

Don,
FYI, since we last met have
been to Somalia, Netherlands,
Albania, Greece, Germany, Togo -
much running around of
Charlie

TREATMENT OF GAY MEN AND LESBIANS
IN OTHER MILITARIES

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Mr. Chairman and members of the Armed Services Committee, the task before you is complex and contentious. You must balance such issues as military effectiveness, civil rights, and personal privacy. Some facets of these issues are subject to fairly clear-cut factual analysis; others involve more subjective interpretations. My purpose today is to share some information on how the militaries of other Western democracies address the issue of sexual orientation.

No neat and tidy lessons can be drawn from one country to another. Countries vary according to their military traditions, size of their defense establishment, strategic situation, and general culture of what is considered proper sexual behavior. Yet, looking at the experiences of other countries may inform you in the difficult task you have undertaken.

The major problem in making cross-national comparisons is the difference between de jure and de facto situations. A look at official regulations and statements rarely captures the realities of how persons of different sexual orientations are treated in their respective militaries. I shall first make comment on two countries -- Israel and Germany -- for which I have great confidence in my observations. Second, I shall make some brief comments dealing with particularities of several other countries based on the research of colleagues in those countries. Finally, I will close with some general remarks.

Let me add at the start that my focus is on male homosexuals or gays. This is not to understate the role of lesbians, but rather to avoid confusion that may arise from the different social dynamics between lesbians and straights as compared to gays and straights. Indeed, survey data collected from American soldiers by Laura Miller and myself convincingly show that support for the gay ban is significantly higher among men than it is among women. If the Committee would like to return to some of these differences between men and women, I shall be happy to reply.

In late November and early December of 1992, I visited Germany and Israel. During my stay in those countries I conducted extensive interviews with serving military members, reservists, and social scientists who have studied the armed forces of their respective countries. The information given below is more accurate and detailed than that usually given through

official public relations sources. The information seeks to ascertain differences between de jure and de facto treatment of gays.

Israel. With some exemptions, Israeli men and women are drafted at age 18. Significantly, every Israeli soldier starts his military career as a draftee private. Military service is a rite of passage in Israeli society. Indeed, a person without military service is handicapped in social acceptance and career opportunities.

Israel is a society with very few open gays. No gay rights movement exists in Israel as we know it in the United States. Only in recent years have gay bars opened up in Tel-Aviv, though apparently nowhere else in Israel. Open gays are treated more as objects of condescension, and sometimes ridicule, rather than hostility. In 1991, the Knesset made it illegal to discriminate against homosexuals in the workplace.

Officially, the Israeli Defense Force (IDF) does not discriminate on the basis of homosexuality per se. Inductees are not asked if they are homosexual. A person suspected of being a homosexual, however, is referred to a mental health officer for special psychological assessment. A declared gay is checked for personality disorders that could excuse him from service.

Most gay soldiers are assigned to "open" bases, i.e. bases where the majority of soldiers commute to their homes at night. These are the same kind of bases to which most women soldiers are assigned. "Closed" bases are those in forward areas and to higher levels of combat readiness.

Openly gay soldiers are not assigned to elite combat units, nor are they assigned to intelligence work. I can categorically state that no declared gay holds a command position in a combat arm anywhere in the IDF. That any open gay holds a command position even in the support branches is unlikely, though an openly gay technician or specialist with some rank may be found here or there.

In brief, open gays in the IDF are treated much in the manner of women soldiers, e.g. usually reside in their home, basically excluded from combat units, kept out of forward base areas, and serve mainly in support roles. But I stress the proportion of known gays in the IDF where they are

officially allowed is much lower than in the United States where gays are officially prohibited.

Germany. Germany is a society with a visible gay community, resembling in some ways the situation in the United States. Unlike the United States, however, the German gay movement has not made acceptance in the military a priority issue. Likewise, feminist groups in Germany have not argued for greater participation of women in the armed forces. Gay groups in Germany, like feminist organizations, are much more hostile to the military than their counterparts in the United States.

Germany has a conscription system. About half of all German men young men serve in the Bundeswehr, 20 percent do civilian alternative service, and 30 percent do not serve at all. Officially, homosexuality does not exclude one from conscription. In practice, examining doctors query potential draftees as to their sexual orientation to ascertain psychological fitness. It appears that psychological unfitness is defined more broadly for a homosexual than for a heterosexual. In practice, a declared gay who does not want to serve in the military will be exempted or do alternative civilian service. Still some number of open gays are conscripted into the Bundeswehr.

De facto, a soldier already in the army who declares he is a homosexual and wants to leave the service will be discharged. The exception to this rule pertains to "contract" soldiers, i.e. those who have received advanced technical training with a corresponding long-term obligation. The Bundeswehr seeks to prevent a soldier cutting short such an obligation simply by declaring homosexuality.

No display of gay orientation is allowed in military areas. Nor does the military acknowledge homosexuals as a definable group. Off-base behavior is not monitored.

A most significant feature of the German military system is that homosexuals cannot be promoted. The stated reason is that gays cannot command adequate respect from soldiers. This is a military regulation that has been upheld by both military and civilian courts.

The no-promotion rule means, in effect, there are no open gays in the career force of the Bundeswehr. The German armed forces foresee no change in their policy toward gays.

France. Another country with conscription is France. In France, recruits are not asked their sexual orientation. Under various pretexts, however, open gays are exempted from conscription. No outward manifestation of one's gay sexual orientation is allowed in the service. Off-base behavior is not monitored. French authorities and military sociologists state no gay problem exists in the military. In effect, France has successfully adopted a policy of discretion: from the military side, "don't ask, don't seek," and from the gay side, "don't tell, don't flaunt."

Netherlands and Scandinavia. As is well known, the Scandinavian countries and Netherlands have the most liberal policies toward gays. I shall not cover these countries as my colleague David Segal will report on them. One feature does deserve comment here. A gay has three options in these countries: (1) be openly gay and serve in the military, (2) stay in the closet and serve in the military, or (3) be openly gay and leave the service. A declared homosexual that is, has an option of being exempted from military service that is unavailable to a heterosexual. Thus, a double standard continues to exist even in the most liberal societies, albeit of a different sort than that found in more restrictive countries.

Some Generalizations.

1. In societies with conscription, acceptance of gays is more liberal in the conscription process than during service.
2. In societies with conscription, the de facto treatment of gays tends to be more restrictive than the official policy.
3. In societies with all-volunteer forces (e.g. the USA, and the UK), the de facto treatment of gays may be more permissive than the official policy.
4. In military systems where gays are officially allowed, the number of open gays is surely a fraction of the actual number of gays in the armed forces.

5. Gay advocates in Europe are much less likely to make acceptance in the military a priority issue than their counterparts in the United States. (The same is true for feminists viz. women in the military.)

6. Recourse to litigation occurs much less frequently in Europe than in the United States.

7. Societies with a high likelihood of national threat (e.g. Israel, Cold-War Germany) or military overseas deployment (e.g. USA, UK, France) tend to have more restrictive policies than societies where such likelihood is lower (e.g. Netherlands, Denmark, Sweden, Norway).

Summary. Comparative analysis can shed light on some of some of the policy issues with regard to gays and straights in the armed forces. Due attention must be paid to both points of difference and similarity. For sure, certain lessons can be drawn from the experiences with gays in the militaries of other countries. Inasmuch as the United States has the most formidable military force in the world, it could also be argued that such countries may also draw lessons from the United States.

In closing let me state that the situation of gays in Western European militaries is much more varied and restrictive than is usually stated by media coverage. With the exception of several small countries in Northwest Europe, there is no country in Europe, much less Israel, that American advocates of gay rights would find a suitable model.