account of the charges and the trial in the introduction to his third pamphlet; Karl Heinrich Ulrichs, *Vindicta: Kampf für Freiheit von Verfolgung* (Leipzig, 1865), i–iv, quoted from ii.

⁸⁵ *Ibid.*, iv.

⁸⁶ Leipzig was home to the Association of German Publishers and Printers, a powerful professional group that represented publishing and its allied trades and played a significant role in shaping the print culture of the German-speaking world. See Reinhard Wittmann, *Geschichte des deutschen Buchhandels: Ein Überblick* (Munich, 1991), 257–328.

⁸⁷ The "masculinist" homosexual rights activist Adolf Brand published the first homosexual literary journal, *Der Eigene* (beginning in 1896), as well as a range of books and pamphlets. See Keilson-Lauritz, *Die Geschichte der eigenen Geschichte*, 13–21.

⁸⁸ Moll's work is largely forgotten, eclipsed by the scholarship of Krafft-Ebing,

review—citing Casper, Ulrichs, Krafft-Ebing, and many others—with an ethnographic description of Berlin’s homosexual subculture, including detailed descriptions of bars, outdoor cruising venues, and formal costume balls. Moll’s fieldwork was assisted by Berlin Police Commissioner Leopold von Meerscheidt-Hüllessem and the editor Adolf Glaser. In the foreword to his book, Moll thanked Glaser, identifying him with the pseudonym “N. N.” as an “Urning” and expert. Glaser’s bona fides were established with his arrest in Berlin in 1878 when he was charged with violating Paragraph 175. As Moll’s subtitle suggested—*Mit Benutzung amtlichen Materials* (With use of official materials)—he consulted police and court documents from Berlin’s Police Headquarters, for which he also thanked Hüllessem. Published by Fischers Medizinische Buchhandlung, a scientific press based in Berlin, Moll’s study was intended for an educated nonspecialist readership and by 1899 had gone through three editions.⁸⁹

Moll’s ethnographic impulse inspired many subsequent students of Berlin’s subculture—other medical professionals, investigative journalists, and urban raconteurs—whose academic and popular accounts created a broad and detailed panorama of homosexual life before the first World War.⁹⁰ The Leipzig publisher Max Spohr exploited German interest in popular sexology, and he published his press’s first work on homosexuality, *Die Enterbten des Liebesglückes oder das Drittes Geschlecht*, by Austrian journalist Otto Rudolf Podjuki in 1893. By 1900 Spohr had developed a reputation for supporting progressive causes and for avant-garde publications, including works on

Hirschfeld, and Freud. At the beginning of the twentieth century, however, he was considered the leading German psychiatrist. See Sigusch, *Geschichte der Sexualwissenschaft*, 209.

⁸⁹ Albert Moll, *Die Conträre Sexualempfindung: Mit Benutzung amtlichen Materials* (Berlin, 1891), vii–viii. On the Glaser scandal and his identification as “N.N.,” see Friedländer, “Aus dem homosexuellen Lebens Alt-Berlins,” 61–62; also Anonymous, *Das perverse Berlin: Kulturkritische Gänge* (Berlin, 1910), 62–63; and Eckhardt Meyer-Krentler, “Unterm Strich”: *Literarischer Markt, Trivialität und Romankunst in Raabes “Der Lar”* (Munich, 1986), 82–84.

⁹⁰ The titles are too numerous to review here, but of particular note are the fifty volumes edited by Hans Ostwald for his series *Großstadt-Dokumente*, devoted primarily to Berlin’s seamy underbelly and published between 1904 and 1908. See Ralph Thies, *Ethnograph des dunklen Berlin: Hans Ostwald und die “Großstadt-Dokument” (1904–1908)* (Cologne, 2006). Two works documenting Berlin’s homosexual demi-monde, *Die Geheimnisse der Berliner Passage* (1877) and *Die Männerfreunde von Berlin* (1880), were published before Moll’s 1891 monograph but were censored and are no longer extant. Both are mentioned and described in twentieth-century publications: Magnus Hirschfeld discusses *Männerfreunde* in *Berlins Drittes Geschlecht* (Berlin, 1904), 145, and Iwan Bloch mentions *Geheimnisse* in *The Sexual Life of Our Time* (New York, 1937), 290.

philosophy, occultism, symbolism, *Lebensreform*, women's suffrage, sexual reform, and, especially, the rights of homosexuals. From 1898 to 1914, the Spohr Verlag (led by Spohr's brother after his death in 1905) published more than 100 titles on homosexuality, making up 40 percent of the firm's list. According to Mark Lemstedt, Spohr and his brother helped undermine the monopoly of medical, psychiatric, and juridical scholars on the public discussion of homosexuality by producing a wide range of brochures and studies, many authored by lay activists.⁹¹

Spohr's first title on homosexuality—like Moll's book—provided both a literature review and a detailed description of gay life in Imperial Berlin. Spohr naturally hoped to spur sales and publicity, and he submitted *Die Enterbten* for review to papers and magazines. One copy was sent to Johannes Grunow, a Leipzig book wholesaler who also published the widely circulated weekly, *Die Grenzboten*. Grunow responded that his journal would never review such “filth” (*Schmutz*) and promptly denounced Spohr to local officials. The censors were unimpressed and returned their copy to Spohr in January 1894, since “there was absolutely nothing in the book that might concern the State's Attorney.” During the review process, however, the volume had been physically cut to pieces. Spohr requested that Grunow apologize for his groundless denunciation and compensate him the damaged book's retail price. When Grunow ignored the demand, Spohr threatened to organize fellow publishers to boycott Grunow's distribution services. Grunow became nervous at the threat of losing business and reimbursed Spohr. He refused to apologize, however, and instead published his correspondence with Spohr in *Börsenblatt für den deutschen Buchhandel*, the professional trade journal of the German book industry. Spohr cannily used Grunow's attempt to embarrass him by responding with an open letter to his colleagues, in which he praised Podjuki's work, compared it to the important scientific contributions of Krafft-Ebing and Moll, and accused Grunow of gross ignorance: “Herr Grunow appears to know nothing of recent scientific research on the love of Urnings [*Urningsliebe*], otherwise he would have resisted opining on these topics.”⁹²

Like Ulrichs's and Mathes's victory in the 1860s, Spohr's success in facing down the threat of censorship facilitated the unfettered publication of new work on sexology. The best illustration of this was his collaboration with Magnus Hirschfeld and the WhK, which Spohr cofounded with Hirschfeld in May 1897.⁹³ As the world's first homosexual rights organization, the Berlin-

⁹¹ Mark Lemstedt, *Bücher für das “dritte Geschlecht”* (Leipzig, 2002), 117–19.

⁹² The correspondence and Spohr's response are in *Börsenblatt für den deutschen Buchhandel* (January 25, 1894): 533–34; (January 29, 1894): 610–11.

⁹³ There are many accounts of this meeting, including Hirschfeld's own: see Magnus Hirschfeld, *Von Einst bis Jetzt* (Berlin, 1922), 48–53; Charlotte Wolff, *Magnus*

based WhK published popular works—under the imprimatur of science—to repeal Paragraph 175.⁹⁴ Spohr was married with four children, and although it would be ungenerous to question his idealism, his commitment to legal reform was certainly reinforced by the financial success he enjoyed in working with the WhK. In 1898 Hirschfeld edited and Spohr republished all twelve pamphlets authored by Ulrichs, who had died in obscurity in Italy in 1895. A year later Spohr issued the first volume of the *Jahrbuch für sexuelle Zwischenstufen* (Yearbook for intermediate sexes), a scientific journal of sexology edited by Hirschfeld and devoted largely to the study of homosexuality. Some issues of the journal exceeded 1,000 pages, in editions of 500 or more, which were provided to WhK members, institutional subscribers, and sold in bookstores.⁹⁵

It was the popular booklets sponsored by the WhK, however—such as Hirschfeld's *Sokrates und Sappho*—that achieved the greatest circulation. The Spohr Verlag produced at least six separate popular titles between 1899 and 1910. Representative was *Was Soll das Volk vom dritten Geschlecht wissen?* (What should the [German] people know about the third sex?), with a print run of 18,000 the year it appeared in 1901 and a total of no fewer than 50,000 copies by 1911.⁹⁶ Not all or even most of these were sold; they were distributed instead at WhK meetings, lectures, and other events. WhK members were also encouraged to leave copies on Berlin trams, train stations, and in bars and restaurants.⁹⁷

In addition, the WhK undertook mass mailings of pamphlets accompanied by a petition for the reform of Paragraph 175. Hirschfeld had befriended and won the support of August Bebel, leader of the German Social Democratic Party, who signed the petition and introduced a measure in 1898 that sparked a full debate on the floor of the Reichstag to overturn the antisodomy statute. The initiative failed, but the WhK pressed ahead. The brochure, *Eros vor dem Reichsgericht*, authored anonymously by a jurist (and published by Spohr), was sent along with the petition to officials, attorneys, and legal scholars. Methodically, the WhK targeted various professional groups—7,500 Catholic

Hirschfeld: A Portrait of a Pioneer of Sexology (London, 1986), 137–45; Keilson-Lauritz, *Die Geschichte der eigenen Geschichte*, 30–40; Manfred Herzer, *Magnus Hirschfeld: Leben und Werk eines jüdischen, schwulen und sozialistischen Sexologen* (Hamburg, 2001), 94–103.

⁹⁴ Perhaps the WhK motto *Per scientiam ad justiam* (through science to justice) expresses this most succinctly.

⁹⁵ Keilson-Lauritz, *Die Geschichte der eigenen Geschichte*, 40–60.

⁹⁶ Lehmstedt, *Bücher für das "dritte Geschlecht"*, 118–25.

⁹⁷ See the WhK newsletter, *Monatsbericht des Wissenschaftlich-humanitären Komitees* 3, no. 11 (November 1, 1904): 7–8.

priests in Bavaria, Baden, and the Rhineland in 1899, for example, and 28,000 German doctors in 1904. Within five years, the WhK had collected some 4,500 signatures.⁹⁸ In his monumental 1914 study, *Die Homosexualität des Mannes und des Weibes*, Hirschfeld claimed that nearly 100,000 “enlightenment brochures” had been mailed to the press, to local, state, and federal officials, to politicians, attorneys, medical doctors, university professors, religious figures, and schoolteachers.⁹⁹

The freedom with which Spohr, Hirschfeld, and the WhK pursued their public campaign is astonishing, especially in light of counterinitiatives to increase censorship and curb pornography. Since the early 1890s, the “Lex-Heinze” (“Heinze Law”), a restrictive censorship law proposed by the Kaiser and named for the convicted pimp and murderer Heinze, was hotly debated, dividing social conservatives from free-press advocates. The version promoted by the Catholic Center Party would have prohibited most of Spohr’s publications on homosexuality and limited the advocacy work of the WhK. But in 1895 the German Publishers’ Association organized a successful campaign to temper the bill. The version proposed in March 1900 elicited significant resistance from artists, writers, academics, and public intellectuals, and with remarkable effect. Within a few months a compromise was reached, and the new law as enacted did little more than criminalize the sale of blatant pornography.¹⁰⁰ Works on homosexuality with any scientific or educational merit, according to Mark Lemmstedt, were almost never censored: “the books on (hetero) sexual enlightenment were more often the focus of court proceedings and Spohr was rarely directly affected.”¹⁰¹ Certainly censorship remained a genuine threat, and not until the Weimar Republic were Berlin activists and publishers able to establish an open and independent press for lesbians and homosexuals. Still, the climate in Wilhelmine Germany was remarkably liberal, particularly in contrast to the rest of Europe.

Britain offers the most striking counterpoint. Like Germany, England maintained a punitive antisodomy statute. But unlike Germany, there was no tolerance for advocating homosexual emancipation or even for scientific publications on the subject. Oscar Wilde’s trial in 1895, which condemned the Irish writer to two years hard labor, certainly helped to poison public and official views. But Wilde’s spectacular downfall was more a symptom than a cause of English intolerance. Publishing the work of an outspoken English activist similar to Ulrichs would have been inconceivable. Both John Addington Symonds, an Oxford-trained classicist, and Edward Carpenter asserted

⁹⁸ Lemmstedt, *Bücher für das “dritte Geschlecht,”* 77–85.

⁹⁹ Hirschfeld, *Die Homosexualität des Mannes und des Weibes*, 974.

¹⁰⁰ Gary Stark, *Banned in Berlin: Literary Censorship in Imperial Germany* (New York, 2009), 22–35.

¹⁰¹ Lemmstedt, *Bücher für das “dritte Geschlecht,”* 147.

the innate character of homosexual love and called for legal reforms: Symonds's *A Problem in Greek Ethics, Being an Inquiry into the Phenomenon of Sexual Inversion, Addressed especially to Medical Psychologists and Jurists* and *A Problem in Modern Ethics* were produced in 1883 and 1891, respectively, and Carpenter had 200 copies of his *Homogenic Love* printed in 1894.¹⁰² But these works were published privately and were never advertised, reviewed, or sold openly in bookstores in Britain.¹⁰³ They certainly did not enjoy the large print runs and broad distribution of comparable works in Germany. Even Krafft-Ebing's publications were received tepidly in England. When an English-language translation of his *Psychopathia sexualis* appeared in 1892, the "objectionable" sections were rendered in Latin. The *British Medical Journal* opined that the entire text should have been "veiled in the decent obscurity of a dead language."¹⁰⁴

The most egregious English censorship case, the so-called Bedborough Affair, banned Havelock Ellis's *Sexual Inversion*, which had been published in 1897. (Significantly, Ellis's work had already appeared without any difficulty in German translation a year earlier under the title *Die Homosexualität*.) Ellis was perhaps the leading English psychiatrist of his day. Like Krafft-Ebing, who drew on Ulrichs, and Moll, who worked with Glaser, Ellis was inspired by his collaborator Symonds, who died in 1893 before the volume had been completed. Unsurprisingly, Ellis cited French and especially German authors, including Casper, Ulrichs, Westphal, Krafft-Ebing, and Moll, arguing like the more progressive German psychiatrists that "inversion" was inborn and should not be criminalized. In May 1898 the London bookseller George Bedborough was arrested for stocking the volume. After Bedborough decided to plead guilty there was no effective defense; both he and Ellis's publisher were fined. The London *Daily Chronicle* reported approvingly that "the courts of the law and the criticisms of the press are the responsible organs of public opinion in such a matter and we cannot take the view that the book has any scientific value whatever. . . . In the discharge of our duty to the public we feel bound to say that the book in question ought never to have been written or printed . . . even if the science it professes to advance were worth studying."¹⁰⁵ Although Ellis later published the title with a Philadelphia press, which brought out the other five volumes in his series *Studies in the Psychology of*

¹⁰² Spohr published four of Carpenter's works in German translation, including *Homogenic Love* in 1895; see *ibid.*, 58–61, 202–3.

¹⁰³ Robin Myers, *Censorship and the Control of Print in England and France, 1600–1910* (Winchester, 1992), 245–46.

¹⁰⁴ In "Reviews," *British Medical Journal* 1 (June 24, 1893): 1324–26, quoted from 1325.

¹⁰⁵ Quoted from Ellis's autobiography, *My Life: Autobiography of Havelock Ellis* (Boston, 1939), 367.

Sex, the stultifying effect of the case on British sexology can scarcely be exaggerated. In 1906 the Edinburgh doctor James Burnet commented that “it is a great pity that medical men in this country, with almost unanimous consent, have agreed to ignore the study of sexual science in its bearing on practice.”¹⁰⁶

French censorship was mild by comparison.¹⁰⁷ Certainly French psychiatric and sexological literature was direct and often explicit. But, as noted above, French publications lacked the empirical documentation of bourgeois and elite case studies that characterized most German scholarship.¹⁰⁸ No influential French autobiographical works comparable to Ulrichs’s pamphlets were published to inform popular opinion, forge a community of sexual minorities, or influence political debate. Nor was there a French equivalent of the Berlin WhK, since, of course, adult same-sex erotic relationships had been fully decriminalized. The collaborative relationship between medical science and bourgeois subjects that characterized German sexology—and the activism it inspired—was largely missing in France. The limited contact of French medical professionals with noninstitutionalized homosexuals—in short, their ignorance of the French homosexual subculture—also accounts for the paucity of ethnographic description in French studies.¹⁰⁹

In this regard, the French-language translation of Moll’s *Conträre Sexual-empfindung* is instructive. After its publication was announced via a prospectus mailed to some 5,000 French doctors, lawyers, theologians, and teachers, René Berenger, a senator in the National Assembly, denounced the book and its publisher, Georges Carrés, in the name of the Société centrale de protections contre la licence de roués (Central Society for Protection against the License of Libertines). Carrés’s lawyers produced letters of support from Moll, from the Medical Faculty of the University of Paris, and from the two translators, who were also Medical Faculty members. The case turned on whether Moll’s detailed description of Berlin’s homosexual nightlife violated the French antiobscenity law of 1882. Carré was ultimately acquitted, not because of the work’s scientific merit but rather on a technicality: the work had not been publicly advertised but only announced to professional groups with mailed fliers enclosed in envelopes. Moll’s translation appeared in France in early 1894.¹¹⁰

¹⁰⁶ James Burnet, “Some Aspects of Neurasthenia,” *Medical Times and Hospital Gazette* 3 (February 1906): 58–59.

¹⁰⁷ Compare Myers, *Censorship*; and Annie Stora-Lamarre, *L’enfer de la IIIe République: Censeurs et pornographes, 1881–1914* (Paris, 1990).

¹⁰⁸ Artières, “What Criminals Think about Criminology,” 363–75.

¹⁰⁹ Revenin, *Homosexualité et prostitution masculines à Paris 1870–1918*, 180–89.

¹¹⁰ A description of the obscenity charges and documents from the trial are reproduced in the foreword to the French translation of Moll’s work; see *Les perversions de*

THE “GERMAN” VICE

The unsurprising effect of Berlin’s sexology was the emergence of a stereotype that homosexuality was a particularly “German” vice. Of course this claim should be viewed with suspicion: modern European history is rife with spurious national stereotypes motivated by chauvinism. Since World War II, the “Germans” have rarely been identified as more homosexual than other national groups. Contemporary stereotypes would sooner assign “queer” attributes to the British (as “fey”), the French (as “effete”), or the Greeks and Italians (as simply “Mediterranean,” with all that implies).¹¹¹ Yet the sources that document an emergent fin de siècle belief in the “German” vice are wide-ranging and compelling. Of equal importance are the events that seemed to confirm this view, namely, the set of libel and perjury trials known collectively as the Eulenburg affair, a multiyear media spectacle broadcast from Berlin (1907–9) that tainted leading Prussian military and aristocratic figures (including the Kaiser’s closest friend) with the accusation of “homosexuality.”

Successful representations have powerful progenitors, and Karl Heinrich Ulrichs, the world’s first “public homosexual,” was arguably the unwitting source of this new “German” identity. The print runs of Ulrichs’s twelve pamphlets published from 1864 to 1879 were small—most between 1,500 and 2,000 copies—but their distribution was wider than might be expected. In his introduction to volume three, *Vindicta*, published in 1865, Ulrichs reported that the first two tracts, *Vindex* and *Inclusa*, had nearly sold out. He also reported proudly that the Frankfurt municipal library had placed his first two volumes in its collection. While most of the pamphlets were sold in Saxony, Baden, the western Rhine provinces, Prussia, and Austria, there were also orders from outside the German-speaking world, including from Italy, France, the Low Countries, and England.¹¹²

Long before Ulrichs’s tracts were reprinted in 1898, Austrian, German, French, and English psychiatrists read and cited them. As Krafft-Ebing’s correspondents demonstrated, many self-identified “lay” Urnings had access to Ulrichs’s works. The initial threat of censorship enhanced sales, and

l’instinct genital: Étude sur l’inversion sexuelle; Basée sur des documents officiels (Paris, 1894), i–xxxii.

¹¹¹ For example, in *Gay New York*, George Chauncey comments that interwar Americans disdained the homosexuality of the English, who in turn condemned French perversions, which the French blamed on the Italians (189 n. 4). The Germans are not even featured in this chain of homophobic slander.

¹¹² Ulrichs, *Vindicta: Kampf für Freiheit von Verfolgung*, iii–iv; Kennedy, *Karl Heinrich Ulrichs*, 156–59.

certainly Ulrichs's "scandalous" subject intrigued or titillated many European intellectuals. Even in England, Karl Marx and Friedrich Engels read Ulrichs's first pamphlets. "The *Urnig* you sent me is a very curious thing. These are extremely unnatural revelations. The paederasts are beginning to count themselves, and discover that they are a power in the state," Engels commented contemptuously in a letter to Marx dated October 1869. "*Guerre aux cons, paix aux trous-de-cul* [war on the cunts, peace to the assholes] will now be the slogan. . . . Incidentally it is only in Germany that a fellow like this can possibly come forward, convert this smut into a theory, and offer the invitation."¹¹³ Engels failed to elaborate his precise meaning, unfortunately: was it only a German who would peddle such "smut" or only in Germany that the attempt might be tolerated—or perhaps both?

The question of whether specific cultures or national identities had a greater incidence of same-sex eroticism was not ignored by the first students of sexuality. The Cambridge-trained explorer and gentleman scholar, Richard Burton, offered one of the grandest theories with the *Sotadic Zone*, published in 1885. Burton generalized that peoples within the geographic band defined by the Northern Latitudes of 30 and 43—encompassing the Mediterranean rim, Asia Minor, Mesopotamia, northern India, Central Asia, China, Japan, the South Sea Islands, and the New World—were predisposed to pederasty.¹¹⁴ If only as the fount of data and scholarship, however, Germany was viewed as the locus of western homosexuality. Russian psychiatrist Marc-André Raffalovich, a conservative Catholic who lived in both London and Paris but published in France, devoted a chapter in his 1896 treatise on homosexuality (*Uranisme et unisexualité*) to "German friendship" (*l'amitié allemande*). This friendship, claimed Raffalovich, feared "neither words, eyes, gestures, nor scandal-mongering." Raffalovich supported his assertion of a specifically German "Uranian" phenomenon with discussions of the romantics Schlegel, Schiller, Goethe, Hamman, Gleim, Arnim, Brentano, Kleist, and Grillparzer.¹¹⁵ Havelock Ellis found confirmation for Raffalovich's "literary" theory among the case studies provided by Symonds, which he published in *Sexual Inversion*. Six of the forty-nine British subjects had some German heritage. "I am inclined to think that the presence of the German element is not accidental," Ellis asserted. "Apart from the fact that the study of inversion has been

¹¹³ http://www.marxists.org/archive/marx/works/1869/letters/69_06_22.htm. See also Hubert Kennedy, "Johann Baptist von Schweitzer: The Queer Marx Loved to Hate," *Journal of Homosexuality* 29, nos. 2/3 (1995): 69–96.

¹¹⁴ Richard Burton, *The Sotadic Zone: Social and Sexual Relations of the Mohammedan Empire* (Amsterdam, 2002). See also Rudi Bleys, *The Geography of Perversion: Male-to-Male Sexual Behavior Outside the West and the Ethnographic Imagination, 1750–1918* (New York, 1995), 216–19.

¹¹⁵ Marc-André Raffalovich, *Uranisme et Unisexualité: Étude sur différentes manifestations de l'instinct sexuel* (Paris, 1896), 157–59, 310–54, quoted from 157.

mainly carried on in Germany, we may bear in mind the fact . . . that there is a marked tendency for German friendship to assume a sexually emotional warmth.”¹¹⁶

The speculations of Raffalovich and Ellis inspired a broader discussion that was quickly politicized by French nationalists. The novelist Armand Dubarry popularized the expression “*le vice allemand*” with his sensationalist “exposé.” Published in 1896, a year before the establishment of the WhK, Dubarry’s *Les invertis (le vice allemand)* purported to explain the phenomenon of sexual “inversion,” which he identified squarely with Germany. “To-day again the Prussians,” Dubarry asserted, “are at the head of a European movement for pederasty.” “The vice affects all Germans, likewise married men,” he claimed. “In France they [married men] are likely to have mistresses, but in Germany, male lovers.”¹¹⁷ In the first decade of the twentieth century, this (anti-)German stereotype gained international currency with a series of high-profile scandals, most issuing from Berlin. Sexual scandal was certainly common before 1900. But the public accusation of a “homosexual” orientation—its politicization, in effect—created a powerful method to discredit officials or to agitate against Paragraph 175. Now both political operatives and homosexual rights activists in Germany began to “out” public figures to promote their own objectives. The Eulenburg scandal represented the confluence of both trends.¹¹⁸

At the center of this decade of homosexual scandal (1900–1910) was Maximilien Harden, an influential Berlin journalist who published the weekly newsmagazine *Die Zukunft*. As an acquaintance of Bismarck and a supporter of his Realpolitik, Harden crusaded against the foreign policy of Kaiser Wilhelm II. Harden’s precise motivations are often debated, but German nationalism, not antihomosexual animus, appears to have compelled him.¹¹⁹ His journal offered a powerful platform for attacking the individuals who influenced the Kaiser and shaped German strategy. The first salvo in Harden’s campaign has been largely ignored, but it set the stage for much of what followed. In 1901 a report of the trial of a male prostitute who extorted money from Count Friedrich von Hohenau, a cousin of ruling Emperor Wilhelm II, was published in the *Berliner Morgenpost*. The paper preserved Hohenau’s anonymity, which was common practice. But soon afterward Harden identi-

¹¹⁶ Ellis, *Sexual Inversion*, 152. See also the essays in *Outing Goethe and His Age*, ed. Alice Kuzniar (Stanford, CA, 1996).

¹¹⁷ Armand Dubarry, *Les invertis (le vice allemand)* (Paris, 1896), quoted from 121, 150–51.

¹¹⁸ See Frank Bösch, *Öffentliche Geheimnisse: Skandale, Politik und Medien in Deutschland und Großbritannien 1880–1914* (Munich, 2009).

¹¹⁹ Helga Neumann and Manfred Neumann, *Maximilian Harden (1861–1927): Ein unerschrockener deutsch-jüdischer Kritiker und Publizist* (Würzburg, 2003), 21–26. See also the assessment of Isabel Hull, *The Entourage of Kaiser Wilhelm II, 1888–1918* (Cambridge, 1982), 135–43.

fied “Fritz von Hohenau” by name as the blackmailer’s victim in the pages of *Die Zukunft*.¹²⁰

Harden’s public disclosure cost Hohenau his career in the Prussian diplomatic service and his welcome at court. Soon thereafter the Count fled to Italy. Harden also violated a fundamental norm—setting a precedent—by publishing the names of prominent Germans who fell afoul of Paragraph 175. In the process he created a powerful dynamic that combined an exuberant popular medium with the new sexology of identifying and naming homosexuality: the Berlin press at the turn of the twentieth century became a tool for “outing” public officials. The threat of exposure also inspired a host of copycat extortionists—largely young male prostitutes—to intimidate wealthy or prominent johns. But it was not only hustlers who used the threat of Paragraph 175 to their advantage. In short order, the power to label was exploited by both homosexual activists and political actors, including Harden himself.

Soon after Hohenau’s demise, in 1902, the Berlin journal *Vorwärts*, official organ of the Social Democratic Party, reported on Italian newspaper stories that Friedrich Alfred Krupp, Germany’s wealthiest industrialist, had been expelled from Italy for homosexual and pedophilic activities. Krupp considered a libel suit against *Vorwärts* but was advised not to risk perjuring himself in court. On November 22, 1902, at age forty-eight, Krupp died under mysterious circumstances, raising a strong suspicion of suicide. His funeral was attended by the Kaiser, who blamed the Social Democratic press for the scurrilous defamation that led to Krupp’s “heart failure.”¹²¹

The WhK explicitly considered the political utility of “outing” prominent figures—not to destroy political opponents (as the Social Democratic Party had done to Krupp), however, but to delegitimize Paragraph 175. The tactic was hotly debated among WhK members, and by 1903 differences of opinion contributed to a significant rift within the organization. While Hirschfeld rejected the strategy, Adolf Brand argued that the German state would be forced to abolish the law if confronted by all those who broke it.¹²² In 1904 Brand published a short pamphlet reporting the “philanthropic” work of

¹²⁰ See Maximilien Harden’s *Die Zukunft*, May 11, 1901, 251–52. The fullest account of the Hohenau affair is provided by police officer Hans von Tresckow in his memoir, *Von Fürsten und anderen Sterblichen: Erinnerungen eines Kriminalkommissars* (Berlin, 1922), 117–19.

¹²¹ See *Vorwärts*, October 30, 1902, no. 254, and November 15, 1902, no. 268; and von Tresckow’s account in *Von Fürsten und anderen Sterblichen*, 126–29. The literature on the Krupp family and this scandal is voluminous: consider William Manchester, *The Arms of Krupp, 1587–1968* (Boston, 1964); or Norbert Muhlen, *The Incredible Krupps* (New York, 1959).

¹²² Marita Keilson-Lauritz, “Adolf Brand und der Eigene: Zur Geschichte einer ‘bewegten’ Zeitschrift,” in *Das bewegte Buch: Buchwesen und soziale, nationale und kulturelle Bewegungen um 1900*, ed. Mark Lemstedt (Wiesbaden, 1999), 327–48.

Kaplan Dasbach, a Rhenish priest and Reichstag representative for the Catholic Center Party, who lodged in a Berlin hotel frequented by male prostitutes. Dasbach brought libel charges against Brand but withdrew them again before the case came to trial. Soon afterward Dasbach faced disciplinary actions within the Center Party, but he died before losing his position.¹²³ In 1907 Brand published another pamphlet insinuating that German Chancellor Bernhard von Bülow had a sexual relationship with his secretary Max Scheefer. This time Bülow initiated a libel trial, which Brand lost, costing him an eighteen-month prison sentence. It also discredited Brand's tactic of disclosing the alleged homosexuality of prominent individuals to promote legal reform.¹²⁴

Public allegations of homosexuality remained a useful political tool, however, and one that Harden exploited deftly, certainly with greater success than Brand had. Harden's primary target was the circle of civilian and military aristocrats that influenced Kaiser Wilhelm II. In November 1906 Harden published two articles that insulted Kuno von Moltke, a Prussian general and Berlin city commander, and Philipp Prince zu Eulenburg, one of the Kaiser's closest friends. Harden's derisive pieces also implied that Moltke, Eulenburg, and the larger group that made up the Kaiser's entourage were homosexual.¹²⁵ Harden published another piece in January suggesting that Eulenburg had an inappropriate relationship with the French ambassador in Berlin, Raymond Lecomte. A final article in April accused Eulenburg directly of being homosexual and implied that his behavior was treasonous.¹²⁶ Only at this late date was the Kaiser finally apprised of Harden's campaign, and he demanded that both men sue Harden for libel. A libel suit would open a Pandora's box of litigation, of course, requiring Moltke, Eulenburg, and other prominent figures to testify that they had never had sex with men.

Moltke weathered the libel trial, more or less, but Harden ultimately outmaneuvered Eulenburg, alienating him from the Kaiser and his court. After Eulenburg swore under oath that he had never engaged in homosexual activity, Harden found male witnesses claiming to have had "indecent" relations with him. The Prince was arrested for perjury in 1908. The subsequent trial for perjury, though spectacular, reached no judicial resolution. Proceedings were prorogued due to Eulenburg's failing health. Eulenburg was renounced by the

¹²³ Adolf Brand, *Kaplan Dasbach und die Freundesliebe* (Berlin, 1904); Erwin in het Panhuis, *Anders als die Anderen: Schwule und Lesben in Köln und Umgebung 1895–1918* (Cologne, 2006), 15–16.

¹²⁴ Marita Keilson-Lauritz, "Wilhelmshagen gegen das Deutsche Reich: Adolf Brands Flugschrift gegen den Reichskanzler von Bülow," *Capri* 17 (September 1994): 2–20.

¹²⁵ Harden, "Praeludium" and "Dies Irae," *Die Zukunft* 57 (1906): 251–66, 287–302.

¹²⁶ Harden, "Symphonie" and "Roulette," *Die Zukunft* 58 (1907): 157–74; 59 (1907): 118–30.

Kaiser, however, and forced to retreat to his estate, in disgrace, where he finally died in 1921.¹²⁷

This extremely abbreviated account of the Eulenburg affair can scarcely convey the press attention devoted to the cases. The *Berliner Tageblatt* alone—just one of the nearly forty Berlin dailies—published more than 150 articles about the Eulenburg scandal in the two-year period before May 1909. The Ministry of Justice collected and preserved more than 900 German press clippings devoted to the trials.¹²⁸ Press coverage outside Germany was no less extravagant: more than fifty journalists from France, Sweden, Russia, England, and the Netherlands were present when the Eulenburg perjury trial opened in spring 1908.¹²⁹ The panorama of Berlin's gay life publicized by Magnus Hirschfeld in *Berlins Drittes Geschlecht* (Berlin's third sex; 1904), a veritable insider's guide to gay Berlin, and Hans Ostwald in *Männliche Prostitution im Kaiserlichen Berlin* (Male prostitution in Imperial Berlin; 1906) was now confirmed and given broader publicity by a drumbeat of trial reports in the daily press.

It was French journalists and their readers who drew the greatest pleasure from Prussia's pink peccadilloes. Even before the Eulenburg affair appeared on the front pages of Europe's dailies, Oscar Méténier, naturalist author and son of a Parisian police officer, had published a popular study of Berlin's homosexual subculture in 1904 titled *Vertus et vices allemands*. Méténier not only reviewed the public bars and restaurants frequented by "inverts" but also conferred with WhK members and the Berlin police taskforce assigned to monitoring the homosexual community.¹³⁰ Coverage of the Eulenburg trials could only stoke public interest. In 1907 the French author and critic Octave Mirbeau wrote an immensely popular travelogue (cited at the beginning of this article) based on his automobile journey through the Netherlands, Belgium, and Germany. His closing chapter, "Berlin-Sodome," affects mild shock at the "perverse" manners and mores of Imperial Berlin, a clear reflection of the

¹²⁷ Jens Dobler, *Zwischen Duldungspolitik und Verbrechensbekämpfung: Homosexuellenverfolgung durch die Berliner Polizei von 1848 bis 1933* (Frankfurt, 2008), 310–31; Martin Kohlrausch, *Der Monarch im Skandal: Die Logik der Massenmedien und die Transformation der wilhelminischen Monarchie* (Hamburg, 2005), 186–301; James Steakley, *Die Freunde des Kaisers* (Hamburg, 2004); Karsten Hecht, *Die Harden-Prozesse—Strafverfahren, Öffentlichkeit und Politik im Kaiserreich* (Munich, 1997); Isabel Hull, *The Entourage of Kaiser Wilhelm II, 1888–1918* (Cambridge, 1982), 109–45.

¹²⁸ Geheimes Staatsarchiv, Preussischer Kulturbesitz, IHA Rep. 84a, Nrs. 49838–49840. On Berlin's media culture before the First World War, see Philipp Müller, *Auf der Suche nach dem Täter: Die öffentliche Dramatisierung von Verbrechen im Berlin des Kaiserreichs* (Frankfurt, 2005), 33–41.

¹²⁹ Hecht, *Prozesse*, 295.

¹³⁰ Méténier, *Vertus et vices allemands*, 112–13.

unfolding Eulenburg extravaganza.¹³¹ In the same year the native Swiss journalist John Grand-Carteret compiled a collection of German and European caricatures related to the Eulenburg affair. "It appears," Grand-Carteret claimed, summarizing the Berlin WhK and its organization, "that if one considers the numbers grouping themselves into societies that a new Freemasonry [of homosexuals] is being created."¹³² In 1908 the French journalists Henri de Weindel and F. P. Fischer produced yet another volume devoted to the "German vice," *L'homosexualité en Allemagne*, which reviewed the history of Paragraph 175 and its impact, the vibrant social life of Berlin's homosexuals, the WhK, and, of course, the Eulenburg trials.¹³³

The Eulenburg affair was a "cherry" on the cake, according to a recent account by literary historian Laure Murat, which "confirmed with éclat that the third sex had well and truly found a country: Germany."¹³⁴ Indeed, soon after the Hohenau and Krupp scandals, sexologists reignited discussion about the incidence of homosexuality within national contexts. Beginning in 1904, French, German, and Russian psychiatrists debated the size and character of French and homosexual communities in the pages of *Archives d'anthropologie criminelle*, a leading French journal of criminology. Francophone psychiatrist Marc-André Raffalovich viewed sexual orientation as a product of culture and blamed the WhK and its political activism for the size and visibility of Berlin's homosexual community. In response, the German psychiatrist Paul Näcke, Hirschfeld's close collaborator, defended the position that sexual orientation was congenital or inborn. Raffalovich responded by accusing Hirschfeld and the WhK of glorifying "inversion" and contributing to its spread.¹³⁵

At the height of the Eulenburg proceedings, the French psychiatrist "Dr. Lauphs" (Georges Saint-Paul) attacked Näcke in the pages of *Archives*, claiming that "in France, except for the cosmopolitan milieux of the largest cities, . . . homosexuality has been completely exceptional."¹³⁶ Lauphs was clearly suggesting that any "French" homosexuality was the result of foreign influence.

¹³¹ See Octave Mirbeau, *La 628-E8* (Paris, 1907), 407–14. The book went through multiple editions and was reissued as late as 1939.

¹³² John Grand-Carteret, *Derrière "lui": L'Allemagne et la caricature européenne en 1907* (Paris, 1907), 63.

¹³³ Henri de Weindel and F. P. Fischer, *L'homosexualité en Allemagne: Étude documentaire et anecdotique* (Paris, 1908), 81–96.

¹³⁴ Laure Murat, *La loi du genre: Une histoire culturelle du "troisième sexe"* (France, 2005), 272–73.

¹³⁵ See Marc-André Raffalovich's initial essay "Les groupes uranistes à Paris et à Berlin," *Archives d'anthropologie criminelle* 19 (1904): 926–36; Näcke's response, "Le monde homo-sexuel de Paris," 20 (1905): 182–85; Raffalovich's reply to Näcke, "A propos du syndicat des uranistes," 20 (1905): 283–86; and Näcke's answer to Raffalovich, "Quelques détails sur les homo-sexuels de Paris," 20 (1905): 411–14.

¹³⁶ Dr. Lauphs, "Note," *Archives d'anthropologie criminelle* 23 (1908): 313–16, quoted from 314.

In a subsequent letter published in the same venue, he reiterated that “homosexuality does not exist except as a very rare state of exception throughout French continental territory, meaning non-colonial.”¹³⁷ Of course, Lauppts’s 1896 textbook was subtitled “perverse sexualities and the prevention of inversion,” and he affirmed his conservative view (and his disregard for the WhK) in a subsequent letter published in *Archives*: “Homosexuality is contagious and spreads in France and in Germany at the moment when it is studied, discussed, and written about.”¹³⁸ Another WhK member, Dr. Eugen Wilhelm, a German court official in Strasbourg who usually published under the pseudonym Numa Praetorius, countered Lauppts’s assertions and defended Hirschfeld. Wilhelm later lamented the state of French sexology: “In France—it must be averred—that apart from some rare and meritorious exceptions, the men of science have neglected this material [questions related to sexuality].”¹³⁹

In 1914 Hirschfeld articulated the paradigm that had consistently animated both his own research and the WhK’s efforts to overturn Paragraph 175. This position underscored his view that homosexuality was not a particularly German phenomenon: “Our scientific interpretation of the essence of homosexuality [is] as a constant biological variant of sexuality.”¹⁴⁰ Hirschfeld also acknowledged the influence of the recent “sensational trials” that had given new life to the “old fairy tales” of a “German vice.” If the French spoke of the *vice allemande* or an *Eulenburgue*, the Italians now referred to the homosexual as a “*Berlinese*,” while the English spoke of the “German custom.”¹⁴¹ For Hirschfeld and most of his collaborators, however, same-sex eroticism was a transcultural, transhistorical feature of the human condition manifested across national and racial lines—the product of neither degeneration nor emulation nor culture.

¹³⁷ Ibid., 24 (1909): 693–96, quoted from 693.

¹³⁸ Dr. Lauppts, letter, *Archives* 24 (1909): 694. Lauppts’s textbook was *Tares et Poisons: Perversion et perversité sexuelles; une enquête médicale sur l’inversion. . . . La guérison et la prophylaxie de l’inversion* (Paris, 1896), and he reviewed the arguments he made there in “Dégénérescence ou pléthore?” *Archives d’anthropologie criminelle* 23 (1908): 731–48. In 1910 he issued a revised edition, *L’homosexualité et les types homosexuals* (Paris, 1910).

¹³⁹ Dr. Numa Praetorius [Eugen Wilhelm], “A propos de l’article du Dr. Lauppts sur l’Homosexualité,” *Archives* 24 (1909): 198–207; Eugen Wilhelm, “Publications allemandes sur les questions sexuelles,” *Archives* 27 (1912): 301–9, quoted from 301.

¹⁴⁰ Hirschfeld, *Die Homosexualität des Mannes und des Weibes*, 532.

¹⁴¹ Ibid., 22, 561.

CONCLUSION

Prussia's and the German Empire's antisodomy statutes created the critical impetus for the invention of homosexuality after 1850. Perhaps Laure Murat explains best the implications of Germany's legal regime: "In France," she argues, "the third sex was decriminalized and concealed, it was a literary subject for writers and moralists; in Germany, it was a serious object of scientific and political study, it was criminalized but openly exposed."¹⁴² Indeed, Germany's sexual sciences and vibrant associational culture served as an example, sparking homosexual rights activism elsewhere in Europe. A chapter of the WhK was formed in 1911 in the Netherlands following the adoption of a Dutch antihomosexual paragraph. Like Hirschfeld and his followers, the Dutch sponsored a petition to repeal the new law and published a Dutch-language translation of the WhK pamphlet *What Should the People Know about the Third Sex?*¹⁴³ Havelock Ellis and Edward Carpenter founded the British Society for the Study of Sex Psychology in 1914 with a special homosexual subcommittee. The group determined, however, not to agitate against the English antisodomy law. An abridged version of the WhK tract, distributed in English translation, explained: "We do not think the time has yet arrived in England for a similar demand to be made."¹⁴⁴ Although the WhK succeeded in popularizing its conception of homosexuality—throughout Germany and beyond—it failed nonetheless to abolish Paragraph 175. A Reichstag subcommittee reexamined the legislation in 1930 and was prepared to recommend the decriminalization of homosexuality. Tragically, the political paralysis of the Weimar Republic prevented parliamentary action.¹⁴⁵

After the Nazi seizure of power in January 1933, German innovation in the arts and sciences, including the science of sexuality, came largely to a halt. The experimentation of the Weimar Republic and even the relative freedoms of the pre-World War I period were quickly and systematically repressed. The Nazis' "Campaign for a Clean Reich," inaugurated in March 1933, shut down Berlin's homosexual press and closed over a dozen of the most prominent bars. In May, Storm Troopers destroyed Hirschfeld's Sexology Institute, founded in 1918, and by summer, Berlin's three major homosexual rights

¹⁴² Murat, *La loi du genre*, 279.

¹⁴³ Harry Oosterhuis, "The Netherlands: Neither Prudish nor Hedonistic," in *Sexual Cultures in Europe: National Histories*, ed. Franz X. Eder et al. (Manchester, 1999), 71–90; Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer (1866–1957): Een biografie van homoseksualiteit* (Amsterdam, 2007), 171–82.

¹⁴⁴ WhK, *The Social Problem of Sexual Inversion* (London, 1923), ii. See also Cook, *London and the Culture of Homosexuality*, 148.

¹⁴⁵ Hans-Georg Stümke, *Homosexuelle in Deutschland: Eine politische Geschichte* (Munich, 1989), 53–91.

organizations of the Weimar era, including the WhK, had prepared to disband.¹⁴⁶

If the Nazis eliminated the world's most vibrant and public homosexual culture, their assault on the "German invention" of inborn homosexuality was of no less importance. In 1935, Heinrich Himmler, leader of the Nazi SS, championed a new, draconian antisodomy statute that criminalized all erotic contact between men. One year later Himmler established the Reich Office to Combat Homosexuality and Abortion. Nazi officials now had the tools to arrest and imprison large numbers of homosexual men on the flimsiest of evidence. This policing reflected Nazi views that male homosexuality was a contagious perversion and that homosexual conduct, like disease, might be cured. The persecution that followed had two major objectives. Nazi officials hoped to curb and redirect the majority of those who had fallen into homosexual "vice" with a variety of treatments, or with incarceration, if necessary. Of these, a small minority of "incorrigibles"—those with "hereditary" conditions who were deemed responsible for "seducing" others—would be exterminated to stop the spread of "infection." During the Third Reich up to 100,000 German men were charged under Paragraph 175, and of these an estimated 5,000–15,000 perished in prisons and camps.¹⁴⁷

As Dagmar Herzog has argued, "Many Nazi 'experts' advanced a social constructionist view of sexuality that sexual identity was variable and vulnerable."¹⁴⁸ This was in part an antisemitic rebuke of the "Jewish" Hirschfeld and "his" WhK, but it also persisted long after 1945. Led by the conservative Christian Democratic Party, the Federal Republic preserved the more draconian Nazi version of Paragraph 175 for a period of twenty years. A reform of West Germany's criminal code with respect to sexual matters, including Paragraph 175, was begun in 1954. The draft that was finally produced in 1962 mimicked the language of early nineteenth-century medical forensics and that of the Nazis. According to Herzog the document claimed that homosexual men affected by the law did not suffer an "inborn disposition" and were "overwhelmingly persons who . . . through seduction, habituation, or sexual supersatiation have become addicted to vice or who have turned to same-sex intercourse for purely profit-seeking motive." According to this

¹⁴⁶ Günter Grau, ed., *Homosexualität in der NS-Zeit: Dokument einer Diskriminierung und Verfolgung* (Frankfurt, 1993), 45–65.

¹⁴⁷ Rüdiger Lautmann, *Seminar: Gesellschaft und Homosexualität* (Frankfurt, 1977), 333; Richard Plant, *The Pink Triangle: The Nazi War against Homosexuals* (New York, 1986), 154; Burkhard Jellonnek, *Homosexuelle unter dem Hakenkreuz* (Paderborn, 1990), 80–139; Burkhard Jellonnek and Rüdiger Lautmann, eds., *Nationalsozialistischer Terror gegen Homosexuelle* (Paderborn, 2002); Andreas Pretzel and Gabriele Roßbach, *Wegen der zu erwartenden hohen Strafe* (Berlin, 2000).

¹⁴⁸ Dagmar Herzog, *Sex after Fascism: Memory and Morality in Twentieth Century Germany* (Princeton, NJ, 2005), 34.

view, homosexuality was a remediable and contagious condition, not a fixed sexual orientation, and it threatened “the degeneration of the people and the deterioration of its moral strength.”¹⁴⁹ These retrograde generalizations about homosexuality were countered vociferously by progressive West German sexologists and other intellectuals, and the New Left activism of the 1960s effected not only political change but also significant legal reform.¹⁵⁰ In 1969 the Federal Republic decriminalized sexual relations between men over twenty-one. Under pressure from the modern German gay liberation movement (which organized after the New York Stonewall Riot of June 1969), the law was reformed again in 1973, when the general age of consent for male same-sex relations was reduced to eighteen.¹⁵¹

The German Democratic Republic also criminalized male homosexuality, but it stopped prosecuting men over the age of eighteen for same-sex relations after 1957. With the creation of a new East German criminal code in 1968, Paragraph 175 was eliminated entirely. In 1987 East Germany’s Supreme Court ruled that “homosexual persons do not stand outside of socialist society, and are guaranteed the same civil rights as all other citizens.” As a consequence of this ruling, a new law promulgated in May 1989 established sixteen as the age of consent for both homosexual and heterosexual couples. In 1994, four years after unification, Paragraph 175 was finally stricken completely from the German Criminal Code, and the legal age of consent was set at fourteen.¹⁵² This equalized the age restrictions of homosexual and heterosexual couples, affording a qualified equality under the law and achieving—finally—one of Ulrichs’s and Hirschfeld’s primary objectives from a century earlier.

¹⁴⁹ Ibid., quoted from 130.

¹⁵⁰ Ibid., 152–62.

¹⁵¹ Hans-Georg Stümke and Rudi Finkler, *Rosa Winkel, Rosa Listen: Homosexuelle und “Gesundes Volksempfinden” von Auschwitz bis Heute* (Hamburg, 1981), 352–55.

¹⁵² Christian Schulz, § 175. (*abgewickelt*) (Hamburg, 1998).