

## Still Taboo despite Reforms (March 12, 1973)

### Abstract

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When laws covering sexual offenses were liberalized, legislators once again reformed Paragraph 175, making only homosexual acts with underage 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.

### Source

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#### “Admit that You’re Different”

[...]

For years, the Bundestag’s special committee on criminal code reform has been trying to liberalize Paragraph 175 [of the Basic Law] even further. The so-called legal age of consent is supposed to be lowered from 21 to 18, and exemption from punishment is to be extended to male prostitutes. This Wednesday, the committee will discuss the rewording of the text of the paragraph.

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* [*It is Not the Homosexual Who is Perverse, but the Society in Which He Lives*] was shown in a late-night broadcast (except in Bavaria) on the First Channel (ARD)<sup>[1]</sup>. 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 smaller part of the minority, which was emphatically ideological, only frightened the citizens even more.

[...]

Only a tiny 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.

In the last few months, people in several major cities experienced something that was virtually unthinkable even a year ago: Homosexuals demonstrated for 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 had been discussed in the German judiciary for seven

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decades but never settled, only came about as a compromise in 1969. Time seemed to be of the essence because the Federal Republic is virtually the only country in Europe where male homosexuality is still criminalized.

That is why the presently valid Paragraph 175 reveals 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 all but certain in the select criminal law committee that the legal age of consent in the Federal Republic will be lowered from 21 to 18 years.

[...]

Homosexuals are much more vulnerable to the unwritten laws of society than to any criminal statute, and 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 unveiled contempt and social ostracism. He therefore continues to have reason, very good reason, not to display his different nature, but on the contrary to conceal it as much as possible.”

[...]

## NOTES

[1] A nationwide German public television station—trans.

Source: “Bekannt, daß ihr anders seid,” *Der Spiegel*, no. 11, March 12, 1973, pp. 46–57. Available online at: <https://www.spiegel.de/politik/bekannt-dass-ihr-anders-seid-a-a1cc8fc1-0002-0001-0000-000042645559>. Republished with permission.

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