

# **Magnus Hirschfeld and Erotic Age Preference (1896–1935):**

## **Per Scientiam ad Justitiam?**

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### **Abstract**

The medicalization of outlying erotic age preferences has always been a controversial dimension of modern psychiatry. Richard von Krafft-Ebing's forensic demarcation of *pedophilia erotica* in 1896 was a defining point; however, the problem of homosexuality long provided the premier occasion for its scientific elaboration. Magnus Hirschfeld's oeuvre is illustrative, featuring (a) the first survey-based approach, (b) a novel theoretical approach, as well as (c) one of the first therapeutic approaches, to problematic erotic age preferences. It shows the variety of ways in which pre-WW-II sexologists dealt with unusual, apart from normal, age ranges as erotic foci: as mere outliers on an ordinal spectrum of preferences, as cardinal types of homosexuality, as belonging to a distinct order of sexual perversions (thus “complicating” homosexuality), as types of fetishism, and as key symptoms of what Hirschfeld named *psychosexual infantilism*. Even at present this divergence of qualifications (mental disorder, symptom, plethysmographic finding, dimension of sexual orientation or more broadly of “sexual constitution”) remains denied the biomedical closure sought by Hirschfeld cum suis.

### **Keywords**

Magnus Hirschfeld (1868–1935); erotic age preference; history of sexuality; homosexuality;  
pedophilia

## Introduction

The Latin motto cited above, *toward justice through science*, was famously to sum up medical doctor Magnus Hirschfeld's (1868–1935) “scientific-humanitarian” approach to homosexuality. Eventually carved into his gravestone, Hirschfeld may have coined it in a 1904 defense<sup>1</sup> of his pioneering survey work on homosexuality, which had gotten him into trouble with the law and initial results of which he spent considerable time defending against his many detractors. Hirschfeld's brothers in arms agreed the motto was rhetorically apt. Dutch lawyer Jacob Anton Schorer (1866–1957), future founder of the Dutch pendant of Hirschfeld's Scientific-Humanitarian Committee (Wissenschaftlich-humanitäre Komitee: WhK), recited it to conclude a 1904 rejoinder to Hirschfeld's case published in a Dutch legal journal.<sup>2</sup> The latter was translated into German a year later and the phrase<sup>3</sup> circled back by means of a review of the article in Hirschfeld's *Jahrbuch für sexuelle Zwischenstufen* credited to another of his Dutch compatriots, physician Lucien von Römer (1873–1965).<sup>4</sup>

I bring up this bit of trivia to introduce a historical context for appreciating the reach of the motto, undergirding twentieth-century LGBT politics, given that it has often been made to pertain, by both aspiring sexual reformists and the medicolegal apparatus, to another rubric gaining a foothold in early-twentieth-century sexology, namely *pedophilia*. The latter rubric had begun to be considered a distinct perversion at the same time that Hirschfeld, under a

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<sup>1</sup> Magnus Hirschfeld, “Jahresbericht 1903-1904.” *Jahrbuch für Sexuelle Zwischenstufen* 6 (1904): 647-728 (691).

<sup>2</sup> Jacob Anton Schorer, “Wetenschap en rechtspraak.” *Themis* 65, no. 3 (1904): 411-48.

<sup>3</sup> Jacob Anton Schorer, “Wissenschaft und Rechtsprache (Schluss).” *Friedreich's Blätter für gerichtliche Medicin und Sanitätspolizei* 56 (1905): 374-84 (384).

<sup>4</sup> *Jahrbuch für sexuelle Zwischenstufen*, 1905: 939.

pseudonym, published his first work on homosexuality.<sup>5</sup> Richard von Krafft-Ebing (1840–1902) coined his provisional term *Pädophilia erotica* that same year.<sup>6</sup> However, it is only in Hirschfeld's work, indeed first in his surveys, that erotic age orientation assumed an empirical status beyond Krafft-Ebing's and contemporaries' clinical-forensic nomination of outlying age orientations *per se* (pedophilia and from 1901, "gerontophilia") as "morbid" or "perverted".

The recent case of "hebephilia" (attraction to pubescents rather than prepubescents) nominated for, but denied, entry into the 2013 *DSM-5*<sup>(7)</sup>, coupled with the novel distinction between Pedophilia and "Pedophilic Disorder", attests to the fact that even today the dividing line between natural and morbid age of attraction remains embattled, moreover that the way *scientia* has been, or should be, informing *justitia* here remains prone to controversy.<sup>8</sup> Research on constructions of "the child sex offender" in the early contexts of Imperial, Weimar and Nazi Germany<sup>9</sup>, however, largely leaves open the question how the forensic-psychiatric notion of

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<sup>5</sup> Magnus Hirschfeld [pseud. Th. Ramien], *Sappho und Sokrates* (Leipzig: M. Spohr, 1896).

<sup>6</sup> Richard von Krafft-Ebing, "Ueber Unzucht mit Kindern und Pädophilia Erotica." *Friedreich's Blätter für Gerichtliche Medizin und Sanitätspolizei* 47 (1896): 261-83.

<sup>7</sup> Peter Singy, "Hebephilia: A Postmortem Dissection." *Archives of Sexual Behavior* 44, no. 5 (2015): 1109-16.

<sup>8</sup> There is considerable irony here given that hallmark dimensions of early scientific approaches to homosexuality, including claims to and disputations over ancient *paiderastia*, are today medicalized as part of the pedophile's typical rationalizations. The latter are ubiquitously construed in terms of "cognitive distortion", a concept developed in the mid-1980s largely around child sex offenders disqualifying offender "thinking errors" and "excuses" pertinent to sexual norms and sexual development.

<sup>9</sup> Tanja Hommen, "Körperdefinition und Körpererfahrung. 'Notzucht' und 'unzüchtige Handlungen an Kindern' im Kaiserreich." *Geschichte und Gesellschaft* 26, no. 4: (2000): 577-601; Brigitte Kerchner, "'Unbescholtene Bürger' und 'gefährliche Mädchen' um die Jahrhundertwende." *Historische Anthropologie* 6, no. 1 (1998): 1-32; id., "Körperpolitik. Die Konstruktion des 'Kinderschänders' in der Zwischenkriegszeit." *Geschichte und Gesellschaft* 21 (2005): 241-78; Danny Michelsen, "Pädosexualität im Spiegel der Ideengeschichte", in *Die Grünen und die Pädosexualität*, ed. F. Walter, S. Klecha and A. Hensel (Göttingen: Vandenhoeck & Ruprecht, 2015), 25-59 (37-47). Nazi persecution of "homosexuality" largely

*pedophilia* came to inform legal or societal response to sex offences. While *hebephilia* was not coined until twenty years after Hirschfeld's death in 1935, *pedophilia* had come to be named a distinct entity in the early 1890s, at the time (1892) that Hirschfeld received his medical degree. Erotic age orientation would eventually, if problematically, inform Hirschfeld's core typology of homosexuality. The gesture was tactically delicate and the focus on age may be interpreted as a by now late echo of modern homosexuality's ancient precursor of *paiderastia*, or rather, its philological reconstruction and philohellenic nurturing throughout the nineteenth century, not in the least by Hirschfeld's inspirator Karl Heinrich Ulrichs (1825–1895). Already in the early nineteenth century, “Greek love” had provided the premier empirical starting point, both to apologists and medico-legal experts, for the naming and elaboration of what was eventually (in 1869) called “homosexuality”. The title of Hirschfeld's 1896 book payed homage to this legacy. Henceforward, it remained an unavoidable question how age difference and age preference were to figure in a psychiatric discourse that, as religious doctrine, had obsessed over gender deviance mostly without an explicit problematization of age, that is, beyond an age-old epidemiology of “seduction”.

It proved unavoidable at least for Hirschfeld's “scientific-humanitarian” project to repeal German anti-sodomy legislation, and ultimately for most researchers on homosexuality as long as it remained a central medicolegal battleground. Pedophilia in fact seems to have been an enduring constitutive limit to milestone constructs of modern homosexuality: from Ulrichs'

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focused on the figure of the corrupter or seducer of male youth (Stefan Micheler, “Homophobic Propaganda and the Denunciation of Same-Sex-Desiring Men under National Socialism”. *Journal of the History of Sexuality* 11, nos. 1-2 [2002]: 105-30), a stereotype used to tarnish Hirschfeld.

“Urningtum”<sup>10</sup> to Krafft-Ebing’s and others’ “Konträrsexualismus” and onward, as problematized below, to Hirschfeld’s “Homosexualität”. Indeed, pedophilia received most of its psychiatric outlining in the historical dialectic between the medico-forensic and the “scientific-humanitarian” outlining of homosexuality.<sup>11</sup> Hirschfeld’s project, halted brutally by the raiding of his Institut für Sexualwissenschaft on 10 May 1933, thus provides a starting point for the medical historical question of the exclusion from the cause of “sexual minorities”, and more generally from “mental health”, of the newly scientific sexual persona of “the pedophile”. It showcases the arguably acute problem and irony of pathologizing “sexual perversions”, including pedophilia, in the earliest context of the depyschiatricization of “sexual inversion” and of other dimensions of gender deviance. The Berlin Ärztliche Gesellschaft für Sexualwissenschaft und Eugenik, which Hirschfeld co-founded in 1913, is said to have facilitated castration of “pedophilic” repeat offenders<sup>12</sup> though little is known of the exact diagnoses involved. Anticipating a Nazi legal innovation<sup>13</sup>, with this Hirschfeld was one of the

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<sup>10</sup> Author, submitted.

<sup>11</sup> Diederik Janssen, “‘Chronophilia’: Entries of Erotic Age Preference into Descriptive Psychopathology.” *Medical History* 59, no. 4 (2015): 575-98.

<sup>12</sup> Manfred Herzer, *Magnus Hirschfeld: Leben und Werk eines jüdischen, schwulen und sozialistischen Sexologen* (Frankfurt/Main/New York: Campus-Verlag, 1992), 121; Ralf Dose, *Magnus Hirschfeld: The Origins of the Gay Liberation Movement*. Trans. E.H. Willis (New York: Monthly Review Press, 2014), 77 (original work published 2005).

<sup>13</sup> Following half a year after the ransacking of Hirschfeld’s institute, the 24 November, 1933 “habitual offender” law, *Gesetz gegen gefährliche Gewohnheitsverbrecher und über Maßregeln der Sicherung und Besserung*, specified the option to order the castration of a recidivist child molester over the age of 21 when judged to be a “dangerous sex offender” [*gefährlicher Sittlichkeitsverbrecher*] (“Aus dem Gesetz Gegen Gefährliche Gewohnheitsverbrecher und über Massregeln der Sicherung und Besserung.” *Klinische Wochenschrift*, 3 March 1934; 13, no. 9: 339-42 [340-1]). That a diagnosis of *Pädophilie* contributed to the satisfaction of the latter condition, and the availability of the diagnosis to the design of the law, seems likely but this remains to be established. Florian Mildenberger’s contention that the law signaled out “recidivist paedophiles” (“Kraepelin and the ‘Urnings’: Male Homosexuality in Psychiatric Discourse”.

very first to “treat” child sex offenders. Hirschfeld’s work also provides a minor archive for the study of sexual personas whose existence he nominally acknowledged but whose scientific—and cultural—profile remained low, curiously even in his own work—the same-sex *ephebophile* (amounting to no less than 45% of homosexuals, according to Hirschfeld in 1914) and *gerontophile*, for instance. This also applies to the “pedophilic homosexual”, one of Hirschfeld’s taxonomical specifications that would continue to be weighed against that of the “homosexual pedophile” throughout the twentieth century both within and outside clinical psychiatry.

### **Urnings and Minors:**

### **Science/Justice in a “Socio-Political” Context**

The leading occasion for the pathologization and clinical distinction of pedophilia, from Ulrichs through to Hirschfeld and his critics, was the scientific delineation and probing of the nature of homosexuality. Illustratively, Krafft-Ebing’s retraction of much of his *ipso facto* pathological construction of homosexuality one year before his death, notably in Hirschfeld’s *Jahrbuch*, was also an occasion to underscore the morbidity of pedophilia<sup>14</sup>, and to claim that it was rarest in homosexuals.

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*History of Psychiatry* 18, no. 3 [2007]: 321-35 [329]) perpetrates a hybridization of legal and psychiatric categories unsupported by his primary sources.

<sup>14</sup> Richard von Krafft-Ebing, “Neue Studien auf dem Gebiete der Homosexualität.” *Jahrbuch für sexuelle Zwischenstufen* 3 (1901): 1-36 (6).

Even though it was clear that Krafft-Ebing's newly named entity "pedophilia erotica" could not be admitted to the species of *justice* sought for Hirschfeld's "sexual intermediates", it was an obvious problem to Hirschfeld c.s., indeed to most first-hour generalist *Sexualwissenschaftlern*, whether and how to engage *science* in this new psychiatric area—whether ethnology, psychoneuroendocrinological theories or the then emerging psychoanalytic method of *Deutung*. Hirschfeld cited no data or reference to support the early conviction that pedophilia ("Neigung zu unerwachsenen Individuen") was as rare in homosexuals (*Conträrsexuellen*) as it was in "normal-sexuals" (*Normalsexuellen*).<sup>15</sup> The claim had been made by Ulrichs in 1868/9, by Albert Moll in 1891, and eventually (as said) by Krafft-Ebing (whose inference was also accepted by "the first forensic psychologist" Albert von Schrenck-Notzing), but little statistical weight had been brought to the table, even when it was maintained verbatim decades later by Hirschfeld.<sup>16</sup>

The same claim was made of absolute figures of same-sex, as compared to non-same-sex, offences against children. Early critic of anti-sodomy laws Károly Mária Kertbeny (1824–1882) had stated already in two 1869 pamphlets that contra public prejudices, child molestation occurred largely in some "normal-sexuals" (Kertbeny's neologism), claims reiterated in an 1880

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<sup>15</sup> Magnus Hirschfeld, *An die gesetzgebenden Körperschaften des Deutschen Reiches*. N.d. [1897]. Retrieved from <http://digi-alt.ub.hu-berlin.de/viewer/fullscreen/BV042530362/5> / id., "Petition an die gesetzgebenden Körperschaften des deutschen Reiches behufs Abänderung des §175 des R.-Str.-G.-B. und die sich daran anschliessenden Reichstags-Verhandlungen." *Jahrbuch für Sexuelle Zwischenstufen* 1 (1899): 239-80 (268); *Was muss das Volk vom dritten Geschlecht wissen! Eine Aufklärungsschrift*, ed. Wissenschaftlich-humanitären Comitee (Leipzig: Max Spohr, 1901), 26.

<sup>16</sup> Institut für Sexualwissenschaft, Abteilung für Sexualreform; Wissenschaftlich-Humanitäres Komitee, *§267 des amtlichen Entwurfs eines allgemeinen deutschen Strafgesetzbuches "Unzucht zwischen Männern"* (Stuttgart: Püttmann, 1925), 21.

book and a 1900 *Jahrbuch* article by his popularizer Gustav Jäger.<sup>17</sup> The criminological impression offered here was clearly informed by the ongoing occasion of distinguishing, for the first time in modern history, the rubrics of homosexuality and heterosexuality (both hybrid words being pieced together by Kertbeny), and their respective relation to sex crimes—as well as, eventually, to “perversions”—not in the least such as involving children as objects.

Even well into the twentieth century, such crimes were notably being explained in generic terms of libertinism, alcoholism, senility, imbecility, and forms of neurological impairment impacting on soundness of mind, including epilepsy. Assumptions about erotic age orientation were notably not ventured in forensic-medical literature on sex crimes against children until the early 1890s.

Articulating the political stance of the newly founded WhK (in May 1897), however, the *Jahrbuch*’s book-reviewer-in-residence and WhK legal expert Eugène Wilhelm agreed with Hirschfeld that at that early time, any popularly insinuated correlation between “homosexuality” and attraction to minors had been scientifically discounted.<sup>18</sup> Wilhelm repeated this unreferenced claim a number of times in the decades to come, fully admitting that the larger problem of erotic age orientation was “socio-politically” and legally—clearly not just scientifically—delicate when taken up in the context of “homosexual” advocacy and research.<sup>19</sup> In 1908 he maintained that “pedophilic homosexuality, that is, boy-love proper” [*pädophile Homosexualität, also, wirkliche*

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<sup>17</sup> Gustav Jäger, *Die Entdeckung der Seele* (Leipzig: Günther, 1880), 265; id., “Ein bisher ungedrucktes Kapitel über Homosexualität aus der ‘Entdeckung der Seele’.” *Jahrbuch für Sexuelle Zwischenstufen* 2 (1901): 53-125 (95-7).

<sup>18</sup> Numa Praetorius [Eugène Wilhelm], “Die strafrechtlichen Bestimmungen gegen den gleichgeschlechtlichen Verkehr historisch und kritisch dargestellt.” *Jahrbuch für Sexuelle Zwischenstufen* 1 (1899): 97-158 (105n22, 152).

<sup>19</sup> Numa Praetorius [Eugène Wilhelm], “Die Bibliographie der Homosexualität.” *Jahrbuch für Sexuelle Zwischenstufen* 9 (1908): 425-620 (536).

*Knabenliebe*], whether or not rooted in a “perversion” [Perversion], had “nothing to do” with the mission of the WhK.<sup>20</sup>

Hirschfeld’s own (family) background in medical science heavily informed his lifelong quest to get repealed Section 175 of the German Criminal Code criminalizing “unnatural fornication, whether between persons of the male sex or of humans with beasts”. With reference to Nietzsche, in 1896 he set out to tackle the millennia-long religio-medico-legal slippage between *unnatural*, *immoral*, and *illegal* by disproving the first of these qualifications: *naturalia non sunt turpia*. In this he continued the naturalistic approach pioneered by Ulrichs, who had advanced largely speculative embryological arguments intended to show that homosexuality was a corollary of an inborn psychic hermaphroditism, and to a lesser extent Ulrichs’ correspondent Kertbeny. Ulrichs had characterized pedophilia (*avant la lettre*) as “morbid” *apropos* his pioneering typology of *Urnингtum* (“homosexuality”). This typology answered to Ulrichs’ doctrine of gender complimentary and had implications for attraction to same-gendered youthfulness (more feminine, thought to appeal to more masculinized Urnings) and maturity (more masculine, appealing to more effeminate Urnings). To Ulrichs, urnings loved men of a specific maturity stage, namely either young or early adulthood, and not others. Insofar urnings differed in terms of gendered habitus, their inclinations differed accordingly in preference of what complemented it; and insofar as gender habitus was a developmental property, this differentiation also reflected on the (*full* or *semi*-)maturity of the same-sexed love object. *Its*

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<sup>20</sup> Ibid., 601. Although increasingly uncontroversial in today’s Anglo-American contexts, it was a statement that even by the mid-1990s could stir controversy on global platforms for LGBT advocacy: David Paternotte, “The International (Lesbian and) Gay Association and the Question of Pedophilia: Tracking the Demise of Gay Liberation Ideals.” *Sexualities* 17, nos. 1-2 (2014): 121-38.

*immaturity*, however, would have no, or a very marginal and dubious, place in the spectrum of *urning* (“gay”) or *urningin* (“lesbian”) desire.<sup>21</sup>

Hirschfeld in many ways built on Ulrichs’ approach and at least on the criminological side of the problem of age of attraction largely adopted the same premises as Kertbeny’s. In 1898 Hirschfeld’s WhK sponsored the reprint of Ulrichs’ pamphlets containing the latter’s gender/maturity typology, including the two in which his pathologization of pedophilia appeared.<sup>22</sup> Hirschfeld himself deferred confirming the latter gesture until he had research experience, which, however, even well after his death remained largely composed of sporadic case reports by forensic psychiatrists and, eventually, a handful psychoanalysts. In the meantime, as Kertbeny and Ulrichs in the late 1860s as well as others including Ulrichs’ British defender John Addington Symonds, from the outset Hirschfeld sought to emancipate *consenting adults in private* and, at the occasion, condemned seduction of minors and immature boys.<sup>23</sup> Hirschfeld

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<sup>21</sup> Ulrichs’ theory was largely forgotten after 1900, although it animated the early thinking of Ellis, Moll, and albeit briefly, Hirschfeld. As late as 1904 Moll restricts “sexual inversion” proper to cases of male attraction to *adult* males (Albert Moll, “Perverse Sexualempfindung, Psychische Impotenz und Ehe”, in: *Krankheiten und Ehe*, ed. Hermann Senator and Siegfried Kaminer [Munich: J.F. Lehmann, 1904], 667-717 [680]). Moreover, as late as 1914, Sándor Ferenczi’s dichotomy of *subject-homoeroticism* and *object-eroticism* presented the same juxtaposition of man-loving passive/effeminate inverters and boy-loving active/masculine inverters (“Zur Nosologie der männlichen Homosexualität (Homoerotik).” *Internationale Zeitschrift für ärztliche Psychoanalyse* 2, no. 2 [1914]: 131-42 [133]). Only the former, according to Ferenczi, would amount to a Hirschfeldian “intermediate sexual type” (134); the latter would entail an obsessional neurosis [Zwangsnurose]. This arguable hypothesis would, incidentally, remain untested until research reported in Kurt Freund et al., “Femininity and Preferred Partner Age in Homosexual and Heterosexual Males.” *The British Journal of Psychiatry* 125, no. 588 (1974): 442-6.

<sup>22</sup> Karl Heinrich Ulrichs, *Memnon II* (Schleiz: Heyn, 1868), 19; id., *Argonauticus: Zastrow und die Urninge* (Leipzig: Serbe, 1869), 127.

<sup>23</sup> ... “wer sich an Minderjährigen vergreift”; “Verführung unerwachsener Knaben”. Hirschfeld, *Sappho und Sokrates*, 34; id., §175 des Reichsstrafgesetzbuchs die homosexuelle Frage im Urteile der Zeitgenossen (Leipzig: Max Spohr, 1898), 47, 64.

took note of both ancient and contemporary European legislation regarding homosexuality as it related to the age of consent (such as surveyed by Wilhelm<sup>24</sup>) and had his formal petitioning of §175 in 1896/7 (which remained without success) pertain to a proposed age of consent of 16<sup>(25)</sup>, two years above the longstanding general age of consent of 14 (per §176).<sup>26</sup> When §175 was finally amended, in 1929, this resulted in an age of consent of 21 for same-sex intimacies<sup>27</sup> (it would be lowered, to 18, only in 1973).

As has been well-surveyed<sup>28</sup>, the issue of age of consent (*Schutzalterfrage*) divided two reformist camps in pre-WW-II German sexology, as well as dividing reformist sexologists and not-so-inclined psychiatrists. Emil Kraepelin, for instance, warned for homosexual seduction, proposed an age of consent of 21<sup>(29)</sup>, and made few distinctions between homosexuals and pedophiles.<sup>30</sup> Hirschfeld's and Ulrichs' critics did not share their strategic interest in biomedical theory and questioned not only specific (especially Hirschfeld's "third sex") theories but the entire medico-

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<sup>24</sup> Praetorius, "Die strafrechtlichen Bestimmungen", 106, 145, 153-4.

<sup>25</sup> Hirschfeld, *An die gesetzgebenden*, n.p. / id., "Petition", 241.

<sup>26</sup> Krafft-Ebing, incidentally, had named 18 years as a minimal *age of capacity* in cases of *sodomia ratione sexus* (*Der Conträrsexuale vor dem Strafrichter*. Leipzig/Vienna: F. Deuticke, 1894, 33).

<sup>27</sup> Elena Mancini, *Magnus Hirschfeld and the Quest for Sexual Freedom* (New York: Palgrave Macmillan, 2010), 154-5.

<sup>28</sup> E.g., Harry Oosterhuis and Hubert Kennedy (eds), *Homosexuality and Male Bonding in Pre-Nazi Germany* (New York: Harrington Park Press, 1991); Stefan Micheler, *Selbstbilder und Fremdbilder der "Anderen": Männer begehrende Männer in der Weimarer Republik und der NS-Zeit* (Konstanz: UVK, 2005), 223-6; Robert Deam Tobin, *Peripheral Desires: The German Discovery of Sex* (Philadelphia, PA: University of Pennsylvania Press, 2015), ch. 2.

<sup>29</sup> Emil Kraepelin, "Geschlechtliche Verirrungen und Volksvermehrung." *Münchener medizinische Wochenschrift* 65, no. 5 (1918): 117-20.

<sup>30</sup> The term *Pädophilie* notably does not appear in Kraepelin's (1856–1926) work until the ninth, posthumous edition of his *Psychiatrie: Ein Lehrbuch für Studierende und Ärzte* of 1927 (Vol. 1. Leipzig: Barth), and here only in the table of contents and index. For the interface of Hirschfeld's and Kraepelin's work, see Mildenberger, "Kraepelin and the 'Urnings'".

legal embrace of what they variably called *Freundesliebe* or *Lieblingsminne*. Key proponents of this camp rejected the then emergent scientific-advocative fracturing of homosexuality along the parameter of age preference, of which Hirschfeld was rightly seen as a key instigator. Some anarchists in fact explicitly rejected any age of consent.<sup>31</sup> An illustrative discussion by Hirschfeld with Iwan Bloch and a dissenting comment by an anonymous author advocating a normalized same-sex age of consent of 14, appeared in the second and third volume of the *Vierteljahresberichte des wissenschaftlich-humanitären Komitees*.<sup>32</sup>

Hirschfeld, as Ulrichs, knew that honoring the age of consent was critical in a plea for acceptance of adult homosexuality, and having proposed to raise it from the beginning, eventually he got more than he asked for. That said, Hirschfeld's early proposal to modify morals legislation and that of one of his main detractors, Benedict Friedlaender, entailed essentially similar interventions: scratch §175, de-gender seduction laws aimed at girls, and establish a suitably high gender-neutral age of consent.<sup>33</sup> Forms of *Geschlechtsschutz* (gender protection), such as §182 criminalizing seduction of a respectable girl under age 16, would have to be replaced by a more gender-neutral legal framework aimed at *Kinderschutz/Jugendschutz*

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<sup>31</sup> Scottish anarchist John Henry Mackay, writing under the pseudonym of Sagitta, sought to promote the cause of the then “nameless love of boys and youth” circa 1906. Although his work was reviewed in the *Jahrbuch*, it was suppressed in 1909 as “indecent” and largely ignored, including by Hirschfeld.

<sup>32</sup> Magnus Hirschfeld and Iwan Bloch, “Weitere kritische Äußerungen über den Homosexualitäts-Paragrahen 250 (bisher §175) des Vorentwurfs zu einem Deutschen Strafgesetzbuch.” *Vierteljahresberichte des wissenschaftlich-humanitären Komitees* 2, no. 4: (1910/11): [362-5]; Anon., “Schutzalterfrage.” *Vierteljahresberichte des wissenschaftlich-humanitären Komitees* 3, no. 1 (1911): 12-31.

<sup>33</sup> Benedict Friedlaender, “Kritik der neueren Vorschläge zur Abänderung des §175.” *Jahrbuch für sexuelle Zwischenstufen* 8 (1906): 301-49; Magnus Hirschfeld, “Kritik des §250 und seiner Motive im Vorentwurf zu einem Deutschen Starfgesetzbuch.” *Archiv für Kriminologie* 38, no. 1/2 (1910): 89-119.

(child/youth protection).<sup>34</sup> For both reformists neither of these dimensions of vulnerability was to have any particular bearing on the fate of §175.

### **Researching Erotic Age Orientation/Typologizing *Homosexualität***

If in the 1860s Ulrichs had been the first to classify same-sex inclinations along gender/maturational lines, and also the first to distinguish natural and morbid “age” (youthfulness/maturity) preferences, Hirschfeld’s questionnaire was the first, from its earliest published draft, to empirically explore these inferences, including those pertaining to pedophilic inclination. With Moll, Hirschfeld was thus one of the first and few to look into the question of (same-sex) age preferences beyond medical-forensic casuistics and contexts. Hirschfeld was also the first, in 1914, to cite descriptive statistics pertinent to the problem; and he quite possibly had the most research acquaintance with “pedophiles”<sup>35</sup> for a long time to come (“30 to 40” cases by 1907).<sup>36</sup> Still, in 1908 he maintained he had seen too few men and women who had offended

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<sup>34</sup> A comparable philosophy was to be advanced by the Berlin Kartell für Reform des Sexualstrafrechts, which included the WhK and in 1927 published a counter-proposal (*Gegenentwurf*) apropos the 1925 draft of a new German penal code threatening to criminalize “Unzucht zwischen Männern”, *inter alia* (Kai Sommer, *Die Strafbarkeit der Homosexualität von der Kaiserzeit bis zum Nationalsozialismus*. Frankfurt: Peter Lang, 1998, 246-52). The World League for Sexual Reform similarly sought the legal accommodation of “the mutual sexual will of grown-up persons” (cited in Ralf Dose, “The World League for Sexual Reform: Some Possible Approaches.” *Journal for the History of Sexuality* 12, no. 1 [2003]:1-15 [7]).

<sup>35</sup> Diagnostic criteria for “paraphilic disorders” were not widely accepted until the 1980 *DSM-III*. Until well after WW-II, *Pädophilie* was loosely equated with any sexual inclination to “children”. In psychoanalytic texts until the 1980s, the sexual component was often not stressed.

<sup>36</sup> Magnus Hirschfeld, *Die Kenntnis der homosexuellen Natur eine sittliche Forderung* (Berlin: F. Stolt, 1907), 58.

against children to say something definitive about this “important anomaly” [*wichtige Anomalie*].<sup>37</sup>

As Ulrichs, and arguably sexology to the present day, Hirschfeld struggled in deciding what to do scientifically with pedophilia against the backdrop of homosexuality receiving its justice through science. After Moll in 1891, a score of authors on homosexuality in the latter half of the 1890s had been excluding pedophilia from the domain of *uranism*; indeed this exclusion was to remain one of the foremost occasions to recognize the former category at all. To Hirschfeld, however, “pedophilia” eventually figured as an outlying erotic age orientation of male homosexuals: a phenomenon clearly within the scope of *Homosexualität* although not specific to it. While in 1906 Hirschfeld had excluded “pedophilia” (as a “cerebral deviation”<sup>38</sup>) from his initial, three-tier typology of homosexuality—here encompassing the categories *ephebophilia*, *androphilia*<sup>39</sup>, and *gerontophilia*—he includes the former in his definitive 1914/1920 line-up.<sup>40</sup>

All of these terms Hirschfeld left unattributed but appear borrowed from two diverging sources: Krafft-Ebing’s forensic texts as well as Georges Saint-Paul’s pseudonymously published 1896 French study, *Tares et Poisons*, which had tried on the differential terms *paidophilie*, *éphébophilie*, *gunophilie/féminiphilie* and *androphilie/masculiphilie* in a typology of “sexual

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<sup>37</sup> Magnus Hirschfeld, “Über Sexualwissenschaft.” *Zeitschrift für Sexualwissenschaft* 1 (1908): 1-19 (15).

<sup>38</sup> Magnus Hirschfeld, “Vom Wesen der Liebe. Zugleich ein Beitrag zur Lösung der Frage der Bisexualität.” *Jahrbuch für Sexuelle Zwischenstufen* 8 (1906): 1-284 (64n1).

<sup>39</sup> This term, with its cognate *androphilism*, would be used sporadically by 1920s zoologists, as a synonym for *anthropophilia*, the preference for human, as opposed to animal, blood in mosquitoes.

<sup>40</sup> Magnus Hirschfeld, *Die Homosexualität des Mannes und des Weibes* (Berlin: Louis Marcus, 1914; 2<sup>nd</sup> ed.: 1920), 280-1.

inverts”.<sup>41</sup> Saint-Paul’s typology recalled that of Plato’s Pausanias, in that it pitted *feminiphile invertis* with *paidophile invertis* (or rather, “ephebophiles” including Oscar Wilde) against *masculiphile invertis*.<sup>42</sup> It was notably one of the few and last instances in which an author, largely unconcerned for empirical data, centralized this ancient model of gender complementarity. Hirschfeld’s neutral use of the term *pedophilia* as an outlying erotic same-sex age preference, at least in 1914/1920, can in fact be called an innovation. Krafft-Ebing and most of his few early favorable citers (Schrenck-Notzing, Moll) understood “pedophilia erotica”, eventually with “gerontophilia”, strictly as a rare and idiopathic “psychosexual perversion”, more specifically as an ambi-sexual form of “age-fetishism”, an etiological interpretation Krafft-Ebing advances in an 1899 elaboration (dated “1898”) of his 1896 article.<sup>43</sup> Pedophilia’s co-incidence with homosexuality (“conträre Sexualempfindung”, that is) and with heterosexuality would be fully equivalent and equally rare according to Krafft-Ebing,<sup>44</sup> as Moll had also argued.

Hirschfeld’s 1914 typology goes beyond Saint-Paul’s and Ulrichs’ in that it presents a clear analytic distinction of “personal character” (*persönlichen Eigenart*), which here means gender habitus (strongly virilized to strongly feminized) and “orientation” (*Triebrichtung*), which here

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<sup>41</sup> Georges Saint-Paul [pseud. Dr. Laupts], *Tares et Poisons: Perversion et Perversité Sexuelles* (Paris: G. Carré, 1896).

<sup>42</sup> Notably, Hirschfeld’s early and Saint-Paul’s works were published in the same year, both under a pseudonym, and both prominently referred to Oscar Wilde’s defense in the preceding year, of the “great affection of an elder for a younger man [...] such as Plato made the very basis of his philosophy”.

<sup>43</sup> Richard von Krafft-Ebing, *Arbeiten aus dem Gesamtgebiet der Psychiatrie und Neuropathologie* (Leipzig: Barth, 1899), vol. 4, 91-127.

<sup>44</sup> Richard von Krafft-Ebing, “Ueber sexuelle Perversionen,” in: *Die deutsche Klinik am Eingang des 20. Jahrhunderts in akademischen Vorlesungen*, Vol. 6, ed. E. von Leyden and F. Klemperer (Berlin: Urban & Schwarzenberg, 1901), 113-54 (136).

means age-preference.<sup>45</sup> Hirschfeld's typology here also separately considers drive activity (passive/active), presumed etiology (inborn/acquired homosexuality), mental health status, and presence of “complications” (such as “sexual infantilism”, to which I return below). This analytic advance beyond nineteenth-century sources would prove seminal for most twentieth-century sexual reformists, indeed broadly for late twentieth century sexual culture.

Hirschfeld's age-preference typology for some time remained the only one to lay claim to a survey-based, and not just theoretical or medico-casuistic, sophistication. It was the last of only a few same-sex age-preference typologies to have been ventured since 1896, but not the first to include pedophilia. As Hirschfeld surveys in 1914, in a 1912 ethnography-based typology of *uranismo* Max Bembo had similarly listed *infantilistas* (erotic inclination to infants), *pederastas* (children under 13–14 years), and *pedicones/-as* (adolescents), and Hermann Rohlede's 1907 behavioral typology of female homosexuality had also (strangely) included “Paedophilia erotica homosexualis feminarum”.<sup>46</sup> Neither gesture had been, or would be, adopted beyond their respective covers, however. Although Moll's work shows a similar progression from a three-tier (in 1904) to a four-tier (in 1921) age-preference typology of male homosexuality (notably *without* and *with* “gerontophilia”, respectively), only in 1921 he could claim a sample of 500 cases for his estimates regarding respective prevalence counts (to which I return).

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<sup>45</sup> Hirschfeld, *Die Homosexualität*, 273, 305.

<sup>46</sup> Hermann Rohlede, *Das perverse Geschlechtsleben des Menschen, auch vom Standpunkte der Lex Lata und der Lex Ferenda* (Berlin: Fischer, 1907), 502. Its male pendant was just as problematic: Rohlede's category of male *Pädophilie* designated platonic, “Greek love” oriented inclusively to *Knaben* or *Jünglinge*. Wilhelm's *Jahrbuch* review, which specifically reflects on age preference, defended Hirschfeld's against Rohlede's typology (Praetorius, “Die Bibliographie”, 1908, 534-6).

At no point methodologically transparent, Hirschfeld's age-preference data were purportedly informed by what he came to call his “Psychobiologischer Fragebogen” (psychobiological survey), which went through several iterations. Insofar as it served to elucidate age preference it apparently only ever led to descriptive statistics and only on same-sex preferences. Its first 85-item version probed Ulrichs' typology, which had fused the gender habitus and the maturational habitus of respondent's preferred partner, but also separately inquired into the lifetime prevalence of a prepubertal age of attraction.<sup>47</sup> A 1908, 90-item version<sup>48</sup> includes the same two questions but adds several dimensions to the former: upper and lower limits of age of attraction, any relation to respondent's own current age<sup>49</sup>, and its changeability circa respondent's own pubescence. It also asks whether an eventual inclination to prepubertals had been “gratified”. The 127-item version published in Hirschfeld's magnum opus on homosexuality for the first time shows a clear separation of the questions of age-attraction (Q93) and attractive physical

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<sup>47</sup> Magnus Hirschfeld, “Die objektive Diagnose der Homosexualität.” *Jahrbuch für sexuelle Zwischenstufen* 1 (1899): 4-35 (33-4: Qs 74 and 79, respectively).

<sup>48</sup> H. Nunberg and E. Federn (eds), *Minutes of the Vienna Psychoanalytic Society. Vol. 1: 1906–1908.* (New York: International Universities Press, 1962), 385-6 (Qs 71 and 77).

<sup>49</sup> This probed a preliminary theoretical schema of relative types of erotic age-preference proposed by Von Römer in a 1904 *Jahrbuch* article (“Vorläufige Mitteilungen über die Darstellung eines Schemas der Geschlechtsdifferenzierungen.” *Jahrbuch für sexuelle Zwischenstufen* 6 [1904]: 327-58). A “brotophile”, for instance, would have no specific age preference and a “helicophile” would prefer age-equals. Lacking both forensic utility and data, none of the half dozen terms coined by Von Römer at this occasion were adopted, either by Hirschfeld or any sexologist. In the U.S., prevalence of preferences for older, younger or peer sexual partners (across age groups) and age of attraction among self-identified homosexuals began to be empirically probed by means of survey in nonclinical populations only by the mid-1970s. Self-identification as a basis for recruitment, in this timeframe, largely ensured “pedophilic” attraction was ruled out. E.g., M. Haist and J. Hewitt, “The Butch-Fem Dichotomy in Male Homosexual Behavior.” *The Journal of Sex Research* 10, no. 1 (1974): 68-75; J. Harry and W. DeVall, “Age and Sexual Culture Among Homosexually Oriented Males.” *Archives of Sexual Behavior* 7, no. 3 (1978): 199-209.

habitus (Q97), apart from any “attraction to immature persons” (Q113).<sup>50</sup> This separation, mirrored in the typology of homosexuality Hirschfeld here offered, reflected the advance beyond his initial<sup>51</sup> and others’ consideration of Ulrichs’ doctrine of gender/maturity complimentary. In later 139- and 140-item versions of the survey<sup>52</sup>, a specific question regarding *gerontophilia* appears, which constitutes the first demographic probe into this purported clinical entity beyond rare forensic case studies and psychoanalytic inferences.

Both “pedophilia” and “gerontophilia” were doubly gendered terms to Hirschfeld insofar as they were to signify male interests in male children or male elderly, respectively. The corresponding terms Hirschfeld coined at the 1914 occasion for women’s interests in prepubescent girls and elderly women (*Korophilie* and *Graophilie*, respectively) have, certainly in connection to the two modal categories of *Parthenophilie* (adolescent girls) and *Gynäkophilie* (adult women), remained virtually uncited and unprobed today, and Hirschfeld offered neither a vocabulary nor comparable data for heterosexual or bisexual variants.

The two outlier categories (pedo- and gerontophilia) came to 5% each in Hirschfeld’s 1914 estimate. The figures attracted little criticism, although the fact that all four figures were given as exactly the same for men and women, and distributed in precise symmetrical fashion across the four age brackets, may suggest they were more fitted to theory than reflecting an actual finding of a bell-shaped curve. Figures Moll offered in 1921 were 10-12% “at minimum” and 2-3%,

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<sup>50</sup> Hirschfeld, *Die Homosexualität*, 240-63.

<sup>51</sup> Hirschfeld, “Die objektive Diagnose”.

<sup>52</sup> Magnus Hirschfeld, *Geschlechtskunde: auf Grund dreissigjähriger Forschung und Erfahrung; Vol. II: Folgen und Folgerungen* (Stuttgart: Julius Püttmann, 1928), 56 (see Qs 120 and 121); id., *Sex in Human Relationships* (London: John Lane The Bodley Head, 1935; orig. work published 1935 in French), 104, 107-8 (see Qs 97, 118, and 119).

respectively, while an earlier article in the 1908 *Jahrbuch* reported *Pädophilie* to be a “complication” of “homosexuality” in 15 out of 550 (2.7%) nonclinical cases.<sup>53</sup> Moll notably also claimed that more than 60% of homosexuals were (primarily or exclusively) interested in pre-adults (versus only 30% in adults). It is not clear what to make of such divergent figures, as even today, they are notoriously difficult to interpret whether derived from forensic or nonforensic, referred or nonreferred, populations and research settings.

Hirschfeld’s centralizing of age in his typology of homosexuality, to sum up, remained in a scientific limbo and if anything was empirically arguable. The typology itself served essentially no purpose in Hirschfeld’s 1914 tome or later work, and as such already seemed anachronistic. If anything it seemed to obey a loosely physiology-based Ages-of-Man schema (honoring the natural demarcations of pubescence, maturity, and sexual involution, as they had done in demarcations by Ulrichs, Moll, Krafft-Ebing and Saint-Paul, among others). It did reflect an advance beyond the 1890s tendency of homosexuality theorists to see maturity as a simulacrum of gender—that is, youth as a simulacrum for femininity and maturity as a simulacrum for masculinity. Insofar as Hirschfeld’s 1914 nominal recognition of a “pedophilic” “subgroup” (*Nebengruppe*) of “homosexuals” could have been considered politically delicate, it has remained almost entirely ignored and it curiously never led Hirschfeld or his colleagues to probe the issue beyond the cited breakdown in percentages. During his life Hirschfeld’s typological gesture was hardly ever cited beyond his own work and his *Jahrbuch*, despite the age schema

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<sup>53</sup> Albert Moll, *Behandlung der Homosexualität: Biochemisch oder psychisch?* (Bonn: Marcus & Webers, 1921), 23-4; Alfred Kind, “Ueber die Komplikationen der Homosexualität mit andern sexuellen Anomalien.” *Jahrbuch für Sexuelle Zwischenstufen* 9 (1908): 35-69.

being discussed in English already in a 1914 review.<sup>54</sup> Even Hirschfeld himself rarely used the terms beyond the few formal occasions of typologizing homosexuality, and if so, largely in reference to ancient Greece—with one exception that appeared at odds with his typology: the interpretation of *Pädophilie* in terms of *sexual infantilism*, that is, not as a *type* or *variant* but rather as a *complication* of homosexual predisposition [*Komplikation homosexueller Veranlagung*]<sup>55</sup> (see below). In 1922 one commentator cited Hirschfeld as effectively stating that 50% (45%+5%) of urnings posed a threat to youth given their apparent age attraction<sup>56</sup>, a hostile but expectable reading Hirschfeld seemingly never rebutted. The borrowed neologism *Ephebophilie* went on to be mostly used anachronistically in reference to ancient Greece, for instance in the *Jahrbuch* by Paul Brandt (writing under the pseudonym of Hans Licht).<sup>57</sup> Illustratively, however, beside *pedophilia* and *gerontophilia*, none of Hirschfeld's age-typological categories had entries in the 1926, second edition of Max Marcuse's comprehensive *Handwörterbuch der Sexualwissenschaft*.<sup>58</sup>

If to a prominent sexologist such as Moll a minimum of 10–12% of homosexuals would appear to be “pedophiles”, it seems curious that few sexologists in the decades to come would probe this

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<sup>54</sup> Leon Pierce Clark, *A Critical Digest of Some of the Newer Work Upon Homosexuality in Man and Woman* (Utica, NY: State Hospitals Press, 1914), 24-5.

<sup>55</sup> Hirschfeld, *Die Homosexualität*, 939-40.

<sup>56</sup> Robert Gaupp, “Das Problem der Homosexualität.” *Klinische Wochenschrift* 1, no. 21 (1922): 1033-38 (1034, 1038).

<sup>57</sup> Erhard Köllner, *Homosexualität als anthropologische Herausforderung: Konzeption einer homosexuellen Anthropologie* (Bad Heilbrunn: Julius Klinkhardt, 2001, 101) typifies Hirschfeld himself as an “ephebophilic homosexual” but I have been unable to verify his source. This would have been ironic given that the sex lives of “ephebophiles” continued to be legally problematized after the 1929 amendment of §175.

<sup>58</sup> Max Marcuse (ed) *Handwörterbuch der Sexualwissenschaft* (Bonn: Marcus & E. Webers, 1926).

finding.<sup>59</sup> In Anglophone psychiatric literature “homosexuals” included “pedophiles” well into the 1960s, although by the late 1950s psychiatric studies began to consider a distinction both valid and useful.<sup>60</sup> No data on heterosexual age preferences were being offered until the late 1950s, when phallometric data were reported in a series of articles by Czech clinician Kurt

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<sup>59</sup> In his famed survey Kinsey asked for “age preference” pertinent to partner in premarital intercourse (Alfred Kinsey et al., *Sexual Behavior in the Human Male*. Philadelphia: W.B. Saunders, 1948, 66), but never published data on erotic age preference. Kinsey (1894–1956) is known for having Hirschfeld’s early work translated, but lacking use for it the nomenclature of the latter’s 1914 age-preference typology does not appear in Kinsey’s published work. However, in a personal communication reported posthumously (Desmond Curran and Denis Parr, “Homosexuality: An Analysis of 100 Male Cases Seen in Private Practice.” *British Medical Journal*, 6 April; 1, no. 5022 [1957]: 797-801) Kinsey is cited to find that “paedophiliacs constitute only a small fraction, not more than 3%, of homosexuals as a whole” (798). In 1964 Paul Gebhard and John Gagnon defined “pedophiles”, comprising the first of four categories of child sex offenders seen in the Institute for Sex Research, as men who “may or may not prefer children as sexual partners, but they have histories of repeated contacts with children and do so under nonalcoholic conditions” (“Male Sex Offenders Against Very Young Children”. *American Journal of Psychiatry* 121, no. 6 [1964]: 576-9 [579]).

<sup>60</sup> In Britain, this conclusion was prominently drawn in the 1957 *Wolfenden Report* (Committee on Homosexual Offences and Prostitution, *Report of the Committee on Homosexual Offences and Prostitution*. London: Her Majesty’s Stationery Office, 1957, 22-3, 126; Denis Parr, “Psychiatric Aspects of the *Wolfenden Report*: II.” *The British Journal of Delinquency* 9, no. 1 (1958): 33-43 [34-5]). Authors of one 1957 British study of 100 “homosexuals” seen in private practice counted 17, among whom 12 exclusive, “paedophiliacs” (Curran and Parr, “Homosexuality”; Desmond Curran, senior Psychiatrist at St. George’s Hospital, London, was a member of the Wolfenden Committee on Homosexual Offences and Prostitution). The latter’s profiles were considered sufficiently distinct from “adult-seekers” to allow the hypothesis that “the age of the preferred love object is, within limits, a characteristic and fixed attribute of an individual’s psychosexual make-up” (801). In a paper presented to the Wolfenden Committee, Dr. H.K. Snell, then Director of Prison Medical Services, made the same distinction between “paederasts and adult seekers” although he alludes to the problem of “overlap in the middle” (cited in Leslie Moran, *The Homosexual(ity) of Law*. London: Routledge, 1996, 110-12). Of a more heterogeneous group of 200 patients studied, 29 had “paedophiliac impulses” at one time or another (Denis Parr, “Homosexuality in Clinical Practice.” *Proceedings of the Royal Society of Medicine* 50, no. 9 [1957]: 651-4). A subsequent study of “127 individuals who at some period of their lives have admitted to themselves that they are homosexual” only three “paedophiliacs” were encountered (Gordon Westwood, *A Minority: A Report on the Life of the Male Homosexual in Great Britain*. London: Longmans, 1960, 159-65). None of the here cited British studies cited Hirschfeld or Moll in connection to these respective data.

Freund. Freund's novel technique and early data were discussed in English first in 1963.<sup>61</sup> He can in fact be said to have completed Hirschfeld's empirical approach to erotic age orientations by developing a clinical test for it; methodology had hitherto been restricted to surveys and anamnesis. Freund (1914–1996) adopted Hirschfeld's nomenclature for his at first clinical ("differential diagnostic") purposes, which were hardly as scientific-humanitarian as Hirschfeld's. Freund tried (mostly fruitlessly) to convert homosexuals by way of chemical aversion therapy until 1961 when homosexuality among consenting adults was decriminalized under Czechoslovakian law.<sup>62</sup> Freund also had little interest in Hirschfeld's question of relative percentages across normal and gender-variant populations: Freund's first subjects were patients referred for several reasons, including possible draft-dodging by pretend-homosexuals, and the first male "normals" to be examined (renamed "gynephiles", not quite à la Hirschfeld, from 1980) served strictly as controls for forensic focus groups.

Hirschfeld's schema has remained culturally trivial and, except for the perennial setting-apart of "pedophiles", marginal to post-WW-II international LGBT advocacy. Male *androphilia* and female *gynephilia* of course lost most of their European forensic-psychiatric significance during

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<sup>61</sup> Kurt Freund, "A Laboratory Method for Diagnosing Predominance of Homo- or Hetero-Erotic Interest in the Male." *Behaviour Research and Therapy* 1, no. 1 (1963): 85-93.

<sup>62</sup> Nathan Ha, "Detecting and Teaching Desire: Phallometry, Freund, and Behaviorist Sexology," *Osiris* 30, no. 1 (2015): 205-27. Phallometric test kits were never extended to "gerontophilia", a term Freund used but very rarely. Contra its original gender-neutral meaning (when coined in 1955), Freund ("Diagnosing Heterosexual Pedophilia by Means of a Test for Sexual Interest", *Behaviour Research and Therapy* 3(4) [1965]: 229-34 [231]) initially defined *hebephilia* as male erotic preference for pubescent females (ages 13-15), that is, as the "heterosexual counterpart" to *ephebophilia* that Hirschfeld never named. Freund's *ephebophilia* was somewhat more limited to a forensic relevance than Hirschfeld's, as the latter was to pertain to ages from 14 (or pubescence) up to 21 (certainly after 1961; the Czech general age of consent was raised from 14 to 15 in 1950). Freund abandoned the latter term after 1975 and went on to use the former in its stead. For what it is worth, the term *gerontophilia* entered the *OED* in 1972, *paedophilia* in 1982, *ephebophilia* only in 2005; *hebephilia* is yet to enter.

the 1960s and early 1970s. Apart from *pedophilia*, none of Hirschfeld's terms made it into the *DSM/ICD* systems of classification; as noted, *hebephilia*'s *DSM-5* candidacy (advocated by Freud's student Ray Blanchard) was dismissed by the APA, in late 2012. Lacking a clear criminological relevance, “gerontophilia” never attracted clinical or empirical attention of any substance<sup>63</sup> And it is not clear whether Hirschfeld ever saw, let alone treat, an actual “gerontophile”.

### **Theorizing and Treating *Pädophilia***

Somewhat disjunctive from Hirschfeld's purely typological naming of same-sex pedophilia/korophilia, he does not seem to have been in much doubt that any violation of §§174 or 176 (child molestation) should remain punishable, and that erotic attraction to children is an often ego-dystonic sexual morbidity that should be treated.<sup>64</sup> He maintained later that he never saw a mentally healthy child molester, and opined that all legal cases of child sexual offending warranted careful psychiatric examination.<sup>65</sup> In the latter recommendation he agreed with Krafft-Ebing, who had argued as much already in the early 1880s. However, treatment of pedophilia was hardly conceptualized. Few forensic psychiatrists are known to have made the diagnosis in

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<sup>63</sup> Diederik Janssen, ““Gerontophilia””: A Forensic Archaism.” *Sexual Offender Treatment* 9, no. 1 (2014).

<sup>64</sup> Hirschfeld, *Die Kenntnis*, 57-9.

<sup>65</sup> Magnus Hirschfeld, *Sexualpathologie. Part II: Sexuelle Zwischenstufen* (Bonn: Marcus & Weber, 1918), 64-5.

the first three decades after 1896 (Schrenck-Notzing may have been the first)<sup>66</sup>, and of these, even fewer seemed to have personally tried to treat “pedophilia”, or “gerontophilia”, *per se* (there is no record of Krafft-Ebing, Schrenck-Notzing, or even Moll<sup>67</sup> ever having done so).

In the few early attempts to treat “pedophiles”, by hypnosis (*Suggestivbehandlung*, preferably in a sanatorium), tonics, abstinence from alcohol, or general “anti-neurasthenic” approaches (the latter in cases of “pseudo-pedophilia”), results were poor. Of a grand total of 9 cases for which he claimed personal acquaintance, and of which he discussed 7, Krafft-Ebing reports only 2 cases of apparent full remission (non-recidivism, in any case) in writings from 1898 to 1903, but these were complicated with arguable comorbidities.<sup>68</sup> He himself passed away in 1902, and follow-up, if ever reliable in forensic contexts, was second-hand and intensive or extensive in none of reported cases. In 1907 Auguste Forel reported to have treated only one case of what he called *Päderose* (“auf Kinder gerichteter Trieb”) by hypnosis, of which nothing else is made

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<sup>66</sup> Illustrative of the slow adoption of the diagnosis across West-Europe until after WW-II, Jens Rydström (*Sinners and Citizens: Bestiality and Homosexuality in Sweden, 1880-1950*, Chicago: University of Chicago Press, 2003, 277) found only two diagnoses of “pedophilia” in 331 forensic psychiatric reports concerning same-sex sexual acts presented to the Swedish Royal Medical Board between 1920 and 1950 (versus 45 of “homosexuality”, 21 of the generic qualification “abnormal sexual drive”, and 34 cases of “mental abnormality”). Likely more than two were diagnosed with “psycho-infantilism”. Theo van der Meer reports (“Eugenic and Sexual Folklores and the Castration of Sex Offenders in the Netherlands (1938–68)”, *Studies in History and Philosophy of Science Part C* 39 [2008]: 195-204) that in Dutch medical and court records between 1938 and 1968, “the overwhelming majority of men labelled as homosexual actually had had sex with boys under the age of sixteen” (202) and had been convicted for child molestation. Much more arguably, “almost 80% of all men castrated up to 1950 would nowadays be classified as paedophiles” (202).

<sup>67</sup> In 1911 Moll briefly mentions pedophilia in the context of discussing his *Assoziationstherapie* but discusses no cases. Albert Moll, “Die Behandlung sexueller Perversionen mit besonderer Berücksichtigung der Assoziationstherapie.” *Zeitschrift für Psychotherapie und medizinische Psychologie* 3 (1911): 1-29.

<sup>68</sup> Richard von Krafft-Ebing, *Psychopathia sexualis*. 12th German ed. (Stuttgart: Enke, 1903), 393-8.

known other than that the patient remained “uncured”.<sup>69</sup> Incidental psychodynamic references that made any substantial effort to distinguish pedophilia from homosexuality began to be offered only in the 1920s. Havelock Ellis repeatedly and (unlike Moll) approvingly cited a 1905 forensic study of child sex molesters that doubted there was such a thing as a pedophilic perversion. Ellis did associate a preference for children and elderly, the latter of which he named *presbyophilia*, with his notion of *erotic symbolism* but says little about erotic age preference in general; Moll, at least in a handbook chapter (supposedly) co-authored with Ellis in 1912, agreed with the former reading. Bloch had questioned Krafft-Ebing’s pathological verdict on pedophilia already in 1903 on (shaky) grounds of ethnographic ubiquity.<sup>70</sup> To early sexologists, in other words, “pedophilia” (as “gerontophilia”<sup>71</sup>) was, if anything, a fundamentally contested entity with a largely unexplored clinical relevance and psychodynamic profile.

It is not known how many child sex offenders, or pedophiles, were seen by Hirschfeld or at his Berlin Institute. One extensive forensic case report does give an insight in his approach to child sex offenders in 1925.<sup>72</sup> From 1913 onward Hirschfeld’s theorizing of pedophilia was informed

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<sup>69</sup> Auguste Forel, *Der Hypnotismus*, 5th ed. (Stuttgart: Enke, 1907), 183. Of seven further cases of “Konträre Sexualempfindung”, none was cured either. Forel in fact considered curation of the latter condition not possible, although four patients were said to have “improved” (182).

<sup>70</sup> Cited in Janssen, “‘Chronophilia’”. Both were, of course, hardly marginal voices. Bloch was one of the three co-founders, with Hirschfeld, of the Ärztliche Gesellschaft für Sexualwissenschaft und Eugenik and in 1914 became one of the two founding editors of its official journal, *Zeitschrift für Sexualwissenschaft*. Bloch and Hirschfeld were both among the co-founders, in 1908, of the Berlin Psychoanalytic Society (another was Otto Juliusburger). Ellis and Hirschfeld, with Forel, were joint (honorary) Presidents of the World League for Sexual Reform.

<sup>71</sup> Only the posthumous 1903 edition of Krafft-Ebing’s *Psychopathia Sexualis* contained an arguable case of *Gerontophilia* (the term is not invoked), and the earliest case description in the medical literature, in a 1905 French article, lacked a forensic frame (Janssen, “‘Gerontophilia’”).

<sup>72</sup> Magnus Hirschfeld, “Schuldig geboren,” in: *Sexual-Katastrophen: Bilder aus dem modernen Geschlechts- und Eheleben*, ed. L. Levy-Lenz (Leipzig: Payne, 1926), 19-39. The patient’s diagnosis of “arrested psychosexual development” given here strikes one as equally dubious as

by his pioneering biomedical (and eugenic) paradigm for sexual counseling and to a much more arguable degree by his early interest in psychoanalysis. Unlike Krafft-Ebing's concept of "age fetishism", Hirschfeld came to associate pedophilic and gerontophilic object choice with developmental arrest, or *infantilism*. An old term and concept attributed to Charles Lasègue, Hirschfeld picks up on its more recent extension to sexual habitus, and extends it even further to sexual object choice. This takes place in a 1913 booklet Hirschfeld co-authored with early WhK member Ernst Burchard<sup>73</sup>, and assumes a more crystallized form in his own 1917 *Sexualpathologie* and his definitive *Geschlechtskunde*.<sup>74</sup>

Accordingly, pedophilia was less a *sui generis* perversion than one of the more pathognomonic outcomes of a more general spectrum of psychobiological developmental disorders. With this Hirschfeld honored early forensic recommendations that sexual perversions be studied within the larger frame of a patient's entire "psychic constitution" (for instance as offered by psychiatrist Karl Heilbronner in an article<sup>75</sup> reviewed in the early *Jahrbuch*). Simultaneously, Hirschfeld<sup>76</sup> here develops a concept of "sexual constitution" securely rooted in endocrinology, and thus differently connected to the "perversions" than had been offered by Freud and his early followers

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then emergent psychodynamic interpretations. There was no diagnosis of "pedophilia" in the institute's report nor in earlier forensic ones, however.

<sup>73</sup> Magnus Hirschfeld and Ernst Burchard, *Der sexuelle Infantilismus* (Halle a.S.: Carl Marhold Verlagsbuchhandlung, 1913).

<sup>74</sup> Magnus Hirschfeld, *Sexualpathologie. Teil I: Geschlechtliche Entwicklungsstörungen mit besonderer Berücksichtigung der Onanie* (Bonn: Marcus & Weber, 1917. Unrev. 2<sup>nd</sup> ed., 1921), 29-65; id., *Geschlechtskunde I*, 603-8.

<sup>75</sup> Karl Heilbronner, "Beitrag zur klinischen und forensischen Beurtheilung gewisser sexueller Perversitäten." *Vierteljahrsschrift für gerichtliche Medicin und öffentliches Sanitätswesen*, NF. 3, 19, no. 2 (1900): 276-300.

<sup>76</sup> Magnus Hirschfeld, *Sexualpathologie. Part III: Störungen im Sexualstoffwechsel* (Bonn: Marcus & Weber, 1920), 264.

including Karl Abraham and Leopold Löwenfeld (the latter of whom published an entire monograph on the subject in 1911).<sup>77</sup>

Hirschfeld's 1913 text presents six extensive case reports of male sex offenders who presented with a variable combination of somatic, genitourinary, general psychic, and "psychosexual" maldevelopment. These dimensions of developmental disorder had been described before and also to some extent connected. Though only briefly, Eulenburg postulated in 1895 that hyposexuality might be considered a symptom of "eine Art von psychosexualer Entwickelungshemmung—ein Zurückbleiben auf der Kindlichkeitstufe des Sexualgefühls; [...] 'sexualen Infantilismus'."<sup>78</sup> "Geistige Infantilismus", or "Psychoinfantilismus", had recently been discussed by Austrian psychiatrist and neurologist Gabriel Anton<sup>79</sup>, who had commented, again briefly, that in such cases of general psychological immaturity, "Sexuelle Gefühle treten zumeist mehr in den Hintergrund und sind wenig Richtung gebend für ihr Auftreten, ihr Streben und Handeln".<sup>80</sup> Hyposexuality and undifferentiated sex drive had likewise been tied to "psychische Infantilismus" by Anton's Graz colleague Heinrich di Gaspero.<sup>81</sup>

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<sup>77</sup> Freud's 1910 study of Leonardo da Vinci proposed a psychodynamic theory of homosexuality also based on "developmental stagnation", a reading that would haunt homosexuality for more than half a century to come. See also Claudia Bruns, "Kontroversen zwischen Freud, Blüher und Hirschfeld. Zur Pathologisierung und Rassisierung des effeminierten Homosexuellen." In: *Dämonen, Vamps und Hysterikerinnen. Geschlechter- und Rassenfigurationen in Wissen, Medien und Alltag um 1900*, ed. U. Auga et al. (Bielefeld: Transkript, 2011), 161-84.

<sup>78</sup> Albert Eulenburg, *Sexuale Neuropathie* (Leipzig: Vogel, 1895), 96.

<sup>79</sup> Gabriel Anton, *Vier Vorträge über Entwicklungsstörungen beim Kinde* (Berlin: S. Karger, 1908), 25-42; id., "Über geistigen Infantilismus," in: *Festschrift Herrn Hofrat Prof. Dr. Hans Chiari aus Anlass seines 25 jährigen Professoren-Jubiläums gewidmet von seinen Schülern*, ed. P. Dittrich (Vienna/Leipzig: W. Braumüller, 1908), 365-77.

<sup>80</sup> Anton, *Vier Vorträge*, 34.

<sup>81</sup> Heinrich di Gaspero, "Der psychische Infantilismus. Eine klinisch-psychologische Studie." *Archiv für Psychiatrie und Nervenkrankheiten* 43, no. 1 (1907): 28-123 (81 *et passim*).

Hirschfeld elaborates this symptomatic role of what he specifies as *psychosexuelle Infantilismus*, and is the first in postulating a neuroendocrinological link of infantilisms of any kind to pedophilia.<sup>82</sup> This provided a novel psychophysiological theory, subsuming a number of causes of sex offences against children that had been familiar since the early 1880s, including senile “involution” though not necessarily mental retardation. Hirschfeld’s case studies (all men) confirmed Krafft-Ebing’s association of pedophilia with “degeneration” though this was an increasingly discredited concept. In 1918, Hirschfeld goes on to read any apparent, or else to be presumed, component of “infantilism” more specifically as *indicative* of the “degeneration” Krafft-Ebing had associated with “pedophilia erotica”.<sup>83</sup> A child sex offender seen by a forensic psychiatrist, accordingly, should be examined for hypospadias, cryptorchidism, weak or delayed secondary sexual characteristics, any juvenile or naïve character trait, and a suspiciously youthful appearance. Just as homosexuality would only suggest a bigger clinical picture of sexual intermediacy (which, theoretically, would always be found present in some configuration or degree), probing beyond the sex offender’s pedophilia (or, for instance, exhibitionism) would, in cases, reveal a bigger somato-psychic picture of developmental stagnation.

The humoral determination of developmental stages (*Gradenstufen*) thus naturally presented a parallel to Hirschfeld’s doctrine of intermediate types, and in turn could serve to bolster his overarching conviction of an extensive parallelism between body, psychic habitus and gender/sex (*Körper, Seele, und Geschlecht*). Hirschfeld eventually speaks of endocrinologically

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<sup>82</sup> Hirschfeld in this context omits discussion of early work by Moll, who in 1898 had proposed a different neurodevelopmental theory of erotic age orientation but had seemingly abandoned it by the mid-1900s (Janssen, ““Chronophilia””, 591).

<sup>83</sup> Hirschfeld, *Sexualpathologie II*, 51.

constituted “age types” (*Altertypen*) akin to “sexual types” (*Sexualtypen*), and of “deviations from sexually normal age types” (“Abweichungen vom normalsexuellen Altertypus”).<sup>84</sup>

Though associations with “psychosexual infantilism” have stuck to pedophilia and “paraphilia” more broadly throughout the remainder of the twentieth century, Hirschfeld’s role in this cannot be said to have been substantial. While pedophilia was repeatedly named a prime if “often quite harmless” symptom of “sexual infantilism” (encountered in most of such cases), Hirschfeld nowhere alludes to the reverse case and does not make the former a symptom necessary or sufficient for diagnosis of the latter.<sup>85</sup> A finding recited in 1918<sup>(86)</sup> and not retracted in the 1920 reprint of *Die Homosexualität*, pedophilia and gerontophilia combined would also account for 10% of homosexuals, and although Hirschfeld eventually brought infantilist types and “sexually intermediate stages” together as two perpendicular axes in an intriguing 1923 diagram, the place of infantilism in this ultimate all-integrative biological model seemed contrived if anything.<sup>87</sup> If born homosexuals and intersexuals were to figure as non-pathological variants, what about the spectrum of born infantilists? And if *pedophilia* was an *infantilist*’s stigma, what about Hirschfeld’s *ephebophilia*? What about ancient *paiderastia*? Considering Hirschfeld’s later world travels and his coeval nomination of “sexual ethnology” as one of the four pillars of sexology, what about cross-cultural perspectives (such as Bloch’s)?

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<sup>84</sup> Hirschfeld, *Geschlechtskunde I*, 605.

<sup>85</sup> As Eugène Wilhelm notes: Numa Praetorius, “Die Bibliographie der sexuellen Zwischenstufen (Schluss).” *Zeitschrift für Sexualwissenschaft* 5, no. 7 (1918): 239-40.

<sup>86</sup> Hirschfeld, *Sexualpathologie II*, 212-3.

<sup>87</sup> As notes Nanna Lüth, *Sexualität im Diagramm in Kunst und Wissenschaft seit Magnus Hirschfeld. Eine kritisch-ikonologische Studie* (PhD dissertation, Carl von Ossietzky Universität Oldenburg, 2013), 63, 65.

Lastly, how to explain gender preference in pedophilic infantilists? Some of Hirschfeld's own cases gave rise to many of the questions above, as did others subsequently published by colleagues. One dealt with a somewhat slow and boyish, exclusively homosexual youth aged 21 alleged to have touched or mutually masturbated with a boy he thought was 15 or 16. The former's psychosexual age was considered that of a 16- or 17-year-old, which, being not yet 18, would have mitigating implications for criminal capacity.<sup>88</sup> The general picture would reveal that the boy's homosexuality reflects less "an anomalous orientation of sexual drive fixed by predisposition [Anlage] and development" but rather a "youthful stage of indecisive drive".

In *Geschlechtskunde* (1926–1930), notably, none of Hirschfeld's 1914 age preference categories survives except *pedophilia* and *gerontophilia*, and the latter strictly as symptoms of "Die infantile Sexualkonstitution". Hirschfeld, in other words, here seems to have largely given up on age preference as typologically relevant to *Homosexualität* (he does provide data about relative age in spousal partners), and subsumed all outlying age preferences, now gender-neutral, under the psychoendocrinological concept of *sexual constitution*.<sup>89</sup> It is the latter that remains tied up with, if ultimately dimensionally separate from, Hirschfeld's ur-concept of sexually intermediate types. This connection between *Infantilismus* and *Intersexualität* (the two "most important" of

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<sup>88</sup> Hirschfeld and Burchard, *Der sexuelle Infantilismus*, 20-2.

<sup>89</sup> Hirschfeld seems to offhandedly extend "homosexuality" from the ephebophilic to the gerontophilic in an article entitled "Homosexualität," in: *Sittengeschichte des Laster*, ed. L. Schidrowitz (Vienna/Leipzig: Verlag für Kulturforschung, 1927), 253-318 (309).

“abnormal sexual constitutions”<sup>90</sup>) would be most apparent in men, but would also be exemplified by the “boyish” (*knabenhafte*) lesbian.<sup>91</sup>

Of note, only a few of Hirschfeld’s colleagues explicitly engaged his taxonomical gesture. Otto Juliusburger (who would succeed Hirschfeld as president of the WhK after the latter’s resignation in 1929) agreed with its relevance to understanding pedophilia in a June 1914 lecture before the Ärztliche Gesellschaft and also extended it to gerontophilia, though his later work assumed a more psychodynamic course.<sup>92</sup> Arthur Kronfeld, a collaborator of Hirschfeld’s and co-founder of the Institut für Sexualwissenschaft, also came to agree with this clinical taxonomy, and wrote the first of the Institute’s research monographs, *Sexus*, on the subject.<sup>93</sup> Max Marcuse, editor of early sexology journals with close ties to Hirschfeld, also described a case of pedophilia along these lines, though illustratively this article appears to have only ever been cited by

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<sup>90</sup> Magnus Hirschfeld, “Presidential Address,” in: *World League for Sexual Reform. Proceedings of the Third Congress*, London, 8–14 September 1929, ed. Norman Haire (London: Kegan Paul, 1930), xi–xv.

<sup>91</sup> Magnus Hirschfeld, *Geschlechtskunde: auf Grund dreissigjähriger Forschung und Erfahrung; Vol. I: Die körperseelischen Grundlagen* (Stuttgart: Julius Püttmann, 1926), 605.

<sup>92</sup> Otto Juliusburger, “Zur Lehre von psychosexuellen Infantilismus (Parathymie, regressive Psychopathie.” *Zeitschrift für Sexualwissenschaft* 1, no. 5 (1914): 198–206. Of note, the article was favorably reviewed by Havelock Ellis (*The British Journal of Psychiatry* 62, no. 256 [1916]: 207–8), marking the topic’s entry into the English literature.

<sup>93</sup> Arthur Kronfeld, “Gerontophilie”; “Pädophilie”; “Sexualkonstitution”, in: *Handwörterbuch der Sexualwissenschaft*, 2nd ed., ed. Max Marcuse (Bonn: A Marcus & E. Webers, 1926), 207; 543; 720–7; id., *Über psychosexuellen Infantilismus, eine Konstitutionsanomalie. Sexus*, Vol. 1 (Bern: Ernst Bircher, 1921); id., *Sexualpsychopathologie* (Leipzig/Vienna: F. Deuticke, 1923), 42–4, 72–3; id., “Allgemeine Übersicht über die psychophysischen Funktionen und Funktionsanomalien der Sexualität beim Menschen”, in: *Handbuch der Normalen und Pathologischen Physiologie*, vol. 14/1 (Berlin: Springer, 1926), 775–801 (781–2); id., “Die Sexualität des Kindes,” in: *Sexualreform und sexualwissenschaft: vorträge gehalten auf der I. Internationalen tagung für sexualreform auf sexualwissenschaftlicher grundlage in Berlin*, ed. A. Weil (Stuttgart: J. Püttman, 1922), 237–46 (244–5).

historians.<sup>94</sup> The few English articles offering similar links in the subsequent decades were mostly written by exiled authors with former ties to Berlin (including German prison psychiatrist Friedrich Leppmann, discussing heterosexual and homosexual cases<sup>95</sup>).

As his schema of erotic age preferences, Hirschfeld's theory and typology of infantilisms did not take root in post-WWII psychoendocrinology.<sup>96</sup> Psychoanalyst Wilhelm Stekel is most known for having psychosexual infantilism denote an underlying mechanism for pedophilia and gerontophilia, though as he explains<sup>97</sup> his psychodynamic understanding of it mostly excludes the somatic correlates and endocrinological etiologies centralized by Hirschfeld. Stekel thus understood outlying age orientations more centrally than Hirschfeld in terms of what he calls (after Friedrich Salomo Krauss) a “paraphilic” paradigm, specifically either a developmental stagnation of or regression to infantile patterns of behavior. It is this dichotomy that was subsequently domesticated, especially by psychoanalytically inclined Anglophone forensic psychologists, into a pet typology of “fixated” and “regressed” child molesters.<sup>98</sup> The latter can

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<sup>94</sup> Max Marcuse, “Pädophile Triebabweichung auf Grundlage eines psychischen Infantilismus. Ein ärztliches Gutachten.” *Die Medizinische Welt* 1 (1927): 580-2.

<sup>95</sup> Friedrich Leppmann, “Essential Differences Between Sex Offenders.” *Journal of Criminal Law and Criminology* 32, no. 3 (1941): 366-80 (368-9).

<sup>96</sup> One arguable exception is John Money’s essentially theoretical and idiosyncratic notion of “sexuoerotic age discrepancy” (*Lovemaps*. New York: Irvington, 1986, 70-1) which posits *paraphilic infantilism, juvenilism, adolescentilism* and *gerontilism* as role-play pendants of the corresponding *paraphilias* marked by “chronological age discrepancy” (in which he in part honors Hirschfeld’s categories). Yet neither Money nor the only contemporary research article on the phenomenon, published as late as 2014 (K. Hawkinson and B.D. Zamboni, “Adult Baby/Diaper Lovers: An Exploratory Study of an Online Community Sample.” *Archives of Sexual Behavior* 43, no. 5 [2014], 863-77), cites Hirschfeld, or Stekel, on the subject. Moreover, Money’s taxonomy is very rarely cited.

<sup>97</sup> Wilhelm Stekel, *Psychosexueller Infantilismus* (Berlin: Urban & Schwarzenberg, 1922), 7, 77-8.

<sup>98</sup> Hirschfeld’s perspectives of the infantilism-pedophilia connection appeared in English only in a posthumous book “compiled as a humble memorial by his pupils” (compiled by Arthur

for instance be seen to inform work by researchers of the Sex Delinquency Research Project of the New York State Department of Mental Hygiene, circa 1954 and onward.<sup>99</sup> After the 1980s it rapidly gave way to more evidenced-based and less etiology-minded research observing the now available *DSM* diagnostic criteria.

### **Appreciating Hirschfeld's Age Preferences**

Historical-anthropological perspectives since the late 1980s have typologized “homosexualities” along “age-stratified, gender-stratified and egalitarian” paradigms. This would situate Hirschfeld’s shifting and contested approach to homosexual age-preference at the still uncertain historical juncture after age-stratified, and in-between gender-stratified and more gender-independent, identitarian ideas about LGBT partnership. There are significant problems to such a periodization<sup>100</sup>; in any case, both gender and age “stratification” centrally animated pre-Nazi as well as Nazi-era German *Sexualforschung*, variably as key coordinates on the way of envisioning and championing new and viable homosocialities and homoeroticisms (often still on the smoking ruins and fond but fading remembrance of ancient ones) or in anxiously monitored cults of

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Koestler and edited by Norman Haire), in a chapter entitled “The Eternal Child” (*Sexual Anomalies and Perversions*. London: F. Aldor, 1936, 81-97; later issued under the title *Sexual Anomalies*. New York: Emerson Books, 1948, 71-85). The latter notably wavers considerably between Hirschfeldian, Freudian and Stekelian perspectives on psychosexual infantilism, and has virtually never been cited on the subject at hand. Stekel’s (1868–1940) monograph on the subject was translated in 1952.

<sup>99</sup> Emanuel F. Hammer, “A Comparison of H-T-P’s of Rapists and Pedophiles.” *Journal of Projective Techniques* 18, no. 3 (1954): 346-54.

<sup>100</sup> E.g. Stephen O. Murray, *Homosexualities* (Chicago: University of Chicago Press, 2000), 11-3.

masculine development. Ulrichs and Hirschfeld in this sense present two consecutive steps in the same direction, away from ancient Greece and onto a *Konstitutionsforschung* (which was rarely disconnected from *Rassenforschung*) in which gender and age, but also age preference and gender preference, turned out separate dimensions of the same German, healthy, inner sexual self. The two parameters thus figured as only awkwardly distinct, because never fully disentangled, “scientific-humanitarian” intrigues.

Hirschfeld’s work, especially his 1914 magnum opus, shows it be at the center, indeed a crossroads, of a number of clashing ways in which homosexuality was given its justice through a science about its legally viable variants. Age categories were critical at this modern crossroads, yet little about their eventual representations can on hindsight be called scientifically compelling. Hirschfeld continued an emancipatory project, started by Ulrichs, that for the first time in modern history sought to naturalize, and thus emancipate, consenting “adults” in private. But Ulrichs acknowledged that at least one pole of *urnings* primarily liked youths from pubescence upward, a finding Moll (without Ulrichs’ theoretical baggage and unlike Krafft-Ebing) stressed and Hirschfeld, at the significant risk of hostile readings, confirmed.

As for the more conservative approach by his rival Moll (who had published his first volume on homosexuality already in 1891), for Hirschfeld erotic age preference was an occasion to theorize apparent graded variations in erotic gender orientation. Hirschfeld’s project problematically followed, and sought to empirically test, that of Ulrichs. While Ulrichs’ concept of maturity/age as a simulacrum of gender was still current when Hirschfeld began his work in the late 1890s, it had grown considerably archaic by 1914. Although Hirschfeld could translate Ulrichs’ eventual (1868) gender-based polarity between youth-loving masculine *urnings* and adult-loving feminine *urnings* into two primary classes (*Hauptklassen*) of age preference, he came to explicitly

disconfirm this classification's relation to gender habitus. Hirschfeld did initially make age preference the core of his homosexual typology, though, disentangled from gender, it had few implications and it hardly followed from his wider frame of sexually intermediary stages.

The solution to this problem was to consider outlying age preferences from within the extant pathophysiological frame of infantilism, that is, within the larger reach of *Konstitutionslehre*. Ulrichs' texts had already offered an exclusionary demarcation and medicalizing of pedophilia, notably antedating the definitive establishment of "contrary sexual feeling" as a clinical problem<sup>101</sup> as well as Krafft-Ebing's subsequent contouring of "sexual pathology". Hirschfeld followed up by pioneering a psycho-endocrinological alternative to emerging psychodynamic concepts of paraphilia, such as would be offered in Stekel's multi-volume *Störungen des Trieb- und Affektlebens*. Perhaps even more important to Hirschfeld, it could eventually be affixed to his *Zwischenstufenlehre*.

Hirschfeld's work on age preferences remained methodologically nontransparent and ended up largely with speculation, and although in the end it seemed to have been dissociated from the question of homosexuality altogether, it did provide the nomenclature and cutoff points for medical forensic, particularly phallometric-diagnostic, work as it was developed two decades after his death. The psychiatric relevance of this work remains equally dubious, however, as both Western psychiatry and LGBT politics would soon, and unanimously, problematize only "pedophilia", often in terms of a simple juxtaposition to "homosexuality" and with the consequence of an almost total foreclosure of the myriad "humanitarian-scientific" (not to

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<sup>101</sup> Carl Westphal, "Die conträre Sexualempfindung, Symptom eines neuropathologischen (psychopathischen) Zustandes." *Archiv für Psychiatrie und Nervenkrankheiten* 2, no. 1 (1870): 73-108.

mention critical social scientific and genealogical) questions that readily come up *apropos* the wider question of erotic age orientation.

Hirschfeld's biological approach to "paraphilia" has in fact been revisited after the gradual marginalization of psychoanalysis (which intriguingly never offered much on pedophilia) following the 1970s. Since the late 1970s, age preference and actual age (dis)parities in "mate selection" have regularly been studied by means of survey and correlated to gender and sexual orientation, by both social and evolutionary psychologists.<sup>102</sup> A 1987 conference of fifty behavioral scientists tried to factor in "pedosexual"/"hebesexual" behavior into the latter evolutionary paradigm<sup>103</sup> but it has largely stood alone in its gesture. Contemporary epidemiological, CT, and fMRI data associate minor physical anomalies with pedophilia<sup>104</sup> and some studies link pedophilia (not "psychosexual infantilism") or child sex offences to endocrinological parameters<sup>105</sup> and, sporadically, to endocrine disorders including Klinefelter's syndrome. Hirschfeld's contributions will possibly be reappraised in light of this new neurodevelopmental forum as it, again, extends to the phenomena of homosexuality *and* today's flagship "paraphilia". A more widely anticipated turn in clinical psychiatry from categorical to

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<sup>102</sup> E.g., D.T. Kenrick and R.C. Keefe, "Age Preferences in Mates Reflect Sex Differences in Human Reproductive Strategies." *Behavioral and Brain Sciences* 15 (1992): 75-91; J.R. Conway, N. Noë, G. Stulp and T.V. Pollet, "Finding Your Soulmate: Homosexual and Heterosexual Age Preferences in Online Dating." *Personal Relationships* 22 (2015): 666-78.

<sup>103</sup> Jay Feierman (ed), *Pedophilia: Biosocial Dimensions* (New York: Springer, 1990).

<sup>104</sup> G. Tenbergen et al., "The Neurobiology and Psychology of Pedophilia: Recent Advances and Challenges." *Frontiers in Human Neuroscience* 9 (2015): 344.

<sup>105</sup> K. Jordan, P. Fromberger, G. Stolpmann and J.L. Müller, "The Role of Testosterone in Sexuality and Paraphilia—A Neurobiological Approach. Part II: Testosterone and Paraphilia." *Journal of Sexual Medicine* 8, no. 11 (2011): 3008-29.

dimensional (or symptomatological) notions of “mental disorder” remains to be ratified, however.

New waves of science and humanitarianism notwithstanding, meanwhile, very little has changed since Hirschfeld’s day. Over a century after Hirschfeld’s typology, erotic inclinations to minors have received widely disparate scientific evaluations, though very rarely in ways that rival the culturally overriding psychiatric demarcation of pedophilia, which exploded onto the domestic and multilateral global scene since the late 1970s in the precise, U.S., context of the depyschiatricization of homosexuality. How to interpret the topic’s suspension between *scientia* and *justitia*, in the meantime, remains as problematic as ever, as the latter remains increasingly securely on the side of the victim, a side Hirschfeld never focused on and whose recognition entered psychiatry (as an embattled conjecture, in 1895/6, in the work of Breuer and Freud) only when he started writing on *urnings*. Just as in the now largely repealed “sodomy” and “seduction” laws that Hirschfeld fought, it might be asked, who or what the victim is in these contemporary contexts remains somewhat opaque. Is it society, childhood, innocence, minors (under-18s?), womankind, “the family”—or all of these, in one tight, heavy knot? Justice-seekers today are arguably in an even less comfortable position than Hirschfeld to discern, or propose, purely scientific distinctions here.