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## **COMPENSATION AND RECOGNITION OF HOMOSEXUALS AS VICTIMS OF NAZISM IN FRANCE**

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### **Introduction**

Several studies have shown that the repression of homosexuality by Nazi Germany during the Second World War was almost nonexistent in occupied France. Repression was extremely weak in annexed Moselle, but relatively large in annexed Alsace. In this border region the population was considered as German. Research conducted recently in archives - and presented today for the first time - concern at least 19 gay men who have made a claim as "victims of Nazism" among the 351 men arrested for homosexuality in Alsace during the World War Two.

Thus, we propose in this paper to discuss how compensation and recognition was denied by France to the homosexuals victims of Nazism and to explain how a few of them managed to obtain recognition whereas the majority could not.

### **1 – About the category « Victim of nazism »**

#### ***How the French State has constructed the category « victim of Nazism »***

In 1945, the Provisional Government of the French Republic created a quality of "political prisoners". It entitles a number of financial compensation, a compensation fee for "deportation" in the amount of 5,000 francs (630 euros). Are only considered "the French transferred by the enemy outside the national territory, then incarcerated for any other reason except a breach of the common law." Then the legislator of the 4th Republic in 1948 established both an "internee" and a "deportee" title. "Deportees" and "internees" were themselves divided into two groups according to the incarceration reason. On the one side the "Resistance", on the other side "political reasons" what means "any other reason than the breach of law." In this second category are mainly targeted those arrested because of their religious beliefs, for political opinion or hostages. Finally, the title of "political deportee" allows to benefit from the system of civilian war victims and gives particular financial and moral recognition.

In July 1960, France signed with West Germany a global agreement. It is intended to compensate the victims "of the Nazi repressive measures". 400 million Deutsch Mark were allocated for it. It was also agreed that the terms of the agreement were sufficiently vague so that France can define itself the future beneficiaries of this compensation. In 1961, the French government decided by decree to restrict the right only to former resistant fighters or deportees for political reasons<sup>1</sup>. The category of "victims of National Socialism" thus finds itself limited by a legal definition imposed by the French State.

### ***French victims of the repression of homosexuality hesitated to seek recognition***

We can observe a reluctance of French victims of the homosexual repression to seek official recognition, coupled with a resignation in case of refusal.

Of the 351 men detained by the Nazi Regime for homosexuality in Alsace during World War Two and nominally known, only 18 have applied to obtain a "deportee" title between 1951 and 1968. Three of them have completed their files via the compensation fund of the Franco-German agreement of 1960. More generally, Two third of all applications resulted in a rejection of the Department of Veterans Affairs. Rejection usually ends the procedure. However three plaintiffs filed appeals. One only wrote about his disappointment to the Minister ; the other two took the case to the administrative court.

Regarding the profile of the applicants: Twelve applications were made directly by interested parties. Their average age is 46 years old. The youngest is 31 and the two older 64. Six other requests come from parents. It is interesting to note here that family – in particular spouses - seem to initiate proceedings that the applicants had themselves refused to do while they were still alive. Maybe because of personal scruples...

Marital status of applicants also fairly reflect the sample of victims : about 35 % of married men. Conversely, the socio-professional situation of the victims appear to influence their motivation to seek for recognition. While the absence of requests from the upper classes can be explained by the simple fact that these members have not been victim of homosexual repression in Alsace, we can notice that members of the working class (as workers, day laborers, domestic servants, servers, drivers) are more likely to request a recognition than members of the middle class (craftsmen, traders, professionals). One explication might be that the poorest can earn more than member of the middle class who fear for their personal reputation.

Indeed, we can notice that homosexuality is a deportation reason to hide. Of the 18 applications, 3 aim the title " Resistant" reserved for those who have been detained for

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<sup>1</sup> This compensation for "moral damage repair," amounts to 5130 francs (present value ca. EUR 7 500) for every deportee, resistant or political survivor.

"qualified act of resistance to the enemy." 15 ask for the title of "political deportee" reserved to other prisoners not covered by the "common law". In the application form, 16 men indicate a pattern of political deportation: POW aid, activity or pro-French sentiment, refusal to engage in the German army ... Yet, sources we consulted show that 13 of them were in fact arrested solely for homosexuality.

For example, Charles H. request the title "Resistant" explaining that he worked clandestinely to the escape of prisoners of war, before being sentenced July 7, 1942 by the Strasbourg *Sondergericht* to 18 months of prison for "*Zersetzung der Wehrkraft*". But in reality, the court records indicates he was sentenced that day to 18 months hard labor for homosexuality.

Charles H. is not a unique case. Almost all of the victims of the homosexual repression prefer to hide the real reason of their condemnation. Maybe they believe that the real reason for their deportation cannot be recognized by the administration or they hope a more glorious title. Nevertheless, this strategy proves that they do not seek to be recognized specifically as a homosexual victim. This strategy can be explained by the context of the 1950's and 1960's. The figure of the resistance is valued while homosexuality is still considered as a perversion, a disease or a legal offense under certain conditions.

Most original in our sample are two requests indicating as deportation reason: "manners Affairs". In the case of John O., arrested in August 1942 for homosexuality who died at Natzweiler concentration camp in June 1944, his father said he was arrested for "sexual reasons". He adds that he was "guilty by judgment then interned at the psychiatric hospital in Hoerdtd." Only George S. explicitly recognizes that his homosexual practices were at the basis of his conviction and deportation. He was arrested February 28, 1942 and sentenced by the *Landgericht* Strasbourg to eight months prison for homosexuality, before being detained from December 1942 to the summer of 1944 the Schirmeck camp.

### **« Victims of nazism » more than Deportee?**

George S., who applied for compensation in 1962, explains his approach in a broken french (Quotation) "*as we have always said. Only the political internees we give the Card. I have not done anything until now because I did not want to reopen this sad episode in my life. Now I allow myself to report my case because I think I'm also a real victim of Nazism.*" (End of the quotation) Similarly Michael S., who has been refused the title of "political deportee," insists he asked the interned card.

Indeed, both of them initially refused to apply for the title of "political deportee" created in 1948 as they felt to be excluded *de facto*. However, they recognized themselves into the term of 'victim of Nazism' promoted by the Franco-German Treaty of 1960. It is only from that moment that they felt themselves entitled to apply for recognition and compensation.

## **2 – The non-recognition of the homosexual victims (1950-60's)**

Concerning the half of the applications, the Department of Veterans Affairs had to take a stand for or against recognition of the repression of homosexuality. This is what we will analyze now.

Throughout the 1950's and 1960's, the state refuses to recognize deportation for homosexuality pattern. With one exception, the Department of Veterans Fighter systematically rejected the inmates requests. The administration assimilate homosexuality to a common crime, as well as it was not penalized as such in French law. The Ministry does there only confirm the opinions of the deportees associations. There is even a total unanimity among the government, the administration and associations to exclude homosexual victims of repression. Moreover, police investigations prompted by requests for recognition result, in case of refusal, excluding associations of deportees and the obligation to repay the Treasury potentially affected compensation under the 1945 orders.

John O. is truly an exception. Although the administration is informed that this young 19 years old man was arrested in August 1942 for homosexuality and placed at the end of his trial in a psychiatric hospital and then to a concentration camp where he died in June 1944, the Minister for Veterans Affairs assigns December 10, 1971 the title of "political deportee" for its entire detention period. It is thus opposed to the negative opinion issued unanimously by the County Commission, who said (quotation) "*following a policy adopted and followed for many years by not recognizing a political character to the grounds of the kind at the base of arrest.*" (Quotation end) The minister however endorsed the favorable opinion of the National Commission saying "*taking into account the mental state of the person and his death at Struthof.*" In other words, if the state recognizes John O. as a "political deportee" it is not because he was a gay man persecuted as such, but because he was as a mental patient. This assignment cannot really be considered as an exception vis-à-vis the administration.

### ***Homosexuality, a moral disqualification ?***

Referring to Germany, Susanne Zur Nieden observed several cases of people who had been withdrawn their victim status because of their homosexuality, even when the allegations were after the war.

In France, Georges S. suffered a refusal of the Ministry, while the German prison register of the prison Mulhouse found by investigators only mentions a "*suspicion of homosexuality*". The Departmental Commission expressed support for the allocation "*given the uncertainty of the charges against him and considerable abuse he endured.*" Conversely, while the same prison register indicates that George S. was arrested for homosexuality, the Ministry assigns him the title of "political deportee", considering that it has been wrongly accused. The Minister, like departmental and national commissions, seem here to have been impressed

by the fact that that person is married, is a father four children and is not known as a homosexual.

Similarly, while the investigators found no physical evidence of the reasons for the arrest of Francis W. and Paul W., commissions and the Minister agree to assign the title of the first "policy deported" based including the favorable testimony of a deputy mayor, the president of the A.D.E.I.F. (the prestigious alumni association of those incorporated by force) and "*the right information to all points of view*" including his wife enjoys while denying title the second because the only testimony of a neighbor accused him of having "been arrested because of his conduct and morals."

## Conclusion

In conclusion, the lack of recognition of homosexual victims of Nazi repression by the French government has long been justified by the legal definition of the category of Nazi victims. This definition from 1945 excluded common law criminals. But if the law remained unchanged, its interpretation by the administration changed over time - especially regarding homosexuality. We can observe it evolved between 1960 and 1980. This resulted in the award of the title of "political deportee" Pierre Seel, on the ground that homosexuality is precisely not a "breach of law". The evolution of the administration is likely to link with renewed consideration of homosexuality within Western societies. The latter is manifested in gay liberation movements of the 1970s and through the abolition in France in the early 1980s, law criminalizing of texts specifically homosexuals. However, in France, recognition of homosexual victims of Nazism is far from complete. The participation of gay and lesbian organizations during the commemorations of the deportation in France causes until the early 2000s the anger of former deportees. And nowadays, there is still no collective compensation mechanism for homosexual victims of Nazism in France, unlike Germany or the Netherlands.

