

THE DICTIONARY OF HOMOPHOBIA THE DICTIONARY OF HOMOPHOBIA A GLOBAL HISTORY OF GAY & LESBIAN EXPERIENCE Edited by LOUIS-GEORGES TIN Translated by Marek Redburn with Alice Michaud and Kyle Mathers

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## EUROPE, EASTERN & CENTRAL

The history of eastern and central Europe is particularly complex. The countries that make up this area today were essentially established in the wake of the large empires that fell apart at the end of World War I. The history of the region prior to 1918 will only be summarized here, as it largely pertains to the three dominant powers of Austria-Hungary, Russia, and Germany, each of which operated separate spheres of influence which were often contested. For the period following 1918, countries in the region are discussed individually here, because each has had a different history when it comes to the penal repression of homosexuality. Before 1918:

The Foundation of a Repressive Tradition In eastern and central Europe, laws against sodomy, which were largely religious, originated in the Middle Ages and remained in effect up until the mid-nineteenth century. The formulation and application of these laws varied with the time and place, but each, in a generalized way, targeted all sexual practices that were unrelated to procreation. The definition of sodomy at the time was fairly broad, and included relations between people of the same sex (women as well as men) as well as bestiality. This definition prevailed throughout the Austro-Hungarian Empire and part of the German Empire; moving east to Russia, the concept of sodomy was narrower. There it was defined explicitly by anal penetration, and in fact excluded relations between women. In the mid-nineteenth century, contrary to much of western and southern Europe—which had radically

abolished the old sodomy laws under the influence of the French Revolution and the Napoleonic Code—the nations of central and eastern Europe established modern criminal codes based on their respective heritages.

The concept of sodomy gave way to “unnatural” debauchery. The regional characteristics of the ancient sodomy laws could still be observed: male homosexuality remained criminalized in Russia and the German state of Prussia, and in 1871 throughout the entire German Empire. The Austro-Hungarian Empire’s new penal code, adopted in 1852, punished both male and female homosexuality with harsh prison sentences. The only country to differ from this logic was Romania which, at the end of the nineteenth century, established a penal code inspired by the Napoleonic Code. Homosexuality was not distinguished from heterosexuality and thus was legal, as far as the law was concerned. This particular situation, however, would only last until 1936, when it was criminalized.

**The Baltic States** The Baltic states of Estonia, Latvia, and Lithuania, whose history has been dominated by Swedish, Polish, German, and Russian interests, achieved a short-lived independence in 1920–21. During their brief existence between the two world wars, the three new nations did not institute any legislation specific to homosexuality. This absence of formal criminalization was not a sign of tolerance, though. The few large cities and ports doubtless had areas conducive to homosexual encounters; however, these were never intended nor advertised as such: there were no identifiable gathering places for homosexuals, nor any organized community. The political climate was not favorable to the freedom of mores. The three nations, though originally democratic, quickly drifted toward authoritarianism, which in the 1930s developed into ultra nationalistic dictatorships; Latvia was even openly Fascist.

The 1940 annexation of the three Baltic states by the USSR meant that the Soviet Union’s anti-homosexual legislation of 1934 (Article 121 of the penal code) was now also applicable to the Baltic region. Male homosexuality was punishable by heavy prison sentences throughout the entire period of annexation. The collapse of the Soviet Union and the subsequent independence of the three countries in 1991 changed nothing at first: in all three republics,

politicians across the board, largely reflecting popular sentiment, were resolutely against the abrogation of the Soviet Article 121.

However, the three Baltic governments had to come to terms with this issue eventually in order to satisfy the demands of the Council of Europe, which they wished to join. Anti-homosexual laws were abrogated in Estonia and Latvia in 1992, and in Lithuania in 1993, which in turn sparked new discriminatory measures with regard to age of consent. These measures were removed in Latvia in 1998 (becoming sixteen years for all), and in Estonia in 2001 and Lithuania in 2004 (becoming fourteen years). Yet these changes were nothing more than concessions to pressures exerted by European gay and lesbian organizations such as the International Lesbian and Gay Association (ILGA). At the same time, Baltic gay and lesbian associations had difficulty obtaining legal recognition. Moreover, they were never consulted during the debates over the abrogation. Meanwhile, many politicians, particularly those with highly nationalistic tendencies, and the various churches continued to spread violently homophobic messages. Despite this, there was noticeable improvement in the tolerance of homosexuals by Baltic society throughout the 1990s.

Homosexuality became a common subject of debate in the media, which no longer uniformly cast it in a negative light. There are now active gay and lesbian associations in each of the Baltic states whose members have become highly visible, such as the five Lithuanian activists who came out in one of the largest daily newspapers in the country.

The number of gay and lesbian establishments remains quite modest, however. Vilnius, the capital of Lithuania, can claim only one discotheque; Tallinn, the capital of Estonia, has a few bars and saunas; and Riga, the capital of Latvia, has a large discotheque called Purvs, which was the target of a bombing in 1998. A few weeks earlier, a far right political party had led an intense antihomosexual campaign, during which it designated the nightclub as a “den of degeneracy.”

## **Poland**

Between the two world wars, the criminal code in Poland was quite unique. The Polish state, newly reconstructed after World War I, was composed of territories that had previously been German, Austro-Hungarian, and Russian. Until the adoption of a proper penal code in 1932, each region provisionally maintained criminal laws that had been in effect prior to independence. Thus, male homosexuality was criminalized throughout Poland, and female homosexuality only in those regions where the Austrian penal code of 1852 was enforced. The Polish penal code of 1932, based on that of France, made no distinction between homosexuality and heterosexuality, which included setting a single age of consent of fifteen years for all. The German invasion of Poland in 1939 was accompanied by the annexation of the eastern regions by the USSR, to which Soviet laws were immediately applied, including Article 121. In the territories annexed or occupied by Germany, the anti-homosexual policy of the Nazis theoretically only applied to Germans, and not the Polish “sub-humans.”

Nonetheless, the repression would still affect Polish homosexuals in cases of relations with Germans. Just like their German partners, they risked being sent to prison or concentration camps. With the exception of the period of German and Soviet annexation from 1939 to 1945, it is interesting to note that the complete decriminalization of male and female homosexuality introduced by the adoption of the 1932 penal code has never been questioned. In this way, Poland is an exception compared to the rest of central and eastern Europe, as much during the 1930s as during the communist years after World War II.

Nonetheless, the liberalism of the law was not enough to create a climate that was truly more favorable to homosexuals than elsewhere. In reality, the liberal influence of the Enlightenment and the French penal code did not affect more than a fraction of Poland’s intellectual elite. Other, more striking, influences combined to create a social climate that was noticeably hostile to homosexuals: the ultra nationalistic and reactionary trend that occurred between the wars; the post-war communist dictatorship that tightly controlled social mores right up through the 1980s; and the considerable influence of the Catholic Church.

The formation of activist gay and lesbian groups began with the transition toward democracy: ETAP in Wroclaw, FILO in Gdansk, and the WGA in Warsaw

all appeared between 1986 and 1987. Throughout the 1990s, the presence of gay and lesbian associations in Poland (the Lambda network in particular since 1997) has increased; as a result, gays and lesbians have begun to visibly assert themselves, as attested to by the existence of Rainbow in Warsaw, a gay and lesbian informational center that is unique among eastern European countries. However, this progress seems to be limited to the major cities. An ILGA study in 2001 suggests that the general public's attitude remained deeply homophobic: eighty-eight percent believe that homosexuality is "against nature."

Roughly half of Poles think it should be tolerated nonetheless, while the other half consider it unacceptable. The study also revealed that gays and lesbians are still frequently exposed to verbal and physical violence, particularly from their circles of family, friends, or colleagues following the disclosure or discovery of their homosexuality.

### **Austria, Hungary, Czech Republic & Slovakia**

After 1918, the countries which were formed following the end of the Austro-Hungarian Empire maintained the tradition of repression, in which male and female homosexuality was illegal, socially unacceptable, and obliged to remain hidden. Yet the political, economical, social, and moral chaos engendered by World War I and the crumbling of the old order encouraged a kind of liberalization of social mores in the 1920s, although this was really only evident in the big cities of Vienna, Prague, and Budapest, which already enjoyed a certain degree of freedom since the time of the Austro-Hungarian monarchy. Hungary, and Budapest in particular, underwent an evolution reminiscent of Berlin's during the same period, though less glamorous. The contradictions there were doubtless even sharper. The effervescent nightlife, unbridled pleasures, and rowdy luxury were essentially the privilege of a small minority of wealthy tourists. Sexual contact was largely the result of prostitution, during this period of extreme economic difficulty. Gay male prostitutes were common, but they were usually dabblers, not full-time professionals. The city's famous baths, though, played a role in developing a kind of homoerotic culture; the baths themselves were not the site of sexual activity, but they were places where it became easy for homosexuals to establish contact, directly and

explicitly. A few gay bars and clubs opened up, but in contrast to Berlin, homosexual life in Budapest was very discreet. In addition, there was no accompanying protest movement.

This climate—liberal yet ambiguous, and limited to Budapest—did not survive the dictatorial and ultra nationalistic changes to the Hungarian regime in the 1930s and during World War II. In the 1950s, a strict Stalinist moral order was the rule of the day. However, in 1961, homosexuality between consenting adults was decriminalized, although there was a higher age of consent for homosexuals: twenty, compared to fourteen for heterosexuals. During this time, Hungarian authorities opted for a slightly more flexible control of social life and individual liberties than that of the other countries in the Eastern Bloc.

This “Hungarian exception” benefited homosexuals: while official statements and prevailing attitudes were still largely homophobic, certain homosexual gathering places were quietly tolerated. During the mid-1960s, a café called Egyptus in the heart of Budapest transformed at night into a gay bar, and was semi-officially tolerated as such. This venue, which for a long time was the only one of its kind in the Eastern Bloc, combined with the baths made Budapest an El Dorado of sorts for homosexuals from the other eastern European nations. The evolution of gay rights in Hungary since the fall of communism has been full of striking contrasts. Not counting the large number of bars and clubs (often with a “backroom”), gay life in Budapest is marked by a veritable culture of outdoor pick-up spots, such as at various squares or the banks of the Danube. These places are numerous, well-frequented even during the day, and with little or no effort being made to disguise them from the heterosexual public, they stand in contrast to homosexuals who continue to avoid coming out of the closet. Openly declaring a gay or lesbian identity is still extremely difficult, as evidenced by the weakness of those organizations that have appeared since 1989. Politicians and their respective parties rarely take a positive stance on homosexuality; many, the government included, openly declare their desire to fight against this “deviance” that they see as dangerous to society and the family.

Modern Hungary is a paradox: among the post-communist nations, it is one of the most homophobic in its discourse and representation, yet also one of the few where gay establishments (at least in Budapest) are the most abundant and festive.

In the former **Czechoslovakia** between the world wars, despite the fledgling nation's commitment to democracy, which in principle provided a more favorable environment than the dictatorial regimes of its neighbors, the situation for homosexuals did not evolve accordingly. The nationalistic and political rifts throughout the nation historically tended to favor the reversion to a more traditional moral order. After Germany dismantled the country from 1938 to 1945, the Nazis' systematic repression of homosexuals (prison, concentration camps) was instituted "by law" in the Sudetenland, annexed by the Third Reich in 1938, and "by fact" of all populations (of German extract or otherwise) in Bohemia and Moravia; the region of Slovakia, which had become a pseudo-independent state, managed to escape these provisions.

After World War II, as in Hungary, the installation of Stalinist communism in Czechoslovakia maintained the criminal, social, and moral repression of homosexuality. In 1962, the law prohibiting homosexual acts between consenting adults was abrogated, though accompanied by discriminatory legislation on the age of consent. However, contrary to Hungary, it would not be until the 1980s that the first explicitly gay establishments appeared in Prague. Since 1990, the situation has evolved quite favorably in the Czech Republic, although less so in Slovakia, independent of each other since 1993. The separate age of consent for homosexuals was abrogated in 1990, to the effect that according to the law, both nations currently make no distinction between homosexuality and heterosexuality. Today Prague, along with a few other smaller Czech cities, has numerous gay and lesbian establishments as well as active organizations. Many political groups, including the large Social Democratic Party, as well as high-level politicians, such as former president Vaclav Havel, support gays and lesbians in the form of equal rights and anti-discriminatory measures.

In 2001, the Czech parliament adopted a new article in the labor code explicitly prohibiting discrimination “by reason of a person’s sexual orientation.” As far as prevailing attitudes are concerned, a 2006 Angus Reid poll found that approximately 52% of the Czech Republic’s population favored same-sex marriage, above the European average. The evolution of gay rights in Slovakia has been more mixed. There have been many attempts to lay the groundwork for a gay and lesbian community, and while there are over ten gay and lesbian establishments in the capital of Bratislava, politicians are on the whole apathetic if not explicitly opposed to the advancement of gay rights.

The Christian Democratic Movement is the most virulently homophobic political party, asserting the will of the Catholic Church, which retains a strong influence over the whole of Slovakian society.

In **Austria**, section 129 of the 1852 penal code prohibiting male and female homosexuality between consenting adults was not challenged in the period between the two world wars, and there were numerous convictions. The punishment, as in Germany prior to the Nazis, was relatively moderate —a prison sentence of one to five years. However, with Germany’s annexation of Austria in 1938 (becoming the Anschluss), the Nazi policy dedicated to the “eradication of homosexuality” that had been in effect in Germany since 1933 was extended to Austria. Raids increased, and punishments were brought in line with those of the Reich. From 1938 to 1945, the fate of Austrian homosexuals in prisons and in concentration camps mirrored that of German homosexuals. As in Germany, the end of World War II resulted in only semi-liberation for homosexuals in Austria. The mortal peril of the camps had disappeared, but not section 129, nor the legacy of Nazi ideology. In fact, Austrian society, its police, and its judges equated homosexuals with criminals more than ever. Anti-gay laws were enforced with more zeal than at the turn of the century or during the 1920s. Further, homosexual survivors of the camps, in Austria as in Germany, were not viewed as victims of Nazism, and thus were excluded from reparations or pensions.

Among Europe’s democratic countries, Austria was one of the last to decriminalize homosexuality, in 1971. But in return for their compliance, the

Catholic Church and the country's conservative parties were appeased by the introduction of many new discriminatory laws: the criminalization of male homosexual prostitution (Paragraph 210, removed in 1989); of all forms of enticement to debauchery with a person of the same sex (Paragraphs 220 and 221, removed in 1996), and last but not least, the establishment of a separate age of consent for homosexuals (eighteen, compared to fourteen for heterosexuals) (Paragraph 209). Paragraph 209 remained in effect until 2002, despite contradicting many Austrian legal and constitutional acts, as well as resolutions of the European Parliament and the Council of Europe. Both of these institutions have called upon Austria on many occasions, but always in vain, to align its laws with the rest of Europe, but any attempts at abrogation have always been obstructed by opponents on the far right.

This intransigence is not just symbolic: the number of convictions, which had fallen to less than fifteen per year during the early 1990s, rose to an annual average of thirty-five by the end of the decade. More than a third of those charged were between eighteen and twenty years of age, and three-quarters were under forty. The removal of Paragraph 209 in 2002 was not the result of an act of parliament, but rather through an invalidation by the Constitutional Court of Austria, which determined that the law violated the principle of equal treatment of citizens. A major difference between Austria and countries in the Eastern Bloc can be seen in its freedom of expression and association that has permitted a highly organized and very active gay and lesbian movement since the 1970s. Homosexual activists have forced many politicians to become more progressive, and today they can count on the support of the Green Party and the Social Democrats. Austrian society has also changed considerably.

The traditional homophobia, fed by remnants of Nazi ideology and the strong influence of the Catholic Church, has lessened considerably, particularly in the younger generation. But a portion of the population continues to maintain a violently homophobic stance, which in turn is exacerbated by politicians of the populist right and far right. In a 1991 poll, 27% of Austrians declared themselves in favor of the strict pre-1971 laws against homosexuality.

## **Romania**

In Romania, homosexuality was not specifically criminalized until 1936, under the influence of the Fascist Iron Guard, whose goal was to restore moral discipline over the populace. Strictly speaking, the law did not forbid homosexual acts, but rather the “public indecency” resulting from them. As defined, only a handful of people needed to be aware of a homosexual act in order for it to constitute an offense. The fall of Romanian Fascism did not bring about any softening of the law. On the contrary, a law prohibiting homosexual relations (both male and female) was adopted in 1948. Unlike other communist countries such as Hungary, Czechoslovakia, or East Germany— which abolished this kind of wholesale interdiction in the 1960s and tolerated (especially in the 1980s) a discreet gay social life in its major cities—the Romanian regime under autocratic leader Nicolae Ceaucescu carried out a systematic repression of homosexuals until it dissolved in 1989.

This tactic became part of the general evolution of the Romanian dictatorship, which did not soften at all during the 1970s. Post-communist Romania is by far the most homophobic country in eastern Europe. Homosexuality was not decriminalized until 1996, in favor of a return to the more general legislation of offenses against public decency from the period of 1936–48. Article 200 of the Romanian penal code, which was not repealed until June 2001, provided for the punishment of any act between persons of the same sex if it was “committed in public or caused a public scandal.” With regard to what constitutes “public,” jurisprudence is particularly severe: for acts taking place in private, the offense occurs as soon as more than two people have knowledge of the act (neighbors, for example). Article 200 also penalized any inducement of homosexual relations, including any “propaganda, association, and proselytism.”

This constituted a real obstacle to the dissemination of information on homosexuality, and severely limited the freedom of gay and lesbian associations, who were forced to dance around the law in order to simply exist. The complete decriminalization of homosexuality, fiercely fought by many politicians and by the Orthodox Church, was, as in the Baltic countries, merely a concession to European demands. Pressure from the Council of Europe, the European Parliament, human rights associations, and the ILGA helped to bring

about the abrogation of Article 200 and all other discriminatory measures against homosexuals. Homosexuality is becoming ever more visible in Romania, and is gradually incurring some measures of political support.

There are now several gay clubs in Bucharest, as well as other cities. As well, Bucharest celebrated its first Gay Pride day, or GayFest, in 2004, with financial support from some sections of government. And while civil partnerships or same-sex marriages are not permitted in Romania, the debate surrounding these issues is becoming more open.

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