

Beyond Crime, Sin and Disease:  
Same-Sex Behaviour Nomenclature and the Sexological Construction of the Homosexual  
Personage in the Late Nineteenth and Early Twentieth Century

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University of Ottawa

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## Abstract

Over the course of history, many cross-cultural efforts have been made to understand better the form and function of male same-sex behaviour. Initial naming exercises evaluated the sexual actions taken, and categorized these behaviours as expressions of crime, sin and disease. Various historical accounts note that it was in fin-de-siècle Germany and England, however, that several concepts were developed for the first time to encapsulate male same-sex behaviour, and to identify the type of men engaging in such conduct, in a more tolerant way.

Operating within the taxonomic impulse of the eighteenth century, sexology — the scientific study of sexualities and sexual preferences that were considered to be unusual, rare, or marginalized — spurred the development of these new concepts. In the aim of better understanding humans through scientifically evaluating, quantifying, and labelling their sexual form and function, sexology moved male same-sex behaviour beyond the notions of crime, sin and disease.

This thesis argues that the key works of sexologists Karl Heinrich Ulrichs (1825-1895), Károly Mária Kertbeny (1824-1882), Henry Havelock Ellis (1859-1939) and Magnus Hirschfeld (1868-1935) were instrumental to the theoretical endeavour of reclassifying male same-sex behaviour. These four sexologists operated within the parameters of what Foucault calls *scientia sexualis*: the machinery needed for producing the truth of sex via confessional testimony.

Through their own confessional testimony, and testimony collected from other men with same-sex behaviour, Ulrichs, Kertbeny, Ellis and Hirschfeld deemed same-sex behaviour to be a phenomenon based on congenital conditions and one which manifested itself in the form of an inherent sex/gender misalignment. While this behaviour was uncommon, it was not abnormal due to its biological origin. Same-sex behaviour was simply an anomaly of sorts — one specific and rare form of attraction on a spectrum of possibilities. This rationalization of same-sex behaviour differed greatly from the work of other sexologists of the time who evaluated same-sex behaviour to be symptomatic of crime, sin and disease like degeneration theorist Richard von Krafft-Ebing. In arguing that same-sex behaviour developed naturally prior to birth, Ulrichs, Kertbeny, Ellis and Hirschfeld empowered men with same-sex behaviour to negotiate new identities for themselves outside of crime, sin and disease. This discursive rebranding of same-sex behaviour is an example of what feminist poststructuralism labels as reverse discourse.

In order to negotiate new identities for themselves and others with congenital same-sex behaviour, Ulrichs, Kertbeny, Ellis and Hirschfeld developed four specific concepts. These terms are: *Urning* (1865), *homosexualität* (1869), *sexual inversion* (1897), and *third sex* (1914). While these examples of reverse discourse were operationalized within restrictive conceptualizations of gender expression, they moved away from classifying same-sex behaviour as temporary acts to classifying those engaging in this behaviour as a specific species of people. This transition from sexual act to personage has been elaborated upon most famously by Michel Foucault in *The History of Sexuality, Volume 1* (1978/1990).

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“I exist as I am, that is enough.”

— Walt Whitman

## Introduction

Over the course of history, many efforts have been made to understand better the form and function of male same-sex behaviour. Initial naming exercises evaluated the sexual actions taken, and categorized these behaviours primarily by the dominant religious, politico-legal and medical discourses of the time. The Stoics, for example, deemed all sexual activity outside of procreation to be unnatural (Mondimore, 1996, p. 22). By the fourteenth century, Mondimore suggests “monarchs and princes throughout Europe bowed to pressure from the Catholic Church to make ‘sodomy’ criminal” (Mondimore, 1996, p. 24). By the nineteenth century, same-sex behaviour was considered to be an expression or a physical manifestation of a psychiatric disorder and regression (Kinsman, 1996, p. 31; Sullivan, 2003, p. 7). In order to control these physical manifestations, the Prussian and German penal codes of the late nineteenth and early twentieth centuries, for example, punished same-sex behaviour perpetrated by persons of the male sex with strict penalties involving loss of civil rights and imprisonment (Fout, 1992, p. 394; Bauer, 2009b, p. 91). Victorian England also punished same-sex acts between men with sentences of ten years to life in prison (Ellis & Symonds, 1897/2008, p. 218). Various historical accounts note that it was in fin-de-siècle Europe, specifically Germany and England, where a significant shift occurred with regard to how same-sex behaviour was understood and categorized. Within the parameters of sexology — the scientific study of sexualities and sexual preferences that were considered to be unusual, rare, or marginalized (Harris, 2010, p. 1087) — several concepts were developed to encapsulate male same-sex behaviour, and those engaging in such conduct, in a more tolerant way for the very first time. This sexological exercise was

undertaken in order to replace “the older names [for same-sex behaviour] marked by persecution and suppression” (Herzer, 1986, p. 15).

Late nineteenth- and early twentieth-century sexologists sought a more comprehensive understanding of humans through scientifically evaluating, quantifying, and labelling their “sexual interests, behaviour, and function” (Harris, 2010, p. 1087-1088). Sexology was seen as “a historic shift in Western societies towards secular modernity, as it [reconfigured] the religious ritual of confession into a new ‘procedure for producing the truth of sex’: ‘scientific discursivity’” (Bauer, 2009a, p. 3). It moved same-sex behaviour away from being solely an act, and toward a fundamental expression of a specific type of person — a personage. Michel Foucault most famously elaborated upon this shift in his seminal work, *The History of Sexuality, Volume 1* (1978/1990).

It is important to note that the main focus of sexology during the late nineteenth and early twentieth century was, however, same-sex behaviour among males. Three explanations are provided for this masculine focus. First, Bauer indicates that female same-sex behaviour was largely omitted from sexological studies at this point in time because it lacked currency in the male-centered world of sexology (2009a, p. 8-9). As women were considered to be “passionless and asexual, the passive objects of male sexual desire” (Chauncey, 1982, p. 117. See also Weeks, 1981a, p. 89; Shoemaker, 1998, p. 81), and because the medical and legal spheres in which sexology existed were male dominated, same-sex behaviour between women emerged less frequently in late nineteenth- and early twentieth-century sexological studies than same-sex behaviour between men. If same-sex behaviour between women was discussed at all, it was understood mostly in relation to male sexuality (Bauer, 2009b, p. 93). Second, same-sex behaviour between women was considered to be unique to “idle, decadent, upper-class and

bourgeois women” (Rosario, 1996, p. 167) and not indicative of a larger phenomenon (Shoemaker, 1998, p. 81). Third, it was suggested by German political journalist Anna Rüling in 1904 that females were widely overlooked when it came to matters concerning same-sex behaviour because they “have had no unjust cause to fight against, such as penal code paragraphs which arise out of having false moral views” (1904/2004, p. 31).

As we will see in Chapters 4, 5 and 7, Paragraphs §143, §152, and §175 of the various Prussian and German penal codes criminalized same-sex behaviour between men, but never mentioned same-sex behaviour between females. In this vein, Rüling suggests that while it made sense for males engaging in same-sex behaviour to discuss their mistreatment at the hands of the state, women themselves did not make their own voices heard because “no cruel justice menaces women nor does the penitentiary if they follow their natural instincts” (1904/2004, p. 31). Since the Prussian and German penal codes did not penalize female same-sex behaviour outright, women did not feel the need to add their voices to this initial sexological narrative. While some feminists have now reclaimed the position of women in that narrative, dispelling the myth that women were silent asexual beings (Harris 2010, p. 1091), my study will examine only the expansion of male same-sex behaviour nomenclature in late nineteenth- and early twentieth-century Europe.

Focusing particularly on the issue of nomenclature, key works of sexologists Karl Heinrich Ulrichs (1825-1895), Károly Mária Kertbeny (1824-1882), Henry Havelock Ellis (1859-1939) and Magnus Hirschfeld (1868-1935) will be examined for the discursive rebranding of male same-sex behaviour apart from crime, sin and disease, in addition to the gendering effects of these early sexological debates.

## Research Problem and Objectives

To date, there has not been a definitive academic work in which the late nineteenth- and early twentieth-century nomenclature of same-sex behaviour has been thoroughly mapped. A historical analysis of the homosexual personages, and the conditions believed to produce those personages, developed by Ulrichs, Kertbeny, Ellis and Hirschfeld — the *Urning* (1864), *homosexualität* (1869), *sexual inversion* (1897) and the *third sex* (1914), respectively — do exist separately. However, they have yet to be collected, compared, and contrasted all under the same cover. Although instrumental to the historical mapping of same-sex behaviour nomenclature, countless insular and singular studies examining one or two of these concepts at a time have produced a gap in our knowledge of the history of same-sex behaviour nomenclature. This gap exists because these studies have failed to consider how the aforementioned concepts have been co-developed and were characterized by unique discursive subtleties highlighting different gendered elements.

Additionally, some of these singular studies, authored by Kennedy (1981) and Bullough & Bullough (1997) for example, provide a presentist analysis. With this presentist analysis, *Urning*, *homosexualität*, *sexual inversion* and *third sex* have been linked to the modern concept of homosexuality. The deliberate choice to link the sexological concepts developed by Ulrichs, Kertbeny, Ellis and Hirschfeld to modern-day terms denoting same-sex behaviour is a major concern of mine, and one that motivates this study. A close examination of historical primary and secondary sources will illuminate the temporal, cultural, geographical and political specificities of the aforementioned sexological concepts, in addition to the non-linear co-development of each. Feminist poststructuralist theory will enable me to tease out the subtleties of the concepts in question, as will be discussed in Chapter 1. Following the conclusion, I have

placed two helpful appendices of a chart in a quick and easy-to-read format (see Appendix 1) along with an alphabetical list of terms I use in this thesis (see Appendix 2).

In regard to the remaining chapters of this thesis, earlier attempts at classifying same-sex behaviour, prior to the rise of sexology, will be examined in Chapter 2. In discussing these specific classification attempts, we will better understand how Ulrichs, Kertbeny, Ellis and Hirschfeld moved beyond classifying sexual acts to classifying sexual actors. In Chapter 3, Enlightenment gender ideology will be discussed. With this examination, we will be able to better understand what benchmark of normality, in terms of gender norms, Ulrichs, Kertbeny, Ellis and Hirschfeld worked with in their attempts to move same-sex behaviour away from notions of crime, sin and disease. Lastly, the reclassifying efforts of all four sexologists will be examined throughout Chapters 4 to 7, moving from Ulrichs, to Kertbeny, to Ellis and then Hirschfeld, respectively.

The three objectives of this thesis are to:

(1) explore the early German and English attempts, in the late nineteenth and early twentieth century, to emancipate men engaging in same-sex behaviour through what I call a “born-this-way” narrative. As we will see throughout this thesis, specifically in Chapters 4 to 7, all four sexologists advocated for the tolerance of same-sex behaviour because they argued that it was to some degree “congenital” — an inborn phenomenon, or one based on inborn conditions.<sup>1</sup> In using embryology,<sup>2</sup> Ulrichs and Hirschfeld, specifically, argued that some human organisms develop into hermaphroditic beings rather than unambiguous males or females (Numantius, 1864/1994c, p. 56; Numantius, 1864/1994c, p. 55; Ulrichs, 1868/1994e, p. 301; Mancini, 2010,

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<sup>1</sup> Merriam-Webster defines congenital as “acquired during development in the uterus and not through heredity” and “being such by nature.”

<sup>2</sup> Merriam-Webster defines embryology as “a branch of biology dealing with embryos and their development”.

p. 51; Schaffner, 2012, p. 114). These hermaphroditic beings were characterized by both masculine and feminine characteristics.

Although we cannot say that Ulrichs, Kertbeny, Hirschfeld and Ellis were the first to categorize and label same-sex behaviour, they were the first to categorize it as natural, precisely because they believed it to be biological in origin. This understanding of same-sex behaviour differed greatly from the work and opinions of other sexologists of the time who saw it as symptomatic of a psychiatric disorder, like degeneration theorist Richard von Krafft-Ebing (Sullivan, 2003, p. 7; Taylor, 2012, p. 17; Bullough & Bullough, 1997, p. 5; Fout, 1992, p. 404; Cook, 2003, p. 75; Hekma, 1991a, p. 180; and Kinsman, 1996, p. 31). In using Foucault's insights into discourses of sexology, I highlight how Ulrichs, Kertbeny, Ellis and Hirschfeld were able to shift same-sex behaviour away from crime, sin and disease by invoking the "confessions" they collected from the individuals they studied.

(2) evaluate selected sexological texts by Ulrichs, Kertbeny, Ellis and Hirschfeld in order to map the development of *Urning*, *homosexualität*, *sexual inversion* and *third sex*, providing a thorough historical analysis of each concept and its interaction with another. As stand-alone concepts, these have been discussed and analyzed in a variety of separate disciplines. What is known about the nomenclature of same-sex sexual behaviour is, therefore, largely fragmented. Yet these concepts existed in conjunction and continuum with one another, sharing moments of overlay and intersection, in addition to moments of rupture and splintering. Without a comprehensive examination, we cannot have a holistic insight into the development of late nineteenth- and early twentieth-century same-sex behaviour nomenclature, and how these concepts spoke to, differed from, and complemented one another.

(3) highlight the discursive and gendered aspects of each of these concepts. While the emancipatory efforts of Ulrichs, Kertbeny, Ellis and Hirschfeld were not focused on female same-sex behaviour per se, these personages existed in late nineteenth- and early twentieth-century gender conventions. In their attempts to normalize male same-sex behaviour, Ulrichs, Ellis and Hirschfeld pointed to an inborn gender misalignment that caused men to deviate from late nineteenth- and early twentieth-century gender/sexual norms. The putative femininity of the *Urning*, *third sex*, and *sexual invert* marked their bodies physically, emotionally and mentally, apparently in an identifiable way. Kertbeny, on the other hand, normalized male same-sex behaviour in arguing that it was simply an expression of an alternative masculinity. Regardless, this alternative masculinity was also marked by its “feminine” love for the male gender.

## Chapter 1

### Theories, Methodologies and Terminologies

#### Theoretical Framework

The theoretical framework of this thesis is indebted to Michel Foucault's *The History of Sexuality, Volume I* (1978/1990) and Chris Weedon's *Feminist Practice and Poststructuralist Theory* (1987). Foucault examines the construction and classification of the homosexual personage through the scientific discursivity of nineteenth-century Europe. Nineteenth-century medical discourse moved away from classifying sodomitical practices as temporary aberrations to classifying those engaging in same-sex behaviour as a specific species of people (Foucault, 1978/1990, p. 43; Vicinus, 1992, p. 484; Somerville, 1996, p. 241). Foucault writes:

as defined by the ancient civil or canonical codes, sodomy was a category of forbidden acts; their perpetrator was nothing more than the juridical subject of them. The nineteenth-century homosexual became a personage, a past, a case history, and a childhood, in addition to being a type of life, a life form, and a morphology, with an indiscreet anatomy and possibly a mysterious physiology (1978/1990, p. 43).

This particular classification exercise can be understood as an extension of what Foucault saw as the “taxonomic impulse” of the eighteenth century (Outram, 2005, p. 68). As “the science of articulations and classifications” (Foucault, 1971, p. 74), Foucault suggests that taxonomy organized all knowledge during the Enlightenment “by the establishment of differences and [...] by the establishment of an order” arranging these differences (1971, p. 346). Initial impulses to classify natural objects led intellectuals to question what separated humans from primates and if

humans could be separated into difference species, for example (Outram, 2005, p. 68). The taxonomic impulse of the Enlightenment also extended to the classification of differences between males and females (Outram, 2005, p. 78). One of the most widely accepted taxonomic structures of the eighteenth century was called the Great Chain of Being (Lovejoy, 1964, p. 183). Dating back to ancient Greece, the Great Chain of Being “was a ladder-like organizational schematic progressing upward from the simplest to the most complex matter in all creation” (Sethna, 2010, p. 270). With this taxonomic impulse and push to find truth in order, a benchmark of normality was produced.

The construction and classification of the homosexual personage was achieved through the scientific evaluation, quantification, and labelling of citizens’ “sexual interests, behaviour, and function” (Harris, 2010, p. 1087-1088). As the nineteenth century was governed by “the principle of ‘sex as a cause of any and everything’” (Foucault, 1978/1990, p. 65), this scientific endeavour was used as a means to “better understand humans through their sexual acts” (Harris, 2010, p. 1088) and to distinguish between the normal and abnormal. Normal in this sense referred to heterosexual citizens and abnormal to those whose sexuality was not tied to the opposite sex (Harris, 2010, p. 1087-1088). In order to conduct this scientific evaluation, Foucault indicates that “an entire machinery for producing true discourses concerning it [sexuality]” (Foucault, 1978/1990, p. 69) was put into place. This machinery was called *scientia sexualis* and employed confession as a means to produce “the uniform truth of sex” (Foucault, 1978/1990, p. 69). Confession speaks to much more than just the sexual act itself. Isolated genital acts were transformed into markers of identity (Sedgwick, 1990, p. 83) because

it [was] no longer a question of simply saying what was done — the sexual act — and how it was done; but of reconstructing, in and around the act, the thoughts that recapitulated it, the obsessions that accompanied it, the images, desires,

modulations, and quality of the pleasure that animated it (Foucault, 1978/1990, p. 63).

With the introduction of *scientia sexualis*, sexual acts were not necessarily stigmatized but it was the state of mind of those engaging in such acts that was (Foucault, 1978/1990, p. 43; Weeks, 1981a, p. 81).

Initially used by the Church to produce truth, confession was adopted and modified by medicine, psychiatry and pedagogy to develop a “great archive of the pleasures of sex” (Foucault, 1978/1990, p. 63). Sexological questioning moved away from evaluating “sinful acts against nature that potentially anyone might commit as a result of ‘man’s’ fallen state,” to examining the very real notion that same-sex behaviour may form the basis of an individual’s innate nature (Sullivan, 2003, p. 4). With *scientia sexualis*, “the ‘sinner’ gave way to the ‘pervert’” who had to describe, in detail, his sexual desires and activities (Rydström, 2000, p. 241. See also Vicinus, 1992, p. 484).

Confession under *scientia sexualis* could occur only in the presence of an authority who, as states Foucault, “requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console and reconcile” (1978/1990, p. 61-62). Like children and their parents; students and their professors; patients and their psychiatrists; and delinquents and experts (Foucault, 1978/1990, p. 63), confession was used in a variety of domains and in a variety of relationships in order to reveal truths. While confession could be optional, one could be forced to confess through violence or threat (Foucault, 1978/1990, p. 59). Ulrichs, Kertbeny, Ellis and Hirschfeld all used such notions of confession to expand the same-sex behaviour nomenclature of late nineteenth- and early twentieth-century Europe. Ulrichs and Hirschfeld confessed their own same-sex behaviour to fight against the social controls enacted against male same-sex behaviour by the Prussian and German empire, whereas Kertbeny and Ellis collected

case studies from men engaging in same-sex behaviour through the confessional mode. These confessions, according to the sexologists, proved that same-sex behaviour was natural because it was congenital. As we will see, this born-this-way discourse was used to challenge discursively the state's criminalization of same-sex behaviour.

It is important to understand, however, how confessional statements about sex came to be constituted as scientific. Foucault offers the following reasons. First, the combination of confession with examination by authorities created "a set of decipherable signs and symptoms" (Foucault, 1978/1990, p. 65). This taxonomic codification of signs and symptoms elevated confession to much more than just a recollection of memories, moving it towards ordered and classified information (Foucault, 1978/1990, p. 65). Second, the nature of confession in the nineteenth century was scientific as it was "no longer to be concerned solely with what the subject wished to hide, but with what was hidden from himself" (Foucault, 1978/1990, p. 66). These supposed hidden truths only came to light "through the labor of a confession in which the questioner and the questioned each had a part to play" (Foucault, 1978/1990, p. 66). With the extraction of these previously unknown truths, confessions were further interpreted (Foucault, 1978/1990, p. 66). This interpretation of the confessional material allowed putative scientific diagnosis to occur, classifying the sexual truths of the confessor either as normal or abnormal (Foucault, 1978/1990, p. 67). Unfortunately for the *Urning* and *third sex*, and men with *homosexualität* and *sexual inversion*, *scientia sexualis* categorized their same-sex behaviour as abnormal.

Feminist poststructuralist discourse analysis will be used to highlight how *Urning*, *homosexualität*, *sexual inversion* and *third sex* are concepts "that are tied to ways of understanding and of being that are specific to a particular milieu" (Sullivan, 2003, p. 2). The

collection, codification and interpretation of sexual confession had meaningful consequences for men engaging in same-sex behaviour in late nineteenth- and early twentieth-century Europe. This exercise made it easier to identify and distinguish between the socially acceptable sexual citizen (heterosexual) and the perverse sexual other (the abnormal sexual deviant who engaged in same-sex behaviour) (Foucault, 1978/1990, p. 65). This distinction occurred often through identifying markers supposedly found on the body.

Feminist poststructuralist discourse is an effective tool to use for this thesis, as it suggests that meanings do not exist prior to their articulation in language (Weedon, 1987, p. 23). Prior to the collection, codification and interpretation of sexual experiences under *scientia sexualis*, sexual acts had no essential or permanent nature (Weedon, 1987, p. 119). As we will see in Chapter 2, sex was solely a physical act and was not necessarily a psychological or physical indication of identity. As explained by Foucault, *ars erotica* preceded *scientia sexualis* as a mode of understanding sex. Under *ars erotica*, sexual acts were governed by pleasure and remained far removed from confession for fear that sexuality “would lose its effectiveness and its virtue by being divulged” (Foucault, 1978/1990. p. 57). While *scientia sexualis* moved away from *ars erotica*, it did not approach the study of sexuality in an objective way. The manner in which sexual behaviour was linguistically articulated under *scientia sexualis* was socially produced (Weedon, 1987, p. 23). All sexual behaviour was classified from a specific socially and culturally accepted benchmark of normality — that of monogamous opposite-sex sexual behaviour (heterosexuality), practiced within the confines of marriage with the aim of procreation. *Scientia sexualis* classified male same-sex behaviour as existing in opposition to this benchmark of heterosexual normality.

It is important to note, however, that within the parameters of feminist poststructuralism, language can also act as a site of resistance, struggle, and potential change (Weedon, 1987, p. 41). As furthered by Weedon, “discourse transmits and produces power; it reinforces it but it also undermines and exposes it, renders it fragile and makes it possible to thwart it” (1987, p. 111). Language is ever changing, and thus meaning is not fixed. As new language is acquired, new meanings can be given to our experiences, leading us to challenge the accepted discursive organization of society (Weedon, 1987, p. 33). In producing new language and in speaking this language, we “assume a subject position within discourse and [...] become *subjected* to the power and regulation of the discourse” (Weedon, 1987, p. 119). In this model, however, speakers are never entirely powerless to discourse. Speakers are thinking, feeling and social agents, and thus are capable of resisting the subjectivity thrust upon them by society through what Foucault calls “reverse discourse” (Foucault, 1978/1990, p. 101. See also Kinsman, 1987, p. 48; Weedon, 1987, p. 125). Reverse discourse has the potential to subvert the accepted discursive structures of society and to create meaningful change (Weedon, 1987, p. 110). *Urning, homosexualität, sexual inversion* and *third sex* are sites of reverse discourse (Foucault, 1978/1990, p. 101; Kinsman, 1987, p. 48). With the development of these concepts, same-sex behaviour “began to speak in its own behalf, to demand its legitimacy or ‘naturalness’ be acknowledged” (Foucault, 1978/1990, p. 101. See also Weedon, 1987, p. 109-110).

Ulrichs, Kertbeny, Ellis and Hirschfeld all used reverse discourse to negotiate new identities for men engaging in same-sex behaviour. Those who engaged in same-sex behaviour were solely expressing their inborn gender misalignment, and were “not a social threat” (Kinsman, 1987, p. 48). Through sexual confession, and the development of new same-sex behaviour nomenclature, these four sexologists sought to subvert the power of the medico-legal

discourses that structured same-sex behaviour in Germany and England with a “discourse of defiant self-affirmation” that reinforced a born-this-way narrative (Weeks, 1989b, p. 80).

By the time Ulrichs, Kertbeny, Ellis and Hirschfeld began developing new terminologies for same-sex behaviour, the sexological and legal classification of same-sex behaviour was not positive. Ellis’ collaborator, John Addington Symonds agreed, writing “the accomplished languages of Europe in the nineteenth century supply no terms for this persistent feature of human psychology [same-sex behaviour], without importing some implication of disgust, disgrace, vituperation” (1896, p. 3). Other sexologists, like Richard von Krafft-Ebing, viewed all sexual activities outside the scope of procreative intercourse within marriage to be “a degeneration to an earlier, lower stage of evolution” which threatened civilization itself (Kinsman, 1996, p. 31). Furthermore, Krafft-Ebing considered same-sex behaviour to be a “functional sign of degeneracy” and abnormality (Cook, 2003, p. 75), linking it to psychological illness (Hekma, 1991a, p. 180; Sullivan, 2003, p. 7; Taylor, 2012, p. 17; Bullough & Bullough, 1997, p. 5; Fout, 1992, p. 404). As an advocate for the “treatment” of those displaying same-sex behaviour (Taylor, 2012, p. 17), Krafft-Ebing’s construct of same-sex behaviour differed greatly from those of Ulrichs, Kertbeny, Ellis and Hirschfeld.

Legally, Paragraph §175 of the 1871 Imperial German penal code is another example of how same-sex behaviour was regulated and governed discursively throughout the late nineteenth and early twentieth century. Adopted from Prussia’s anti-same sex behaviour legislation, Paragraph §175 stated: “unnatural vice committed by two persons of the male sex or by people with animals is to be punished by imprisonment; the verdict may also include a loss of civil rights” (German Empire, 1871/1997, p. 63. See also. Bauer, 2009, p. 91). By connecting same-

sex behaviour and sex with animals (bestiality) in the same legal article, the state explicitly revealed how reprehensible it found the former phenomenon to be.

While the Great Chain of Being was seen as organizing all organisms in existence (Sethna, 2010, p. 270), bestiality and same-sex behaviour disrupted the privileged position of humans on it. Bestiality was “a deliberate turning of one’s back (or backside) to the deity [God] and plunging, like Lucifer, to a level below man’s assigned role” (Gilbert, 1981, p. 65). Engaging in bestiality stripped humans of respectability, reducing them to the status of animals in the natural order of the Chain (Rydström, 2000, p. 250). Same-sex behaviour, however, further threatened the place of humans in the natural order due to its link to the anus. As explained by Gilbert, “humans usually defecate in secret, and in the Western imagination the anal function became a symbol of evil, darkness, death, and rebellion against the moral order” (1981, p. 65). Furthermore, sodomy “came to personify evil to the Western sexual imagination” (Gilbert, 1981, p. 66), because it was believed to signal racial degeneration (Sethna, 2010, p. 270). This illicit sexual activity caused the morally, mentally and physically evolved white, middle-class, Anglo-Saxon man to “enter a downward spiral of disease, insanity, and sterility,” threatening to debilitate biologically the human species (Sethna, 2010, p. 270). In committing sodomy, a man participated in “lower” sexual impulses typically relegated to beasts and the “lower races” (Sethna, 2010, p. 270; Gilbert, 1981, p. 65).

*Urning*, *homosexualität*, *sexual inversion* and *third sex* moved same-sex behaviour beyond notions of crime, sin and disease. These concepts acted as sites of resistance, empowering the homosexual personage to speak on his own behalf. In doing so, the homosexual personage was able to challenge the notion that his same-sex behaviour was unnatural, and to demand the state recognize the legitimacy of his sexual personage (Foucault, 1978/1990, p. 101).

## Methodological Framework

This thesis will focus on the late nineteenth and early twentieth century. The following primary sources have been selected because they are significant to this study:

i) *The Riddle of “Man-Manly” Love* is a compendium of Ulrichs’ writings on the *Urning*. Originally published in 1898, it includes all 12 pamphlets written and published by Ulrichs on the subject of congenital same-sex behaviour and the *Urning* personage. Michael Lombardi-Nash has translated this compendium from German into English.

ii) The congenital condition of *homosexualität* made its first public appearance in Kertbeny’s ground-breaking pamphlet, *An Open Letter to the Prussian Minister of Justice* (1869). In it, Kertbeny discusses the *homosexualist* personage that stems from this condition. The pamphlet has since been translated from German into English.

iii) The theory of *sexual inversion* as a congenital condition was first ushered into popular culture via Ellis’ English-language *Sexual Inversion* (1897). It examines the physical and psychological markers of the *sexual invert* in some thirty-odd case studies collected by Ellis through the confessional mode. Although this text has been republished numerous times, only the first edition has been consulted for this thesis because it is the only one that focuses solely on same-sex behaviour (White, 1999, p. 66).

iv) Hirschfeld’s *The Homosexuality of Men and Women* (1914) showcased his theory of the *third sex* personage. Although this was not his first foray into expanding same-sex behaviour nomenclature — Hirschfeld’s first publications on the subject were entitled *Sappho and Socrates* (1896) and *Petition to the Reichstag* (1897) — *The Homosexuality of Men and Women* is one of the few texts written by Hirschfeld that has been completely translated into English.

A variety of secondary sources published in English will also be fundamental to this study. Heike Bauer, James Steakley, Manfred Herzer, Hubert Kennedy and Jeffrey Weeks have provided considerable insights into how central the aforementioned primary sources have been with regard to the development of the homosexual personage. These authors have also been able to provide unrestricted access to a number of previously unpublished or lost material, such as previously unpublished sexological letters and diaries. If these confessional documents were not published in a variety of English secondary sources, they would have otherwise been inaccessible to me as many are housed in the Berlin Archives and have yet to be completely translated into English. Additionally, many other sources were destroyed by the Nazi regime.<sup>3</sup>

All of the secondary literature evaluated to date clearly demonstrates that Ulrichs, Kertbeny, Ellis and Hirschfeld were in correspondence with each other at various points and were actively debating the presumably congenital underpinnings of same-sex behaviour. In using the primary and secondary sources available, I will explore the development of *Urning*, *homosexualität*, *sexual inversion*, and the *third sex* in a chronological format according to the date of first publication. Nevertheless, I will not present these concepts as individual phenomena. I will use my historical training to capture their interconnectivity and similarity, all the while ensuring that their co-development is respected. The concepts will be presented, and then compared and contrasted throughout Chapters 4 to 7 of this thesis.

I conduct a discourse analysis of the aforementioned primary sources using Foucault's theorizations of "sexual discourse", and Weedon's feminist poststructuralism. The transition

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<sup>3</sup> On May 6, 1933, the Nazis ransacked Hirschfeld's Institute for Sexual Science in Berlin destroying the priceless sexological materials housed in the Institute's library. The attack has been described as both an act of anti-Semitism, and an act against homosexuality as the Nazis viewed both the Jews and homosexuals as enemies of the state (Miller, 2006, p. 194). Homosexuals were targeted in Germany and incarcerated for their crimes against the state (Miller, 2006, p. 199). The secondary source material that has reproduced the material lost during the raid has been invaluable.

toward the homosexual personage is what motivated Ulrichs and Hirschfeld to confess their own same-sex behaviour, and what motivated Kertbeny and Ellis to collect and interpret the sexual confessions of men engaging in same-sex behaviour. Weedon will allow me to examine the reverse discourse produced by Ulrichs, Kertbeny, Ellis and Hirschfeld to challenge the *scientia sexualis* of late nineteenth- and early twentieth-century Europe.

### Terminology

With regard to the nomenclature used in this thesis to make general reference to same-sex sexuality, there are several items that need to be addressed. To begin, when speaking of same-sex sexuality in the general sense, I use the expression “same-sex behaviour” for deliberate reasons. Some studies have categorized same-sex sexuality as love between two people of the same sex, whereas other studies have constituted same-sex sexuality as physical acts between two people of the same sex. In order to avoid placing an arbitrary benchmark as to where same-sex sexuality begins or ends, I have opted to use same-sex behaviour as a catchall term to reference both the physical and metaphysical aspects of same-sex sexuality, such as: romance, emotional connectivity, love, sexual attraction, eroticism, sexual/romantic friendship, and physical acts and desires/urges.

Next, I have thought it best to avoid using modern-day terms that make reference to same-sex sexuality — namely, “homosexuality”. I understand homosexuality to be a very specific concept that makes reference to a modern Western identity that would later come to be linked with the “gay pride” movement. As this concept is so deeply rooted in these very specific cultural connotations, it is incompatible with the scope of this thesis. For this reason, the word homosexuality will appear in the standard font in an attempt to differentiate it from Kertbeny’s *homosexualität* and Ellis’ *homosexuality*. A methodological concern for this study is the possible

misuse of homosexuality as a term to represent/describe the personages associated with *Urning*, *homosexualität*, *sexual inversion*, and *third sex*. Several authors who examine German sexology, including Fout (1992), Bullough & Bullough (1997), and Kennedy (1981), have used homosexuality as a blanket term when referencing the personages developed by Ulrichs, Kertbeny, Ellis and Hirschfeld. While Ellis, for example, recognizes the convenience of the term because its popularity (Ellis & Symonds, 1897/2008, p. 96), its use as a synonym for *Urning*, *homosexualität*, *sexual inversion* and *third sex*, I argue, effectively erases the subtleties of each concept.

While some would argue for the universality of the current term (homosexuality means gay, means queer, means same-sex behaviour), we must be cognizant of the fact that the homosexuality of today is not necessarily epistemologically compatible with the same-sex behaviour in fin-de-siècle Europe. Nor can it represent the specificities of the four concepts I examine. Although Chauncey, Duberman & Vicinus suggest that “historians of male homosexuality have tended to assume that certain acts have *always* been recognized as ‘homosexual’” [emphasis added] (1989, p. 6), I would argue that the contemporary Western homosexual is characterized by an essentialist identity politics associated with the term gay, and symbols such as the rainbow flags, gay pride parades and pink triangles (Brown, 1999, p. 118; Brown, 2002, p. 125).

Examples of this presentist analysis of the personages associated with *Urning*, *homosexualität*, *sexual inversion* and *third sex* include the following statements. In describing the *Urning*, Kennedy writes:

Ulrichs was a lawyer and was quick to point out the implications of his theory, that *homosexual activity*—under certain restricted conditions, to be sure—was entirely natural and legal. Thus, since *homosexual persons* were by nature sexually attracted to members of the same-sex, laws that proscribed “unnatural

acts” did not apply to them, so long, of course, as the recipient of *homosexual attentions* freely accepted the advance [emphasis added] (1981, p. 108).

In another text, Kennedy goes so far as to say that Ulrichs himself is a homosexual, stating “Karl Heinrich Ulrichs was perhaps the *first self-proclaimed homosexual* (or, in his terminology, Urning — the word ‘homosexual’ was not invented until later” [emphasis added] (Kennedy, 1988, p. 9). It is highly unlikely that Ulrichs proclaimed himself to be a homosexual considering that he had a personal rivalry with Kertbeny, the inventor of the concept *homosexualität*. Bullough & Bullough also avoid using *Urning* when they discuss Ulrichs. They write, “Ulrichs was driven to write his study because he felt the toleration of *homosexuals* and *lesbians* (he did not use such terms) was being threatened and he believed that unless something was done, conditions would worsen” [emphasis added] (1997, p. 3). If Ulrichs did not use such terms to begin with, I am unsure as to why the authors would superimpose them onto their account. With regard to *homosexualität*, White writes “the term which has persisted into modern language, ‘*homosexuality*’ (which will be used throughout this book as both historically valid and comprehensible to the modern reader), was coined in 1869 by a man named Benkert” [emphasis added] (1999, p. 4). As will be seen, Kertbeny did not coin the term homosexuality and in equating *homosexualität* with homosexuality, a grave injustice is done to its specificity.

When speaking of *sexual inversion*, Bullough & Bullough write, “Ellis believed that *homosexuality* had a biological base and offered as proof the fact that ‘inversion’, as he preferred to call it, reappeared in different members of the family” [emphasis added] (1997, p. 8). Again, we see the inappropriate jump from *sexual inversion* to homosexuality. Ellis not only preferred to call same-sex behaviour *sexual inversion*, he considered it to be an entirely separate category from that of homosexuality. With regard to the emancipatory work done by Hirschfeld, Fout writes:

individuals with that nature [same-sex behaviour] were innocent victims of their condition, and thus they deserved equal treatment before the law. Certainly, the movement also hoped to convince opponents of *homosexual* rights that *homosexuals*—decent people in every way—as a result of their innate condition engaged in sexual activities that were completely normal to them, given their own objects of desire [emphasis added] (1992, p. 403).

Hirschfeld did not necessarily refer to his emancipatory efforts as part of the homosexual rights movement.

In all of these secondary source examples, we see a blatant disregard for the original personages used to describe men engaging in same-sex behaviour in late nineteenth- and early twentieth-century Germany and England. This muddle may be an issue of translation. As the primary source materials written by Ulrichs, Kertbeny and Hirschfeld have been translated from German to English, certain liberties may have been taken with the translation of concepts. This has potentially resulted in a loss of nuance. For example, when referencing Kertbeny's concept of *normalsexualität* — opposite-sex desire — the primary source translator makes reference to “opposite-sexual nature,” “normalsexual,” “normalsexuality,” “normalsexual drive,” “normalsexualism,” and “the normal sexuality of both men and women” (Benkert, 1869/1997, p. 67-79). The editors of the manuscript also reference *normalsexualität* as “heterosexuality” (Blasius & Phelan, 1997a, p. 67). As I am not reading the primary source material in the original language of publication, and as I cannot read the original German texts, I am cognizant of these potential translation issues in addition to the fact that secondary source authors may be providing a presentist analysis of the primary source material.

In order to address what I believe to be a presentist representation of *Urning*, *homosexualität*, *sexual inversion* and *third sex*, I have taken the opportunity in this thesis to adjust quotes and references from secondary source material when needed. The reader will recognize this adjustment through the use of square brackets in which I insert the original late

nineteenth- and early twentieth-century personage alongside the presentist term(s) used by secondary source authors. For example, while examining Ellis' conceptualization of same-sex behaviour, Mondimore refers to men with *sexual inversion* as homosexuals. In order to clarify Mondimore's position, the quote will read as: "except for their sexual partners, homosexuals [*sexual inverts*] are not that terribly different from everybody else" (Mondimore, 1996, p. 49). The insertion of the original personages within secondary source quotes will clarify the analysis presented in this thesis.

Lastly, it is important to be cognizant of the language at play when these primary texts were written and now. For example, this study may be further complicated with the emergence of "queer" and "transgender". Scholars might read these terms into the concepts developed by Ulrichs, Kertbeny, Ellis and Hirschfeld, classifying, perhaps, the *Urning* or the *third sex* as an early embodiment of transgender identity. As new nomenclature is developed to reference the ever-changing elements of same-sex behaviour, earlier labels should be preserved, as they are indicative of specific social and historical discursive elements.

## Chapter 2

### Cross-Cultural Attempts at Classifying Same-Sex Behaviour Before the Rise of Sexology

Attempts to explain and classify same-sex behaviour have been occurring for centuries. Nomenclature referencing same-sex behaviour can be found in a wide variety of geographical and cultural locations including that of ancient Greece, the medieval Arab-Islamic world, seventeenth-century Japan, and early-modern France and Great Britain. Some terms made reference only to the physical expressions of same-sex behaviour, whereas others made reference to the societal context in which such expressions occurred. An example can be found in ancient Greece with “pederasty.” Over time though, an assortment of such terms were used to reference those men engaging in same-sex behaviour. A man engaging in pederasty, for example, became a pederast. In this sense, the individual engaging in same-sex behaviour was temporarily qualified by the action they were committing. This identity was not permanent, nor was the individual portrayed as marked by a congenital and unwavering same-sex behaviour. Other terms used to reference same-sex behaviour, however, did link this conduct to a certain type of individual. An example can be found in medieval Arab-Islamic texts that link passive same-sex behaviour to illness and abnormality — the “*ma'būn*”. This identity was permanent and the individual was marked by a congenital, unwavering and pathological same-sex behaviour and need to be penetrated by an active male (Najmabadi, 2008, p. 278; El-Rouayheb, 2005, p. 19).

In their quest to develop more tolerant and expansive same-sex behaviour nomenclature, Ulrichs, Kertbeny, Hirschfeld and Ellis studied these earlier concepts and the cultures in which

they developed. All four sexologists reference these cultures in the primary sources I have chosen to examine as a means to highlight the occurrence of same-sex behaviour all throughout history. These references act as reverse discourse, and are used to demonstrate that same-sex behaviour was not about crime, sin, and disease. One cannot ignore, however, the gendered connotations associated to same-sex behaviour nomenclature before and after the rise of sexology.

In one of his earlier pamphlets, Ulrichs references the work of eighteenth-century philosopher Arthur Schopenhauer. Schopenhauer notes that the practice of same-sex behaviour is common worldwide, including in Greece and Rome, and in various religious traditions (Numantius, 1864/1994c, p. 77). Kertbeny speaks of same-sex behaviour in ancient Greece in his pamphlet. In referencing the “paederasts,” Kertbeny highlights nature for giving “a homosexual drive to certain male and female individuals at birth” (Benkert, 1869/1997, p. 72). Ellis and Symonds discuss the existence of pederasty, making reference to ancient texts by Plato, Aristotle and Plutarch. Ellis also tackles same-sex behaviour in *Sexual Inversion*, referencing ethnographical studies on China, the United States, Russia and Switzerland (Ellis & Symonds, 1897/2008, p. 99-114). Lastly, Hirschfeld explores a variety of cultural terms used to denote same-sex behaviour in *The Homosexuality of Men and Women*. Like the other sexologists, Hirschfeld refers to pederasty, and “buggery” as an English synonym for same-sex behaviour. The development of buggery stems from a medieval custom practised in Western Europe in which those participating in same-sex behaviour were called *Bulgarians* (1914/2000, p. 678). Hirschfeld also investigates the gendered expressions of same-sex behaviour in Arab-Islamic and Japanese cultures. Hirschfeld claims that most Muslim men prefer the active role in same-sex behaviour (Hirschfeld, 1914/2000, p. 683). In Japanese culture, Hirschfeld mentions third-

century Japanese literature in which *naushoku* and the gendered *okama* are discussed (Hirschfeld, 1914/2000, p. 704). *Naushoku* generally refers to same-sex behaviour, and *okama* to the effeminate passive partner partaking in same-sex behaviour (Hirschfeld, 1914/2000, p. 704).

### Pederasty

In ancient Greece, same-sex behaviour was a common occurrence among citizens. Full citizenship was reserved for upper-class adult males born from lawful marriages. Women, minors under the age of 20, foreigners and slaves could not obtain citizenship (Jones, 2008, p. 34). Same-sex behaviour existed within a larger socio-sexual framework that provided order to the Spartan, Cretan, Athenian and Ionian poleis. David Halperin examines this system known as *paiderasteia* (pederasty), and describes same-sex behaviour in ancient Greece as “the male sexual penetration of a subordinate male — subordinate in terms of age, social class, gender style, and/or sexual role” (Halperin, 2002, p. 113. See also Dynes & Donaldson, 1992, p. x; Sartre, 2016, p. 25). Pederasty was a defined and transient phase in a man’s life cycle, aimed at training, educating and grooming young Greek boys to become better adults, citizens, soldiers, and intellectuals (Cartledge, 1992, p. 75, p. 86; Sartre, 2016, p. 28; Percy, 2005, p. 14). Upper-class men would engage in pederastic relationships with young boys, training them until they sprouted facial and body hair — the markers of manhood. Once manhood was achieved, the young man was expected to marry a woman and take a young male pupil of his own (Percy, 1992, p. 377).

While socially empowered males did engage in same-sex behaviour with their subordinates, and while some undoubtedly enjoyed this behaviour, we should not interpret this practice to be an indication of ancient sexual preference or of a homosexual personage. To this effect, Halperin succinctly writes:

each act of sex in classical Athens was no doubt an expression of real, personal desire on the part of the sexual actors involved, but their very desires had already been shaped by the shared cultural definition of sex as an activity that generally occurred only between a citizen and a non-citizen, between a person invested with full civil status and a statutory minor (1990, p. 32).

Even if pederastic pedagogy was sometimes used as a means to fulfill carnal urges, the adult male citizen's involvement in such a system was more indicative of his respect for the polis. It was not a symptom of an "involuntary psychosexual condition" (Halperin, 2002, p. 116). Pederasty was role-specific and was intended to cultivate better citizens, and reaffirm the hierarchical structure of ancient Greek society (Halperin, 2002, p. 126).

If, however, the pederastic model were flipped, whereby the citizen abandoned his active role as penetrator to become the passive receiving partner, several negative terms were used to denote the inappropriate passivity of the mentor. Terms included *pathic* (passive partner); *kataphygonai* (butt-fucked); *euryprōktoi* (big ass); and *gynnides* (effeminate man whose body was completely shaved) (Dynes & Donaldson, 1992, p. xi; Sartre, 2016, p. 29). In these circumstances, the mentor assumed the role of the youth or a woman — an obvious transgression of his qualifications as a citizen.

### Lūtī and M'abūn

In the medieval Arab-Islamic world, much was written on same-sex behaviour. Philosophical, religious, legal, and folk texts detail the important divide made between active and passive same-sex behaviour, and the subsequent gendered implications for those engaging in same-sex behaviour. Khaled El-Rouayheb examines several of these terms in his manuscript *Before Homosexuality in the Arab-Islamic World, 1500-1800*. El-Rouayheb explains that in Islamic law, "the *lūtī* is a man who commits *liwāt* (i.e. anal intercourse with another man) regardless of whether he commits it as an active or passive partner" (El-Rouayheb, 2005, p. 16).

The term has also been used to denote, more generally, the act of Lot's people (penetrative same-sex acts) or to make reference to pederasty (El-Rouayheb, 2005, p. 16-17; Murray, 1997, p. 29). One of the earliest references made to *liwāt* was from tenth-century intellectual Abū Hayyān al-Tawhīdī (Lagrange, 2008, p. 165) and from thirteenth-century Egyptian scholar Ahmad al-Tīfāshī. Al-Tīfāshī evaluated the type of person engaging in *liwāt*, arguing “there was no medical discussions of *liwāt* or any other indication that a tendency to commit *liwāt* was held to be a disease in the strict sense, with a physiological basis, physical symptoms, and natural remedies” (El-Rouayheb, 2005, p. 19).

An important distinction was made, however, in Al-Tīfāshī writings between active and passive same-sex behaviour. Al-Tīfāshī's belief that same-sex behaviour was “outside of disease” only applied to the active partner. A *ma'abūn* — an adult male who desires, or permits himself to be anally penetrated — “was viewed in the pathological sense” because he assumed the passive feminized role in sexual relations (El-Rouayheb, 2005, p. 19. See also Najmabadi, 2008, p. 278). Only passivity contravened masculine norms, not same-sex acts between males specifically (El-Rouayheb, 2005, p. 19-21). The desire to be anally penetrated was also seen to be morally and religiously reprehensible because it distorted conventional gender norms. Passive anal penetration went beyond something “that in principle anyone could commit — like, say, drinking alcohol or stealing. *Ubnah* [passive anal penetration] was something a *m'abūn* had or suffered from, whereas *liwāt* was something a *lūtī* did” (El-Rouayheb, 2005, p. 20). This desire to be anally penetrated was viewed as an unwavering congenital affliction — an insatiable disease that overwhelmed the afflicted individual, causing them to become restless until they could be anally penetrated (El-Rouayheb, 2005, p. 20).

Engaging in same-sex behaviour did not define the *lūtī*, nor did it bestow upon him an identity connected to crime, sin or disease so long as he acted as the penetrator. The *lūtī* could be a soldier, or a cavalryman roaming the roads of Damascus, who made an exceptional decision to engage in same-sex behaviour in order to fulfil his carnal urges. The *m'abūn*, however, was an abnormal type of person who enjoyed being penetrated by another man, or by a dildo (El-Rouayheb, 2005, p. 45). *Ubnah* was a diseased state of being — it was not just a behaviour (Murray, 1997, p. 29). The man afflicted by *ubnah* was marked by an effeminacy that went hand-in-hand with the desire to be penetrated. This effeminacy included flabbiness, cough, a dull languid look, dried lips, a fleshy face, and a large posterior (El-Rouayheb, 2005, p. 20).

*Lūtī* and *m'abūn* were not the only terms used in the medieval Arab-Islamic world to make reference to active and passive same-sex behaviour. The following Moroccan Arabic, Farsi and Turkish terms referenced those who desired to be anally penetrated: *maniloūk* (the kissed), *mukhannath/mukhannas* (effeminate) and *köçek* (dressed like a woman) (Murray, 1997, p. 31). *Fā'il* (doer), *sāni'* (doer), *'alā* (one on top), *bitul 'iyal* (buggerer), *bargel/ragel* (buggerer), *shāhid-bazī* (witness of boys' beauty), *gulām-pāre/kulāmpāre* (boy ravisher), and *keskin* (penetrating) all referenced those who assumed the active role in performing same-sex acts (Murray, 1997, p. 31). Despite belonging to different cultural traditions, all of these terms spoke to the specific roles men played while engaging in same-sex behaviour — active or passive. The terms used to reference the active partner all imply masculine agency whereas the terms used to reference the passive partner imply submissive femininity. While the *m'abūn* undoubtedly was a personage, this identity was unlike those cultivated by sexologists.

## Nanshoku, Shudō and Okama.

References to same-sex behaviour can also be found in a variety of Japanese literary sources dating to the seventeenth century. *Nanshoku*,<sup>4</sup> for example, signified “erotic interaction between two (or more) males” (Pflugfelder, 2000, p. 25) and was widely referenced in early-modern Japanese popular culture (Schalow, 1989, p. 119). This term appeared prominently in the titles of several written works, including that of Ihara Saika-ku’s 1687 best-selling story collection entitled *Nanshoku ōkagami* (Pflugfelder, 2000, p. 24-26). *Nanshoku* was an important part of an adult male’s life and did not preclude him from engaging in normal sexual relations with the opposite sex; in fact, *Nanshoku* existed alongside opposite-sex couplings (Schalow, 1989, p. 119).

Another term used to reference male same-sex behaviour during the early Edo period — a period ranging between 1600 and 1868 — is that of *shudō* (Pflugfelder, 2000, p. 16). *Shudō*, as described by Pflugfelder, is translated as “an erotic path that younger males travelled only in their capacity as sexual objects” (2000, p. 27). The erotic path of *shudō* is comparable to the pederastic pedagogy of ancient Greece. Here an elder and younger male — the *nenja* and *wakashu*, respectively — formed an intimate mentorship (Pflugfelder, 2000, p. 41). In terms of intimacy, “anal intercourse functioned as the central act of the *shudō* sexual repertoire, the *nenja* assuming the part of the inserter and the *wakashu* that of the insertee” (Pflugfelder, 2000, p. 41). Similarly to the pederastic model of ancient Greece, it was believed that only the active partner in the *shudō* model received pleasure from same-sex acts and that the passive partner allowed himself to be penetrated solely out of duty, affection, coercion or the prospect of reward (Pflugfelder, 2000, p. 41).

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<sup>4</sup> Hirschfeld references *naushoku* — slight differentiation in spelling (1914/2000 p. 704).

Acting as a role model for his *wakashu*, the *nenja* provided order and discipline. The *nenja* also provided his young partner with physical and social protection, in addition to material aid (Pflugfelder, 2000, p. 43). In return, the *wakashu* was obedient, respectful and intimate (Pflugfelder, 2000, p. 41). An example of this relationship can be found in a story series entitled *The Great Mirror of Male Love*. The majority of the narratives depict the *shudō* relationship between a samurai and his youth (Schalow, 1989, p. 123). The samurai provides his *wakashu* with a model of appropriate manliness, and in exchange, the *nenja* was “expected to be worthy of his lover by being a good student of samurai manhood. This meant vowing to be loyal, steadfast, and honourable in one’s actions” (Schalow, 1989, p. 123).

Physically, the *wakashu* was marked by his youthful appearance (Pflugfelder, 2000, p. 32; Schalow, 1989, p. 120). The *wakashu* apparently reached peak desirability between the ages of 15 and 17, but despite the physical changes experienced by him at the onset of puberty, he did not become less desirable. The arrival of body hair, facial hair, and a deepening voice did not signify a formal transition into adulthood, therefore allowing the *wakashu* to remain in *shudō* (Pflugfelder, 2000, p. 31-32). The onset of adulthood was marked only by a coming-of-age ceremony, which was determined on an individual basis. Once the *wakashu* formally transitioned into adulthood, though, he ceased to be a suitable object of desire in the *shudō* model. This transition into adulthood, however, afforded the *wakashu* the opportunity to transition into a *nenja* (Schalow, 1989, p. 120).

While it was completely appropriate for a *wakashu* to transition into a *nenja*, it was inconceivable for a *nenja* to travel backwards in the *shudō* model. The latter was deemed inconceivable due to implications related to seniority. Since *shudō* provided male youths with an opportunity for linear progression into adulthood (Pflugfelder, 2000, p. 37), moving backwards

would challenge the societal age- and seniority-based hierarchy. Moving backwards in the *shudō* model did not, however, challenge gender norms since the *wakashu* existed neither as a woman nor as a man, but as a hybrid of both genders (Schalow, 1989, p. 120). While the *wakashu* was biologically male, his age and passive sexual position precluded him from being a conventional man (Schalow, 1989, p. 120). Hypothetically, if a *nenja* chose to move backwards in the *shudō* model, he would again become a gender-hybrid youth.

There is at least one term used in the Edo Period, however, that links passive same-sex behaviour to femininity (Hirschfeld, 1914/2000, p. 704). *Okama* initially made reference to a cooking pot, though was later used to reference “the anus and eventually, by implication, to men whose rear is penetrated during sex” (Lunsing, 2005, p. 81). As in ancient Greece, the labels used to describe the *shudō* model specifically highlighted the seniority-based roles citizens played. These terms did not make reference to a homosexual personage. While there were gendered connotations associated to the *okama*, there is no indication that it was a fixed preference or position within same-sex behaviour.

### Sodomy and Buggery

Traditional discourses about same-sex behaviour in early-modern France and Great Britain centered on two terms — sodomy and buggery. Prior to the eighteenth century, sodomy had several meanings. Sodomy, as described by Crawford, referenced “masturbation, several forms of same-sex behaviour, bestiality, non-procreative sex (oral or anal most commonly) between a man and a woman, or any form of sex in which conception was impossible” (2010, p. 4. See also Sullivan, 2003, p. 3). Multiple accounts suggest that buggery was used as slang for same-sex behaviour in general. As previously discussed, Hirschfeld indicated that buggery was a synonym for pederasty during the Middle Ages due to the historical practice of calling men

engaging in same-sex behaviour *Bulgarians* (Hirschfeld, 1914/2000, p. 678). Ragan Jr. also suggests that *bougre* (bugger) became a popular French slang term for someone engaging in sodomy, which later gained traction in Great Britain (1996, p. 9).

When evaluating the type of people engaging in sodomy, it was believed that they were “not fundamentally different from anyone else. They were simply sinners who engaged in a particular vice, like gamblers, drunks, adulterers, and the like” (Ragan Jr., 1996, p. 12). Sodomy, therefore, did not denote a congenital and unwavering same-sex behaviour, nor did it permanently alter the personhood of the individual engaging in such acts. Mondimore sums this up well when he states: “a sodomite was not so much a particular type of person as a person who committed a particular type of sin – ‘unnatural’ sex” (1996, p. 23). By the nineteenth century, sodomy moved away from being a simple act and came to be seen as a heinous sin and capital crime whether committed by men or women (Ragan Jr., 1996, p. 8-9). The word *sodomite* eventually became a term of abuse for the male “sexual deviant” (Kinsman, 1987, p. 41. See also Weeks, 1989b, p. 71; Weeks, 1981b, p. 129). With this change in tone, further attention was placed on better understanding who engaged in sodomy and why.

French physician, medico-legal expert and writer Ambroise-Auguste Tardieu (1818-1879) pursued a study with the aim of classifying those who engaged in sodomy (Rosario, 1996, p. 148). Tardieu performed over 300 physical examinations of sodomites in order to better detect sodomy and the sodomite. Throughout his study, Tardieu used pederasty and sodomy interchangeably (Rosario, 1996, p. 149). It is important to note that in this instance, Tardieu’s use of pederasty simply makes reference to same-sex behaviour and does not invoke the pederastic pedagogy of ancient Greece.

After amassing an immense amount of primary data, Tardieu found that pederasty was far more common than previously thought, and occurred across age groups, professions and classes (Rosario, 1996, p. 149). Tardieu claimed that his research brought to light several physical characteristics that were “standard” among active and passive male sodomites. Passive sodomites were marked by flaccid buttocks, deformations of the anus, and the relaxation of the anal sphincter (Rosario, 1996, p. 149). Active sodomites were marked with thin or pointy penises similar to those of dogs, long tapered penises with large muzzle-like glans, or club-shaped penises (Rosario, 1996, p. 150).

Tardieu held that same-sex behaviour was the result of a sinful choice, and not symptomatic of an organic disease or mental illness (Rosario, 1996, p. 150). He further suggested that male pederasts had several mental peculiarities, such as inherent effeminacy (Rosario, 1996, p. 150-151). Whether or not they assumed the active or passive role, Tardieu found that male sodomites were characterized by their

curled hair, made-up skin, open collar, waist tucked in to highlight the figure; fingers, ears, chest loaded with jewelry, the whole body exuding an odor of the most penetrating perfumes, and in the hand a handkerchief, flowers, or some needlework: such is the strange, revolting, and rightfully suspect physiognomy of the pederast... Hairstyles and dress constitute one of the most constant preoccupations of pederasts (Rosario, 1996, p. 151).

While this effeminacy was initially learned, Tardieu suggests that it could become a fixed phenomenon (Rosario, 1996, p. 167). Like the *m'abūn*, the sodomite became a personage characterized by his gender-bending behaviour, effeminate psyche and sexual deviance (Rosario, 1996, p. 167). Although the sodomite was undoubtedly a homosexual personage, this identity differs from the versions developed by Ulrichs, Kertbeny, Ellis and Hirschfeld.

## Describing Behaviour or a Personage?

While these terms were some of the first attempts to describe same-sex behaviour, and those engaging in such conduct, they largely referred to an activity and not a congenital quality that gave rise to same-sex behaviour. Although the pederast and the *nenja* participated in same-sex behaviour — and may have enjoyed participating in said behaviour — this behaviour did not bestow upon them a homosexual personage. Their penetrative same-sex behaviour was steered by the political and cultural makeup of their societies, as great importance was placed on brotherhood and mentorship. In ancient Greece, pederasty was used as a means to train future citizens, and in Edo period Japan, *shudō* was used as a means to train future leaders.

If the mentors in these training regimes transgressed their penetrative roles, however, they were temporarily labelled as passive and effeminate. While *pathic* (passive partner); *kataphygonai* (butt-fucked); *euryprōktoi* (big ass); *gynnides* (effeminate man whose body was completely shaved); and *okama* link the act of being penetrated to effeminacy, these labels were not fixed and nor did they speak to an inborn homosexual personage. Rather, these labels spoke to the hierarchical specificities of the *shudō* and pederastic models of pedagogy. If the adult transgressed his penetrative role to become the penetrated, he would be travelling backwards towards boyhood. These terms, therefore, are indicative of an identity based on citizenship and age/seniority within a hierarchical society. Nevertheless, some terms did, in fact, link same-sex behaviour to a specific and fixed effeminate personage. The *m'abūn*, for example, linked passive same-sex behaviour to illness and vice in an individual, and the sodomite was linked to a deviant effeminacy marked by a variety of physical and mental characteristics.

In analyzing these earlier attempts to explain and classify same-sex behaviour, it becomes clear that prior to the rise of sexology in late nineteenth- and early twentieth-century Europe, no terms existed to classify same-sex behaviour in a more tolerant manner, or to denote same-sex

behaviour as a congenital phenomenon outside of crime, sin and disease. While the physical and gendered expressions of same-sex behaviour may have been similar across time, the form and function of these acts and the social construction of meaning concerning these acts has varied significantly (Weeks, 1981a, p. 81). With *Urning*, *homosexualität*, *sexual inversion* and *third sex*, same-sex behaviour became associated with some form of inborn gender misalignment, such as the “feminine” love for men experienced by *homosexualists*, or the feminine mannerisms that apparently marked the bodies of the *Urning*, *third sex*, and *sexual invert*.

## Chapter 3

### Gender Ideology in the Age of Enlightenment

In order to better understand the implications that *Urning*, *homosexualität*, *sexual inversion* and *third sex* had on gender ideology in the late nineteenth and early twentieth century, gender discourses from an earlier time must be examined. During the seventeenth and eighteenth century, the ideal masculine and feminine form were defined by what many intellectuals saw as “natural differences of temperament and character between the sexes” (Seigel, 2012, p. 318). Shoemaker suggests that these assumptions regarding gender differences were fundamentally based on two premises: “the biblical story of the creation of the two sexes,” and “medical understandings of the biological differences between men and women” (1998, p. 16). The biblical narrative is believed to depict the female sex as inferior. Several justifications were found to explain this inferiority, such as the fact that “woman was created after man, and from man” (Shoemaker, 1998, p. 16-17). Furthermore, because it was Eve who succumbed to temptation via the forbidden fruit, women were clearly the “weaker vessel” (Shoemaker, 1998, p. 16-17). Later, medical narratives from the eighteenth century argued that women were wired differently than men. Women possessed “thinner, finer, and more delicate nerves than men,” which had a significant impact on their physical and psychological capabilities (Shoemaker, 1998, p. 20). Due to their apparently thin nerves, women were “more sensitive to external

sensations than men,” effectively casting doubt on their abilities to perform intellectual or physical work (Shoemaker, 1998, p. 20).

The Enlightenment also introduced a fixed standard of normal and abnormal intellectual and emotional qualities, morals, expressions and behaviours (Mosse, 1985, p. 13). These standard qualities were ordered as per the taxonomic impulse of the era. These normal and abnormal qualities had an immense impact on eighteenth- and nineteenth-century gender ideology, ultimately contributing to the construction of the ideal masculine and feminine form. While the feminine was seen to be in complete contrast to the masculine, the nature of man and woman were complementary (Sanislo, 2006, p. 266). By the end of the nineteenth century, this complementary connection created a standard of heterosexual normalcy in which the feminine and masculine came together to become the new normal (Fuchs & Thompson, 2005, p. 40).

### Masculinity

During the eighteenth and nineteenth century, the ideal form of masculinity in Europe came to embody a variety of positive attributes such as: restraint, good morals, depth, seriousness, agency, boldness and intellectual vigour (Shoemaker, 1998, p. 25; Mosse, 1985, p. 13-17; Seigel, 2012, p. 318). Physically, masculinity was linked to the virtues of strength and power (Seigel, 2012, p. 318; Mosse, 1985, p. 13). This ideal masculinity, however, was not a completely new construct as it was “modeled on an ideal of male beauty born in the eighteenth-century Greek revival” (Mosse, 1985, p. 23. See also Mosse, 1996, p. 29). While masculinity embodied restraint, power, strength and intellectual vigour, for example, these ideal qualities and traits had to be balanced with those of harmony and proportion (Mosse, 1985, p. 31). Like a perfectly carved Greek marble statue, eighteenth-century masculinity was masterly moulded. Strong enough to withstand the dangers of “a changing age,” yet balanced and dynamic enough

to adapt to change when inevitable, eighteenth-century masculinity came to represent a nation's respectability, strength and legitimacy (Mosse, 1985, p. 31. See also Mosse, 1996, p. 23).

In Germany specifically, the Greek ideal of masculinity was used as a means to legitimize an entire educational doctrine called Philanthropinism. Philanthropinism of the late eighteenth century was pursued as a means to ensure male youths could achieve their mental and physical masculine potential (Sanislo, 2006, p. 266). Sedentary lifestyles, material comfort, the coddling of youth and the increased focus on intellectual pursuits were seen as serious inhibitions to the natural development of normal masculinity (Sanislo, 2006, p. 269, p. 275). This type of "soft" upbringing prohibited the "hardening" of male youths, and relegated them to the domestic sphere typically occupied by women (Sanislo, 2006, p. 268-269). This supposed blurring of natural gender roles lent the Philanthropinist movement a sense of urgency (Sanislo, 2006, p. 270). If male youths were not mentally and physically trained to hone their natural masculinity, they would be plagued with feminine characteristics such as softness, timidity and weakness (Sanislo, 2006, p. 270).

Philanthropinism considered this gender misalignment as a risk to the nation because of the "idealization of masculinity as the foundation of the nation and society" (Mosse, 1985, p. 17). Transgressing the prescribed gender norms signalled systemic degeneration and the moral decline of an entire people. Only with the reintroduction of formal physical training in the education system could "the weakness and softness of the age" be counteracted, and held at bay (Sanislo, 2006, p. 271-276). In order to achieve this goal and maintain man's position at the upper echelons of the Great Chain of Being, Philanthropinism specifically advocated for the implementation of gymnastics in the education system. Just as the gymnasium was used to train

ancient Greek youths the way of proper masculinity, so too would German youths be physically and intellectually trained (Sanislo, 2006, p. 273-276; Mosse, 1996, p. 47).

In eighteenth-century England, masculinity was specifically bound to heterosexual desire (Trumbach, 1991, p. 187; McLaren, 2002, p. 13). With all masculine behaviour flowing from this desire, men were relegated to the active role in heterosexual liaisons. If men engaged in same-sex behaviour, or assumed the passive role in heterosexual activity at any point in their lives, their “masculine status” was at risk of being permanently lost (Trumbach, 1991, p. 187-191). Before this point, however, participation in same-sex behaviour “had not been as negatively viewed” (McLaren, 2002, p. 13). Adult males could engage in same-sex behaviour without reprisal if they assumed the active role, if their sexual partner was young, and if they also engaged in heterosexual liaisons (Trumbach, 1991, p. 187-188; Shoemaker, 1998, p. 80). According to Shoemaker, this earlier tendency to overlook same-sex behaviour existed because, in its active form, same-sex behaviour was not seen to challenge accepted gender norms (1998, p. 80). These men were still asserting their masculinity via the penetrative agency of their penis (Shoemaker, 1998, p. 80).

A change occurred in the eighteenth century such that heterosexual virility was normalized and same-sex behaviour was deemed to be a societal threat. Same-sex behaviour and sodomy were considered to be “unnatural” and “immoral” as they blurred gender roles and produced effeminate men (Kinsman, 1987, p. 41. See also Shoemaker, 1998, p. 83; Trumbach, 1991, p. 190). Effeminacy was connected to same-sex behaviour in the public mind, and all forms of same-sex behaviour were seen as transgressing natural gender boundaries.

## Femininity

In contrast to the hard masculinity championed by European intellectuals, eighteenth- and nineteenth-century femininity came to symbolize the virtues of softness and sensitivity (Sanislo, 2006, p. 270). While masculinity was linked to a variety of positive attributes, femininity was linked to a variety of less desirable ones, including: shallowness, weakness, frivolity, timidity and dependence on others (Shoemaker, 1998, p. 25; Mosse, 1985, p. 17; Sanislo, 2006, p. 270-273; Seigel, 2012, p. 318). Women were also considered to be sexually passive due to their supposed delicate demeanour and neurological wiring (Abrams, 2002, p. 169; Shoemaker, 1998, p. 63). Despite these unflattering associations, women were idealized as the guardian of the private sphere and family. Acting as the “protector” and “mother”, women were tasked with the development of strong men, and with ensuring that tradition was upheld (Sanislo, 2006, p. 272; Mosse, 1985, p. 17). This duty to uphold tradition went beyond just the nuclear family. Women were also positioned as national symbols of “the continuity and immutability of the nation” (Mosse, 1985, p. 18).

In fulfilling this domestic role, femininity complemented and supported masculinity in securing and maintaining the wellbeing of the state. It is important to note, however, that while gender ideology dictated that women were to be strong for men, they could not be as strong as men (Sanislo, 2006, p. 272). If women overstepped the natural boundaries of femininity, eighteenth-century German linguist, educator and publisher Joachim Heinrich suggested that women would be unable to achieve their “true calling as wife, mother, and housekeeper” (Sanislo, 2006, p. 272). Feminist scholarship indicates that women did in fact participate in the public sphere, but namely in areas that were considered to be “traditional feminine strengths,” such as philanthropy, maternity and domestic service (Shoemaker, 1998, p. 316. See also Hunt,

2010, p. 173-174). Advances made in printing, for example, also positively affected women, affording them the opportunity to engage in traditionally male pursuits, such as writing, reading, printing and book selling, and conversing in the salons (Shoemaker, 1998, p. 315; Knott & Taylor, 2005, p. xvii; Hunt, 2010, p. 185). Nevertheless, women during the Enlightenment were not a homogenous group and so opportunities to participate in the public sphere varied depending on a variety of dichotomies, such as rich/poor, married/single, and urban/rural (Hurl-Eamon, 2010, p. xii).

### Transgressing Gender Norms

When individuals transgressed the fixed gender norms of the eighteenth and nineteenth century, they effectively moved beyond the fixed standard of gendered heterosexual normalcy (Mosse, 1985, p. 13). Male same-sex behaviour was deemed to be one of the most significant challenges to normal masculine behaviour, as it was seen to represent both sexual excess and the more significant threat of gender/sex misalignment (Mosse, 1985, p. 25). At issue here was the threat of sexual passivity among men.

If a man allowed another man to use his body sexually like that of a woman's, he effectively acted against his civic responsibility. Manhood, as we have seen, was linked to notions of nation building. In terms of nation building, it was argued that same-sex behaviour led to depopulation since these acts did not result in conception (Mosse, 1985, p. 29). In terms of gender, a man who willingly engaged in same-sex behaviour was "perverting normative masculinity by abdicating his penetrative agency and relocating his pleasure in bodily zones other than his penis, which was considered the only legitimate organ of male pleasure" (Moore, 2009, p. 138). In assuming the passive role during sexual relations, therefore, men engaging in same-sex behaviour transgressed conventional masculinity and were seen to embody effeminacy

(Hekma, 1991b, p. 267, p. 281; Shoemaker, 1998, p. 83). With this, the complementary existence of men and women in which the state relied upon for stability was put into jeopardy.

The gender misalignment of these men was also thought to physically mark their bodies (Mosse, 1985, p. 29-37). Those who transgressed their natural masculinity were purportedly identifiable by their weak, sickly and unmanly stature (Sanislo, 2006, p. 271; Mosse, 1996, p. 70). While these markers may seem inconsequential, they were actually significant tools used in *scientia sexualis* to distinguish the normal from the abnormal. Associations between “health,” “beauty,” and the “good” were commonplace by the eighteenth century (Gilman, 1995, p. 52). These qualities, coupled with heterosexual procreation, were deemed essential for the preservation and continuation of society (Gilman, 1995, p. 66).

In opposition to the healthy, beautiful and good was “the ugly.” It became associated with “illness, deformity, loss of function, ageing, malproportion, infection, [and] risk” (Gilman, 1995, p. 52). These qualities put society at risk (Gilman, 1995, p. 54). When invoked as a qualifier, ugliness referred not only to the imperfect bodily characteristics of a deviant person, but also to his or her abnormal mental characteristics (Mosse, 1996, p. 59).

Prior to Ulrichs, Kertbeny, Ellis and Hirschfeld, *scientia sexualis* considered male same-sex behaviour to be emblematic of the ugly. Men who engaged in same-sex behaviour were “seen as sliding back down the evolutionary ladder” (Moore, 2009, p. 144. See also Kinsman, 1996, p. 31). They hampered the continuation of society by transgressing conventional gender norms and opting out of reproductive sex. Sexologists, like Krafft-Ebing, observed men with same-sex behaviour to be marked by their transgressive nature. These markers supposedly included fatigue, lack of motivation, and a series of emotional disorders including insanity (Fout, 1992, p. 404).

With the creation of *Urning*, *homosexualität*, *sexual inversion*, and *third sex*, however, the four sexologists examined in this thesis were able to challenge the link between same-sex behaviour and the ugly. All four of these sexological concepts were created as a means to bring legitimacy to different masculine forms, and to challenge the “male/female, active/passive, rational/emotional, mind/body, culture/nature” dichotomies that structured earlier European gender ideology (Sanislo, 2006, p. 277).

## Chapter 4

### Karl Heinrich Ulrichs and the *Urning's* Same-Sex Drive

The contribution of Karl Heinrich Ulrichs to same-sex behaviour nomenclature is considered to be revolutionary (Mondimore, 1996, p. 27; Bullough, 1994a, p. 27). Living during a time in which all forms of non-procreative sex were considered to be crimes against nature, Ulrichs wrote extensively on the subject of same-sex behaviour with explanatory and emancipatory goals (Kennedy, 1997a, p. 128; Kennedy, 1997b, p. 26). Using his own same-sex behaviour as confessional testimony and reverse discourse, Ulrichs published a series of 12 volumes on the subject of same-sex behaviour and its gendered implications. The first five booklets were published under the pseudonym of Numa Numantius between 1864 and 1865:

*Book one: Vindex* – 1864  
*Book two: Inclusa* – 1864  
*Book three: Vindicta* – 1865  
*Book four: Formatrix* – 1865  
*Book five: Ara Spei* – 1865

Ulrichs later released five more booklets between 1868 and 1870, this time publishing them under his own name:

*Book six: Gladius Furens* – 1868  
*Book seven: Memnon* – 1868  
*Book eight: Incubus* – 1869  
*Book nine: Argonautics* – 1869  
*Book ten: Prometheus* – 1870<sup>5</sup>

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<sup>5</sup> Bullough's introduction to Michael Lombardi-Nash's translated edition of *The Riddle of "Man-Manly" Love* indicates that *Book ten: Prometheus* was published in 1869 (1994a, p. 23). Given that the date of January 1870 appears on the booklet cover sheet (Ulrichs, 1870/1994f, p. 543), I will use the latter date.

The 11<sup>th</sup> and 12<sup>th</sup> booklets were published in 1870 and 1880 respectively, again under Ulrichs' own name:

*Book eleven: Araxes – 1870*  
*Book twelve: Critical Arrows – 1880*<sup>6</sup>

Collectively entitled *Forschungen über das Rästel der mann-männlichen Liebe* [Researches on the Riddle of Love Between Men],<sup>7</sup> Ulrichs' work advocated for the decriminalization and the societal tolerance of same-sex behaviour under the rationalization that it was in fact natural.

### Early Indications of Same-Sex Behaviour

Born into an elite family of educated professionals, Ulrichs spent his early life in a small town located in the Kingdom of Hanover (Kennedy, 1997b, p. 26; Kennedy, 1988, p. 13-14; Beachy, 2014, p. 7). His early years have been described as rather ordinary, save for a few scenarios where he felt innately different from the other local kids. These experiences were detailed in personal diaries and written correspondence sent to friends and family, some of which has been reviewed and translated into English by Hubert Kennedy in *Ulrichs: the Life and Works of Karl Heinrich Ulrichs, Pioneer of the Modern Gay Movement*. In one passage, Ulrichs recalls a time when he was three or four years old and wore female clothing. When confronted with the reality that he was socially prescribed to wear boys' clothing, he protested and stated, "No, I want to be a girl" (Kennedy, 1988, p. 15). Ulrichs, here, can perhaps be understood as tapping into gender dichotomies to understand his own same-sex desire. Another passage, written at the age of ten, recounts his attraction to a fellow male pupil named Eduard (Kennedy, 1988, p. 15).

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<sup>6</sup> Bullough's introduction to Michael Lombardi-Nash's translated edition of *The Riddle of "Man-Manly" Love* indicates that Book twelve: Critical Arrows was published in 1879 (1994a, p. 23). Given that the year of 1880 appears on the booklet cover sheet (Ulrichs, 1880/1994c, p. 654), I will use the latter date.

<sup>7</sup> This is the translated title provided by Kennedy (1981, p. 105). The translated version of Ulrichs' work I consulted was entitled *The Riddle of "Man-Manly" Love*, translated by Michael Lombardi-Nash and published in 1994.

At the age of 15, Ulrichs began to experience sexual feelings. Writing about his frequent daydreams of masculine soldiers entering his bedroom, Ulrichs spoke of how such images made him burn with sexual desire (Kennedy, 1988, p. 17). With the completion of secondary school (Gymnasium) at the age of 19, Ulrichs attended the University of Göttingen and remained there for two years until his transfer to Berlin in 1846 (Kennedy, 1988, p. 18). By age 25, Ulrichs had experienced his first sexual encounter with another male — a cavalryman — which he documented in a poem entitled *Dolores* [Sorrows] (Kennedy, 1988, p. 24). It was only at age 29, however, that Ulrichs began theorizing about his same-sex behaviour. According to Kennedy, Ulrichs started to believe that his supposed feminine traits were somehow linked to his same-sex behaviour, and that his same-sex behaviour was congenital (Kennedy, 1988, p. 26-27; Numantius, 1864/1994c, p. 59). These beliefs were detailed in correspondence he sent to a male relative (Numantius, 1864/1994c, p. 59). Ulrichs also wrote to his sister on the subject of his same-sex behaviour. Attempts to locate this letter to Ulrichs' sister have been unsuccessful; however, Kennedy has described it to be Ulrichs' "coming-out" moment (1988, p. 45). Though I do not necessarily agree with Kennedy drawing parallels between Ulrichs' letter to his sister and the modern Western narrative of "coming out," it is the only description of the letter available to me.

His sister did not react well, and in her reply she asked Ulrichs to reflect on his life choices. She urged Ulrichs to pursue an alternative path — one more akin to the teachings of God (Kennedy, 1988, p. 45). Ulrichs responded three months later, at which point he argued against her advice for him to abide by heterosexual normalcy because the alternative was apparently perverse, unnatural and sinful. Ulrichs held that same-sex behaviour was sinful only if it was, in fact, perverse or unnatural — something he denied (Kennedy, 1988, p. 49). Although

same-sex behaviour was not criminalized in the Kingdom of Hanover, Ulrichs felt the need to resign from his position in the public service so as to avoid scandal and potential scrutiny from the authorities (Kennedy, 1988, p. 26; Kennedy, 1997b, p. 26).

Over the next several years, Ulrichs dedicated much of his time travelling the splintered German states. He finally settled down in the free city of Frankfurt in 1859, marking the beginning “of his dedication to the ideal of freeing his fellow homosexuals from the centuries-old stigma under which they — and he — had suffered” (Kennedy, 1988, p. 36). By this point in his life, Ulrichs had become much more self-aware and tolerant of his own same-sex behaviour. Ulrichs attributed this growing self-respect to having spent time with several men like him in Frankfurt (Kennedy, 1988, p. 49). In each of them, and in himself, Ulrichs saw one common thing which could explain the basis of their same-sex behaviour — “a feminine element” (Kennedy, 1988, p. 49-50; Kennedy, 1997b, p. 29). Ulrichs would later define this feminine element as a female psyche.

In four letters sent in late 1862 to his family, Ulrichs discussed his same-sex behaviour (Beachy, 2014, p. 15). The first letter sent in September was to his sister. In it, Ulrichs dismissed his sister’s claim that he could change his sexual inclinations — his same-sex behaviour was “inherent” and unchanging (Beachy, 2014, p. 15). In a second letter sent to his family in November, Ulrichs analyzed his childhood for examples of inherent femininity. Ulrichs spoke of his feminine mannerisms, and his inability to be like other boys (Beachy, 2014, p. 16). The two final letters sent in December were addressed to Ulrichs’ uncle. The contents speak to his burgeoning theory that men who are attracted to other men are not whole; rather, they are hermaphroditic in spirit, meaning that they are part masculine and part feminine (Beachy, 2014, p. 16). While an uncommon phenomenon, Ulrichs’ argued that it was natural and not shameful.

## Expanding Same-Sex Behaviour Nomenclature

Ulrichs went on to maintain that “there are individuals among us whose body is built like a male, and, at the same time, whose sexual drive is directed towards men, who are not sexually aroused by women, i.e., are horrified by any sexual contact with women” (Numantius, 1864/1994d, p. 34). To describe men with inborn gender misalignment who had a natural attraction to the same sex, Ulrichs coined the term *Urning*.<sup>8</sup> To describe men who had a natural attraction to the opposite sex, Ulrichs coined the term *Dioning*. These appeared in Ulrichs’ first publication on the subject of same-sex behaviour, released in 1864, under the title *Vindex* (Numantius, 1864/1994d, p. 34; Kennedy, 1997a, p. 127; Kennedy, 1981, p. 105; White, 1999, p. 76).

When creating this new same-sex behaviour nomenclature, Ulrichs took inspiration from Pausanias’ speech in Plato’s *Symposium*, a classic text on hermaphroditic beings:

For we all know that Love is inseparable from Aphrodite, and if there were only one Aphrodite there would be only one Love; but as there are two goddesses there must be two Loves. And am I not right in asserting that there are two goddesses? The elder one, having no mother, who is called the heavenly Aphrodite — she is the daughter of Uranus; the younger, who is the daughter of Zeus and Dione — her we call common. The love who is the offspring of the common Aphrodite .... is apt to be of women ... But the off-spring of the Heavenly Aphrodite is derived from a mother in whose birth the female has no part .... Those who are inspired by this love turn to the male (Numantius, 1864/1994d, p. 34. See also Ulrichs, 1870/1994f, p. 542; Bullough, 1994a, p. 23; Kennedy, 1981, p. 106; Mondimore, 1996, p. 29; Bullough & Bullough, 1997, p. 4).

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<sup>8</sup> Variations of this term exist. In *Ulrichs: the Life and Works of Karl Heinrich Ulrichs, Pioneer of the Modern Gay Movement* (1988, p. 50) and *Science and Homosexualities* (1997b, p. 29) Kennedy uses the term *Uranier* to denote men who engage in congenital same-sex behaviour. Katz also uses *Uranier* (1995, p. 51). In *Out of the Past: Gay and Lesbian History from 1869 to the Present*, Miller uses the term *Uranian* to denote men who engage in congenital same-sex behaviour (1995, p. 15). Lombardi-Nash’s translation of Ulrichs’ *The Riddle of “Man-Manly” Love*, however, makes reference to the *Urning* (Numantius, 1864/1994d, p. 34). The term *Urning* will be used exclusively in my thesis.

From this passage we can see that Ulrichs conceived of two types of love, as embodied by a heavenly and common Aphrodite. Heavenly Aphrodite was born solely from the Greek god Uranus and exclusively felt attraction for men, whereas common Aphrodite, born from the Greek goddess Dione and god Zeus, exclusively felt love for women and young boys (Janssen, 2016, p. 6). Ulrichs, therefore, specifically chose to modify the names of the Greek god Uranus and goddess Dione to create the categories of *Urning* and *Dioning* because Plato “traced the origins of man-manly love to Uranus, and the love of women to Dione” (Numantius, 1864/1994d, p. 34. See also Kennedy, 1981, p. 106; Sullivan, 2003, p. 5). Here Ulrichs is not dealing with men and women, rather he is classifying the orientation of Aphrodite’s love. Since common Aphrodite’s attraction was oriented towards women and young boys, Ulrichs traced this “love of women” back to her birthing mother Dione; likewise, Ulrichs traced heavenly Aphrodite’s “man-manly love” back to her birthing father Uranus (Numantius, 1864/1994d, p. 34).

Ulrichs believed that *Urnings* constituted a third gender, which he summed up in the Latin phrase “*anima muliebris virile corpore inclusa*” [a female psyche confined in the male body] (see Hekma, 1991a, p. 178; Kennedy, 1997a, p. 126-127; Halperin, 1989, p. 39; Bauer, 2009b, Up. 90; White, 1999, p. 77; Sedgwick, 1990, p. 158; Kennedy, 1997b, p. 27; Steakley, 1975, p. 16; Sullivan, 2003, p. 4; Dynes, 1985, p. 145; Weeks, 1990, p. 27). The *Urning* was a “*quasi-mann*” as suggested by Ulrichs himself — an individual who was physically male but who was characterized by a feminine element (Numantius, 1864/1994d, p. 36). This feminine element was identified as a female psyche which predisposed the *Urning* to have the sexual drive of a female (Numantius, 1864/1994d, p. 35-36; Steakley, 1975, p. 6; Mondimore, 1996, p. 29; White, 1999, p. 100-101; Miller, 1995, p. 14; Chauncey, 1994, p. 49; Hekma, 1991a, p. 178; Katz, 1995, p. 51). The *Urning* was strictly attracted to the masculine *Dioning*. The *Urning* could

not be sexually attracted to another *Urning* or to a woman because he lacked conventional masculinity (Numantius, 1864/1994c, p. 68). In an attempt to explain this apparent inborn gender misalignment, Ulrichs turned to embryology (Kennedy, 2002, p. 166).

### A Congenital Condition

To move same-sex behaviour away from notions of crime, sin and disease, Ulrichs offered three general arguments throughout his 12 booklets in regard to its natural occurrence. To begin, Kennedy quotes Ulrichs as saying, ““there is no such thing as an unnatural love”” (Kennedy, 1988, p. 61. See also Numantius, 1864/1994d, p. 36). The *Urning’s* same-sex behaviour was, therefore, natural because it was congenital. Ulrichs suggested that at conception, the human organism is made up of both male and female germs (Kennedy, 1981, p. 105; White, 1999, p. 100). In most cases, one germ almost completely eradicates the other in utero; however, nature sometimes produced persons characterized by both germs. Some individuals are born with the physicality of the male germ and the sexual drive of the female germ (Numantius, 1864/1994c, p. 56; Numantius, 1864/1994c, p. 55; Ulrichs, 1868/1994e, p. 301; White, 1999, p. 101; Kennedy, 1997a, p. 127; Kennedy, 1988, p. 58-59; Amidon, 2008, p. 66). This naturally hybrid person is the *Urning*. Ulrichs writes that ““nature does not succeed in making every creature according to rule’,” and that is the key to the *Urning* — not every human organism will develop with a sexual drive that matches their sexual organs (Kennedy, 1981, p. 105. See also Kennedy, 1997b, p. 30). This condition was uncommon, but natural.

The *Urning* was, therefore, only a *quasi-mann* (Numantius, 1864/1994d, p. 36). Physically male, the *Urning’s* sexual preference was guided by his female psyche. Same-sex behaviour was not, however, an expression of crime, sin or disease; it was more like left-

handedness, a naturally occurring but irregular congenital anomaly (Steakley, 1975, p. 8; Numantius, 1864/1994d, p. 36).

After establishing that the *Urning* existed naturally within the parameters of human sexuality, Ulrichs then argued that he had every right to satisfy his same-sex desires in the same way that his *Dioning* counterpart was permitted (Kennedy, 1998, p. 57; Numantius, 1864/1994d, p. 40). Ulrichs writes to this effect when he proclaims “nature did not create Dionings for women alone, *but also for Urnings*, namely to fulfill the need of a non-reproductive, sexual, natural activity, i.e., to satisfy natural sexual needs of individuals” (Numantius, 1864/1994c, p. 91). At the suggestion of remaining abstinent, Ulrichs balks, arguing “in all of creation, no other living creature endowed with sexual feeling is required to engage in life-long suppression of this powerful drive, causing it to consume itself in cruel self-martyrdom” (1870/1997, p. 64). In the same way the *Dioning* personage can express his heterosexuality freely, so too should the *Urning* be allowed to express his congenital same-sex behaviour without consequence (Kennedy, 1988, p. 70; Ulrichs, 1880/1994c, p. 678; Katz, 1995, p. 52).

Second, while the *Urning* was undoubtedly a unique personage, his same-sex behaviour was not temporary or circumstantial like that of the sodomite or the bugger. The *Urning* was born with same-sex behaviour rooted in his being (Ulrichs, 1868/1994e, p. 381). Ulrichs wrote about this congenital same-sex behaviour in *Inclusa*, making reference to the magnetic current of attraction *Urnings* felt towards *Dioning* men. He writes: “§26. We experience no magnetic current in physical contact with women, not even the most beautiful ones” (Numantius, 1864/1994c, p. 63). The *Urning* longs to embrace, cling, rest on, and touch the sexual parts of a *Dioning* intimately because that is his natural inclination, and not because it is a choice or because he is led to do so by circumstance (Numantius, 1865/1994b, p. 141). For Ulrichs, the

presence of this magnetic current was a clear indicator that same-sex behaviour was inborn. If same-sex behaviour was not congenital, *Urnings* would not feel such intense passion for *Dioning* men (Numantius, 1864/1994c, p. 63). Furthermore, Ulrichs believed that only a female psyche would allow a man to love another man romantically and sexually (Kennedy, 1981, p. 105). Even if the *Urning* chose to suppress/ignore these feelings, Ulrichs acknowledged the inability to change, stating

§49. Just as it is impossible for you to become an Urning by your own free will, we cannot become Dionings by our will power. It is absolutely impossible for us to change our feminine drives to those men. Indeed, it is absolutely impossible for us to extinguish our feminine drives by our own will power (Numantius, 1864/1994c, p. 71).

Lastly, “a most important proof that Urning love is natural is the fact that it has existed throughout centuries, despite a continuous history of persecutions” (Kennedy, 1988, p. 61). Ulrichs points to the presence of same-sex behaviour in animals, ancient civilizations, the urban and rural populations of Germany, and in the upper and lower classes of society as evidence of its natural occurrence worldwide (Numantius, 1864/1994d, p. 34-35). This appeal was made to counter the findings of other sexologists, like Krafft-Ebing, whose work on same-sex behaviour was limited to men inside institutions for the insane. Same-sex behaviour was not confined to those deemed to be mentally insane — it was a phenomenon occurring in a variety of species, and geographic and temporal settings.

### Identifiable Markers

With regard to identifiable markers, the *Urning's* masculine physicality juxtaposed his female psyche. Physically, the *Urning* was characterized by masculine traits with the exception of a “§41 nearly transparent, clear, and girlish facial coloring,” and “delicate hands shaped like a woman's” (Numantius, 1865/1994b, p. 152). White, Kennedy and Miller all have suggested that

the *Urning* did not possess any exaggerated markers of his inborn gender misalignment other than the presence of some feminine personality traits (White, 1999, p. 100; Kennedy, 1988, p. 59; Miller, 1995, p. 14). Ulrichs, on the other hand, argues that the *Urning's* behaviour, body movements and dominant characteristics are obviously feminine in nature (Numantius, 1864/1994d, p. 36). It is important to note that the *Urning*, however, toned down these manifestations of femininity as he was socially prescribed by *scientia sexualis* to embody conventional masculinity. Even if the *Urning* was not a real man in terms of gender/sex alignment, he had to perform a certain amount of conventional masculinity in order to survive the legal and social constraints of his time. His performance of conventional masculinity is addressed by Ulrichs in *Inclusa* and *Formatrix* — he writes:

§15. During childhood the feminine habit is especially noticeable before we have been taught to assume an artificial masculinity and before we have the oppressive experience that every expression of our feminine being would be reckoned a shame (!) by our playmates and by adults — before we have begun carefully to hide every feminine characteristic, suffering under this social pressure (Numantius, 1864/1994c, p. 58-59)

and

§39. An *Urning*, moreover, has purely feminine mannerisms as a child only. When he becomes an adult, his mannerisms are less feminine than those of the emancipated woman. This is brought about, on the one hand, by the assumption of masculine mannerisms, on the other hand, by our own striving to hide our feminine mannerisms, because of the disgrace people attribute to us for having them (Numantius, 1865/1994b, p. 151).

*Urnings* were compelled to conceal their feminine habits because any manifestation of femininity in men was despised. As we have seen, by the eighteenth century, masculinity came to represent a nation's respectability, legitimacy and longevity (Mosse, 1985, p. 31; Mosse, 1996, p. 23). Both the feminine and masculine had a role to play in the maintenance and propagation of society (Sanislo, 2006, p. 272; Mosse, 1996, p. 55). Perverting conventional

masculinity and femininity was seen to have severe consequences for both individuals and the nation (Mosse, 1985, p. 25; Mosse, 1996, p. 55, p. 80; Sanislo, 2006, p. 270). The gender-hybrid *Urning* transgressed conventional masculinity and femininity, thereby threatening the dissolution of society. Furthermore, by engaging in same-sex behaviour, the *Urning* effectively acted against his heterosexual civic responsibility to father, develop and train future generations of conventional men (Mosse, 1985, p. 29). This dangerous misuse of semen risked a return to the lower ranks of the Great Chain of Being and racial degeneration (Sethna, 2010, p. 270-275; Gilbert, 1981, p. 65-66).

While the *Urning* could play the part of a conventional man in order to survive, he would be unable to perform the role completely because he was solely a *quasi-mann*. One behavioural characteristic that was said to be common among conventional men, but impossible for *Urnings* to enact, was whistling (Numantius, 1865/1994b, p. 152). Presumably, women could not whistle either. Despite every effort to embody conventional masculinity, Ulrichs notes

§14. In spite of all the artificial masculinity of our being, the feminine element obviously breaks through at each opportunity and is recognizable in the manner in which we [*Urnings*] present ourselves, in our behaviour with companions, in manners, facial expressions, and gestures, in our mien, in almost every movement of our limbs, of our arms, hands, laugh, and smile, etc. (Numantius, 1864/1994c, p. 58).

Moreover, Ulrichs states: “§19. When *Urnings* get together, they mostly give themselves feminine nicknames; I suppose this is because they feel like women, even if only subconsciously: for example, ‘Laura,’ ‘Georgina’ (instead of George), ‘Mathilde,’ ‘Madonna,’ ‘Queen of the Night.’ They also call each other ‘sister,’ for example, ‘Sister Dear’” (Numantius, 1864/1994c, p. 60). The *Urnings* who chose to live as *Dionings* in an attempt to avoid public scrutiny and persecution were known as *Virilisirts* (Mondimore, 1996, p. 29-31; Kennedy, 1981, p. 107).

Ulrichs' foray into expanding same-sex behaviour nomenclature was initially limited to the *Urning* and the *Dioning*, as this naming exercise was based "on an analysis of his own sexual preference, supposing that all other homosexual men were like himself" (Kennedy, 1981, p. 105). It is important to note, however, that while Ulrichs was discursively challenging the ways in which *scientia sexualis* stigmatized congenital same-sex behaviour, he did not expand upon or challenge late nineteenth- or early twentieth-century gender norms. While the *Urning* acted as reverse discourse, it remained linked to a conventional femininity marked by softness and passivity. Naturalizing the *Urning* was made possible only by restricting femininity into a narrow conceptualization of womanhood. The *Dioning* was linked to conventional masculinity marked by penetrative agency. Unfortunately, no changes to societal gender norms came of the creation of the *Urning* or *Dioning*.

#### Further Expansion of Same-Sex Behaviour Nomenclature

After the publication of his first two booklets in 1864, Ulrichs was brought into contact with a wider range of men engaging in same-sex behaviour who did not necessarily fit into the parameters he had constructed for the *Urning*. These men motivated Ulrichs to expand same-sex behaviour nomenclature even further (Kennedy, 1997, p. 128). Some men, for example, loved both men and women alike, and some men loved other men "'tenderly and sentimentally' but desired women sensually" (Kennedy, 1997, p. 128). While these men could not completely identify with the *Urning* personage, it still resonated with them because it was an attempt to counter what Foucault argues was the stigmatization of not only same-sex behaviour but the individuals engaging in these acts. The *Urning* personage helped these men to understand their same-sex behaviour and counter the persecution they faced. Acknowledging that expressions of same-sex behaviour among men could vary significantly, Ulrichs dedicated his later booklets to

furthering same-sex behaviour nomenclature so as to respect these differences (Mondimore, 1996, p. 31).

In order to differentiate between congenital same-sex behaviour and temporary same-sex behaviour, Ulrichs created the term *Uraniaster*. The *Uraniaster* represented *Dionings* who temporarily engaged in same-sex behaviour with one another due to a lack of female partners (White, 1999, p. 76). This term was used considerably throughout Ulrichs' emancipatory efforts, as he needed to call attention to the fact that the same-sex behaviour expressed by *Urnings* was not a choice; it was inborn. Ulrichs believed that situational same-sex behaviour between two *Dionings* was inherently different than the same-sex behaviour performed by the *Urning* personage. While the *Urning* engaged in same-sex behaviour out of emotional fulfillment, the *Uraniaster* engaged in masturbation, bestiality, or same-sex behaviour simply to fulfil their sexual urges (Numantius, 1865/1994b, p. 159). Whereas one type of same-sex behaviour was committed for the purpose of emotional fulfillment between two opposites — the feminine *Urning* and a masculine *Dioning* — relations between two *Dionings* occurred because of selfish sexual desires.

In order to represent people who engaged in sexual behaviour with both men and women, Ulrichs introduced the *Uranodioning* personage in 1865 (Numantius, 1865/1994b. p. 161; White, 1999, p. 76; Dynes, 1985, p. 145). Because their sexual object choice was indeterminate, the *Uranodioning* could assume either the active or passive role, or both when engaging in sexual relations (Numantius, 1865/1994b. p. 173). This role was largely dependant on the other partner. For example, when with a woman, a male *Uranodioning* could play the active role; when with a man, he could play the passive role. Ulrichs later delineated clear differences between a “conjunctive” and “disjunctive” *Uranodioning*. Conjunctive *Uranodionings* could feel both

romantic and sensual love for either a man or a woman, whereas the disjunctive *Uranodioning* could only feel romantic or poetic love for young men, and sensual love for women (Ulrichs, 1868/1994e, p. 311-312; Numantius, 1865/1994b, p. 147).

The earlier definition of the *Urning* was also expanded upon in a later pamphlet. Ulrichs revisited his initial postulation that linked the *Urning* to an inherent femininity, now differentiating between “manly” and “womanly” *Urnings*. Manly *Urnings* (*Mannlings*) were characterized by conventionally masculine movements, gestures and mannerisms. Ulrichs defined these *Mannlings* as “completely masculine” with the exception of their sexual yearning for the male sex, which remained a feminine characteristic (Ulrichs, 1868/1994e, p. 306). Womanly *Urnings* (*Weiblings*) were conventionally feminine in their physical characteristics and sexual yearnings, but their biological sex was male (Ulrichs, 1868/1994e, p. 306). In terms of same-sex behaviour among women, Ulrichs coined the term *Urningin*. The *Urningin* is the countertype to the *Urning* — a male soul trapped in the physical body of a woman (Ulrichs, 1868/1994e, p. 303, p. 365; Ulrichs, 1870/1994f, p. 543).

### Personal Motivations

Ulrichs’ expansion of same-sex behaviour nomenclature, I would argue, was primarily motivated by a personal desire to move same-sex behaviour away from older terms that associated it with crime, sin and disease, and which failed to acknowledge that it was a congenital condition (Kennedy, 1988, p. 50; White, 1999, p. 74).

Confession was central to Ulrichs’ efforts to re-categorize same-sex behaviour and move it away from these negative connotations. Steakley defined Ulrichs’ exercise as an *apologia pro vita sua* [latin for “A defense of one's own life”] (1975, p. 15), to reference, I believe, the fact that Ulrichs used his own confessional testimony to validate the argument that same-sex

behaviour was congenital and thus natural. Prior to *Urning*, no term described men characterized by congenital same-sex behaviour in a positive fashion. Other terms were also sometimes misused as synonyms for *Urning*, causing confusion. Ulrichs, for example, identified the German term *Knabenliebe*, meaning boy-love, as being incorrectly used in association with *Urning*, and causing people to believe that *Urnings* were really attracted to boys (Numantius, 1864/1994d, p. 34). Ulrichs also writes that “common folk” held that *Urnings* were “especially dangerous to adolescent boys” (1870/1994a, p. 607). Ulrichs disagreed strongly: “They say that the Uranian orientation is specifically directed toward them or must in time lead to pederasty. The *Urning* is not a hair’s breadth more dangerous to an adolescent boy than a real man is to an adolescent girl” (1870/1994a, p. 607). Here Ulrichs addresses the misapprehension that *Urnings* are highly predatory because of their same-sex behaviour. Although Ulrichs does not clearly deny the supposition that *Urnings* are attracted to young males, he simply draws attention to the hypocrisy of heterosexual normality. While both the *Urning* and conventional man can pursue young men and women, respectively, only the *Urning* was considered to be a threat. With this, Ulrichs reaffirms that the *Urning* was not attracted to boys, but rather to men between the ages of 18 and 26 (Numantius, 1864/1994c, p. 68). The new terms created by Ulrichs were therefore effective tools in his mission to reorient the public’s perception of same-sex behaviour, discursively moving it away from pederasty and boy love.

Ulrichs’ need to challenge such perceptions of same-sex behaviour was exacerbated by the late nineteenth century influx of migrating rural citizens into major German city-centres, like that of Berlin. With this major growth, it was now possible for men who were characterized by their congenital same-sex behaviour to “seek out and meet others like themselves” (Bullough, 1994a, p. 23). Communities of these men formed, with Ulrichs estimating that

§4. According to one source, there are 20,000 adult Urnings in Germany; another reports more than 30,000. We will use 25,000 as an average and an average of 50 million males of whom 12,500,000 are adults. Thus, the ratio of adult Urnings to adult males is 25,000 to 12,500,000, or 1 in 500. That is, for every 500 adult males in Germany there is an average of one Urning. These figures may be applied to some German cities. Thus, Berlin, whose population is 500,000, most certain has more than 250 adult Urnings. Several cities of approximately 100,000 have at least 50 adult Urnings (Numantius, 1864/1994d, p. 35. For similar references, see also Ulrichs, 1870/1994f, p. 543; Ulrichs, 1870/1994a, p. 603; Ulrichs, 1880/1994b, p. 629).

As the public became increasingly aware of these *Urnings* communities, so too did the police and the court system(s). Ulrichs wrote about the police surveillance of *Urnings*, stating “§63 (c) it was reported to me that the Berlin police are keeping secret lists and continuous personal files on more than 2,000 Urnings living there” (1869/1994b, p. 522). *Urnings* would be surveilled and later arrested on the grounds that their congenital same-sex behaviour contravened state laws governing sexual morality. Facing a lack of knowledge on the subject of same-sex behaviour, “the legal system [...] turned to the medical community for explanations” (Bullough, 1994a, p. 23). Who could be an *Urnings*? Did one choose to be an *Urnings*? What did being an *Urnings* mean?

While Ulrichs spoke sympathetically about the congenital normality of the *Urnings*, his sexologist peers evaluated same-sex behaviour as symptomatic of congenital abnormality. Richard von Krafft-Ebing published his first study on same-sex behaviour in 1877. According to Mondimore and Taylor, Krafft-Ebing made it blatantly clear that he believed same-sex behaviour to be a pathological and degenerative condition (Mondimore, 1996, p. 32; Taylor, 2012, p. 17). Karl Friedrich Otto Westphal, a medical professor in Berlin, also observed same-sex behaviour to be symptomatic of a mental disorder, or congenital psychopathy (Steakley, 1975, p. 9). He suggested that men engaging in same-sex behaviour were suffering from depression and melancholy; therefore, he could not ascertain whether the *Urnings* was normal (Ulrichs,

1870/1994a, p. 609; Herzer, 1986, p. 17). Lastly, physician Johann Ludwig Casper, also from Berlin, conducted numerous case studies and found that same-sex behaviour was congenital in certain instances but also described it in a negative light (Numantius, 1865/1994b, p. 160). Ulrichs even noted Casper's dismay at finding out that the death penalty was no longer handed down to men found guilty of engaging in same-sex behaviour (Numantius, 1865/1994b, p. 160).

In response to this pathologization of the *Urning*, Ulrichs addressed the very poignant fact that the majority of the medical texts examining same-sex behaviour were actually written by heterosexual men. In *Formatrix*, Ulrichs states “§22 almost all of them [accounts detailing the specificities of the *Urning*] were written by Dionings, and are, of course, partly marred as the result of ignorance, partly distorted on purpose with as many dreadful examples as possible” (Numantius, 1865/1994b, p. 146). This comment is significant because it speaks to the position from which these texts were written. Since same-sex behaviour was seen to challenge heterosexual normality, Ulrichs suspected studies produced by heterosexual men were biased. Because Ulrichs wrote for *Urnings* as an *Urning*, this allowed for better insight into same-sex behaviour than material being produced by Krafft-Ebing, Casper and Westphal who were writing as *Dionings* interested in upholding heterosexual normalcy.

In order to counter these medical authorities and provide an accurate categorization of the *Urning*, Ulrichs relied heavily on confessional discourse. He did so in order to challenge the negative perception of same-sex behaviour being produced by *Dioning* sexologists. While Ulrichs saw congenital same-sex behaviour to be a benign condition, other sexologists who studied the same subject were “mostly doctors of the insane,” who “have made their observations on urnings who are in institutions for the insane. They appear never to have seen mentally healthy urnings” (Kennedy, 2002, p. 167. See also Cook, 2003, p. 75; Kennedy, 1997b, p. 33). In

response to these studies produced by Krafft-Ebing, Casper and Westphal, Ulrichs also began publishing the testimonials of other *Urnings* that he received as a result of his pamphlets (see Numantius, 1864/1994c, p. 69; Numantius, 1864/1994d, p. 117-122; Numantius, 1864/1994b, p. 129; Ulrichs, 1868/1994e, p. 401-402, p. 416, p. 422-423; Ulrichs, 1869/1994b, p. 481, p. 516-523; Ulrichs, 1870/1994f, p. 550-551, p. 560; Ulrichs, 1870/1994a, p. 608; Ulrichs, 1880/1994c, p. 664). This was a deliberate choice on Ulrichs' part because it further strengthened his discursive challenge of *scientia sexualis*.

### Legal Motivations

Further to these personal motivations, Ulrichs also felt compelled to challenge the prevailing negative narrative of same-sex behaviour due to the ever-increasing legal restrictions. While some German states had abolished their anti-same-sex behaviour laws like Bavaria in 1813 and Württemberg, Baden, Hanover and Brunswick by 1848, Prussia, Austria, the Kingdom of Saxony, Hamburg and Bremen enacted, or upheld, a variety of laws criminalizing same-sex behaviour (Beachy, 2010, p. 807). The Austrian penal code of 1851 criminalized acts between man and man, woman and woman, and man and beast with imprisonment plus hard labour from one to five years (Numantius, 1864/1994d, p. 47; Benkert, 1869/1997, p. 71). The Prussian penal code of 1851, specifically Paragraph §143, reprimanded “unnatural fornication between people and animals, as well as between persons of the male sex with 6 months to 4 years imprisonment with easy labor, as well as loss of civil rights at the same time, even if temporarily” (Benkert, 1869/1997, p. 71). Ulrichs immediately began challenging these laws in his earliest pamphlets, pointing to the state's hypocrisy for criminalizing the sexual desires of the *Urning* whilst accepting those of the *Dioning*. Ulrichs writes:

§19. Today, an Urning who follows his inborn sexual orientation by pursuing physical contact with a beloved blossoming young man to satisfy his natural sexual drive is prosecuted regardless of moral or legal considerations, namely as a disgraceful criminal by the laws instituted in every German state, with the single exception of Bavaria. (Other exceptions are Würtemberg,<sup>9</sup> Hanover, and Brunswick [...].) Prosecution occurs because he satisfies his sexual desires in a different fashion than Dionings (Numantius, 1864/1994d, p. 38).

Ulrichs found these laws to be hypocritical because both the *Urning* and the *Dioning* were fulfilling their natural inclinations — neither was committing a crime if these sexual acts were occurring between two consenting adults. In following this logic, Ulrichs suggested: “§35. The abolition of the criminal prosecution of man-manly love requires absolutely no revision of the German penal code” because the law pertained only to sexual acts that were against nature (Numantius, 1864/1994d, p. 42). Since the *Urning* was strictly a *quasi-mann*, he was not acting contrary to his congenital nature (Numantius, 1864/1994d, p. 36-37). However, sexual acts between two male *Dionings* were against the law because both were conventional heterosexual men.

With his appeal, Ulrichs advocated for a change to the legal system and demanded the courts approach congenital same-sex behaviour in a more tolerant way (Numantius, 1864/1994d, p. 41). His calls for tolerance largely fell on deaf ears. As the legal and social persecution of *Urnings* continued, many of them felt compelled to take their own lives rather than suffer unjustly in prison, undergo public scrutiny and blackmail, live in fear that their next suitor could be an undercover policeman, or risk shaming their families (Numantius, 1864/1994c, p. 85; Numantius, 1865/1994e, p. 111; Ulrichs, 1868/1994e, p. 416; Ulrichs, 1870/1994a, p. 612; Ulrichs, 1880/1994c, p. 654). These deaths further strengthened Ulrichs’ calls to repeal all laws that punished *Urnings* for expressing their congenital same-sex behaviour. Referencing the earlier abolition of such laws in Bavaria and France, Ulrichs remained steadfast in battling for

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<sup>9</sup> Württemberg is spelled as Würtemberg in the translated passage.

sexual freedom in the splintered German-speaking lands (Numantius, 1865/1994e, p. 122; Numantius, 1865/1994a, p. 190). Unfortunately for Ulrichs, this fight against Prussian sexuality laws was soon to be further intensified due to the state's expansionist goals.

#### Extension of Paragraph §143

While Ulrichs was actively trying to emancipate the *Urning* between 1864 and 1866, Prussia was attempting to persuade the splintered and sovereign German states to adopt its own penal code, or laws similar to its own, in a bid for political unification (Bauer, 2009b, p. 90). The Prussian desire for political hegemony over the region eventually led to tensions forming between Austria and Prussia, culminating in the Austro-Prussian war of 1866 (Beachy, 2014, p. 26-27). The war was quickly won by Prussia and brought great power to the state, namely in terms of land treaties and annexations, including the annexation of Ulrichs' native Hanover (Beachy, 2014, p. 27; Mondimore, 1996, p. 31). These treaties and annexations created the Prussian controlled North German Confederation in 1867 (Beachy, 2014, p. 28). At the onset of the Confederation, Prussia quickly sought to forge ahead with its goal of unification, and did so via ushering in a new universal constitution and draft penal code eliminating all divergent ones (Hekma, 1991a, p. 178; Beachy, 2014, p. 30). Based on Prussian laws, this new penal code ensured the continued criminalization of same-sex behaviour.

Writing about this development, Ulrichs expressed his dismay that Prussia would reintroduce Paragraph §143 in the new North German Confederation code. From a moral and medical standpoint, the Prussian Medical Affairs Board and the Deputation for the Public Health noted that same-sex behaviour was no more injurious than other forms of illicit relations (Kennedy, 1988, p. 146; Beachy, 2014, p. 30). Nevertheless, same-sex behaviour remained criminalized while other illicit forms of sexuality — adultery and sex outside of marriage, for

example — went unpunished (Kennedy, 1988, p. 146; Beachy, 2014, p. 30). Furthermore, since the Prussian Higher Court deemed that “cases of mutual masturbation did not fall under the current paragraph [§143],” Ulrichs called into question the efficacy of the law due to its limited scope (Kennedy, 1988, p. 146). Since the *Urning* could effectively satisfy his sexual desires by touching his *Dioning* partner, and not engaging in anal intercourse, Paragraph §143 was seemingly moot (Numantius, 1865/1994b, p. 142; Kennedy, 1988, p. 161). Regardless, Prussian officials announced that the North German Confederation penal code would include the criminalization of same-sex behaviour because it was behaviour worthy of punishment (Ulrichs, 1869/1994b, p. 540; Kennedy, 1988, p. 147; Beachy, 2014, p. 36).

Given this blatant disregard for the *Urning's* congenital instinct to engage in same-sex behaviour, and with the expansion of same-sex behaviour criminalization to areas that were once tolerant, Ulrichs felt compelled to address the Forum of the Association of German Jurists in Munich. In August 1867, Ulrichs addressed the 500 lawyers, officials and legal scholars in attendance at the Forum, advocating for a revision of the penal law that discriminated against the *Urning* (Beachy, 2014, p. 3, p. 28-29; Steakley, 1975, p. 5). Although Ulrichs was jeered off the stage because of his request (Ulrichs, 1868/1994d, p. 266; Mondimore, 1996, p. 31-32; Beachy, 2014, p. 5), his follow-up statements called for the immediate revision of the current laws governing same-sex behaviour. Ulrichs requested

- 1) that innate love for a person of the male sex be punishable only under the same provisions that pertain to love for persons of the female sex: that it remain guiltless as long as no rights have been abused [by force or threat of force, by abuse of minors, unconscious persons, etc.], or there was no disturbance of the peace; [and]
- 2) that the present, often obscure penal regulation concerning ‘disturbing the peace because of sexual behavior’ be replaced by one that would guarantee protection under the law (Ulrichs, 1868/1994d, p. 266).

Ulrichs' protest and the mounting evidence against the legitimacy of Paragraph §143 did not stop the North German Confederation penal code from being brought into effect on May 31, 1870, with the inclusion of Paragraph §152 (Beachy, 2014, p. 36).

One year later, the expansion of the Prussian penal code continued through another series of wars, invasions, annexations and treaties (Kennedy, 1981, p. 109; Mondimore, 1996, p. 32). Unification of the northern and southern Germanic states was finally achieved in 1871 after the Franco-Prussian war (Kennedy, 1988, p. 179). At this juncture in history, the German Empire was finally established, incorporating “the core states of the North German Confederation, as well as Baden, Württemberg, Bavaria, and the territories of Alsace and Lorraine, which had been annexed from France” (Beachy, 2014, p. 38). Similar to what occurred with the North German Confederation, Prussia forged ahead with creating a uniform penal code (Beachy, 2014, p. 38). The original Prussian penal code served as a template and acted as the foundation of the new Imperial German penal code. The original wording of Paragraph §143 was reintroduced as Paragraph §175, punishing — and for much of Germany, recriminalizing — same-sex behaviour (Blasius & Phelan, 1997b, p. 62; Bauer, 2009b, p. 91; Beachy, 2010, p. 807; Mondimore, 1996, p. 32; Kennedy, 1981, p. 109; Kennedy, 1988, p. 148). Paragraph §175 specifically stated that “unnatural vice committed by two persons of the male sex or by people with animals is to be punished by imprisonment; the verdict may also include the loss of civil rights” (German Empire, 1871/1997, p. 63). Once again, it is important to note that the German state ignored the aforementioned counsel from Prussian medical experts in 1869 and continued with its dogmatic criminalization of same-sex behaviour.

Ulrichs' last two booklets heavily criticized the propagation of Prussian laws in the newly formed German Empire. Calling for major legal reform, Ulrichs again attempted to persuade

legislators that the *Urning* personage was a congenital phenomenon, and thus natural. He urged the government to remove all laws that forbade *Urning* same-sex behavior and to create laws that criminalized actual deviant behaviour, like “the seduction of male minors, and the violation of civil rights by force, threat, abuse, or by manipulating an unconscious person” (Ulrichs, 1870/1994a, p.604. See also Kennedy, 1988, p. 191). In *Critical Arrows*, Ulrichs pointedly remarks

§111. The Paragraph [which criminalizes same-sex behaviour] is a vestige of earlier centuries, deriving from a false Christian view of the world long given up. At that time superstitious beliefs in magic, witches, monsters, and fertility-cults flourished. It would find a better place in history of superstition than in the penal code of the nineteenth century (Ulrichs, 1880/1994c, p. 678).

Moreover, Ulrichs demanded from the new German Empire: (1) that the punishment for anal intercourse with women be reinstated, as a means to ensure equal sexual rights for all and that the law be altered to indicate specifically which forms of gratification should be punished, effectively removing power from the courts to interpret the law unfairly (Ulrichs, 1880/1994c, p. 678); or (2) that “sexual acts between consenting adult males will be given freedom. The paragraph, which places it under punishment, will be stricken” (Ulrichs, 1880/1994c, p. 678). Ulrichs was serious in his demands, imploring that one of them must be put into effect immediately so as to level the legal playing field for all citizens (Ulrichs, 1880/1994c, p. 678). No such change was made.

By 1880, persecuted for his same-sex behaviour and finding little success in his attempts to challenge the negative construction of congenital same-sex behaviour under *scientia sexualis*, Ulrichs left Germany altogether and moved to what he called “a freer land” (Kennedy, 1988, p. 202). Eventually settling in Aquila, Italy, Ulrichs made a living teaching languages and publishing a Latin journal entitled *Alaudea* [Larks] (Kennedy, 1981, p. 109; Kennedy, 1988, p.

205, p. 210-211). While Ulrichs no longer publicly discussed his views on same-sex behaviour and the state, he continued to do so privately, exchanging letters with both John Addington Symonds in 1891 and Krafft-Ebing in 1894 (Kennedy, 1988, p. 216-222).<sup>10</sup> One year before his death in 1895, Ulrichs confessed his disappointment with the outcome of his emancipatory efforts. Despite his ardent efforts to reform the laws governing Germany (§143/§152/§175), and his efforts to convince people of the *Urning's* natural existence, Ulrichs was unable to bring about meaningful change within *scientia sexualis* for those with congenital same-sex behaviour. Speaking to his inability to bring about this reform, Ulrichs wrote, “I sowed the seeds; all fell on gravel or under thorn bushes” (Kennedy, 1988, p. 230). Although he did not achieve legal reform for the *Urning* while he lived, his emancipatory efforts were taken up later by others.

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<sup>10</sup> Symonds published an analysis of same-sex behaviour in ancient Greece in 1883 entitled *A Problem in Greek Ethics*. He also collaborated with sexologist Havelock Ellis on a manuscript entitled *Sexual Inversion*, which will be examined in Chapter 6 of this thesis. He also advocated for the congenital nature of same-sex behaviour, advocating for tolerance towards this phenomenon. Krafft-Ebing, however, continued to view same-sex behaviour as a hereditary degenerative condition; nevertheless, he did appear for the decriminalization of same-sex on compassionate grounds. Men who engaged insane-sex behaviour could not be found guilty because of their mental instability (Kennedy, 1988, p. 222).

## Chapter 5

### The *Homosexualität* Condition: Károly Mária Kertbeny's Classification of Same-Sex Behaviour

A journalist and translator by profession, Károly Mária (Benkert) Kertbeny published an open letter to the Prussian Minister of Justice on the subject of congenital same-sex behaviour in 1869. Urging the state to reconsider its legal stance on same-sex behaviour, Kertbeny spoke out against the potential recycling of Paragraph §143 of the Prussian penal code in the forthcoming North German Confederation penal code. It was in this open letter that Kertbeny first introduced *homosexualität* as a sexual condition, the concept he created to reference male same-sex behaviour (Miller, 2006, p. 13; Mondimore, 1996, p. 3; Steakley, 1975, p. 10-12; Beachy, 2004, p. 31; Johnson, 2004, p. 1; Taylor, 2012, p. 18-19; Sullivan, 2003, p. 2; Dynes, 1985, p. 67).<sup>11</sup>

Born in Vienna, Kertbeny has been described as a “quirky mid-nineteenth century, central European character” (Tobin, 2005, p. 4. See also Herzer, 1986, p. 2). As a young boy, Kertbeny moved to Budapest where his family lived a comfortable bourgeois life. He attended school in Pesth and Erlau, and at the age of 14, he began a bookseller apprenticeship (Herzer,

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<sup>11</sup> The vast majority of authors consulted for this thesis acknowledge that *homosexualität* was first introduced to the public in 1869 in Kertbeny's pamphlet to the Prussian Minister of Justice. Amidon, however, indicates that the concept actually made its debut in 1868 in a private letter Kertbeny had written to Ulrichs (2008, p. 66) and Dean simply notes that *homosexualität* was first coined in 1868 (1996, p. 22). The purpose of this thesis is to examine at which point *homosexualität* (in addition to three other concepts) entered into the public realm, and why. Although *homosexualität* may have been first coined in 1868, this development was private. It is only now, a century later, that historians have been able to uncover these private letters between Ulrichs and Kertbeny and publicize them. For this reason, I have chosen to indicate 1869 as the year in which *homosexualität* was first used because this was the year Kertbeny published his pamphlet to the Prussian Minister of Justice.

1986, p. 2). From 1840 onwards, Kertbeny travelled to Italy, Switzerland, France, the United Kingdom and a variety of Germanic cities (Takacs, 2004, p. 27; Herzer, 1986, p. 2). He supported himself as a translator, translating Hungarian texts and publishing them in German (Tobin, 2005, p. 4). Kertbeny was “a passionate supporter of the Hungarian nationalist cause,” which prioritized independence for Hungary from the Habsburg Empire (Tobin, 2005, p. 3). Kertbeny even hungarianized his Germanic family name to the more Hungarian sounding Károly Mária Kertbeny (Herzer, 1986, p. 3; Takacs, 2004, p. 26-27).

### Introduction to *Homosexualität*

The proposed recycling of Prussian sexuality laws in the forthcoming North German Confederation penal code prompted Kertbeny to publish *An Open Letter to the Prussian Minister of Justice* in 1869. This pamphlet effectively launched the concept of *homosexualität* into the public discourse for the first time (Blasius & Phelan, 1997a, p. 67). In total, three sexual conditions were discussed in the pamphlet with each one corresponding to a unique and different personage (Féray, Herzer & Peppel, 1990, p. 34). To begin, Kertbeny coined *homosexualität* by combining the Greek *homo* [same] and the Latin *sexus* [sex] “to describe someone who is inclined to have sex with a member of his or her own sex” (Tobin, 2005, p. 3-5. See also Takacs, 2004, p. 29; Dynes, 1985, p. 67; Beachy, 2004, p. xii; Johnson, 2004, p. 1). Although both men and women could be affected by *homosexualität*, Kertbeny’s analysis was largely limited to male same-sex behaviour. Only two references were made to *tribadism* (female *homosexualität*) in the pamphlet (Benkert, 1869/1997, p. 70-72).

When examining the gendered elements of *homosexualität*, it is important to note that the personage emerging out of this congenital condition — the *homosexualist* — was not characterized by “innate ‘womanliness,’ but rather by a different kind of ‘manliness’” (Féray,

Herzer & Peppel, 1990, p. 25, p. 34). This interpretation of congenital same-sex behaviour was markedly different than the one formulated by Ulrichs. While Ulrichs believed the *Urning* was a biological male with a female psyche, and whose same-sex behaviour was often times manifested via feminine mannerisms, Kertbeny argued that a *homosexualist* was marked only by his sexual inclinations towards other men. Kertbeny rejected Ulrichs' theory of the psychological hermaphroditism of those with congenital same-sex behaviour (Beachy, 2014, p. 31). Men with congenital *homosexualität* were seemingly conventional men, and were not characterized by the same kind of inborn gender misalignment as the *Urning*. These men were still, however, an identifiable type of personage like the *Urning* "not so much because of their bodily characteristics, but because of their shared tastes" (Tobin, 2005, p. 7). By shared tastes, I believe Tobin is referring to the feminine desire *homosexualists* have for other men. With regard to physical expressions of *homosexualität*, Kertbeny found that only ten percent of men with *homosexualität* engaged in anal intercourse, either actively or passively (Benkert, 1869/1997, p. 72).

The other nine-tenths of men with *homosexualität* indulged in masturbation as "the thought of going further is abhorrent to them" (Benkert, 1869/1997, p. 72-77). When it came to the question of sexual attraction, Kertbeny notes that *homosexualists* were attracted "by certain [male] personalities which, from mature boyhood to manhood, represent the full features of virility in every detail of its habit, in opposition to the feminine" (Benkert, 1869/1997, p. 73). Like the *Urning*, *homosexualists* only pursued relations with conventional men whose biological sex matched their gender. Men with *homosexualität* never pursued women or feminine men for the fulfilment of their physical needs (Benkert, 1869/1997, p. 73).

The second sexual condition discussed by Kertbeny relates to masturbation, which was generally termed “solitary self-abuse” or “onanism” in this era (Benkert, 1869/1997, p. 69-70). While the translated edition of Kertbeny’s pamphlet makes reference to masturbation in using these terms, Herzer has offered *monosexualität* as Kertbeny’s original concept (Herzer, 1986, p. 6).<sup>12</sup> *Monosexualität*, in this regard, refers to a sexual drive fixed on self-pleasure. Women and men could use their own hands, artificial instruments, or fantasy as tools to pleasure themselves (Féray, Herzer & Peppel, 1990, p. 34). Like many authors in his day, Kertbeny strongly believed that this kind of masturbation was a wicked mania, writing that it is “the most evil so-called natural and unnatural fornication from which they [every male and every female of school age] have to be directly, physically as well as morally protected” (Benkert, 1869/1997, p. 69).

In general, late nineteenth-century attitudes toward masturbation were not positive. Church teachings cited by Laqueur speak to its dangers as it “was thought to ‘undermine the constitution and poison the mind ten times more than illicit commerce with a woman’” (1992, p. 228). It was believed that the practice would damage the brain, spinal cord, throat, chest and lungs (Benkert, 1869/1997, p. 70). Masturbatory fantasies led to an “overheated imagination” (Mosse, 1996, p. 99), which then opened the door to other mental and physical ailments (Sethna, 2010, p. 273-275). Moreover, masturbation was frowned upon because it was a solitary act. With no human reciprocity involved, it was an egoistic experience that was believed to destroy the bonds of human solidarity (Laqueur, 1992, p. 299; Benkert, 1869/1997, p. 77). Masturbation would cause the individual to lose their vital force (Sethna, 2010, p. 273), making them cold, unsociable, heartless and abstract, completely unable to engage in their world (Benkert,

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<sup>12</sup> Féray, Herzer and Peppel have offered “monosexualism” as the English translation of Kertbeny’s original concept (1990, p. 34). Kertbeny’s *monosexualität* must not be confused with the modern Western term of monosexual. Hutchins and Kaahumanu define monosexual as “a term used for both heterosexuals and homosexuals – i.e., all people who love only one gender” (1991, p. 370). Kertbeny’s *monosexualism* is therefore strikingly different.

1869/1997, p. 70). In men, the “loss of semen,” as discussed by Sethna, also challenged white men’s privileged position at the top of the Great Chain of Being because it did not contribute to the reproductive needs of the state (2010, p. 274). Furthermore, because masturbation was perceived to be a common occurrence among animals and the lower races, intellectuals cautioned Anglo-Saxon boys against degrading themselves and their racial standing through the practice (Sethna, 2010, p. 275).

While masturbation was negatively viewed, Kertbeny believed that it was practiced “in all classes, among all races, [and] at any age,” afflicting at least one third of the male and female sex (Benkert, 1869/1997, p. 69-70). The reason why such a large number of men and women turned to masturbation, Kertbeny argued, was directly related to the ill-informed Prussian laws governing sexual behaviour. With Paragraph §143 of the Prussian penal code penalizing “unnatural fornication [...] between persons of the male sex with 6 months to 4 years imprisonment with easy labor, as well as loss of civil rights at the same time, even if temporarily,” citizens were erroneously led to believe that *homosexualität* was unnatural (Benkert, 1869/1997, p. 70-71). This law, coupled with the societal fear of contracting a sexually transmitted infection, Kertbeny argued, led people to masturbation as a “safer” alternative (Benkert, 1869/1997, p. 70). As more and more people began practising masturbation, Kertbeny warned that humanity was at risk of total extinction (Benkert, 1869/1997, p. 69). The psychological consequences of *monosexualität* were, therefore, thought to be more dangerous than same-sex behaviour as same-sex behaviour was still a humanistic expression of desire (Benkert, 1869/1997, p. 77)

The third sexual condition discussed by Kertbeny relates to opposite-sex coupling. *Normalsexualität* “is the innate form of sexual satisfaction for the majority of the population”

and is perhaps, as Kertbeny believed, the most susceptible to degeneracy (Féray, Herzer & Peppel, 1990, p. 35. See also Herzer, 1986, p. 6; Benkert, 1869/1997, p. 74). Those with *normalsexualität* were believed to be most susceptible to degeneracy because of their unfettered sexual drive. While males with *homosexualität* could engage in completely platonic relationships, those with *normalsexualität* could not as their sexual drive inclined them to sexual acts (Benkert, 1869/1997, p. 73). Men and women with *normalsexualität* were driven by sensuality and passion, leading them to engage in sexual intercourse and mutual masturbation with almost any one (Benkert, 1869/1997, p. 73). If intercourse with the opposite sex was not available for any given reason, the *normalsexualität* of men could lead them to pursue “the lesser pleasure” of same-sex behaviour, either passively or actively, or to engage in bestiality, incest, masturbation and sex with children (Benkert, 1869/1997, p. 74). These sex-crazed men, however, would always return to their pursuit of women at the very next opportunity (Benkert, 1869/1997, p. 74).

### An Appeal for Tolerance

Kertbeny’s exploration of *normalsexualität* was an important element of his fight against Paragraph §143, and its potential recycling as Paragraph §152 in the North German Confederation penal code. While the legal codes of France, Bavaria, Wurttemberg and Hanover punished male same-sex behaviour only when the rights of one partner were violated (Benkert, 1869/1997, p. 75), the Prussian penal code punished all same-sex behaviour with “6 months to 4 years imprisonment with easy labor, as well as the loss of civil rights at the same time, even if temporarily” regardless of context (Benkert, 1869/1997, p. 71). The comparison made between *homosexualität* and *normalsexualität* was, therefore, a deliberate attempt on Kertbeny’s part to change society’s negative perception of congenital same-sex behaviour between men. Kertbeny

sought to use reverse discourse as a means to persuade readers, and the Prussian Minister of Justice, that *homosexualität* was not the issue. Rather, it was *normalsexualität* that merited legal and social controls so as to limit the troubling sexual desires stemming from this orientation. *Homosexualists* were able to control their urges and limit these to consensual interactions, but those with *normalsexualität* “by nature are totally unrestrained in their ability to become [sexually] excited” (Benkert, 1869/1997, p. 74).

The hypocrisy of the Prussian penal code is widely discussed by Kertbeny, who, in a similar vein as Ulrichs, balked at the state’s willingness to criminalize congenital same-sex behaviour while allowing other forms of non-procreative sex to go largely unpunished (Benkert, 1869/1997, p. 69). A prostitute could seduce a minor, and ruin his life with venereal disease (Benkert, 1869/1997, p. 70) and a man could seduce, impregnate and infect a woman with venereal disease outside marriage, all “without the state taking the least bit of interest” (Benkert, 1869/1997, p. 78). While both of these examples were unsettling, they did not help Kertbeny challenge the *scientia sexualis* of the late nineteenth century. As we have seen in Chapter 1, *scientia sexualis* stigmatized the state of mind of those engaging in sexual acts, and did not explicitly stigmatize the acts themselves (Foucault, 1978/1990, p. 43; Weeks, 1981a, p. 81). As societal views during the late nineteenth century afforded men certain sexual freedoms with women (Fuchs & Thompson, 2005, p. 35), and sexual abstinence was thought to endanger potentially the health of both men and women (Seigel, 2012, p. 358), the examples above could be excused as temporary expressions of aggressive heterosexuality.

In order to challenge the discursive construction of same-sex behaviour under *scientia sexualis*, Kertbeny brought attention to the natural occurrence of *homosexualität* among men. Like Ulrichs, Kertbeny believed that *homosexualität* was but one of many sexual conditions that

could develop naturally prior to birth (Benkert, 1869/1997, p. 72; Tobin, 2005, p. 5). Expressions of *homosexualität* would begin at the onset of puberty with young boys experiencing a natural attraction to the same sex and “a direct horror for the opposite sex” (Benkert, 1869/1997, p. 72-75). *Homosexualität* was, therefore, a congenital and unchanging phenomenon that existed on the same plane as *normalsexualität*. It existed “among all races and in all climates” and could affect any man irrespective of his social class (Benkert, 1869/1997, p. 76). To this effect, Kertbeny writes:

so many important and noble characters of our history in general are either suspected of being or are known for sure to be of this partial drive, which, were it not an inborn one, and consequently one that could be suppressed, would not occur among such important men, with their intellectual understanding and physical capabilities, or in the case of wealthy and powerful people, whose free choice of pleasure is unlimited (Benkert, 1869/1997, p. 76).

Kertbeny invoked these examples to provoke a reverse discourse. If even a man with wealth and power could not change his *homosexualität*, then perhaps it was a genuine congenital condition and not a simple choice. Ultimately, Kertbeny yearned for a more tolerant society. He believed that something as natural as *homosexualität* could never “be suppressed even by the most brutal persecutions” because of its congenital nature (Benkert, 1869/1997, p. 76).

It is important to note, however, that this born-this-way line of argumentation was not central to Kertbeny’s fight for same-sex behaviour tolerance and emancipation. While Ulrichs largely argued for the emancipation of the *Urnig* by calling attention to its congenital nature, Kertbeny moved beyond it. Suggesting that the congenital statement might not resonate with lawmakers, Kertbeny believed that ““there are people born with innate bloodthirstiness ... One doesn’t let these people do whatever they want or follow their desires”” (Tobin, 2005, p. 11. See also Takacs, 2004, p. 31). Since Kertbeny believed that ““nothing would be won if the proof of innateness were successful”” due to the fact that threatening conditions were also congenital in

nature (bloodthirstiness), he made political arguments justifying the decriminalization of *homosexualität* (Tobin, 2005, p. 11). Kertbeny saw this conjunction between penal codes as an opportunity to challenge sexuality as a cultural construct.

To begin, Kertbeny brought attention to the courts' inability to carry out justice when it came to the criminalization of *homosexualität*. Thousands of men practised same-sex behaviour in their private lives; these men could easily evade punishment perhaps by using their wealth or status (Benkert, 1869/1997, p. 77). Furthermore, if these men were legally tried it would have been "very difficult and rare to prove this act [sodomy] in court unless the participants are caught in the state of being flagrant, and it is even more difficult forensically to detect and to show physical symptoms positively originating from this behaviour" (Benkert, 1869/1997, p. 77). Kertbeny called upon Prussia to strike Paragraph §143 from the penal code, which would in effect prevent Paragraph §152 from ever being enacted as legislation in the North German Confederation. Moreover, Kertbeny argued that the state should remove itself from matters of private morality altogether because the new German state should be based on modern laws and secularity, and more focused on protecting citizens (Tobin, 2005, p. 6). Citizens should be afforded certain inalienable rights, which the modern constitutional state had to protect at all costs (Benkert, 1869/1997, p. 76; Tobin, 2005, p. 6). One of these inalienable rights was the right to engage freely in sexual relations in private unless the rights of others were injured in the process (Blasius & Phelan, 1997a, p. 67; Benkert, 1869/1997, p. 68, p. 76; Féray, Herzer & Peppel, 1990, p. 32). This sentiment was also echoed in a letter Kertbeny wrote to Ulrichs in 1868: "the state does not have the right to intervene in what is happening between two consenting people aged over 14" (Takacs, 2004, p. 31).

## Ulrichs and Kertbeny: Theoretical Comparisons

When comparing the emancipatory efforts of both Ulrichs and Kertbeny, it is interesting to evaluate their motivations. As we have seen in Chapter 4, Ulrichs fought for the emancipation of the *Urning* because he self-identified as one. Ulrichs published 12 booklets in total with the aim of rallying other *Urnings* against Paragraph §143 and §152 (Féray, Herzer & Peppel, 1990, p. 33). In using his own confessional testimony, and the confession of other *Urnings* that he collected through voluntary means, Ulrichs challenged *scientia sexualis* and its construction of same-sex behaviour as abnormal. Same-sex behaviour was not abnormal, nor was it an expression of crime, sin or disease — congenital same-sex behaviour was just a different kind of normal.

Kertbeny, on the other hand, fought for same-sex behaviour emancipation as a “normally-sexed” man (Féray, Herzer & Peppel, 1990, p. 26). His specific motivations to speak against Paragraph §143 and §152 relate to the suicide of a childhood friend:

I had a good, dear friend in my youth, whose abnormal tastes I would have never in my dreams suspected and who in 1840 — barely twenty — shot himself. The day before his suicide he had left a letter for me with his mother. In this missive he conveyed the irrepressible passion which had been with him since childhood and which had led him into the hands of a swindler who had subjected him to financial extortion. And when my friend had no more to give, this character threatened to denounce him to the authorities because of his severely punishable “vice” [...] Having enough of this, my cheated, unfortunate friend chose to forestall his own infamy as well as the shame of his family — and left them instead with the deepest sorrow (Féray, Herzer & Peppel, 1990, p. 26).

In providing this confessional testimony, I believe that Kertbeny was attempting to challenge the hardline medico-legal representation of same-sex behaviour under *scientia sexualis*. Men with *homosexualität* were not solely case studies associated to discourses of crime, sin and disease — they were sons, brothers, and friends who were trying to live their own inborn version of normal. The legal hypocrisy that criminalized same-sex behaviour but overlooked more serious forms of

sexual immorality added fuel to Kertbeny's challenge to *scientia sexualis*. Ultimately, he addressed the pamphlet to the Prussian Minister of Justice to highlight the legal inconsistencies in the Prussian penal code, and to address the plight of *homosexualists* in general (Féray, Herzer & Peppel, 1990, p. 33).

Since Kertbeny published his pamphlet in 1869, it is important to explore why he created a new concept to denote same-sex behaviour instead of just recycling *Urning* — the concept and homosexual personage created by Ulrichs just five years prior. Two explanations have been widely circulated in secondary-source literature. The simple explanation relates to jealousy. Ferdinand Karsch, historian of same-sex behaviour and professor of zoology, examined letters sent between Ulrichs and the writer Karl Egells that detailed Ulrichs' thoughts on *homosexualität* and the *Urning*. From this examination, Karsch determined that Ulrichs believed “‘Kertbeny did not want to use his terms out of jealousy’,” (Herzer, 1986, p. 5) opting to use his own linguistic invention instead (Kennedy, 1988, p. 50). While Ulrichs wrote extensively about the *Urning* and the injustices faced by males engaging in same-sex behaviour, Kertbeny produced only a few major publications advocating the decriminalization of *homosexualität*. From my own analysis, it is evident that Ulrichs was far more recognized and established in these emancipatory efforts than Kertbeny ever was; therefore, it is possible that Kertbeny did not use *Urning* out of personal vanity. This explanation is supported by Herzer (1986, p. 16), Bauer (2009a, p. 5) and Kennedy (1988, p. 150-151) who indicate that Kertbeny resented the success and popularity of Ulrichs' expansion of same-sex behaviour nomenclature. Perhaps Kertbeny wished to find success in creating his own trademark concept for same-sex behaviour, moving beyond the *Urning* altogether (Herzer, 1986, p. 16). For what it is worth, Ulrichs never used *homosexualität*,

preferring to use his own terminology instead (Kennedy, 1997b, p. 30). Despite the plausibility of this this explanation, I find it to be somewhat too simplistic and cliché.

The second and more plausible explanation as to why Kertbeny did not use *Urning* in his emancipatory pamphlet relates to his fundamental disagreement with Ulrichs. Despite the fact that both sexologists sought to develop a nomenclature for male same-sex behaviour, their theoretical approaches differed in three major ways: the origins of same-sex behaviour; the depictions of men engaging in same-sex behaviour; and the significance of same-sex behaviour.

With regard to how same-sex behaviour came to exist, Ulrichs relied heavily upon the notion that it was a congenital condition based on gender misalignment. This homosexual personage was a gendered hybrid dubbed the *Urning*. Kertbeny, as a strategy, tried to steer clear of the congenital explanation for *homosexualität*. Since many conditions could also be congenital, Kertbeny felt that it would be extremely difficult to convince the Prussian government, and his fellow citizens alike, to change existing sexuality laws by invoking a born-this-way argument (Kennedy, 1988, p.152). Furthermore, Herzer and Kennedy indicate that while Kertbeny did initially entertain the plausibility that *homosexualität* was inborn, he later stated that there was, as of yet, no wholesome explanation for this riddle of nature:

as much as we pride ourselves that ours is a time when science rules, when no riddle of nature goes unsolved, we must in shame admit precisely in regard to this apparent riddle of nature [*homosexualität*] that scientific research, with a prudery held to only here, has up to now not once come near the subject, and our professors of anthropology, physiology, psychology, pathology, therapy, and anatomy can give even less information on this point from their own observations than they can, alas, in yet many other cases ... The sexologist who will stand on his own feet is yet to be born (Herzer, 1986, 11. See also Kennedy, 1988, p. 150).

Because of societal prudery, Kertbeny claims that not enough scientific attention has been dedicated to better understanding male same-sex behaviour. The complexity of the subject required further meaningful investigation. Herzer, however, indicates that this passage is

Kertbeny's assertion "that there was no explanation at all [for] this 'riddle of nature'" (1986, p. 11).

## Chapter 6

### Henry Havelock Ellis and the Case for Congenital *Sexual Inversion*

While Ulrichs and Kertbeny contributed to the expansion of same-sex behaviour nomenclature from continental Europe, Henry Havelock Ellis did so from his native England. A physician by training, Ellis wished to educate his peers on the subject of congenital same-sex behaviour, believing that it was neither a medical problem in need of a cure nor a legal problem in need of regulation (Weeks, 1990, p. 64; Bristow, 2007, p. 128; Miller, 2006, p. 16; Schaffner, 2012, p. 93). The first English edition of Ellis and Symonds' text<sup>13</sup> exploring same-sex behaviour

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<sup>13</sup> While both Ellis and Symonds appear as authors of *Sexual Inversion*, their respective contributions to the study should be clarified. In 1892, Symonds approached Ellis with the idea of collaborating on a study evaluating same-sex behaviour (Crozier, 2008, p. 36). Symonds previously wrote and published two sociological essays evaluating expressions of same-sex behaviour in ancient Greece (Crozier, 2008, p. 35). Wishing to expand on his work, Symonds was keen to use Ellis' scientific expertise as a way to challenge the pathological constructions of same-sex behaviour under *scientia sexualis* (Crozier, 2008, p. 37). Ellis agreed to work on this study, and both intellectuals decided "the bulk of the book, including all of the material dealing with medicine and psychology, was to be handled by Ellis, leaving only the historical and literary material to Symonds" (Crozier, 2008, p. 43). Although Ellis and Symonds planned to co-author the study, Symonds unexpectedly died in 1893 leaving Ellis to complete it himself (Schaffner, 2012, p. 92; Crozier, 2008, p. 57).

As the study progressed, its aim changed considerably and largely at the expense of Symonds' contribution (Crozier, 2008, p. 58). *Sexual Inversion* became increasingly centered on scientifically challenging the medico-legal discourses that characterized current expressions of congenital same-sex behaviour. While Symonds' historical contributions demonstrated that same-sex behaviour has always existed and thus was not a modern expression of vice (Crozier, 2008, p. 45), they also suggested that same-sex behaviour was an act of will (Crozier, 2008, p. 43). Here, however, Symonds was specifically referencing pederasty which was a pedagogic choice, in some respect. Unfortunately, it seems as though ancient Greek expressions of pederasty were conflated to be representative of same-sex behaviour in general. In suggesting that same-sex behaviour was an act of will, Symonds undermined Ellis' goal of establishing same-sex behaviour as "a natural occurrence" (Crozier, 2008, p. 43). As a result, Symonds' *A*

was published in Britain in 1897 under the title of *Sexual Inversion* (Schaffner, 2012, p. 92; Ellis & Symonds, 1897/2008, p. 95). With the aim of establishing what Ellis deemed to be sexual fact rather than stereotypes, *Sexual Inversion* has been credited as the first-ever English language textbook on the subject of same-sex behaviour (Crozier, 2008, p. 1, p. 7; White, 1999, p. 66; Miller, 1995, p. 16; Somerville, 1996, p. 244). Once *Sexual Inversion* began circulating in the elite academic circles of Victorian England, so too did the concept of *sexual inversion*. Prior to the publication of this text, Weeks suggests “there was no specific vocabulary in English for homosexuals [men with same-sex behaviour] separate from that of sin or disease” (Weeks, 2000, p. 24). As we will see, however, Ellis’ concepts of same-sex behaviour differed from those developed by Ulrichs and Kertbeny.

Born at a time when much was expected from science, Ellis placed his faith in the scientific investigation of sexual phenomena (Weeks, 2000, p. 18). The son of a lower middle-class family living in Croydon, London, Ellis’ childhood and early adolescence was characterized by evangelical teachings and religious study (Weeks, 2000, p. 18). At the age of 16, Ellis travelled alongside his sea-merchant father to Australia for what was supposed to be one leg of a world tour. Ellis opted to stay in that country alone, becoming a teacher and headmaster (Weeks, 2000, p. 18). During this stint Ellis was compelled to make “the problems of sex” part of his life’s work (Ellis & Symonds, 1897/2008, p. 89). In order to fulfil this ambition, Ellis returned to Britain in 1880 to pursue formal medical training (Weeks, 2000, p. 19).

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*Problem in Greek Ethics* was shuffled from Chapter 2 of *Sexual Inversion* and was placed as an appendix (Crozier, 2008, p. 42; Schaffner, 2012, p. 92; Ellis & Symonds, 1897/2008, p. 93). It is for this reason that I, alongside many other secondary source authors like Schaffner (2012), Weeks (1990), Miller (1995) and Crozier (2008), refer to only Ellis when discussing the condition of *sexual inversion*. While the study itself is attributed to both Ellis and Symonds, Ellis was the main creator of *sexual inversion* as a concept.

With this training, Ellis began to study human sexuality (Crozier, 2008, p. 25). Ellis considered sexuality to be one of the most fundamental aspects of human nature, which, like hunger, was present across time, nature and culture (Crozier, 2008, p. 28). Believing that “most manifestations of the sexual impulse were to be understood as natural,” Ellis rightly “rejected the conventional idea that only heterosexual procreative sex is a normal, natural thing” (Crozier, 2008, p. 28). Collecting 36 case studies and evaluating them as confessional testimony, Ellis was able to determine that *sexual inversion* was an excusable condition due to the fact that it was based in nature (Weeks, 1990, p. 62).

### Legal Motivations

Ellis’ motivations for studying same-sex behaviour and expanding same-sex behaviour nomenclature are similar to those of his sexological counterparts. Like Ulrichs and Kertbeny in the German context, Ellis wished to break free of Victorian conceptualizations of same-sex behaviour as defined by *scientia sexualis* (Crozier, 2008, p. 3).

*Sexual Inversion* was published in the aftermath of the Oscar Wilde trials (Schaffner, 2012, p. 93). Wilde, a famous poet and playwright, was involved in three trials related to his relationship with a younger man. Wilde was ultimately found guilty of “gross indecency,” and sentenced to two years in jail plus hard labour (Miller, 2006, p. 47). As Miller (2006, p. 48) and Hall (2013, p. 49) note, the Wilde trials were a source of immense controversy. Wilde became the cautionary poster-boy of how far one could fall from the upper echelons of the Great Chain of Being. By engaging in same-sex behaviour, Wilde came to represent the “transgressive male possibilities [of] effeminacy, decadence, aestheticism, bohemianism, dandyism, self-indulgence, and excess” (Hall, 2013, p. 49).

The criminalization of same-sex behaviour in Great Britain had been in place since the sixteenth century. From 1533 until 1861, sodomy was considered to be a capital offence; however, by the nineteenth century, imprisonment was the most common sentence handed down (Crozier, 2008, p. 10; Weeks, 1989a, p. 199). In 1861, the Offences Against the Person Act was passed into legislation making sodomy of a man, woman, or animal a felony punishable by ten years to life in prison (Ellis & Symonds, 1897/2008, p. 218). By 1885, the legislation governing same-sex behaviour became even more restrictive. With the introduction of the 1885 Criminal Law Amendment Act, all male same-sexual behaviour, including fellatio and mutual masturbation, was considered to be an act of gross indecency (Ellis & Symonds, 1897/2008, p. 218; Crozier, 2008, p. 10). Whether or not these acts were committed in private or public, they were subject to a prison term of maximum one year that could also include hard labour (Hall, 2013, p. 34-35).

The introduction of the Criminal Law Amendment Act ushered in a new era of increased social hostility (Weeks, 2000, p. 25). As same-sex behaviour was “perceived as dangerously destabilizing to existing paradigms of British manliness” (Hall, 2013, p. 20), the British government increased policing and prosecution of those engaging in this behaviour. This was the case because, as we have seen in Chapter 3, transgressing conventional gender norms was deemed behaviour risky to the state. The aim of this legislation, therefore, was to contain moral decline (Hall, 2013, p. 35; Schaffner, 2012, p. 13).

Ellis rallied against the severe social stigma and the heavy penal burden placed on those with *sexual inversion*, indicating “if two male persons, who have reached years of discretion, consent together to perform some act of sexual intimacy in private, no indecency has been committed” (Ellis & Symonds, 1897/2008, p. 218. See also Crozier, 2001, p. 80). This

perspective on consent and the age of majority echoed the opinions of both Ulrichs and Kertbeny. In terms of better evaluating congenital same-sex behaviour, Ellis approached this study as a psychologist, and used confessional testimony from male *sexual inverts* to prove that *sexual inversion* was a congenital sexual instinct (Ellis & Symonds, 1897/2008, p. 199-200; Crozier, 2001, p. 79).

### Evaluating *Sexual Inversion* via Case Studies

Ellis did not approach his case studies *pro domo* like Ulrichs, nor did he approach them as a means of providing treatment. Instead, his work “had a propagandist and educational tone, designed to produce long-term changes in attitudes” with regard to how *sexual inversion* was understood by the masses (Weeks, 2000, p. 23). Keeping in mind that Ellis published his study during a time in which Krafft-Ebing and other psychologists labelled same-sex behaviour symptomatic of a psychiatric disorder and disease, Crozier states that *Sexual Inversion* was in fact a political statement “in the guise of a medical text” used as a means to convince readers of the need to reconsider their understanding of same-sex behaviour (2008, p. 59). By invoking the objectivity of science throughout his study, Ellis was able to legitimize his political call for change. This study, however, was not entirely objective and did not challenge nineteenth-century gender norms. According to Vicinus, Ellis recorded what he saw in a small sample of people he studied (1992, p. 484). In his sample, Ellis observed men and a few women seemingly transgressing conventional masculinity and femininity, and thus based his conceptions of the homosexual personage mainly on late nineteenth-century and early twentieth-century gender norms.

Thirty-six case studies compose the confessional data set used for *Sexual Inversion*, 28 of which are confirmed males and six of which are females. The remaining case studies are loosely

referenced, though they are not included in the study as they were sourced from external authors (Ellis & Symonds, 1897/2008 p. 181).<sup>14</sup> It is important to note that the case studies and empirical data referenced in *Sexual Inversion* are representative of everyday subjects outside prisons and asylums, including John Addington Symonds, Ellis' collaborator (Case XVIII, Ellis & Symonds, 1897/2008, p. 142; Schaffner, 2012, p. 93) and Edith Lees, Ellis' wife (Case XXXI, Ellis & Symonds, 1897/2008, p. 171; Weeks, 2000, p. 32-34; Miller, 1995, p. 18, p. 26; Schaffner, 2012, p. 93). The decision to collect, examine, and publish these confessional testimonies was a deliberate and significant choice on Ellis' part, as "there was little empirical data of a neutral sort [regarding congenital same-sex behaviour]; not a single British case, unconnected with the asylum or the prison, had ever been recorded" (Weeks, 2000, p. 24. See also Hall, 2013, p. 50). It is for this reason, and for this reason alone, I would argue, that *Sexual Inversion* is considered to be a central piece in the development of same-sex behaviour nomenclature. As Crozier puts it, "the role of the case studies was paramount to Ellis's project" (2001, p. 79). The case study "challenged the tendency of scientific writers to position the homosexual individual as a mute body," and afforded them some kind of agency to speak their own truths (Somerville, 1996, p. 253).

As argued by Mondimore, the "lack of anything bizarre or even eccentric [in the testimonies], is, of course, the fundamental revelation of *Sexual Inversion*" (1996, p. 48). This was in contrast to the case studies published by Krafft-Ebing that were "biased towards sickness"

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<sup>14</sup> While the 1897 edition of *Sexual Inversion* included in Crozier's *Sexual Inversion: a Critical Edition* indicates that there are 36 case studies – "31 cases in the preceding chapters [chapters 1-4], three in this chapter [chapter 5], and a number that are not included in the book from people such as George Ives, Horatio Brown etc.," (Ellis & Symonds, 1897/2008, p. 181) other authors indicate a different total. Miller and Robinson, for example, indicate that only 33 case studies were included in the first edition of *Sexual Inversion* (Miller, 1995, p. 18; Robinson, 1973, p. 34), and Mondimore indicated that only 31 cases were included in Ellis' first study (1996, p. 47). For this thesis, I have opted to use Ellis' own indication that 36 case studies formed the basis of his 1897 edition of *Sexual Inversion*.

(Bristow, 2007, p. 128). These case studies depicted those with same-sex behaviour as perverted individuals suffering from psychiatric disease, which manifested itself in grotesque physical, emotional and mental abnormalities (Crozier, 2008, p. 22; Mondimore, 1996, p. 48-49). Ellis' use of confessional testimony from ordinary members of British society highlighted that "except for their sexual partners, homosexuals [*sexual inverts*] are not that terribly different from everybody else" (Mondimore, 1996, p. 49. See also Weeks, 1990, p. 63). The men studied were from varied backgrounds including the middle class (Case VI), labourers (Case XIII), government employees (Case IX) and medical professionals (Case V and Case XX). They were of different ethnic backgrounds such as German (Case XIX), and Celtic (Case X), and were said to embody either masculinity (Case XII) or effeminacy (Case XI) (Ellis & Symonds, 1897/2008, p. 129-158). Ellis' case studies were, therefore, exemplary of how same-sex behaviour seemingly could exist outside of ugliness, and apart from crime, sin, and disease. They were powerful agents of reverse discourse.

### Three Unique Concepts

Opting not to use the concepts developed by either Ulrichs or Kertbeny so as to "present new facts in what is perhaps a new light" (Ellis & Symonds, 1897/2008, p. 95), Ellis makes reference to same-sex behaviour via three distinct concepts — that of (1) *homosexuality*, (2) *sexual inversion*, and (3) *psychosexual hermaphroditism*. To begin, Ellis' introduces his concept of *homosexuality*, which he defines as a "sexual attraction between persons of the same sex, due merely to the accidental absence of the natural objects of sexual attraction" (Ellis & Symonds, 1897/2008, p. 96. See also Weeks, 2000, p. 29). Insisting that *homosexuality* is a "universal occurrence among all human races and among higher animals," Ellis believed that this type of same-sex behaviour has developed in specific cultures and settings for several advantageous

social purposes (Ellis & Symonds, 1897/2008, p. 96-99. See also Weeks, 1990, p. 62). Warlike people like the Dorians, Scythians, Tartars and Celts cultivated and idealized *homosexual* practises as a military virtue, seeing them as a means to promote heroism and morale (Ellis & Symonds, 1897/2008, p. 98-99). In the case of ancient Greece, Ellis notes the state's use of pederasty, as a *homosexual* practice, "during its period of highest military as well as ethical and intellectual vigour" (Ellis & Symonds, 1897/2008, p. 99). Situational *homosexual* practices also flourished in same-sex environments like prisons and schools (Ellis & Symonds, 1897/2008, p. 105, p. 210) as there was usually an absence of women.

When comparing Ellis' *homosexuality* with Kertbeny's *homosexualität*, there are clear differences between the two concepts. Ellis speaks to situational same-sex behaviour, whereas Kertbeny speaks to congenital and unwavering same-sex behaviour characterized by gender misalignment. These terms are, therefore, not synonyms. Weeks' assertion that "the word 'homosexuality' itself was not invented until 1869 and did not enter English usage until the 1880s and 1890s, and then largely as the result of the work of Havelock Ellis" incorrectly insinuates otherwise (1989b, p. 71). Ellis also openly spoke of his distaste for the word *homosexuality*, stating that he "claims no responsibility for" because it is a "barbarously hybrid word" awkwardly composed of both Latin and Greek elements (Ellis & Symonds, 1897/2008, p. 96. See also Somerville, 1996, p. 250). Although Ellis may have used the term begrudgingly in *Sexual Inversion*, he did recognize that it was widely used to denote same-sex behaviour and thus held certain value (Ellis & Symonds, 1897/2008, p. 96).

With regard to same-sex behaviour outside situational circumstance, Ellis coined the concept of *sexual inversion*. Defining this condition as a "sexual instinct turned by inborn constitutional abnormality towards persons of the same sex," (Ellis & Symonds, 1897/2008, p.

96) Ellis made a critical distinction between congenital *inversion* and perversion (Weeks, 2000, p. 30). This distinction was valuable because *sexual inversion* was previously “not distinguished from homosexual love generally — as it is convenient to call the collective phenomena of sexual attraction within the circle of a single sex — and homosexuality was regarded as a national custom, or as an individual vice, or as an unimportant episode in grave forms of insanity” (Ellis & Symonds, 1897/2008, p. 96).

*Sexual inverts* could engage in a variety of sexual acts, including mutual masturbation, fellatio or anal intercourse; but a few of the men studied did not engage in any physical same-sex relations at all (Ellis & Symonds, 1897/2008, p. 191). *Sexual inverts* were usually not attracted to one another, and in at least 15 of the case studies there was a clear difference between the *sexual invert* and the object of his sexual attraction. For example, if a *sexual invert* was more feminine in nature, he would be attracted to a conventional man (Ellis & Symonds, 1897/2008, p. 192).

Although he saw *sexual inversion* as being relatively rare, Ellis used the anthropological, historical, zoological, religious and literary sources available to him to suggest the existence of this congenital same-sex behaviour throughout history, species and geographic/cultural locations (Ellis & Symonds, 1897/2008, p. 96; Weeks, 2000, p. 28; Sethna, 2010, p. 272; Miller, 1995, p. 16; Weeks, 1990, p. 61). Ellis writes: “it is probable, however, that cases of true sexual inversion — in which gratification is preferably sought in the same sex — may be found among animals” (Ellis & Symonds, 1897/2008, p. 97). Turning to humans, Ellis claimed that several famous men were *sexual inverts*, namely Michelangelo, and Edward II and James II of England (Ellis & Symonds, 1897/2008, p. 107-109; Miller, 1995, p. 16). Like Kertbeny and Ulrichs, Ellis pursued this line of reasoning to validate the congenital aspect of certain kinds of same-sex behaviour. If there was proof that congenital same-sex behaviour has existed all throughout time, in different

geographic and cultural locations and species, then it would be very difficult to infer that it was a choice, symptomatic of disease or criminality, or solely situational like *homosexuality*.

Lastly, Ellis coined the concept of *psychosexual hermaphroditism* to reference the sexual condition in which attraction is felt for both sexes (Ellis & Symonds, 1897/2008, p. 129). Like *sexual inversion*, this condition develops biologically prior to birth (Ellis & Symonds, 1897/2008, p. 203). Five men in the case studies exhibited sexual attraction to and achieved sexual satisfaction with both sexes (Ellis & Symonds, 1897/2008, p. 190). Ellis, however, does state that most of these men preferred their own sex (Ellis & Symonds, 1897/2008, p. 190). Ellis' *psychosexual hermaphroditism* is most closely related to Ulrichs' conjunctive *Uranodioning* personage who could feel both romantic and sensual love for both sexes, and possibly what we may now term "bisexuality".

It is important to note that men with *psychosexual hermaphroditism* did experience deep attraction to both sexes. *Sexual inverts* who engaged in sexual relations or partnerships with women, however, were not characterized by *psychosexual hermaphroditism*. Ellis remarks that some *sexual inverts* will get married to women out of duty or anxiety to abide by conventional masculinity (Ellis & Symonds, 1897/2008, p. 190). Despite their attempts to exist within heterosexual normalcy, their partnership with women ultimately do not provide them with deep pleasure or satisfaction (Ellis & Symonds, 1897/2008, p. 190). Ellis claimed that the dissolution of these marriages was inevitable (Ellis & Symonds, 1897/2008, p. 190).

#### *Sexual Inversion: Based on Congenital Conditions*

The dozens of case studies collected by Ellis were crucial in the determination that congenital *sexual inversion* did exist outside situational same-sex behaviour. His evidence suggested that same-sex behaviour does not develop as a result of a prolonged absence of the

opposite-sex or because someone chooses it; rather this condition “formed at an early stage of development” prior to birth (Ellis & Symonds, 1897/2008, p. 203-204). Like the *Urning* and *homosexualist*, *sexual inverts* experienced “*horror feminæ*,” meaning a feeling of disgust at the thought of women as men’s objects of sexual desire (Ellis & Symonds, 1897/2008, p. 190). While Ellis indicates that *sexual inversion* was congenital, he distanced himself from Ulrichs’ embryological theorizations. Ellis writes:

it is not here asserted, as I would carefully point out, that an inverted sexual instinct, or organ for such an instinct, is developed in early embryonic life; such a notion is rightly rejected as absurd. What we may reasonably regard as formed at an early stage of development is strictly a predisposition, that is to say, a modification of the organism that it becomes more adapted than the normal or average organism to experience sexual attraction to the same sex (Ellis & Symonds, 1897/2008, p. 203-204).

The use of semantics here is interesting. Although Ellis clearly states at the beginning of his study that *sexual inversion* is an inborn condition,<sup>15</sup> he later clarifies his position stating that it would be more accurate to understand *sexual inversion* as a phenomenon based on congenital conditions (Ellis & Symonds, 1897/2008, p. 200). He means that men with *sexual inversion* are simply born with a genetic peculiarity that makes them more susceptible to engaging in same-sex behaviour (Sullivan, 2003, p. 8). *Sexual inverts* do not fall into Ulrichs’ third gender category and cannot be represented via the statement “*anima muliebris in corpore virile inclusa*” — a phrase Ellis deemed to be nothing more than a superficial epigram for an unintelligible theory that cannot be scientifically confirmed (Ellis & Symonds, 1897/2008, p. 202; Miller, 1995, p. 16).

Ellis also claimed that some *sexual inverts* would never realize they were born with *sexual inversion*. This was due to the fact that *sexual inversion* remained inherently dormant

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<sup>15</sup> Ellis writes: “Congenital sexual inversion—that is to say, sexual instinct turned by inborn constitutional abnormality towards persons of the same sex—is a comparatively rare phenomenon, so far as our knowledge at present extends” (Ellis & Symonds, 1897/2008, p. 96).

within the individual, sometimes flaring up at puberty or because of specific triggering events (Ellis & Symonds, 1897/2008, p. 201; Taylor, 2012, p. 18). For some, *sexual inversion* would never surface because it remained unstimulated (Ellis & Symonds, 1897/2008, p. 207), whereas for others, it would be awakened due to sexual excitement. This was especially true for young students in same-sex schools (Ellis & Symonds, 1897/2008, p. 207; Taylor, 2012, p. 18). Ellis also discusses seduction as a triggering factor for latent *sexual inversion*. Seduction, according to Ellis, can be “an abrupt and inconsiderate act of mere sexual gratification” at the hands of “some older and more experienced person in whom inversion is already developed, and who is seeking the gratification of the abnormal instinct” (Ellis & Symonds, 1897/2008, p. 207). Seduction could awaken the younger partner’s latent *sexual inversion* and lead them to seek out other sexual experiences of a similar sort (Taylor, 2012, p. 18).

Ellis also cites disappointment stemming from “normal love” as a triggering force (Ellis & Symonds, 1897/2008, p. 208). Here, normal love refers to heterosexuality (Taylor, 2012, p. 18). When a man with latent *sexual inversion* suffered the breakdown of a heterosexual romance, it could lead him to believe that he was not made for relationships with women (Ellis & Symonds, 1897/2008, p. 208). This trauma could awaken his latent *sexual inversion*, resulting in him turning toward men for sexual fulfilment (Ellis & Symonds, 1897/2008, p. 208).

Lastly, Ellis believed that masturbation at an early age could trigger latent *sexual inversion* among men (Ellis & Symonds, 1897/2008, p. 189). In total, 18 of the 23 men he studied admitted that they practised masturbation at some point in their lives; Ellis, though, does not place a large amount of significance on this finding (Ellis & Symonds, 1897/2008, p. 189). Because *sexual inverts* had fewer opportunities than their heterosexual counterparts to fulfill

sexual impulses with a partner,<sup>16</sup> Ellis considered this high occurrence of masturbation in his study to be reasonable (Ellis & Symonds, 1897/2008, p. 189). His acceptance of masturbation is in stark contrast to negative societal attitudes that deemed masturbation to be destructive to the individual and the state (Laqueur, 1992, p. 299; Sethna, 2010, p. 274).

While these aforementioned scenarios were said to trigger latent *sexual inversion*, Ellis made it strikingly clear that congenital *sexual inversion* could not be triggered in those who were not born with it. *Sexual inversion* was not acquired later in life; rather, that was better described as *homosexuality*. To illustrate, Ellis uses the following analogy: “the seed of suggestion can only develop when it falls on suitable soil” (Ellis & Symonds, 1897/2008, p. 185). By invoking this imagery, Ellis hoped to show that while masturbation, same-sex school systems, a sexual encounter with an older member of the same sex, and/or a failure in a heterosexual romance could awaken latent *sexual inversion* within the *sexual invert*, the heterosexual male would carry on with his heterosexual life and the seed of same-sex behaviour would die out.

### Preventing Same-Sex Behaviour

In terms of preventing same-sex behaviour, Ellis considers *homosexuality* to be the only type that could be prevented because it was acquired. Ellis advocated for limiting the situations in which it could flourish, such as same-sex school systems (Ellis & Symonds, 1897/2008, p. 210). With regard to congenital *sexual inversion*, Ellis argues that prevention would have little impact (Ellis & Symonds, 1897/2008, p. 210). The inborn nature of *sexual inversion* could not be prevented. Moreover, attempts to “cure” *sexual inversion* through hypnosis or frequent visits to a

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<sup>16</sup> Ellis does not indicate why or how it would be more difficult for *sexual inverts* to fulfill their sexual impulses; however, one can imagine that these men were fearful of engaging in same-sex behaviour openly, or pursuing same-sex behaviour openly. Fear of being caught by the police, fear of being blackmailed, and the fear of being tried in court for their “abnormal” sexual vices would have certainly contributed to this difficulty in engaging in same-sex behaviour.

brothel for the purposes of heterosexual sexual intercourse were largely unsuccessful (Ellis & Symonds, 1897/2008, p. 211). While these cures may have led to momentary periods of sexual restraint or sexual re-orientation, males with congenital *sexual inversion* were very likely to fall back into same-sex behaviour (Ellis & Symonds, 1897/2008, p. 211). Male *sexual inverts* could not reorient their desire to the female sex, and in forcing them into heterosexual marriage both men and women were placed in a more unfortunate position than before (Ellis & Symonds, 1897/2008, p. 213).

Ultimately, Ellis suggests that the most satisfactory remedy for *sexual inversion* is a change to the current laws criminalizing same-sex behaviour. This legislation was ineffective in diminishing *sexual inversion*, catching *sexual inverts*, or altogether stopping same-sex behaviour. In fact, it actually encouraged criminality in the sense of blackmail or driving victims of blackmail to kill their harassers (Ellis & Symonds, 1897/2008, p. 219; Weeks, 2000, p. 32; Weeks, 1990, p. 65; Schaffner, 2012, p. 98; Taylor, 2012, p. 18; McLaren, 2002, p. 18). It was hoped that legal reform would move society closer towards tolerance and acceptance of congenital same-sex behaviour (Weeks, 1990, p. 49, p. 65; Weeks, 2000 p. 33; Schaffner, 2012, p. 93). Only in challenging social hostility towards congenital same-sex behaviour could *sexual inverts* become self-respecting citizens alongside heterosexual men and women (Ellis & Symonds, 1897/2008, p. 214).

### Markers of Same-Sex Behaviour

In terms of markers, Ellis states that “the determination of the congenital or acquired nature of a particular case of inversion is frequently by no means so easy as many persons who dogmatically lay down the law on one side of the other seem to believe” (Ellis & Symonds, 1897/2008, p. 128). While *sexual inverts* could exhibit some physical, emotional and/or mental

markers of their congenital condition, none were exaggerated. In the words of Symonds and as quoted by Ellis, *sexual inverts* ““differ in no detail of their outward appearance, their physique, or their dress, from normal men. They are athletic, masculine in habit, frank in matter, passing through society year after year without arousing a suspicion of their inner temperament”” (Ellis & Symonds, 1897/2008, p. 193. See also Miller, 2006, p. 19; Weeks, 1990, p. 63). Clearly Ellis was stressing the conventional masculinity of men with *sexual inversion* (Weeks, 1990, p. 63). Ellis also notes that in the majority of cases studies, the *sexual inverts* were in good health. Very few of these men were in bad health (Ellis & Symonds, 1897/2008, p. 183), indicating that *sexual inversion* was not indicative of disease.

Like the *Urning*, however, *sexual inverts* represented a feminine-masculine hybridity that manifested itself differently depending on the situation. These findings went against the flamboyant caricatures found in police reports that portrayed *sexual inverts* as highly feminine “painted and petticoated creatures” (Ellis & Symonds, 1897/2008, p. 193). Ellis did not consider men with *sexual inversion* to be a third-sex; rather, they were ordinary men in all but their extraordinary congenital same-sex behaviour (Weeks, 1990, p. 63; Weeks, 2000, p. 31; Miller, 1995, p. 16, p. 19; Mondimore, 1996, p. 49). Ellis blatantly discounts Ulrichs’ *Urning* personage, writing:

we only know soul as manifested through body; and, although if we say that a person seems to have the body of a man and the feelings of a woman we are saying what is often true enough, it is quite another matter to assert dogmatically that a female soul, or even a female brain, is expressing itself through a male body. That is simply unintelligible (Ellis & Symonds, 1897/2008, p. 202).

Still, Ellis included some peculiar markers of *sexual inversion* in his study. *Sexual inverts*, for example, held a deep-seated desire to keep their necks uncovered (Ellis & Symonds, 1897/2008, p. 197). Ellis viewed this as a feminine trait linked to refinement and grace (Ellis &

Symonds, 1897/2008, p. 197). A large percentage of *sexual inverts* were also found to be unable to whistle, a skill that female *sexual inverts* had supposedly mastered (Miller, 2006, p. 20). *Sexual inverts* of both sexes were also said to be characterized by a youthful appearance (Miller, 2006, p. 20). Both of these characteristics were considered markers of inborn gender misalignment, as whistling was considered to be a masculine trait, and as we have seen, the ideal masculine body was based on ancient Greek ideas about proportionality and definition.

### Natural vs. Normal

In creating the concept of *sexual inversion*, Ellis discursively challenged the negative perceptions of male same-sex behaviour produced by *scientia sexualis*. Although Ellis understood *sexual inversion* to be a naturally occurring sexual condition, he did not, however, consider it to be normal (Mondimore, 1996, p. 50). Ellis compared *sexual inversion* to colour blindness, writing:

just as the ordinary colour-blind person is congenitally insensitive to those red-green rays which are precisely the most impressive to the normal eye, and gives an extended value to other colours — finding that blood is the same colour as grass, and a florid complexion blue as the sky — so the invert fails to see emotional values patent to normal persons, transferring their values to emotional associations which for the rest of the world are utterly distinct (Ellis & Symonds, 1897/2008, p. 204. See also Robinson, 1973, p. 32; Schaffner, 2012, p. 95).

In this analogy, *sexual inversion* is associated with a particular deficiency of the mind and body, which causes the individual with the condition to live an abnormal life. It is important to note, however, that this analogy is uncharacteristic of Ellis' general understanding of congenital same-sex behaviour in *Sexual Inversion*. Although Ellis argued that congenital same-behaviour was not symptomatic of disease, this analogy implies that it could be. Thus, Ellis concluded that it would be more appropriate to compare *sexual inversion* to synaesthesia, the rare ability to

associate sounds with specific colours. This comparison does not imply a defect (Ellis & Symonds, 1897/2008, p. 204; Robinson, 1973, p. 32; Weeks, 2000, p. 31).

Regardless, both colour-blindness and colour-hearing were seen as abnormalities. Ellis admits that “many people imagine that what is abnormal is necessarily diseased,” and thus *sexual inversion* should perhaps be seen as an anomaly (Ellis & Symonds, 1897/2008, p. 204-205). While Ellis could tolerate *sexual inversion* as natural, he was not, however, prepared to admit that *sexual inversion* was normal because it remained a deviation from conventional sex/gender norms (Crozier, 2008, p. 63; Weeks, 2000, p. 33).

## Chapter 7

### Magnus Hirschfeld and the *Third Sex*

Following in the footsteps of the three other sexologists examined in this thesis, Magnus Hirschfeld was an ardent advocate for same-sex behaviour decriminalization (Steakley, 1997, p. 139). Like Ulrichs, Hirschfeld's contribution to the expansion of same-sex behaviour nomenclature is specifically based on the belief that same-sex behaviour is congenital, and indicative of a third sex (Sullivan, 2003, p. 11-12; Taylor, 2012, p. 18). In two pamphlets dated 1896 and 1897 — *Sappho and Socrates*, and *Petition to the Reichstag*, respectively — Hirschfeld publicly circulated his theories of “infinite sexual variability” (Sullivan, 2003, p. 12) for the first time.

Born in Kolberg, Pomerania,<sup>17</sup> Hirschfeld's childhood was not marked by anything out of the ordinary save for what Steakley calls “a dawning sense of difference based on his homosexual orientation [same-sex behaviour]” (1997, p. 134).<sup>18</sup> His father's work as a physician compelled Hirschfeld to pursue medical studies in Strasbourg, Munich, Heidelberg and Berlin (Steakley, 1997, p. 134-135; Wolff, 1986, p. 22-23). Throughout his studies, “Hirschfeld's focus and point of interest was, and always remained, the human individual as a complex physical and emotional being” (Mancini, 2010, p. 3). Hirschfeld wished to humanize the medical profession,

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<sup>17</sup> Now Kołobrzeg, Poland (Mancini, 2010, p. 1).

<sup>18</sup> No further commentary is provided in regard to Hirschfeld's emerging self-awareness of his same-sex behaviour or whether he ever publicly acknowledged it (Beachy, 2014, p. 86); however, Bullough supposes that Hirschfeld's later work was “undoubtedly influenced by his own homosexuality and transvestism” (1994b, p. 62).

recalling “an all-pervasive prudishness” (Steakley, 1997, p. 135) on the part of both the professors and curriculum in which “he ‘scarcely ever heard the term ‘sexual’ from the mouth of a professor,’ let alone ‘the word ‘love,’ which was completely beyond the pale” (Steakley, 1997, p. 135).

After completing his medical degree and mandatory military service, Hirschfeld embarked on a lengthy trip in 1893 to Chicago, Philadelphia, Washington, Boston, Milwaukee, Gibraltar, Morocco, Algiers, Rome, Naples, and eventually to Magdeburg, Germany, where he established his first medical practice in 1894 (Steakley, 1997, p. 137-138; Wolff, 1986, p. 29-31; Dose, 2005/2014, p. 25; Beachy, 2014, p. 86; Mancini, 2010, p. 19). In 1896, Hirschfeld moved his naturopathy practice to Berlin-Charlottenburg, and so began his “new professional interest — research on the manifold varieties of love, and homosexual inclination in particular” (Wolff, 1986, p. 32). The same year, Hirschfeld published his first sexological pamphlet entitled *Sappho und Socrates, Wie erklärt sich die Liebe der Mannër und Frauen zu Personen des eigenen Geschlechts?* [*Sappho and Socrates: How can one explain the love of men and women for people of their own sex?*].

Considered “a landmark in sexological history” (Wolff, 1986, p. 34), Hirschfeld’s *Sappho and Socrates* pamphlet lays the groundwork for the *third sex* personage. Although an English or French translation of the pamphlet does not exist, a plethora of secondary source authors reference the pamphlet and provide translated excerpts from it. These excerpts have been vital to this study, and inform the English-speaking world of Hirschfeld’s first attempt to rationalize same-sex behaviour as congenital.

## Personal and Legal Motivations

Two specific occurrences motivated Hirschfeld to engage in these early emancipatory efforts. First, the trial of Oscar Wilde caused Hirschfeld to reflect on the Victorian conceptualizations of same-sex behaviour (Steakley, 1997, p. 139; Mancini, 2010, p. 47). While same-sex behaviour between consenting adults was considered to be criminally reprehensible, other forms of non-reproductive sexual behaviour went unpunished. Hirschfeld proclaimed: “the married man who seduces the governess of his children remains free, as free as the countess who has a liaison with her maid. But Oscar Wilde, the genius of a writer, has been put into prison in Wandsworth. And this because of a passion he shared with Socrates, Michelangelo and Shakespeare” (Wolff, 1986, p. 33). These sexuality laws, however, did not exist only in Great Britain. Viewing this criminalization of same-sex behaviour in both England and Germany as a great injustice, Hirschfeld felt compelled to advocate for a shift towards legal tolerance (Sullivan, 2003, p. 12).

Ulrichs and Kertbeny both shared in this objective as well. As we have seen, Ulrichs called for the punishment of all forms of anal intercourse so as to ensure equal sexual rights for all or for the decriminalization of male same-sex behaviour altogether (1880/1994c, p. 678). Kertbeny questioned how non-procreative *normalsexualität* relations could go unpunished (Benkert, 1869/1997, p. 20, p. 78). Like Ulrichs, Kertbeny called for the equal punishment of “every form of mutual fornication [...] or that no [sexual] category be subject to punishment, except in cases where the rights of others are injured” (Benkert, 1869/1997, p. 71).

Secondly, Hirschfeld was motivated to write *Sappho and Socrates* because of a confessional experience he shared with a patient. Before taking his life, a young military officer wrote to Hirschfeld of the difficulties he faced living with his same-sex behaviour (Dose,

2005/2014, p. 41; Beachy, 2014, p. 87; Bullough, 2000, p. 13). In this letter, the officer indicates that because he had participated in same-sex behaviour throughout his life, he had no choice but to commit suicide. Calling his same-sex behaviour a “curse against human nature and the law” (Mancini, 2010, p. 47. See also Wolff, 1986, p. 33) the officer could no longer live a double life conflicted between heterosexual marriage and his unconventional sexual desires (Mancini, 2010, p. 46-47). The officer implored Hirschfeld to “educate the hostile people surrounding him concerning the fate and fortune of homosexuals” (Dose, 2005/2014, p. 41. See also Wolff, 1986, p. 33).

Steakley states: “to Hirschfeld, the time seemed ripe for public enlightenment on homosexuality” (1997b, p. 139). Combining “the study of biology and psychology,” Hirschfeld wished to educate both those with same-sex behaviour and the public at large (Wolff, 1986, p. 33). Suggesting that love is to be found naturally in many variations (Wolff, 1986, p. 33; Mancini, 2010, p. 47), Hirschfeld advocated that same-sex behaviour should be tolerated (Beachy, 2014, p. 87). His lofty project was not solely educational; rather, like Ellis, Hirschfeld sought to influence the state to change its political perception of same-sex behaviour by using scientific arguments (Dose, 2005/2014, p. 40-41; Steakley, 1997, p. 141; Schaffner, 2012, p. 116; Mancini, 2010, p. 25).

### *Sappho and Socrates: Same-Sex Behaviour as a Natural Variation*

Hirschfeld challenged the *scientia sexualis* of the late nineteenth and early twentieth century in claiming that same-sex behaviour was simply a variation of conventional heterosexual love, and not symptomatic of disease (Mancini, 2010, p. 5). Hirschfeld’s conceptualization of love “subverted the notion that romantic love would be oriented towards reproduction” (Mancini,

2010, p. 7). Instead of stigmatizing men who participated in same-sex behaviour, the state should amend its laws toward tolerance (Bullough, 2000, p. 13; Mancini, 2010, p. 11)

*Sappho and Socrates* provided a “blueprint for the different directions love can take,” highlighting six variations in total, three for each sex (Wolff, 1986, p. 34). Like Ulrichs, Hirschfeld furthered an ideological explanation of same-sex behaviour based on embryology (Wolff, 1986, p. 35; Mancini, 2010, p. 51). As Schaffner explains, the pamphlet highlights that

under normal circumstances, the foetus develops unambiguously into either a male or female organism. However, during the ontogenetic process disturbances can occur, which result in the intermediate forms of human sexuality such as homosexuality, transvestism (Hirschfeld’s coinage), androgynism and hermaphroditism (2012, p. 114).

The foetus is initially sexually undifferentiated (neither male or female) during the first three months of development, at which point it develops into one of six sexual variations (Mancini, 2010, p. 51). To begin, there are *sexually normal* men and women. In utero, the sexual organs of *sexually normal* men and women develop accordingly, such that all traces of same-sex desire disappear and sexual attraction for the opposite sex appears naturally during puberty (Mancini, 2010, p. 51; Wolff, 1986, p. 34-35).

Next, there are *psychological hermaphroditic* men and women. The sexual organs of these *psychological hermaphroditic* men and women develop normally; however, the neural centres controlling their sexual responses do not. Due to this type of brain development, some men and women develop feelings for both sexes (Mancini, 2010, p. 51; Wolff, 1986, p. 35).

Lastly, there is the *intermediate sex*. Although such individuals develop normal sexual organs, they are marked by a complete lack of desire for the opposite sex. The neural centres that control their sexual responses only understand desire for the same sex (Mancini, 2010, p. 51;

Wolff, 1986, p. 35). Wolff labels the men and women of the *intermediate sex* as *Urninge* and *Urninden*, respectively (1986, p. 35).

Hirschfeld did not officially introduce the *third sex* personage in *Sappho and Socrates*.<sup>19</sup> Wolff's analysis of the text does include something curious, however; she uses the terms *Urninge* and *Urninden* to represent those of the *intermediate sex*. Hirschfeld's potential use of *Urninge* and *Urninden* are indicative of a close link between Hirschfeld's sexological work and that of Ulrichs'. Kennedy supports this notion, stating that both Ulrichs and Hirschfeld believed in the existence of intermediate stages of sexuality (Kennedy, 1988, p. 196). Believing that same-sex behaviour can vary greatly, Ulrichs was compelled to develop a multitude of labels to represent the types of individuals with congenital same-sex behaviour (*Urning*, *Dioning*, *Urningin*, *Mannling*, *Wiebling* and *Uranodioning*, for example). For Kennedy, Hirschfeld's six variations of love are related to Ulrichs' conceptualization of same-sex behaviour, and its congenital nature (1988, p. 196). To this effect, Mondimore writes: "Karl Ulrichs' lonely but vigorous crusade laid the foundation for others in Germany and in 1897 Dr. Magnus Hirschfeld stepped forward to take up Ulrichs' work" (1996, p. 232).

With these embryological explanations, Hirschfeld assured his readers that same-sex behaviour was congenital. Just as harelips or clubfeet were natural anomalies, so too was same-sex behaviour (Mancini, 2010, p. 53; Schaffner, 2012, p. 114; Beachy, 2014, p. 87; Wolff, 1986, p. 37; Steakley, 1997, p. 141; Weeks, 1977, p. 62). Such comparisons are similar to Ellis' determination that *sexual inversion* was like colour-blindness or synaesthesia. Hirschfeld,

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<sup>19</sup> While the basic framework of the *third sex* is found in *Sappho and Socrates*, the label was only introduced in a pamphlet published in 1901 entitled *What Should People Know About the Third Sex?* Like *Sappho and Socrates*, I was unable to find an English copy of this pamphlet and was forced to rely on secondary sources for this information. Largely speaking, the majority of Hirschfeld's works have not been translated into English, something that Bullough acknowledges when he states that Hirschfeld has been neglected in America (1994b, p. 62).

however, made it a priority to ensure that readers did not associate same-sex behaviour only with abnormality, as it was counterintuitive to his efforts. Like his sexologist colleagues, Hirschfeld accentuated the presence of same-sex behaviour throughout history in an attempt to counter arguments made under *scientia sexualis* that it was indicative of crime, sin and disease. Through invoking perceived homosexual historical figures like Alexander the Great, Julius Caesar, Frederick the Great and Napoleon, Hirschfeld tried to shift same-sex behaviour away from negative associations and toward grandeur and achievement (Mancini, 2010, p. 54). Because this congenital sexual variation was a benign condition, and could not be acquired later on in life (Cook, 2003, p. 75; Mancini, 2010, p. 52-54; Taylor, 2012, p. 18; Steakley, 1997, p. 148), Hirschfeld held that the state had no place in regulating private same-sex behaviour between two consenting adults (Fout, 1992, p. 397).

#### Petition to the Reichstag: Same-Sex Behaviour as a Natural Variation

As a follow-up to *Sappho and Socrates*, Hirschfeld, in the name of the Scientific-Humanitarian Committee, published another pamphlet in 1897 advocating for the tolerance of congenital same-sex behaviour (Hirschfeld, 1897/1997, p. 135; Hirschfeld, 1897/1986, p. 445; Bullough, 2000, p. 14). Hirschfeld, alongside a few like-minded people, established the Scientific-Humanitarian Committee a few months after pseudonymously publishing *Sappho and Socrates* (Dose, 2005/2014, p. 41). Dedicated “to the aim of ending the centuries-long legal intolerance and social opprobrium that homosexuals had suffered in western culture,” the Committee was determined to achieve legal reform (Bullough, 2000, p. 14. See also Dose, 2005/2014, p. 41; Amidon, 2008, p. 64; Dose, 2005/2014, p. 41). The Committee’s motto “*Per scientiam ad justitiam*” [“Justice through knowledge”] was a testament to Hirschfeld’s desire to challenge *scientia sexualis* conceptualizations of same-sex behaviour (Beachy, 2014, p. 86;

Dose, 2005/2014, p. 42; Schaffner, 2010, p. 113; Steakley, 1997, p. 139; Mondimore, 1996, p. 232; Weeks, 1977, p. 115; Hekma, 1991a, p. 186; Sullivan, 2003, p. 12).

Entitled *Petition to the Reichstag*, this pamphlet demanded the repeal of Paragraph §175 of the Imperial German penal code (Wolff, 1986, p. 42-44; Mancini, 2010, p. 14). Hirschfeld begins with an introspective look at the 1869 findings of the Royal Prussian Scientific Commission for Medical Affairs on congenital same-sex behaviour. Despite the Commission's findings that "male-male sexual relations were 'no more injurious than other forms [of illicit sexuality]', such as fornication or adultery," and that it was "unable 'to offer reasons why sex between men should be criminalized when other forms of illicit relations are not punishable by law'" (Beachy, 2010, p. 808), the law criminalizing same-sex behaviour was upheld in Prussia and the German Empire (Wolff, 1986, p. 43; Hirschfeld, 1897/1997, p. 135).

Hirschfeld called for the tolerance of congenital same-sex behaviour in the German Empire with an appeal to nature, and a comparison to other nations with more tolerant sexuality laws. Hirschfeld states that "the abolition of similar punishments [for same-sex behaviour] in France, Italy, Holland and many other countries," had not lowered the moral standards of these countries (Hirschfeld, 1897/1997, p. 135. See also Hirschfeld, 1897/1986, p. 446; Fout, 1992, p. 396). Although Hirschfeld does not add to this element of the debate, he, like Ulrichs and Kertbeny, used these international comparisons to demonstrate that these states could maintain their global standing while criminalizing only sexual behaviours that infringed upon the rights of others.

With regard to the natural underpinnings of same-sex behaviour, Hirschfeld references "scientific research" from Germany, England and France that confirmed "that this way of love is constitutional" (Hirschfeld, 1897/1997, p. 135. See also Hirschfeld, 1897/1986, p. 446). The

principal explanation as to how this love was constitutional relates to its embryological development. With this, Hirschfeld states that “no moral guilt can possibly be attributed to homosexual sentiments” because of its biological origin (Hirschfeld, 1897/1997, p. 136. See also Hirschfeld, 1897/1986, p. 446).

To Hirschfeld, the widespread prevalence of same-sex behaviour was further proof of its congenital aspect (Hirschfeld, 1897/1997, p. 135; Hirschfeld, 1897/1986, p. 446; Fout, 1992, p. 396-398). This line of reasoning echoes positions taken by Ulrichs, Kertbeny and Ellis. Ulrichs spoke of same-sex behaviour among animals, ancient civilizations, urban and rural populations, in addition to both the upper and lower classes of society as evidence of its natural occurrence (Numantius, 1864/1994d, p. 34-35). Kertbeny asserted that same-sex behaviour existed “among all races and in all climates” and could affect any man irrespective of his social class (Benkert, 1869/1997, p. 76). Ellis too declared that *sexual inversion* may be found in animals and among famous men (Ellis & Symonds, 1897/2008, p. 97, p. 107-109; Miller, 1995, p. 16).

Speaking to Paragraph §175, Hirschfeld criticized the rationalization provided by the German Empire for its legal preservation. Although the Royal Prussian Scientific Commission for Medical Affairs had deemed same-sex behaviour to be no more harmful than other forms of perverse sexuality in 1869, same-sex behaviour in men was still criminalized in Prussia and Prussian-led federations under Paragraphs §143, §152 and §175 (Beachy, 2010, p. 808; Wolff, 1986, p. 43; Hirschfeld, 1897/1997, p. 135). The law was maintained, as was claimed, because the German Empire’s respect for the ““sense of justice of the people”” (Hirschfeld, 1897/1997, p. 137. See also Hirschfeld, 1897/1986, p. 448). Hirschfeld contradicted this statement, suggesting that if the German people were actually educated on the subject of congenital same-sex behaviour, their sense of justice would become more tolerant.

In order to move forward, the public had to be “enlightened about the fact that there are people who can only feel sexually and emotionally for their own sex” (Hirschfeld, 1897/1997, p. 137. See also Hirschfeld, 1897/1986, p. 448). Additionally, Hirschfeld felt that the public had to be informed that same-sex behaviour did not always involve anal intercourse. As we have seen, the anus has been historically associated with symbols of evil, darkness, and death (Gilbert, 1981, p. 65). As a result of such associations, sodomy was perceived to challenge a man’s position in the higher echelons of the Great Chain of Being (Sethna, 2010, p. 270; Gilbert, 1981, p. 65). Since the subject of anal intercourse was taboo, the likelihood of it occurring among the *third sex* was played down (Weeks, 1977, p. 49). Hirschfeld also felt compelled to let the public know that members of the *third sex* did not seduce children, but engaged in same-sex behaviour with consenting adults (Hirschfeld, 1897/1997, p. 136-137; Hirschfeld, 1897/1986, p. 447-448). This kind of public education was meant to portray the *third sex* as an acceptable sexual citizen rather than an abnormal type of individual who was the embodiment of crime, sin and disease.

#### Additional Motivations for Legal Reform

In *Petition to the Reichstag*, Hirschfeld also discussed the unforeseen repercussions of Paragraph §175 that worsened the situation for the *third sex*. Hirschfeld noted that the law rewarded criminality (Mancini, 2010, p. 27). Paragraph §175 had resulted in a rise in blackmail, leading those with same-sex behaviour to live in fear (Hirschfeld, 1897/1997, p. 136; Hirschfeld, 1897/1986, p. 446; Fout, 1992, p. 399). In turn, this fear led to nervous degeneration and suicide, adding another level of complexity to the situation (Mancini, 2010, p. 53-56; Fout, 1992, p. 397).

Ulrichs had also made reference to dozens of *Urning* suicides, and called for a repeal of Paragraphs §143, §152 and §175 to stop this unnecessary loss of life (Numantius, 1864/1994c, p. 85; Numantius, 1865/1994e, p. 111; Ulrichs, 1868/1994e, p. 416; Ulrichs, 1870/1994a, p. 612;

Ulrichs, 1880/1994c, p. 654). Ellis, too, indicated in *Sexual Inversion* that the 1885 Criminal Law Amendment Act of England actually encouraged blackmail and needed to be changed (Weeks, 2000, p. 32; Weeks, 1990, p. 65; Schaffner, 2012, p. 98; Taylor, 2012, p. 18). Kertbeny also acknowledged that it was the blackmail and resultant suicide of a young male friend that motivated him to insist for the repeal of Paragraphs §143 and §152 (Féray, Herzer & Peppel, 1990, p. 26).

Another unintended outcome of Paragraph §175 was the development of cures for members of the *third sex*. Like Ellis, Hirschfeld advised the *third sex* against entering into a heterosexual marriage because it would not cure congenital same-sex behaviour (Beachy, 2014, p. 180). The male *third sex* personage could not effectively reorient their desire toward women, resulting in the failure of same-sex behaviour treatments (Steakley, 1997, p. 146; Sullivan, 2003, p. 12). By 1914, Hirschfeld promoted “adjustment therapy” in which members of the *third sex* were guided “to accept their difference with dignity, [...] to embrace and affirm their orientation, and to experience love by overcoming guilt and isolation and associating as freely as possible with like-minded people” (Steakley, 1997, p. 147. See also Sullivan, 2003, p. 12).

Hirschfeld called for Paragraph §175 to be stricken and replaced with one that made same-sex and opposite-sex behaviours equally punishable when “force by one partner is exercised against the other;” “either person is under the age of 16;” and “their activities offend public decency (when Paragraph 183 of the Reichstrafgesetzbuch is applied)” (Hirschfeld, 1897/1997, p. 136. See also Hirschfeld, 1897/1986, p. 447; Fout, 1992, p. 396).

### Homosexualität and the Third Sex

Although Hirschfeld does not address the physical, emotional and mental markers of the *third sex* personage in *Sappho and Socrates* and *Petition to the Reichstag*, these elements are

analyzed in *Die Homosexualität des Mannes und des Weibes* [*The Homosexuality of Men and Women*].<sup>20</sup> Before delving into this analysis, however, it is critical to discuss the title of what has been described to be Hirschfeld's "magnum opus" (Leck, 2016, p. 64). Specifically, the use of *homosexualität* in the title has the potential to confuse readers and distort the *third sex* personage.

As explained by Leck, Hirschfeld "not only expressed strong resistance to the social implications of the terms *homosexual* and *homosexuality* [*homosexualität*]; he proselytized on behalf of Ulrichs's terminology" (2016, p. 63). As we have seen, both Ulrichs and Hirschfeld created concepts of same-sex behaviour in which the homosexual personage existed as hybrids of the male and female genders. Kertbeny's concept of *homosexualität*, however, represented men in which same-sex behaviour existed without significant gender/sex misalignment (Leck, 2016, p. 63; Hirschfeld, 1914/2000, p. 338; Fout, 1992, p. 398).

Despite Hirschfeld's own declaration that *homosexualität* "'formed out of the Greek 'homo,' same, and Latin 'sexus' or sexuality—is a monstrosity in its form and content, because, in reality, the urning loves not the same sex but another sex,'" the concept was curiously featured in the title of his 1914 publication (Leck, 2016, p. 63). Hirschfeld never explained why he adopted the concept, but Leck indicates that it may have been indicative of the changing cultural meanings of same-sex behaviour and the political conflation of concepts (2016, p. 65). Leck allows that the inclusion of *homosexualität* in the title of Hirschfeld's study does not reflect his abandonment of Ulrichs' theories (2016, p. 64). This is made very clear in the early chapters of *The Homosexuality of Men and Women*. Hirschfeld writes:

in the definition of the concept given in this book [for same-sex behaviour], we shall primarily use the word homosexuality, and besides that the expressions of contrary

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<sup>20</sup> Hirschfeld may have discussed these traits earlier in another text, but this material has not yet been translated into English. *The Homosexuality of Men and Women* has been invaluable to this study, in addition to the secondary source manuscripts by authors able to translate Hirschfeld's German texts into English.

sexual feeling and Uranism: all three with their numerous derivations. In spite of the fact that we know that these expressions, when scrupulously analyzed, leave much to be desired, we believed we should distance ourselves from new, linguistically more correct word forms and structures. In the contest between words fighting for popular approval, the conceptually clearest and systematically most completely formed usually do not succeed, but are rejected in favor of those that are the most easily assimilated or for some reason have become a “slogan.” Even the very critical researcher, for better or worse, will in the end have to comply with this greater weight of the developing living language (1914/2000, p. 70).

Hirschfeld used *homosexualität*, *Urning*, and *contrary sexual feeling* as equal and interchangeable concepts to denote his *third sex* personage. Leck does not consider this discursive change to be significant as the emancipatory intentions of these concepts were similar (2016, p. 65). When discussing Hirschfeld’s *The Homosexuality of Men and Women*, I use only the same-sex behaviour nomenclature referenced and used by him.

### Markers of the *Third Sex*

In identifying the traits of the *third sex* personage, Hirschfeld admits that such men differ greatly from one another. As a result of this large degree of variation, Hirschfeld felt that it would be impossible to take into consideration all of their differences when arranging and classifying them into groups (1914/2000, p. 317, p. 334). Hirschfeld, nevertheless, was able to come to certain conclusions about the *third sex* after evaluating confessional testimonies and comparing these results with previous sexological studies.

Physically, the *third sex* was marked by a variety of feminine characteristics uncommon to his conventional masculine counterpart. Certain men of the *third sex* experienced periodic manifestations that mimicked ovulation in women (Hirschfeld, 1914/2000, p. 170). Dubbed “*molimina menstrualia*” by Hirschfeld, this phenomenon would cause the *third sex* to experience bleeding from the nose, mouth or rectum, coupled with severe mood swings (1914/2000, p. 170). In terms of facial and body hair, 148 of the 500 *homosexual* men examined by Hirschfeld felt

“ashamed of the growth of their [body] hair, often a very significant amount, and for that reason were embarrassed to bathe in public. Some even go so far as to shave, especially the chest” (Hirschfeld, 1914/2000, p. 178). The *Urning* is also distinguishable by their very small hands (Hirschfeld, 1914/2000, p. 183), their waist size which is a mix between male and female proportions (Hirschfeld, 1914/2000, p. 181), and their childlike facial features (Hirschfeld, 1914/2000, p. 192). The gender misalignment of the *third sex* is, therefore, comparable to that of men with *sexual inversion*. Both are often youthful in appearance (Miller, 2006, p. 20).

Psychologically, Hirschfeld remarks that “you can observe pronounced mimicry of the other sex” among men of the *third sex*. Similar to Ulrichs’ *Urning*, the *third sex* have the tendency to move their bodies in a feminine manner. This includes pursing of the lips, lifting of the chin, bashful eye movements, and holding the head sideways in a suggestive manner (Hirschfeld, 1914/2000, p. 190-197). Men of the *third sex* also have the tendency to cross their legs when seated, and to walk in a very feminine manner (Hirschfeld, 1914/2000, p. 194). Dancing also revealed the “gracefully feminine movements of homosexuals,” as many of them have a strong passion for the activity and can only dance like women (Hirschfeld, 1914/2000, p. 195). Hirschfeld also found men of the *third sex* to be quite different than their conventional masculine countertype in terms of emotional composition. The “*Urning* does not have the pride, the self-confidence, [or] the high concept of honor of the full man” (Hirschfeld, 1914/2000, p. 203). Unable to withstand the intensity or adversity of competition, the *third sex* gravitated towards more feminine activities such cooking, handicrafts, nature and art (Hirschfeld, 1914/2000, p. 202).

Hirschfeld’s analysis of the confessional material suggests that there were several *third sex* sexual preferences. For some, sexual object choice was tied to their gendered opposite. The more

feminine members of the *third sex*, for example, were attracted to the masculine type. The more masculine members of the *third sex* were attracted to young men who were gentle (Hirschfeld, 1914/2000, p. 330). These masculine members did not, however, pursue feminine *Urnings* as they were too womanly (Hirschfeld, 1914/2000, p. 330). Ellis' concept of *sexual inversion* followed this model as well.

Hirschfeld makes it very clear that “a great number of *Urnings* are inclined exclusively towards heterosexuals. To them, people who have the same or similar feelings are directly antipathetic; they are too ‘feminine’ or too much like themselves” (1914/2000, p. 338). This preference for conventional masculinity is similar to that of Ulrichs' *Urning* personage, who was strictly attracted to the masculine *Dioning* (Numantius, 1864/1994c, p. 68), and to Kertbeny's *homosexualist* who was attracted “by certain [male] personalities which, from mature boyhood to manhood, represent the full features of virility in every detail of its habit, in opposition to the feminine” (Benkert, 1869/1997, p. 73).

The sexual tendencies of the *third sex* were also examined within *The Homosexuality of Men and Women*. Like Kertbeny, who noted that only ten percent of males with *homosexualität* practised anal intercourse, either actively or passively (Benkert, 1869/1997, p. 72), Hirschfeld found that very few men of the *third sex* actually engaged in the practice (1914/2000, p. 339). Only eight percent of the male *third sex* confessed that this type of sexual activity was their favourite sexual pleasure, whereas 80 percent indicated that mutual masturbation (40 percent) and oral sex (40 percent) were their preferred methods. Femoral sex, where the penis is inserted between the legs, and under the scrotum of the male partner, was favoured by 12 percent of those studied (Hirschfeld, 1914/2000, pgs. 340-343).

### Discrepancies: Ellis and Hirschfeld

In two instances, Hirschfeld discusses sexological inaccuracies related to the inborn gender misalignment of those with congenital same-sex behaviour. Unlike Ellis who argued that *sexual inverts* liked the colour green (Ellis & Symonds, 1897/2008, p. 197; Miller, 2006, p. 19-20), Hirschfeld observed that it was actually the colour blue (1914/2000 p. 219). While I consider the colour choices of the *third sex* to be insubstantial, it is comical to see that both Ellis and Hirschfeld associated gender performance with specific hues. This still occurs today, however, with homosexuality often times linked to the colour pink. Hirschfeld addressed, as well, the belief that men with congenital same-sex behaviour cannot whistle. Although Ellis believed this, Hirschfeld's statistics proved otherwise. "Among five hundred homosexuals," Hirschfeld wrote, "385 (77 percent) could whistle, as opposed to 115 (23 percent) who could not" (1914/2000, p. 197). This fact is not necessarily significant, but it does highlight the difficulty in identifying the markers of same-sex behaviour. As well, it speaks to Vicinus' statement that sexologists described and categorized supposed markers of same-sex behaviour instead of actually defining the homosexual personage (1992, p. 484).

## Conclusion

Although Ulrichs, Kertbeny, Ellis and Hirschfeld were not the first to contribute to the expansion of what Foucault calls *scientia sexualis* — the scientific shift from seeing sexual acts as temporary activities to considering sexual function as symptomatic of a personage (Foucault, 1978/1990, p. 43) — they were the first to move same-sex behaviour and the homosexual personage beyond notions of crime, sin and disease. In arguing that same-sex behaviour was congenital, and thus natural, the contributions of Ulrichs, Kertbeny, Ellis and Hirschfeld to expanding same-sex behaviour nomenclature differed from the efforts of other late nineteenth- and early twentieth-century sexologists. Krafft-Ebing, for example, believed that same-sex behaviour was indicative of disease. Even the Prussian, German, and English states considered same-sex behaviour to be expressions of lower physical impulses, and criminalized this behaviour in their penal codes. The penalty for these actions was imprisonment, hard labour and the loss of civil rights. In creating the sexual personages of the *Urning* and *third sex*, and those emerging from the sexual conditions of *homosexualität* and *sexual inversion*, Ulrichs, Kertbeny, Ellis and Hirschfeld were able to counter the negative implications that *scientia sexualis* associated with congenital same-sex behaviour.

A self-identified *Urning* himself, Ulrichs wrote 12 emancipatory booklets which explored the congenital occurrence of same-sex behaviour. Ulrichs used these booklets as a means to not only challenge the negative perception of same-sex behaviour, but also to forge an *Urning* community. Ulrichs sought to create change through this community, believing that an improvement in the *Urning's* quality of life would only be achieved “as a result of a larger social

movement, [and] a fight for emancipation on the part of the Urnings themselves” (Féray, Herzer and Peppel, 1990, p. 33). Ulrichs was at the head of this movement and sought to change Prussian sexuality laws, arguing for the toleration of same-sex behaviour or the criminalization of all forms of sexual behaviour that occurred outside the parameters of conjugal procreative sex. With regard to the *Urnig* personage, Ulrichs described him to be a *quasi-mann*. While the *Urnig* appeared to be male, he was in actuality not a conventional man. Physically, the *Urnig* had the build of a man, though internally, he was characterized by a female psyche that directed his sexual desires to conventional men — a group of individuals Ulrichs classified as *Dionings*. The *Urnig* was unable to engage in same-sex behaviour with other *Urnings* because they were fundamentally feminine. The *Urnig’s* female psyche also manifested itself via particular mannerisms. When out in public, the *Urnig* attempted to hide his femininity in order to conform to what society deemed appropriate for men. When the *Urnig* was in a safe space and surrounded by other *Urnings*, he would manifest this inborn femininity more explicitly.

Kertbeny, on the other hand, sought to do more than just strike Paragraph §143 from the Prussian penal code, and to stop Paragraph §152 from becoming part of the North German Confederation penal code. Writing as a supposedly normally-sexed man (Féray, Herzer & Peppel, 1990, p. 26), Kertbeny used the criminalization of same-sex behaviour in Prussia to discuss the relationship between the state and its citizens. He believed that the secular state must respect the inalienable right of citizens to live a full and free life without interference, including the right to engage in same-sex consensual sexual relations so long as they did not infringe on the rights of others (Benkert, 1869/1997, p. 70-72; Steakley, 1975, p. 12). Men with *homosexualität* had no distinguishable characteristics other than their congenital same-sex attraction which psychologically marked them. *Homosexualists* were largely like conventional men, and were not

marked by innate effeminacy. Rather, they were marked by a different kind of manliness stemming from their feminine love for men. Like the *Urning*, however, males with the congenital sexual condition of *homosexualität* engaged only in consensual same-sex behaviour with heterosexual men, never turning to the feminine for the fulfilment of their physical needs.

Ellis used his medical training to collect confessional testimony from ordinary men practising same-sex behaviour so as to demonstrate that it existed outside the realm of crime, sin and disease. After analysing the male case studies, Ellis determined that the condition of *sexual inversion* was a congenital anomaly. *Sexual inverts* were born with a peculiarity that made them more susceptible to engaging in same-sex behaviour. Ellis did not approach his case studies to provide treatment; rather, he wanted to educate the masses and challenge misconceptions about same-sex behaviour produced by *scientia sexualis*. Ellis notes that *sexual inverts* are characterized by an inborn gender misalignment that manifests itself differently depending on the situation. While there is a tendency for *sexual inverts* to approach the feminine type either physically, emotionally or mentally, it was countered by their conventionally masculine physical appearance.

As a physician and man who engaged in same-sex behaviour, Hirschfeld also used confessional testimony in his fight against *scientia sexualis*. Arguing that same-sex behaviour was a congenital condition, Hirschfeld developed the personage of the *third sex*. The *third sex* personage existed between the male and female genders. Because Hirschfeld considered same-sex behaviour to be a natural variation of love, he lobbied the German Empire to strike Paragraph §175. Despite the fact that the Royal Prussian Scientific Commission for Medical Affairs deemed male same-sex behaviour to be harmless in 1869, the state continued to criminalize these acts and persecute the men engaging in them. The state, however, turned a

blind eye to other forms of non-reproductive sexual acts between heterosexuals. Furthermore, Hirschfeld argued that Paragraph §175 went above and beyond criminalizing same-sex behaviour as it actually rewarded criminality. The *third sex* constantly lived in fear of blackmail. This fear pushed some members of the *third sex* to suicide. While Hirschfeld noted the difficulty in categorizing men who engaged in same-sex behaviour, he did acknowledge that some distinguishable traits were found. Members of the *third sex* were effeminate. Thought to experience monthly bleeding like a woman, and physically shaped like a male and female hybrid, the *third sex* was an intermediate gender.

All four sexologists supported their concepts with the contention that same-sex behaviour was congenital, and existed in animals, ancient civilizations, urban and rural populations, and the upper and lower classes. They did so to legitimize same-sex behaviour as a natural phenomenon which existed outside of crime, sin and disease. If same-sex behaviour was found among the lowest and highest ranks of the Great Chain of Being, then same-sex behaviour should not be so widely disparaged. This was unlike the assertion made by *scientia sexualis*.

In using their own confessional testimony, or the testimony collected from case studies, these four sexologists were able to challenge negative conceptualizations of congenital male same-sex behaviour. The collection and analysis of case studies was fundamental to the emancipatory efforts of Ulrichs, Kertbeny, Ellis and Hirschfeld. These case studies and confessional testimony afforded the homosexual personage the opportunity to speak on their own behalf. In analysing this testimony, each sexologist was able to ascertain numerous correlations between sexual expression, sexual object choice and gender expression. These findings, and the resulting concepts and personages, allowed the four sexologists to engage in what Foucault calls reverse discourse (Foucault, 1978/1990, p. 101). Because language can act as a site of resistance

(Weedon, 1987, 110), the concepts of *Urning*, *homosexualität*, *sexual inversion* and *third sex* gave agency to men engaging in same-sex behaviour. As examples of reverse discourse, these concepts were sites of cultural and political revelation, protest and change. They challenged the conventional association between same-sex behaviour and crime, sin and disease, pushing *scientia sexualis* to consider male same-sex behaviour as a normal, albeit rare, congenital phenomenon. It is important to note, however, that while these concepts were used to push the boundaries of what constituted sexual normalcy, these concepts also reinforced other norms. Gender norms, for example, were maintained with *Urning*, *homosexualität*, *sexual inversion* and the *third sex*. While *homosexualists* were not marked with conventional feminine traits, other than a woman's love for men, the *Urning*, *third sex*, and *sexual invert* were apparently physically marked. These personages were bound by conventional masculinity and femininity, and so we cannot say that these concepts were truly tolerant or wholly emancipatory, at least in terms of conventional gender roles.

Despite attempts by Ulrichs and Kertbeny to change public perceptions of same-sex behaviour, Prussian laws criminalizing same-sex behaviour spread to the North German Confederation and then to the German Empire. Despite Ellis' best efforts to amend Victorian laws through what he saw as scientific fact, his work had a limited impact on the lives of those with congenital same-sex behaviour. As noted by Hall, "the laws relating to homosexuality [in England] were tightened up still further by the Vagrancy Act of 1898, aimed both at those living on the earnings of prostitutes and at soliciting or importuning for immoral purposes in public places" (2013, p. 51). Despite the "significant milestones" achieved by Hirschfeld in his quest for sexual reform, which included founding the "the world's first sexual research institute," and educating the public through more than 2,000 works on the subject of same-sex behaviour

(Mancini, 2010, p. ix), the arrival and rise of the Nazi regime in Germany halted and destroyed any progress made. On May 6, 1933, the Nazis ransacked Hirschfeld's Institute for Sexual Science in Berlin destroying the priceless sexological materials housed in the Institute's library. The attack has been described as both an act of anti-Semitism, and an act against homosexuality as the Nazis viewed both the Jews and homosexuals as enemies of the state (Miller, 2006, p. 194).

A century later, Germany and the United Kingdom have moved towards reparation. In January 2017, the United Kingdom passed *Turing's Law*<sup>21</sup> which has pardoned those charged with "gross indecency" for engaging in consensual same-sex behaviour (Gyimah & Ministry of Justice, 2017; Lambert, 2016). This law has also posthumously pardoned men who were charged and convicted, including Oscar Wilde (Gyimah & Ministry of Justice, 2017; McCann, 2017). As of March 2017, Germany also began a legislative process to pardon men charged for their same-sex behaviour under Paragraph §175 (Connolly, 2017).

Even with these legal reparations on the part of the German and English governments, the pursuit to understand better the form and function of male same-sex behaviour still continues to this day. Finding "the gay gene" has been widely discussed in modern Western culture, with major news organizations like the BBC (Ambrosino, 2016, June 28), *The Atlantic* (Yong, 2015, October 10), and *The Guardian* (Rahman, 2015, July 24) writing exposés on its existence, or

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<sup>21</sup> This law is named after Alan Turing. Turing "was in large part responsible not only for the concept of computers, incisive theorems about their powers, and a clear vision of the possibility of computer minds, but also for the cracking of German ciphers during the Second World War" (Hofstadter, 2012, p. xiii). In 1952, Turing was arrested for "gross indecency" after the police discovered he had engaged in same-sex behaviour with a 19 year-old man (Leavitt, 2006, p. 266-268). This was the same crime Oscar Wilde was tried and convicted of in 1895 (Leavitt, 2006, p. 268; Schaffner, 2012, p. 93). Turing pleaded guilty, and was sentenced to undergo treatment for his same-sex behaviour (Leavitt, 2006, p. 268). Chemically castrated by the oestrogen treatment, and deemed "too much of a security risk" to continue working in the public service, Turing committed suicide in 1954 (Leavitt, 2006, p. 269-275).

lack thereof. The nature-nurture debate continues to be questioned (see Kruse, 1985; Jannini, Blanchard, Camperio-Ciani & Bancroft, 2010; and Bindel, 2013, September 16). In certain instances, attempts to find this gene have been made in an effort to eliminate it altogether. Other attempts have been made to reject a born-this-way narrative, arguing that same-sex behaviour is completely contingent upon an individual's upbringing. The attempted emancipatory work of Ulrichs, Kertbeny, Ellis and Hirschfeld, remains relevant to this day as we are still grappling with the meanings of human sexual behaviour.

## Appendix 1: Theoretical Reference Chart

	<i>Urning</i>	<i>Homosexualität</i>	<i>Sexual Inversion</i>	<i>Third Sex</i>
<b>What is it?</b>	A personage	A condition leading to the development of a personage, the <i>homosexualist</i>	A condition leading to the development of a personage, the <i>sexual invert</i>	A personage
<b>Is it inborn?</b>	Yes	Maybe	Yes, as a predisposition	Yes
<b>Is it normal?</b>	No According to nineteenth-century standards it was natural, but not normal	No According to nineteenth-century standards it was natural, but not normal	No According to nineteenth-century standards it was natural, but not normal	No According to nineteenth-century standards it was natural, but not normal
<b>Is it rare?</b>	Yes	Unsure	Yes	Yes
<b>Is it characterized by gender misalignment?</b>	Yes – male body with a female psyche  Truly a third gender	Yes – but only because the sexual object choice of the <i>homosexualist</i> is men. This is a feminine love  <i>Homosexualists</i> are not physically or psychologically marked with gross examples of inborn gender misalignment	Yes – sometimes  Some feminine traits possible, but it varies	Yes – male body with a female psyche  Truly a third gender
<b>Is it constant?</b>	Yes	Yes	Yes	Yes
<b>Does it involve physical same-sex relations?</b>	Sometimes – it varies  Connection can simply be emotional	Yes	Sometimes – it varies	Yes
<b>Who is this person attracted to?</b>	Masculine <i>Dionings</i>  <i>Urnings</i> are usually not attracted to other feminine <i>Urnings</i>	Other <i>homosexualists</i> if they are masculine and masculine men with <i>normal-sexualität</i>	<i>Sexual inverts</i> are usually not attracted to one another  Effeminate <i>sexual inverts</i> are attracted to conventional men  Masculine <i>sexual inverts</i> are attracted to younger men	Conventional men – not juveniles, as suspected  Not typically attracted to other members of the <i>third sex</i>
<b>Is the person physically marked?</b>	Sometimes – the <i>Urning</i> does not always possess exaggerated physical markers of their inborn gender misalignment. However, feminine mannerisms can be exhibited – mostly in private	No – not physically marked. Only psychologically marked by their “feminine” love for men	Sometimes – <i>sexual inverts</i> usually do not possess any exaggerated physical markers of their inborn gender misalignment	Sometimes – difficult to classify all types of the <i>third sex</i> , though some have feminine characteristics, such as higher voices and mixed female / masculine proportions

## Appendix 2: Glossary

### General terms:

Congenital: acquired during development in utero – not hereditary.

Embryology: a branch of biology dealing with embryos and their development.

Sexology: the scientific study of sexualities and sexual preferences that were considered to be unusual, rare, or marginalized.

### Greek terms:

Pederasty: a sexual pedagogic system used in ancient Greece to train, educate and groom young boys into becoming better adults, citizens, soldiers, and intellectuals via penetrative same-sex behaviour. Age/seniority based system in which older citizen would penetrate subordinate male.

Pederast: a male who engages in pederasty.

### Arabo-Islamic Terms:

Liwāt: active male same-sex behaviour.

Lūtī: a male who engages in liwāt - active partner. This act did not bestow upon him an identity connected to sin or disease because of his active role.

Ma'būn: an effeminate male who engages in ubnah - passive partner. Pathological desire.

Ubnah: passive male same-sex behaviour.

### Japanese Terms:

Nanshoku: an erotic interaction between two (or more) males. Exists alongside heterosexuality.

Nenja: elder male within the shudō model. Assumes the active role in the shudō model.

Okama: men whose rear is penetrated during sex.

Shudō: sexual pedagogic system used in Edo period Japan to train younger males into becoming better citizens. Age/seniority based system.

Wakashu: younger and genderless subordinate male within the shudō model. Engages in the passive role in the shudō model.

### **English terms:**

Buggery: a slang term to denote male same-sex behaviour.

Bugger: a male who engages in buggery.

Sodomy: initially defined as any form of sexual intercourse in which conception was impossible i.e. masturbation, male same-sex behaviour, bestiality. Eventually became associated to solely the “indecent act” of same-sex behaviour.

Sodomite: a male who engages in sodomy. Effeminate in demeanour.

### **Ulrichs:**

Dioning: a “real” man who has sexual desires for the opposite sex.

Uraniaster: Dionings who temporarily engage in same-sex behaviour with one another due to a lack of female partners.

Uranodioning: men who feel sexual attraction for both sexes. Further broken down into conjunctive uranodionings who could feel both romantic and sensual love for either a man or a woman, and disjunctive uranodionings could only feel romantic or poetic love for young men, and sensual love for women.

Urning: a “quasi-mann” characterized by an inborn gender misalignment i.e. physically male, but born with a female soul. Characterized by same-sex behaviour. Further broken down into manly urnings (mannlings) and effeminate urnings (weiblings).

Urningin: a “quasi-woman” characterized by inborn gender misalignment i.e. physical female, but born with a male soul.

Virilisirt: An Urning who chooses to live as a Dioning in an attempt to avoid public scrutiny and persecution.

### **Kertbeny:**

Homosexualität: a sexual condition. Used to describe a man who is inclined to have sex with a member of his own sex. A man with homosexualität is not characterized by innate femininity, but rather a different kind of masculinity. This different kind of masculinity is characterized by a “feminine” love for men.

Homosexualist: a man with the sexual condition of *homosexualität*.

Monosexualität: a sexual condition fixed on self-pleasure and masturbation.

Normalsexualität: a sexual condition fixed on heterosexual relations.

### **Ellis:**

Homosexuality: sexual attraction between persons of the same sex, due merely to the accidental absence of the natural objects of sexual attraction.

Psychosexual hermaphroditism: sexual condition in which attraction is felt for both sexes. Develops in utero.

Sexual inversion: sexual condition turned by congenital constitutional abnormality towards persons of the same sex. Develops in utero.

### **Hirschfeld:**

Intermediate sex / third sex: a congenital anomaly in which a person is attracted to his own sex.

Psychological hermaphrodite: a congenital anomaly in which a person is attracted to both sexes.

Sexually-Normal: a congenital attraction to the opposite sex.

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