

**Homosexuals in Austria:
Nazi persecution and the
long struggle for rehabilitation**

by

Kurt Krickler

Kurt Krickler

Homosexual Initiative (HOSI) Vienna

Novaragasse 40

A-1020 Vienna

Austria

(voice) +43-1-5451310

(fax) +43-1-2166604

kurt.krickler@hosiwien.at

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Abstract

In recent years, the fate of homosexual men and women during the Nazi era has become more widely known and is no longer a topic only for historians or gay and lesbian activists. A significant amount of specialised, scientific research has been done that has improved our knowledge of the persecution of gays and lesbians by the Nazis. We now know that there were about 10,000-15,000 men sent to concentration camps on the grounds of their homosexuality and that 6,000-9,000 perished there. It is estimated that 10% of those victims were Austrian. Following the Nazi era, it was almost impossible for Austria's homosexual victims to demand and receive compensation for their suffering. Victims were treated as ordinary criminals, and politicians and officials avoided including this victim group in compensation and rehabilitation processes. In Austria, there has been no official apology by the Parliament to homosexual victims of Nazi crimes such as occurred in Germany in the year 2000. The reluctance of official Austria to deal with compensation, restitution and rehabilitation of homosexual Nazi victims is evidenced by the fact that it took 60 years after liberation for the Federal Nazi Victims Compensation Act to be amended to include homosexual victims.

Résumé

Depuis ces dernières années, nous en savons beaucoup plus sur le destin des homosexuel(le)s sous le nazisme, et ce sujet n'est plus le domaine réservé des historiens ou des activistes gays et lesbien(ne)s. Une grande quantité de recherches pointues et scientifiques ont été effectuées et ont amélioré notre connaissance pour ce qui est de la persécution des gays et lesbiennes par les nazis. Nous savons qu'entre 10000 et 15000 hommes furent envoyés en camps de concentration à cause de leur homosexualité et qu'entre 6000 et 9000 d'entre eux y périrent. On estime que 10% de ces victimes étaient de nationalité autrichienne. Après la période nazie, il était presque impossible pour les victimes homosexuelles d'origine autrichienne de quérir et de recevoir quelque compensation que ce fut pour leur tragédie. Les victimes étaient traitées comme d'ordinaires criminels, et les politiciens et autres hommes/femmes de pouvoir évitèrent d'inclure ce groupe de victimes dans les programmes de compensation et de réhabilitation. Le Parlement autrichien n'émit aucune excuse officielle aux victimes homosexuelles du nazisme – alors que le Parlement allemand le fit en 2000. La réticence de l'élite politique autrichienne envers la question des compensations, restitutions, et réhabilitation des victimes homosexuelles du nazisme est soulignée par le fait que les victimes homosexuelles ne furent incluses dans l'Acte Fédéral de Compensation pour les Victimes du Nazisme que soixante ans après la libération.

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1. Nazi persecution

In recent years, the fate of homosexual men and women during the Nazi era has become more widely known and is no longer a topic only for historians or gay and lesbian activists. A significant amount of specialised, scientific research has been done that has improved our knowledge about the persecution of gays and lesbians by the Nazis. This research has also challenged and debunked a number of commonly held views and myths that enjoyed considerable popular currency. One very important fact that scholarly research helped determine in recent years has been the number of gay men and lesbian women killed in concentration camps. I remember when we started the gay movement in Austria in the late 1970s, activists commonly referred to a “Homocaust,” and the estimates of the number of individuals murdered in the camps due to their being gay ran into the hundreds of thousands. Today, we know that this was completely wrong; the figures were highly exaggerated and there cannot be a comparison with the Holocaust at all. We now know that there were about 10,000-15,000 men killed in concentration camps on the grounds of their homosexuality. Of course, if you assume that – just as in any other population – 5 % of the six million people killed in Nazi camps were also homosexual, you can make the claim that 300,000 gays and lesbians were killed in the camps, but then you have to say that not all of these 300,000 were imprisoned and killed because of their homosexuality. This piece of information makes a big difference in this context.

Another myth that has been challenged is the assumption that lesbian women and gay men were treated in the same way by the Nazis and had to face the same fate. Once again, this has been shown to be false. Only in very few cases were lesbian women deported because of their sexuality. Indeed, lesbians who were deported often met this fate because they were considered “asocial” for not adhering to the gender roles assigned to German women by the Nazis, not strictly speaking because of their sexuality. Today we know that the persecution of lesbians was in no way as systemic as the persecution of gay men. This does not mean, however, that lesbians had a better life, but rather that they were better able to conceal their activities as lesbians. Of course, this strategy carried a high price, often forcing such women into traditional gender roles, and depriving many of an economically independent life as individuals. In this way lesbians suffered both at the individual and the collective levels. In the major cities where gay and lesbian networks and infrastructure had existed between the two World Wars, both communities saw these destroyed. However, while lesbians were forced, like gay men, back into their closets, it would be completely misleading to say that lesbians were systematically persecuted and sent to camps.

German lesbians did not face criminal prosecution during the Nazi era because female homosexuality was not illegal. This clearly indicates that lesbians – as women – were not taken as seriously as men. Female sexuality was not believed to have as decisive a social impact as male sexuality. As a result, female homosexuality was not considered as threatening to the demographic development of the Aryan race as was male homosexuality. While male homosexuality was consistently linked to seduction of young men into permanent homosexuality and thus considered a threat to society, there was a widespread belief amongst social scientists, and not only Nazi scientists, that female homosexuality was both not so widespread and much easier to change. For the Nazis the most important determinant of their attitude towards lesbians was the fact that these women could still become pregnant and bear children for the *Führer*. Once lesbians entered into married life, they believed, they would easily convert to heterosexuality.

There existed a sharp difference in the level of criminalisation of female homosexuality between Germany and Austria. Attempts were made to introduce German standards on the matter to Austrian law, however, these were never realised primarily due to the relatively short period of Nazi rule in Austria (1938-1945). As a result, in Austria, female homosexuality remained a criminal offence throughout all seven years of the *Anschluss* to the Third Reich, from 1938-45; and within the territory of the “Ostmark,” as Austria was called during these years, the police and criminal courts continued to prosecute women for homosexual acts according to Austrian law. However, we do not know of any case of a lesbian woman from Austria being deported to a concentration camp for committing homosexual acts. Rather, convicted lesbians were sent to regular prisons to serve their sentences.

In the 1930s, it was debated in Nazi Germany by penologists and other criminal law experts whether the ban on homosexual acts ought not to be extended to female homosexuality, and there were indeed experts who spoke out in favour of such an extension, but such changes never took place.

The following figures will draw a clearer picture of the magnitude of the persecution (see also Table I). In the Third Reich, between 1933 and 1945, around 100,000 gay men were arrested for homosexuality. Police and court investigations led to around 50,000 convictions. As mentioned earlier, 10,000-15,000 men were sent to concentration camps. Not all of these individuals were convicted by the court because the regular police and the Gestapo had the power to send homosexuals directly to a concentration camp, especially in cases of recidivism. It was also not unusual for first time offenders to serve their court imposed sentences in a prison setting and after completing these punishments, to be sent immediately to “protective custody” in a concentration camp instead of being released.

In the camps, homosexual prisoners were typically, together with Jewish prisoners, at the bottom end of the prisoner hierarchy, far below political or criminal prisoners. This helps explain why the survival rate among gay men also was among the lowest in the camps. Research suggests that 60 % of those 10-15,000 gay men sent to the camps perished there, i.e., 6,000-9,000 persons. It should be noted that these figures are for the “Old Reich” only, and do not include the figures for Austria. However, since Austria’s population was about a tenth of the German population, we may safely assume that around 600-900 Austrian gay men were sent to the camps (see Table I).

Rainer Hoffschmidt, a researcher in Germany, has studied the fate of individual gay men sent to concentration camps. He started his research based on the documentation and files left in the liberated camps and which were later stored in various archives. While the Nazis and the SS often tried to destroy the camps’ files and documentation in order not to leave evidence of their atrocities, they did not succeed in all cases. For example, the US army was able to save all the records from the Buchenwald camp near Weimar after it was liberated because the camp SS fled before they were able to destroy all the records.

After the end of the Soviet era in Eastern Europe, many formerly inaccessible archives in these countries were opened to researchers from Western countries, and so considerable research could be carried out in archives holding those camp records which managed to survive. To date, Hoffschmidt has been able to trace and collect the names of more than 3,000 gay men imprisoned in concentration camps.

While many of the records at the camp or “receiving” end have been destroyed, another way of adding more pieces to the overall mosaic is to do archive research at the “dispatching” end, that is, in the files archived by local police authorities and the courts. This is a much larger task because there are so many local and regional authorities where such files were produced. However, this is not the only problem: many courts and police authorities have actually destroyed these files in the intervening years, simply because they did not attach any historic value to them. For example, when efforts were undertaken in the 1980s to examine these records of court proceedings against homosexuals in the Austrian province of Styria, researchers discovered that these files no longer existed, having been destroyed due to ignorance of their historical value.

The importance that exactly this type of research could have in completing our picture of the situation of homosexuals in the Holocaust is illustrated by the following example. As is widely known, prisoners in the camps had to wear specific identification on their clothing, typically a coloured triangle made of fabric, in order to indicate how they had been classified. Different colours identified Jews (yellow), political prisoners (red), ordinary criminals (green), Jehovah’s Witnesses (purple), or so-called “asocials” (black) including Roma and Sinti (“gypsies”), prostitutes, lesbians, homeless people, drug and alcohol addicts or non-conformist youth. Homosexuals, meanwhile, received a pink triangle. With this knowledge, it has always been widely assumed that those men sent to the camps for having committed homosexual acts would have received a pink triangle – but recently, research into the files of the High Court district of Linz in the province of Upper Austria conducted by Albert Knoll of Munich has resulted in some surprising findings. In the court’s archives Knoll found more than 300 files of court proceedings against gay men and discovered that a third of these did not receive a pink triangle in the concentration camps, but were marked in other ways, such as with the letters “S.V.” which stood for “Sicherheitsverwahrung” (preventive custody) or “Schutzhaft” (protective custody) for recidivists, those who had been convicted for the same or other crimes before. Some even received a green triangle or the letters “B.V.” that stood for “Berufsverbrecher” (professional criminal).

As a result of Albert Knoll’s findings, we now know that relying on camp records to identify gay men in custody will not produce a complete list of those sent to the camps because many were classified in different categories. In order to make a comprehensive list of gay men sent to the camps because of their homosexuality, therefore, the individual data of every prisoner would need to be checked both at the dispatching end (the police and court files) and at the receiving end (the camp files). Due to the destruction of the relevant records, however, the research necessary to complete our picture can never be carried out. Indeed, due to funding strictures at the local and regional level, the situation is likely to worsen. In any event, one of the conclusions from Albert Knoll’s recent findings is that the estimates of 10,000 to 15,000 prisoners sent to concentration camps for their homosexuality is probably a conservative one.

Before providing further detailed data on the number of convictions of homosexuals during the period of Nazi rule, another difference between Austria and Germany should be highlighted. In Austria, the total ban on male and female homosexuality remained unchanged for more than a century. The relevant article in the Austrian criminal code (129 I b) remained in effect from 1852 up till 1971 when it was finally repealed. Austria has always been a very Catholic country in which the Roman-Catholic Church has had, and continues to have, a very strong political influence. Needless to say, homosexuality was also prohibited throughout the Middle Ages and also by all the penal codes before 1852. Indeed, between 1803 and 1852, the punishment provided for homosexual behaviour was “only” a prison term of up to one year,

while after 1852, and up till 1971, the law provided for a minimum sentence of one year in jail, and a maximum penalty of five years imprisonment. During this period in Austria, the ban on homosexual activity was quite complete, including mutual masturbation. In addition, invitation or the attempt to engage in homosexual activity was punishable as well.

In Germany, however, the relevant article in the criminal code, Paragraph 175, only prohibited sexual acts similar to intercourse, i.e., oral, anal and intercourse between the thighs. Mutual masturbation and joint masturbation were not punishable. Since intercourse-like acts mostly happened in private and, therefore, were difficult to prove, and since the kinds of sexual activity that usually occurred in public space (parks or public toilets) were not punishable, criminal proceedings involving such offences were relatively rare.

When the Nazis came to power in Germany in 1933, they were unsatisfied with this legal situation. Therefore, they amended Paragraph 175 in 1935 to broaden its applicability. This legislation made all same-sex sexual contacts illegal, and prohibited any behaviour deemed to have a sexual intent, including “simple looking” or “simple touching”. In addition, Article 20a of the German Penal Code was also used to pronounce more severe punishment for “Gewohnheitsverbrecher,” habitual criminals or recidivists. This provision was also later used in Austria, after the *Anschluss*.

After the 1935 reform of Paragraph 175 in Germany, this provision was now closer to Austria’s Paragraph 129, but more comprehensive. Therefore, the elements constituting the offence continued to differ. And indeed, there was some controversy regarding the jurisprudence of the Austrian courts after annexation so that even the Reich Ministry of Justice had to deal with the issue, urging Austrian courts to be stricter in their application of the Austrian law.

In any case both in Germany and in Austria the number of charges, police and court investigations, court cases, and convictions spiked dramatically – in Germany after the tightening up of the law in 1935, in Austria after the *Anschluss* in 1938 (see Table II). An examination of the figures for the German Reich, excluding the “Ostmark,” or Austria reveals the following. The number of convictions increased tenfold from 853 in 1933 to 8,562 five years later. Unfortunately, we do not have data for Austria for the years 1937 to 1945 as Austria ceased to exist in 1938 and separate statistics were not kept. However, we can see the increase in the number of convictions if we consider the figures for Vienna which do exist. With its two million inhabitants, Vienna accounted for roughly one third of Austria’s total population and can safely be assumed to have produced a similar proportion of convictions. If one compares convictions both before and after the annexation to the German Reich, we find an increase of between 40-100% in the period of 1939 to 1943. Bearing in mind that the majority of the male population actually was in the war, the increase can be considered even more dramatic.

Referring to Table II, some conclusions about the figures in the Ostmark may be drawn from the German figures of 1939. The number in brackets (8,274) includes the convictions in the Ostmark and other occupied Eastern territories. Since the ban on homosexuality was not really enforced in Czechoslovakia or in Poland, the difference of 660 cases in these figures can probably be attributed largely to the Ostmark. So while this does not indicate a dramatic increase for the whole of Austria compared to some years before the *Anschluss*, if we compare, for example, the 433 cases in 1935 with 660 cases in 1939, the difference, indeed, constitutes a considerable increase.

In general, we have to note that the figures for the years before 1933 clearly show that the legal prosecution of homosexuals was much more intense in Austria than in Germany. As mentioned before, Germany had and has ten times more inhabitants than Austria, but in many years Germany did not even have more than twice as many convictions as Austria – as can be seen in Table II for the years 1924 to 1934.

Before turning to the second part of this presentation – the struggle for rehabilitation after the fall of the Nazi regime – a few other features of the persecution of gay men should be highlighted. The increased intensity of persecution and pressure on homosexuals had a significant impact on the social lives of gay men. It was dangerous to make contact with unknown persons, because these strangers could be “agents provocateurs,” police informers, and any invitation could be a trap. It was also dangerous to be known to other gays because once arrested by the police or the Gestapo, torture and blackmail were used to extract the names of previous sex partners and other gay friends. Police and Gestapo would also search the house and confiscate the mail of persons suspected to be homosexual; under the 1935 legislation people could be arrested and sent to a concentration camp simply for writing or receiving a love letter. In addition, it was dangerous to frequent traditional meeting or cruising places such as parks, saunas or bars, because the police knew these places and carried out raids. Many people were also victims of denunciation by neighbours, colleagues and even relatives. Social control was intense, and thus many gay men and lesbians actually married in order not to be too obvious a target.

Once arrested or sentenced, a way of avoiding the concentration camp was to consent to “voluntary” castration. Many victims have characterised this surgery as a “psychic execution” and this practice also often resulted in subsequent illness, suicide and premature death. Another way of having one’s prison term suspended was to enlist with the army and to serve “voluntarily” at the war front – service which many, of course, did not survive.

Gay men were also subject to medical experiments. For example, the Danish SS doctor Carl Værnet made claims that he could turn homosexuals into heterosexuals by implanting an artificial testosterone gland into men’s bodies, a procedure he was allowed to carry out on prisoners in Buchenwald concentration camp.

2. The long struggle for rehabilitation

Immediately after the end of the Nazi era, it was almost impossible for Austria’s homosexual victims to demand and receive compensation for their suffering. The reasons for this are numerous and often not specific to gays and lesbians, but rather valid for other victim groups as well.

First, Austria was in chaos. Up to 1955, the country was occupied and divided into zones of control by the four allied forces: the Americans, the British, the French and the Soviets. At the war’s end, three million displaced persons made Austrian territory their home, this in addition to the 7 million permanent residents. The DPs came from many places in Europe, especially from Eastern Europe and the Balkans – mostly native Germans thrown out from the lost territories in East Prussia, Czechoslovakia or Silesia, but also people fleeing from Communist regimes. Austria lay in ruins, and there was simply not much to compensate people with.

With regard to gay victims, the issue was first and foremost one of compensation and rehabilitation. Unlike other victim groups, homosexuals did not have claims of restitution for looted property as their property had not typically been confiscated or looted after their convictions, and in case of death, their legal heirs would have inherited any property.

In the rare event that confiscation had taken place, however, homosexual victims saw their claims pale in comparison to those suffered in the general population when Soviet occupation authorities dismantled and packed up large numbers of factories and estates for transfer to the Soviet Union as part of war reparations. The whole question of restitution only made it onto the public agenda in the 1980s, in part because previously there were not the resources necessary to carry out any sort of meaningful restitution. Austria's unofficial government policy right from the beginning in the 1950s and 1960s was, as we know today from secret minutes of cabinet meetings, "to drag out the issue as long as possible," discouraging people from submitting claims by warning Jewish victims and their heirs that claiming restitution from the new and poor republic under re-construction would only cause new anti-Semitic feelings in the population.

In addition to this, Austria was very interested in keeping up the myth of having been Hitler's first victim. This official myth was only challenged after the Waldheim affair in the mid-1980s when Austria finally admitted that it was not only victim but also a responsible perpetrator. Only since then have attitudes slowly started to change as is evidenced by the recent restitution of the property looted by the Nazis from Jews deported to the camps or forced to emigrate and the compensation that has been paid to former forced and slave labourers. Given Austria's apparent status as the world's seventh most affluent country, these acts of restitution and compensation now have not only moral, but real financial consequences as well.

On a personal level, many gay victims faced significant impediments to claiming compensation. First of all there was their feeling of shame: the victims were simply ashamed of having been deported to the camps because of their homosexuality. With few exceptions, they did not dare and they did not want to talk with anybody, even their families, about the reason for their deportation. And in those cases where the victims were open to sharing their stories, they found very few people who wanted to listen. The general attitude was, please leave us alone; thank God, it's over; we don't want to deal with it.

This attitude was strikingly prevalent in the US documentary *Paragraph 175*. All the gay men interviewed tell a similar story. For most of them, men in their 80s and 90s, the film was the first time they had talked about their experiences. It is difficult for us living today to understand this, but such behaviours have been shown to be common to other victim groups too, not only gay men.

There were a few exceptions. One was a Viennese resident named Josef Kohout whose fate as a prisoner in various concentration camps for six years became known through Heinz Heger's *The Men With the Pink Triangle*, the first biography of a gay concentration camp prisoner to achieve wide circulation. Heinz Heger was in fact a pseudonym for Hans Neumann, another Viennese resident who used Kohout's personal accounts to tell the story. Neumann looked for a publishing house for several years, but could find no Austrian publisher interested in the story, and the work was first published in Germany in 1972. It has since become *the* standard work on the subject and has been translated into many languages. That no Austrian publisher in the 1960s and early 1970s could be found willing to release this important work is an indication of the climate of that time.

The protagonist of this work, Josef Kohout, is very much linked to the struggle for recognition and compensation for the gay victims of Nazi crimes in Austria. I once met him, and I clearly remember his account of how he was treated when he returned from the camp. After the cessation of hostilities in 1945, the City of Vienna established an office to support people returning from the camps. Kohout related that when he showed up they told him quite frankly that as a homosexual prisoner he would not receive any support. Later, when political parties started to recruit members, Kohout was told that, if he joined the Socialist or the Communist party, he could receive a “red” triangle and achieve victim status this way. He refused, however, insisting that he wanted to be recognised as a pink triangle prisoner. In the end, the only acknowledgement Kohout received from authorities of his victim status came in the form of a voucher which entitled him to purchase a gas-stove – such was the full extent of his “compensation.” These incidents help illustrate the attitude of Austrian society towards homosexual victims of the Nazi regime which prevailed at that time and in the decades which followed.

In 1947 Austria enacted legislation to provide some form of compensation to Nazi victims through the *Opferfürsorgegesetz* or Nazi Victims Compensation Act. This basically provided for the victims to receive official “victim status” and a “victim identity card.” As alluded to earlier, Austria’s depressed economic situation at this time limited the resources available for such a program and so compensation was limited to approximately 80 dollars for each month victims had been imprisoned in a camp. Even for a period of relative lack this was a ridiculously small amount of money. In addition to the cash compensation, the “victim card” entitled the bearers to a range of discounts and privileges; for example, when buying a ticket for the opera or the theatre, card holders could jump the queue. But such measures, while convenient, did little to provide substantial compensation and victim status was financially unattractive.

However, what was more important financially was the provision in the 1947 social insurance legislation which allowed for the periods victims spent in concentration camps to be included as pension contribution time. In Austria, employed people had to make a retirement pension contribution into the system on a monthly basis. Upon retirement, their monthly state pension was calculated based on the amount of time (measured in months) that they had contributed to the system during their working life. So if the time spent in camp were not included, this had the potential to make a huge difference to his or her monthly pension. So this part of the compensation provision has always been more important than the “victim status” as such.

When the first compensation legislation was enacted in 1947, it only covered those persons persecuted for racial, religious or political reasons. All the other victim groups were excluded: homosexuals, people with disabilities, so-called “asocial” people, and even Roma (“gypsies”). With regard to homosexuals, authorities and politicians justified this exclusion on the grounds that, since homosexuality was banned both before and after the Nazi period, even in democratic societies, the prosecution of homosexuality during the period of 1938 – 1945 could not be said to be the result of “typically National-Socialist ideology.”

The argument that, in a democratic society, people were not sent to camps without a court conviction or after having served their prison terms, was dismissed with the argument that the prosecution was based on a law that also existed in democratic societies. “Continuity” is the key aspect here. Homosexuality was illegal before and after the Nazi period. Therefore, society and

politics neither considered including gay victims in any rehabilitation or compensation scheme, nor considered repealing the law. The anti-homosexual propaganda to which society was exposed during the Nazi era helps explain why it took Germany and Austria so long to repeal the total ban on homosexuality after World War II – in West Germany until 1969, in Austria until 1971.

When we consider the numbers of convictions after the liberation (see Table III), we can see that these did not return to pre-war levels, but rather peaked in an unprecedented way in the 1950s. The number of convictions increased to more than 700, and to even more than 800 in 1955 – levels that were neither reached before nor during the Nazi period.

We can only speculate about the reasons why this happened, but it probably was due to a political climate that had become very conservative, a phenomenon that was European wide. In this climate, numerous countries tightened up their legislation against homosexuals, and while no total ban was introduced to a country where it had not existed before, higher ages of consent, and/or bans on prostitution or seduction were introduced. In the United States the atmosphere was poisoned by the McCarthy era while on a world level, there was the Cold War. In the post-war re-construction period in Europe, it was clearly felt desirable to force people into conservative social models. With a considerable part of the male population having been killed in the war or still held as war prisoners in the Soviet Union, there was little tolerance for non-conformist life-styles which were seen to keep men and women from procreating. Strong social pressures existed for families to have numerous children, population policies with strong echoes of those propagated by National-Socialist ideology.

In any case, in Austria homosexuality continued to be considered as an ordinary crime. Many gay men had to experience this after the war and liberation. A perfect example of this is Erwin Widschwenter who is still alive at 97 years of age. In January 1944 he was arrested in a public bath in Vienna when police carried out a raid. In May 1944 he was sentenced to a prison term of five years and sent to Stein Prison near Vienna. With the Red Army approaching in April 1945, the SS invaded the prison with the intention of liquidating all the inmates. Hundreds of inmates were killed in what came to be known as the “Bloody Friday of Stein,” but Erwin and a few others survived. They were evacuated to prisons in Germany, and so Widschwenter ended up in a prison in Bavaria. When the US army liberated that part of Germany, most of the prisoners were released, the only exceptions being the Communists and the homosexuals. The Americans only released him in May of 1946, over a year after liberation. Upon his return to Austria, Widschwenter found himself treated as an ordinary criminal, banned from taking up his former job as a civil servant in the tax collection office. People convicted for homosexuality had to face the same consequences as ordinary criminals and these included not being able to work in the public services, the loss of civic rights including the right to vote in elections, the revoking of their academic and professional degrees and licenses and in some cases people even lost their drivers licence if they had used their car to go to the places where they committed their crimes, i.e. when they visited their partner. From today’s perspective it is hard to believe, but such practices existed up until 1971.

Some gay men also experienced a very special form of continuity. After the war, many found themselves arrested by the same policemen and sentenced by the same judges they had dealt with during the Nazi period because these people, although often convinced Nazis, continued to work in their positions.

As a result, it is fair to say that the post-war climate was definitely neither favourable to a repealing of the legislation criminalizing homosexual behaviour nor to the recognition of Nazism's homosexual victims. Indeed, the widely performed Denazification processes certainly did not include any attempt to expunge the Nazis' homophobic attitudes. The aftermath of Nazi homophobic brainwashing continued to be felt in the early 1980s when the gay and lesbian movement started and made its first public appearances. I remember reactions from people when we had put up our first information stands in Vienna's streets at that time. Although homosexuality was no longer illegal, some passers-by were angry enough to shout, "People like you would have been gassed by Hitler. He was right to do so and you have no right to stand here." Today, of course, things have changed, but the effects of Nazi propaganda on an Austrian society already negatively predisposed towards homosexuals thanks to Catholic dogma were clearly considerable.

For my organisation, Homosexual Initiative of Vienna (HOSI Wien), it was quite clear from the very beginning that fighting for the recognition and compensation of gay Nazi victims was one of our group's top aims. Two years after our founding, we approached the national ministry responsible for this matter, the Ministry of Social Affairs. At this time, Austria had a Labour government. As mentioned earlier, the official position on the issue was that the prosecution of homosexuality was not typical of only the Nazi period, and there was therefore no intention for the government to change the law. One fear, clearly stated in the Ministry's letters to HOSI Wien, was that recognising those victims sentenced for homosexual acts could create a precedent and consequently, other "ordinary" criminals could also claim compensation.

In light of the political reluctance to include gay victims in compensation schemes, the Austrian gay and lesbian movement began early on to engage in memorial and commemorative work. In December 1984 we were able to mount the world's first plaque in commemoration of homosexual Nazi victims. This was installed on the wall of the former concentration camp at Mauthausen in Upper Austria, which is a memorial site today. In 1985, we also started to participate in the annual liberation ceremony in Mauthausen. Held on the second Sunday of May, this event brings together thousands of people every year. HOSI always marched with a banner demanding rehabilitation for the gay victims, and when we appeared with it the first time in 1985, it caused a real scandal among officials and associations of survivors and resistance fighters in charge of the ceremony and memorial. There were also however very touching positive reactions by ordinary participants. We were applauded when marching in with our banner, and people approached us to tell us that they were glad we were there. This liberation ceremony has since been an annual event for us, and once organisers finally got used to our presence, they began including us when reading out the list of delegations present.

In 1986, the Green Party was elected into Austria's Federal Parliament for the first time and introduced the issue again at the political level. The Greens questioned the minister on the matter and introduced their own bill to amend the Nazi Victims Compensation Act to include homosexuals and other excluded victim groups. In 1988, the Social Affairs minister asked the three relevant associations of survivors and resistance fighters to give their opinion on amending the law. These associations rejected HOSI's calls that they support the inclusion of homosexual victims in the new legislation, arguing that their priority was to care for those victims who were pro-actively fighting for a free and independent Austria. Homosexuals, they argued, were not to be included in this group. Even a proposal by HOSI to enact separate legislation for the other victim groups so that the political victims could keep the existing legislation for themselves met with little enthusiasm.

Only in 1995 did the Socialist Party change its position and agree that homosexuals should be incorporated into the Nazi Victims Compensation Act. Unfortunately, without a parliamentary majority, they were unable to enact this change as the conservative party continued to block any reform. What did occur, however, was that Parliament adopted legislation to establish a “National Fund for Victims of National Socialism,” aimed at those victims as yet “forgotten.” Here “sexual orientation” was finally included in the grounds of persecution; however, this law only provided for payments on a charity basis to needy victims. It did not provide for a legal entitlement to compensation. That said, the fund proved to be very generous in the end, and there were three homosexuals who received money from it without having been screened for need. One of these was Erwin Widschwentner who was never in a camp but “only” – like thousands of others – in a regular prison.

On the same day in June 1995 when this legislation was passed, the Greens once again introduced a bill to amend the Nazi Victims Compensation Act to include sexual orientation; however, the bill was defeated. So Parliament again refused to grant homosexual victims a legal entitlement to compensation. It was only in July 2005, sixty years after liberation, that such an amendment was adopted. Clearly the cynical calculation behind this delay has proven successful as there are no survivors still alive that could actually claim compensation now. We have to face the sad fact that this amendment has only symbolic value.

One of the arguments that the Ministry always used in our discussions with them was that there were no survivors. Produce individual cases, we were told, and then the Ministry would look into these and find a solution. This was a difficult task, and there were few people who wanted to do this in light of the political climate I have described above. Many people did not want to dig into their pasts and deal with the painful memories once again, and certainly not in return for the paltry compensation they might reasonably have expected to receive at the end of the process.

One of the exceptions to this was Josef Kohout. In 1985, he contacted HOSI Wien, and we offered all our support. He wanted to claim his time in the camps as contribution time to his retirement pension. At that time he had already been in retirement for nearly ten years. What made him furious was the fact that according to Austrian legislation, SS guards of concentration camps had their duty time in the camps added as contribution time to their retirement pension unless they were guilty of crimes against humanity. It is really hard to believe that concentration camp prisoners had to face a loss in their monthly retirement pension while their SS guards did not – but this was the case. It took seven years for Kohout to get a positive decision from the National Pension Insurance Institute in 1992, and it is unclear how they made it because there clearly was no legal basis for it. But Kohout was a fighter, and he had written both to the national Ombudsperson and the Federal Chancellor, while HOSI Wien had been lobbying at the political level. However, Josef Kohout was the only person whose time in the camps was included for the calculation of retirement pension.

This chapter of Austrian post-war history is a very dark one. We have to conclude that homosexual victims were treated as ordinary criminals, and politicians and officials have tried everything to avoid including this victim group in compensation and rehabilitation processes. In Austria, there has been no official apology by the Parliament to homosexual victims of Nazi crimes such as occurred in Germany in the year 2000.

To summarise, we can say there has been one single case where the time of being imprisoned in a camp was recognised for the purpose of calculating retirement pension, and there

have been three cases of people receiving money from the National Fund. And 60 years after liberation, the Federal Nazi Victims Compensation Act was finally amended to cater to homosexual victims. This is far from an overwhelming outcome after 25 years of struggle – but it clearly shows the reluctance of official Austria to deal with compensation and restitution in general and with the rehabilitation and compensation of homosexual victims in particular.

Table I:

Arrests, convictions and deportations of gay men in the Third Reich (excluding Austria/“Ostmark”), 1933-1945:

100,000 men arrested for homosexuality

50,000 convictions

10,000-15,000 men were sent to concentration camps

60 % of those did not survive the camps, i.e. 6,000-9,000 men

Austria: 10 %, e. g. 600-900 people

Table II:

**Convictions under Art. 129 I b (the total ban on homosexuality)
and Art. 129 I a (bestiality = 9%)**

Year	AUSTRIA		VIENNA		GERMAN REICH (Art. 175)
	total number	women	total number	women	
1924	439	17	185	8	696
1925	488	18	167	6	1,107
1926	562	7	224	2	1,040
1927	402	9	118	2	848
1928	535	17	134	3	804
1929	420	6	147	2	837
1930	492	15	133	10	804
1931	439	5	104	0	665
1932	496	10	143	5	801
1933	439	18	135	12	853
1934	516	7	123	5	948
1935	433	7	107	3	2,106
1936	595	14	151	4	5,320
1937	no data				8,271
1938			145	8	8,562
1939			258	8	7,614 (8,274) 660
1940			227	6	3,773
1941			197	11	3,753
1942			191	20	2,678
1943			210	13	

1944-1947 no statistics available

Table III:

Convictions under Art. 129 in Austria after WWII

<u>Year</u>	<u>total</u>	<u>women</u>
1948	439	
1949	486	
Change of statistics – only homosexuality included		
1950	548	17
1951	559	22
1952	712	17
1953	741	31
1954	780	22
1955	815	36
1956	691	10
1957	665	8
1958	523	13
1959	715	16
1960	731	15
1961	640	13
1962	659	12
1963	642	10
1964	487	8
1965	523	11
1966	502	11
1967	540	20
1968	478	4
1969	445	11
1970	459	5
1971	191	2

Table IV:

Historical data

1803:	penal code provides for no minimum punishment, and a maximum punishment of “only” one year in jail
1852:	penal code stipulates new punishment: minimum 1 year in jail, maximum 5 years
1933:	Hitler comes to power in Germany
1935:	Article 175 of the German criminal code tightened up
1938:	“Anschluss” of Austria to the German Reich
1945:	End of World War II, liberation of Austria
1950:	Nazi version of Article 175 repealed in the German Democratic Republic (version of the Weimar Republic re-introduced)
1968:	Article 175 (ban on homosexuality) repealed in the GDR
1969:	Article 175 (in its Nazi version) repealed in the Federal Republic of Germany
1971:	Article 129 I b of the Austrian penal code (ban on male and female homosexuality) abolished
1984:	First commemorative plaque mounted at former concentration camp in Mauthausen, Austria
1991:	Homosexual Nazi victims for the first time mentioned and recognised in a speech in Parliament by a government politician (Federal Chancellor F. Vranitzky)

- 1995: People persecuted for their sexual orientation recognised in legislation establishing a fund to give financial support to “forgotten” victims of the Nazis (no legal entitlement)
- 2000: German Bundestag adopts a resolution apologising for the persecution of homosexuals during the Nazi era and after the war until 1969 enforcing the Nazi version of Paragraph 175
- 2005: Austria’s Federal Nazi Victims Compensation Act amended to cater for those persecuted for their sexual orientation – legal entitlement to receive compensation

Useful websites:

Online exhibition “Lost Lives” / German/English

www.ausdemleben.at

United States Holocaust Memorial Museum

www.ushmm.org/museum/exhibit/online/hsx/

www.pink-triangle.org/

Comprehensive bibliography

http://members.aol.com/dalembert/lgbt_history/nazi_biblio.html

Website about Carl Værnet

(Danish SS doctor who experimented on homosexuals in the Buchenwald concentration camp)

http://users.cybercity.dk/~dko12530/hunt_for_danish_kz.htm