

# Reich Ministry of Justice Decision on Lesbianism (June 18, 1942)

## Abstract

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Since the unification of Germany in 1871, homosexual acts between men were deemed unnatural and made illegal under Paragraph 175 of the Reich's criminal code. The legality of women engaging in homosexual acts, however, was not clearly defined under this statute. With the Nazi rise to power, homosexual men were increasingly targeted by the regime, and well-known gay bars and clubs were raided and shut down. Homosexual women were, in contrast, not targeted in the same systematic campaigns as men. This excerpt below is the official position of the regime on the status of lesbian women in Germany. Here, the regime's understanding of gender, sexuality, and reproduction are used to justify its position. It was assumed that a gay woman would eventually bear children for the Reich and cease her "unnatural" behavior.

## Source

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Letter from the Reich Ministry of Justice, June 18, 1942

Berlin, 18 June 1942

The Reich Minister of Justice

917C Norweg./2-IIIa<sup>2</sup> 1263/42

To:

The Reichskommissar for the occupied Norwegian territories in Oslo.

Subject: Unnatural acts between women

Re the letter of 27 May 1942

– IR Just 5 Tgb. Nr. 7812 –

The results so far of the discussions of the official Commission on Reich Criminal Law do not envisage making unnatural acts between women punishable.

The main reasons for this are as follows.

Homosexual activity between women, apart from prostitutes, is not so widespread as it is among men and, given the more intense manners of social intercourse between women, it more readily escapes public notice. The greater resulting difficulty of establishing such behavior would involve the danger of unfounded testimony and investigations. One major reason for punishing sex offences between men – namely, the distortion of public life by the development of personal ties of dependence – does not apply in the case of women because of their lesser position in state and public employment. Finally, women who indulge in unnatural sexual relations are not lost forever as procreative factors in the same way that homosexual men are, for experience shows that they later often resume normal relations.

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Source: Letter from the Reich Ministry of Justice, June 18, 1942, reprinted in *Hidden Holocaust? Gay and Lesbian Persecution in Germany 1933-45*, edited by Günter Grau with a contribution by Claudia Schoppmann. Translated by Patrick Camiller. London: Cassell, 1995, pp. 83–84.

Recommended Citation: Reich Ministry of Justice Decision on Lesbianism (June 18, 1942), published in: German History in Documents and Images, <<https://germanhistorydocs.org/en/nazi-germany-1933-1945/ghdi:document-5124>> [July 02, 2025].