The Foreign Men of §175: The Persecution of Homosexual Foreign Men in Nazi Germany, 1937-1945

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The Foreign Men of §175: The Persecution of Homosexual Foreign Men in Nazi Germany, 1937-1945

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ABSTRACT

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This thesis examines foreign men accused of homosexuality in Nazi Germany. Most scholarship has focused solely on German men accused of homosexuality. Court records from the General State Prosecutor’s Office of the State Court of Berlin records show that foreign homosexual men were given lighter sentences than German men, especially given the context of the law and the punishments foreigners received for other crimes. This discrepancy is likely due to Nazi confusion about homosexuality, the foreign contribution to the German war effort, issues of gender, and because these men were not a part of any German government, military, or all-male organizations.
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INTRODUCTION

“Karl,”¹ a German soldier on medical leave in Breslau in 1941, went to a known homosexual meeting place. He lightly brushed against a man he was interested in, but the man turned out to be an SS sergeant who promptly arrested him. When Karl protested that he had merely brushed up against him, the sergeant replied that “the fact that you are here is sufficient proof.”² Karl was arrested and spent months in prison, narrowly escaping a transfer to the front, which would have meant almost certain death.³ That same year, the German dentist Dr. Friedrich Ilbert was photographed greeting his Jewish friend in the street; the pictures showed he committed a homosexual “crime,” and he was sent to Dachau for four months.⁴ In contrast, in 1941 “Jean L.,” a Frenchman working in Germany, was convicted of having sex with a man and sleeping naked with him in his bed.⁵ The Frenchman “Andre C.” was convicted in 1943 of anal and oral sex with a Swiss man.⁶ Both were sentenced to merely two months in prison.

Why were the sentences for German men and foreign men so vastly different? Was it a matter of perceived racial difference, inconsistencies in laws or sentencing, or both? These examples and others like them suggest that foreigners received lighter prison punishments for violating homosexual conduct laws. The difference in sentencing will be

¹ Names will appear as they do in published sources, with quotation marks “” around them the first time they appear in my work if that is how they were presented in the published source. For unpublished Berlin court documents, the men’s first names and the first letter of their last name will appear to protect their identities, with quotation marks “” around them the first time they appear.
³ Karl in Borneman, 34.
⁵ United States Holocaust Memorial Museum, Record Group 14.070, “General State Prosecutor’s Office of the State Court of Berlin records,” ID Number 95769.
⁶ USHMM, RG-14.070, ID Number 90864.
considered in the context of Nazi anxieties about homosexuality, the foreign labor shortage, punishments foreigners received for other sexual crimes, and competing Nazi institutions of law and justice. These court cases were not just about homosexuality, but reveal more about Nazi population policy, racism, and societal aspirations. Foreign men could sometimes use Nazi assumptions about men, sexuality, and foreigners to their advantage. Foreign men charged under Paragraph 175 received lighter sentences mainly because the Nazis were more concerned with the political threat homosexuality posed rather than the biological threat, but also because they were unsure about whether or not homosexuality could be cured. Foreign workers charged for other crimes, including sexual crimes, were given far harsher sentences and sometimes killed outright, especially since law enforcement and the court system targeted foreigners in Nazi Germany. Since foreign, homosexual men did not pose a threat to Nazi political life, they were given more lenient sentences.

Homosexuality was officially outlawed in Germany in 1871 through Paragraph 175 of the German Imperial Penal Code. It stated that “unnatural vice committed by two persons of the male sex… is to be punished by imprisonment; the verdict may also include loss of civil rights.” Unnatural vice under this version of Paragraph 175 included anal and para-coital sex, and witnesses were required to successfully prosecute. Witnesses could include those who stumbled upon a homosexual act in progress or one who participated in the act.

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In 1935, just two years after coming to power, the Nazis redefined Paragraph 175 in far broader terms. The January 1935 version stated that “a male who indulges in unnatural vice with another male or who allows himself to participate in such activities will be punished with jail.” The new law went on to give judges some leniency if the victims were young, first-time offenders, and then stated that a jail term of 3-10 years was appropriate if a man forced another into such activities, if a man took advantage of another’s subordinate position, or if a man offered himself for money.\(^8\) Punishable acts under the new Paragraph 175 included contemplating the object of desire, plain touching, embracing and kissing, pressing of two bodies against one another, oral sex, anal sex, and lewd glances.\(^9\)

The Nazis adopted and shaped four specific fears about homosexuality that preceded their ascent to power. The Nazis shared the homophobic fears that many people felt before 1933. They believed that homosexual men refused (or were unable) to have children. This heteronormative accusation was especially grave given the basic tenets of National Socialism; Adolf Hitler argued that racially perfect “Aryan” Germans were in danger of being overrun by what he and the Nazis viewed as inferior races, including Jews, Slavs, and many other groups. Demographic numbers became even more important once healthy German men began dying in the war; Hitler argued that Germany would

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\(^8\) Paragraph 175 of the Nazi German Penal Code in Blasius and Phelan, 178.

replace the dead and disabled by increased German births. Therefore, every homosexual man reduced the birth rate by robbing the nation of potential children.

The second reason the Nazis thought homosexuality was dangerous was that they believed young people could become “corrupted” by older homosexual men, and then the epidemic would spread, robbing more potential producers from the German state. They saw homosexuality as a plague that could spread from man to man and could slowly bring about the death of the nation. The Nazis took the age of the accused into account, and if one man was significantly older than the other, the sentencing could be much harsher. The Nazis made assumptions about homosexual men by attempting to use homosexual behaviors and acts as markers of a set, biological category.

The third reason the Nazis gave was the supposed homosexual tendency to form cliques. They believed that homosexual men in positions of power would promote other homosexual men into positions of power over better qualified candidates, thus creating a state controlled by these men. They were particularly worried about homosocial (all-male) groups like the SS, SA, the Hitler Youth, and the Wehrmacht; they worried that homosexuality could spread quickly in such settings and heavily punished men in these organizations, especially if the accused held a position of power over others. The Nazis wanted these groups to be masculine, all-male environments, but shunned the erotic component that shadowed these groups.

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Finally, the Nazis also worried about the general moral and social decay they believed was derived from homosexuality. The Nazis desired a society that would be mobilized to have as many “Aryan” children as possible, and one in which traditional gender roles worked for the good of the state. Men would take part in government and the military, while women would look after their households and raise children. The Nazis thought homosexual men would not have children and would seduce other men into homosexuality, robbing the nation of children and masculine men who acted “properly.” This thesis will argue that it was the third reason, that homosexuals formed cliques, which was most reflected in Nazi policy- and law-making.

Historian Günter Grau has divided the Nazi persecution of homosexuals into three distinct phases. The first phase lasted from the Nazi seizure of power until 1935, and was marked by the suppression of scientific institutions and other groups that called for sexual reform; the first campaigns against homosexuals, followed by the Röhm putsch; individual terror that the Gestapo wielded against homosexuals and their meeting places and bars; and changes to Paragraph 175. The second phase stretched from 1936 until the beginning of the war, and was characterized by the creation of the Reich Office for the Combating of Homosexuality and Abortion; and a drastic increase in the numbers of those sentenced under Paragraph 175. The third and final phase lasted from the beginning of the war until the fall of the Nazi regime. It was defined by the extension of physical terror and the legalization of internment in concentration camps; the introduction of the death penalty; and growing pressure on homosexual men to be “voluntarily” castrated.

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Most of the records deal with this third era of persecution. However, Grau is correct to point out that this does not mean the Nazis had a clear, systematic plan in place with concrete goals. Instead, their confusion mirrored the confusion of the medical and scientific community at that time; they were unsure whether homosexuality was inborn or acquired, and whether or not it could be cured. As such, their policies and rhetoric vacillated between treating homosexuality like a disease that could be cured versus one that needed to be destroyed.

Evidence reveals that their treatment of foreign, homosexual men was confused as well. In the occupied territories in Eastern Europe, the Nazis planned to kill or enslave the local populations. They wanted the clear the land for the Lebensraum, or “living space,” that they believed the “Aryan” population needed. Since they wanted the occupied areas to depopulate, they encouraged negative population polices that would limit births, the opposite of what they tried to accomplish in Germany. For example, in Germany it was illegal for “Aryan” women to get abortions, but in the occupied territories it was declared free from punishment. Homosexuality, illegal in Germany, was declared legal in the East for Eastern European men. The Nazis were still concerned about homosexuality spreading from foreign men to German men, however. In March 1942, the Gestapo sent out a memorandum on the arrest and sentencing of Polish citizens who endangered German sexual morality in Poland: “In the new territories we have started to administer, Polish people dwell in close proximity to us Germans… This means

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12 Grau, 5-6.
that degeneracy and demoralization extant among the Poles can contaminate German nationals. Such contamination is especially frequent when it comes to homosexuality.”

This memorandum clearly shows that the Nazis were concerned with foreign sexuality, and homosexuality in particular, in the occupied territories because these men would come into contact with German men. They were worried that these foreign men could “seduce” the German men they came across, and that the “seduced” men would go back to Germany and spread homosexuality to other German men.

Following their logic, we could assume that the Nazis would be just as concerned, if not much more so, about the sexuality of the men who came into Germany as forced laborers. In Germany proper, there could be a greater number of German men whom homosexual foreign workers could “contaminate.” However, my research into Paragraph 175 court cases contradicts this assumption. Most cases show that foreigners received lighter sentences for Paragraph 175 violations than the law suggested and lighter sentences than most Germans received. This project will have two chapters and two goals. The first chapter will discuss how being foreign influenced these men’s court cases and their experiences as laborers living and surviving in Nazi Germany. Their strategies for survival, including using their foreignness as a defense in court, and their interactions with and understandings of the laws, customs, and people of Germany as well as themselves and each other, will be analyzed. Furthermore, this chapter will confirm that there were homosexual encounters between foreign male workers and German men. Most works that discuss foreign worker sexuality only discuss the gendered and racial

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14 Gestapo memorandum in Plant, 119.
dynamics between foreign men and German women. My work will provide an alternative perspective on German sexual encounters with non-Germans and their implications.

Jill Stephenson’s article “Triangle: Foreign Workers, German Civilians, and the Nazi Regime. War and Society in Württemberg, 1939-45” is different in that she states the probability of such encounters; she argues that with so many German men absent, male and female foreign workers became the focus of sexual interest for Germans, and that foreign women and perhaps also foreign homosexual men had sexual encounters with German men, though she laments that there is no secondary literature on the latter topic. There are, however, small slices of life that can be gleaned from primary accounts. Gad Beck, a gay, German-Jewish man who survived the Nazi era in Berlin, for example, fondly remembers an Italian worker he crossed paths with during that time.

Still, there has been no scholarly work about foreign workers and their sexual encounters with German men, and I hope the first part of my thesis will begin to remedy this lacuna in the historiography.

The second chapter of my thesis will discuss the implications of the court records. I will argue that since the court records suggest that Nazis were not quite as worried about homosexual, foreign, male workers “contaminating” German men and reducing the

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15 See works such as Ulrich Herbert’s *Hitler’s Foreign Workers: Enforced Foreign Labor in Germany*, which remains in many ways the best and most comprehensive monograph about foreign labor, and more general histories like Richard J. Evan’s *Third Reich at War*. These mention only sexual encounters between foreign men and German women.


birth rate, the Nazis were more concerned with the threat to all-male groups than most historians have recognized. Foreign male workers, after all, posed no such danger to such groups. Geoffrey Giles, one of the most prolific historians of homosexuality in Nazi Germany, has argued that although recent historians have used the centrality of population policies in defining Nazi homophobia, this is not sufficient to explain the Nazi persecution of homosexuals.\(^{18}\) Harry Oosterhuis, a historian of homosexuality in Nazi Germany, agrees with Giles, arguing that anxiety about homosexuality in all-male groups and positions of power was more significant to the Nazis than their biological fears, especially given the confusion in the medical and scientific community regarding homosexuality.\(^{19}\) I will draw upon the methodologies and arguments of both works, along with existing works that briefly mention homosexuality among foreign men in the Third Reich.

Richard Plant, writing in 1986, believed that the Nazis only targeted homosexual Germans, with the possible exception of Alsatian and Dutch gay men.\(^{20}\) Giles dedicated an article to the question of homosexual men in occupied countries and found that they were usually treated more leniently, but that in the occupied territories and in Germany proper, men received harsher sentences if they had had sex with German men instead of their fellow countrymen. He also found that Scandinavian men enlisted in Himmler’s ranks, as Aryans, received punishments comparable to those of their German


\(^{19}\) Harry Oosterhuis, “Male Bonding and Homosexuality in Nazi Germany” in *Journal of Contemporary History*, Volume 32, Number 2 (April 1997).

\(^{20}\) Plant, 100.
counterparts. My research will delve more deeply into similar questions of race and will examine whether or not treatment differed if a foreign man was considered “Aryan” or not. I will analyze these proceedings in the context of Nazi confusion about the nature of homosexuality, their dependence on foreign labor, the increased radicalization of the Nazi courts, and the punishments foreigners received for other sexual crimes.

Homosexuality in the Nazi period has been oversimplified by some historians in the past. Some argued that the Nazis carried out a holocaust against homosexuals just as they did against Jews, while others argued that the Nazi party was largely, or even mostly, a homosexual movement. However, more recent historians have recognized that because anti-Semitism was central to Nazi policy and because the Nazis believed homosexual men could sometimes be cured, the Third Reich did not carry out systematic genocide against homosexual men like they did against the Jews. Furthermore, historians also recognize that the Nazis wanted a homosocial, all-male society, but not a homosexual one; and that although some homosexual men did join the Nazi party in its earlier years, the Nazis were hardly a homosexual movement. My thesis will continue to make these distinctions and others to contribute to the historiography of these topics.

In addition to the sources I have mentioned above, I will also use other monographs and articles pertaining to gender, race, foreign labor, Paragraph 175, homosexuality, Nazi justice, the Gestapo, and other pertinent themes. Sources that

analyze court records and police records will be especially important. Primary document
collections, memoirs, and diaries will constitute a significant part of this endeavor. The
documents that will be analyzed most heavily are the Records of the General State
Prosecutor’s Office of the State Court of Berlin, housed at the United States Holocaust
Memorial Museum (USHMM). I selected all cases of Paragraph 175 that involved
foreign men that were available at the USHMM.

There were eleven cases involving Eastern European men and nineteen involving
Western European men, including three cases which focused on the German partner. The
Netherlands, the Protectorate of Bohemia and Moravia, Belgium, and France were the
most highly represented countries, with the former two having seven cases each and the
latter two having three cases each. Other countries that were represented include
Bulgaria, Slovakia, Croatia, Lithuania, Italy, Danzig-West Prussia in western Poland, and
Switzerland, each with one case.

There were a total of nineteen foreign men and seven German men sentenced to
prison time in the court cases I examined. Several more foreign men were let go due to
lack of evidence. Of the nineteen foreign men, nine received sentences for less than six
months, eight received sentences that were six months to one year in length, and only two
received sentences for more than one year. The vast majority received sentences for one
year or less. The average sentence for a foreign man in the Berlin court records was 6.4
months. Of the seven German men, two received sentences for less than six months, three
received sentences of six months to one year, and two received sentences for more than
one year. The average sentence for a German in these records was 9.8 months. The
foreigners received lighter average sentences than Germans, but Germans received comparatively light sentences as well. This shows that the Nazis did not take homosexuality with foreigners as seriously as when all of the partners were German.

There are also a significant number of men who show up in these cases who were not the main defendants. They were men who were arrested with those who were the primary focus of the police records. Of these men, there were seven from Eastern Europe, one from the Middle East, and sixteen from Western Europe, including seven from Germany. There were two such men from the Netherlands, and one man each from Poland, Montenegro, Serbia, Iran, Switzerland, and France. Their presence in these records is invaluable because their sentences and the rationales behind their sentencing provide comparative data to that of the primary defendants in these cases. These men often provided testimony as well, and were sometimes sentenced along with the men whom the court cases principally focused on.

The cases took place from 1937-1945, and most involved foreign men from working-class backgrounds who were manual laborers, although there were a few exceptions. Most were single and were between the ages of 20-45, aligning with the vast majority of men who were arrested in Berlin under Paragraph 175 at that time.23 These records provide enough information to draw meaningful conclusions, but they also have limitations.

There are thirty cases altogether that pertain to foreign violations of Paragraph 175 at the USHMM, but there are many more cases still being processed in Berlin that

are unavailable to the public at this time. When they become available, they will certainly provide future researchers with more examples that will serve to confirm or challenge my conclusions here. Of course, these records are only from the district court of Berlin, so they do not speak to regional variances that may have been present. However, my findings adhere to Jürgen Müller’s generalizations from records in Cologne; typically, foreign men there received 2-3 month prison sentences for each homosexual act, and six months for each para-coital act. Many of the records from Berlin follow this pattern, although many men received sentences that were even lighter than in Cologne, which is perhaps surprising given that the evidence from Cologne is strictly from the pre-war period. Finally, some records are incomplete, lacking sentencing information, but other aspects of those cases can and will be discussed here as useful examples of persecution. The leniency of the sentencing for foreign men suggests that the Nazis were not as bothered by foreign homosexuality because foreign men did not pose the same sort of social and political danger that German homosexual men posed to the regime.

Finally, it is important to discuss the terminology I will use in this thesis. The term “homosexual” is used for a couple of reasons. It would be inaccurate to refer to these men as “gay” because we think of sexual orientations and identities in different ways than people did in the 1930s and 1940s. Homosexuality as an identity had begun to emerge, but the term “gay” had not yet become widespread. The Nazis themselves did not clearly identify homosexuality as being a marker of identity or an occasional behavior. Furthermore, the term homosexual was introduced in scientific literature, and

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scientific and formal literature may still favor the term when referring to sexual acts.\textsuperscript{25} I do not use the term in an archaic or stigmatizing way, but rather to acknowledge that these men did not have the linguistic or cultural framework to identify as gay in the same ways that people do today.\textsuperscript{26}


CHAPTER 1: FOREIGN LIFE, SURVIVAL, AND HOMOSEXUALITY IN
NAZI GERMANY

This chapter will examine foreign workers who were accused of homosexual activity in Nazi Germany, will show the ways in which foreign workers experienced these arrests, and will show that they were given lighter sentencing than Germans. Before discussing Paragraph 175 violations among foreign workers, it is important to understand the context in which they lived and worked. There were 8.4 million civilian laborers and 4.6 million prisoners of war (POWs) working in the Third Reich during World War II. Most of the forced laborers worked in agriculture, where they provided almost half of the workforce. They constituted one-third of all employees in the mining, building, chemical, and metal industries, and one-quarter of all workers in the transport industry. The sheer number of these workers made them essential to the functioning of industry and farming in Nazi Germany. The workers who appear in the court records lived and worked in Berlin and were most often employed in industry work. These court records reflect the types of work foreigners did in Berlin and may not represent potential regional variances. However, these records do reflect broader patterns in the Nazi enslavement of foreign men and women.

The situation of foreign workers in Nazi Germany accused of homosexual activity under Paragraph 175 can best be understood through an examination of the racial, diplomatic, and legal circumstances the workers found themselves in. Race was a vital component of Nazi ideology, and it became of even greater importance once the war

began. As young, able-bodied “Aryan” men died fighting in the war, the maintenance of the German race became more important to Hitler.²⁸ Racism could be used to level accusations against people with psychological problems or enemies of the state. To the Nazis, homosexual men were such enemies.²⁹ However, it is clear that the racial hierarchy the Nazis created was inconsistently applied and was often forced to give way to more pragmatic and economic concerns.³⁰ The Nazis carried out (or failed to carry out) the hierarchy in different ways in Eastern Europe, Western Europe, and in Germany proper.

The Nazis differentiated between Eastern and Western European workers due to the complex racial hierarchy they created, which drew on previously established theories about race. Human beings began categorizing one another when intercontinental movement became more widespread. There are no true races among human beings, however, only the social construction of race. Immanuel Kant was the first to begin writing extensively about race in 1775, and from there, Europeans assumed that physical and psychological differences between peoples was an indication of worth.³¹ The Dutch anatomist Pieter Camper measured the facial angles of members of different “races”³² in the eighteenth century to categorize them according to beauty, and Christoph Meiners did

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²⁸ Adolf Hitler in Cameron and Stevens, 435.
³² “Race” is not a scientific reality, but rather a social construct. I use “race” not at face value, but include the term to better show what the Nazis believed. Race to them was somewhat akin to ethnicity or nationality.
the same, arguing that “fair” people were superior to all others in all things, and “darker colored peoples” were ugly and semi-civilized. Later thinkers applied these theories to European ethnicities, and it was this thinking that Germans used to legitimize their rule over Slavic territories in World War II. Racism was thus an integral part of the Nazi worldview.

Adolf Hitler argued from the beginning of his political life that races should not mix so as to preserve the alleged superiority of the German race; he was repelled by the mixture of Czechs, Poles, Hungarians, Ruthenians, Serbs, Croats, and Jews he came into contact with in Vienna as a young man. Racism, like Nazism, depended upon the existence of its enemies; it defined itself as a war against hostile and inferior peoples. Racism ascribed outsiders with certain undesirable traits, including inferiority, a dangerous or out-of-control sexuality, and a lack of control, which the insane, homosexuals, and habitual criminals were thought to share to varying degrees depending on race. The Nazi racial ideology drew heavily from these themes to establish a racial hierarchy that had devastating consequences for those who came into the Nazis’ grasp, including foreign workers.

The Nazis thought more highly of Western and Northern Europeans than they did of Eastern and Southern Europeans, but there were differences among nationalities. The Estonians were considered akin to the Germans, as were the Norwegians, Swedes,

33 Burleigh and Wippermann, 24-25.
34 Adolf Hitler, Mein Kampf (Boston and New York: Houghton Mifflin Company, 1999), 123.
36 Mosse, Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe (New York: Howard Fertig, 1985), 134.
37 Kamenetsky, 83.
Danes, and the Dutch, whom Hitler planned to attract to the Eastern territories to become members of the German Reich.\textsuperscript{38} Italians, since they were allied with Nazi Germany in the war, were at the top of the racial hierarchy because diplomatic considerations prevented the Nazis from mistreating them. However, their fortunes shifted after 1943 and the collapse of Fascist Italy. After that, they were nearer to the bottom of the hierarchy for “betraying” the German cause in the war.\textsuperscript{39} The hierarchy was not purely ideological; the Italians rose and fell depending on the state of relations between Germany and Italy.

Still, the Italian workers’ position in the hierarchy had real consequences for their lives. When they were well regarded, the Nazis tried to make sure they were treated well and received particularly good food and housing. Later, this would not be the case.\textsuperscript{40} The racial hierarchy may have been fluid and inconsistent and did not conform completely to racial ideology, but it did have real consequences for the foreign men and women working in Nazi Germany, particularly those at the bottom of the hierarchy.

The Nazis considered Eastern Slavic peoples to be primitive and animal-like, above only the Jews in the European racial hierarchy. A document issued by the SS Main Office described them as subhumans: “[A Slav has] hands, feet, and a sort of brain... nevertheless is quite a different, a dreadful creature, is only an imitation of man with man-resembling features, but inferior to any animal as regards intellect and soul. In its

\textsuperscript{38} Hitler in Cameron and Stevens, 25.
\textsuperscript{40} Herbert, \textit{Hitler’s Foreign Workers: Enforced Foreign Labor in Germany under the Third Reich} (Cambridge: Cambridge University Press, 1997), 98.
interior…. a nameless will to destruction, with a most primitive lust, and of unmasked depravity.” The Nazis used this supposed racial inferiority as a pretext to enslave and abuse the Eastern populations. Robert Ley, a Nazi politician, stated that a “race of lower standing needs less room, less clothing, less food and less culture than a race of higher standing.” Martin Bormann said that the “Slavs are to work for us. In so far as we do not need them, they may die.” These quotes explain the harsh Nazi treatment of Eastern European workers until 1943, when the Nazis needed their manpower more desperately and feared repercussions for the workers’ substandard treatment if the Germans lost the war. Until then, the workers were utterly expendable, with more regularly coming in to replace their fallen comrades.

The evidence from occupied countries in both Western and Eastern Europe suggests that the Nazis were concerned with homosexuality among local populations, but in different ways depending upon the perceived racial value of the men involved. In Western Europe, the police usually did not actively prosecute homosexuals, but generally left the matter to the local, collaborating authorities. In France, for example, the French police took over the Gestapo’s hunt for homosexual men. This was also true in the Netherlands, where the Nazis considered the Dutch to be almost as racially excellent as the Germans. The occupying police forces only became involved in special cases, such as when a Reich German man was involved or when the accused worked for a German or

41 SS Main Office text in Kamenetsky, 38-39.
42 Bormann in Kamenetsky, 103.
43 Ley in Kamenetsky, 103.
44 Mosse, The Fascist Revolution, 176.
Nazi organization. This shows that the Nazis were more concerned with cases of homosexuality when a German was implicated, even though the Dutch were considered racially sound. This also suggests that the Nazis also had a “racial hierarchy” to deal with foreign men accused of homosexuality, at least in the Netherlands. Evidence from Norway shows that Scandinavians, as fellow “Aryans,” were treated almost as severely as Germans were for homosexual behavior, especially if they had enlisted in the SS. The Nazis also got involved when the accused, even if he was foreign, worked for a German or Nazi organization, again suggesting that the Nazis especially feared homosexuality spreading in all-male organizations directly related to the Third Reich and feared homosexuality in positions of power. If a Western European man held a position of power or was active in an organization that pertained to the Third Reich, he would be punished directly by the Nazis. If this was not the case, his sentencing would be left to the discretion of local collaborating authorities.

In Eastern Europe, eradicating homosexuality was slightly different because Eastern Europeans were near the bottom of the Nazi racial hierarchy. In Poland, for example, charges were not to be filed under Paragraph 175 if the men were Polish. They could, however, be deported from Poland, possibly to their deaths, since their proximity to Germans there could be a threat to Germanhood. It is possible, then, that if Polish or other Eastern European men were apprehended for homosexuality, they could be shipped to a concentration camp. The Nazis could simply send these “racially inferior” men to

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48 Grau, 201.
their deaths instead of bringing formal, legal charges against them. The Nazis encouraged homosexuality among racial groups they considered inferior and undesirable, like the Poles and other Eastern European groups. However, if the man in question was from a racially valuable group, he would be prosecuted, but at the discretion of the native police force. It appears that it was when Germans “contaminated” other Germans that the Nazis became most involved.

The Nazis clearly prosecuted homosexuality differently in their occupied countries due to race. In Western European countries they occupied, including France and the Netherlands, they left the persecution of homosexual men largely up to the local authorities, with a few exceptions. In Eastern Europe, they sought to deport homosexual men so that they could not “contaminate” German soldiers who were occupying the country, but they also did not want to actively discourage homosexuality among Eastern Europeans because they believed it would hasten their decline. It is clear that the Nazis took steps to address homosexuality in the occupied countries, but their policies did show racial differentiation between Eastern and Western European men. They sought to weaponize homosexuality in Eastern Europe by allowing it to flourish and spread among occupied men so as to bring about the biological, political, and social downfall of these countries. In Western Europe, the Nazis allowed local authorities to handle cases regarding homosexuality, but they did intervene if German men or men in positions of power were involved.

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However, the court records do not show clear differentiation between Nazi treatment of Eastern and Western European workers accused under Paragraph 175. The Nazis would sometimes make a note in the records if a man was “Aryan,” but this did not seem to affect sentencing. It may be significant, however, that no Polish or Russian men, who were racially only above the Jews in the racial hierarchy, appear in the court records during the war years. This could be because no Polish or Russian men were arrested for homosexuality, or it could mean that they were dealt with outside of the legal system; the Nazis could have shot them or sent them to a concentration camp without recording the evidence, but these records unfortunately contain no proof either way. Since nearly half of all foreign workers in Germany by 1944 were Polish or Russian, it does stand to reason that some should have appeared in the Berlin records. Most workers may have been treated similarly to one another because the Nazis were more concerned with heterosexual contact between foreign workers and German women, or because they were forced to bow to diplomatic or economic considerations.

The category of “foreign workers” included Western European voluntary workers and POWs, and Eastern European voluntary workers and abducted workers. Abducted workers were men and women whom the Nazis forcibly took from their homes in Eastern Europe to bring to the Greater German Reich if local labor quotas could not otherwise be met. In 1942, the majority of foreign laborers were Western European POWs and unemployed workers the Nazis recruited from Germany’s allies, particularly Italy.  

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Nazis had an economic interest in these men and women. They exploited foreign laborers as a way to maximize the potential of the lands they invaded. Nazi leader Fritz Sauckel stated that “the raw materials as well as the fertility of the conquered territories and their manpower are to be exploited completely and conscientiously for the benefit of Germany.” However, they were forced to compromise their racial ideology to bring these workers into the Reich. The Nazis used foreign labor from both Eastern and Western peoples they considered racially inferior, and as a result they compromised their racial ideology in favor of pursuing their economic interests, particularly once the war began and most young, able-bodied German men were sent off to fight. One concern stood out among all others: The Nazis worried that these “racially inferior” men and women would breed with German men and women, thus weakening the strength and perfection of the German-“Aryan” gene pool that Hitler desired.

The extent to which this hierarchy did or did not trickle down into the general German population is important to consider. In 1942 the Reich Security Main Office (RHSA) created four categories of workers: Italians; members of the “Aryan” race like the Dutch, Danes, and Norwegians; members of non-“Aryan” races whom the Nazis were connected to on the basis of their cultural or pan-European importance; and Eastern and Slavic groups. The Italians eventually fell downward in this hierarchy, and the Eastern groups were not regarded in a single, monolithic way. This was confusing to many Germans, and their inevitable interactions with these workers often gave them higher opinions of the foreigners in their midst than the Nazi government would have liked.

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53 Herbert, *Hitler’s Foreign Workers*, 203.
Both Eastern and Western European men appear in the Berlin court records because it appears that both groups were able to have sexual contact with German men. Indeed, the numerous examples of sexual “crimes” (acts that did or did not constitute crimes changed depending on who the Nazis were trying to target) prove that foreigners and Germans intermingled at rates the Nazis considered to be alarming.

Fraternization between Germans and foreign workers could have serious consequences, even if no sexual contact took place. For example, a case appeared before the Reich Supreme Court on June 28, 1940 in which a woman allowed a prisoner of war to drink from her beer bottle and “seriously offended healthy popular feelings.” She also tried to help this prisoner by writing to his wife back home and asking her to send him a package and some money.\(^{54}\) Her punishment is not specified, but in November 1939 the German Ministerial Council stated that anyone who maintained contact with POWs could be punished with imprisonment or penal servitude, or could be arrested and fined.\(^{55}\) Germans themselves thus had to tread carefully, because any friendly contact with foreigners meant that they had to forfeit their status as protected “Aryan” citizens. The court records from Berlin show that many Germans and foreign workers did spend time in the same social spaces and met in bars, parks, restaurants, and on public transportation.

As time went on, the Nazis began to treat foreign workers slightly better so that they could be more productive for the war economy. Before these changes in treatment, however, life was extremely difficult for foreign workers in the Third Reich. Nina Mursina, an Eastern European woman who worked in Namslau, Germany (Prussia, now a

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\(^{54}\) Reich Supreme Court interpretation in *Nazism Volume 4*, 131-132.

\(^{55}\) November 25, 1939 Ministerial Council decree in *Nazism Volume 4*, 131.
part of Poland), stated that “we were only allowed to work, nothing else. We were not fed like human beings… we… wore dreadful rags and wooden clogs.”56 Joseph Stanley Wardzala, a Polish man who came to Germany to work, stated that his only possessions were a bowl, a spoon, and a ration card, and that he only received coffee and bread to eat every day.57 Even Western European voluntary workers, who responded to Nazi propaganda and arrived expecting to find steady jobs in good working conditions, were treated poorly. A French woman who voluntarily came to work in Germany explained that they worked for over eleven hours a day, were given little food, possessed only one set of clothes, and were banned from many places Germans could go. She goes on to say that conditions were worse for Eastern workers; they were not allowed to leave their work camps at all, and were paid even less than Western workers. Western workers received sheets for their beds, while Eastern workers received only straw and a blanket.58 Eastern workers also wore badges to distinguish them from Western Europeans and Germans. The Nazis distinguished between Eastern and Western workers to clearly show the racial hierarchy that they had created, which placed Western Europeans above Slavic Eastern Europeans. They also wanted to discourage solidarity between workers of different nationalities.

However, the treatment of Eastern foreign workers improved due to the population’s general ambivalence toward the workers and the critical labor shortage the

57 Joseph Stanley Wardzala, interview, 1990, United States Holocaust Memorial Museum, Washington, D.C.
58 Account from a French woman in Nazism Volume 4, 326.
Nazis faced. Having foreign workers in Germany, especially Poles in rural areas such as Bavaria and East and West Prussia, was not unprecedented; before the Nazis came to power, Polish workers came to Germany every year to help farmers with their harvests. Rural Germans, then, were more used to Polish workers and if the Germans and Poles both happened to be Catholic, as in Bavaria, they had a religious connection as well. In this instance, Catholicism was a competing institution with Nazi ideology, since Catholic priests often preached that Catholics must treat each other with dignity and respect, emphasizing the religious bonds that existed between Catholic Germans and Poles while downplaying their ethnic differences.

Furthermore, the war started to go badly for Germany after the Battle of Stalingrad in 1943, and with more workers absconding due to poor conditions, the Nazis were forced to change their tactics. Changes to foreign workers’ treatment began in 1943, especially for Eastern workers. Reich Minister of the Interior Wilhelm Frick proclaimed in 1943 that he did not want Eastern workers to be housed behind barbed wire or beaten anymore, and he objected to the continued use of badges to distinguish Eastern workers. He argued that it was impossible to win over these workers with such methods. In 1945, when it became increasingly clearer to many Germans that the war would be lost, they began to fear the foreign workers among them whom they had mistreated and overworked. People began to complain that laborers were working too much, and some workers began to notice a difference in treatment. Anna Popovskaya, who worked in

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61 Wehrmacht report from January 1945 in *Nazism Volume 4*, 640.
Goerzig (southwest of Berlin), stated that in the spring of 1945 her boss called a doctor for her after she caught a cold and developed angina, which was unheard of previously.\footnote{Anna Popovskaya diary entry in Kempowski, 29.}

Indeed, diplomacy prevented the Nazis from treating certain groups as harshly as they may have wished. Foreigners in general were usually treated with respect for their civil rights,\footnote{Christopher Isherwood, \textit{Christopher and His Kind, 1929-1939} (New York: Avon Books, 1977), 128.} and Nazi ideology was forced to acquiesce to diplomatic considerations when dealing with foreign laborers. For example, even though the Nazis disliked the Italian work ethic and believed that they were fraternizing too often with Germans, they could not punish them as they would have liked (prior to the Italian surrender) because Germany was allied with Italy. They also set racial prejudices aside to work with Romania, Spain, Hungary, and Yugoslavia before their defeat in 1941, even though these groups were not considered “Aryan.”\footnote{Herbert, \textit{Hitler’s Foreign Workers}, 129.} In Germany proper and Western Europe, unlike in Eastern Europe, the Nazis were under the watchful eye of world opinion. This racial divide in world interest was not new; during World War I, when Germany brought in Polish and Belgian forced workers, it was the deportation of the Belgians which caused international outcry and damage to Germany’s foreign policy.\footnote{Mark Spoerer and Jochen Fleischhacker, “Forced Laborers in Nazi Germany: Categories, Numbers, and Survivors” in \textit{Journal of Interdisciplinary History}, Volume 33, Number 2 (Autumn 2002), 170.} The Nazis therefore may have wanted to avoid meting out draconian punishments for crimes they may have been less concerned with, such as foreign homosexuality. However, they still did not hesitate to put some Western European men to death for having sex with German women, so foreign policy and diplomatic considerations did not always reign supreme. Furthermore,
it is doubtful that the deaths of homosexual men would have caused very much international outcry; homosexuality was still stigmatized and even criminalized in much of the world. It is possible, then, that the Nazis did not severely punish homosexuality among foreign workers because it did not affect German political or social life as heavily as it did among German men. It may also be significant that most of the cases in the Berlin files happened near the end of the war, when the situation for foreign workers in Nazi Germany had changed.

As the war progressed and foreign workers were unhappy with the living and working conditions in Germany, they began to abscond in huge numbers, disrupting German industry. Information compiled from captured Nazi documents indicates that foreign labor played a decisive role in maintaining Germany’s industrial and productive capabilities. Germany desperately needed the tide of the war to turn in their favor, especially after their defeat at the Battle of Stalingrad in 1943. They did not have any hope of such a turn if their industries were not working at full capacity. Therefore, they began treating workers slightly more humanely, providing them with more food and better living and working conditions. Individual employers went to great lengths to prevent the loss of their foreign workforce as well. Stuttgart public prosecutors realized that employers needed foreign labor too much to restrain or report their workers for minor misdemeanors. Employers sometimes gave material benefits, sexual favors, and ignored petty crimes like theft. The Berlin court records show that some employers did

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66 Homze, 231.
67 Stephenson, 351.
denounce workers for homosexuality, but it is possible that more may have chosen not to in order to retain their work forces.

Foreign workers were caught in a web of suspicion and competition between different Reich agencies and powerful Nazis. Albert Speer wrote in his memoirs that he wanted to stop forcibly recruiting workers from Western Europe so that they would be more productive in their home countries for the war effort.\(^6^8\) He stated that he wished to ally with Heinrich Himmler and Wilhelm Keitel to thwart Fritz Sauckel’s attempts to resume deportations from Western Europe and keep standards of living among foreign workers low. Speer won by reasoning that since workers’ training took several weeks and instructors were scarce, the Nazis could not afford to replace the workers as quickly as they were dying and absconding. Therefore, the SS made considerable improvements to sanitary conditions and rations in the work camps.\(^6^9\) In this context, it is possible that foreign workers who committed lesser crimes in the eyes of the Nazis may have been given lighter sentences.

It is important to note, though, that even after the treatment of foreign workers improved, they still lived and worked in terrible conditions; were still more susceptible to disease, starvation, and death; and they were treated differently under the law. Foreign workers were especially vulnerable to police round-ups and could be sent to concentration camps for minor offenses, and the arrest rate among foreigners for criminal offenses was disproportionately high.\(^7^0\) For instance, almost three-quarters of Gestapo

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\(^6^9\) Speer, 370.
\(^7^0\) Homze, 256; Kershaw, 84.
arrests by 1943 were of foreigners, and the criminal police persecuted foreign laborers as well.\textsuperscript{71}

Given that foreigners were arrested more often for criminal offenses, it is surprising that foreign men arrested under Paragraph 175 were given such light sentences, and the possible reasons for this will be examined later. There was little foreigners could do to improve their situations, but many tried in the black market that flourished among forced laborers. They could barter or exchange items, sell self-made objects, or even try to steal food. Western workers who received better rations than Eastern workers effectively controlled the black market sale in food, and since they were better fed, had a black market trade in forged documents for time off or to return home.\textsuperscript{72}

As we will see in the court records, foreign men could also try to blackmail Germans on the basis of sexuality or steal from more vulnerable members of German society.

The 1935 revised version of Paragraph 175, as discussed previously, tightened the law and broadened the definition of criminal homosexual acts. The head of the Reich Ministry of Justice, Dr. Leopold Schäfer, stated that in the former version of the law, the police often could not prove intercourse-like acts, so “the police could not proceed against evidently homosexual practices unless they were able to prove such acts. That gap had now been filled.”\textsuperscript{73} Touching, kissing, or even undressing in another’s presence, if that act led to one of the men’s “incitement,” could lead to arrest. In April 1938, Himmler declared that men who had seduced more than one partner be transferred to a

\textsuperscript{71} Nikolaus Wachsmann, \textit{Hitler’s Prisons: Legal Terror in Nazi Germany} (New Haven, CT: Yale University Press, 1994), 199.
\textsuperscript{72} Herbert, “Labor as Spoils of Conquest,” 261-262.
\textsuperscript{73} Dr. Leopold Schäfer in Grau, 66.
concentration camp after they had served their prison sentences.74 Few of the men whose records I examined, however, were repeat offenders. By 1940, minor sexual acts were landing men in concentration camps and prisons.75 However, at this time most homosexual men were handed over for sentencing to the regular courts, so arrested homosexual men were more likely to serve sentences in prisons or penitentiaries than concentration camps. During the twelve-year span of the Third Reich, around 100,000 homosexual men spent time in penal institutions; they were tried by regular criminal courts and were sent to prison.76 For “unnatural fornication,” there were over one thousand people judged in 1934, and that number jumped to over nine thousand in 1938. Of these statistics, though, only thirteen of the men in 1934 were foreign, and 106 in 1938.77 These numbers climbed much higher after the war began. As stated previously, however, many of these foreign men received disproportionately light sentences under Paragraph 175.

Cases of foreign men charged for homosexuality in the Third Reich must be placed in the context of the Nazi legal system. The many, sometimes competing facets of the legal system had these men in their grasp, and analysis of this situation will reveal why sentencing was inconsistent and seemed somewhat lighter for foreign men. It is important to note that the traditional German legal system and prison system operated at the same time as the Nazi terror machine. The continued operation of the legal system

74 Plant, 117.
75 Giles, “Legislating Homophobia in the Third Reich: The Radicalization of Prosecution against Homosexuality by the Legal Profession” in German History Vol. 23, No. 3 (2005), 351.
76 Wachsmann, 144.
77 Statisches Handbuch von Deutschland 1928-1944 (Munich: Franz Ehrenwirth-Verlag, 1949), 634.
helped mask the true nature of the Nazi regime. Since the Nazis could not, and indeed did not want to, alter all of the old laws overnight, they instead tried to commit the judiciary to a newer, more flexible attitude, so that they could interpret statutes to “work towards” the Führer. Historian Ingo Müller argues that judges did go beyond the bounds of what their positions required and strove to anticipate what the Führer wanted from the law profession. Within this context, we can examine how the legal system prosecuted foreign workers, homosexuality, and homosexuality among foreign workers.

There was significant conflict between the different branches of the legal system regarding foreigners charged with crimes. The Security Service (SD) did not like the variability of the sentences the courts imposed. For example, some women who had sexual relationships with French POWs were allowed to marry these men and were not punished, while others were sent to jail. The Reich Main Security Office (RSHA), meanwhile, thought that the courts were too slow and time-consuming in sentencing. The police and justice authorities fought over the spheres of influence of their respective groups. The proper punishments for Eastern European workers came under fire as well; the courts and the Gestapo competed to a degree for jurisdiction over these matters, and could not agree on the proper treatment for Soviet and Polish workers. In the end, they decided that although Eastern and Western workers would be put on more even footing regarding punishment, there was a special penal code for Poles and Russians that the

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80 Müller, *Hitler’s Justice*, xvii.
81 Kundrus, “Forbidden Company,” 212.
82 Herbert, *Hitler’s Foreign Workers*, 119.
Gestapo enforced.⁸³ This is not to state that the courts were uninterested in prosecuting foreign workers, however.

In 1939 in the Greater German Reich, there were 329 people sentenced to death. That number steadily rose throughout the war years, increasing exponentially in 1942, when over forty-four hundred people were sentenced to die. Roughly half of the executions carried out until the end of 1942 were of non-Germans, particularly Polish and Czech forced laborers, who were subject to the special hatred of the Nazi regime for their race.⁸⁴ Before the war, far fewer foreigners went before the German courts, let alone were sentenced to death. In 1937, only 3.6% of all criminal offenders were not German.⁸⁵ The Gestapo also increased its surveillance of foreigners; in the summer of 1943, 72% of arrests were of foreigners, who were also being persecuted by the criminal police as well.⁸⁶ This shows that the war is the likely culprit behind foreigners receiving more negative attention from the authorities. Many other policies that the Nazis carried out, like the T4 euthanasia program, the mass importation of foreign labor, and the Holocaust itself, were radicalized and carried out under the distracting conditions of war. Given the justice and police systems’ overlapping interest in foreign peoples in Nazi Germany, it is more surprising that the men investigated here received comparatively light sentences, especially considering the increased difficulty homosexual men faced during the Third Reich. There are many reasons foreign men in Germany participated in homosexual acts or accused others of doing so. Besides desire, men participated in homosexual acts for

⁸³ Herbert, Hitler’s Foreign Workers, 267-268.
⁸⁵ Wachsmann, 199.
⁸⁶ Wachsmann, 211.
money or as an opportunity to steal from homosexual men. They could accuse others of homosexual acts to try to remove potential work camp rivals.

The Berlin court records reveal a great deal about life as foreign workers for men, and of course, also reveal a great deal about homosexuality in Nazi Germany in general and among foreign workers in particular. On a broad level, these records prove that homosexuality and homosexual denunciations among foreign workers did occur. “Jean L.,” a French worker, was arrested in 1941 for having sex with a man and sleeping in the same bed with him. The evidence against Jean was primarily the witnesses who testified against him. One was the German leader of the work camp, and the other was an Italian worker.87 Workers could denounce one another for homosexuality in the hope of removing a rival with whom they competed for position with among the other workers or an otherwise unwanted presence in the work camps.

An example of this occurred in 1942. “Antonio Z.,” an Italian worker employed in the Reich, was accused of trying to seduce young apprentices and grabbing men in the bathroom at the construction site. Four Czech men came forward, each stating that Antonio had approached them at different times and tried to grab their penises and anus. Antonio countered that the Czechs teased him for being short, and all he did to retaliate was tickle them under the arms. He stated that he had seen the four men together whispering about something in their native language. He didn’t understand what they were saying, but he believed they were conspiring against him. The police decided that since the victims were Czech workers, their complaints may have “originated from a

87 USHMM, RG-14.070, ID Number 150559.
certain hatred,” and since nothing against Antonio could be proven, he was to be fingerprinted and released.88 This case is instructive because it shows how foreign workers could interact with each other, particularly workers of different nationalities. Since the police were suspicious from the beginning about the Czechs’ complaint, it is likely safe to assume that they were used to dealing with friction between different groups of workers. It is also significant that whether these allegations were true or false, the Czechs knew that a report for a Paragraph 175 violation would be taken seriously. This shows that they understood this part of German law and tried to make the justice system work for them to get rid of Antonio. They succeeded in placing him in official Nazi files as a potential homosexual and troublemaker. The four Czech men in this case were not the only foreign workers who tried to take advantage of Paragraph 175 in Germany.

“Jan K.,” a Dutch man, was arrested in 1942 for pimping. When his landlady, “Mrs. S.,” was questioned, she told the authorities that Jan and three other men had confided in her about the crimes they had committed. She stated that Jan and his friends stole suitcases from the train station at Friedrichstrasse in Berlin by luring homosexual men into dark alleys, knocking them out, and robbing them. They knew that such men were less likely to report these crimes since they would have had to explain why they followed Jan into the alley in the first place. Jan and his friends were also supposed to have slept with some of these men. Jan argued that conversations with Mrs. S. took place in both Dutch and German, and that she must have misunderstood him. The accused

88 USHMM, RG-14.070, ID Number 150559.
agreed that they had spoken hypothetically about robbing and blackmailing homosexual men, but that they had not actually done it. The authorities stated that they could not find any evidence of wrongdoing and that the men in question were not known as blackmailers or rent-boys (prostitutes) to them. A few of the men were convicted of other, lesser crimes, but none were convicted under Paragraph 175. Whether or not these men actually carried out their plans, they at least discussed the possibility ofblackmailing and robbing homosexual men by luring them into alleys and taking their luggage, ostensibly to sell on the black market. This shows that they were aware of who the most vulnerable in German society were and how to exploit that vulnerability. This case is also an example of how foreign workers could try to acquire more resources to supplement the meager rations of the Nazi government. Workers could, and did, steal from Germans and each other to try to survive. This case also shows how language barriers could come to the defense of these men when it was their word against another’s.

Stealing was not the only option available to foreign workers to earn a living. They could also sell their bodies to earn a few RM (Reichsmark currency) for food. There are many examples of this in the Berlin court records; one such record is that of “Cornelius V.,” a forced laborer from the Netherlands, arrested in 1944. He was charged with having sex with five men and attempted sex with another man when he was caught. He received money or cigarettes for his sexual encounters. For these offenses, he was sentenced to one year and six months in prison. This is one of the longest sentences to appear in the records, but is still mild considering that he admitted to prostitution and

89 USHMM, RG-14.070, ID Number 108616.
penetrative sex with five men. Cornelius said that he started selling sex for money after
he was released from his work camp in August 1944. He didn’t have the courage to go
back to his old work camp because he feared arrest for absconding since he did not have
release papers, so he was left with no money and no place to live. “Gerhard,” a Dutch
man whom Cornelius knew, said that he could earn money through sexual acts with men,
so he did. Cornelius explicitly stated that these acts “were not the result of a disposition,
but rather simply due to my financial need.” The police believed this, stating in their
records that “he only wanted to participate in homosexual activities because he found
himself in financial need.” They decided that a four-month sentence for each act was
appropriate. This was an especially light sentence given that these were penetrative,
homosexual acts committed for money, but the leniency may have been in part due to his
financial situation.

Cornelius’s record is similar to many other records that appear in these files.
Many of these men ended up without work in Germany for many reasons; some fell ill,
others were fired, and some lingered too long on vacation and were scared to return.
When this happened, they were scared of being arrested, but desperately needed a source
of income. Many of these men turned to theft and prostitution. The authorities identified
these young men as “rent-boys” (Strichjungen). They could charge 3RM for masturbation
and 5RM or more for sex. It was also not unusual for workers to abscond. From late
1943 onward, it was common for foreign workers to violate their work contracts by

90 USHMM, RG-14.070, ID Number 180060.
91 USHMM, RG-14.070, ID Number 180060.
92 Jürgen Müller, Ausgrenzung der Homosexuellen aus der Volksgemeinschaft: Die Verfolgung von
Homosexuellen in Köln 1933-1945 (Cologne: Emons Verlag Cologne, 2003), 111-112.
failure to return from leave, probably due to the treatment they endured. Both Western and Eastern Europeans absconded, but the latter group did so in much higher numbers due to their inferior treatment. The Berlin records show that for many men, fear to return to work led to male foreign workers selling sex for money. Furthermore, these cases, and cases among heterosexual couples, show that Germans were willing to have sex with foreigners; racial propaganda did not stop such unions from happening.

The Germans caught up in these cases received sentences harsher than the foreigners relative to what they were accused of doing. A few examples will be examined here to show that the Nazis were less concerned with foreign homosexuality than German homosexuality. “Fritz W.,” a German construction worker, was arrested in 1937 for suspected homosexual activity with several other men. He was accused of having oral sex and mutual masturbation with a man in a hotel in Berlin. He also attempted to steal clothes from one of the men he was charged with consorting with. He received a prison sentence of one year and six months in prison. Cornelius V., mentioned previously, received a prison sentence of one year and six months in 1944 for prostitution and five penetrative sex acts with men. Furthermore, Cornelius was charged in 1944, when Nazi persecution of homosexuality had intensified. If Fritz had been arrested during the war years, it is likely that his sentence would have been much higher. He still received a higher sentence given that he was charged with lesser crimes than Cornelius.

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93 Homze, 254.
94 Herbert, Hitler’s Foreign Workers, 341-342.
95 USHMM, RG-14.070, ID Number 173825.
“Erich K.,” a German machinist, was accused in 1938 of sex and mutual masturbation with a Polish man. He received a prison sentence of six months.96 “Wladimir M.,” a Czech carpenter, was sentenced to six months in prison in 1943 for mutual masturbation, prostitution, and sex. Similarly to Fritz and Cornelius, Erich was given a comparatively higher sentence for lesser crimes, and if his arrest had taken place during the war years, as Wladimir’s did, he may have received a higher sentence.

These patterns continue in the case of “Johannes K.,” a worker charged in 1941. He was accused of deriving sexual satisfaction from wearing women’s clothing. A court doctor believed that Johannes was a “sensitive psychopath with a proclivity for sexual perversions, including homosexuality and transvestitism.” He received one year in prison.97 In contrast, “Georg C.,” a Czech worker, was accused in 1945 of prostitution in the years 1943 and 1944. He also allegedly convinced a Lithuanian worker, “Bohdan L.,” to have sex for money as well. He also received one year in prison.98

Finally, there was also an instance in which a half-Jewish foreigner received a comparatively lighter sentence than a German. “Willi S.,” a German soldier, received money for sex and mutual masturbation from a Czech worker. He was sentenced to three months in prison in 1944.99 This sentence seems light, especially given that he was a Wehrmacht soldier, but it is possible that since the war was going badly for Germany at that point, they may have wanted him back on the front lines as soon as possible.

“Chrisko M.,” on the other hand, was an Iranian half-Jew charged in 1937 with mutual

96 USHMM, RG-14.070, ID Number 205253.
97 USHMM, RG-14.070, ID Number 110342.
98 USHMM, RG-14.070, ID Number 109137.
99 USHMM, RG-14.070, ID Number 170154.
masturbation and prostitution. The court took his youth into consideration (he was
eighteen at the time) and gave him three months in prison.\textsuperscript{100} It is also significant that
Nazi Germany and Iran had cordial relations, and that his case happened before the
outbreak of World War II. Diplomacy and timing may have saved Chrisko from a harsher
fate, just as timing may have saved Willi. Foreign men clearly had diplomatic
considerations on their side during some cases.

Foreign men charged under Paragraph 175 could sometimes use their
“foreignness” to their advantage as well. This was true in the case of “Vaclav T.,” a man
from the Protectorate of Bohemia and Moravia arrested in January 1942. The police
arrested him because two young men had come forward and stated that he tried to pick
them up on the street. Vaclav explained that one day, he had been in a public restroom
when a fat, elderly man approached him and told him that if he came back to his
apartment and slept with him, he would give Vaclav five RM. Victor rejected the offer
and left. He said he explained this to the young men he met in the street, but that since his
German language skills were so bad, they had misunderstood him and thought that he
was trying to pick them up. Vaclav was able to successfully argue that because he was
foreign and did not speak German very well, the young men had misunderstood his
intentions. The police let him go because they could not find any evidence to the
contrary.\textsuperscript{101} This is similar to Jan K.’s case, in which he argued that his German accuser
had misunderstood him. Foreign men were clearly able to use linguistic and cultural
differences and confusion to their advantage in some situations.

\textsuperscript{100} USHMM, RG-14.070, ID Number 173825.
\textsuperscript{101} USHMM, RG-14.070, ID Number 200876.
Another man tried to downplay his foreign identity to appeal to the police. “Christo S.” was a doctor from Bulgaria, allied with Nazi Germany, and one of the few upper-class foreign men to appear in these records. He was a highly respected doctor who was in Germany for professional reasons, which probably helped his case. The Nazis accused Christo of trying to have homosexual sex with a German corporal under the age of twenty-one. These accusations were especially grave because he allegedly tried to seduce a man who was both young and a member of the military. Christo, probably due to his wealth, is also one of the few foreign men in the records to have a lawyer arguing on his behalf. His lawyer argued that Christo was “very pro-German” because he had belonged to the German-Bulgarian Club in his school days in 1924, and also because when he was in Bulgaria, he “gave German soldiers care packages, cigarettes, Schnapps, and food.” The lawyer tried to invoke Christo’s pro-German sentiments and let the police know that he regularly helped German troops in Bulgaria by welcoming them to his home and giving them supplies. The lawyer also stated that it would be embarrassing for the doctor to defend himself in court at that time, emphasizing his importance and standing in the medical community. Unfortunately, this record did not contain the sentencing, so it is impossible to tell whether or not this defense strategy worked. However, it is significant that this strategy was deemed the best to employ in his defense.

Sometimes such strategies were unsuccessful. “Max H.” was a businessman from Switzerland whom the Nazis arrested in 1938 while on a business trip to Germany. Max confessed to mutual masturbation and having sex with men, and the court sentenced him

102 USHMM, RG-14.070, ID Number 172876.
to ten months in prison, with four months already served in remand. Max’s lawyer, siblings, and wife all wrote letters to the German authorities on his behalf, arguing that he was not mentally sound and should not spend so much time in prison. Max’s lawyer argued that since Max was a Swiss citizen and lived in Burgdorf (Bern canton), he should not be prosecuted. He was only temporarily in Germany, and “the German government therefore ha[d] no essential interest in him serving his sentence.” Finally, Max’s brother-in-law wrote a letter on his behalf, promising that if clemency was granted, Max would never step foot on German soil again. The courts denied the pleas on Max’s behalf and left him to serve the rest of his sentence. These cases show that successful or not, foreign men, their lawyers, and family members used their foreign nationality to try to positively influence the outcome of their arrests.

There are many examples in the Berlin court records of men receiving sentences that are disproportionate to their crimes. “Mattheus K.,” a worker from Holland, was accused of trying to have sex with men in public. According to the police report, he went out into the street in women’s clothing in October 1942 and talked to two drunk men who thought he was a woman. One of the men grabbed his penis and masturbated with him, and the accused then attempted to perform oral sex on the man. For cross-dressing, masturbation, and attempted oral sex, he received only three months in prison. Jürgen Müller’s generalizations from Cologne records, that each indecent act could bring 2-3 months in prison for a foreign man, and that a penetrative or para-coital act could bring six months, do not fit this situation; if it had, Mattheus would have received at least six months in

103 USHMM, RG-14.070, ID Number 87224.
104 USHMM, RG-14.070, ID Number 93686.
prison, if not more for cross-dressing. Furthermore, this case occurred after the war began, when punishments generally became much worse.

Another example is the case of “Duro P.,” a Croatian man arrested in 1943. The police accused him of masturbating with another man in October 1942 in a park and then masturbating with a second man in November 1942 at the Berlin Tiergarten, an urban park. Furthermore, in December 1942 in a public restroom he masturbated with one man and then showed his penis to another. For these acts, he was given six months in prison, a comparatively light sentence.105

These cases are also surprising when considered in the context of punishments for other crimes by foreign workers. A number of crimes and misdemeanors by foreigners could be punishable by death, including rape, arson, and even abandoning one’s post without permission.106 Arbitrary execution of foreigners became commonplace, especially as the war progressed. Hundreds of prisoners were executed in places like Kiel, Cologne, Duisburg (North Rhine-Westphalia), and Frankfurt an der Oder, almost certainly among others.107 It appears, however, that homosexuality among the foreign workers was not an offense that these men were immediately executed for, at least not in the city of Berlin.

The 1935 version of Paragraph 175 was purposefully broad; it could encompass homosexual “acts” like watching men have sex, and the mere inclination to be

105 USHMM, RG-14.070, ID Number 177240.
107 Kershaw, 228.
homosexual (difficult to measure in legal terms) was illegal after 1935. Given this context, the following case is exceptionally interesting. “Gysbert W.,” a young Dutch worker, was a forced laborer in Germany during the war. He explained to his camp leader that he could not live at the work camp anymore because he was homosexually inclined. The camp leader responded that the young Dutchman needed to live privately, to which he replied that he had already found a different place to live. Gysbert was questioned by the authorities, during which he confessed that he was “of a homosexual nature” and lived apart from others so as to avoid contact with them and presumably avoid temptation. He explained to the authorities that he had not done anything wrong and that he wanted to avoid coming into contact with them again. The police stated that “further discussion [on this matter] can occur at a later date.”

The authorities may have reasoned that they could return to his case if further problems arose, or that his conduct thus far had given no cause for complaint. Gysbert may have also realized that the Nazis would be most concerned with his conduct in places with a lot of men present, such as in living quarters. Gysbert’s decision to voluntarily isolate himself from Germans and his seeming discomfort about his sexual preferences likely also helped his case. These cases and others like them make it clear that foreign men often received light sentences, if they were sentenced at all.

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109 USHMM, RG-14.070, ID Number 150875.
Conclusion

Lighter sentencing should be considered in the context of the legal system. Examples from the Weimar era show that judges looked favorably at defendants who expressed regret and did not have repeated sexual encounters.  

Many of the men in these records fit this description. Perhaps more significantly, the Nazi police and court authorities commonly distinguished between men who had fleeting sexual encounters versus those who had manifest sexual preferences for men. None of the men in the Berlin records appeared to have formed close, emotional relationships with the men they were accused of having sex with. Many had sex with men to earn money, and so the judges and police may have believed that they were not truly homosexual, but rather only having sex with men out of financial necessity.

The Nazis ranked heterosexual unions; they clearly stated early on that marriage could not occur if one spouse was not a citizen, and male foreign laborers’ lives hinged on whether or not the Nazis considered the man in question to be “Aryan” enough for the German woman he was caught with. It is perhaps not surprising, then, that although the Nazis would have been against all homosexual unions, there were still different degrees of guilt that often rested on how closely the homosexual union resembled a heterosexual one, and emotional attachments were not in the accused’s favor.

The Nazis may have given light sentences to foreign men charged under Paragraph 175 because given potential diplomatic repercussions and the state of the war economy, the foreign men’s crimes may not have outweighed their utility. The nature of their offenses against Paragraph 175 may have also influenced their sentencing in their favor. However, none of these explanations alone are sufficient to explain their sentences.

Foreign male workers were executed for relatively minor crimes and for having sex with German women despite diplomatic considerations and the Nazi’s desperation for workers. Even though most of the men did not appear to be truly homosexual, there was still evidence in the records of men like Gysbert who admitted to being homosexual going free. Chapter Two will argue that the Nazis were more concerned with the political and social ramifications of homosexuality, and that this is likely also why foreign workers were given lighter sentences.
CHAPTER 2: NAZI HOMOPHOBIC FEARS, PERCEPTIONS, AND CONFUSION

The Nazis feared homosexuality because they believed that it biologically and socially threatened their plans for a Thousand-Year Reich. They feared that it would stop healthy, “Aryan” men from reproducing, and that homosexual men would take over social and political institutions. As such, they took concrete measures to neutralize these perceived threats. These measures included broadening the definition of punishable homosexual acts; arresting, torturing, and jailing men by the thousands; and sending many convicted men to concentration camps, where most died under the tortuous and dehumanizing treatment they received.

Hatred and fear of homosexuality was not unique to the Nazis. In much of Western and German history, homosexual men and women faced draconian punishment if they were caught committing homosexual acts. These fears were exacerbated by an increasingly fragile interwar era masculinity and a backlash against the tolerance of the Weimar era. It is important to be aware of these issues as we examine what made Nazi homophobia unique and make sense of the competing reasons why homosexuality was deemed particularly dangerous to the Nazi movement.

The Nazis came to power after the medical community, on the one hand, had labelled homosexuality as a sickness and a fixed sexual identity, and on the other hand, sexologists like Magnus Hirschfeld and others were beginning to create a positive homosexual identity and pushing for legal rights for homosexual men and women. These competing views were offset by medical and scientific confusion about the nature of
homosexuality. The Nazis were interested in what caused homosexuality, how, or if, it spread from person to person, and whether homosexuality could be cured. They received competing and contradictory answers to these questions. However, the social and political threat of homosexuality that the Nazis perceived, the notion that homosexuality could spread easily and quickly through government organizations and the all-male groups the Nazis created, did not face contradictions. This is not to argue that the Nazis were not also homophobic on a more general level and that they were not worried about the supposed biological threats that homosexuality presented. They were. However, it is clear that many of their policies against homosexuality were meant to neutralize the threat homosexuality presented in all-male groups and in positions of power.

Ernst Röhm is an example of a homosexual man who was removed from a position of power. It is true that the Röhm putsch was more concerned with consolidating power under Himmler and the SS rather than ousting Röhm just because he was homosexual, but Röhm’s sexuality was part of why he made some top Nazi leaders uncomfortable with his leadership position in the party. Removing Röhm was the first step toward taking a more aggressive and murderous stance against homosexuality, which appeased many Nazi leaders, large segments of the German population, and the aristocratic, conservative backers whose support Hitler wanted. The Röhm putsch was the moment when homophobic actions became officially state-sanctioned and was followed by the tightening of Paragraph 175 the following year and an increased effort to arrest and jail homosexual men.
However, it is clear from the evidence of foreign men charged under Paragraph 175 in Nazi Germany that the Nazis were not equally concerned with all “races” who participated in homosexual acts. They treated Eastern European and Western European men less harshly under the law and gave them lenient sentences relative to German men who committed similar acts. This chapter will prove that the reason for this discrepancy is that the Nazi leadership was more concerned with the social threat of homosexuality than the biological threat, and the reasons for this will be examined. First, however, it is important to consider homosexuality’s history in Germany and Europe to place Nazi homophobia into proper context.

The Judeo-Christian tradition in Western culture had a complex set of values which included fear of anal sex and the idea that sex should be procreative. Furthermore, most societies had taboos against wasting semen during acts that were not procreative, acts that included anal sex and masturbation. In Western imagination, the anus became a symbol of evil and darkness. Defecation was a sign that humanity was still animal-like in many of its functions, and sodomy was linked to bestiality and lower physical impulses.113

Throughout most of Western European and German history, then, homosexual acts were viewed unfavorably and punished when men (and women) were caught. Some changes in thinking did create a growing tolerance for homosexual acts, however. For instance, sodomy was taken off of the criminal codes in France in 1791, the Netherlands

in 1811, and in Bavaria in 1813.\footnote{Carolyn Dean, \textit{Sexuality and Modern Western Culture} (New York: Twayne Publishers, 1996), 2.} Arrests for sodomy in Berlin during the Imperial Period were remarkably few, even before the more tolerant Weimar era took hold in Berlin.\footnote{Robert Beachy, “To Police and Protect: The Surveillance of Homosexuality in Imperial Berlin” in \textit{After the History of Sexuality: German Genealogies with and beyond Foucault}, edited by Scott Spector, Helmut Puff, and Dagmar Herzog (New York: Berghahn Books, 2012), 117.}

However, at the same time, the growing medicalization of sexuality that began after the Enlightenment led to negative changes in perception and treatment of men who committed sodomy. Paranoia that homosexuals were also a political threat did not begin with the Nazis; it existed well before their rise to power. Friedrich Engels, in a letter to Karl Marx in 1868, wrote that “the pederasts start counting their numbers and discover they are a powerful group in our state. The only thing missing is an organization, but it seems to exist already, though it is hidden.”\footnote{Friedrich Engels, 1868, in Plant, 38.} These fears carried over into the Nazi regime.

Doctors of the post-Enlightenment period began to medicalize sexuality. Italian doctor Cesare Lombroso concluded in 1876 that criminals were recognizable based on small skulls, jug-handle ears, insensitivity to pain, and left-handedness. All of these traits suggested to him a reversion to a primitive and inferior form of humanity.\footnote{Andrew Lees, \textit{City, Sin, and Social Reform in Imperial Germany} (Ann Arbor, MI: The University of Michigan Press, 2002), 150.} Max Nordau, a doctor, said as early as 1892 that those who had deviant sex had asymmetrical faces and craniums, reflecting the imbalance of their mental facilities.\footnote{Morss, \textit{Nationalism and Sexuality}, 35.} In the 1890s, the study of sexuality underwent key shifts, including a new emphasis on psychology;
understanding “normal” sexuality through categories such as healthy vs. ill, masculine vs. feminine, and normal vs. abnormal; and increased interest in cultural differences that could produce sexual differences. Individual acts like sodomy were no longer merely acts, but part of a person’s psychological makeup and were thought to manifest in a person’s mental health and physical appearance. Before, sodomy was a category of forbidden acts, and their perpetrator was merely a judicial subject. Now, in the post-Enlightenment period, “the homosexual” became a person. His homosexual expression was no longer a series of acts that were legal or illegal, but rather a fixed part of his identity and could be a sign of other (undesirable) fixed traits.

This line of thinking represented the beginnings of the modern state’s growing involvement in its citizens’ private lives. Regimes like the Third Reich minimized private individual rights in order to better control its citizens. Deviancy, to authoritarian regimes, included any acts or thoughts which undermined the regime’s ideology and goals. Homosexuality indicated a lack of civic responsibility through a refusal to procreate, or through a conscious, intentional conspiracy against the state. This chapter will address the ways in which Nazism intruded upon its citizens’ private lives and how sexuality in general, and homosexuality in particular, became a battle ground over Nazi

120 Mosse, Nationalism and Sexuality, 37.
123 William J. Spurlin, Lost Intimacies: Rethinking Homosexuality under National Socialism (New York: Peter Lang, 2009), 37; Mosse, Nationalism and Sexuality, 29.
ideals and visions of a perfect, public society in which men and women lived within their ascribed gender roles and reproduction was harnessed for the advancement of the state.

As “the homosexual” became a fixed personage associated with undesirable traits that increasingly came under scrutiny, German male friendships came under fire. German male friendships were often quite sensual until far into the nineteenth century without the suspicion of sodomy.\textsuperscript{124} With the rise of nationalism and close male bonding, the distinction between friendship and sensuality became more important. Men took care to keep their friendship distinct from sexuality and individuality.\textsuperscript{125} They could no longer hug, kiss, or share their feelings or declarations of love and friendship as they used to do. It was this distinction that was of the utmost importance to the Nazis as time went on, and the need to distinguish between friendship and sensuality became apparent in the earliest days of Nazi rule.

The Nazis wished to distance themselves and their organizations from such erotic friendships. They shifted to the term \textit{Kameradschaft}, or comradeship, to reject any homosexual connotation and to emphasize a militaristic nature.\textsuperscript{126} Such linguistic shifts were characteristic of the Nazi regime as they tried to redefine society and reality to fit their visions. They often changed meanings of words or created new words to mold a new reality. However, charges of homosexuality were rife in the \textit{Männerbünde} (all-male organizations) of the Nazi and Weimar eras. The Hitler Youth were regularly referred to

\textsuperscript{125} Mosse, \textit{Nationalism and Sexuality}, 74-75.
\textsuperscript{126} Spurlin, 41.
as “the Homo Youth” among the general population, and the SS and SA were often accused of homoeroticism and homosexuality among their members. The SA found that the solution to this dilemma lay not in trying to avoid the issue of homosexuality, but instead to publicly engage with it in a negative way. They took homophobic actions, like protesting against plays that portrayed homosexuality in a positive light and spreading homophobic ideas.\textsuperscript{127} The Stormtroopers had to constantly disavow their relationship with homosexuality, and through this rejection their heterosexuality was established. The institutionalization of this disavowal continuously but anxiously reconstituted their heterosexuality.\textsuperscript{128} This uncomfortable cycle was typical of Nazi all-male organizations.

The Nazis had a similar relationship with anyone racially foreign; they had to constantly emphasize their differences and preserve these differences in law. However, they were in a near-constant state of confusion about the nature of homosexuality due to the medical community’s confusion, and as such they vacillated between treating homosexuality as a medical issue versus a political one, as a disease that could be cured versus a blight that required eradication.

Part of Nazi homophobia’s potency was derived from interwar masculine anxieties. Masculinity came under threat especially after Germany’s defeat in World War I, a humiliating experience for many soldiers who had fought and lost the war. If the masculine ideals that Germans upheld had failed in war, it would mean defeat for the individual and his masculinity. Many Germans viewed the interwar Weimar Republic as

\textsuperscript{127} Wackerfuss, 97-98.
feminized and weak, and they wanted to redeem Germany by elevating militarized masculinity and ties of male affection.\textsuperscript{129} Groups like the SA and SS did just that.

This masculinity crisis and the economic problems the nation faced also led to a backlash against women. Conservative views about women’s economic and sexual roles dominated within the working class. During the Depression, men often were forced to relinquish their roles as primary breadwinners, and long-term joblessness led to boredom and loss of camaraderie of the masculine work sphere, exacerbating already problematic gender relations.\textsuperscript{130} Men and women believed that women entering the workforce was their first step to social and sexual independence. Such women confused and angered men who now saw women in public who were neither mothers nor prostitutes.\textsuperscript{131} Fear and anger about women’s new roles in society tie in closely to fears about homosexuality. Men worried that if women acted more like men (aggressive, earning money, masculine), men would act more like women (passive, quiet, feminine), perhaps permanently destabilizing society. This phenomenon extended to the political sphere as well; by the early 1930s, men severely limited women’s roles in political leadership, activism, and propaganda, and masculine culture was emphasized instead.\textsuperscript{132} This masculine culture was always struggling to remain free of eroticism and accusations of homosexuality. The Nazis also worried about heterosexual contact between groups of people, however, including Germans and foreigners.

\textsuperscript{129} Wackerfuss, 50.
\textsuperscript{131} Katharina von Ankum in Swett, 75.
\textsuperscript{132} Swett, 91.
From the beginning, the Nazis were extremely interested in maintaining distance between Germans and the foreign workers, and so they policed and regulated foreign workers’ sexuality. Some of the first decrees to regulate foreign workers’ sexuality came on March 8, 1940 as part of the *Polenerlasse* (decrees on Poles). The Nazis wanted to keep the Polish workers at a safe distance away from Germans. To prevent sexual contact between Polish men and German women, the Nazis wanted an equal number of both sexes to enter Germany, to establish brothels for Polish men (staffed by Eastern European women only), and to house the Polish workers together. Polish workers could not use public transport after curfew, were banned from attending social, cultural, and religious events, and could not enter German bars or restaurants.\(^{133}\) The Nazis feared that such close contact would encourage fraternization, so they tried to minimize such opportunities. They also expanded the brothel system for foreign workers; in 1941, brothels were set up for all Eastern European workers.\(^{134}\) The Nazis did not want Western European men having sex with German women either, but if a German woman became pregnant and the Nazis determined the man was “Aryanizable,” or had good racial qualities, the couple would be allowed to stay together. Eastern European men sometimes could be judged “Aryanizable” as well, but this was less common, and more often than not, an Eastern European man who had sex with a German woman could expect to be killed. Despite the Nazis’ efforts and the punishments it could incur, foreign workers and Germans interacted with each other in both platonic and sexual ways throughout the war.

\(^{133}\) Herbert, *Hitler’s Foreign Workers*, 71-72.
\(^{134}\) Herbert, *Hitler’s Foreign Workers*, 131.
Both German men and women had sex with foreign men and women, but they were not treated equally under the law. The German female body symbolized the body of the Volk and the nation, so if foreign men had sex with German women, their union was considered an attack on the nation and the purity of the community, especially if a “polluted” pregnancy resulted.\textsuperscript{135} As punishment, the foreign man could be executed, and the German woman could be publicly humiliated and sent to a concentration camp. On the other hand, German men who had sex with foreign women often went unpunished, and the Nazis recognized that foreign women had little choice in such relationships. This was probably true in many cases, but also dismisses the agency of foreign women. In either instance, the Nazis were concerned that “mixed” children would result from the labor deployment of foreigners, and deploying foreigners was a significant concession of their racial ideology to economic concerns. Therefore, Nazi leaders were uneasy about foreigners entering Germany from the beginning.

Punishments for having sex with German women could vary wildly and could include imprisonment in a jail or concentration camp, or the man in question could be killed. A French POW who had sex with a German woman he worked with was given three years in prison, for example, and the woman was given fifteen months.\textsuperscript{136} In contrast, William Shirer, a foreign correspondent in Berlin during the Nazi era, recalled hearing that Himmler had hanged a Polish man without a trial for having sex with a German woman, a common occurrence. Several German women were given prison

\textsuperscript{135} Kundrus, 204-205.
\textsuperscript{136} Herbert, \textit{Hitler’s Foreign Workers}, 128.
sentences for bestowing favors upon Polish POWs or laborers.\textsuperscript{137} Joseph Goebbels discussed the problem of foreign worker sexuality in his diary, stating that in many situations it was “absolutely grotesque.” He thought that perhaps establishing brothels for Eastern male workers was a good solution, which did later happen.\textsuperscript{138} A while later Goebbels wrote that several thousand illegitimate children had been created through unions of foreigners and Germans, but that given the situation at the front, the problem could be considered later.\textsuperscript{139} However, the Nazis were already dealing with this problem: they put many of these children into “Foreign Children’s Care Units,” where they were given insufficient rations, ensuring they would die within months of malnutrition.\textsuperscript{140}

This stark policy shows how seriously the Nazis took the supposed racial consequences of sexual relations between Germans and foreigners, and the punishments they received reflect the seriousness of the charges. It suggests that the threat of mixed-race children was more real and more pressing to the Nazis than whatever threat sexual contact between German men and foreign men presented. It is interesting to note that none of the foreign laborers charged under Paragraph 175 received sentences as harsh as the ones mentioned here. The longest sentence bestowed on any such man in the Berlin sample was one and a half years, and this sentence was for multiple offenses. Most of the sentences were for less than one year. This in turn suggests that the biological threat

\textsuperscript{139} Goebbels November 1943 diary entry in Lochner, 496.
foreign men presented when they had sex with German women was far greater than the biological threat of foreign men who had sex with German men. This lends credence to the theory that the supposed biological threat of homosexuality was not the Nazis’ most predominant concern about homosexuality.

The Nazi regime was inherently sexist, believing women should remain out of the public sphere and attend only to their families and the domestic sphere. Sexism presented itself in court cases as well, particularly if these cases touched on sexual behavior. Men and women could try to bolster their image before the court by using rhetoric and images of masculinity, femininity, and sexuality to plead their cases.\textsuperscript{141} For example, a woman accused of having an affair with a forced laborer could try to emphasize her chastity, loyalty to her husband at the front, and her ability to run her household. Men and women could also use racialized stereotypes against one another in court. For instance, a German man accused of having sex with a Jewish woman could argue that she had tricked and seduced him. Popular sentiment held that Jewish women were unable to control their passions, and sexual accusations like this could, and were, leveled against outsiders, who were thought to possess a dangerous or predatory sexuality.\textsuperscript{142} Finally, men and women could also try to shift blame based on perceptions of gender and racial worth. A Jewish man who had sex with an “Aryan” prostitute, for example, was let go because the court believed that catching syphilis from her was punishment enough, and as a prostitute with


\textsuperscript{142} Mosse, \textit{Nationalism and Sexuality}, 17.
a sexually transmitted disease, she was not racially valuable anyway.\textsuperscript{143} This example shows that the accused did not necessarily have to directly invoke his or her partner’s gendered or racial failings in court; the court often made their own assessments. Examples similar to these appear in the court records of the foreign men in Berlin. Men could use the masculine and feminine failings of their opponents in court to their advantage, or emphasize their own masculinities.

One such example involved two Czech men, “Thomas H.” and “Josef B.” Josef said that he had met Thomas in Germany in 1941, a year before he brought his case against Thomas forward. He alleged that the two were roommates, and that Thomas would come to his bed at night, where he would masturbate with Josef, and then slide his penis against Josef’s body until he reached orgasm. Josef stated that this happened against his will 8-10 times. He further alleged that Thomas withheld money from him and physically beat him. He and their landlady said that Thomas brought a young man to live with them, possibly to have sex with Thomas. Thomas countered by saying that none of the sexual allegations against him were true, and that he helped Josef manage his money and bought things for him since he led a reckless lifestyle. He cast doubt on Josef’s sexuality by stating that when he recruited Josef to work in Germany, he found him on a street in Prague that was known as a homosexual meeting place. Josef admitted to living a reckless lifestyle and that Thomas had purchased things for him, but he maintained that Thomas had sexually assaulted him on multiple occasions.\textsuperscript{144}

\textsuperscript{143} Szobar, 153.

\textsuperscript{144} USHMM, RG-14.070, ID Number 171637.
The police report regarding the two men’s conflicting testimony is short, but revealing. They stated that Thomas had made a “quiet and believable” impression during his interrogation, but that Josef’s conduct and testimony were unreliable for several reasons, and he and Thomas’s landlady, “Frau K.,” was the cause of much of their doubt. The police report stated that Mrs. K. had been a prostitute and was suspected of having a sexually transmitted disease. Josef and Mrs. K. were living in a “marriage-like relationship,” and Josef wanted to marry her. The report also said that Mrs. K. was about fifteen years older than Josef, an apparently important distinction, since the report included this fact. Their relationship was thus suspect and could not produce any racially worthy children, since Josef was Czech and Mrs. K. was a prostitute. The police also believed that Frau K. may have prevented Josef from paying Thomas the money he owed him, and that she may have “used her influence” on him. Her testimony regarding Thomas and the young man he brought to live with him was thus also suspect. It is likely also in Thomas’ favor that he had served in the Habsburg military during World War I and later recruited foreign men to come to the Reich to work. However, the only reasons given for disbelieving Josef’s statements had to do with his reckless lifestyle and his relationship with Mrs. K. Her failure to meet feminine standards Nazism set forth, and Josef’s association with her, helped bring about the results of the case; the police decided that there was not enough information for them to prosecute, so both men were let go.

Another instance in which gender may have played a decisive role was in the case of “Jacques R.” from Belgium and “Jacques S.” from France. The police were

145 USHMM, RG-14.070, ID Number 171637.
particularly interested in arresting and sentencing these men because they “ha[d] seduced completely normally disposed young men to unnatural sexual satisfaction,” which assumes that older men could seduce younger, “normal” men. Jacques S. was also supposed to have said to men that sex with him would be as good as with women. These concerns the police included in their report show that the Nazis took seduction of minors and gender subversion very seriously. However, both men denied the charges brought against them, and suggested that one of Jacques R.’s jealous girlfriends had falsely slandered them. Jacques R. stated that most of the women he had sex with knew he was engaged to a woman from his hometown, Brussels, but that one may have been jealous. Jacques S. said that he was engaged to a woman from Paris and that he had had sex with French women while in Germany. The case against them was dismissed because they both denied the charges and gave the same, credible reason why these charges may have been brought against them.  

Both of these men were able to confirm their masculinity by stating that they were sleeping with women in Germany, and they could invoke the “jealous woman” stereotype to make a successful argument. These men’s races did not seem to matter, perhaps because the women in question were either foreign as well, or because they were considered to be like Mrs. K. and were not racially valuable. If the women had been racially valuable “Aryans,” it is possible that these cases may not have been resolved in the men’s favors.

These gendered cases all illustrate the fact that these men, though they were accused of being homosexual, were still biological and socially constructed men who

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146 USHMM, RG-14.070, ID Number 104913.
could benefit from the patriarchal society that they found themselves in.\textsuperscript{147} They could use the masculine nature of Nazi society to construct or emphasize their own masculinities to highlight the feminine failings or masculine shortcomings of men and women relevant to their cases. Nazi beliefs about homosexuality also impacted a man’s case.

The Nazis believed that distinguishing between homosexuality as an inborn or acquired trait was important. As of 1937, they argued that few men were truly homosexual, and that most turned to homosexuality because they “were sated with life’s pleasures” or feared venereal disease. They believed that with “firm education and order and regulated labor,” many of these men could once again become valuable members of the national community.\textsuperscript{148} Sentencing guidelines from 1943 make a distinction between “offenders who acted out of a predisposition of an acquired and clearly incorrigible urge; offenders who strayed on only one occasion, especially if they were seduced; and offenders in whom a tendency remains a matter of doubt.”\textsuperscript{149} Das Schwarze Korps, a Nazi magazine, argued that 98\% of accused homosexuals were fully capable of heterosexuality, and that they had simply been seduced and could become healthy again through therapy.\textsuperscript{150} The nature/nurture debate was crucial to Nazi homosexual policy because their beliefs about homosexuality’s “curability” influenced sentencing. However, the Nazis never received a clear-cut answer from the medical community about this topic.

\textsuperscript{148} Meisinger in Grau, 115.
\textsuperscript{149} Guidelines for the Handling of Criminal Cases of Unnatural Sexual Acts, May 19, 1943 in \textit{Volume 4}, 394.
The Nazis distinguished between what they believed were different types of homosexuality. It was also a way for them to condemn homosexuality while maintaining the purity and superiority of the Germanic race; they could explain why a seemingly healthy, excellent male “Aryan” specimen could be homosexual by arguing that he was seduced into it and that it was not inborn. It is also interesting to examine why the Nazis believed that men would shun sex with women to avoid venereal diseases. Besides the misogyny inherent in such a statement, this also shows that while the Nazis argued that homosexuality was an inborn or acquired trait, they also believed on some level that it was a choice one could make to avoid potential health problems and be safe from diseases that women carried. Choice or not, Nazi leadership held negative views about homosexuality.

The Nazis were suspicious of the supposed homosexual nature. Heinrich Himmler argued that homosexuals were mentally diseased, effeminate, and cowardly men who lied and believed their own lies. They were also supposed “blabbermouths” who betrayed others and were incapable of loyalty.\textsuperscript{151} Josef Meisinger, head of the Reich Office for Combating Abortion and Homosexuality, stated that homosexuality was often a starting point for other crimes, like treason and blackmail. He believed that it would lead to a drop in birth rate and would sap the nation’s military strength.\textsuperscript{152} The leaders of the Nazi party saw an increasing danger in homosexuality as time went on; in 1934, they estimated that there were two million homosexual men in Germany. By 1939, they predicted there

\textsuperscript{152} Josef Meisinger lecture, April 1937, in Grau, 113.
were actually three million, and at the end of 1942, four million.\textsuperscript{153} This shows a link in Nazi thinking between homosexuality and other perceived threats. When Germany was at peace, they predicted that homosexuality was a vast problem, but as war came, they may have been eager to link homosexuality with war and chaos in the public imagination, and so stated that it was an even bigger problem than anyone had originally realized. They were especially concerned that homosexual men would take over the state.

Hitler presented homosexuality in a speech as a coldly rational conspiracy with a single aim and a poisonous disease spreading throughout the German population.\textsuperscript{154} Goebbels also believed this, arguing that the homosexual conspiracy would take over the state.\textsuperscript{155} Both men were of the opinion that homosexuality was a political danger to Germany; they believed that if homosexual men came into key positions of power, they would elect other homosexuals to other powerful positions and turn Germany into a homosexual state. A memorandum from Hitler’s headquarters in 1941 stated that homosexual men did not judge other men based upon performance, but instead simply filled positions with other homosexuals, robbing the nation of its talent.\textsuperscript{156} These quotes show that Hitler and the Nazis were worried about the German nation being overrun by homosexuality on a political level. They believed that homosexual men were unfit to rule and sought to imprison or kill them.


\textsuperscript{155} Goebbels in Giles, “The Denial of Homosexuality,” 268.

\textsuperscript{156} Memorandum from Adolf Hitler’s headquarters, August 19, 1941 in Grau, 166.
Rudolf Klare, a Nazi jurist, gave five reasons in 1938 as to why homosexual men were a political threat. He believed they would upset the positions of men and women in society, bring about moral decay, destroy public life, and commit crimes like treason and perjury if they succeeded in obtaining important posts.\textsuperscript{157} It is also important to note that in Paragraph 175 cases, a report was only required if a person was a member of the Nazi party, occupied a position of leadership, belonged to the armed forces, or held a leading position before the Nazi takeover, among others.\textsuperscript{158} These examples show that the Nazis were grievously concerned about homosexuality and the political sphere. It is instructive to examine the Nazi response to the most famous person within the Nazi regime itself who was homosexual, Ernst Röhm.

Ernst Röhm was murdered by Nazi leadership during the Night of the Long Knives from June 30- July 2, 1934. During this period, Hitler ordered political opponents murdered as well as Röhm, leader of the SA. This move consolidated Hitler’s sole claim to leadership as well as power under Heinrich Himmler and the SS. The SA were becoming too rowdy and troublesome for the Nazi party and were tarnishing the image Hitler was trying to create, that of a respectable, stable party with one supreme leader. Röhm wanted more power and had the SA to back a potential bid for more power. Before the purge, many (though not all) top Nazi leaders like Hitler stood by Röhm; they knew that he was homosexual, but they did not care. Hitler said that Röhm’s private life did not interest him as long as he was discreet.\textsuperscript{159}

\textsuperscript{157} Rudolf Klare, “The Homosexual as a Political Problem,” 1938, in Grau, 68.
\textsuperscript{158} Grau, 87.
\textsuperscript{159} Eleanor Hancock, “‘Only the Real, the True, the Masculine Held its Value:’ Ernst Roehm, Masculinity, and Male Homosexuality,” \textit{Journal of the History of Sexuality}, Vol. 8, No. 4 (Apr. 1998), 632.
Röhm was a soldier and proven commander, with dueling scars to showcase his tenacity and strength. He may have emphasized his masculinity more so because as a male homosexual, his right to claim it was challenged. Claim it he did, however; he praised the masculine, soldierly virtues of courage, honor, honesty, obedience, and comradeship. Furthermore, like much of the Nazi leadership, his exultation of all things masculine also came with disdain for the feminine. Röhm linked masculinity with discipline and chaos with femininity. Negative feminine qualities for Röhm included cowardice, pacifism, compromise, hypocrisy, and philistinism.160 His colleagues had difficulty reconciling Röhm with their perceptions of how feminine homosexual men were. Some even believed that Röhm was homosexual because his facial scars made him unattractive to women,161 which again shows how muddled Nazis views about homosexuality were.

Röhm’s presence in the SA may have also created a false sense of security for homosexual men in Germany. Nazi tolerance of Röhm may have led homosexual men to believe that the Nazi party would tolerate them, which was not the case.162 The Nazis believed that Röhm had to be killed due to the political problems he and the SA were creating for Hitler, but he also created problems for the homosocial yet heterosexual image and lifestyle that the Nazis wanted to create. The Nazis desired an all-male public sphere that showcased militarism, masculinity, and the bonds between “comrades.” However, a man like Röhm, who had all of these qualities and was homosexual, created

160 Hancock, 616-618.
161 Hancock, 633.
162 Hancock, 635.
an image for them that was too close for comfort. Röhm represented Nazi societal ideals twisted and taken too far. To them, Röhm was an anomaly who was hurting the Nazi party image and providing their critics and enemies with fodder to attack them. Eliminating Röhm was a step toward fixing this inconsistency.

Nazi political rivals, including the Socialists and Communists, used Röhm’s homosexuality to politically attack the party. The powerful and wealthy upper -class whose support, or at least tacit compliance, Hitler needed to rule were also unhappy with what they perceived as the loose morals and degeneracy of certain aspects of the Nazi party, including what they saw as tolerance of homosexuality. Röhm’s removal meant that Nazi enemies no longer could use him against the party and that the upper classes were appeased. Röhm’s hypermasculinity that blurred the boundaries between homosexual desire and homosocial male bonding was also removed. The Röhm purge had dire consequences for homosexual men in Nazi Germany. The Night of the Long Knives clearly indicated that the Nazis would no longer accept homosexuality within their ranks, nor anywhere else in the Third Reich. It was also after this point that Himmler and the Gestapo began to register all persons known to engage in homosexual activity, especially men who were politically prominent. The first major instance of sanctioned Nazi homophobia shows that it was political maneuvering that led to Röhm’s murder instead of biological considerations. Despite being rid of Röhm, however, the Nazis were still accused of homosexuality throughout the time span of the Third Reich.

163 Burleigh and Wippermann, 188.
164 Hancock, 640.
165 Micheler, 109.
166 Burleigh and Wippermann, 190.
Berlin’s activists competed with one another in the 1920s and early 1930s to prove that their party was the true party of masculine values. Charges of deviant sexual behavior, including homosexuality, were commonly used to discredit opponents.\(^{167}\) This phenomenon happened within parties as well. In 1931, an opposition group from within the Nazi party released a series of newsletters accusing the party’s leadership of feminine weaknesses, and insinuated that Hitler himself was homosexual, in addition to Röhm. They later called him an “outspoken female spirit” who was “not at all masculine.”\(^{168}\) Political leaders could wield charges of homosexuality as a weapon against opponents for political gain, which could be another reason why the Nazis wanted their homosocial organizations especially to remain free of homosexual men.

The Nazis believed there were ways to identify homosexual men based on physical appearance. This thinking did not originate with them. Instead, it was borne out of some scientific thought of the time, which argued that a person’s inner nature would be reflected in his or her physical appearance. Criminals and supposed degenerates could be identified this way. The Nazis argued along similar lines. Health was equated with manliness in Nazi thought, and Hitler described the ideal German man as lithe and tall.\(^{169}\) The medical and scientific community stated that homosexual men, on the other hand, were generally limp and thin, with an unmanly posture. They were frightening because they could supposedly blend in with the general population, despite these physical

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167 Swett, 94.
168 Swett, 95.
shortcomings.\textsuperscript{170} This is part of what made homosexual men so dangerous to the Nazi worldview. They feared the possibility of homosexuality spreading unseen among their all-male groups, and tried desperately to remove any hint of homoeroticism or homosexuality from these groups.

Doctors and politicians were at odds with one another about whether or not homosexuality truly manifested itself in one’s physical appearance, however. Oskar Schröder, chief of the Luftwaffe (air force) medical service, stated that “so relatively often that it cannot be overlooked,” homosexual men had the soft skin and facial expressions of women, narrow shoulders, broad hips, a peculiar gait, and a high-pitched voice. His statements may not have been the result of his own medical knowledge, but still likely influenced by men like Nordeau. Schröder went on to state that a man’s occupation could also be a clue as to his sexuality and listed a number of suspicious professions, including hairdressers, bath attendants, actors, dancers, waiters, educators, and clerics.\textsuperscript{171}

However, according to Otto Wuth, chief psychiatrist for the army, it was difficult to identify homosexuals based on sexual activity or looks alone. He said that the trick was to remember that homosexual men were psychopaths and would reveal their lack of control in other criminal ways.\textsuperscript{172} Despite their lack of a consensus regarding the nature of homosexuality, the medical community wanted to become more involved in dealing


\textsuperscript{172} Giles, “A Gray Zone,” 133.
with this perceived problem. The stakes for successfully neutralizing this problem were high, since the Nazis viewed homosexuality as a multifaceted social problem. Homosexuality, according to the Nazis, undermined the racial quality of the “Aryan” race, limited population growth, subverted gender roles, challenged the political order, and contributed to society’s moral decline.

Despite all of these different issues, the medical community largely believed that homosexuality should fall under their jurisdiction. A psychiatrist named Carl von Westphal was perhaps one of the first to consider homosexuality from a psychiatric angle, and he believed that it should be handled by medicine instead of the state.\(^\text{173}\) Homosexual men themselves did not always agree as to whether homosexuality should have been medicalized; Friedrich Radszuweit, the founder of the League for Human Rights, stated that “we homosexuals are wrong to take up the homosexual question from a medical angle, which leads to its being regarded as something sick.”\(^\text{174}\) Disagreement ran rampant among doctors, politicians, and the general public as to whether or not homosexuality was a medical issue, and if so, what kind of medical issue. There was therefore a lot of confusion regarding this one topic of inquiry surrounding homosexual men, and other top political leaders disagreed about other aspects of homosexuality as well.

Rudolf Klare, a Nazi jurist, stated in 1937 that homosexual friendships were a threat to marriage because they destroyed the natural order of humanity and could bring about social decay. He emphasized that it was especially dangerous for homosexual men

\(^{173}\) Plant, 31.
\(^{174}\) Friedrich Radszuweit in Blasius and Phelan, 177.
to marry and have children because they would pass on their “bodily and inner shame and weakness of character” to the next generation. Klare viewed homosexuality as a genetic weakness that could not be cured and could be passed on in subsequent generations. Adolf Hitler himself, on the other hand, expressed concern about homosexuality because he believed that homosexual men were a political threat and that homosexuality could lure heterosexual men away from procreating. He did not state that he believed it was a genetic phenomenon. Disagreements like this at the uppermost level of the Nazi leadership led to the confused policy that followed. The Wehrmacht and Luftwaffe offered differing philosophies in identifying how homosexuality should be tracked and which offenders should be punished.

These disagreements show quite clearly in the different policies regarding homosexuality that each branch of the German military held. The Wehrmacht, Germany’s army, treated homosexuality differently than Himmler’s police and other branches of the military. They declined to set up a permanent card index of homosexuals, for instance, impatiently noting that they had more important things to do. The Luftwaffe, on the other hand, believed born homosexuals were incorrigible in respect to their instincts, but not their behavior. They believed that those who had “become” homosexual should be regarded as curable with psychotherapeutic treatment, and until 1942, the Luftwaffe only punished cases in which they could establish ingrained

176 Bleuel, 219.
178 Instructions for medical officers on the assessment of homosexual acts, June 6, 1944 in Grau, 181.
homosexuality. The Luftwaffe was an elite branch of the military closed off to conscriptions, so they may have had a stronger desire to protect their members from slander if at all possible. This again highlights the uncomfortable nature of Nazi homophobia; the more organizations tried to protect their fellow comrades, the more open they would be to accusations of homosexuality. These homosocial organizations did not have uniform punishments for homosexuality, suggesting discrepancies among top leaders’ thinking regarding the nature and potential danger of homosexuality in their ranks. The Wehrmacht was concerned about homosexuality in its ranks but seemed to prefer to deal with it on a case-by-case basis, whereas the Luftwaffe generally only punished “inborn” homosexuals.

Nazi inconsistencies and contradictions in their fear of homosexuality and male eroticism are numerous and evident. The Nazi regime prized all-male organizations, a thoroughly male and masculine public sphere, and close ties between men who were active in the military or other masculine spaces. However, they disavowed any homoeroticism that occurred with such arrangements. They believed homosexual men were physically and morally different from “normal” men; they looked different, walked differently, and were morally degenerate. However, the Nazis simultaneously believed that homosexual men could easily blend into the general population, and that this ability was part of what made homosexual men such a particularly dangerous threat. Finally, top Nazis like Himmler believed that homosexual men were incapable of loyalty, yet that they always helped one another achieve positions of power. Such inconsistencies were

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common in Nazi viewpoints and prejudices; they believed various groups of people were weak or subhuman, and yet they also saw them as dangerous enemies of the state.

Many of these discrepancies were probably caused by disagreement in the medical community, which definitively impacted how homosexuality was handled among these organizations. Castration as a cure for homosexuality, for example, was administered even though it is difficult to tell whether or not the Nazis truly believed it was a cure; they may have simply administered it as a punishment. Geoffrey Giles argues this and points out that in order for the castration of homosexual men to be justified, there had to be some belief that it was a hormonal disorder and a physiological problem, but scientists were unsure.\(^\text{180}\) One army psychiatrist, for instance, thought a man had been turned homosexual from damage to his testicles through gonorrhea.\(^\text{181}\)

Given that there were many different theories about the nature of homosexuality, there were also different recommendations for sentencing from the medical profession. Some recommended criminal prosecution, others recommended immunity, some pushed for psychotherapy as treatment, while others advocated for castration.\(^\text{182}\) This widespread failure to reach a consensus meant that Nazi leaders, in addition to holding their own dubious theories about homosexuality, could not latch onto any theories from the medical community with full confidence. This would have made the argument that homosexuality was a political and social threat that much stronger; unlike medical theories, this


\(^{181}\) Giles, “‘The Most Unkindest Cut,’” 52.

\(^{182}\) Müller, *Ausgrenzung der Homosexuellen aus der Volksgemeinschaft*, 50.
argument did not face dissent or conflict from within the Nazi party. This confusion did not go unnoticed by top Nazi officials.

Felix Boehm of the German Institute for Psychological Research and Psychotherapy in Berlin wrote in 1938 that the scientists there could not settle whether there was such a thing as innate homosexuality, and that they had not yet reached a conclusive verdict.\textsuperscript{183} Whether homosexuality was innate or acquired was a key question for the Nazis, since that influenced how they would treat or punish homosexual men. The Army Medical Inspectorate received communication in December 1944 (less than six months before the war ended) regarding the assessment of criminal sexual cases. In this memo, the psychiatric advisor stated that the “basic medical viewpoints of the forensic assessment of homosexual offenses should be brought into line with each other.”\textsuperscript{184} Otherwise, there were too many discrepancies in sentencing, and he believed that the medical profession should be involved in many of these cases. This task was easier said than done, since leading experts in the fields of biology, endocrinology, and psychiatry were at constant odds with one another to try to explain homosexuality.\textsuperscript{185} This confusion was troubling for the Nazis because of their fear about what homosexuality could do to their state and society if left unchecked.

The Nazis also feared homosexuality spreading among youth and in youth organizations. Some believed that the period of youth was when a person was more vulnerable to “becoming” homosexual. One widespread belief at the time was that every

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\textsuperscript{183} Felix Boehm, February 28, 1938 in Grau, 129.
\textsuperscript{184} Prof. Dr. de Crinis recommendations, December 23, 1944 in Grau, 190.
\textsuperscript{185} Grau, 163.
person was born bisexual, and during puberty, if a person developed correctly in body and mind, he or she would naturally embark on a heterosexual life. However, if a young boy soiled his body and mind with pornography, excessive masturbation, or seduction from an older man, he might then become homosexual. The Hitler Youth was a Nazi organization for boys and young men that groomed them to become future citizens and soldiers of the Reich. The Hitler Youth were often referred to as the Homo Youth throughout the Third Reich, which the leadership tried and failed to eliminate. After the Röhm purge, Hitler issued a statement stating that mothers should be able to allow their sons to join the SS, SA, and Hitler Youth without fear, but the moniker persisted nonetheless. Many parents tried to keep their sons out of the Hitler Youth due to these fears. The Nazi fear of homosexuality spreading in youth groups illustrates both their fear of homosexuality spreading in the next generation and within homosocial groups.

Another reason that the Nazi leadership would have been more concerned about homosexual infiltration into homosocial groups is that the man most passionate about tracking and persecuting homosexuality was head of the SS and police force, Heinrich Himmler. Himmler was also in charge of foreign labor as of 1936, when he consolidated his power and became Chief of Police. His racial and sexual views were therefore vital for the men in the Berlin court records. Himmler was uncomfortable with the degree of homoeroticism that lurked in these organizations. He probably realized that organizations

188 Herbert, *Hitler’s Foreign Workers*, 56.
that highly valued male bonding were bound to stray into eroticism because of their nature, but it was a dilemma that the party never solved.\textsuperscript{189} Himmler enjoyed the masculine world that he spent most of his time in, but he worried that these \textit{Männerbünde} might encourage homosexuality and strip women of their reproductive function, leading to extinction of the German race.\textsuperscript{190} He feared that marriage made families smaller because it tried to make men monogamous, which he did not believe was strictly necessary.\textsuperscript{191} He also believed that men needed sexual outlets, or else they would become homosexual. He encouraged men and teenage boys to have sex with women for a variety of reasons.

Himmler believed it was important for young men to have sexual contact with women so that they would smoothly develop into heterosexual adults. He and other top Nazis believed that prostitution could make this possible for these men, and they set up state-sanctioned brothels in cities.\textsuperscript{192} These brothels were unpopular with Hitler’s conservative backers, but the Nazi leadership saw these brothels as necessary to avoid the greater danger of homosexuality. Himmler also believed in frequent heterosexual sex for military men. He and other Nazis spoke about the power of sexual activity to achieve racial superiority and rejuvenate the nation. They thought that soldiers drew strength from sexual encounters to fight with increased vigor.\textsuperscript{193} Just as it is important to consider

\textsuperscript{189} Giles, “The Denial of Homosexuality,” 261.
\textsuperscript{190} Mosse, \textit{Nationalism and Sexuality}, 162.
\textsuperscript{192} Mosse, \textit{Nationalism and Sexuality}, 167.
how Himmler wanted to prevent homosexuality, it is important to consider his views on homosexuality and in what ways he believed it was dangerous.

Himmler also believed that homosexuality was unnatural, that it abandoned the natural order of things, and that homosexual men would drag other men down with them.\(^{194}\) Himmler’s most detailed speech on homosexuality, given on February 18, 1937, stated his belief in an “upset balance sheet of Germany” since millions of men died in World War I and many more were homosexual and therefore not reproducing. He expressed the opinion that a racially sound people who had too few children would go out of existence. He also emphasized the low number of cases of homosexuality in the SS and the harsh punishments that would follow for those men caught in the future.\(^{195}\) He thought that SS members should not develop emotionally close, erotic male friendships, but instead be bound together by sober comradeship and “soldierly” discipline.\(^{196}\) His negative beliefs about homosexuality had horrific consequences for homosexual men as time progressed. By 1935 and 1936, when the new Paragraph 175 was in effect, Himmler and his officers could legally arrest suspects under any pretext.\(^{197}\) By 1940, Himmler had collected over 42,000 cards of information about known or suspected homosexual men.\(^{198}\) These men were jailed or sent to concentration camps, or they were put under surveillance, caught in the web of the Nazi state with the likelihood that they, too, would end up jailed or dead before the Third Reich came to a close. There are many examples of

\(^{194}\) Bleuel, 220.
\(^{195}\) Himmler in Burleigh and Wippermann, 192-193.
\(^{197}\) Plant, 74.
\(^{198}\) Longerich, 238.
the sentences that SS and army men received as a result of Himmler’s paranoia and homophobia.

The death sentence could be imposed for men in the SS and armed forces who were caught committing homosexual acts. Simulation of heterosexual intercourse and abuse of rank led to the death sentence most often, probably because they believed that men in high-ranking positions could spread homosexuality more quickly.\(^{199}\) Although death sentences were comparatively rare and inconsistently carried out, it is significant that the Nazis were far more concerned about homosexuality in these groups and were willing to sentence men to death for having sex with other SS men and soldiers. Nazi leaders believed that male communal life should be closely watched. It was “thoughtless and foolish,” they argued, to allow young soldiers to spend time together in a state of partial or complete undress, and that “a single irresponsible lad could infect the whole quarters.”\(^{200}\) When these men were removed from the heterosexual unit of the nuclear family and placed into close quarters with one another, the Nazis feared that homosexuality could spread quickly and easily through the ranks. The sentences they imposed reflected this fear.

The length of sentence relative to the number and severity of acts committed were far worse for SS men and soldiers who were caught than for the foreign men in the Berlin court records. One SS man, for example, received the death penalty in 1944 for five completed and two attempted homosexual acts.\(^{201}\) Another man was given a three-year

\(^{199}\) Giles, “The Denial of Homosexuality,” 280.

\(^{200}\) Instructions for medical officers on the assessment of homosexual acts, June 6, 1944, in Grau, 183-185.

\(^{201}\) Giles, “The Denial of Homosexuality,” 278.
sentence for a single instance of masturbation with another man, probably because this offense was aggravated by abuse of rank. In 1940 a man was given a six-month sentence for simply kissing another man. A sailor who approached several men in his unit, and masturbated with two of them, was ordered to serve in a special penal combat camp for two years and was deprived of his civil rights. These sentences were worse than foreign men caught in Germany committing homosexual acts with Germans men, but it is also instructive to look at foreign men’s sentences when they were caught with SS and army men, both inside and outside of the Greater German Reich.

Non-Germans caught in compromising positions with SS and Wehrmacht men outside of Germany received harsher sentences than foreign men inside Germany. A Polish man, for instance, whom the Nazis accused of having sex with five members of the German Wehrmacht in Poland received a five-year prison sentence, despite his youth. In reality, this man had a romantic relationship with an Austrian Wehrmacht soldier and was sent to a concentration camp after the Nazis read an incriminating letter that he attempted to send the soldier. His sentence was likely higher than foreign men’s inside Germany because diplomatic repercussions were impossible, and these men were not working for the Reich like the laborers inside Germany. There are several instances in the Berlin court records of foreign men receiving fairly light sentences for having sex with Wehrmacht and SS men inside Germany.

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203 Plant, 146.
204 Giles, “The Nazi Persecution of Homosexuals in Occupied Countries,” 52.
Sometimes the men accused of having sex with military men were let go due to lack of evidence, as with all potential cases. “Konstantin S.” was a laborer from Lithuania who worked in Berlin. He was at the Ufa movie theater at the Alexanderplatz in Berlin in 1943 when he allegedly sat next to a first lieutenant and rubbed the man’s thigh in an “unmistakable manner” and did not stop even when the officer rebuffed him. Konstantin denied seeking out homosexual sex and stated that he wanted to sleep in the theater and that when he fell asleep, his hand may have fallen on the lieutenant’s thigh. However, Konstantin was not listed in the catalog of known homosexual offenders, and the leader of his work camp said nothing adverse about him. The Nazi authorities were willing to take his word against that of the lieutenant. Therefore, since there was no proof, he was allowed to go.

Konstantin’s arrest took place in 1943, a time in which World War II was beginning to put a heavy strain on the German war economy, and every worker mattered. The leader of his work camp would not have wanted to lose a worker, and with no hard evidence against him, the police allowed him to leave. It is surprising, still, that the Nazis believed him and not the first lieutenant, who stated that Konstantin rubbed his thigh in an “unmistakable manner,” quite different from his hand simply falling onto the man’s lap as he drifted to sleep.

Even other men who were found guilty and sentenced, however, received light sentences.206 “Willem N.” was a Dutch man born in Holland in 1919. He was accused of engaging in mutual masturbation with the Wehrmacht officer “Hans K.” in both

206 USHMM, RG-14.070, ID Number 145520.
Amsterdam and Berlin between 1942 and 1944. His suggested sentence was four months, but he only received a six-week jail sentence.\textsuperscript{207} He was also arrested in the later years of the war, so it is possible that he was treated with leniency for that reason. However, other foreigners were still being arrested and killed for other offenses, so his sentence remains incredibly light. Though these are just two examples and may not be representative of every foreign man who had sex with a Wehrmacht or SS officer, they suggest nonetheless a lighter sentencing pattern for foreign men.

Conclusion

Much of the increased effort to combat homosexuality was the result of Heinrich Himmler’s interest in tackling the “homosexual problem” the Nazis believed they had. Himmler was in charge of the SS, the police, and the Gestapo by 1943, so he was quite concerned about the possibility that homosexual men could take over these all-male organizations. He was worried that creating environments without access to women could cause the “Aryan” race to die out if these men turned to one another for sexual activity instead of their wives or girlfriends. Himmler’s fears explain why sentences for men in these organizations were comparatively harsh, and why sentences given to foreign men would have been more lenient. Unlike German civilian men and especially police or military men, foreign men held no political and social power in Germany, so although their homosexual actions disgusted leaders, they did not pose a threat to political and social organizations. Since foreign homosexual men’s sentences were light compared to foreign men caught having sex with German women, it seems that racial contamination

\textsuperscript{207} USHMM, RG-14.070, ID Number 110916.
concerns about homosexual men were not as salient to the Nazis as these political and social concerns.
CONCLUSION

The Nazis were confused about the nature of homosexuality, and as such, their treatment of homosexual men fluctuated wildly. They gave some men short prison sentences, castrated others, and sentenced many to concentration camps, where most homosexual men died due to overwork and particularly malicious homophobic abuse from guards. Race (ethnicity) played a role in these men’s treatments as well. Chapter One showed that foreign men and foreign workers charged under Paragraph 175 inside Germany had different experiences and were given lighter sentences than German men. They could use language differences to their advantage, could emphasize or downplay their ethnicities in court, and could try to remove rivals in work camps by accusing them of homosexual advances. Men could try to better survive in Nazi Germany by becoming prostitutes or attempting to rob and blackmail homosexual German men.

The nature of many of these cases illustrates Nazi confusion about homosexuality. The case of “Cornelius V.,” the Dutch man who received a prison sentence of one year and six months for five instances of penetrative sex with men, is one such example. The Nazis noted that they did not believe that his actions were the result of an “inborn disposition,” but rather his dire financial need, so the Nazis gave him a lenient sentence. The reasoning for giving him and others lenient or harsh sentences depended upon whether they saw homosexuality as an inborn trait or a series of behaviors. If they believed that the homosexual acts were the result of behavior, like Cornelius, they were more likely to believe that the man could be rehabilitated, and he would likely receive a lighter sentence. To them, Cornelius was not “a homosexual,” but rather merely
participated in homosexual acts. This was a grievous charge, but “inborn” or “incorrigible” homosexual men, men whom the Nazis believed exclusively desired men, received harsher sentences.

The foreign, homosexual men that appear in these court records were charged from 1937-1945, with the vast majority of the cases during the war years. The Nazis took foreign criminality quite seriously even until the very end of the war, even as Germany’s chances became increasingly poor and victory seemed less like a foregone conclusion and more like an impossible goal. However, the Nazi treatment of foreigners by the mid-1940s was tempered by their desperate need for a productive war economy, of which foreign workers were the backbone. The Nazis began treating foreign workers more humanely; they were allowed extra rations, better living and working conditions, and more freedoms outside of work so that they would be strong enough to work harder. Racial animosity bowed to economic concern. The foreign homosexual men in these court records who appear in the later years of the war may have been treated leniently in part because of their increased value to the Nazi economy.

The Nazis may have also treated these men more leniently because their transgressions did not upset gender norms as much as they potentially could have done. For example, as stated above, many of the foreign men in these records stated that they did not have sex with men because they desired these men, but rather because they desperately needed the money. Moreover, none of these men appeared to have formed deep, emotional attachments to the men they were caught with. They did not appear to love or harbor affection for men the way they were supposed to for women, in the
heteronormative Nazi worldview. However, this cannot fully explain the relative leniency of these men’s sentences. The Nazis usually considered prostitution to be a serious homosexual offense, even though the men may not have been “inborn” homosexuals, because they were responsible for spreading homosexuality to other men.

Population policy is a key facet of understanding Nazi views and policy regarding homosexuality, although it does not thoroughly explain Nazi homophobia, especially when dealing with foreign men. The Nazis believed that “Aryan” men who participated in homosexual acts or were “inborn” homosexuals and refused to have sex with women were slowly robbing the nation of its quality and numbers. Population was central to Nazi ideology. They believed that Germany was too small for the “Aryan” race that lived within its borders, so they wanted to invade Europe to make room for the “Aryan” race to grow and flourish. The Nazis saw men who did not, or would not, reproduce for the Reich as working against their cause. Furthermore, men who seduced other “Aryan” men into homosexuality were especially heinous because they themselves were refusing to reproduce while simultaneously robbing the nation of more “Aryan” men who would then seduce more men and perpetuate the cycle of taking men out of the gene pool.

The Nazis were concerned that foreign men in occupied territories could potentially seduce German soldiers. The Gestapo stated in May 1942 that they were concerned about Polish men dwelling in such close proximity to German men because the “degeneracy and demoralization” of the Poles could infect the German men, especially with homosexuality. However, the Nazis seemed less concerned with foreign, homosexual male workers in Germany proper. The foreign men in the Berlin court
documents were given light sentences for homosexuality, whether they were caught with German men or other foreign men. These sentences are especially surprising given their dates: these cases took place from 1937-1945, with the majority from 1942-1944. Historian Günter Grau and others have shown that these were the most dangerous years for German homosexual men. During this time, German homosexual men were often sent to concentration camps, pressured to accept castration, and the death penalty for homosexuality was introduced. This suggests that the Nazis viewed foreign homosexual offenses differently than German or “Aryan” offenses. Chapter Two argued that this is because to the Nazis, the imagined political and social threat of homosexuality was greater than the biological threat.

The Nazis were gravely concerned that all-male organizations were particularly vulnerable to homosexual contamination. The Nazis redesigned society into a hypermasculine sphere in which men controlled public affairs and women were confined to the domestic sphere. Organizations central to the Nazi apparatus like the SA (before the Röhm purge of 1934), the SS, the Gestapo, and the Wehrmacht were all-male organizations in which masculine ideals like honor, comradeship, strength, and aggression were prized. Close male relationships had always existed in the German military and in German male organizations in the past, but the Nazis sought to ensure that close male “comradeship” would not turn into close, emotional, homosexual attachments. They believed such attachments could bring down the Nazi state. The Nazis argued that if homosexual men achieved positions of power in the government or military, they would elect other homosexual men to positions of power over men who were more qualified,
eventually turning Nazi Germany into a homosexual state. Foreign men, however, were not a direct threat to German all-male organizations. They were essentially slave labor for the Nazis, unable to influence any government or military organizations. Homosexual foreign men were not a threat to all-male organizations, and therefore, the Nazis did not consider them to be as dangerous and gave them shorter prison sentences.

Foreign men charged under Paragraph 175 clearly received treatments lighter than German men’s for homosexual offenses. This information can help us understand Nazi homophobic policy, population policy, and the uncomfortable coexistence of Nazi racial hatreds on one hand, and the pragmatic economic concerns of the war, on the other. The Nazi persecution of foreign, homosexual men in Germany shows that the Nazis were more concerned with the political threat they believed homosexuals presented than the racial, biological threat.

Homosexual men who survived the Nazi era were not compensated for the treatment they endured. They were forced to hide what happened to them because homosexuality was still illegal in the post-war era. Men who were still in prison for homosexuality after the war remained there. Their sentences were upheld as legitimate even after the Nazi government fell. The path to recognition, let alone compensation, has been difficult for survivors; Pierre Seel’s experience as a gay man who survived Nazi persecution who struggled for years to receive recognition is one example.\(^{208}\) Furthermore, former foreign laborers struggled for years to receive recognition for their experiences as well. Historians have studied these two groups comparatively less than

\(^{208}\) See I, Pierre Seel, *Deported Homosexual: A Memoir of Nazi Terror.*
other victims of the Holocaust. The study of homosexual victims of the Holocaust did not begin in earnest until the 1980s with women and gender studies, and archival access problems have stunted our knowledge of foreign workers.\textsuperscript{209} This thesis addresses both groups and enhances our knowledge of their lives.

\footnote{\textsuperscript{209} Von Plato, Ley, and Thonfeld, 8-9.}
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