



Volume 9. Two Germanies, 1961-1989
Still Taboo despite Reforms (March 12, 1973)

When laws covering sexual offenses were liberalized, legislators once again reformed Paragraph 175, making only homosexual acts with young people punishable by law. This *Spiegel* article analyzes the ongoing treatment of homosexuality as a taboo in West Germany, a situation that made it difficult for gay groups to organize.

“Admit that You’re Different”

[. . .]

The special committee in the Bundestag has been working for years on the criminal code reform for a more far-reaching liberalization of Paragraph 175 [of the Basic Law]. The so-called legal age of consent is supposed to be lowered from 21 to 18 and impunity extended to male prostitutes. The committee will discuss the rewording of the section this Wednesday.

But in recent weeks homosexuals have paid far more attention to a movie shown on German television than to the long-standing debate on the criminal code reform. The film *Nicht der Homosexuelle ist pervers, sondern die Situation, in der er lebt* [*The Homosexual isn't Perverse, the Situation that He Lives in Is*] was shown in a late-night broadcast (except in Bavaria) on the First Channel (ARD¹). The young Berlin filmmaker and transvestite Rosa von Praunheim (given name: Holger Mischwitzky), 30, planned the film as a “gay shocker” – with success.

Not only nearly all the homosexuals, but most of the other TV viewers were shocked as well, despite a marathon discussion between homosexuals, scholars, politicians, and journalists following the broadcast. The militant air of the markedly ideological, smaller segment of the minority shocked citizens even more.

[. . .]

Only a minuscule minority within the German homo-minority is actively involved in public appearances. Most continue to keep to themselves, hiding their otherness as much as possible, often even from parents and siblings.

¹ A nationwide German public television station – trans.

In the last few months, people in several major cities experienced something that was virtually unthinkable even a year ago: Homosexuals demonstrated on behalf of their demands. Right now they are still few in number, and they don't know exactly what they want, but they want it resolutely.

[. . .]

By depicting a "world of gays" so alienated that it bordered on caricature, director Praunheim wanted to "call on homosexuals to overcome their inordinate fear and fight for their own rights."

[. . .]

The so-called modification of Paragraph 175, which the German judiciary has discussed over seven decades but never finished, came to be only as a compromise in 1969. Time seemed to be of the essence, because the Federal Republic is nearly the only country in Europe in which male homosexuality is still criminalized.

That is why the presently valid Paragraph 175 shows all the shortcomings of compromise and haste. While it is no longer punishable for men over 21 "to carry on illicit sexual acts" (whatever that means) with one another, adolescents are threatened with up to five years in prison: "a man over 18 who carries on illicit sex, or lets himself be abused for such illicit sex, with another man under 21."

[. . .]

It is taken for granted in the select criminal law committee that in the Federal Republic the age of protection will be lowered from 21 to 18 years.

[. . .]

Homosexuals are much more vulnerable to the unwritten laws of society than to any criminal statute, as these cannot be abolished by the stroke of a pen. According to [Frankfurt law professor Friedrich] Geerds, "Even if decriminalized, a homosexual is still subject to undisguised contempt and social ostracism. He therefore continues to have reason, very good reason, not to display his different nature, but on the contrary to hide it as much as possible."

[. . .]

Source: "Bekannt, daß ihr anders seid" ["Admit that You're Different"], *Der Spiegel*, no. 11, March 12, 1973, pp. 46-57.

Translation: Allison Brown