



The homosexual pedophile as the enemy of any organized society

No sexual play/evasion/perversion has been so little scientifically researched and so much unscientifically discussed as pedophilia, which in the following, following the imprecision in its public discourse, is understood (unless explicitly defined otherwise in the respective context) as same-sex intercourse between adults and masculine children, adolescents, minors. The term "Pedophilia" includes both non-violent contacts and violent excesses.² This leads authors to associate pedophilia and sexuality in childhood and adolescence with the formation of criminal associations, in order to emphasize the traditional worldview of the Christian family as the ideal.³ The fact that sexuality is an integral part of the social life of children and adolescents among each other is deliberately suppressed or pathologized.⁴ With regard to the definition of the term "child," numerous researchers remain conspicuously vague.⁵ In principle, Pado-

1) Eberhard SCHORSCH: Sexual Offenders (Stuttgart: Enke 1971) S. 126.

2) Martin DANNECKER: Das Drama der Sexualität (Frankfurt am Main: Athenäum 1987) p. 82. See also Henning SASS (ed.): Diagnostisches und statistisches Manual psychischer Störungen DSM IV, nach der vierten Auflage (Göttingen: Hogrefe 1996) pp. 598-599.

3) See e.g. Adolf GALLWITZ / Manfred PAULUS: Die Kindersex mafia in Deutschland. Offender Profiles, Pedophile Scene, Legal Situation,

2nd edition (Berlin: Ullstein 1999) pp. 35-37, 92-93.

4) Gunter SCHMIDT: Kindersexualität - Konturen eines dunklen Kontinents. In: *Zeitschrift für Sexualforschung* 17 (2004) S. 312-322, here p. 317.

5) Johann GLATZEL: Expert Opinion of a Tater. In: Ulrich Tiber
EGLE/ Sven Olaf HOFFMANN/ Peter JORASCHKY (eds.): Sexueller

From a medical point of view, pedophilia is a sexual disorder,⁶ although it is still unclear whether the majority of pedophiles are interested in boys or girls. A classification is made more difficult by the fact that previously used typifications such as pederasty or ephebophilia as the emotional and erotic-sexual fixation of an adult male on male adolescents between the ages of about 12 and 18 have disappeared from the discussion in favor of a generalization. There is less and less distinction as to which age group a pedophile is particularly interested in. This is all the more alarming because in recent years it has become increasingly clear that the time of sexual maturity is moving ever closer to the age of 12. The impression arises that many participants in the medical and public discourse on pedophilia are dominated more by fear of a self-confidently lived adolescent sexuality than by the desire to overcome the seemingly "innocent children" from adult violence.⁷

Abuse. Abuse, Neglect, Recognition and Treatment of Psychological and Psychosomatic Consequences of Former Trauma (Stuttgart: Schattauer 2000) pp. 403-414, here p. 408.

6) According to the International Classification of Diseases, Injuries, and Causes of Death (ICD), pedophilia is a disorder of sexual practice (ICD-10, F 65.4); in the Diagnostic and Statistical Manual DSM, it is referred to as paraphilia under *DSM-N*, 302.2.

7) Thus, the propagation of a "sexless childhood and youth" was and still is a popular argumentation tool of the churches and the conservative parties supporting them. In this way, it is also possible to distract from the fact that sexual abuse occurs disproportionately within the "Christian family" and in church-run educational institutions. For some years now, however, social movements of formerly left-wing orientation that are fixated on the state have also believed that they can accelerate the realization of their own political goals by tolerating the fiction of an ideal family and sex-free youth.

While writing about homosexuality today has become a "industry",⁸ pedophilia has been discussed for some years only in the context of a gene database satisfying omnipotence fantasies.⁹ For a long time, the paths of pathologization of homosexuality and pedophilia were very similar. Homosexuals were regarded as youth seducers, the term "paderasty" encompassed all same-sex contacts between males (this was contrasted with the term "fornication" for heterosexual pedophilia).

Men who openly desired boys sexually and did not hide their interest were already punished with contempt and ostracism in baroque society.¹¹ This went hand in hand with the banishment of nakedness from the public sphere, which was

8) Gunter SCHMIDT: "Homosexuality and heterosexuality, these are fictions ... "Interview with Jeffrey Weeks. In: *Zeitschrift für Sexualforschung* 17 (2004) pp. 60-69, here p. 61.

9) Werner LENKE: Finally a Clear Path for a Comprehensive Data Bank? In: *Kriminologisches Journal* 34 (2002) pp. 193-204, here p. 194.

10) Stephan ROBERTSON: Separating the men from the boys: masculinity, psychosexual development, and sex crime in the United States, 1930s - 1960s. In: *Journal of the history of medicine and allied sciences* 56 (2001) pp. 3-35, here p. 5.

11) Paul DERKS: *The Shame of the Holy Paderasty*. Homosexuality und Öffentlichkeit in der deutschen Literatur 1750-1850 (Berlin: Verlag rosa Winkel 1990) p. 18. For the circumstances in the centuries before, see Michael SCHETSCHKE: Der "einvernehmliche Missbrauch". Zur Problematik der Begründung des sexstrafrechtlichen Schutzes von Kindern und Jugendlichen. In: *Monatsschrift für Kriminologie und Strafrechtsreform* 77 (1994) pp. 201-214, here p. 203. A general overview (albeit with some problematic insights) is provided by Vern L. BULLOUGH: History in adult human sexual behavior with children and adolescents in western societies. In: Jay R. FEIERMAN (ed.): *Pedophilia*. Biosocial dimensions (New York: Springer 1990) pp. 69-90.

The social ideal of "imitation" came to the fore, and nudity and sexuality developed into a taboo.¹² Children were taught that sexual feelings were a danger to life and limb by means of threats.¹³ At the same time, philosophers argued for centuries about whether pioneers of their own discipline (e.g. Socrates) adhered to boyhood love or whether these were only iible suspicions.¹⁴ The literary exaltation of boyhood love was always present and can be found, for example, in Johann Wolfgang von Goethe, while in parallel the practice of padophilia was condemned.¹⁵ It was nevertheless cultivated: Edgar Allen Poe married his 13-year-old cousin, Georg Christoph Lichtenberg maintained sexual contacts with a 12-year-old admirer, and Novalis slept with the 13-year-old Sophie von Kiihn.¹⁶

The second half of the 19th century saw a professionalization of the debate, parallel to the positioning of psychiatry as an independent science. The French philosopher Michel Foucault describes this process in his book "The Will to Know".¹⁷ In the years between 1852 and 1869, neurologists transformed the nameless offense, which had been given many names ranging from "sodomy" to "paderasty" to "boy rape", into the disease of "psychiatry".

12) Jos VAN USSEL: Sexual Unterdrückung. Geschichte der Sexual feindschaft (Reinbek: Rowohlt 1970) pp. 44, 59-61.

13) Katharina RUTSCHKY (ed.): Schwarze Padagogik. Quellen zur Naturgeschichte der bürgerlichen Erziehung (Berlin: Ullstein 1979).

S. 19-22, 107, 141.

14) DERKS: *Die Schande der heiligen Paderastie* p. 70.

15) Heinz SCHLAFFER: Knabenliebe. Zur Geschichte der Liebesdichtung und zur Vorgeschichte der Frauenemanzipation. In: *Merkur. Deutsche Zeitschrift für europäischen Denken* 49 (1995) pp. 682-694, here

S. 682.

16) Heyo PRAHM: Sexual Offenses against Children. In: *Psychology Today*

1978, no. 4, pp. 79-83, here p. 81.

17) Michel FOUCAULT: Sexuality and Truth. Erster Band: Der Wille zum Wissen (Frankfurt am Main: Suhrkamp 1983) p. 58.

The concept of "contrary sexual sensation" was developed. This included sexual relations between adults as well as between adults and minors.¹⁸ Pedophilia was not separated from homosexuality until after 1890. The Austrian psychiatrist Richard von Krafft-Ebing coined the term "paedophilia erotica" and also emphasized that, from a sexual point of view, a child could take on a fetish character.¹⁹ In his view, pedophilia was equally prevalent in men and women, and pedophiles were prone to neurasthenic complaints. While "contrary sexual sensation" should not be punished in Krafft-Ebing's opinion, pedophilia should continue to be punished severely.²⁰ Finally, Krafft-Ebing warned against excessive scaremongering, because boys could be seduced into homosexual acts, but certainly never into homosexuality.²¹ Krafft-Ebing's contemporary Ludwig Kirm suggested that pedophiles should be kept in institutions like dementia patients.²²

In 1898, the Berlin neurologist Albert Moll emphasized another aspect of pedophilia: the possibility of children or adolescents developing sexual interest in adults on their own initiative. Moll considered this behavior to be abnormal, if not psychopathic.²³ In 1909, Moll refuted the idea that

18) Carl WESTPHAL: The contrary sexual sensation. In: *Archiv für Psychiatrie und Nervenkrankheiten* 2 (1869/70) pp. 73-108.

19) Richard von KRAFFT-EBING: *Psychopathia sexualis mit besonderer Berücksichtigung der conträren Sexualempfindung* [first 1886], The eleventh edition is the last version of the "Psychopathia sexualis", which von Krafft-Ebing himself still added to.

20) *Ibidem* p. 394.

21) *Ibidem* p. 399.

22) Ludwig KIRM: Über die klinisch-forensische Bedeutung des pervertierten Sexualtriebes. In: *Allgemeine Zeitschrift für Psychiatrie und psychisch-gerichtliche Medizin* 39 (1883) pp. 216-239, here p. 236.

23) Albert MOLL: *Untersuchungen über die Libido sexualis*, vol. 1 (Berlin: Kornfeld 1898) p. 436.

he called the pathologizing assessment, which, however, was neither received by the public nor in the professional literature.²⁴ In addition, Moll contributed an explanatory model for the sexual interest of adults in boys. These boys are very similar to women in skin type and appearance, and their (female) immaturity arouses some men.²⁵ Later research showed that heterosexual men also react to naked girls with sexual arousal.²⁶ In addition, Moll emphasized that the tendency to homosexual acts is very common in boys. Thus, the Berlin neurologist continued to see a connection between homosexuality and pedophilia. This reasoning was also held by the morality societies that were very active in Europe around 1900, as well as by the tabloid press.²⁷ A homosexual emancipation movement was therefore faced with the necessity of constructing a differential diagnosis between pedophilia and homosexuality, or - at the risk of losing many supporters - to engage in a power struggle with morality fanatics, tabloid journalists, and the concentrated

>The "healthy" popular sensibility. Consequently, it seems logical that Magnus Hirschfeld wanted to position his minority of "Urninge" and "Contrarsexu alen" far away from the Pedophiles. Krafft-Ebing, who had anticipated this separation, served him as a crown witness for his argumentation in favor of homosexuals.²⁸ Hirschfeld thus oriented himself toward socially

24) Gunter SCHMIDT: Das Verschwinden der Sexualmoral. Über sexuelle Verhältnisse (Hamburg: Klein 1996) p. 106.

25) MOLL: Investigations p. 479.

26) Volkmar SIGUSCH: Neosexualitäten. Über den kulturellen Wandel von Liebe und Perversion (Frankfurt am Main: Campus 2005) p. 193.

27) Steven ANGELIDES: Historicizing affect, psychoanalyzing history. Pedophilia and the discourse of child sexuality. In: *Journal of homosexuality* 46 (2003) pp. 79-109, here p. 84.

28) Thus, shortly before his death, Krafft-Ebing had still emphasized that

Hirschfeld's view was based on the accepted view that a self-organized minority must submit to "destructive communal fantasies" in political discourse in order to distinguish itself from other groups of people.²⁹ In addition, he followed the Darwinian lines of argumentation of his teachers by considering the sexual predisposition to be innate and by augmenting his knowledge of the physical characteristics of "contrarsexuals. On the one hand, Hirschfeld was able to observe the public execution of persons who were often only suspected of padophilia on the basis of scandalous trials, and on the other hand, even the new perspectives of sexual research offered only a few aspects that started a decriminalization of padophilia.

The representatives of the emerging field of criminal psychology were no more interested in liberalizing the law on the protection of minors than the protagonists of psychiatric research. Their striving for a professionalization of the offender's view even made it more difficult for padophiles to justify themselves in court. As early as 1905, the psychiatrist and doyen of medical criminal psychology in the German-speaking world, Gustav Aschaffenburg, declared the pathologization of sexual offenders to be the main goal of his science: "He who only considers the crime in its repulsiveness will not be able to escape the mistake of seeing a depraved or debauched wolf where a careful consideration of the offender only reveals a sick person.

The first part of the book is about the development of the "new" homosexuality, which is a new form of homosexuality. In: *Jahrbuch für sexuelle Zwischenstufen* 3 (1901) p. 1-36, here p. 5.

29) Richard SENNETT: *The Decline and End of Public Life. The Tyranny of Intimacy*. Translated from the American by Reinhard Kaiser (Frankfurt am Main: S. Fischer 1983) p. 271.

30) *Ibid* pp. 193, 299.

31) Gustav ASCHAFFENBURG: *Zur Psychologie der Sittlichkeitsver-*

hoeffer declared paedophiles to be mostly mentally low persons, similar to prostitutes.³² They often could not be treated and were therefore to be sent to a normal penal institution; insanity was out of the question.³³

The most important trial, and certainly the most important for Hirschfeld, was the trial against the natural scientist Theodor Beer in Vienna.³⁴ On the basis of this trial, the patterns of argumentation of the defenders of the imaginary "childlike innocence." Beer had been accused of the seduction of two underage boys at the beginning of 1904.³⁵ Immediately, a widespread smear campaign began against Beer, who was abroad at his regular place of residence at the time of the indictment. His professorial title was immediately revoked, and the arguments of the defense were not received. On the one hand, the self-appointed moral guardians in the judicial authorities, newspaper editors and the university administration conceded pure innocence and ignorance to the "disgraced" boys, but in their statements against Beer they considered them to be omniscient and well-versed in explaining sexual relationships. Counter-

breaker. In: *Monatsschrift für Kriminalpsychologie und Strafrechtsreform* 2 (1905/06) pp. 399-416, here p. 416.

32) Karl BONHOEFFER: Sittlichkeitsdelikt und Körperverletzung. (A comparative psychopathological investigation). In: *Monatsschrift für Kriminalpsychologie und Strafrechtsreform* 2 (1905/06).

pp. 465-473, here p. 466.

33) *Ibidem* p. 472.

34) Brief introduction: Andreas BRUNNER/ Hannes SULZENBACHER: Schwules Wien. Reiseführer durch die Donaumetropole (Vienna: pro media 1998) p. 53. See also Wiener Stadt- und Landesarchiv: A 11-180 309-4/19; Staatsarchiv Wien/ Allgemeines Verwaltungsarchiv: 1642/1904, 685/1905, 1864/1905.

35) Florian MILDENBERGER: "... als Contrarsexual und als Paderast verleumdet ..." The Trial of the Naturalist Theodor Beer (1866-1919) in 1905, in: *Zeitschrift für Sexualforschung* 18. (2005) S. 332-351.

Partial assessments by psychologists of the sanity of the fantasizing main incrimination witness did not find their way into the verdict.³⁶ Criminologists and sex researchers had already warned early on of conceptual confusion and the negative consequences for the establishment of the truth in the direct confrontation of juvenile incrimination witnesses and apparent "seducers" in court. The Austrian criminal anthropologist Hans Gross vividly described the generation of misunderstandings at trials: "What easily excitable, often precociously inclined people are able to achieve through imagination reaches the unbelievable. Now do not forget that in such cases each of the two involved clings to the authority of the other: the UR (examining magistrate, F. M.) to that of the witness, who must know the matter, the witness to that of the UR, who must know the laws. Thus, each finds in the authority of the other a suitable means to let his imagination run wild, as he likes to do."³⁷ Albert Moll expressed himself similarly: "Of course, I do not want to suppress one concern. It concerns the treatment of such offenses in court, where, as I believe, in the investigation of the crime of morality, the morality of the child is sometimes considerably more endangered than by the crime itself."³⁸

However, the image of the child in danger, who is only confronted with sexuality through the influence of eyes by a "seducer", came under considerable criticism during these very years. The Viennese physician Sigmund Freud had already for a long time been

36) William STERN: Requirements for the judicial procedure. On the basis of results of the psychology of testimony. In: *Die Umschau* 9 (1905) pp. 487-490. See also Wiener Stadt- und Landesarchiv: A 11-180 309-4/19, pp. 574-583.

37) Hans GROSS: *Criminal Psychology* (Graz: Leuschner 1898) S. 82-83.

38) Albert MOLL: *The Soul Life of the Child* (Berlin: Walter 1909) S. 210.

At that time he developed his own doctrine on the development of neuroses due to sexual trauma, the psychoanalysis. Initially, he held the view that sexual addiction could have a decisive effect on a person's psyche. After 1904, he changed this opinion and placed autoerotic development at the center of his work.³⁹ At the same time, he emphasized the existence of infantile sexuality, which begins long before puberty and is of seminal relevance for human beings.

Hirschfeld disliked the psychoanalytic argument that homosexuals ("inverts") had developed away from the heterosexual norm and toward perversion in their early youth due to negative experiences and could be cured as a result. He hoped to prove the endogeneity of homosexuality in order to declare the impunity of homosexual acts justified and reasonable. The psychoanalytic explanation closely linked homo sexuality and pedophilia, and the two deviations seemed to be mutually dependent. Freud's possibility that class seduction also took place within the family was already the subject of wide discussion in the heterosexual sphere. Its extension to the homosexual level, however, had seriously damaged Hirschfeld's emancipation movement. Thus, the dispute over adolescent sexuality was probably one of the reasons for the disagreement between Hirschfeld and Freud, even if this was not clearly stated.⁴⁰

39) Jeffrey MASSON: *What Have They Done to You, Poor Child? Sigmund Freud's Unterdrückung der Verführungstheorie* (Reinbek: Rowohlt 1984) pp. 19, 143. See also Sebastian KRUTZENBICHLER: *Sexueller Missbrauch als Thema der Psychoanalyse von Freud bis zur Gegenwart*. In: Ulrich Tiber EGLE / Sven Olaf HOFFMANN / Peter JORASCHKY (Eds.): *Sexual Abuse, Maltreatment, Neglect, Recognition and Treatment of the Psychological and Psychosomatic Consequences of Frictional Traumatization* (Stuttgart: Schattauer 2000) pp. 93-102, here p. 93.

40) On the circumstances of the rupture between psychoanalysis and

Just at the time (1911) when sexual science and psychoanalysis parted ways, a bitterly fought debate about homo sexualitat raged within the youth movement. The issue was the possible "seduction" of adolescent boys by older "leaders" of the Wandervogel youth movement.⁴¹ The self-proclaimed chronicler of this social movement, Hans Bliiher, was at times in love with Hirschfeld's sexological concepts and ideas, but because of Bliiher's anti-Semitism and anti-feminism, it did not come to anything.

long-term cooperation.⁴² Bliiher conceived the Wandervogel as a "erotic phenomenon" and borderline experience between homoeroticism, youth sexuality, and intentional seduction.⁴³ He thus combined the basic concept of the Wandervogel as an emancipation movement away from the "bourgeois family" with sexual theoretical research as well as the latent anti-feminism within the youth movement, whereby a close, eroticized coexistence of the "boys" was in any case encouraged.⁴⁴ Through his writings, Bliiher unleashed a debate that lasted many years

Hirschfeldian sex research, see Manfred HERZER: Magnus Hirschfeld. Leben und Werk eines jiidischen, schwulen und sozialistischen Sexologen, 2nd edition (Hamburg: MannerschwarmSkript 2001). S. 182-185.

41) Ulfried GEUTER: Homosexualitat in der deutschen Jugendbewegung. Jungenfreundschaft und Sexualitat im Diskurs von Jugendbewegung, Psychoanalyse und Jugendpsychologie am Beginn des 20. Jahrhunderts (Frankfurt am Main: Suhrkamp 1994) pp. 52-57.

42) Florian MILDENBERGER: ... *in the Direction of Homosexuality Corrupted*. Psychiater, Kriminalpsychologen und Gerichtsmediziner iiber mannliche Homosexualitat 1850-1970 (Hamburg: MannerschwarmSkript 2002) pp. 83-84.

43) GEUTER: Homosexuality p. 84-85.

44) See Friedhelm F. MUSALL: *Friihe Jugendbewegung. Sexuality and Adolescent Politicization. Padagogisch-sozialpsychologische Untersuchungen zu Entstehung und Verlauf der deutschen Jugendbewegung bis 1920* (Frankfurt am Main: dipa 1987).

within the youth movement, medicine, and philosophy, although in the course of the 1920s he began to distance himself from any suspicion of endorsing homosexual or even paedophilic contacts.

The course of the discussions around the youth movement as well as the experiences with psychoanalysis led Magnus Hirschfeld to continue to position paedophilia in contrast to homosexuality as a dangerous phenomenon endangering civilized society. Thus, in 1914, in his monumental study "Die Homosexualität des Mannes und des Weibes" (The Homosexuality of Man and Woman), he distinguished paedophiles ("undoubtedly the most ill-disposed") as a "secondary group" (like "gerontophiles") from the two "main groups" of homosexuals, "ephebophiles" and "androphiles."⁴⁵ In 1917, he described paedophilia as the pathological behavior of a "personhood that has remained infantile.

be subjected to therapy. At times Hirschfeld considered castration to be a sensible measure in the fight against "cna benschanders".⁴⁷ However, he did not hesitate to argue in court as an expert witness in individual cases in a similar way as he did with accused homosexuals. Hirschfeld endeavored

z. For example, in the case of a doctor accused of fornication with an underage girl entrusted to him as a patient, he was described as having a psychopathic-hysterical constitution.⁴⁸ This was an expression of his innate sexual disposition and the difficult environment from which he came. His

45) Magnus HIRSCHFELD: Die Homosexualität des Mannes und des Weibes (1914, reprint Berlin: de Gruyter 1986) p. 281.

46) Magnus HIRSCHFELD: Sexualpathologie, vol. 2 (Bonn: Marcus 1917) S. 45-59.

47) Magnus HIRSCHFELD: Castration in the case of moral offenders. In: *Zeitschrift für Sexualwissenschaft und Sexualpolitik* 15 (1928) pp. 54-55.

48) Magnus HIRSCHFELD: Ein Kinderschänder. In: Ludwig LEVY LENZ (ed.): *Sexualkatastrophen. Bilder aus dem modernen Geschlechts- und Eheleben* (Leipzig: Payne 1926) pp. 19-39, here p. 27.

padophilic preferences consisted only of "caresses" that had taken place in a state of "consciousness".⁴⁹ Hirschfeld completely ignored the feelings of the girl, whose statements had set the case in motion in the first place.

In the 1920s, Hirschfeld received support from the Berlin neurologist Arthur Kronfeld in the field of biologically based research on padophilia. He emphasized the impossibility of dividing padophiles into types.⁵⁰ For him, padophiles were scientifically proven to be treatable, difficult to detect, and dangerous. This increasing demarcation of padophiles from homosexuals on the part of sex researchers was accelerated by the radicalization of the climate of discourse after the First World War. Doctors who had previously been positively opposed to Hirschfeld's efforts to liberalize criminal law and to allow consensual sex between adult men now feared that homosexuals could seduce "German youth" and cause its degeneration. These fears were justified by the massive losses of young soldiers considered to be of "high quality" on the battlefields of the World War. In particular, the doyen of German psychiatry, Emil Kraepelin, held this viewpoint and passionately opposed Hirschfeld in the 1920s.⁵¹ In the years before 1914, he had still praised Hirschfeld's research for its scientific nature. Kraepelin's Schuler

49) HIRSCHFELD: *Kinderschander* p. 33.

50) Arthur KRONFELD: *Padophilia*. In: Max MARCUSE (Ed.): *Handwörterbuch der Sexualwissenschaft. Enzyklopadie der natur- und kulturwissenschaftlichen Sexualekunde des Menschen* (1925, Reprint Berlin: de Gruyter 2001) p. 543.

51) Emil KRAEPELIN: *Geschlechtliche Verwirrungen und Volksvermehrung*. In: *Munchener medizinische Wochenschrift* 65 (1918).

S. 117-120; Matthias M. WEBER/ Wolfgang BURGMAIR: "Anders als die Anderen". Kraepelin's Expert Opinion on Hirschfeld's Enlightenment. In: *Sudhoffs Archiv für Wissenschaftsgeschichte* 81 (1997) pp. 1-20.

Robert Gaupp, as well as the psychiatrist Karl Wilmanns, signed the petition for the abolition of § 175 in 1904, probably on Kraepelin's behalf.⁵² In the 1920s, however, the tide had turned, and Hirschfeld had to make an even stricter distinction between paedophilia and homosexuality in order to implement his sociopolitical concerns.

Yet it was precisely during these years that a scandal emerged in which psychiatrists, the youth movement, pedagogues, adolescent boys, and the sexual reform movement were all equally involved. At the center of the scandal was the reform pedagogue Gustav Wyneken, who was accused of sexual relations with students entrusted to him at the Wickersdorf boarding school.⁵³ Wyneken belonged to the youth movement, corresponded with Hans Bliiher, and was also close to the sexual reform movement. He envisioned an idealized form of "pedagogical eros" borrowed from Greek antiquity, in which he intended to assume the role of teacher over the students who worshipped him.⁵⁴ The "teaching methodology" he used in this context brought him under suspicion of "perverse fornication" in 1920/21, which Wyneken vigorously denied. His vague statements about pedagogical practice not only brought the reform school concept under criticism, but also made it increasingly difficult for supporters of sexual reform to show solidarity with him.⁵⁵ At the same time, this solidarity had already become brippery, since representatives of psychiatry and the right-wing press branded Wyneken's behavior as youth seduction. In place of the "pedagogical Eros" was joined by the "chaste Eros".⁵⁶ The former

52) Manfred HERZER: A Very Incomplete List of Petitioners. In: *Capri. Zeitschrift für schwule Geschichte* No. 37, 2005, pp. 25-44, here S. 30, 44.

53) Thijs MAASEN: *Padagogischer Eros. Gustav Wyneken und die Freie Schulgemeinde Wickersdorf* (Berlin: Verlag rosa Winkel 1995).

54) *Ibidem* pp. 76-77.

55) *Ibidem* pp. 174-176.

56) *Ibidem* p. 193; Max ISSERLIN: Die planmäßige Pervertierung unserer Jugend. In: *Hochland* 18 (1920) pp. 174-186.

remained a popular argumentation tool of Pedophiles for decades. The scandal about Wyneken died down in 1921, the differential separation of homosexuality and Pedophilia remained. It was a legacy of Hirschfeld to German psychiatry, which otherwise largely shunned him and fought his emancipatory efforts.

Studies on adolescent sexuality and pedophilia, which were free of excessive public health propaganda, were published in the 1920s mainly by psychoanalysts. While conventional physicians interested in psychoanalysis emphasized the total asexuality of childhood, the danger of onanism and the great dangers *for* boys, the Viennese analyst Wilhelm Stekel took a completely different view. After many years of observation, he came to the conclusion that "suckling onanism" was a "normal physiological condition: The child needs an infinite amount of libido to withstand the dangers of the suckling period and the first years of childhood." 57 At the same time, Stekel emphasized that it is not so much boys but girls who are at risk during puberty, and that sexual seduction often takes place within the immediate circle of acquaintances. 58 In this way, Stekel broke with the thinking of most medically socialized youth shiitzers, who saw the "ideal family" as an effective counterbalance to seduction by "pleasure trips" or "sexual intercourse". "morality criminals". 59 Finally

57) Wilhelm STEKEL: Psychosexueller Infantilismus (Die seelischen Kinderkrankheiten der Erwachsenen) (Berlin: Urban & Schwarzen berg 1922) p. 40.

58) Similar considerations were made by the psychologist Charlotte Meyer in 1924; see Otto EWERT: Erziehungsfehler als Ursachen von Sexualkriminalitat. In: G. NASS (ed.): A.tiology and Prophylaxis of Sexual Criminality. Vortrage, gehalten anlässlich der wissenschaftlichen Tagung der Sektion Forensische Psychologie des Berufsverbandes Deutscher Psychologen am 29. und 30. Mai 1964 in Wiesbaden (Berlin: de Gruyter 1965) pp. 92-97, here p. 93.

59) On the idea and personhood assessment of the aging pedophile.

Stekel also revealed that onanism is quite unsuitable as a gateway drug, but rather serves to stabilize adolescents: "There are children in whom onanism continues without interruption from infancy until late age (puberty and beyond). These are precisely the non-neurotic people who are characterized by a complete memory of their childhood. They lack that amnesia which is peculiar to almost all neurotics with regard to their childhood."⁶⁰

In the 1920s, the psychoanalyst Sandor Ferenczi described the circumstances of sexual contact between a pedophilic adult and a child. In September 1932, he gave a lecture at the congress of the International Psychoanalytic Association in Wiesbaden, in which he explained that a child develops playful fantasies, while an adult develops tangible interests.⁶¹ Therefore, the pedophiles misunderstand the behavior of the adolescents and reinterpret it in their interest. Afterwards, the children were not only severely damaged, but also unable to process what had happened.⁶² In the same year, the psychosomatic psychiatrist Victor Emil von Gebattel theorized that sexual perversions had to be defined and treated in a similar way to intoxication and addiction.⁶³ With this reasoning, Gebattel was able to gain acceptance.

See Franz ZINGERLE: -Ober das Greisenalter in forensischer Bedeutung. In: *Archiv fur Kriminal-Anthropologie und Kriminalistik* 40 (1911) pp. 1-54; Gerhard ROMMENEY: Zur Sexualkriminalitat der mannlichen Ri.ickbildungsjahre. In: Edmund MEZGER / Ernst SEELIG (eds.): *Kriminalbiologische Gegenwartsfragen. Vortrage bei der VII. Tagung der Kriminalbiologischen Gesellschaft am 28. und 29. Mai 1953 in Mi.inchen* (Stuttgart: Enke 1953) S. 57-70.

60) STEKEL: *Psychosexual Infantilism* p. 55.

61) Sandor FERENCZ: *Confusion of Language between the Adult and the Child*; reprinted in: MASSON: *What did they give you* p. 317-330.

62) *Ibidem* pp. 323-324.

63) Victor Emil VON GEBATTEL: *Si.ichtiges Verhalten im Gebiet*

The latter, however, did not prevail, as did many colleagues who believed that sexual interests could be interpreted as mechanically interpretable reflexes (by analogy with Pavlov).⁶⁴

Between psychiatry and psychoanalysis, a strong youth psychology developed in the 1920s. Its protagonists were Charlotte Buhler and Eduard Spranger. Both tried to put the feelings of adolescents in puberty into biological terms and at the same time to distance themselves from a homoerotic reevaluation of adolescent fantasies analogous to the theses of Hans Bluher.⁶⁵ This meant a pathologization of adolescent homosexuality and the "seducers," but Spranger and Buhler were much closer to educational concepts than to race-hygienic eradication strategies.

The lively discourses on youth sexuality, homo
The elimination of doctrines that had previously influenced the debates did not automatically require the formation of new research trends, because the public health and racist guidelines of National Socialism prevented new theoretical approaches, especially in the field of mental health.⁶⁶ Nevertheless, it should be emphasized that even the research that was carried out by the right-wing press in the Weimar Republic was not a success.

sexual aberrations. In: *Monatsschrift für Psychiatrie und Neurologie* 82 (1932) pp. 113-177, here p. 115. Another attempt at interpretation was made by the psychiatrist Victor Kafka, who taught in Hamburg, who put paedophilia on the same level as gerontophilia and classified it between homosexuality and heterosexuality; see Victor KAFKA: *Sexualpathologie für Mediziner, Juristen und Psychologen* (Leipzig - Wien: Deuticke 1932) pp. 94-95.

64) Erwin STRAUS: *Geschehnis und Erlebnis. Zugleich eine histologische Deutung des psychischen Traumes und der Renten-Neurose* (Berlin: Springer 1930) p. 55.

65) GEUTER: *Homosexuality* p. 263.

66) Harald SCHULTZ-HENCKE: *Lehrbuch der Traumanalyse* (Stuttgart: Thieme 1949) S. V.

Republic did not find any direct expression in the racial hygiene legislation after 1933. Homosexuals were "allowed" to choose emasculation as a therapeutic measure "voluntarily" under § 14 II of the 1935 Supplementary Law to the Law on the Prevention of Hereditary Diseases (Gesetz zur Verhütung erbkranken Nachwuchses, GzVeN), in order to remain available to the German people as laborers. Pedophiles, on the other hand, could be forcibly emasculated - and emasculated - under the Law for Combating Occupational Criminality (Gesetz zur Bekämpfung des Berufsverbrechertums, 1934) after two convictions.⁶⁷ The simple formula for removing the urge from sexually deviant persons was: "A person who does not conform to the norms and does not subordinate his urge life to the same acts unlawfully.

During the "Third Reich," several psychiatrists argued about the aetiology of homosexuality (Theo Lang, Hans Biirger Prinz, Rudolf Lemke, and others), but the origin of homosexuality was not researched nearly as intensively.⁶⁹ Here, the success stories about the successful application of castration dominated.⁷⁰ It was not until the Second World War, in the course of the drafting of a "Gemeinschaftsfremdengesetz," that the forced emasculation of homosexuals was considered.

67) On this practice see, for example (with reference to Hamburg) Christiane ROTHMALER: "Prognose: Zweifelhaft". Die kriminalbiologische Untersuchungs- und Sammelstelle der Hamburgischen Gefangenen anstalten 1926-1945. In: Justiministerium des Landes NRW (ed.): Kriminalbiologie (Diisseldorf: E. i. S. 1997) pp. 107-150, here p. 145.

68) Joachim KLEINHANS: The preconditions of the emasculation Qur. Diss. Berlin 1934) p. 18.

69) MILDENBERGER: . . . *in the direction of homosexuality spoiled* p. 184-216.

70) See, for example, Nikolaus JENSCH: Untersuchungen an entmannten Sittlichkeitsverbrechern (Leipzig: Thieme 1944) (with extensive bibliography).

This development was stimulated by corresponding research results of Swiss racial hygienists.⁷¹ Although there were some psychiatrists who classified homosexuality and paedophilia as equal-ranking perversions, the psychiatrist Friedrich Stumpf, for example, who taught in Innsbruck, refrained from drawing an analogy from sexuality to overall personality; paedophilia/homosexuality did not automatically imply psychopathy.⁷² However, this also meant that both paedophiles and homosexuals were regarded as fully sane and responsible. As a result, they could not claim mitigating circumstances ("insanity" according to § 51) in court.

The lack of research on paedophilia in the period between 1933 and 1945 is surprising at first glance. After all, the conditions under National Socialism had theoretically made it possible to study paedophilia (Hitler Youth). Although representatives of the party leadership feared the existence of same-sex activities, an intensive investigation had severely shaken the self-understanding of National Socialist organizations.⁷³ As a result, the leaders of the organizations confined themselves to prophylactic propaganda and harsh punishment of paedophilic and homosexual contacts.⁷⁴ Entirely

71) In this context, special reference should be made to an anthology that served as a model for German researchers: Stavros ZURUKZOGU (ed.): Verhütung erbkranken Nachwuchses (Basel: Schwabe 1938).

72) Friedrich STUMPF: Hereditary disposition and crime. Characteriological and psychiatric family studies (Berlin: Springer 1935) S. 141.

73) Armin NOLZEN: "Strengvertraulich!" Die Bekämpfung "gleichgeschlechtlicher Verfehlungen" in der Hitlerjugend. In: Susanne ZUR NIEDEN (ed.): Homosexualität und Staatsraison. Männlichkeit, Homophobie und Politik in Deutschland 1900-1945 (Frankfurt am Main: Campus 2005) pp. 253-280.

74) As an example see Andreas STERNWEILER: *And all because of the*

The situation was different with heterosexual relations, where a certain liberalizing tendency set in during National Socialism (e.g., with regard to sexual intercourse before marriage).⁷⁵ The ideologically defined boundaries of the discourse in the "Third Reich" excluded a scientifically guided discussion about pedophilia. Even the absurdity of castration for homosexually inclined men was rarely discussed. Here, the psychiatrist Kurt Kolle, who was always confronted with problems of adaptation to political guidelines, excelled.⁷⁶

It is therefore not surprising that the actual disputes about pedophilia in German science took place only after 1945 or in the second half of the 1960s and mainly in West Germany. Here, physicians and criminologists who were active in the circle of the "Deutsche Gesellschaft für Sexuallforschung" (German Society for Sexual Research), led by the psychiatrists Hans Bürger Prinz and Hans Giese, stood out. As a basic theoretical concept for the assessment of sexual perversions, Giese used Gebattel's considerations and expanded his theory.⁷⁷ The separation of homosexuality and pederasty made by Hirschfeld and cemented after 1933 was initially recognized here as a scientific fact and was not questioned again until the 1960s. Hans Giese himself held the thesis that there were "valuable" homosexuals who were able to resist the

Jungs. Pfadfinderfi. ihrer und KZ-Haftling: Heinz Dormer (Berlin: Verlag rosa Winkel 1994).

75) See Dagmar HERZOG: *Die Politisierung der Lust. Sexualität in der deutschen Geschichte des 20. Jahrhunderts* (München: Siedler 2005) S. 80.

76) Kurt KOLLE: *Sexual Psychopathology*. In: *Fortschritte der Neurologie, Psychiatrie und ihrer Grenzgebiete* 8 (1936) pp. 381-386, here p. 384.

77) Easily explained in Hans GIESE: *Die Rolle der Sucht*. In: Hans GIESE (ed.): *Mensch, Geschlecht, Gesellschaft. Das Geschlechtsleben unserer Zeit gemeinverständlich dargestellt* (Baden-Baden: Verlag für angewandte Wissenschaften 1961) pp. 892-895.

This referred to homosexuals who, under a "resolution of repentance," decided in favor of a permanent partner and renounced an anonymous, promiscuous sexual life.⁷⁹ In this way, Giese corresponded to the ideas of numerous contemporaries in the Federal Republic of Germany, who wanted to propagate a sexual ideal that was fixed on a long-term commitment and that was intended to stand out from the "excesses" of the National Socialist Era.⁸ However, for groups of people who were not in line with the

"Giese, however, placed pedophilia on the same level as gerontophilia, at least for a time, using the concept of psychiatrist Victor Kafka. Giese, however, placed pedophilia at least temporarily on the same level as gerontophilia, thus using the concept of the psychiatrist Victor Kafka.⁸¹ Pedophilia was now to include not only seducing adults but also adolescents and children, who sometimes had an ambivalent attitude toward "seduction.

78) Volkmar SIGUSCH: Hans Giese und seine Theorie der Homosexualität. In: *Zeitschrift für Sexualforschung* 10 (1997) pp. 245-252, here.

S. 249.

79) Hans GIESE: Homosexual Misconduct and Perversions. In: *Die Zurechnungsfähigkeit bei Sittlichkeitsstraftaten*. Aus den Vorträgen, gehalten auf dem 7. Kongress der Deutschen Gesellschaft für Sexualforschung vom 12. bis 14. Juni 1962 in Hamburg (Stuttgart: Enke 1963) pp. 32-41, here pp. 35, 39. This volume from the series "Beiträge zur Sexualforschung" is dedicated to the protagonist of the murder of the mentally ill in the "Third Reich", Werner Villinger, and the

<p>Ferdinand Wiethold, a forensic pathologist who came to prominence through forced castrations.

80) HERZOG: *The Politicization of Pleasure* pp. 91-93.

81) KAFKA: *Sexualpathologie* S. 94; Hans GIESE: Abnormes und perverses Verhalten. In: Hans GIESE / Victor Emil VON GEBSATTEL (Eds.): *Psychopathologie der Sexualität* (Stuttgart: Enke 1962).

pp. 310-470, here p. 360.

82 However, Giese was relatively alone in such considerations.

In the postwar years, when state authority was only slowly re-emerging and millions of people had become homeless, a rather free approach to sexuality and criminal law had spread.⁸³ Prostitution flourished, especially in the big cities, and the police were primarily concerned with combating the surreptitious trade.⁸⁴ Medical researchers, who were intent on preserving a state-determined gender and social order and who saw themselves as upholders of this order, deplored these tendencies. At the same time, however, these researchers had to recognize that the previously so clear-cut patterns of explanation for moral crimes had no relation to reality. In 1955, for example, the psychologist Gustav Nass, who worked at the Kassel-Wehlheiden penitentiary, wrote that "even in the best age of men," sex addiction occurs beyond all criminal milieus.⁸⁵ In many cases, sex addicts, who are otherwise 90 % heterosexual, lead an undisturbed life. Nevertheless, he continued to emphasize the alleged affinity between criminality and padiophilia. ⁸⁶ He was supported by the former school principal Georg Steigerthal, who

82) GIESE: *Abnormes und perverses Verhalten* p. 364.

83) Udo UNDEUTSCH: *Die psychische Entwicklung der heutigen Jugend* (München: Juventa 1966) p. 25.

84) Peter SCHULT: *From Sanssouci to Zoo Station. Berlin - Metropolis of the Paderasts*. In: *Berlin von hinten* (Berlin: Gmünder 1981) pp. 49-58, here p. 58.

85) Gustav NASS: *Fornication with children - the sexual offense of our time. Causes and Combat*. In: *Monatsschrift für Kriminalpsychologie und Strafrechtsreform* 37 (1954) pp. 59-82, here p. 70. Even more trapped in traditional thought patterns was Ferdinand WIETHOLD: *Kriminalbiologische Behandlungen von Sittlichkeitsverbrechern*. In: Hans BURGER-PRINZ/ Hans GIESE (eds.): *Methoden der Behandlung sexueller Störungen* (Stuttgart: Enke 1952) pp. 36-45.

86) NASS: *Fornication with Children* p. 81.

wanted to punish the "prostituting paderasts" in adolescence (hustlers) by harsh measures and reintegrate them into the existing society. He recommended, among other things, the methods used in the Moringen model home, which until 1945 had been run as a "youth concentration camp" and was now run as a "reformatory" with identical staff.⁸⁷ The psychiatrist Hans W. Gruhle of the University of Heidelberg speculated on the forced incarceration of "at-risk" youth.⁸⁸ All of these researchers used the Federal Law on the Care of the Neglected and of Persons Threatened by Neglect, enacted at the end of 1953, as a basis for their work. The focus was no longer on combating the adult padophile, who was already under police surveillance, but on forcibly standardizing and adapting the youth. This can be seen as an attempt at prophylactic social rehabilitation: Padophiles and homosexuals were to be deprived of their field of activity, while at the same time the youth, rebellious in many respects, were to be criminalized and thus disciplined.⁸⁹ At the same time, psychiatrists complained about the behavior of young people.

87) Georg STEIGERTHAL: "Die gemeinlastigen Leute". Asoziale, Sozialschwierige, Gefährdete - Ihre Behandlung *in der* Vergangenheit und Aufgaben der Gegenwart. In: *Monatsschrift für Kriminologie und Strafrechtsreform* 38 (1955) pp. 1-26, here p. 24. Very similar concepts were also found in U.S. research since 1916; see Martin H. NEUMEYER: *Juvenile delinquency in modern society* (Toronto: van Norstrand 1949) p. 11.

88) Hans W. GRUHLE: Die Unterbringung psychopathischer Verbrecher. In: *Monatsschrift für Kriminologie und Strafrechtsreform* 36 (1953) pp. 6-10, here p. 7.

89) See also, for example, Agnete BRAESTRUP: Juvenile male prostitution. In: Hans HARMSEN (ed.): *Die gesunde Familie in ethischer, sexwissenschaftlicher und psychologischer Sicht. Vorträge, gehalten auf dem Internationalen Kongress der IPPF in Berlin 1957 unter Mitwirkung der Deutschen Gesellschaft für Ehe und Familie* (Stuttgart: Enke 1958) S. 77-80.

tions of pedophiles who refused to recognize their behavior as pathological and felt themselves to be victims of an unjust justice system.⁹⁰ What is striking about these debates is the almost complete absence of psychological research. Instead, the biologization of the sexuality debates, which had been taken to extremes in the years 1933 to 1945, was maintained. Psychoanalysis, which had been partly smashed in 1933 and partly "aryanized," was at odds with itself, and university psychology had no profile of its own. Mostly, autohypnosis or autogenic training were recommended as therapies to prevent the perception of sexual "signal stimuli."⁹¹ In the late 1940s, the neopsychoanalysts who had split off from Freud attempted to derive concepts for the explanation of sexual perversions from dream interpretations alone. Harald Schultz-Hencke, for example, explained, on the basis of a dream of an adult man, that the urge to unite the dreamer with a 12-year-old child of unknown sex and the dreamed landscape were indicative of the fact that the child was perceived as a sex symbol and that the pedophile strove to make the child a sex symbol.

"object of love".⁹² Researchers who were open to psychosomatics sought the approaches of

90) Willibald RASCH: Die Frage nach der strafrechtlichen Verantwortlichkeit. In: Hans GIESE / Victor Emil VON GEBSATTEL (Eds.): Psychopathologie der Sexualität (Stuttgart: Enke 1962).

In retrospect, it seems almost incomprehensible that the doctors actually expected the pedophiles to answer to them in confidence, while the same psychiatrists demanded the forced castration of "moral offenders."

91) D. LANGEN: Psychotherapie bei Sexual-Delinquenten. In: F. G. VON STOCKERT (Ed.): Die Pedophilie und ihre strafrechtliche Problematik. Vorträge gehalten auf dem 8. Kongress der Deutschen Gesellschaft für Sexualforschung vom 25. bis 27. Mai 1964 in Karlsruhe, 2. Teil (Stuttgart: Enke 1965) pp. 80-85, here p. 83.

92) SCHULTZ-HENCKE: Textbook pp. 268-271.

Sigmund Freud and Victor Emil von Gebssattel, which resulted in an approach to Hans Giese's positions.⁹³

The right-wary view of adolescent sexuality held by numerous pedagogues, psychologists and physicians was relativized in the course of the 1960s. The radical, often older representatives of a racially hygienic sexual medicine dropped out of the discourse, and at the same time the Kinsey reports were received with regard to their significance for the sexual development of the youth.⁹⁴ This included

Among other things, the fact that sexual maturity in girls is reached by the age of 13 considerably reduced the effectiveness of the moral associations' argument that comprehensive protection of minors must be guaranteed until the age of 21.⁹⁵ At the same time, Kinsey's reception revolutionized the assessment of the credibility of children and adolescents as prosecution witnesses in court. Outmoded prejudices, according to which adolescents were generally assumed to lack logic and judgment, gradually disappeared from the discussion.⁹⁶ However

93) See, for example, Hans KUNZ: Zur Theorie der Perversion. In: *Monatschrift für Psychiatrie und Neurologie* 105 (1943) pp. 1-103, here p. 77.

94) Helmut SCHELKY: Nature and Norm. In: Helmut KENTLER (ed.): *Sexualwesen Mensch. Texte zur Erforschung der Sexualität* (München: Piper 1988) pp. 234-242, here p. 237. On the rather conservative reception see Hans LUTZ: *Das Menschenbild der Kinsey Reporte. Analysis and Critique of the Philosophical-Ethical Presuppositions* (Stuttgart: Enke 1957).

95) Reinhart WOLFF: Der Einbruch der Sexualmoral. In: Katharina RUTSCHKY / Reinhart WOLFF (eds.): *Handbuch sexueller Missbrauch* (Hamburg: Klein 1994) pp. 77-96, here p. 79. Corresponding considerations had already been advocated in a racial-hygienic context before 1945, but had fallen out of the discourse after the end of the war; see, e.g., Wilfried ZELLER: *Entwicklung und Körperform der Knaben und Mädchen von vierzehn Jahren* (Berlin: Springer 1939) S. 38-40.

96) Elisabeth MDLLER-LUCKMANN: *Über die Glaubwürdigkeit kind-*

especially youth psychologists continue to emphasize the danger that suggestive and thus false questioning techniques pose for the credibility of witnesses.⁹⁷

The Kinsey Reports provoked further opposition, since the incidents in adolescence, which Kinsey described as "sex-play," were understood by German researchers as abuse.⁹⁸ In literary terms, children's sexuality in these years was mainly explained in the novel "Lolita" by Vladimir Nabokov.⁹⁹ In addition, sex education was carried out by press organs that were not subject to the supervision of the moral watchdogs, most of whom were close to the CDU. However, they continued to propagate a completely desexualized childhood free of "character-ruining" doctor games or onanism.¹⁰⁰ Women in their role as mothers were positioned as the protectors of children against the inhospitality of the world of the eye.¹⁰¹ The guardians of morality sought to

licher und jugendlicher Zeugeninnen bei Sexualdelikten (Stuttgart: Enke 1959) p. 12.

97) Ibid pp. 89-91.

98) Erika GEISLER: The Sexually Abused Child. Beitrag zur sexuellen Entwicklung, ihre Gefährdung und zu forensischen Fragen (Göttingen: Verlag für medizinische Psychologie 1959) p. 7.

99) The novel first appeared in 1955 and was published in German in 1959: Vladimir NABOKOV: Lolita. Novel. Translated from the American by Helen Hessel (Hamburg: Rowohlt 1959).

100) Gunter AMENDT: The Sex Book. Aufklärung für Jugendliche und junge Erwachsene, 2nd edition (Berlin: Elefant-Press 1993).

The problem was that, although the aim was to accept a sexuality that was lived smoothly, it was at the same time supposed to be monogamous, and inherited social taboos were supposed to remain untouched; see C. BIBBY: Erziehung zum richtigen Familienverhalten. In: Hans HARMSSEN (ed.): Die gesunde Familie in ethischer, sexwissenschaftlicher und psychologischer Sicht. Vorträge, gehalten auf dem Internationalen Kongress der IPPF in Berlin 1957 unter Mitwirkung der Deutschen Gesellschaft für Ehe und Familie (Stuttgart: Enke 1958) S. 35-38.

101) Michael SCHETSCHKE: From Drive Behavior to Abuse.

the close contact with the local police, in whose departments mostly the same officers for 1945 homosexuals and pedophiles were prosecuted.¹⁰² Moreover, committed theologians demanded a strict punishment of pedophiles, without caring about the exact circumstances of the acts often committed within the clear "Christian family".¹⁰³

The last effort of the conservative in politics and society was the draft of a new penal code (E 1962), which foresaw a radical tightening of the protection of minors, but which was already being talked up within the CDU/CSU-FDP coalition. Comprehensive surveillance and unrestricted detention in special institutions were envisaged.¹⁰⁴ A whole series of outstanding researchers led by Hans Giese and Hans Bürger-Prinz formed a defense against this draft penal law. Thus it was emphasized that the parts of the "E 1962", which concerned sexuality, without any reference to reality and the modern "nature of man".¹⁰⁵

Changing Interpretations of Sexual Contact between Adults and Children. In: Katharina RUTSCHKY / Reinhart WOLFF (eds.): *Handbuch sexueller Missbrauch* (Hamburg: Klein 1994) pp. 32-46, here p. 41.

102) Michael SCHON: *Sitte und Sittlichkeit. Gay Men and the Police in the Early Years of the Federal Republic of Germany*. In: Jens DOBLER (ed.): *Schwule, Lesben, Polizei. Vom Zwangsverhältnis zur Zweckhehe?* (Berlin: Verlag rosa Winkel 1996) pp. 83-94, here p. 84.

103) See, for example, D. H. SCHOMERUS: *The Pedophile and his Victim in Theological Perspective*. In: F. G. VON STOCKERT (ed.): *Das sexuell gefährdete Kind. Vorträge gehalten auf dem 8. Kongress der Deutschen Gesellschaft für Sexualforschung vom 25. bis 27. Mai 1964 in Karlsruhe, 1. Teil* (Stuttgart: Enke 1964) S. 80-87, here S. 83.

104) K. LACKNER: *Kriminalpolitische und gesetzgeberische Maßnahmen*. In: F. G. VON STOCKERT (ed.): *Die Pedophilie und ihre strafrechtliche Problematik. Vorträge gehalten auf dem 8. Kongress der Deutschen Gesellschaft für Sexualforschung vom 25. bis 27. Mai 1964 in Karlsruhe, 2. Teil* (Stuttgart: Enke 1965) S. 101-109, here S. 104.

105) Ulrich KLUG: *Philosophy of Law and Politics of Law*

Theodor W. Adorno even pleaded for a de-tabooing of the "In his view, the judicial decisions in morality trials were fundamentally devoid of any logic and merely aligned with the patronizing laws for the protection of minors. The psychological damage inflicted on children and adolescents by pedophiles was by no means proven and was "for the time being merely asserted."¹⁰⁷ This statement met with rejection not only on the part of conservative "Christian" politicians, but also provoked rebuttals within sexual research. August Friedemann, for example, claimed that pado-sexual activities automatically lead to traumatization, which in turn leads to neglect. The pado phile himself was psychologically defective.¹⁰⁸ Friedemann received support from other researchers.¹⁰⁹

However, this debate also focused on the active participation of young people in sexual contact.¹¹⁰ A little later, several criminologists acknowledged that the efforts made since the early 1950s had not been successful.

Problems of Sexual Criminal Law. In: Fritz BAUER / Hans BURGER PRINZ / Hans GIESE / Herbert JAGER (eds.): *Sexualität und Verbrechen. Beiträge zur Strafrechtsreform* (Frankfurt am Main: S. Fischer 1963) pp. 27-47, here p. 29.

106) Theodor W. ADORNO: Sexual Taboos and the Law Today. In: *Ibidem* pp. 299-317, here p. 309.

107) *Ibidem* p. 310.

108) A. FRIEDEMANN: Spatula Damage in Children and Adolescents. In: F. G. VON STOCKERT (Ed.): *Das sexuell gefährdete Kind. Lectures given at the 8th Congress of the German Society for Sexual Research, Karlsruhe, May 25-27, 1964, Part 1.* (Stuttgart: Enke 1964) pp. 8-26, here pp. 15, 25.

109) Hans Joachim SCHNEIDER: The Pedophilic Offender and his Victim. Conference Report. In: *Monatsschrift für Kriminologie und Strafrechtsreform* 48 (1965) pp. 91-94, here p. 92.

110) *Ibidem* p. 94.

Attempts to break up the self-organizing "youth gangs" that were rebelling against the adult world had failed completely.¹¹¹ Furthermore, these youths were violating "basic social-ethical norms"; all the educational theories of criminology that had been ventilated since the 1920s were outdated. The sexual morality that had remained unchanged between 1949 and the beginning of the 1960s began to unravel.¹¹² The collapse of biologicistic criminology, the swelling debate about the reform of sexual criminal law, the loss of importance of the churches, the end of the CDU/CSU-FDP coalition, and the student revolt that was forming began the breaking away of old world views and accelerated the fundamental questioning of sexual theoretical models of thought. The rock concerts of various foreign groups served as a social outlet for the release of pent-up anger.

The change in the overall social climate also made it possible to take a new look at pedophilia and its treatment. Criminologists and psychologists emphasized the dangers of the "domestic milieu," deplored the high number of unreported cases, and doubted the asexuality of children and adolescents that had been assumed until then.¹¹³ They also described the nature of pedophilia and its treatment.

111) Karl PETERS: Die Grundlagen der Behandlung jugendlicher Rechtsbrecher. In: *Monatsschrift für Kriminologie und Strafrechtsreform* 49 (1966) pp. 49-62, here p. 56; Konrad HOBE: Die Banden Jugendlicher. Criminological Weekend Colloquium in Heidelberg, February 6 and 7, 1965, in *Monatsschrift für Kriminologie und Strafrechtsreform* 49 (1966) pp. 240-243, here p. 242.

112) UNDEUTSCH: Die psychische Entwicklung p. 36.

113) Otfried ALBRECHT: Fornication with Children. A criminological-criminal investigation using file material from the district court of Kiel from the year 1959. *Diss. Kiel* (1964) pp. 17, 57, 183; GEISLER: Das sexuell missbrauchte Kind pp. 13, 48; Günter WEISS: Die Kinderschandung (Hamburg: Kriminalistik 1963) pp. 46, 114, 145. GDR research also came to very similar conclusions; see F. BARYLLA: Zur Klinik und forensischen

sexual contacts. According to this, simple touching and masturbation were the most frequent forms of contact.¹¹⁴ Instead of brutal retributive punishments, there had to be a reorganization of sexual education.¹¹⁵ The idea of a fundamental connection between pedophilia and psychopathy fell out of the discussion.¹¹⁶ At the eighth congress of the German Society for Sexual Research in May 1964, there were bitter discussions about pedophilia. While Friedrich Stumpf

- based on the research of Konrad Lorenz - spoke of a biologically determined sexuality, Hans Burger Prinz emphasized the role of the environment and the possibility of variation in sexual life.¹¹⁷ Hans Giese tried to relativize the similarities between homosexual and pado-homosexual behavior, so as not to undermine his project of abolishing § 175.

Psychiatry of Pedophilia. In: *Psychiatrie, Neurologie und medizinische Psychologie* 17 (1965) S. 217-221; H. RENNERT: Untersuchungen zur Gefährdung der Jugend und zur Dunkelziffer bei sexuellen Straftaten. On the slow development of GDR sex research, see Siegfried SCHNABL: Sexuelle Störungen - Verbreitung, Zusammenhänge, Konsequenzen. In: Joachim S. HOH MANN (ed.): *Sexuologie in der DDR* (Berlin: Dietz 1991) pp. 116-141.

114) Hermann GERBENER: Die Kriminalität der Kinderschändung im Landgerichtsbezirk Duisburg im Jahre 1950-1954. Our. Diss. Bonn 1966) p. 34.

115) GEISLER: The Sexually Abused Child p. 107.

116) Rudolf WYSS: Unzucht mit Kindern. Untersuchungen zur Frage der sogenannten Pedophilie (Berlin: Springer 1967) p. 3.

117) F. STUMPF: The Personality of the Pedophile. In: F. G. VON STOCKERT (Ed.): *Die Pedophilie und ihre strafrechtliche Problematik*. Lectures given at the 8th Congress of the German Society for Sexual Research, Karlsruhe, May 25-27, 1964, 2. part (Stuttgart: Enke 1965) pp. 1-17, here pp. 12, 15; H. BORGER. PRINZ: The personhood of the pedophile (co-lecture). In: *Ibidem* pp. 18-23, here p. 19.

118 At the same time, he let it be known what a low opinion he had of the culture of discourse in the FRG. When asked whether heterosexual people could not learn from paedophiles to understand children better, he replied: "Our culture can no longer make a U-turn, quite apart from the fact that it remains to be seen whether it is still worthwhile for this culture at all.

There was a total disagreement between the participants of the conference on the question of the accountability of sexual acts and the role of the expert witnesses. While Siegfried Haddenbrock argued that one should go beyond the existing paragraphs and - understandable for the judge - question the possible non-violent nature of the sexual contact as well as the biographical environment of the perpetrator,¹²⁰ other psychiatrists declared that it was only a question of sanity.¹²¹ Here, however, there was also disagreement.

118) H. GIESE: Zur Diagnose Paedophilie. In: F. G. VON STOCKERT (Ed.): Die Paedophilie und ihre strafrechtliche Problematik. Vorträge gehalten auf dem 8. Kongress der Deutschen Gesellschaft für Sexualforschung vom 25. bis 27. Mai 1964 in Karlsruhe, 2. Teil (Stuttgart: Enke 1965) S. 24-29, hier S. 26. Also later Giese excluded paedosexuality in connection with the decriminalization of adult homosexuality; see Hans GIESE: Homosexuelles Verhalten als Straftatbestand. In: Hans GIESE (ed.): Homosexualität oder Politik mit dem § 175 (Reinbek: Rowohlt 1967) pp. 5-12.

119) GIESE: Zur Diagnose Paedophilie S. 28.

120) S. HADDENBROCK: Das psychiatrische Gutachten zur Beurteilung der Schuldfähigkeit von Triebtätern mit besonderer Berücksichtigung der Paedophilie. In: VON STOCKERT (ed.): Die Paedophilie und ihre strafrechtliche Problematik pp. 56-68, here p. 62.

121) P.-A. FISCHER: Probleme des Sachverständigen Gutachten bei der Paedophilie. In: VON STOCKERT (Ed.): Die Paedophilie und ihre strafrechtliche Problematik S. 30-41, here S. 30; G. HUBER: Zur forensisch-psychiatrischen Begutachtung paedophiler Sexualdelinquenten. In: Ibenda pp. 42-55, here p. 42.