

Historical Preamble: Homosexuality's Reception in Earlier German Armed Forces

Take your leave, remove yourself, for you do not belong within our ranks!' Yet if he should be caught, gentlemen [...] he must be eliminated.¹

Despite unfailing stigmatization and the sword of §175 swaying perpetually above their heads, homosexual soldiers were of course active in the Prussian Army. As one “insider” in the late German Empire thought to explain the connection between barracks life and sex drive, “a soldier's sex drive is pressing however; seduction comes easy in a barracks where there are so many young people living together; a man of the people does not think twice about the fact that he's committing an illicit act, the sensation is pleasant – voilà tout.”²

1. “Sexually Inverted” Soldiers in Prussia and the German Empire

In 1908 the same “insider” posed a question, asking in the parlance of the day whether “homosexuality damages a race's military efficiency?” In his response Karl Franz von Leexow went beyond his initial question to discuss homosexual activity within the Prussian Army and others both past and present. According to Magnus Hirschfeld, one of the fathers of the incipient gay liberation movement of the era, Leexow “had a different name in reality” and came from an “an old noble line of officers.” Leexow could be considered a cavalry officer with “all his heart and soul,” and a “true authority on the subject.”³ As Leexow writes,

from its highest posts down to its youngest recruits, our army is permeated with homosocial elements. The extraordinary caution with which a sexual invert has to arrange his life naturally makes it a great deal more difficult for the lay person to gain any insight [...] Yet in one infantry regiment I knew of no fewer than seven homosocial officers, in one cavalry regiment of no fewer than three, nor were the numbers much different in other divisions. Thus, I often

¹ Prussian War Minister General Karl von Einem speaking to the Reichstag on 29 November 1907. See the transcript for the 61st session of the German Reichstag, 29 November 1907.

² Leexow, *Armee und Homosexualität*, 27.

³ Hirschfeld, *Von einst bis jetzt*, 149.

had the experience that while soldiers may have been well aware, they looked past it with a shrug or a laugh, anxious only to avoid scandal at all costs.⁴

This tacit acceptance toward “sexual invert,” to use Magnus Hirschfeld’s phrase, was likely more a case of apathy toward anything that fell outside regulation or criminal law. Yet even the silent indifference unquestionably on display within the Prussian Army had its limits, as Hirschfeld confirmed in quoting from the 1922 memoirs of a detective identified as Major von Tresckow. “July 3 1907. Commanders in the Berlin and Potsdam guard regiments come to me on a near daily basis asking for advice on how they might combat the pederasty that has spread among soldiers in their regiments.”⁵

For both Leexow and Hirschfeld, the Eulenburg affair marked a turning point in this fairly common, if unspoken, form of acceptance. A public mud-slinging contest carried out in court starting in 1907 that centered on honor, slander and homosexuality, the affair implicated the “highest circles” of the empire and the Prussian military – people bound by close ties of friendship to the emperor himself. The trial’s protagonists were Maximilian Harden, the publisher of the periodical *Zukunft*; the diplomat Philipp zu Eulenburg; and Kuno von Moltke, a high-ranking officer and adjutant to Wilhelm II. In his publication Harden alluded to homosexual relationships among a group in close proximity to the Kaiser, Moltke in particular, decrying it as a “perverted camarilla.”⁶ In the foreground the scandal revolved around sexuality and the honor of the Prussian military; behind the scenes it was rough-and-tumble political questions that were at stake, namely influence on the Kaiser and the course of German foreign policy.⁷ The Prussian War Minister at the time, General Karl von Einem, emerged as advocating a particularly hard line against homosexual officers in the Prussian Army. Speaking before the Reichstag on 29 November 1907, he joined the fray with the words: “I find these people repulsive, I despise them! [...] If a similar man with similar sentiments were in the army,

4 Leexow, *Armee und Homosexualität*, 108–9, also cited in Hirschfeld, *Von einst bis jetzt*, 150.

5 At the time, pederasty was a common term for homosexuality among men—between adults that is, rather than being connected with pedophilia, as is common today. The major quoted was Hans von Tresckow (1866–1934), who headed the Blackmail and Homosexuals Department at Berlin Criminal Investigations after 1900. The military rank cited was that of an officer in the reserves. The fact that Hirschfeld introduced the detective with his reserve officer’s title shows yet again the superior place automatically reserved for the military, even in civil society. Tresckow’s memoirs appeared in print in 1922 under the title *Von Fürsten und anderen Sterblichen: Erinnerungen eines Kriminalkommissars*. See Hirschfeld, *Von einst bis jetzt*, 149.

6 *Perverse Kamarilla* in German. See Tresckow, *Von Fürsten und anderen Sterblichen*, 135.

7 For a detailed account of the scandal see Schwartz, *Homosexuelle, Seilschaften, Verrat*, 16–76; Bösch, *Öffentliche Geheimnisse*, 117–154; Domeier, “Moltke als Schimpfwort!”

I would gladly shout him down: ‘Take your leave, remove yourself, for you do not belong within our ranks!’ Yet if he should be caught, gentlemen [...] he must be eliminated.”⁸

The winds shifted in the Prussian Army following the War Minister’s tirade. In his writings on the Eulenburg affair, Hirschfeld spoke of heightened uncertainty among homosexual Prussian officers.

Following War Minister von Einem’s speech calling on homosexual officers to take their leave from the army, some of these gentlemen sought me out to ask whether their own character might not draw notice; there were none among them who had consorted with subordinates, incidentally. They pursued their profession with all their heart and soul, had the prospects of a brilliant career before them and were now facing the fact that if their homosexual disposition were to become public, all that remained was the revolver. “What are we supposed to do if we do take our leave,” they said, “a military career is all we’ve studied for; our families would disown us, mother’s pain and father’s fury would be boundless” – and a man is supposed to hand himself over to such a fate voluntarily, even willingly?⁹

Hirschfeld had also read in the newspaper that “anxiety was running riot in such circles. But is it any wonder? A deserting officer once wrote to me asking what he was supposed to do now, no way out stood open to him and all because of a drunken act.”¹⁰

When the Kaiser reluctantly appointed Prince Max von Baden Chancellor of the Reich in October 1918, insiders recalled the prince as a homosexual who “had already been put on the relevant ‘list’ by criminal investigations as a young lieutenant of the guard in Berlin.”¹¹ Upon hearing who the new chancellor would be, General von Einem had responded by saying: “Who could think of Bademax without laughing!”¹²

Other homosexual officers made use of the increasing headwinds during World War I to avoid the hardships and dangers of the front, even submitting letters of resignation with reference to the former War Minister’s appeal before the Reichstag and “often withdrawing back home from the line of fire and the military

⁸ Transcript of the 61st Session of the German Reichstag, 29 November 1907.

⁹ Hirschfeld, “Sexualpsychologie und Volkspsychologie,” cited in Leexow, *Armee und Homosexualität*, 106–7.

¹⁰ Hirschfeld, cited in Leexow, *Armee und Homosexualität*, 107.

¹¹ Schwartz, *Homosexuelle, Seilschaften, Verrat*, 59, here alluding to Tresckow, *Von Fürsten und anderen Sterblichen*, 240.

¹² Schwartz, *Homosexuelle, Seilschaften, Verrat*, 59, here quoting from Machtan, *Prinz Max von Baden*, 387; see also Krause, *Max von Baden*.

bases.”¹³ At the same time, however, officers were also being tried in military court during the war for crimes connected with homosexuality, and given dishonorable discharge from the army. Hirschfeld cited the case of an “officer with multiple past distinctions” who was brought before a court martial and “sent home in disgrace” all “due to a trifle”:

In the second year of the war a still-youthful squadron leader was taken by surprise on his morning ride in the Argonne when a regimental adjutant galloping alongside gave the lad a kiss. The incident was immediately reported, followed by a mortifying interrogation of the soldier – an earthy farmer who innocently confessed that the kiss had not been the first from his superior.¹⁴

Hirschfeld went on to report that he had spoken with the mother of the officer at the latter’s request, so as to gently explain the reasons for her son’s impending return from the war. The mother replied that she would have preferred to receive the news that her son had fallen.¹⁵

Writing in 1908 with a view to their possible desertion, Leexow advised homosexual soldiers

it is of course highly unpleasant for a commander and the officer corps alike when an officer incriminates himself under §175. The newspapers will kick up much more dust if the accused commits suicide or goes before court than if he deserts. For this reason, the officer corps likely views the latter option as preferable [...] I would advise any homosexual officer to think through the consequences of desertion carefully at the given moment. I’d warn against suicide; it is preposterous to kill oneself for something that cannot be helped, even if law and society judge it.¹⁶

The scandal surrounding Austrian colonel Alfred Redl sheds further light on how officers revealed to be homosexual were treated in the past. Redl, former Vice-Chief of the Austrian intelligence service and Chief of sStaff at a Prague corps, was exposed as a Russian agent and took his own life in 1913. As Egon Erwin Kisch reports, Redl’s alleged lover was a young lieutenant who received three years in a penitentiary for “illicit sexual acts against nature.” Subsequently released when the war began in 1914, he was demoted to NCO and sent to the Russian front, where he drew attention as a “particularly elegant sergeant.”¹⁷ Kisch himself could still recall

¹³ Hirschfeld, *Von einst bis jetzt*, 152.

¹⁴ *Ibid.*, 152–53.

¹⁵ *Ibid.*

¹⁶ Leexow, *Armee und Homosexualität*, 105–6.

¹⁷ Schwartz, *Homosexuelle, Seilschaften, Verrat*, 122 and 127 (Kisch).

the “handsome Uhlan.”¹⁸ Beauty lies in the eye of the beholder as is well known. These phrases were also likely expressions of a stereotype about good looking, handsome gay men.

Quoting verbatim from a “monthly report” for March 1906, Leexow noted “an effort [was] also underway within military judiciary circles to repeal §175.” Military courts would “make do with regulations concerning the abuse of official power” in the “event of homosexual officers’ crimes against subordinates,” and did not need §175.

On the contrary, it would be better for officers with homosexual tendencies if the paragraph in question [§175] were repealed. Whereas today a widespread belief exists among homosexuals in the officer class that a certain security presides over their intercourse with soldiers, total exemption from punishment would bring about a shift insofar as they would turn to civilians of similar tendencies so as to avoid coming into conflict with existing paragraphs about the abuse of official power, meaning infractions against undermining discipline would occur to a lesser extent than they have previously.¹⁹

The effects of criminalizing any and all same-sex activity for soldiers, even if it occurred in civilian garb and without any connection to military service, were the same in 1967 as when Leexow described them in 1907. The civilian criminal code, and consequently military disciplinary law, made all sex between men liable to punishment, so it made little difference to soldiers looking for same-sex activity whether they pursued it in the barracks or not. Sanctions loomed one way or the other. For at least some commanding officers, this made it conceivable to take the next step to sex with subordinates, or even cross the line to abusing soldiers placed in their care. In the event they were hauled up before a judge, conviction was inevitable and dismissal just as likely, a situation which at times lead to crimes of a more serious nature.

For many officers who were dismissed, a new professional start only seemed possible beyond German borders – too great was the force of stigmatization in a country where the army enjoyed high standing and dishonorable discharge was tantamount to expulsion from society. Yet even then, the long arm of the military often reached far beyond national borders:

A Prussian officer who had been dismissed for homosexuality made his way abroad, as he had not found a single solid offer for a position at home. When he made to enter the civil service of a foreign state whose citizens, incidentally, did not share the same small-minded views of

¹⁸ Ibid., 122.

¹⁹ Leexow, *Armee und Homosexualität*, 108.

sensual love, a German representative felt duty-bound to intervene and cut off the path that was to lead to bourgeois honor for the officer.²⁰

In 1958, flight abroad still seemed the only way out for a Bundeswehr staff officer who had been caught having sex with a man one night in a Cologne parking lot. The highly decorated World War veteran succeeded in making a new career abroad, but even at a distance the incident in Cologne caught up with him. Two years after the fact, the Bundeswehr judiciary served the officer, now in the reserve, a written accusation via the consulate of the Federal Republic. Within the small German community of the far-off country where he was living, such an event was fit to leave the reputation of the veteran – and his future – in tatters.²¹

2. The Reichswehr: Fact and Fiction

As throughout the German Empire itself, social disdain paired with a certain ignorance of the subject also existed in the Reichswehr officer corps. More often than not the corps kept its silence as to the apparent preferences of one officer or another. Yet the principle of “see no evil, hear no evil” could only be maintained so long as nothing was in fact seen or heard, or had to be seen or heard. There was no going back once the cloak of silence had been lifted off the open secret. Once the accusation was uttered, the rules of society took hold and what had been tacitly tolerated became a question of honor, and more particularly the honor of an officer. Ignorance turned suddenly into open rejection.

A similar web of gossip spins about Partenau, a gay first lieutenant in the officer corps of a Reichswehr regiment whose name provides the title for Max René Hesse’s 1929 novel. As the rumors draw within increasing proximity to the protagonist’s own garrison, a major’s wife makes little secret of her odium for homosexual officers: “She despised the lieutenant. He paid no serious mind to young women. And she had known why for some time. Her eldest daughter had bitterly announced that such a man should have his head lopped off.”²² Hesse has a young lady issue a similarly stark warning about the homosexual officer to (who she believes to be) an unwitting officer candidate: “Just you take care. There are many such characters in every army [...] Why in the mess hall he even declared that love between men is the

²⁰ Ibid., 49.

²¹ For a detailed account of the Bundeswehr staff officer see the start of chapter 3.

²² Hesse, *Partenau*, 217–18. Thanks to Dr. Georg Meyer (Freiburg im Breisgau) for bringing this Weimar-era novel to the author’s attention.

only authentic and real love there is.”²³ At another point an older lieutenant speculates as to whether his suspicions about a relationship between Partenau and the cadet hold substance: “Could the impossible really be true?...Such attachment had been a daily sight during his own days in training, but the taste of this cadet! Still, at the end of the day it wasn’t happening on his watch.”²⁴ Just a few days later the lieutenant’s tolerance is no longer quite as broad-minded as he bluntly warns the cadet about the first lieutenant: “He [Partenau] knows how to disguise everything incomparably well, nor do we ask anything else in the matter. Those upstairs can permit a great deal, but he underestimates us.”²⁵ A short while later he backpedals: “we would never actually lay a finger on him.”²⁶

The company commander has known his first lieutenant longer – and better – and looks the other way. “I’d also like to let all this dubious *behind that or beneath this* go without further questioning,” he warns his wartime comrade as it is already too late, “but you’re riding the both of you onto impossible terrain, into the swamp.”²⁷ In the novel’s unavoidable conclusion, Hesse’s lieutenant lets all pretense drop and summons Partenau and the officer cadet before the assembled circle of regimental officers: “Long-suspected lovers!”²⁸ With that the curtain of deaf ears and blind eyes is torn down, revealing the scandal with all the ineluctable consequences.

Hesse’s novel had a real-world model in Halberstadt’s 12th Infantry Regiment. As the story goes, in December 1928 a captain, a company commander in the regiment’s third battalion, was first relieved of duty then discharged in January 1929 when a relationship with an officer candidate in his company came out. Until recently, it was unclear whether this came at “his own request” under pressure from above or his fellow officers, or rather by dismissal.²⁹ The officer’s subsequent career spoke against dishonorable discharge and demotion, and more for a gentlemen’s agreement: In World War II he was redeployed as a major, eventually rising to the rank of regiment commander and colonel after proving his mettle on the Eastern Front. This earned him a recommendation for the Knight’s Cross, although he was reportedly denied the high honor.³⁰

²³ *Partenau*, 189 and 188.

²⁴ *Ibid.*, 206.

²⁵ *Ibid.*, 210.

²⁶ *Ibid.*, 211.

²⁷ *Ibid.*, 239–41.

²⁸ *Ibid.*, 238.

²⁹ Letter from Ret. Lieutenant Wolters to Dr. Georg Meyer in Freiburg on 24 January 1991. The author would like to thank Georg Meyer for the references and sharing the letter.

³⁰ *Ibid.*

In February 2021 the great-nephew of the Halberstadt captain recognized his great uncle in an advance version of *Taboo and Tolerance* published online, and provided new biographical information based on personnel files provided through the Federal Archives.³¹ The files consulted in the Federal Archives at the great-nephew's suggestion offered some clarity on the matter. When the incident was reported in 1928, for example, the homosexual activity in question already lay three and four years in the past. In October 1924 the officer, then first lieutenant and deputy company commander for the 12th Infantry Regiment's mortar company, had asked an enlisted soldier in his unit to "touch him indecently" while under the influence of alcohol. After Private P. had refused these advances, the first lieutenant had tried to "assault" the soldier. In May or June of the following year, the officer had again tried on two separate occasions to touch the soldier "improperly" and pushed him "to do the same with him." In each case the private refused, upon which the lieutenant urged P. "to keep quiet about the incident, as otherwise he would shoot him [the private] and then himself."³² A number of days later Private P. informed an NCO and relative of his about the incident.

In other words, unlike the account that was initially sketched and later circulated, and deviating significantly from the plot in Hesse's novel, the case did not involve a consensual affair between an officer and a cadet but an attempted assault against a lower-ranking soldier. The incident must be seen in a totally different light, taking its place among many similar instances of assault in the Bundeswehr that this study will consider. The subsequent course of action and eventual outcome also reveal remarkable parallels to the early days of the Bundeswehr, for example in the Halberstadt company's attempts to clear up the embarrassing incident internally and quietly. Ironically enough, it was the first lieutenant himself who as the deputy company commander deposed witnesses in his own case, before then asking them to keep their silence:

Rumors about Captain M.'s abnormal tendencies had been circulating for months, so NCO D. reported what he had heard and been told to [the later] Captain M., who at the time was deputy company commander. In the days that followed the Captain summoned four NCOs including D. to the company reading room and questioned ten company members in their presence toward whom he was reported to have behaved indecently. No one provided incriminating details until P. was questioned, who reported the incidents mentioned above.

³¹ Email from Dr. Andreas Meyer to the author, 4 February 2021.

³² BArch, Pers 6/8771: [Reichswehrministerium, Heeresleitung, Personalabteilung] P2, Betr.: Unwürdigkeitsverfahren gegen Hauptmann M., I.R. 12, undated, 1928. Throughout the report the soldier's rank from 1928 of captain was incorrectly used for the period during which the offenses were committed of 1924 and 1925. Anonymized by the author here and in what follows.

At this point Captain M. ended the hearings without interviewing the remaining (five or so) witnesses. M. then explained to the NCOs that he had in fact made advances on enlisted soldiers, but assured them he had not committed any criminal acts. He intended to do everything in his power to suppress his tendencies and reportedly asked the NCOs to keep quiet about the matter, and respond to the rumors that were circulating. Under heavy psychological pressure from facts which had been proven true and to which he had largely admitted, and out of concern for his position and for his wife and child, Captain M. did not find the resolve to report the matter. A request to be transferred to East Prussia for which he did not give the true cause was denied.³³

With that, the case came to an initial close; the NCOs (and the enlisted men) kept their silence as requested. In 1927 M. was promoted to captain and chief of the regiment's 12th (machine gun) company, stationed in Magdeburg. In late September 1928 the former NCO D., now a first sergeant, reported the events of 1924–25 to his company commander. The division conducted “unworthiness proceedings” against Captain M. while the senior public prosecutor in Halberstadt opened a simultaneous investigation under §175 of the Imperial Criminal Code, although the latter was suspended in late November 1928. (The older version of §175 only criminalized actual intercourse between men, so the law came nowhere near to applying in the present case of an attempted advance.³⁴) Inquiries into possible crimes under §114, §116 (abuse of official power) and §121 (abuse of a subordinate) of the military criminal code were also abandoned. Instead, an internal solution came in the form of an honor council partially made up of battalion, regiment and division commanders, the division's infantry commander and its commanding officer from Group Command 1 in Berlin. The council argued in favor of “immediate” dismissal on grounds of “unworthiness,” though a “milder form of elimination [would be] tolerable,” and spurned the “dishonorable disposition.” (Deviating from the majority vote, the regimental commander further considered “dishonor to be present.”)³⁵ The personnel department also advocated the captain's immediate dismissal in its own statement, reproaching him in particular for trying to win the silence of the officers and enlisted men.

His immoral crime [later emended by hand to read “behavior toward Private P.”] has shown him to be unworthy of his position. Making the matter still more serious is his unmanly and dishonorable behavior upon revelation of the incidents from the summer of '25, during which he [“as company commander” was added later] attempted to justify himself before his subor-

33 BAArch, Pers 6/8771: [Reichswehrministerium, Heeresleitung, Personalabteilung] P2, Betr.: Unwürdigkeitsverfahren gegen Hauptmann M., I.R. 12, undated, 1928.

34 For greater detail on the legal history of §175 see the beginning of chapter 3.

35 BAArch, Pers 6/8771: [Reichswehrministerium, Heeresleitung, Personalabteilung] P2, Betr.: Unwürdigkeitsverfahren gegen Hauptmann M., I.R. 12, undated, 1928.

dinates [later crossed out and replaced with “and requested their silence”] [...] Captain M. was [“fully”] aware of his transgressions. He attempted to compensate for these transgressions by especially zealous work, until at last three years later *unavoidable disaster overtook him* [later changed to “his fate caught up with him after all”].³⁶

The personnel department cited the officer’s military career in World War I as “a mitigating factor,” for which he had been decorated with the Iron Cross 1st and 2nd classes and promoted from NCO to lieutenant in 1919 “in recognition of his services.” He was further credited with his “frank confession and sympathetic defense,” leading the department to propose a more lenient form of dismissal “with the agreement of his fellow service members and superiors.” The incidents did mean, however, that the captain’s “service qualification” should be “revoked,” and that he should be denied “conferral of the uniform,” i.e. permission to wear the uniform of a retired officer.³⁷

In a document leading up to the decision that ran via official channels through the 4th Division and Group 1 commander up to the chief of Army Command, the personnel department once again emphasized that the “total lack of right moral conception shown in the case of Captain M. has not been remedied. A soldier who errs in such fashion is unworthy of his profession, all the more so when Captain M. should serve as a model as a superior and officer.” The captain’s attempts to justify himself to subordinates were listed again as aggravating circumstances. “His duty as a leader charged with responsibility and his honor as a man retreated into the background out of weakly concern for his own future. Immediate dismissal would be the requisite expiation.”³⁸ The personnel department would see to his “dispatch” “without uniform” under §26b of the Military Code on 31 March 1929 (§26b governed dismissal for lack of fitness without permission to wear a uniform).³⁹ As an alternative to active dismissal, it would be left to the captain’s discretion whether to apply for his own discharge by year’s end 1928, in which case the service would cover his salary through March 1929. The captain chose this latter path; his file

³⁶ Ibid., author’s emphasis.

³⁷ Ibid.

³⁸ Ibid., “Vorbereitung der Entscheidung,” classified a Secret Command Document, notice of receipt from 4th Division on 29 November 1928, Supreme Commander of Group 1 on 3 December 1928 and Army Command on 20 December 1928.

³⁹ An interesting point of constitutional procedure that closely resembled that of the Bundeswehr, playing out even at much higher levels: The captain was to be notified of the decision and his right to appeal to the minister of the Reichswehr within the space of one month. The appeal would then be decided by the Reich president based on a report from the minister: BArch, Pers 6/8771: [Reichswehrministerium, Heeresleitung, Personalabteilung] P2, Betr.: Unwürdigkeitsverfahren gegen Hauptmann M., I.R. 12, undated, 1928.

contains a two-sentence handwritten request for release dated 24 December 1928. On 27 December the regiment sent a telegraph to Berlin: “Agreed upon early release for Captain M. 31.12.28 = Form submission of written consent will come through official channels.”⁴⁰

What is not documented, though highly probable given the subsequent course of events, is that the Reichswehr likely offered the captain a way out and a future career as an officer – albeit not in Germany but the German military mission in China. By March 1929, M. had already entered service in Nanjing under the German general advisor to Chiang Kai-shek’s National Revolutionary Army. The rapid succession of events leading from the captain’s dismissal to his trip by boat to Shanghai and entry into service in March 1929 make a lengthy exchange of letters and formal application process seem unlikely, even impossible in the given timeframe. M. probably boarded the ship to China carrying nothing more than a letter of recommendation from the Reichswehr, able to rest assured that he would be taken in. The case fits in with a recognizable pattern of officers released from the armed forces for homosexual activity who go on to seek a fresh professional start – be it military or civilian – in far-off lands, in many cases even on the other side of the world.

M. returned to Germany in 1938 as the military mission wrapped up its work. (Germany’s ally Japan had attacked China in 1937.) In October 1938 he appealed to Wehrmacht High Command for clemency, resulting in recognition of his “character as a major” and permission to wear a uniform.⁴¹ (In the Prussian Army, as in the Reichswehr and the Wehrmacht, this sort of “characterization,” or recognition of an officer’s rank was standard procedure for conferring the next higher service rank onto a retired officer, albeit without a raise in salary or pension payments. All that was involved was the honor of displaying a higher rank on one’s uniform.) The army commander-in-chief did, however, decline to reappoint the officer to active service. A year later in October 1939 Army High Command authorized his assignment as an officer for the duration of the war. By December 1939 M. was a battalion commander, became lieutenant colonel in 1942, and by December of 1942 was made regimental commander and full colonel,⁴² though still only temporarily for times of war, not yet for active duty. M.’s division commander had been applying for his active deployment since the late 1930s, with his former superiors

⁴⁰ BArch, Pers 6/8771: Reichswehr Ministry, Navy Intelligence, Long distance input, 27 December 1928.

⁴¹ BArch, Pers 6/8771: Order signed in Berchtesgaden 28 October 1938 by Führer and Reich Chancellor Hitler and Army Commander-in-Chief von Brauchitsch.

⁴² All available in BArch, Pers 6/8771.

in China also calling attention to the matter on multiple occasions, but to no avail – he was not legally called back into active service until 1943. The files also state the reason why – as the personnel department decided more than once, “Chief P 2 *cannot* agree to M.’s transfer from Major on call to active officer; an officer who has repeatedly committed indecent acts against a subordinate is not fit as a commander under conditions of peace.”⁴³ Contrary to what had been reported, the lieutenant colonel did in fact receive the Knight’s Cross in 1942.⁴⁴

Things followed a similar course in 1933 when a captain was dismissed as a company chief in Paderborn’s 18th Infantry Regiment. Behind hedged talk of “incidents” lay a purported homosexual liaison between the captain and his company’s sergeant. The “incidents” did not bring an end to the officer’s career, however, but merely put a damper on it. Removed from his position as head of Company 12 in April 1933, the captain was transferred to regimental staff before being appointed to a teaching position that same month at the infantry school in Dresden. By 1942 the officer who had once been removed as commander of a company rose to division commander, reaching the rank of lieutenant general and receiving the Knight’s Cross of the Iron Cross.⁴⁵

While novels like Hesse’s *Partenau* record how the Reichswehr handled incidents or rumors concerning homosexuality, the story has also come down through archival documents. In 1924 the Army Personnel Office reported seventeen previous cases of “moral misconduct” on the part of officers leading to their dismissal. Fifteen had revolved around the “satisfaction of perverse tendencies” (not explained in greater detail, but clearly classifiable from the context and the harsh censure, as described below), with thirteen committed with or against subordinates. Eight of the cases involved drunkenness.⁴⁶ “Drunkenness may exempt one from punishment in court,” the office admonished, “[but] in no way lifts the moral responsibility toward one’s professional comrades. A man must know himself, and thus the stimulating effects of alcohol on his sex life. Accordingly, in case of uncertainty about his tendencies he has a duty to exercise restraint in his enjoyment of alcohol.”

⁴³ BArch, Pers 6/8771: P2, 6 November 1940, as well as a preceding note from P2 on request from 83rd Infantry Division on 16 October 1940.

⁴⁴ BArch, Pers 6/8771: Army Personnel Office, 1st Echelon, Army High Command, 11 May 1942.

⁴⁵ The author would like to thank Dr. Georg Meyer of Freiburg for this reference as well.

⁴⁶ BArch, RH 12-1/102: Army Personnel Office to Inspector of Education and Training, 23 December 1924, Secret! For processing only by an officer. The file contains the following quotations. Thanks to Lt. Col. Dr. Christian Stachelbeck of the ZMSBw for sharing archival findings from his study on education in the Reichswehr, and his kind permission to make them available here.

This came followed by a warning about the grave consequences that such “misconduct” held for superiors’ authority, and consequently for troop discipline.

This sort of moral misconduct is always condemnable and disagreeable in and of itself. Yet it is all the more disastrous in a military context for completely undermining discipline like no other action when subordinates are dragged into the affair. It is not simply the soldiers who are directly involved that lose all feelings of respect and subordination toward the accused ranking officer. Anyone else who hears of an officer’s moral misconduct – and sooner or later, it always reaches light of day – is forced to reject him as a superior and a comrade.

As this study will show, this assessment from 1924 was nearly identical to those made by Bundeswehr legal staff and military service judges.

The Army Personnel Office offers another example of the fine line separating platonic or comradely affection from homosexual feelings in a series of events from 1926. An officer who had “received especially high marks for bravery and solicitude during the war” had in peacetime “brought himself under suspicion of abnormal tendencies due to his odd behavior when interacting with enlisted men.” Specifically, he had caressed them and given them pet names while drunk. He could have remained in the army despite this in the eyes of the personnel manager, but it was no longer possible after he falsely accused other soldiers of “similar misconduct” in his defense.⁴⁷ The personnel office gave other examples as to how rumors could arise. An officer who had been involved in a “patriotic youth organization” had subsequently kept up his “free and easy” patterns of interaction with subordinates in the troops. This had led to “ugly rumors about an unnatural tendency” of the officer’s, although an investigation had confirmed “their total baselessness.”⁴⁸

3. Homosexuality in Wehrmacht, Police and SS: Biographical Examples

Threats of §175 notwithstanding, Harry Pauly (b. 1914) lived out his sexuality in free and unencumbered fashion as a professional actor on the Berlin stage – until, that is, the National Socialists came to power. “It got worse and worse for homosexuals after that. We were really considered the lowest of the low.”⁴⁹ Pauly was

⁴⁷ BAArch, RH 12-1/102: Army Personnel Office to Inspector of Education and Training, 5 November 1926, Secret Command Document.

⁴⁸ BAArch, RH 12-1/102: Army Personnel Office to Inspector of Education and Training, 28 August 1925, Secret Command Document.

⁴⁹ Eyewitness report of Harry Pauly in Stümke and Finkler, *Rosa Winkel, Rosa Listen*, 313.

drafted into the Wehrmacht in 1939; in 1943 earlier “stories” from Berlin caught up with him when two acquaintances caught in the snares of the Gestapo named names. A military court sentenced Pauly to three years in a penitentiary, which on appeal was reduced to one year and eight months in prison. After his release he was sent to a replacement battalion in Iserlohn, personnel file in tow. “It quickly got around of course that I was a ‘warm brother’ and had done time for [§] 175.”⁵⁰ In Iserlohn, and later in France, fellow soldiers would refer to Pauly as the “gay sow,” “flushed pig,” “gay stallion” or “breech-loader.” “It was unbearable,” Pauly recalled. “No person alive could have put up with it [...] it made me sick.”⁵¹ Pauly deserted, only to be caught. Convicted of desertion, he was sent to serve out his sentence in a penal unit, the Strafbatalion Dirlwanger. Pauly was shot in the stomach during a suicide mission, which he just barely survived in a Wehrmacht hospital in Prague. “All I wanted to do was live, live, live.”⁵² For Pauly, the end of the war brought true liberation.

May 1945 also meant liberation for Johann-Rudolf Braehler (b. 1914). Called up to serve in a bicycle reconnaissance squadron, in time Braehler became an NCO and was awarded both the Iron Cross 2nd Class and an Assault Badge.

My advance in the Pan-German Wehrmacht thus seemed assured. There were two other men in the squadron I knew to be homosexual. They knew I was too. It never came to sexual contact though. It was only when two other soldiers came to the squadron in 1942 that I struck up an intimate friendship with them. My trials began [...] I was supposed to be the new squadron sergeant, but things turned out quite a bit different. Suddenly, a rumor surfaced that I spent my time involved in same-sex activity with comrades. My one friend Bruno was so worn down by punishment drills that he confessed to everything. My other friend was apprehended at home and placed under arrest. After that it all went very quickly. They brought Bruno and I under guard to prison in Kassel. Even at this point I still didn’t believe they would punish me for a trifle [...] That’s why I didn’t use my chance to escape when we came under a bomb attack in Hannover during transport to Berlin. We searched out our guards amid all the chaos like blind, faithful sheep and continued on our way.⁵³

NCO Braehler was accused of “crimes under §175” and “undermining military morale” and, because his companions were privates, further charged with exploiting his office and “use of force.” He was sentenced to two years in the penitentiary; the privates received one year each in prison. Yet Braehler was not sent to penitentiary, instead he was delivered to the Rhede-Bruhl prison camp in Emsland. “I had

50 The term *warme Bruder* is an earlier, generally derogatory term for gay men. – Trans.

51 Stümke and Finkler, *Rosa Winkel, Rosa Listen*, 314.

52 *Ibid.*, 315.

53 Eyewitness report from Johann-Rudolf Braehler in *Rosa Winkel, Rosa Listen*, 316–24, here 318.

lost all sense of naïveté,” Braehler recalled, “I no longer deluded myself. The only thing I wanted to do was survive [...] generally speaking the same inhuman terror of the concentration camps reigned at our camp, just without the ovens.”⁵⁴ While any number of homosexuals were locked up in the camp,

there was never any homosexual contact [...] we were too worn out and too afraid. My Catholic faith was still deeply rooted in me at the time. I was firmly convinced this was all God’s punishment, which had inevitably come down on me because of my serious transgressions. It only became clear many years later just how wrong this attitude was.⁵⁵

In the last weeks of the war the prisoners at Rhede-Bruhl were enlisted once again as soldiers to join in the final battle. Braehler and a handful of other men quickly deserted, hiding out with the family of a friend in Nordenham until ultimate surrender.⁵⁶

(A necessary postscript: After the war, Braehler failed in his attempt to start a new career at a job center when his conviction under §175 caught up with him yet again. His personnel manager summoned him to make it known that his criminal record had been reviewed in the meantime, and that “the employees at the job center couldn’t be expected to work with a homosexual.”⁵⁷)

One study published in 1991 let eyewitnesses speak for themselves in responding to the question “how did homosexuals feel as soldiers in the Wehrmacht?”⁵⁸ As one story goes, in 1936 Air Force Tribunal I in Königsberg sentenced Peter L. to one year and six months in prison for reportedly engaging in same-sex activity around his home in Cologne while serving in the Wehrmacht. Another soldier from Cologne, Werner K., was able to report a “very positive” experience serving as a soldier in the war after his marriage failed. “For me it came as a relief [...] to be in the company of men for once, even if nothing happened.” Werner had been aware of the risks and avoided relationships with company members, but had absolutely had “numerous relations in the occupied territories.” The study’s authors came to the conclusion that “the extreme situation in which every soldier found himself, paired with what was at least the temporary impossibility of living out his sexuality, encouraged same-sex activity. Within a field of latent erotic tension, homosexuals were able to pursue their desires undetected.”

⁵⁴ Ibid., 319.

⁵⁵ Ibid., 321.

⁵⁶ Ibid., 321–22.

⁵⁷ Ibid., 323.

⁵⁸ Ernst and Limpricht, “Der organisierte mann,” 65. Also in what follows.

An academic study would not be complete without mentioning that the “Guidelines for handling criminal cases involving illicit sexual acts against nature,” issued by Wehrmacht High Command in 1943, prescribed the death penalty “in particularly serious cases.”⁵⁹ Available research has only documented a limited number of cases of homosexual Wehrmacht soldiers receiving the death penalty, however – and if so it is generally for other charges, usually desertion.⁶⁰

In contrast to Wehrmacht soldiers, homosexual activity, even the tendency itself, *always* stood under the threat of death for the men and police of the SS following a 1941 decree from Hitler, and implementation guidelines the next year from Reichsführer-SS and chief of the German police Heinrich Himmler.⁶¹ Himmler had previously made his position on homosexuality clear in a 1937 speech to SS leaders in Bad Tölz:

Even today, we still have one case of homosexuality per month in the SS. Throughout the entire SS approximately eight to ten cases will arise annually. I have now decided on the following: These people will be publicly demoted and cast out as a matter of course and handed over to the courts. After serving the penalty determined by the court they will be brought to a concentration camp on my orders then shot while on the run. This will be given on my command to the unit to which the person belonged. In this way I hope to rid the SS down to the last of this sort of person, so as to at least clear a path for what good blood we do have in the Schutzstaffel, as well as the nascent process of restoring the blood that we are pursuing for Germany.⁶²

In 1943 the Belgian Eric Vermeer was made to witness what Himmler’s words meant for a homosexual SS-man after Vermeer volunteered for the Schutzstaffel

⁵⁹ The directive was issued 19 May 1943 by Field Marshal Wilhelm Keitel, increasing the severity of the current scope of punishment by applying §5a of the Special Wartime Penal Decree (Kriegs-sonderstrafenverordnung). For more see Lorenz, *Todesurteile und Hinrichtungen wegen homosexueller Handlungen während der NS-Zeit*, 16.

⁶⁰ Lorenz shows this in detail through the fate of Bernhard Ernst Jung (b. 1919). Jung was drafted into the Wehrmacht in 1939 after multiple arrests by criminal investigations and time spent in prison during his youth. He was arrested for homosexual activity in 1940 while stationed in the occupied Netherlands. He succeeded in fleeing on his way to trial by court martial. His hiding place was later discovered in a Hamburg raid. In February 1941 Jung was sentenced to three years’ penitentiary by the court martial of the 110th Infantry Division in Hamburg on two counts of violating §175a. At the same hearing he received a death sentence for desertion. Bernhard Ernst Jung died by guillotine on 6 March 1941. Lorenz, *Todesurteile und Hinrichtungen wegen homosexueller Handlungen während der NS-Zeit*, 17–22.

⁶¹ The wording for the decree on “Maintaining the purity of the SS and police,” dated 15 November 1941, is available in Lorenz, *Todesurteile und Hinrichtungen*, 14. A facsimile of the implementation guidelines is available in Ernst and Limpricht, “Der organisierte Mann,” 63.

⁶² Himmler, *Geheimreden*, 93–104, here 97–98.

and was assigned to the 6th SS Volunteer Assault Brigade Langemarck.⁶³ One night while deployed in Ukraine, the men were torn from their sleep by the alarm. Two of their own were then driven before the rows of the assembled brigade.

“These goddam ass-fuckers have sullied German honor,” loudspeakers bellow across the courtyard. “They fornicated wrapped up tightly about each other, and now they can go to hell wrapped up tightly about each other!” [...] In a cone of light, six SS go about beating the two men with their rifle butts before the soldiers. Marcel nearly stumbles over the chain, his legs and hands shackled, his face a red pulp by now, the left eye no longer visible. A gunshot strikes him down, and the chain yanks Louis to the ground. Louis takes Marcel’s head in his hands and screams. A second shot. Eric Vermeer stands in the first row trying to keep from vomiting, he nearly faints and gives himself away [...] this unit, the one he freely volunteered for, doesn’t only kill Jews and Communists, it kills gays as well.

Vermeer was gay.

Eric often hears derogatory comments about “ass-fuckers” and “75ers” [in reference to §175], nobody uses “homosexual” [...] He doesn’t visit the military whorehouse along with the others [...] it doesn’t go unnoticed. One day an envoy sent by the troops sits down with him. “It’s time you went at it with the cook, Maria,” the comrade says, handing him a condom [...] Eric doesn’t want to chicken out and chases after the cook, a Ukrainian, who flees the soldiers’ raucous shouts. Eric lets her go, he’s given his performance for now.

Vermeer remained in West Germany after the war, where he “had more to hide than during the war – his homosexuality and his past in the SS.”

It was only with a great many blessings in disguise that a gay Berliner drafted into the German police survived the war in occupied France, and that despite being condemned to death.⁶⁴ When Hans G. resisted a major’s demands to satisfy his sexual desires, the latter reported him for “attempted seduction,” if only to protect himself. It was word against word; the officers and Wehrmacht judiciary went with the major’s account. The investigation widened to include sexual encounters in Berlin from far back in Hans G.’s past, and the conscripted policeman received three separate death sentences for three previous incidents; as a member of the police, he was subject to Himmler’s decree. His father appealed to Himmler for clemency, resulting in the deferral of the son’s death sentence and transfer to the Neuengamme concentration camp. He survived both the camp and the war. (Necessary postscript: After the war Hans G. did not risk applying for wartime restitution.

⁶³ Wörtz, “Beim Fummeln erwischt.” The editors at the *Spiegel* came up with the name Eric Vermeer to protect the identity of the interviewee. The following quotes and information are from there.

⁶⁴ Eyewitness report from Hans G. in Stümke and Finkler, *Rosa Winkel, Rosa Listen*, 301–6.

“Us gays were still being legally persecuted. There was no way I wanted to go back to prison or a penitentiary.”⁶⁵)

Like all men convicted under §175 during the National Socialist era, Wehrmacht soldiers who had been convicted of “illicit sexual acts against nature” could not count on mercy even after 8 May 1945. As German Federal Anti-Discrimination Agency chief Christine Lüders writes, “This explains why after the war so many homosexual men who had been freed from the concentration camps found themselves back in prison, where they had to serve out the rest of their terms.”⁶⁶

One case involves a man drafted into the Wehrmacht in 1939 at age 30 who was convicted twice under §175 by military courts during the war. In September 1942 the field court martial at Panzer Army High Command III sentenced him to one-year prison and demotion in rank. He served the sentence until it was suspended for the duration of the war in February 1943, but was again convicted by Central Army Court in September 1944 on charges of “attempted aggravated illicit sexual acts between men and illicit sexual acts between men.” This time, since he was still on probation, he was given ten years’ imprisonment and five months’ additional service in a penal unit. The sources show that the man was held at the Dora concentration camp outside Nordhausen until 11 April 1945. In October 1945 the man was apprehended in Unna by the police, who were now under British control, and taken to prison. The British military government ordered him sent to the penitentiary in Werl with nine years and eight months’ penitentiary remaining in his prison term. An appeal in February 1946 was denied by the senior public prosecutor in Arnsberg, although his immediate release was ordered later that year in June.⁶⁷

The Unna case was not the exception but the rule; for other Wehrmacht soldiers convicted of homosexuality the end of the war did not mean the end of imprisonment. “You stay here!” liberating U.S. troops told one Luftwaffe soldier detained in Landsberg after inspecting his detention orders. Herrmann R. had to serve out the remaining year of his sentence under new management in the same penitentiary. He was released in 1946.

What had brought Herrmann R. to Landsberg in the first place? After he was called up to the Luftwaffe in 1943, the stage actor was set to work as a personnel

⁶⁵ Ibid., 306.

⁶⁶ Christine Lüders in her preface to Burgi and Wolff, *Rechtsgutachten zur Frage der Rehabilitation der nach Paragraph 175 StGB verurteilten homosexuellen Männer*.

⁶⁷ North Rhine-Westphalia State Archives, Westphalia inventory, Q 926/12138, Werl Penitentiary, Arrest Files for Kurt P., 1945–1946. The file contains the field court martial decision labelled under Pz.A.O.K. 3, St.L. No. 123/42 from 31 August 1942 as well as the decision of Central Army Court, St.L. IX 260/44 from 22 September 1944. The author has Frank Ahland to thank for directing him to the source.

clerk and property administrator at an Air Force staff office in Prague. In the city he gave “free rein” to his “homosexual urges” as he put it. “As will happen, before you know it you’re out skating on thin ice.”⁶⁸ The ice turned out to be extremely thin, and eventually cracked because of a “trifling matter.” As a trained actor, R. was sent around for troop support, and after one “colorful evening” involving a great deal of alcohol he had supposedly grabbed the genitals of a Hitler Youth squad leader over the pants.

To my horror I was immediately arrested and locked up in solitary confinement. When they questioned me I said [...] the whole thing had been foolishness. But it was to no avail. My defender, a crafty court officer [a Wehrmacht jurist] told me that it would help lighten my punishment if I admitted my homosexuality and explained the matter away as a regrettable slip-up. I had no idea about laws at the time, nor did I get that he wanted to take me for a ride [...] The judge sentenced me to three years in the penitentiary for attempted ‘illicit sexual acts’ and ten years for undermining military morale. The sentence struck me as improbable. Even the two witnesses were startled and apologized to me. It wasn’t what they had wanted either.⁶⁹

As became common practice throughout 1944–45, enforcement was “‘suspended until the final victory!’ [...] Every man was urgently needed, after all.” Up until final victory came and the convict entered prison, R. would “prove his worth” on the front in a “penal unit or suicide squad.” “I reckoned my greatest chances of survival would be in the camps.” At the Wehrmacht prison in Prague, a sergeant helped R. get on a transport to the concentration camp in Dachau instead of a penal battalion. “Czechs out, politicals out, 175ers out,” he heard yelled on arrival, at which point a kapo [prisoner functionary, part of the prisoner self-administration in a Nazi camp] bawled back “Gays out, what does 175 mean here?!” With a pink triangle affixed to his striped prison outfit, R’s transport continued on to the neighboring camp in Landsberg, an old fortress prison. U.S. troops reached Landsberg on 26 April 1945, and several weeks later a U.S. military commission examined the detention files. “I can still hear the U.S. officer who was questioning me say: ‘Homosexual, that’s a crime. You stay here!’”⁷⁰ Hermann R. was not released until 1946. The British and U.S. officers operated according to the legal practices of their home countries; convicting homosexuals for their sexuality did not strike them as a form of injustice originating in National Socialism, but one that matched their own legal sensibilities.

⁶⁸ Eyewitness report of Herrmann R. in Stümke and Finkler, *Rosa Winkel, Rosa Listen*, 325–30, here 325.

⁶⁹ *Ibid.*, 325–26.

⁷⁰ *Ibid.*, 330.

To anticipate one possible question from readers: Within the literature concerning the fate of homosexuals persecuted under National Socialism, the author has yet to come across a single instance of a Wehrmacht soldier who found himself in the Soviet occupation zone in May 1945. This makes it impossible to draw conclusions about how Soviet occupation authorities proceeded. There is one example of a man (not a soldier) previously sent to Sachsenhausen for homosexuality who, like all those freed from the concentration camps, initially received an *Opfer des Faschismus* (Victim of Fascism) ID card. Yet within a few months his card, and with it his status as victim, was taken away by the new “anti-fascist” authorities in East Berlin after they learned about his internment under §175. As in the Western occupation zones and later in the Federal Republic, gay and lesbian victims of the National Socialist regime were not recognized as victims in the Soviet zone or the later GDR, but remained convicts in the eyes of the law.