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**HOMOSEXUALITY AND MILI-
TARY SERVICE IN GERMANY**

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Hinweis

Das hiermit in der "Gelben Reihe" veröffentlichte Arbeitspapier Nr. 84 ist der SOWI-Beitrag zum internationalen militärsoziologischen Forschungsprojekt "Comparative Military Personnel Policies: Acceptance, Management, and Experience of Homosexuals in Western Military Establishments".

Das Vorhaben entstand in inhaltlichem Zusammenhang mit dem seinerzeitigen Wahlversprechen des amerikanischen Präsidenten Bill Clinton, homosexuellen Bewerbern den Dienst in den U.S. Streitkräften zu ermöglichen. Das Projekt wurde Anfang 1993 vom European Research Office der U.S. Army (London) initiiert und unter der Leitung von Professor Gwyn Harries-Jenkins (University of Hull) im Herbst 1993 erfolgreich abgeschlossen.

Das zur alsbaldigen Publikation vorgesehene Gesamtergebnis enthält neben einer systematisierenden Einführung weitere Länderreports aus Belgien, England, Frankreich, Italien, den Niederlanden sowie aus den skandinavischen Staaten Dänemark, Norwegen und Schweden.

Den Beziehern der "Gelben Reihe" wird der deutsche Beitrag auf diesem Wege vorab übermittelt. Zur Vermeidung von Anfragen, wie sie bei fremdsprachlichen Institutsveröffentlichungen gelegentlich vorkommen, sei hier bereits angemerkt, daß eine deutschsprachige Textversion nicht existiert.

B.F.

HOMOSEXUALITY AND MILITARY SERVICE IN GERMANY

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HOMOSEXUALITY AND MILITARY SERVICE IN GERMANY

Abstract

The research paper looks into how Bundeswehr personnel management deals with the issue of homosexuality. The report is an evaluation of the (scanty) research into the subject including pertinent decisions by the courts and material prepared by the Federal German Ministry of Defense. The main findings are as follows:

Homosexual men are in principle fit for military service. This holds for conscripts as well as volunteers. They are, however, considered less appropriate for service than heterosexuals. Conscripts are for the most part not called up and volunteers without exception not employed if their homosexual orientation is brought to light in the course of the induction examination. This 'pragmatic approach' is founded on the principle that it best serves the interests of all parties involved.

Bundeswehr personnel management regards homosexuality in a soldier as an "aptitude deficiency"; homosexual soldiers are not suited to command, lead or instruct troops because of the prejudices still widely held against homosexuals. If their sexual orientation becomes known, homosexual soldiers may no longer hold leadership capacity. This reduces their chances of advancing their careers in the military. However, homosexuality is not a reason for discharge. The policy adopted by Bundeswehr personnel management has been upheld by several court decisions.

Homosexual behavior off duty is (to a great extent) not a penal offense and therefore not liable to prosecution; however, men performing homosexual acts when on active duty are subject to disciplinary court proceedings. Very few cases have actually been dealt with in the courts. Homosexual men tend to shun the armed forces. They do not consider serving in the Bundeswehr an attractive option - neither as conscripts nor as volunteers.

INTRODUCTION

Homosexuality is a sexual orientation which deviates from the heterosexual norm. "The prevailing moral imperative of reproduction relegated homosexuals to minority status" (Stümke, 1989, p. 9). During the Middle Ages homosexuals were regarded as heretics and criminals; as a consequence of the bourgeois Enlightenment, they were viewed as diseased. Today, homosexual tendencies are no longer regarded as an illness, physically or mentally. Latest biochemist research points to at least partly genetic origins (Science 1993, Vol. 261, p. 321).

The assumption that roughly 10 percent of men are homosexually oriented was until very recently uncontested as scientific fact. This figure was widely disseminated by the notorious 1948 Kinsey Report. It gained credibility because it was eagerly seized on by the mass media as a handy rule of thumb and because human sexuality had not been a subject of serious social research for a long time nor were earlier studies taken up again. The latter reproach particularly applies to Germany, even though there has been a "German Society for Social Research into Sexual Behavior (DGSS)" since 1972.¹

The heyday of German sexological research was inaugurated in 1897 in Berlin with the foundation of the "Scientific-Humanitarian Committee (WHK) in 1919 the "Institute of Sexology" followed. This era ended in May 1933 when the Nazis looted the institute and forced the committee to dissolve. It is closely linked with the name of Magnus Hirschfeld (1868 - 1935), who "like no other researcher before or since empirically studied homosexual life and, as he was personally affected, experienced it firsthand" (Stümke, 1989, p.32).

As early as 1903 Hirschfeld asked some 3,000 Berlin students about their sexual orientation. In 1904 he conducted the same survey, this time with about 5,700 metal workers as respondents, and concluded from it that exclusively homosexual men comprised 2.2 percent of the population as a whole (Hirschfeld, 1904, p. 55).

Not until today has research again quantitatively and qualitatively begun to approach the work of Magnus Hirschfeld. and the "Institute of Sexology" he headed. In the interval Alfred C. Kinsey was the doyen of the field. In a 1984 comment "On the Treatment of Homosexuals in the Bundeswehr", made on the occasion of the Wörner-Kiessling Affair,² the DGSS stated the opinion that: "In the light of the empirical studies available, we must start from the assumption that there are about 65,000 soldiers in the armed forces who are primarily or exclusively homosexually oriented" (Gindorf & Haeberle, 1986, p. 265).

¹ The DGSS (Gerresheimer Straße 20, 40211 Düsseldorf) was founded on January 26, 1972, and was originally called "Society for Promoting Social Research into Sexual Behavior (GFSS: Gesellschaft zur Förderung Sozialwissenschaftlicher Sexualforschung)". It has gone under its present name since March, 1992.

² What became known as the Wörner-Kiessling Affair is probably the most bizarre episode in the history of the Bundeswehr: On New Year's Eve 1984 the then Minister of Defence, Manfred Wörner, dismissed Günter Kiessling, West Germany's third-ranking general and one of the two deputy NATO European commanders, on unproven charges that he was a homosexual who posed a security risk. Mr. Wörner made himself foolish in his efforts to bolster the case against the general, and barely survived in office when the allegation proved false and Kiessling was formally rehabilitated

It is not clear from this statement just which "empirical studies available" the DGSS was referring to. In relation to the manpower strength of the Bundeswehr at the time, which lay at 480,700 men according to the 1985 Defence White Paper, this would have meant that 13.5 percent of soldiers were homosexual. This is an utterly unrealistic figure, in line with the specious and amateurish approach which characterizes the entire comment.

According to figures published by the homosexual association "at most 2.5 percent" of conscripts are homosexual; the percentage among temporary-career volunteers and regular servicemen is probably even lower" (Schwulenverband in Deutschland e.V., press release, 27 January 1993). In absolute figures that would mean between 8,000 and 9,500 homosexual soldiers (on December 7, 1992, troop strength was at 422,248 men, of whom 183,117 were conscripts). This is in line with the early Hirschfeld findings, although chances are that the actual numbers are even lower - as will be pointed out.

Three aspects of homosexuality and military service are presented in the following: the chapter named POLICIES describes the official position of the Bundeswehr's military manpower management on the issue, the chapter PRACTICES reveals how the military organization deals with homosexuality in daily life, and the chapter PROBLEMS enters into the particulars of civilian and armed forces' attitudes to homosexuality.

POLICIES

There are no official figures or percentages for homosexual soldiers in the Bundeswehr. The Bundeswehr respects the soldier's right to privacy. Homosexual soldiers are not listed as such nor has statistical evidence on the incidence of homosexuality in the armed forces been collated. Homosexuality is a fitness criterion when conscripts are called up and the ability of volunteers for service is being assessed. However, as a rule, no one (not even the other members of the local draft boards and induction centers) but the doctor (or perhaps the military psychologist) concerned ever hears anything about a conscript's or volunteer's sexual orientation, no matter how or why it has been included in a medical report.

The societal value change has also resulted in a more liberal position on homosexuality. In comparative studies conducted across Europe, the highest tolerance ratings were registered in the Netherlands, followed further down the scale by Germany (see Table 1, Appendix). Nevertheless, reservations and prejudices have been shown to persist. Opinion polls on attitudes toward the homosexual minority often mirror socially acceptable responses. This is response behavior which has little to do with the realities of daily life, let alone with life in the armed forces. The military is still a "community of men in cramped quarters" (Major General Manfred Würfel).³ It is military personnel policy to prevent problems which could be caused in a unit by homosexually oriented soldiers on duty from arising in the first place. The matter is regulated as follows:

³ Although women have been serving in the Bundeswehr since June 1, 1989, there are not many of them and they are only employed in the Medical and Health Services and the Musicians Corps.

Homosexual men are, like heterosexuals, eligible for conscription. Further, they are regarded as fit for military service in so far as they pass examinations on their physical fitness and psychological aptitude when called up. The determining factor when their mental fitness is being assessed is whether their integration into the military community of men can be expected to take place without difficulties.

According to legal requirements, a soldier is to be employed and assigned on the basis of "his aptitude, qualifications and skills" (The Legal Status of Military Personnel Act, par. 3, Principles of Appointment and Employment). Homosexual orientation does not render even a regular serviceman or a temporary-career volunteer unfit for military service nor can it be a ground for discharge. Nevertheless, it does affect the assessment of a soldier's aptitude for service because it restricts the assignments on which he can be employed in the forces. Homosexual regular servicemen and temporary-career soldiers are not considered suitable as superiors. This is official policy on this matter, and it is justified as follows:

Temporary-career volunteers and regulars advance up a career ladder of various staff and line assignments. On any rung of the career ladder, their assignments may include functioning in some leadership capacity, i.e., they will be vested with the power of command. According to a Commander's Guidance issued by the Army Chief of Staff on August 24, 1993 leadership assignments constitute the characteristic feature of an officer's profession determining his professional image (Kommandeurbrief 1193).

If a commanding officer or non-commissioned officer is known to have homosexual tendencies, conventional wisdom has it that he suffers grave impairment of his authority as a unit leader or instructor. This in turn may affect troop discipline, cohesion and morale.

Because commanding officers and non-commissioned officers with admitted homosexual tendencies potentially lose credibility with the men serving under them, employment and advancement within the framework of command and control systems as required by military structure and planning cannot be effectively implemented

The fact that homosexuals are restricted with regard to exercising the power of command generally means that the chances of promotion normally open to regulars and temporary-career volunteers are closed to them, even though they might be equally skilled and qualified.

The policy adopted by the Bundeswehr as outlined above has been upheld repeatedly by the courts, specifically in 1978 and 1984 and most recently by a decision of the Federal Administrative Court dated November 8, 1990. In it the Court found that homosexuality represents an "aptitude deficiency" which is sufficient grounds for upholding the right of the military as an employer to refuse to allow homosexual soldiers to function in command positions and as trainers and instructors (Neue Juristische Wochenschrift 1991, p. 1127).

PRACTICES

A) Conscripts

Young men eligible for conscription will be asked during induction examination about possible homosexual tendencies if there are any corresponding clues. Same applies to volunteers. It is reported that most homosexual recruits disclose their sexual orientation if the doctor examining them steers the conversation around to the subject. Doctors and military psychologists then decide - if necessary, on the basis of a separate medical examination conducted by a specialist - whether and to what extent the conscript involved is "capable of fitting into a community", i.e., whether he can be integrated into the military community of men without attracting notice because of his sexual orientation. If the question cannot be decided unequivocally, he is ruled out as "mentally unfit for service" in accordance with the military examination regulations (Joint Services Regulation 46/1, 1979, reprint 1991).

Military doctors attesting the fitness of homosexual conscripts for military service use a decidedly stringent and rigid standard: almost all homosexual conscripts are eliminated. This is not as discriminatory as it may look at first glance. There exists a long list of legal and administrative exceptions from universal conscription. In the past, roughly 50 percent of a male age cohort have been drafted. The percentage is further going down with the agreed cut in manpower strength from almost half a million men to a maximum of 370,000 soldiers by the end of 1994. The military discriminates in many ways: a legumen allergy may be sufficient reason for not being drafted. Up to this day, not any complaints of turned-down conscripts have become known. The military argues that apparently everyone seems to be satisfied with this pragmatic solution; it is in the interest of those concerned, who are exempt from compulsory military service (and also from the alternative of civilian national service), and it is equally in the interest of unit leaders, who do not want such men in their units, because then they do not have to worry about problems arising from the presence of homosexual recruits.

B) Regular Servicemen and Temporary-Career Volunteers

With respect to homosexual regulars and short-term and long-term volunteers, military manpower practice is as follows:

- (1) Homosexual soldiers are discharged from functioning as superiors if their sexual orientation becomes known or they admit it themselves. If they are on high-security assignments, their cases are dealt with on an individual basis to determine whether they may represent an unacceptable security risk.
- (2) Under military regulations a lieutenant may be discharged at any time up to the end of his third year of service after receiving his commission on grounds of unfitness for service as a career officer. In the case of homosexual tendencies, this regulation governing exceptional cases is applied (The Legal Status of Military Personnel Act, par. 46, sec. 7).
- (3) Homosexual regular servicemen and temporary-career volunteers who have served for more than four years are not discharged before their term of service has been completed.

- (4) Volunteers for service as temporary-career soldiers or regulars are not employed nor can they transfer to regular status if they are known to be homosexuals.

C) Penal and Disciplinary Aspects

A soldier's homosexual orientation does not constitute an offense against regulations. Consequently, it is not punishable as such. In any case, what soldiers do off duty and outside the Bundeswehr is their own concern. The law declaring homosexuality a penal offense has been - with certain limitations - repealed; the penal code formerly operative has been revised: homosexuality is no longer prosecuted. Lesbian acts have never been criminal offences. In principle homosexuals and heterosexuals are equal before the law.⁴

The situation is different if homosexual behavior occurs when a soldier is on active duty. Court decisions have confirmed that homosexual acts committed by soldiers on active duty cannot be tolerated. In a decision dated July 30, 1991 the Federal Administrative Court has found that: "Homosexual relations cannot be tolerated in the Bundeswehr because they may lead to the isolation of certain groups or the formation thereof, to jealousy and mutual distrust, thereby destroying unit cohesion" (Neue Zeitschrift für Wehrrecht 1992, Vol. 2, p. 78). On January 15, 1992 the Court passed another decision of the same tenor (Neue Zeitschrift für Wehrrecht 1993, Vol. 1, p. 34 - 36) .

Homosexual acts performed by soldiers when on active duty constitute an offense against military regulations; as a rule offenders are tried and sentenced by military disciplinary courts.

This is certainly the case if a superior in his capacity as such molests a subordinate, forcing him to engage in homosexual acts against his will. In a decision dated November 11, 1988, the Federal Administrative Court defines such incidents as a violation of the inalienable dignity of man guaranteed by the constitution and finds further that: "The liberalisation of the penal code with regard to homosexuality may not, and does not, apply to the relationship between superior and subordinate. It would be an intolerable state of affairs if young conscripts serving in the Bundeswehr in compliance with the National Military Service Act were to be exposed to sexual assaults by their superiors." The Court concludes that in cases involving, serious offenses of this nature a soldier "cannot be tolerated as a superior and is to be discharged, from the military" (Dokumentarische Berichte 1989, Edition B, Vol. 9, p. 122, p. 119). This holds for both regular servicemen and temporary-career volunteers.

⁴ The present legal situation is as follows: Under Paragraph 175 of the Penal Code, homosexual acts between men are liable to prosecution when one of the partners is under the age of 18. However, under Paragraph 182, this law applies to girls until the age of 16. In future the law will provide that the protection of minors from sexual abuse is dealt with uniformly, regardless of whether heterosexual or homosexual relations are involved; the statutory age limit is to be 16 for both sexes. Three drafts for further reform of the Penal Code with regard to sexual offenses have been submitted to Parliament. They differ only in minor, often merely semantic, points. - Recent efforts, however, to have the "sexual orientation" or "sexual identity" of a person explicitly inserted in the anti-discrimination Article 3 of the Basic Law failed to win the necessary two-thirds majority in the 'Joint Commission on the Constitution'.

Moreover, the latter can be discharged immediately during the first four years of service, if they were subjected to military disciplinary proceedings or sentenced in a civilian court in connection with homosexual acts and if their remaining in the military might seriously disturb discipline or have a deleterious effect on the reputation of the Bundeswehr (The Legal Status of Military Personnel Act, par. 55, sec. 5).

In less serious cases the disciplinary measures considered are usually demotion, a ban on promotion and salary cuts. A ban on promotion may be associated with a cut in salary (see Table 2, Appendix).

It should be emphasized that the borderline between homosexual behavior by soldiers in private and by men on active duty is sharply demarcated. Homosexual acts of soldiers outside the Bundeswehr are (to a great extent) not penal offenses and therefore are not liable to prosecution; however, homosexual behavior by men on active duty is prosecuted in military disciplinary courts.

PROBLEMS

The Schwulenverband in Deutschland e.V. charges that the position taken by the Federal Administrative Court on the issue "lags far behind social developments as a whole" and that the Court "is parading its intolerance with regard to social issues" (Schwulenverband in Deutschland e.V., press release, 27 January 1993). Rulings made by the Court so far are unconstitutional and represent discrimination against homosexual soldiers to the extent of destroying their professional career. If steps are not taken soon to change this state of affairs, the advisability of an appeal to the Federal Constitutional Court - "will be seriously (considered)" (Schwulenverband in Deutschland e.V., press release, 29 January 1993).

Leaving aside the political rhetoric typical of press releases, in essentials, the issue involved is whether Bundeswehr personnel management will continue to have the discretionary powers to decide on the fitness of military leaders and instructors for service. The first task of Bundeswehr personnel management is to ensure the combat capabilities of the Bundeswehr as an effectively functioning force. This objective is anchored in the Constitution (Article 87 a).

The Bundeswehr military command claims that it cannot ignore the fact that the acceptance of homosexual soldiers - particularly officers and non-commissioned officers - is still a highly complex and delicate issue if regarded realistically. The current legal position is that the Federal Minister of Defense is not obliged to uphold and actively promote the (alleged) right of homosexually oriented soldiers to equality of treatment and opportunity - a stand which might even prejudice the combat capabilities and effective functioning of the Bundeswehr - against prevailing popular opinion.

The findings obtained from empirical research conducted to ascertain the 'sexual ethics' of young soldiers support this reading of the legal position. A survey conducted by the German Armed Forces Institute for Social Research (SOWI) in autumn 1992 obtained, among others, the following finding: only a third of the recruits ques-

tioned considered homosexuality "all right"; roughly half evaluated it as "bad " or "very bad" (see Table 3, Appendix).

Therefore, claims that sexual attitudes have become more liberal should be approached with caution. On the one hand, homosexuals have indeed profited from the prevailing permissive attitudes to sexual mores. Only a minority of the population, for instance, would like to see sexual acts performed between members of the same sex generally forbidden. On the other hand, however, a decrease in hostile attitudes to homosexuality is not the same thing as an. increase in social acceptance; homosexuality is actually permitted rather than accepted.

That is the main finding of a study conducted by Michael Bochow in 1991 and published in June 1993. The survey was in part a repeat of a similar study conducted in 1974 (Lautmann & Wienold 1977, 1978). With regard to changes registered between 1974 and 1991, particularly with regard to a decline in open hostility and growing acceptance of homosexuality, Bochow writes:

"The attitudes registered can be characterized more accurately by the term 'indifference' than by 'active tolerance'. Such values represent a profession of tolerance towards homosexuality only as long as homosexual. men or women do not invade the private sphere of the persons concerned" (Bochow, 1993, p. 124).

What may, therefore, at first glance appear to represent an increase in liberal attitudes is actually a growth in indifference. Moreover, the latter attitude prevails only as long as the proximity of what is perceived as different is not registered, i.e., as long as no attempt is made to fall below a critical social distance. The majority of heterosexuals has no contact at all to homosexuals and most do not desire to have any. As the Federal Health Office (Bundesgesundheitsamt) in Berlin reports in its January 1993 newsletter, the issue of AIDS has led to an increase of reservations against homosexuals. Since they are regarded as a high risk group, the need for keeping a distance to them has become more pronounced (AIDS-Nachrichten 1993, Vol. 1). A young soldier expressed this attitude in a conversation as follows: "I respect my comrades' right to privacy; however, I also have a right to be protected from the private lives of others."

Therefore, military manpower experts argue that they have to consider the privacy rights of the heterosexual soldiers in order to get sufficient applicants and re-enlistments for voluntary military service. The fact is that the heterosexual majority continues to regard keeping a distance socially from the homosexual minority as desirable. Very little has changed in this respect since 1974. If one follows Bochow, 61 percent of West Germans and 65 percent of East Germans prefer to avoid social contact with homosexuals; 42 percent of respondents confirmed the statement that they would "feel physically uneasy" in the presence of homosexual men. In 1974, 46 percent of the respondents agreed with the same statement (Bochow, 1993, pp. 118-119).

Moreover, the way homosexuality is perceived evidently depends on the respondents' social context. In the military 'all-male community', the issue is discussed in terms different from those prevalent in sociological seminars. The reactions to homosexuality registered in the military reflect that both the possibility of proving that one is

'normal' is welcomed and that respondents feel peer pressure to do so. With respect to the "social reality" in the Bundeswehr, from which the issue of homosexuality cannot be disassociated, Max H. Flach points out in a social-psychological report for the Ministry of Defence: "Difficulties in social adjustment and conflict situations are bound to arise in work groups comprising males in as much as one is invariably forced to give 'proof of one's heterosexuality' if one wants to be respected by one's peers" (Flach, 1985, p. 15).

As to the gravity of the matter, homosexuality tends to be a "purely academic issue" in daily military routine (Der Spiegel 1993, Vol. 7). The incidence of serious breaches of duty connected with homosexuality is extraordinarily low: from 1981 until 1992 there were on average only 5.2 disciplinary court proceedings a year involving homosexual behavior among soldiers (see Table 4, Appendix).

To ensure the basic rights of soldiers and to strengthen parliamentary control over the armed forces, Article 45 b of the Constitution provides for the appointment of a Parliamentary Commissioner for the Federal Armed Forces who is accountable to the Bundestag. All soldiers can appeal to him without having to go through the official channels if they feel that their basic rights have been infringed. The institution itself has been frequently called an "early warning system". According to the law the Parliamentary Commissioner intervenes if he is aware of circumstances which may involve a violation of soldiers' basic rights or the principles of Innere Führung (i.e. Leadership and Civic Education). He must report his findings to the Bundestag. In the annual reports issued by the Parliamentary Commissioner over the past ten years (1983 - 1992), there is absolutely no mention of petitions or complaints by homosexual soldiers. The term 'homosexuality' does not even appear anywhere. That does not necessarily mean that the basic rights of every single homosexual soldier have always and under all circumstances been respected in the past decade. What it does mean, however, is that homophobic commanders or comrades making life miserable for homosexual soldiers are rare and unusual exceptions. Evidently nothing serious of this nature has come to the notice of the various Parliamentary Commissioners during the last ten years so that they felt induced to intervene and to report to Parliament.

A FINAL SOCIOLOGICAL REMARK

From the sociological view it is of interest to know whether homosexual behavior is encountered in some social groups and institutions more than in others. It has often been maintained that homosexuality is particularly common in societies with a strong military tradition and there exist even allegations of a close connection between homosexuality and militarism. As far as I know, Theodor Geiger was the first German-speaking sociologist to test the validity of this hypothesis in a sociological essay published in 1952, convincingly refuting it (Geiger, 1952).

Moreover, there is no support for the conjecture occasionally bantered about that the military is particularly attractive to men with homosexual tendencies because close contact with persons of the same sex affords ample opportunities for establishing homosexual contacts. The reverse seems to be true. In the Bundeswehr the percentage of homosexual soldiers is noticeably below the overall percentage of homosexual

men in society at large. One of the reasons for this may be that conscripts usually are not inducted and volunteers not employed if they are known to have homosexual tendencies. Moreover - and probably more important this may be due to the fact that homosexual men tend to avoid service in the armed forces because they may find the close contact to others in cramped quarters and the strong social control embarrassing. In the military homosexual tendencies do not remain undetected for very long. Homosexual soldiers must still expect to encounter professional and personal difficulties and this evidently also holds for soldiers who openly admit their homosexuality.

Young men who are conscripted can decide for themselves whether to serve in the armed forces or to do civilian service. It is a safe assumption that the vast majority of homosexual men do not even consider serving in the Bundeswehr a viable option - neither as conscripts nor as volunteers.

"The military doesn't like gays", as a peace-movement periodical recently stated, and this is right to the point (antimilitarismus information, 1993, Vol. 2, p. 6). Conversely, gays in Germany do not like the military very much either.

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A P P E N D I X

TABLE 1

EUROPEAN VALUES 1990

(Population 18 and over)

Question:

"Please tell me for each of the following statements whether you think it can always (= 10) be justified, never (= 01) be justified, or something in between, using this card (SHOW CARD)".

	Bel- gium	Trance	West Ger- many	Great Britain	Nor- thern Ireland	Rep. of Ireland	Italy	Nether- lands	Portu- gal	Spain
Married men/women having an affair	2.74	3.69	2.88	2.43	1.61	1.88	2.98	2.79	2.39	2.37
Sex under the legal age of consent	3.93	3.75	2.92	1.75	1.35	1.35	3.19	5.19	3.36	2.35
Homosexuality	3.88	3.92	4.46	3.53	2.42	3.15	3.63	7.20	2.35	3.43
n	2792	1002	2101	1484	304	1000	2018	1017	1185	2637

Source: Institut für Demoskopie, Allensbach

TABLE 2

**Sentences Passed in Disciplinary Court
for Homosexual Behavior 1981 – 1992**

Discharge	9
Demotion	20
Ban on Promotion + Salary Cut	10
Ban on Promotion	11
Salary Cut	2
Acquittal	7
Proceedings discontinued	2
Decision pending	2
	n = 63

Source: MOD - VR 1 8 - of March 3, 1992

Table 3

On the 'Sexual Ethics' of Bundeswehr Conscripts

Agree with:	Please indicate your opinion							
	unmar- ried East %	co- habita- tion West	East %	prosti- tution West %	abor- tion East %	West %	East %	homo- sexual- ity West %
all right	91,6	87,9	58,7	46,2	70,6	32,9	27,8	31,9
not all right	5,9	8,6	22,5	28,2	16,2	29,8	20,3	20,3
bad	1,6	2,6	8,4	12,4	5,3	15,2	10,2	12,7
very bad	0,9	0,9	10,4	13,1	7,9	22,1	41,7	35,1
n =	893	456	888	450	889	447	882	433

Source: Sozialwissenschaftliches Institut der Bundeswehr, Munich.
September/October 1992.

TABLE 4

**Disciplinary court Proceedings against Soldiers
for Homosexual Behavior 1981 - 1992 (n = 63)**

1 Proceedings

1981 = 6
 1982 = 5
 1983 = 6
 1984 = 7
 1985 = 5
 1986 = 5
 1987 = 6
 1988 = 5
 1989 = 1
 1990 = 6
 1991 = 3
 1992 = 8

2 - Soldiers by Rank

Officers	20
Senior NCOs	35
Junior NCOs	8
	<hr/>
	63
	<hr/> <hr/>

Source: MOD - VR 1 8 - of March 3, 1993