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## **An Early Activist Critiques Stalin's 1934 Antihomosexual Law**

By Kurt Hiller

Translated by David Thorstad

[This article, titled "A Chapter of Russian Reaction," translated into English here for the first time, was written in German by longtime homosexual activist Kurt Hiller (1885–1972) from London and published in the Swiss gay journal *Der Kreis* in 1946. Hiller had been active in Germany's first homosexual-rights organization, the Wissenschaftlich-humanitäre Komitee (Scientific Humanitarian Committee), headed by Magnus Hirschfeld (1868–1935). Founded in 1897, the committee was Germany's most prominent gay group. Its central campaign was reform of Paragraph 175 of the penal code, which criminalized "unnatural lewdness between persons of the male sex."

In the group's first meeting following World War I, in August 1920, it set up a united-front "action committee" of gay groups to fight for repeal of Paragraph 175, and Hiller was chosen to head it. At the 1928 congress in Copenhagen of the World League for Sexual Reform, Hirschfeld read a paper on the subject of homosexual oppression written by Hiller titled "Appeal to the Second International Congress for Sexual Reform on Behalf of an Oppressed Human Variety."<sup>1</sup>

Hiller's article "Ethical Tasks of Homosexuals" is one of the most compelling to come out of the pre-Stonewall gay movement. It first appeared in the July 1913 issue of the *Jahrbuch für sexuelle Zwischenstufen* (Yearbook for Intermediate Sexual Types), the publication of the Scientific Humanitarian Committee. (My translation of this article can be seen here: [http://www.williamapercy.com/wiki/index.php?title=David\\_Thorstad](http://www.williamapercy.com/wiki/index.php?title=David_Thorstad).)

As John Lauritsen and I wrote in our book on the early homosexual rights movement: "The last of an irregular series of 'Newsletters' of the Scientific Humanitarian Committee was published in February 1933, by Kurt Hiller. In July of the same year, Hiller was arrested and sent to the Oranienburg concentration camp. He was fortunate to be released nine months later, after nearly dying from mistreatment in the concentration camp, and he left Germany."<sup>2</sup> Here is an excerpt where Hiller speaks in German about his experiences in Nazi captivity:  
<http://www.etuxx.com/diskussionen/toene/hiller.mp3>.

The tsarist law punishing homosexual sex was abolished following the Russian Revolution. But in 1934, less than two decades later, Stalin recriminalized same-sex

sexual acts. When André Gide visited the USSR in 1935–36, he reported that homosexuals were considered counterrevolutionaries.

Hiller says that “even the dumbest peasant could grasp the cruelty and idiocy” of laws against same-sex behavior. No doubt. But there was virtually no criticism of Stalin’s antihomosexual policy from any communist (or even oppositionist) groups until after the 1969 Stonewall Riots that gave a new impulse to the struggle for gay rights and sexual freedom that had begun in the middle of the nineteenth century. The erasure of almost all leftist support for gay rights following the reaction under Stalin, and the dearth of criticism of the USSR’s antisex policies, make Hiller’s article all the more striking. It is written in his usual pithy style and is a unique document that deserves to be rescued from oblivion.

An earlier article by Hiller covering the same ground, and also criticizing the ban on abortion, titled “Retreats in the Soviet Union,” was published ten years earlier, in 1936—just two years after the new law was promulgated. It appeared in the exile publication *Sozialistische Warte: Blätter für kritisch-aktiven Sozialismus*, whose many contributors included a variety of adherents to different tendencies, including Thomas Mann and Leon Trotsky. Hiller repeated the stinging conclusion to that article—a criticism of leftist apologists for the USSR—in the introduction to his 1946 article below.

The notes are mine.—DT]



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Whatever one might think of the Soviet Union, it unquestionably merits recognition for two services of historic significance: having undertaken the first tremendous, radical experiment in socialism and, with enormous sacrifice of life and property, having actively helped bring about the collapse of the satanic mob rule of the Nazis. One can't be thankful enough. But acknowledging this in no way means castrating oneself critically and turning into a devoted eunuch of Moscow, who stands with crossed arms before his pasha, whose edicts he, for Allah's sake, under no circumstances dares to contradict. I would expect even of honest European communists to despise, together with me, him who accepts, if Moscow commits them, such reactionary acts that he would never accept if bourgeois or social-democratic governments were guilty of them.

K.H.

The Russian penal code of 1845 threatened same-sex acts between adults with "third-class punishment, second degree," that is, with banishment to the lesser removed regions of Siberia (in a penal colony) and prior to that ten to twenty whiplashes. That was under Nicholas I! In 1903, Nicholas II gave his people a new penal code that provided for not less than three months' prison for same-sex acts without aggravating circumstances. Even with aggravating conditions the acts were punished relatively mildly: imprisonment for not less than three years for seduction of minors from 14 to 16 years of age, and of children under 14—forced labor for not more than eight years. Even the remaining acts clearly deserving punishment—abuse of someone in one's care, the mentally ill, the unconscious, sexual coercion, and blackmail—were punished similarly. The 1917 October Revolution did what Cambacères, in the Napoleonic Code, had already done a century earlier: it removed punishment for simple same-sex intercourse without aggravating circumstances . . . Lenin and his friends were thus not just economic and social but also cultural revolutionaries.<sup>3</sup>

However, this repeal was in reality not at all so "revolutionary." In a modest sense, it was progressive; it simply implemented the liberal-bourgeois, radical, rational intent of the eighteenth century, which had already been implemented in the Latin countries in the first half of the nineteenth century, precisely under French influence. (Chinese and Islamist rationality had preceded this.)

After less than two decades, the Russian Revolution revoked this change. On March 7, 1934, the RSFSR (that is, Soviet Russia, but not the entire Soviet Union) promulgated a new law on the criminal responsibility for "pederasty," as follows:

§ 154 of the penal code of the RSFSR is expanded in the following manner: sexual intercourse of a man with another man (pederasty) will be punished with imprisonment of three to five years.<sup>4</sup>

Our criticism is not aimed at the second paragraph of this new § 154a (not quoted here), for it criminally establishes a very justifiable social protection; the outrageous retreat lies in the first paragraph. It is a retreat compared to the legal situation prevailing in the majority of all bourgeois states, including formerly fascist Italy and the clearly nonliberal Poland of the Pilsudski period. In the severity of its punishment it is even a step backward compared to the tsarist law of 1903.

A biological minority that, as such, is neither superior to nor inferior to, neither socially useful nor socially harmful to the majority, and at most can only be harmful insofar as attempts are made to repress and persecute it, which, if it is not hard as steel, distorts the character of these human beings and ruins their nervous system—this in itself healthy variety of person, which can be seen throughout all eras and among all peoples, is represented among a not insignificant number of distinguished artists and thinkers (as well as among human trash and the lowest criminals—but can normal love deny the fact that most criminals love in the normal way?)—this minority is here prevented from expressing its fundamental human rights by the most brutal threats from a state that is not led by a Hitler, but rather sings its praises internationally as the realization of freedom for all humanity.

Or rather, tries to prevent, through a completely unsuitable means. This law is not only brutal and reactionary, it is also senseless. While it no doubt forces the same-sexer into lies and dirty hideaways, it is no more able to force him to be ascetic than a law against sexual intercourse could force the normal majority of the population to abstain from sex. Even the dumbest peasant could grasp the cruelty and idiocy of such a law.

On the other hand, we find the belief that by legally punishing men who love men they can be changed into men who love women, despite the shocking ignorance of matters pertaining to psychology that it reveals, sometimes even among geniuses. I don't know whether Barbusse and Gorky were geniuses; I know only that they sometimes expressed the stupidest opinions about the problem of homosexuality and that their influence in Moscow in the area of cultural politics was considerable (the same is true of the individual psychologist Alfred Adler, who did not hesitate to teach that homoeroticism was nothing more than bad intentions: anyone who really wanted to could love in the "correct" way). In the March 1, 1926, issue of the Paris journal *Les Marges*, Henri Barbusse denounced the same-sex inclination as "a sign of deep social and moral decadence on the part of a distinct part of present-day society," namely (he

was a Marxist), the propertied class. And as to Maxim Gorky, it is credibly reported that he exclaimed: "Destroy the homosexuals and you destroy fascism!"<sup>5</sup> Only a few leftists will acknowledge that this way of thinking is itself fascist. To be sure, the great earth-shaking changes of terminology have nowadays even seized the terms of both the Left and the Right . . .

The statements of both writers, as well as the ridiculous theories of that Doctor Adler from Vienna (one of the old defectors from Freud), reveal one thing: the instinctual hostility of these gentlemen to a type of human being that, based only on their feelings, they find peculiar, incomprehensible, and strange. One can really only compare this instinctual hatred for what is strange to racism—which they completely reject. In other respects, what these writers say betrays considerable social ignorance. Anyone who has to some degree investigated the sexual-sociological subject knows that among the proletariat sexual anomalies, including same-sex sexuality, are no less prevalent than among the bourgeoisie, and that neither in Germany nor in other countries did or does man-man love have a monopoly in nationalistic circles. That it is more common in professional armies and uniformed male groups than elsewhere is undeniable, is freely acknowledged by the psychologist from the start, and bears no relation whatever to the nature of the political views prevailing in such armies or groups. A red sailor, for example, is disposed to engaging in man-man love relationships or practices to the same extent as a brown or black sailor—not because women are lacking, but because men for whom the lack of women is of no consequence and who feel happiest in a vigorous male-only milieu (which they might not even be consciously aware of) eagerly seek out professions that tend to reflect their ideal in this regard. Defenders of the Russian government say that it was compelled to adopt that law because groups of lovers had arisen in the Red Army that had become the focus of opposition ("Trotskyist") propaganda.<sup>6</sup> The theory that there was such a cause-and-effect link between homoeroticism and political opposition is more naive than naive. The shoe is on the other foot: governments that consider it appropriate to persecute same-sexers will certainly not arouse any sympathy among them, let alone possibly even change political love into political hate.

If these governments respond by saying that friendship or enmity of this tiny minority is all the same to it, that it has no weight, then they are punishing their own lies.<sup>7</sup> For why persecute a minority of no significance? In fact, one would search in vain for a rational motive behind this shameful legislation. What is decreed here is uncontrolled instinct—or cynical intent to cajole the uncontrolled instincts of churchly conservative circles, whose backing one wants to secure by Machiavellian means. At best, the decision was made by ignorance based on false authorities, and the generally dull, narrow-minded impulse toward the past—that impulse that recently, in the realm

of foreign policy, led, with aspirations going as far as Libya, to exuberant, hyper-tsarist imperialism.

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## Notes

<sup>1</sup> Kurt Hiller, "Appeal to the Second International Congress for Sexual Reform on Behalf of an Oppressed Human Variety," trans. John Lauritsen, in John Lauritsen and David Thorstad, *The Early Homosexual Rights Movement (1864–1935)*, rev. ed. (Ojai, Calif.: Times Change Press, 1995), 106–14; originally published by the Red Butterfly, 1970.

<sup>2</sup> *Ibid.*, 47.

<sup>3</sup> Cambacérès (1753–1834) was a lawyer during the French Revolution best known for drafting the Napoleonic Code, a civil code that was promulgated by Emperor Napoleon in 1804. The Constituent Assembly abolished the ancien régime law against sodomy when it revised the penal code in 1791. Cambacérès was openly homosexual. His tomb is in Père Lachaise cemetery in Paris.

<sup>4</sup> This refers to the first part of the article. The second part provided for up to eight years in prison "if the act was accompanied by taking advantage of the dependent position of one of the partners, by the use of force, or if it was conducted as a profession or publicly. All republics were required to insert the statute unchanged into their codes. In effect, the law raised homosexuality to the level of a state security matter, constituting a peril to the moral fabric of society" (Lauritsen and Thorstad, *The Early Homosexual Rights Movement [1864–1935]*, 78). RSFSR stands for Russian Soviet Federative Socialist Republic.

<sup>5</sup> Gorky's statement is in his article "Proletarian Humanism," *Pravda*, May 23, 1934, 3 (quoted in Dan Healey, *Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent* [Chicago: University of Chicago Press, 2001], 189–90). According to Healy, the slogan actually reads "Destroy the homosexuals—Fascism will disappear," but it has generally been mistranslated as "Destroy homosexuality and fascism will disappear," which obscures its "unmistakably genocidal resonance" (332n37).

The full Barbusse quote is: "I consider that this perversion of a natural instinct, like many other perversions, is a sign of deep social and moral decadence on the part of a distinct part of present-day society." It appears in a feature in *Les Marges* titled "Homosexuality in Literature" in which writers were asked to state their views on three questions: (1) "Have you noticed that the homosexual preoccupation has grown in literature since the war?"; (2) "Do you think that the presentation of inverts in the novel, in poetry, or in the theater might have an influence on morals?"; and (3) "If you believe that one must fight against this tendency, by what means? If you believe one must tolerate it, for what reasons?" Some three dozen writers responded, with views of homosexuality ranging from favorable to hostile to ironic.

<sup>6</sup> So far as I can determine, the (Trotskyist) Left Opposition to Stalin never made an issue out of the recriminalization of homosexual behavior under Stalin. Here, Hiller's mention of opposition propaganda as "Trotskyist" most likely refers to the fact that the Stalinist Communist parties often denounced opposition to their policies as "Trotskyite." They still do. In 1964, in Prague, I spent an evening with a Communist Party history teacher, and when I criticized the Soviet Union for not doing more to aid the Vietnamese in their struggle against the United States, he replied: "We have a lot of trouble with our Trotskyists." At the time, the Trotskyist movement had no influence at all in Czechoslovakia.

<sup>7</sup> The notion that the homosexual minority had no "weight" is of coincidental interest in that during the debates on homosexuality and gay liberation inside the Trotskyist U.S. Socialist Workers Party in the early 1970s, the leadership, in a "Memorandum on the Gay Liberation Movement" (adopted in August 1973), argued that gay liberation related to a "relatively narrow sector of the population," lacked the "potential mass" and "social weight" of movements for women's and black liberation, and was "much

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more peripheral to the central issues of the class struggle” than those movements. It said that it would be a mistake for the SWP to “generally assign comrades to this movement.” The SWP has never published this “Memorandum.” It is discussed in my article “The Socialist Workers Party vs. Gay Liberation (or The Cuckoo Builds a Strange Nest),” available at [http://www.williamapercy.com/wiki/index.php?title=David\\_Thorstad](http://www.williamapercy.com/wiki/index.php?title=David_Thorstad).

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