The Hirschfeld Archives
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The previous chapters establish how colonialism framed the emergence of a rights-oriented sexual science and that both direct experiences of violence and the witnessing of violence against others shaped a collective sense of queer existence. This chapter shifts the focus to Hirschfeld’s often overlooked writings on sexual crimes and what we would today call abuse.¹ This material constitutes a difficult archive, partly because it deals with the lives of subjects whose own voices cannot be heard independently from Hirschfeld’s narrative and partly because the historically contingent categories of abuse and same-sex perversion remain closely tied in modern debates about sexual violence and its punishment. By tracking Hirschfeld’s somewhat uneven engagement with protomodern debates about abuse, consent, and the treatment of sexual offenders and their victims, I aim to gain a better understanding of the overlaps and proximities between distinct histories of sexuality and sexual violence. The investigation is prompted by the realization that while the different kinds of abuse and violence discussed here all have their own distinct histories—historians of childhood have tracked the changing cultural attitudes and the social and legal transformations that gave birth to the notion of a “protected” childhood during the height of capitalist and colonial expansion in the West, feminist scholars have examined the long histories of violence against women, and historians of homosexuality have shown how movements against child prostitution were mobilized in
the criminalization of sex between men—we still know relatively little about how sexual reform campaigners such as Magnus Hirschfeld engaged with these debates.2

The chapter begins with a historical overview that places the contemporaneous emergence of homosexual rights alongside child protection efforts before considering Hirschfeld’s writings on sexual violence, which range from a critique of the castration of sexual offenders to comments on boy love, consent, sex education, systematic cruelty to children, and an oddly out of place discussion of intersex. This diverse and little-discussed body of work raises questions about what counted as violence around 1900, a time when individual behaviors (and the need to “correct” them) were typically considered in terms of their social implications. This is reflected in the language of the time, which deployed terms such as decency and corruption in place of the later category of abuse. Hirschfeld himself was among the first to embrace the emerging modern catalogue of “sexual offences,” which included, in addition to older words such as rape, categories such as coercion and violation.3 It was built around the understanding that individuals have “sexuellen Selbsterfüllungsrecht,” or the right to determine whether they want to engage in sexual acts.4 Yet if the emergence of this new vocabulary marks the beginning of a shift in understanding of different forms of interpersonal violence, the legal and medical debates around it indicate that older ideas about gender continued to influence what counted as abuse. Throughout the chapter I pay attention to Hirschfeld’s own terminology, but I also use the anachronisms abuse and sexual violence as umbrella terms for acts of, in this case mostly physical, cruelty. The anachronistic choice of terminology is not to obscure historical specificity. Instead I follow Louise Jackson’s observation that understanding of abusive behavior predated the modern coinage of the term,5 using the category of “abuse” similarly to Shani D’Cruze in her work on the history of sexual violence to examine how different kinds of violence might be linked.6 This broader approach emphasizes that homosexuality, and the violence against it, did not emerge in isolation but in a space of habitual, normal cruelty against bodies constructed as weak, perverse, or abhorrent. Hirschfeld’s disparate writings on all kinds of injurious practices show that a degree of intimate violence was normalized in modern German society.

An Age of Sexual Exploitation

Considering the complex synchronicities between the histories of male same-sex sexuality and child sexual abuse debates is in many ways a problematic undertaking. It is problematic because of the persistence of pernicious stereotyping about predatory homosexuals and lesbians, a rhetoric that
is still sometimes evoked in twenty-first-century discussions of pedophilia. It is problematic also because, as historians of homosexuality have pointed out, the emerging debates about the abuse and the protection of children—and childhood—at times directly turned against men who had sex with other men. In England it was famously an investigation into female child prostitution in the mid-1880s that contributed to the introduction of repressive anti-same-sex legislation. In 1885 the journalist W. T. Stead published a series of articles titled “The Maiden Tribute of Modern Babylon” in the *Pall Mall Gazette*. They contained the findings of an investigation Stead had conducted into child prostitution. His revelations of the ease of procuring sex with young girls—including details such as that some children were trafficked by their own mothers and that some doctors and midwives agreed to certify a girl’s virginity—caused a public outcry. Stead’s articles set in motion developments that would lead to Section 11 of the Criminal Amendment Act of 1885. Also known as the Labouchère amendment, the new law not only raised the age of consent from thirteen to sixteen but, via inclusion of the category of “gross indecency,” also effectively criminalized sex between men. Louise Jackson, in her study of child abuse in Victorian England, has pointed out that the focus of debate was almost entirely on the abuse of female children, “despite police knowledge of a market for adolescent boy prostitutes,” because many of the social purity campaigners and philanthropists concentrated specifically on the rescue of fallen women and girls. Furthermore, the diverse band of Victorian feminists who turned their attention to sexuality were predominantly concerned with women’s rights over their bodies and the denial of women’s access to sexual knowledge, topics that also preoccupied Hirschfeld’s feminist colleagues at the institute. The gendered focus of English sexual abuse debates and the introduction of laws against it—in addition to the increased age of consent, they also included criminalization of incest in 1908, although here too the focus was on girls—complicates the idea that legislation such as the Labouchère amendment was primarily driven by homophobia. Instead, as historians and critics such as Jackson and Jana Funke have in different ways made clear, such laws and “moral panics” were parts of broader attempts to protect children and women from male lust and sexual incontinence—even if in the process evidence of straight sexual abuse could turn into attacks specifically against men who had sex with other men.

The age of classification when words such as *homosexuality* and *heterosexuality* were coined also produced the modern *pedophile*. While pedophilia debates fully gained momentum only in the later twentieth century, the term itself was coined in the 1880s when it circulated among medical professionals invested in diagnosing sexual transgressions as well as crimes. The Austrian psychiatrist Richard von Krafft-Ebing, famous for his authorship of one of
sexology’s first textbooks, *Psychopathia Sexualis*, introduced the expression “paedophilia erotica.” Locating child sexual abuse in an emerging catalogue of sexual pathologies, which made little conceptual distinction between, say, shoe fetishism and abusive sexual behavior toward children, Krafft-Ebing defined “paedophilia erotica” as the phenomenon of “a sexually needy subject [being] drawn to children . . . by a morbid disposition.” He thus simultaneously pathologized and infantilized the abusive behavior. Krafft-Ebing’s notion of the “needy subject” anticipates some of the psychoanalytic theories of Sigmund Freud. Freud, who was briefly mentored by Krafft-Ebing in the early stages of his career, wrote about the impact of child sexual abuse on his adult patients in the 1890s as part of his controversial *Verführungstheorie* (seduction theory), originally premised on his patients having experienced actual abuse. But Freud soon discarded the theory, claiming that patient accounts of sexual abuse should be understood as fantastic rather than real.

While neither Freud nor Krafft-Ebing explicitly linked child sexual abuse to sexual orientation, the two were often considered together—for instance, in the work of Wilhelm Stekel, one of Freud’s early followers, who argued that pedophilia was a typical homosexual behavior, but also in the responses of some early homosexual activists whose attempts to distance the homosexual from the pedophile paradoxically reinforced the link. This association between homosexuality and pedophilia was made in one of the earliest studies of child sexual abuse, conducted by the Frenchman Auguste Ambroise Tardieu in the mid-nineteenth century. Largely ignored or dismissed by many of his scientific contemporaries, Tardieu gained infamy in histories of homosexuality for his measurements of male anuses and penises to determine whether a man had engaged in criminal sex with another man. However, his *Étude Médico-Légale sur les Attentats aux Mœurs* was also the first text to argue that child abuse was a widespread, rather than exceptional, occurrence. The works of Tardieu and the later sexologists and psychoanalysts illustrate some of the complex proximities between historical debates about homosexuality and child abuse, in terms of both the false links drawn between the two and the difficulties of teasing apart their distinct discursive histories.

Contemporaneous with the scientific developments around child sexual abuse, discourses about boy love gained renewed cultural traction in the Hellenic revival that shaped educated, middle-class homophile subcultures in the nineteenth century. Critics, who tend to treat these developments largely separately, have focused on the reception of Plato in homophile cultures where *pederasteia* was generally understood as the cross-generational friendship between an older, usually teacher-like, man and a boy. The boys in question could range in age from child to young adult. For instance, in contrast to figures such as Oscar Wilde’s Dorian Gray, the love object of Basil
Hayward, who was a young man stepping out into the world, some representations dealt with desire for younger boys. The boys who were the object of attraction in the poems of William Johnson, a teacher at Eton, for example, were of school age, and Johnson himself was forced to resign because parents found a letter he had sent to one of his pupils. Martha Vicinus has pointed out that boy love is a difficult subject for twenty-first-century critics not least because the adolescent boy already was a complex figure in nineteenth-century female as well as male same-sex cultures—a “liminal creature [who] could absorb and reflect a variety of sexual desires and emotional needs.”

According to Vicinus the “marginalization of the boy in analyses of literary history points to our own homophobia far more than to contemporary distaste for ‘the love that dare not speak its name.’” Yet if boy love could mean a number of things in the nineteenth century—and it is difficult to capture precisely the historical meanings of this multivalent concept that is today so overladen with abusive connotations—it is also clear that some of the nineteenth-century men who desired men were not only attracted to pederasteia but aware that relationships with, or even the public adoration of, youths might leave them open to charges of corruption. In a thought-provoking rereading of the work of the English literary critic and defender of “sexual inversion” John Addington Symonds, Jana Funke has noted that Symonds had made the distinction between his private acceptance, on occasion even celebration, of boy love and the need to represent homosexuality as a relationship between men. Funke argues that Symonds, writing at a time when many members of the homophile movement were generally in favor of boy love, was uncomfortable with publicly supporting the practice, claiming that “we cannot be Greek now,” by which he meant that members of his circle, who privately wrote quite extensively and positively about boy love, should not publicly discuss the issue if they were to avoid charges of corruption.

There are numerous explanations as to why Symonds was so alert to possible public condemnation, including his controversial defense of “sexual inversion” and his having to step down from an Oxford fellowship after his amorous letters to a choirboy were discovered. Furthermore, we might speculate that a public defender of homosexuality—albeit one with a fairly restricted readership such as Symonds—might have wanted to distance himself from the more overtly exploitative boy love narratives that circulated at the time. For example, in 1894 the Catholic convert John Francis Bloxham published under a pseudonym the short story “The Priest and the Acolyte,” which describes the sexual relationship between a priest and a boy. Lisa Hamilton, in her reading of the story, argues that “censure of their sexual relationship” is what drives them to commit double suicide.
narrative leaves little doubt that it is the priest who not only initiates the sexual encounters between them but, once their relationship is discovered, coerces the boy into killing himself with the words “You can die for me; you can die with me.”

“The Priest and the Acolyte” was published in the Oxford-based undergraduate journal *The Chameleon* alongside work by Oscar Wilde and Alfred Lord Douglas. During Wilde’s trial in 1895 the prosecutor who cross-examined him read aloud the poem on shame that prefaced “The Priest and the Acolyte” in a bid to get Wilde to admit his knowledge of the author and the sexual practices alluded to in the story. The ensuing dialogue prompted Wilde, who called Bloxham’s work “obscure,” to utter the now famous defense of Douglas’s poem “Two Loves,” which mentions “the love that dare not speak its name.”

The example illustrates how some antihomosexual efforts equated homosexuality per se with child abuse. The publication of Bloxham’s story in the same journal with Wilde’s work and Wilde’s own antics with rent boys suggest that the boundaries between consenting same-sex subcultures and practices of sexual exploitation could be just as porous as the line between straight sex and abuse.

The English debates provide a useful context for Hirschfeld’s writings. While in contrast to England, age of consent played a comparatively small role in German homosexual rights legislation, questions about consent and abuse nevertheless implicitly underpinned many of the German discussions about sexuality. Hirschfeld frequently made reference to English contexts, claiming, for instance, that the English age-of-consent debates stand in “curious contradiction” to attempts to “protect youths from sexual education” and citing Symonds’s observations on Hellenic love in a discussion of “Jünglingsliebe” (love of male youths). While Hirschfeld wrote relatively little on child sex or prostitution in Germany, he includes in *Die Homosexualität des Mannes und des Weibes*, in addition to the discussion of Hellenic boy love, a summary of the account of an American missionary to Peking who had visited various *Knabenbordelle*, or boy brothels. The narrative explains in some detail the process of meeting boys as young as around twelve years old who could be bought “ready to do anything.” While Hirschfeld did not overtly condone the prostitution of these boys, unlike Stead in the 1880s he passed no moral judgment and paid little attention to the well-being of the boys. Instead he claimed to observe a specifically Chinese tolerance toward sex: “How little the [Chinese] people are offended by homosexual sex,” he writes, “is indicated by parents themselves leaving daughters as well as sons, often at a young age, with public houses [brothels] in the belief that this will secure them a better future.” At this stage in his life, Hirschfeld had not yet traveled to China and relied on the words of a Christian missionary to make his assertions. While his knowledge of China was secondhand, his choice of
words indicates that he tempered his observations for a German audience. Describing the fate of the young boys as a “profession” (*Beruf*), Hirschfeld explained that their age was *jugendlich*. In the above, I translate the word as “young age,” but it can also mean “youthful.” More precisely, however, *jugendlich* would have been understood as “adolescent” in the early twentieth century. Hirschfeld thus subtly implied that the Chinese boy prostitutes were of pubertal age, a rhetorical move that dissociates them and their clients from child sexual corruption and exploitation even if, or because, it was offset against the knowledge that some of the “adolescent” boys looked a mere twelve years old.

Critics have demonstrated that ideas about sexual maturity change across time and according to different cultural contexts and that the modern concept of age of consent was established in many countries only around the turn of the nineteenth century. While age of consent is not one of the main hallmarks of German homosexual rights developments, the age of sexual activity was nevertheless debated by defenders of homosexuality in the country. Some looked back to classical Greece for affirmation of cross-generational same-sex relationships. Adolf Brand, one of the founders of *Der Eigene* (The Autonomous), an early homophile journal, for instance, argued in favor of “intimate relationships between youths and men.” Others, however, sought to distance themselves from association with “child sexual abuse and molestation.” Hirschfeld’s reference to the age of the Chinese boy prostitutes suggests that he too was aware of changing attitudes about childhood and adolescent sexuality. Yet his retelling of a story of child prostitution in China paid little attention to questions of abuse, as he used the account instead to demonstrate an apparently particularly Chinese acceptance of homosexuality.

**Child Protection and Homosexual Rights**

Whereas age of consent was less a feature in German debates about sexuality than in English debates, the widespread introduction of anti-same-sex legislation coincided with emerging debates about the protection of children in both nations. Unlike the English debates about corruption, the German focus was on protection and predominantly concerned with issues relating to the social welfare and the legal situation of children. For example, the first *Kinderschutz-Verein*, or society for the protection of children, was founded in 1869 and initially at least focused on the welfare of *Haltekinder*, children who were looked after by people other than members of their own family. Historians of childhood have analyzed this development primarily in relation to shifting ideas about the family, society, and the state. However,
the beginnings of the notion that children need special kinds of legal protection and social welfare also coincided with the emergence of the first affirmative same-sex activism. Around the same time as debates about the legal guardianship of children began to gain momentum—including in relation to the development of a foster care system and processes that would allow the state to remove children from parents deemed unsuitable—the Hanoverian lawyer Karl Heinrich Ulrichs first started to publish pamphlets in support of what he called “mannmännliche Liebe” (man-manly love). Ulrichs first spoke out publicly against the criminalization of sex between men during a legal congress in Munich in 1867, which had gathered to discuss the development of a common penal code for the independent German states. In his speech he argued that man-manly love was a naturally occurring phenomenon and should therefore not be criminalized. While Ulrichs, who derived his ideas from Plato’s *Symposium*, elsewhere in his work referred to men who love boys, his terminology of man-manly love—which emphasized the adult nature of this love—suggests that he publicly sought to distance modern male same-sex love from classical *peederasteia*. The conceptual nuances of Ulrichs’s terminology were, however, lost on his Munich audience, which rejected the demand for the decriminalization of sex between men. According to Ulrichs’s account of the events, which was published in the book *Gladius furens* (Raging sword), his speech was met with outrage, even prompting some of the audience members to shout out an emphatic demand to “crucify, crucify” Ulrichs.

The contrast between Ulrichs’s emergent philosophical-legalistic homosexual rights discourse and the demand that he be crucified symbolizes the struggle between religious and secular authority that marks Western modernity. Ulrichs’s reception in Catholic Munich not only reveals the prevalence of religiously grounded social prejudice even in professional, secular contexts but also anticipates the so-called *Kulturkampf* (culture war), a power struggle between church and state that marked the first decade or so of the new Wilhelmine Empire. The term *Kulturkampf* was coined by the influential physician Rudolf Virchow, one of Hirschfeld’s doctoral examiners, who is famous today for his work on pathology and public health. It refers to the clash between the Catholic Church and the (Protestant and Prussian-dominated) German Empire, which sought to separate religion from the state. More broadly, the term also describes a time of heightened tensions within the German Empire when antisemitism was on the rise and social and political conflicts—especially in relation to the rise of socialism—marked the divide between conservatives, liberals, and political radicals.

By the time Hirschfeld started his sexual activism in the 1890s the main battle between the Catholic Church and the German Empire was over. The
Church had somewhat softened its stance, and agreements had been reached over previously contested issues such as civil marriage, a prospect causing widespread discomfort among Protestants as well as Catholics. However, concerns about the regulation of bodies continued to shape social and legal debates in the new German Empire, and these debates were frequently couched in the language of a struggle between cultures—language that also indicates the different political allegiances of sexual rights activists and framed their discussions of sexual violence and abuse. Most famously, perhaps, the radical Austrian psychoanalyst Wilhelm Reich returned to the terminology of the *Kulturkampf* in 1936 in his book *Die Sexualität im Kulturkampf* (Sexuality in the culture war), in which he argued that the attempts of reformers such as Hirschfeld had failed because they left unchallenged the capitalist framework that fed bourgeois sexual taboos, supported repressive institutions such as marriage, and enacted laws against a wide range of bodily practices including abortion and sex between men.\(^{46}\) If Reich was right in pointing out that Hirschfeld and his colleagues did not manage to effect comprehensive sexual reforms, it is also worth noting that the framework within which Hirschfeld placed his efforts was inspired by socialism and communism even if his realization of new modes of living remained limited.

In the 1920s Hirschfeld became increasingly interested in the politics of the new Soviet Union. He looked to the country for alternative ways of changing social attitudes to sex. In 1929 he wrote an article titled “New Morals for Old in Soviet Russia,” based on his travels though the country. It was published in the *Illustrated London News* in 1929—with the disclaimer that “the opinions expressed are [Hirschfeld’s] and not necessarily editorial”—to coincide with the meeting of the World League of Sexual Reform in London.\(^{47}\) At this meeting Hirschfeld presented talks on the history and current state of sexology, as well as a paper on indecency. The paper ostensibly dealt with incest and rape but also critiqued the uses of the word *indecency* in the antisemitic rhetoric that was gaining prominence in Germany. Hirschfeld held that *indecency* was no longer just a word for rape and incest but also used to describe an alleged “pollution” of “Aryan blood” caused by sex with Jews.\(^{48}\) Hirschfeld, deeply concerned about political developments in the country he still considered home, looked favorably on the Russian Revolution. Despite opening his article with the cautious statement that it was “too early to say whether [Lenin’s new civilization] is a success or a failure,” Hirschfeld clearly approved of the “fundamental . . . change in human relationships . . . adopted by the Soviets with respect to the family and the relations of men and women” and the “complete emancipation [of] women.”\(^{49}\)

The article includes a brief discussion on “protecting the child.” Noting with approval that “the protection of the child is the chief consideration of the
[Soviet] courts”—whereby “protection” in this context means legal guardianship—Hirschfeld argues that Soviet courts had a better understanding of family with their focus on the needs of the child.\(^50\) He cites the example of a couple who had abandoned their newborn but seven years later demanded that the foster parents return the child to them. Hirschfeld explains that the demand was “in accordance with the letter of the law” but that the court “decided to leave the child where it was happiest,” giving the fosterers the official status of parents.\(^51\) In other words, then, Hirschfeld approved of the idea that family is not based on biological relationships. Yet while his focus on the legal guardianship of children in Soviet Russia mirrors the debates of the German child protection movements and while he admired the innovations of Soviet Russia, especially in relation to the redefinition of family and sexual legislation—a second article he wrote in 1929 dealt specifically with modern Russian sexual law—Hirschfeld did not apply his newfound knowledge to critique fully the restrictions and inequalities of German family life.\(^52\)

**Violent Guardianship**

In German, the vocabulary used to describe the legal relationship of one person to another suggests that a degree of violence is conceptually inherent to life in the family and state. The German word for violence, *Gewalt*, describes a multitude of power relations ranging from the state to the parental. The word goes back to the Old High German *walden*, which similar to its Old English counterpart *welden* (also *wieldan* or *wealdan*) means “to wield, have power over, subdue.” In an English-speaking context, the introduction of the word *violence* in the thirteenth century—from Norman *violence* and Latin *violentia*, both associated with vehemence, impetuosity—effected a separation between *violence*, primarily associated with physical force and injury, and the political strength associated with the word *power*. While a similar distinction exists in German, in which *Macht* does some of the work of *power*, *Gewalt* nevertheless retains its associations with both physical violence and the exercise of power in all its forms. As *Staatsgewalt* it describes sovereignty and the institutions by which the state exercises power over its citizens. In the expression *Gewalt ausüben* it describes both the exercise of power and structural and interpersonal violence. Most revealingly, perhaps, in the phrase *in seiner [ihren] Gewalt sein*—which literally translates as “being subjected to his [her] violence”—*violence* is a synonym for legal guardianship, usually that of an adult over a child. The bracketing of the feminine version of the phrase signals that this power remained unequally gendered for much of modern German history. For while in the nineteenth century the emerging feminist
movement successfully campaigned for reformed divorce laws and the introduction of protection for mothers (*Mutterschutz*, which today is the term for paid maternity leave), the mother’s legal position toward her child remained unequal compared to that of the father until well into the twentieth century.

Around the time when Hirschfeld published his first book, the father’s legal and physical power over his children de facto increased. In addition to having sole legal power over the child—which went back to the 1794 Prussian Legal Code and would remain law until 1958, when the mother, as well as the father, gained the legal right to exercise “violent care” over her child—53—the father’s right to use “appropriate physical force”54 on his children was introduced in 1896 as Paragraph 1631 of the civil code of the German Empire and subsequently adopted into the revised penal code of 1900.55 The father’s right to beat his child coincided with the violence of German colonialism—1896 was the year the Great Industrial Exhibition of Berlin made a show of the victims of Germany’s colonial conquests—and the rising success of the feminist movement, which, while still struggling to change the legal position of German women, nevertheless increasingly let women’s bodies slip out of male control.56 The strengthening of the father’s legal power at this time is a forceful reminder that the loosening of certain forms of gendered and classed oppression did not bring equality. For instance, while women’s rights to property improved, and as Lynn Abrams has noted, the new German divorce laws were “comparatively liberal and tolerant” when viewed against the laws of many other European countries, these laws nevertheless denied women full financial and legal independence, and a divorce furthermore carried the risk that the woman would lose her “property and guardianship of any children.”57 In other words, despite the introduction of laws that aimed to provide greater autonomy for women and improve the rights of children, a married woman and her children remained legal subjects of the husband-cum-father.

Given that Hirschfeld was in favor of gender equality and supported child reform, it stands out that he paid so little attention to the abuse that might take place in a family context. Instead here too his focus was on presenting what we might today call sex-positive arguments for social reform. In 1930, for example, partly inspired by his visit to the Soviet Union, he published a book on *Sexualerziehung* (sex education), which was cowritten with the twenty-seven-year-old Ewald Bohm, a Swiss-Danish psychiatrist who would gain fame in the 1950s for his textbook on the Rorschach test.58 By the time Hirschfeld and Bohm turned their attention to the topic of sex education, the phenomenon of child sexuality had already received considerable attention, ranging from Krafft-Ebing’s early accounts of the very existence of the
sexual child to Freud’s model of formative child sexuality and to Hirschfeld’s own “Das urnische Kind” (The urning child), which he presented in a talk in 1903. Here he made the case that the “Uranian’s particularity” is already evident early on, typically manifesting itself in boys through their femininity, while both Uranian girls and boys tend to be introverted but good at school. Rather than addressing questions of child sexuality, however, the talk focused on the manifestations of homosexuality, a topic that continued to occupy Hirschfeld at the time. In contrast, his rival Albert Moll published an influential study, Das Sexualleben des Kindes, translated into English in 1912 by Eden Paul, one of Hirschfeld’s translators, as The Sexual Life of the Child, which dealt more specifically with the debates about child sexuality. Moll, who was against the political application of sexual science, insisted that child sexuality was different from adult sexual desires and emotions and hence could not be understood by merely extrapolating adult accounts of their desire.

Hirschfeld and Bohm’s later work on sex education shifted the focus from questions about an innate child sexual consciousness to the social contexts in which it was formed. Deeply critical of what they considered the potentially deadly contemporary sexual morality—the high death rate from illegal abortions and the belief that “most suicides . . . are caused by sexual concerns”—Hirschfeld and Bohm set out a long list of instructions on how to ensure that a child could develop free from social taboos and constraints. If this work might seem to echo Jean-Jacques Rousseau’s Romantic ideal of natural childhood as developed in Émile (1762), Hirschfeld and Bohm’s claims about childhood and education were derived from a critique of social problems such as abortion, prostitution, and the “thirst for [sex with] children.” In contrast to Rousseau’s philosophical ponderings, Hirschfeld and Bohm explicitly distanced their views on sex education from contemporary protopedophilia debates. Many of the points they made were radical for the time, such as that children should be told the truth about sex and reproduction, that the emphasis on gender distinctions through clothing should be delayed, and that all forms of corporal punishment should be abolished. Given the outspoken, comprehensive discussion of all kinds of sexual topics, and in light of their claim that “love ennobles every kind of sexual act,” it is striking that Hirschfeld and Bohm mention only in passing the importance of learning to distinguish right from wrong, or rather, in their words “truth and falsehood.” This is a small but significant point, for it suggests that understanding issues of consent was not yet on the agenda even in a project that challenged the silences around sex.
From Straight Castration to Intersex

Hirschfeld wrote about sexual abuse in more detail elsewhere, but with a focus specifically on the men who committed the abuse. In 1924, not long after founding the Institute of Sexual Science, Hirschfeld published a book on sexuality and criminality, *Sexualität und Kriminalität*, which covered many topics, including the treatment and punishment of *Kinderschänder* (male child abusers). While Hirschfeld acknowledged certain debts to Krafft-Ebing, he nevertheless avoided the term *pedophilia*, suggesting that he understood the men who sexually abused children not merely as “types.” Instead Hirschfeld was particularly concerned with what he considered the coercive use of castration—or the “forced removal of the gonads”—in the treatment of men imprisoned because they had been convicted of sexual offenses against children. These men were often presented with the option of having their gonads removed, usually in exchange for a reduced prison term. Hirschfeld called the practice a “violent mutilation” and an example of an injurious state punishment in which the bodies of certain kinds of offenders—namely, men who have sexually abused children—are deliberately mutilated. In many ways, the argument anticipates current twenty-first-century debates about “voluntary surgical castration” in Germany, where a castration law first passed August 15, 1969, is still in place. It allows imprisoned sexual offenders to apply for surgical castration. While observers are divided over the ethics and efficacy of such a drastic step, according to one study more than one application by prisoners who volunteer to undergo the procedure is approved each year. The legally supported treatment of sexual offenders with surgical castration contrasts markedly with another German initiative, the project Kein Täter Werden, or Don’t Offend. Inaugurated in 2005, Don’t Offend focuses on the prevention of sexual abuse. It provides confidential support for people—mostly men—who have already abused children or fear they may do so in future. Under German law, patient confidentiality is absolute, and doctors are not permitted to report offenders to the police. The Don’t Offend initiative matches potential and current offenders anonymously with a therapist, who then works with them to prevent abuse or stop it. Writing in the 1920s Hirschfeld anticipated some of the current debates about treatment and prevention. His views on the topic were, however, oddly contradictory at times, especially when questions of gender and sexuality entered the frame.

Hirschfeld’s discussion of intersex in this context is especially troubling, indicating the problematic historical situatedness of intersex bodies in the regulatory spaces between law and medicine. Despite his apparently
unequivocal opposition to the “violent mutilation”\(^72\) of state-supported castration, Hirschfeld emphasized that in certain cases those accused should be able to decide “whether they would prefer to lose their gonads or their liberty.”\(^73\)—namely, in cases when castration might cure what he calls a “dangerous disturbance of the sexual drive.”\(^74\) According to Hirschfeld, who claimed that only very few “Anomalien” (anomalies) fall into this category, it was specifically intersex men and women who might chose to have their reproductive organs removed to ensure that they “do not come into conflict with the law.”\(^75\) Hirschfeld noted that he observed in intersexual people who selected castration “a complete cessation of the sexual drive,” making no further comment on the violent policing of gender norms that informs such decisions.\(^76\) It is difficult today to recover the voices of the intersex people who came to Hirschfeld’s clinic, not least because some of his discussions of the patients who “want[ed] to align their physical appearance with their inner feelings” obscure the boundaries between intersex and transgender.\(^77\) Yet the above quotation clearly refers to intersex rather than access to medical technologies for transgender people seeking to change their bodies to fit their gender. By describing intersex bodies as “dangerous,” Hirschfeld troublingly fails to distinguish between intersex people and sexual offenders. Elsewhere in the text he claims to have met personally “tens of thousands” intersex people, arguing that their bodies are of no real “criminal importance” except that their “hermaphrodite” status can force them into situations that cause them end up in court.\(^78\) However, his insight that it is the law rather than intersex people that is dangerous is undermined by the argument that surgery can be an appropriate “protective” measure for people whose bodies and genitals do not conform to social norms and expectations.\(^79\) Hirschfeld’s favoring of surgery on intersex bodies, despite his claims that gender often remains undetermined or undiagnosed, appears at odds with his arguments that “sexual difference is quantitative”\(^80\) and that “everything in the universe flows into each other; nature knows no jumps, no crass opposition.”\(^81\) It anticipates the normalization of surgical mutilation of intersex bodies, bringing Hirschfeld in line with those medical practitioners who continue to perform irreversible operations on the bodies of people—often infants—whose genitals do not conform to the binary standard.

What might have motivated Hirschfeld’s writings here? Sufficient evidence supports the argument that his work on sexuality and criminality was influenced by a wish to ensure that homosexuality would be clearly taken out of the criminal equation and that this focus at times obscured his full apprehension of gender-based violence. His discussion of child sexual abuse, for instance, focused on the case of a married man who abused young girls. Hirschfeld observed that when the man first came to his clinic, he was stuck
in a cycle of sexually abusing girls, being imprisoned for it, and then on release immediately turning to abuse again. According to Hirschfeld his patient—whom he describes as “hardworking [and] quiet” and who arrived at the clinic accompanied by his wife—suffered from a “typically underdeveloped body” and a “playful sexual drive” that was satisfied when he touched little girls. Hirschfeld diagnosed the man with what he calls “psychosexual infantilism,” arguing that people who suffer from this condition would positively benefit from what he now simply called “Eingriff” (procedure), meaning castration. According to Freud’s “Totem and Taboo,” published in 1913, this kind of infantilism is characteristic of the neurotic who has failed to develop into an appropriate adult heterosexuality, instead failing “to get free from the psychosocial conditions that prevailed in his childhood or [returning] to them.” Whereas Freud is typically heteronormative, Hirschfeld’s analysis of “psychosexual infantilism” troublingly aligns mental and physical disability with child sexual abuse. “In honor of humanity it must be said,” he writes, “that upon careful examination most abusers of children turn out to be not arbitrary, malicious criminals, but people who are mentally, physically, and genitaly underdeveloped.” The argument that child sexual abusers are “underdeveloped” is problematic on a number of levels, including the attitudes it reveals to disability and its perpetuation of the racist and imperialist assumption that “neurotics” are akin to underdeveloped “savages.” Furthermore, Hirschfeld’s emphatic separation of what he calls the “male psychopaths who lay their hands on children” from an implicitly normal majority of the population lends these crimes an exceptional status, which does not reflect reality.

In her study *The Subject of Murder*, Lisa Downing has persuasively argued that society awards murderers an exceptional status in a bid to put a safe psychic distance between their crimes and the lives of “normal” people. Hirschfeld’s distinction between an implicitly normal social majority and the underdeveloped sexual abusers of children similarly obfuscates the everydayness of such abuse, and his recommendations for treating sexual offenders problematize his claims for the transformative potential of “rational sex education.” In the course of the narrative it becomes clear that the man had come to seek Hirschfeld’s advice because as a repeat sexual offender he was facing either further imprisonment or commitment to a psychiatric hospital. Linguistic slippages in this paragraph make it difficult to gauge whether Hirschfeld goes on to describe his own actions or that of his colleagues. But we know that he was involved in the man’s court case, recommending that the man be presented with the option of castration instead of a jail sentence. This was granted, and the man selected to undergo castration. While it is not clear whether Hirschfeld was involved in the procedure itself, he apparently
closely monitored his patient’s progress, and three years after the castration he considered the man cured.

Hirschfeld’s advocacy of the castration of an offender he had diagnosed with “psychosexual infantilism” raises questions about his own involvement in “corrective” surgeries on the bodies of people who were deemed to suffer from a psychological disorder. It further problematizes his views on intersex surgery, showing that despite his arguments for a more dispassionate scientific, rather than moralistic or emotional, response to sexual acts and bodies as well as sexual offenses, he considered surgery a solution to certain kinds of sexual “problems”; both sexual offending and intersex fell into this category. Hirschfeld presented surgery as something that would be in the interest of intersex people without citing the view of those affected. Similarly, his comments on the sexual abuse of children ignore the voices of the victims. Instead the analysis focuses on Hirschfeld’s broader interests in the criminalization of sex and a related concern with the treatment of what he called “Geschlechtsnot,” meaning both gender and sexual need. He thought that Geschlechtsnot affected women, men, and youths at the time because of a lack of sex education that caused all kinds of issues ranging from shame and suicidal feelings to an increase in abortion and prostitution. While he suggested that sexual science could provide a solution to these problems by educating lay people and legislators on matters of sex, both his passing comments on intersex and his analysis of the married man who abused young girls reveal that Hirschfeld’s sexological practice was implicated in coerced surgical procedures.

Beating Pedagogues

While Hirschfeld’s sexological practice was open to people whose sexually abusive acts were seen to render them beyond empathy and cure, his focus on the treatment of offenders tended to sideline the victims of abuse. This is illustrated by a little-known article Hirschfeld wrote in 1929 on corporal punishment, “Prügelpädagogen,” which manages simultaneously to critique the socially condoned abuse of children and ignore the experiences of victims. The word Prügelpädagogen, which has no single English equivalent, describes educators who use beatings and other forms of physical violence against children as part of their methods of discipline. By his own account, Hirschfeld was prompted to write the critique after revelations about the “unglaublichen Misshandlungen” (unbelievable mistreatment) of children in the state-funded Bavarian children’s home Mariaquell. The abuse was brought to public attention in spring 1929 by the Social Democrat councilor Therese Ammon, who would later be arrested by the Nazis and die in the
Theresienstadt concentration camp in 1944. According to an article in the radical left-wing feminist paper Die Unzufriedene (The discontent woman), Ammon reported that around seventy children who lived in Mariaquell suffered sustained physical abuse and cruelty under the governance of a medical doctor, Dr. Klippen, and a Jesuit pastor named Blumen. Three- and four-year-old children were regularly beaten with sticks and other implements; they were tied up and sometimes stuffed into sacks and left imprisoned in dark, airless cupboards for prolonged periods. Furthermore, even the smallest misdemeanors in the classroom—such as mere inattentiveness—were punished by withholding the small financial allowance that paid for the children’s food. As a result the youngsters were generally starving and weakened by the physical and mental effects of their cruel mistreatment.

Perhaps one of the most shocking aspects of this sad case is that despite Ammon’s exposé and the subsequent investigation it prompted, the people responsible for the abuse—Hirschfeld ironically calls them the “pious friends of children”—were never charged or tried for these acts. In other words the cruel and violent treatment of the children was not considered criminal. There is a dearth of contextual information on this case. However, according to the law of the time—the 1912 amendment to the German Criminal Code that made child abuse an “aggravated bodily injury”—the perpetrators should have been prosecuted. The introduction of this law did not mean that social attitudes to child-rearing changed fundamentally. Not until 2000, for instance, was a clause inserted in the German Civil Code that asserted a child’s right to be raised without violence (gewaltfreie Erziehung). However, while the 1990 UN Convention on the Rights of the Child (UNCRC) pledged to ensure that children’s upbringing be without “physical or mental violence [or] injury or abuse,” hitting children nevertheless remains part of everyday life across the world, including in countries such as the United States—which is famously only one of three nations with UN membership (the others being Somalia and the Sudan) not to have ratified the UNCRC—and the United Kingdom, which has signed the UNCRC but with the condition that parents may smack their child as long as the smack does not leave a mark on the child’s body. In 1920 the Mariaquell abuse in Germany, while extreme, nevertheless was on the spectrum of normal, everyday violence, especially against poor, orphaned, and abandoned children whose very existence was often seen as a marker of shame, transgression, and disorder.

Critics of corporal punishment and other injurious practices aimed at children have tended to conceptualize this violence as a form of interaction that seeks to undo children, reshaping them according to the perpetrator’s expectation. In contrast a thought-provoking reassessment of the issues at stake by Karen Wells and Heather Montgomery makes the case that “the intention
of violence against children is not to ‘unmake the world’ but to make it by incorporating the child into it in specific ways.”¹⁰⁰ Rather than considering violence as a form of control that seeks to isolate the abused subject from the social, Wells and Montgomery argue that “the violence of everyday life . . . [enters] children into the social order” in particular ways.¹⁰¹ The events in Mariaquell and their reception support this point. They indicate not only that violence was used to shape the children into an, admittedly particularly cruel, institutional routine. But they also suggest that a degree of physical violence was considered a normal, and to some extent an unremarkable, part of child-rearing in the early twentieth century.

**Victims Denied**

Hirschfeld similarly critiques the permissibility of certain forms of everyday abuse. The article quickly shifts from the abuse at Mariaquell to a broader discussion of what kind of violence is socially condoned. Hirschfeld cites the example of the treatment of a physical education teacher who was tried for touching his female pupils. The man, “P.Z.,” lost his job and was sent to prison for acting “tenderly toward a thirteen-year-old child.”¹⁰² Noting that he himself had been an expert witness in P.Z.’s court case, Hirschfeld emphasized that in his opinion the teacher was not guilty of a crime because he had lacked “unzüchtige Absicht” (indecent intent) when touching three girls, known as A, B, and C. Asking why the physical mistreatment of children in schools and care homes is so widely accepted while the “affectionate” touch of a male teacher is inevitably considered criminal, Hirschfeld writes:

> We certainly support the extensive protection of the young, but we are brave enough to say openly that the unequal measurement of a physical blow compared to a kiss on the cheek is one of the many inconsistencies that will be incomprehensible in a more enlightened society.¹⁰³

The “we” in this sentence refers to the team behind the *Die Aufklärung*, which was one of two journals published by the Institute of Sexual Science. While the other journal, titled *Die Ehe* (Marriage) and edited by the physician Ludwig Levy-Lenz, a pioneer of gender reassignment surgery, focused specifically on marriage, *Die Aufklärung* had more wide-reaching sex reform aims, publishing commentaries on all kinds of topical debates about sex alongside book reviews, anthropological studies, and German translations of extracts from Radclyffe Hall’s famous novel about female sexual inversion, *The Well of Loneliness*. 
Die Aufklärung literally translates into English as “the enlightenment,” but in German it could also mean sex education more specifically. The journal was cofounded by Hirschfeld and the anthropologist Maria Krische at the Institute of Sexual Science in 1929. The German historian of sexuality Volkmar Sigusch has argued that Krische’s work can barely be distinguished from that of her husband, Paul Krische. However, Krische was an active member of various sexual reform initiatives, and her single-authored articles in Die Aufklärung, which dealt mainly with sexual anthropology and, as so many other studies of the time, had a tendency to racial stereotyping, indicate that she worked independently on sex reform questions. Her contributions were perhaps further obscured by Hirschfeld’s coeditorship of the journal, not least because he had established an international reputation and dominated work at the institute by the time the journal was launched. Hirschfeld’s “we” in the above quotation implicitly linked his own analysis of P.Z.’s case to the homosexual reform demands that were at the heart of his political efforts. This contextual information helps explain what influenced Hirschfeld’s position toward P.Z. In defense of the teacher who “tenderly” touched three young girls, Hirschfeld appropriated arguments that were first developed in affirmative (male) homosexuality discourses, which favored classical models of pederasteia—or the relationship between older male teachers and their students—as a homosexual ideal. What is problematic about the narrative shift in focus from the victims of abuse in Mariaquell to the criminalization of a teacher who had touched his pupils is that Hirschfeld here first abandons the children who had been tortured in the care home and then fails to take account of the schoolgirls who had been subjected to the teacher’s touch.

Hirschfeld does not stop to ponder how the girls might have felt at the receiving end of what he calls the “fleeting, impulsive, nonpremeditated” touch of their teacher. Instead he notes that the teacher’s “touching” (das Anfassen, which can also be translated as “groping”) had “not extended to the girls’ private parts,” thus implicitly suggesting that P.Z. had not acted abusively because he had not touched the girls’ genitals. Antu Soreinen, in an analysis of how in the 1950s a series of cross-generational relationships between women and girls in a Finnish care home were misconstrued as abusive because they challenged heteronormative ideas about intimacy, has shown that careful attention to the multiple voices of all involved in such relationships is necessary to establish consent and the conditions of possibility that deny or enable it. Hirschfeld’s account of P.Z.’s case fails precisely because it relies entirely on one narrative: that of the teacher whose gender and professional position lent him the kind of authority that has historically been complicit in perpetuating, denying, and ignoring sexual abuse and violence against women, children, and young people.
While Hirschfeld is right to challenge the criminalization of the adult touch per se because it fosters damaging ideas about physical contact, it is equally problematic to fail to acknowledge unwanted forms of touch. The absence of a consideration of the girls, let alone whether they might have felt molested by the teacher suggests that Hirschfeld’s understanding of what counts as abusive behavior had gendered limits. The disjuncture between his criticism of the beating of children, which he considered a fundamental social problem, and the gendered blind spots that marked his take on a teacher touching his female pupils may come from a place of defense of homosexual relationships and the discursive need for establishing the tender, caring aspects of this socially ostracized form of intimacy. Yet Hirschfeld’s critique of the criminalization of the teacher who touched his pupils nevertheless perpetuates a long tradition of marginalizing female experience, here treating the bodies of women and girls as objects that are available to the male touch.

In the twenty-first century, gender politics are once more at the forefront of critical debate and activism. As many homosexual rights are won, including entry into conservative institutions such as marriage, itself part of a long history of structural violence against women, political battlegrounds are shifting toward transgender and intersex rights, slowly beginning to loosen the crushing grip of binary gender norms. Yet while visibility and recognition are no doubt greater today, ongoing gender inequalities—such as the recent spate of trials against people accused of “gender fraud,” the “bathroom debates,” and the continued surgical mutilations of intersex infants—serve as powerful reminders that binarism has a deep structural and social reach. Hirschfeld’s work challenged many of these assumptions, but it too was not always free of them. At times it was the parochialism of his own homosexual politics that obscured or denied his apprehension of other forms of suffering. For while Hirschfeld challenged many abusive practices and behaviors and argued for a new understanding of gender, his focus on straight abuse produced what we might call an impeded empathy: in this case an overt concern with dissociating (male) homosexuality from pervasive and pernicious stereotypes.108 Hirschfeld’s writings on, and reaction to, different kinds of abuse show that certain physical interventions, both medical and social, were normalized in the early twentieth century. If his accounts of child abuse suggest that there was an everydayness to adult-child violence, they also indicate that gendered assumptions about age and authority governed whether the touching of certain bodies was permissible. In many ways this history has been difficult to excavate because even today antihomosexual stereotyping is sometimes
superimposed on discussions of child sexual abuse. Furthermore, an element of violence as discipline has historically been a part of everyday child-rearing, if not necessarily in practice then certainly in assumption. Yet Hirschfeld’s work reveals more than the problematic historical convergences between antihomosexuality and child abuse discourses. His writings on sexuality and criminality, and especially his discussion of intersex in this context, show that the broader unspeakability of sexual matters created defensive blind spots in affirmative homosexual activism, which struggled at times to apprehend and challenge gender-based violence.