
Homosexuelle Menschen
stehen im Mittelpunkt der
Sozialistischen Gesellschaft

Homosexual Man Stands in the Centre of Socialist Society

Legal Narratology and Queer Activism in the Former German Democratic Republic

Introduction

The German Democratic Republic (GDR) (Deutsche Demokratische Republik (DDR)), established in 1949, emerged as a socialist State in the Eastern Bloc. Rooted in Marxist-Leninist principles, the GDR was founded on principles of equality, social justice, and solidarity. As a Soviet satellite State, the GDR adopted a political system characterised by a single-party dictatorship led by the Socialist Unity Party of Germany (Sozialistische Einheitspartei Deutschland (SED)), which tightly controlled all aspects of public life (Fürstenau, 2019).

The GDR presented itself as a progressive force within the Eastern Bloc, implementing comprehensive social welfare programs, affordable housing, and guaranteed employment. Its policies furthered strides in gender equality, with women encouraged to participate fully in the workforce and public life (McLellan, 2013).



Legal Evolution

Another way in which the GDR's regime aimed at furthering its image as a progressive socialist State, was by abolishing Paragraph 175 from its criminal code (Strafgesetzbuch (StGB)), effectively decriminalising homosexuality (Bergholz, 2016).

Paragraph 175 originated from the German imperial era and criminalized sexual acts between men (Whisnant, 2012). It underwent several revisions, with the revision by the National Socialist government in 1935 being regarded as its most notorious. The Nazis amended §175 to include Section A, which punished "severe lewdness," expanding the scope of the original paragraph and intentionally obscuring its definitions so that the paragraph could be applied to any case in which the regime wanted to remove someone they deemed unfit, from society (Jensen, 2017). Section B criminalised "Unnatural fornication with a beast.". By aggravating the severity of §175, homosexuality was likened to bestiality, and convictions under this Paragraph increased tenfold (Statistisches Reichsamt,1985).

Following the foundation of the German Democratic Republic, the evolution of Paragraph 175 was heterogeneous amongst the different Federated States (Länder). For example, The Provincial High Court in Halle (Oberlandesgericht Halle) decided for Saxony-Anhalt (Sachsen-Anhalt) in 1948 that Homosexual acts were to be tried according to the laws of the Weimar Republic, and subsequently reverted back to the formulation of §175 of 1925, the version of 1935 was still enforced in other States (Pretzel, 2002).

In 1946, the Legal Examination Committee of the Magistrate of Greater Berlin (Juristische Prüfungsausschuss des Magistrats von Groß-Berlin) advised against adopting §175 StGB into new criminal law, but this recommendation was not put into practice. In 1949, the District Court (Kammergericht) in East-Berlin decided for the whole GDR, that Paragraph 175 should be applied in the version valid until 1935. The Court did, however, decide to leave §175a unchanged stating that it served as a protection of society against "socially harmful homosexual acts [...] that offend the moral sense of our workers.".

Through §8 of the Supplementary Criminal Law Act (Strafrechtsergänzungsgesetz) of 1958, acts that were not deemed a danger to socialist society were excluded from criminal prosecution, due to a lack of harmful consequences, effectively rendering §175 void (Schäfer, 2006).

The GDR adopted its new criminal code in 1968, doing away with §175, but reintroduced a part of it in §151 StGB-DDR. The new Paragraph now provided for imprisonment of up to three years for an adult who performed "sexual acts" with a juvenile of the same sex. Due to the no longer gender-specific wording, the criminal law now also covered sex between women and girls under 18 years of age (Schäfer, 2006). While it did not explicitly target homosexuality like its predecessor, it reflected the prevailing attitudes towards homosexuality in the GDR, where same-sex relationships were not openly accepted or recognized.

On August 11, 1987, the Supreme Court of the GDR (Oberste Gericht) overturned a verdict regarding §151, stating that "homosexuality, like heterosexuality, represents a variant of sexual behaviour. Homosexual people are therefore not outside socialist society, and are guaranteed civil rights, like all other citizens." (Hillhouse, 1990).

One year later, the People's Chamber (Volkskammer) of the GDR, in its 5th Amendment to Criminal Law of December 14, 1988, repealed §151 without replacement. The amendment subsequently came into force on July 1, 1989 (Schäfer, 2006).

Queer Experiences in the GDR

The German Democratic Republic's (GDR) supposed more liberal attitudes towards Queer issues was often incongruent with the reality experienced by Queer individuals. While the GDR portrayed itself as a socialist State embracing equality and rejecting the oppressive policies of the Nazi regime, the factual experiences of Queer people paint a different picture.

Despite having more progressive legislation than its western neighbours, Queer individuals in the GDR still faced significant challenges and discrimination. Social attitudes towards homosexuality remained largely conservative, and Queer individuals often encountered stigma, prejudice, and social ostracism. Queer identities were not openly accepted or celebrated in GDR society, and Queer individuals mostly sought to conceal their identities to avoid persecution or discrimination (McLellan, 2013).

The GDR's State security service, the Stasi (Ministerium für Staatssicherheit), exploited homosexuality as a tool in its surveillance operations. The Stasi amassed extensive files on suspected Queer individuals, using their sexual orientation as a means of coercion, blackmail, and control. Groups deemed a threat to the State were subjected to dissolution campaigns by the Stasi. Through its vast network of unofficial collaborators (Inoffizieller Mitarbeiter), the Stasi infiltrated these groups, systematically discrediting their members, sowing mistrust and rivalries, and orchestrating professional and social failures (Harrison, 2019).

Despite the systemic suppression of Queer groups, a vibrant Queer scene flourished in the GDR, providing Queer individuals with community and solidarity. One notable example was the Homosexual Interest Group Berlin (Homosexuelle Interessengemeinschaft Berlin or HIB), considered the first gay liberation group in the GDR. Founded by Michael Eggert and Peter Rausch in 1971, the HIB operated openly and engaged with the East German government. By appealing to the socialist ideology central to the GDR's functioning, the HIB sought to increase Queer visibility through initiatives such as sending petitions to security forces for fair treatment and advocating for a socialist information centre, catering to Queer individuals. The group also represented Queer interests at international events like the World Festival of Youth and Students. The group's longevity was attributed to its uniquely East German style of activism, which was not initially perceived as threatening by the GDR government. However, the group was officially dissolved in 1979 (Cassisa, 2021).



Queer Experiences after the fall of the GDR

Following the dissolution of the German Democratic Republic, the newly reunified Federal Republic of Germany (FRG (Bundesrepublik Deutschland (BRD))) sought to rectify the institutionalised injustices having been perpetrated by the GDR's government. After the abolition of the StGB-DDR and its infamous §151, the FRG further abolished any legal prohibition of homosexuality and expanded the legal protections of Queer people in Germany (McLellan, 2013).

The Government also introduced a mechanism to rectify convictions that occurred under Paragraph 151 of the GDR Criminal Code. This mechanism entailed the legal review process for convictions related to consensual same-sex relationships under Paragraph 151. People who were convicted under this provision could apply to have their convictions reviewed and potentially overturned by the relevant authorities. This process involves a thorough examination of the legal basis for the conviction and consideration of any mitigating factors or extenuating circumstances.

If a conviction is found to be unjust or based on discriminatory grounds, it can be officially nullified, applicants will be cleared of any criminal record associated with consensual same-sex relationships and are entitled to a "societal-solidarity-compensation". This provides a measure of justice and recognition for Queer individuals who have been wrongfully convicted under such oppressive laws (Bundesamt für Justiz, 2017).

Although Queer people's rights can still be significantly expanded upon in present-day Germany, the current government has sought to rectify at least some of the hurt caused by the GDR's institutionalised injustices.

“Homosexuelle Menschen Stehen Im Mittelpunkt Der Sozialistischen Gesellschaft”, Maurice van Schendel, (2024).

This research into the legal history of homosexuality in the GDR and the Queer activism that arose from systematic suppression culminated in an installation titled "Homosexuelle Menschen Stehen Im Mittelpunkt Der Sozialistischen Gesellschaft" (Homosexual Man Stands in the Centre of Socialist Society). Central to this installation is an archive box, reminiscent of the vast State archives created by the East German surveillance apparatus, the Stasi (Ministerium für Staatssicherheit, MfS). The Stasi kept extensive personal records on anyone they deemed of interest, including central figures in Queer activist communities. They sometimes used this personal information to cause personal failures and the eventual dissolution of these groups, which the GDR regime deemed a threat.

The box features an array of personal records, tape recordings, photographs, documents, and even some legal texts, which are intended to encompass Queer people’s experiences living in the GDR. The stories in the box are fictitious, and all names and faces have been anonymized in an attempt to capture the general experience of Queer life in East Germany, rather than the stories of specific individuals.

The dry description of some of the characters’ actions in the archive captures the bureaucratic and machine-like way in which Queer resistance was suppressed in the GDR and shows the reductive manner in which these people were perceived by their government.

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