

3. ANALOGOUS EXPERIENCE OF FOREIGN MILITARY SERVICES¹

INTRODUCTION

To anticipate the consequences of various policy options regarding the service of homosexuals in the U.S. military, we examined the experience of seven countries that have modern military forces. The U.S. military is--by virtue of its size, missions, force structure, and world-wide deployment--different from the militaries of all other nations; indeed, each nation's military is uniquely its own. Moreover, each country's social milieu is unique, so that the context of its military and attitudes towards homosexuality will differ from that of the United States. However, this uniqueness does not automatically invalidate the potential uses of a cross-national comparison: Each country shares a concern for military effectiveness, the well-being of its service members, and minimizing stressors within the ranks. Consequently, policy and implementation difficulties in other countries can serve as warning flags if the United States attempted similar strategies, and successes in other countries may provide guidelines for U.S. policy formulations.

Countries Visited

The countries we visited were:

- Canada
- France
- Germany
- Israel
- The Netherlands
- Norway
- United Kingdom

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These countries represent the range of policy towards homosexuals, from affirmative advocacy of gay rights (the Netherlands) to a ban on service similar to current U.S. policy (United Kingdom). In each country, there was a particular aspect of its military and policy towards homosexuals that merited examination. As the nearest neighbor and the country in many ways most like the United States, Canada would, under any circumstances, be worth investigating; its salience was particularly heightened because it changed its policy from one of a ban to no restrictions in October 1992. France was chosen because it officially has no policy, but we found that the military unofficially restricts the role that homosexuals may play in the Armed Forces. Germany is an ally with whom the United States conducts extensive combined exercises, and it has a policy that will admit homosexuals, under some circumstances, but restricts them. Israel was chosen because of its extensive recent warfighting experience and an opinion expressed by some in the U.S. military that the Israeli Defense Force is the force most comparable to our own. In addition, during the period of the study team's visit, Israel was preparing a change of policy.

Within NATO, the Netherlands and Norway presented as unrestrictive a policy as can be found among European nations. The United Kingdom shares many cultural and military characteristics with the United States and, as mentioned above, does not permit open homosexuals to serve. Although other countries might also have been worth scrutiny (e.g., Australia, some Latin American allies), time restrictions dictated a stringent limit to travel.

Approach

Our research approach was severely constrained by the pressures of time; visits were contemplated, planned, and accomplished all in a span of four weeks. In each country, we attempted to contact high level department/ministry of defense representatives in charge of personnel issues, military medical authorities, governmental officials (including members of parliament), representatives of homosexual groups, social scientists who had addressed the issue, and other knowledgeable people. The success of these attempts varied widely depending on the country.

Table 3-1 shows the types of people interviewed in each country.² Because some of the interviews were granted on the basis of confidentiality, we do not list specific names or job titles. These interviews form much of the basis of the findings below, and it should be assumed, unless otherwise stated, that assertions in the text are based on statements by at least two sources.

Table 3-1
Categories of People Interviewed, by Country

	CAN	FRA	GER	ISR	NET	NOR	UK
Uniformed military ^a	x	x	x	x		x	x
Ministry of Defense ^a	x	x	x	x	x	x	x
Civilian experts ^b	x	x			x		x
Members of Parliament	x				x	x	x
Homosexuals	x					x	x

^aHigh-level people concerned with general policy, personnel, conscription, and medical services.

^bPolitical scientists, sociologists, lawyers, military journalists familiar with societal attitudes and military policies regarding homosexuals, among others.

To augment the information obtained from interviews, wherever possible, we obtained documentation of official policy and regulations regarding homosexuals serving in the military, as well as similar material on related matters (such as women or minority service). In some instances, interviewees had prepared summary written materials for us. We also obtained newspaper stories and articles from professional

²In Canada, Germany, and Israel, interviews were largely with the same people seen by the GAO team (United States General Accounting Office, 1993). In the United Kingdom, interviews were largely with the same people seen by Senator Warner. French government officials informed us that they did not wish to provide information on this topic (see also United States General Accounting Office, 1993); we nonetheless were able to interview several authorities and obtain some documents. While authorities in the Netherlands were willing to meet with us, mutually convenient dates proved impossible to find; hence our interviews were not formally arranged. Visits with the Norwegian military and ministry of defense were arranged through the U.S. Embassy in Oslo; other interviews were arranged by us. All interviews except those with French interviewees were in English.

journals.³ The richest documentation was obtained in Canada and the Netherlands, where there is an official policy of nondiscrimination on the basis of sexual orientation and detailed guidance for implementing that policy.⁴ We also obtained data from the Netherlands on how well that implementation is proceeding.⁵

RAND has not been alone in visiting foreign countries to study the issue of homosexuals in the military. Others' reports have been published in the form of a GAO report to Senator Warner (United States General Accounting Office, 1993), testimony before Congress (Moskos, 1993; Schwartzkopf, 1993; Segal, 1993; Stiehm, 1993; Warner, 1993), newspaper and television stories (e.g., *Army Times* Reporters, 1993; CBS News, 1993), and academic articles (e.g., Harris, 1991; Waaldijk, 1992).

Our approach differed from some of the others in concentrating on policymakers and people responsible for implementing policy, attempting to understand the problem from that (top-down) perspective. Others spoke with ordinary soldiers and citizens, attempting to understand the (bottom-up) realities of everyday life. These two approaches are complementary: The bottom-up view provides insight into the depth of experience of people affected by policy while the top-down view presents the broader perspective across the entire organization. When the two views are consistent, as is largely the case here, the reader can feel confident that the observations are representative. When the observations reported here are inconsistent with those of others, we note that inconsistency and attempt, when possible, to resolve it.

Focus

For each of the countries visited, the primary focus was on the formal and informal policy regarding homosexuals serving in the

³Written materials having to do with military personnel are almost exclusively intended for internal consumption and hence are written in the language of the country and not translated into English. In this chapter, translations of foreign text are our own unless otherwise indicated.

⁴Dutch researchers at RAND's European-American Center for Policy Analysis, located in Delft, obtained extensive written materials on the Dutch policy and experience. They also provided critiques of our findings and assisted in translations.

⁵No other country visited had an implementation plan as such.

military, and--for those countries where homosexuals were known to serve--what issues and problems arose and how they were resolved. In order to understand policy, issues, and problems, we also attempted to understand the more general attitude of each nation towards its military, overall national tolerance towards minority groups and people with atypical behavior, and, particularly, public attitudes towards homosexuals. In countries where policy regarding homosexual service in the military had changed, we were interested in the general social environment regarding the change, the social dynamics leading to the change, and how the change was implemented.

THE NATIONAL CONTEXT

We begin with summary information comparing the United States with the countries studied, in terms of general demographics, military force, and various social attitudes.

National and Military Statistics

Table 3-2 presents some comparative statistics for the seven nations visited and the United States. These statistics provide an idea of relative magnitudes. The table clearly shows the great difference between the United States and the other countries, in terms of size, population, and gross national product. In terms of the percentage of gross national product for the military, the United States is not atypical. In keeping with its large population and economy and its status as a superpower, the military forces of the United States are a magnitude larger than those of any other countries examined. The United States, Israel, and Canada are markedly higher in the percentage of the Armed Force who are female.

For the issue of homosexual service, a potentially important characteristic is the extent to which military forces are likely to be deployed in warfighting or for extended periods away from home in isolated circumstances. In the past twenty years, four of the countries have seen military action: the United States (Grenada, Panama, Persian Gulf), Israel (Middle East), the United Kingdom (Falkland Islands, Persian Gulf), and France (Chad). As major powers, the United States, United Kingdom, and France have forces stationed around the world.

Although Canada and the Netherlands have small forces in Germany as part of NATO, the circumstances are such that many of the stresses of deployment are not present. All of the countries except Germany and Israel contribute ground forces to United Nations or other coalitional peacekeeping deployments abroad.

Table 3-2
Selected National and Military Statistics

	CAN	FRA	GER	ISR	NET	NOR	UK	USA
Size (1000 km ²)	9976	547	357	21	42	324	244	9159
Population (millions)	27	57	81	5	15	4	58	256
GNP (billions of US\$)	517	874	164	46	222	74	858	5678
% of GNP on military	2%	4%	2%	10%	4%	5%	5%	5%
Active military (thousands)	87	453	476	141	101	33	300	2030
% women	11%	4%	few ^a	???	2%	2%	6%	12%
% conscripts	zero	50%	43%	78%	45%	70%	zero	zero
months conscription ^c	N/A	10	12	36 ^d	12	12	N/A	N/A
Warfighting in past 20 yrs.	no	yes	no	yes	no	no	yes	yes
Force projection deployment	no	yes	no	no	no	no	yes	yes
Peacekeeping deployment	yes	yes	no	no	yes	yes	yes	yes

Sources: Department of Defence (1991); Europa (1992); Forsvarsdepartementet (1993); Ministère de la Défense (1992); World Almanac (1992); personal communications.

^aWomen do not serve in Germany except in medical or musical jobs.

^bIsraeli authorities would not release this information. However, Israel has universal conscription to active duty and women must serve two years.

^cThis is the minimum tour of duty. Conscripts volunteering for special services (e.g., for some countries the navy or for others deployment abroad) may have longer terms of service. Israel and Norway have reserve service obligations beyond the period of active duty.

^dThe tabled figure is for males. Israel also drafts females, who serve for 24 months.

Going beyond the data presented in Table 3-2, there are differences in the place of the military in the lives of the various countries' citizens. Interviewees in Israel and Norway emphasized the image of the citizen-soldier, trained during the period of active duty for home defense and serving for an extended time in a national reserve able to mobilize quickly in times of need. France, Germany, and the Netherlands

combine a cadre of professional soldiers with a conscript force that has a brief period of service. However, the Netherlands plans to move to an all-volunteer force within the next five years. The United States, United Kingdom, and Canada have all-volunteer forces and regard military service as a profession.

Seen in this context, the U.S. Armed Forces appear different in magnitude but not in nature from those of the other countries we examined. Most of the countries we examined have had recent warfighting experience to some degree; although the United States has been involved in more actions than the other countries, the proportion of the force that participated in these actions is small. While the United States has large numbers of service members deployed at sea or in foreign lands, most countries deploy some forces away from home and so must confront issues that arise from such postings.

Societal Attitudes Towards Homosexuality⁶

One indication of a society's attitudes towards homosexuality is its laws regarding homosexual status and behavior. Table 3-3 presents four kinds of laws, moving from most to least accepting of homosexual orientation. First is the recognition of a homosexual marriage. Second is the recognition of non-legitimated relationships, including both homosexual and heterosexual couples. Third is the presence of antidiscrimination laws that specifically mention sexual orientation. Fourth is whether or not the country has sodomy statutes prohibiting homosexual behavior.

Norway is the only country examined that, in effect, recognizes homosexual marriage, and that recognition dates only from 16 April 1993. The Norwegian law, which follows similar Danish legislation, permits civil registration of homosexual partnerships and is identical legally to marriage, except that the registration cannot be performed in a church and the couple cannot adopt children.

⁶U.S. public attitudes toward homosexuality are discussed in Chapter 5. Chapter 6 describes attitudes in the U.S. military.

Table 3-3
Civilian Laws Regarding Homosexuality

	CAN	FRA	GER	ISR	NET	NOR	UK	USA
Legal status for homosexual partnerships	no	no	no	no	no	yes	no	no ^a
Economic benefits for non-married couples	no	some	some	no	yes	yes	no	varies ^b
Nondiscrimination in employment	no	yes	no	no	yes	yes	no	varies ^c
Decriminalization of homosexual behavior	yes	yes	yes	yes	yes	yes	yes	27 states

Sources: Clapham & Weiler (1992); Harris (1991); Likosky (1992); van der Veen & Dercksen (1992); Waaldijk (1992); personal communications.

^aWhile some cities "recognize" partnerships, legal status must be conferred by State or Federal law.

^bSome cities provide economic benefits; no States do.

^cSome cities and some States have nondiscrimination laws.

Many countries provide some economic and inheritance benefits for partners who are not married to each other. These benefits are well short of those available to legally married couples, except in the Netherlands, where these benefits are intended to provide informal recognition of homosexual partnerships. The Norwegian domestic benefits are not addressed specifically towards homosexual couples, but rather to any people sharing a household (e.g., parents and adult children, siblings, or even unrelated persons).

While France, the Netherlands, and Norway have explicitly written laws prohibiting discrimination in employment on the basis of sexual orientation, most European countries follow the general nondiscrimination clauses of the European Convention on Human Rights and the International Covenant on Civil and Political Rights. These clauses are considered to implicitly include sexual orientation, and case law, if not statute, in Germany and the United Kingdom, has been moving towards nondiscrimination. All foreign countries examined and the majority of States (which include over 80 percent of the population of the country) no longer criminalize homosexual relations.

However, using only the legal status of homosexuals to characterize a national attitude would be a mistake. American society differs from

many others in three aspects that are relevant to the issue at hand. First, interviewees in all the countries noted that most people consider homosexuality to be aberrant behavior. However, except in Canada, the UK, and the United States, acceptance or rejection of homosexuality is not framed in terms of morality. This means that the public framing of the issue is different in the United States than in the European countries visited.

Second, American cultural norms and attitudes tend to evolve largely independent of other nations'. Waaldijk and Clapham (1992) note that as the European democracies slowly move towards greater and greater interdependence, a cultural norm of toleration of differences appears to be emerging. The path towards this norm is, to be sure, not straight, as recent events in Germany illustrate. The norm is reflected in European Community legislation and court decisions, which are typically a step ahead of the member nations.

Third, the interviewees noted that the issue of open sexual orientation ("coming out") is different in the United States than in other countries. Americans are more public with matters other nationals consider private. (One interviewee commented that, "Thirty minutes after you meet an American, you know more about his private life than you ever wanted to know.") For many Europeans, the interviewees emphasized, the discomfort with a person being openly homosexual is less the homosexuality than the openness--in their view, a person's sexual life should not be part of his or her public persona. For example, in France, there is far less stigma attached to a public official's being homosexual or adulterous than there is in the United States. Newspaper reporters there (just as hungry for news as here) will not seek out evidence of sexual misconduct, because the behavior is private. If somehow the fact emerges, people tend to shrug it off. But if a person makes the public aware of his or her homosexuality or adultery, then there is disapproval--not of the behavior, but of making it public.

Foreign Militaries and Homosexuality

We present here a summary of the experiences of the foreign countries we examined. After a brief general description of the context

of the military and homosexuality within each country, we will discuss their official policies, actual practices, and experiences.

Canada

Context. The Canadian Force (CF) is an all-volunteer professional military, which until recently held that homosexuality was incompatible with military service. In October 1992, however, the CF changed its policy to permit individuals to serve in the military without respect to sexual orientation. Consequently, the CF developed approaches for implementing this change in policy. Because of the great degree of similarity between Canada and the United States, the recent Canadian experience is particularly interesting, and may provide insights for how the U.S. Armed Forces could respond to a directive to end the restriction on homosexual service.

Public Attitudes. Although some consider Canada a liberal society,⁷ for the past nine years it has been governed by a conservative party. Further, Canada's predominant culture reflects Tory attitudes that emphasize social conformity and deference to government and religious authority (Lipset, 1990). Canadian beliefs and attitudes towards homosexuality fit into a common pattern that distinguishes between tolerable expressions of private and public behavior. On one hand, Canada decriminalized sodomy between consenting adults in 1969, and Canadians express support for extending equality rights to homosexuals (Rayside & Bowler, 1988). By a wide margin, Canadians support permitting homosexuals to serve in the CF.⁸ On the other hand, public opinion polls show strong moral condemnation of homosexuality and disapproval of public displays of affection between homosexuals and contacts between homosexuals and children (Bozinoff & MacIntosh, 1991; Rayside & Bowler, 1988). (Appendix D presents a brief comparative

⁷Canadian political scientists interviewed noted that public opinion polls typically show Canadians to be 5 to 8 percentage points to the left of Americans.

⁸In a Canadian Gallup Poll taken at the end of 1992, 66 percent of Canadians agreed that homosexuals should be allowed to serve in the military, while 25 percent disagreed (Bozinoff & Turcotte, 1992). This was up from 60 percent in a 1988 Gallup Poll.

discussion of public opinion on relevant issues for Canada, the United Kingdom, and the United States.)

Legal Developments. With the notable exception of the issue of homosexuals in the military, Canadian and U.S. attitudes towards homosexuals differ more in degree than in kind.⁹ However, Canada differs considerably from the United States in the constitutional and legal protections accorded to homosexuals. In 1982, Canada changed its Constitution to incorporate a due-process bill of rights, the Canadian Charter of Rights and Freedoms. Section 15 of the Charter, effective as of 1985, provided for individual rights and protection against discrimination based on characteristics of "race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Sexual orientation was not explicitly included. Subsequent court rulings, however, held for a broad and inclusive interpretation of Section 15, defining sexual orientation to be a prohibited basis for discrimination unless such could be "demonstrably justified in a free and democratic society" (Robertson, 1993). Other parliamentary and legal decisions addressing Canada's Human Rights Act resolved further that sexual orientation could not be grounds for discrimination in any area of federal jurisdiction (Boyer, 1985; Government of Canada, 1986; Robertson, 1993). Since a court ruling on August 6, 1992, the federal government has determined to explicitly recognize sexual orientation as a prohibited basis for discrimination throughout Canada.

The Change in Military Policy. These constitutional and legal developments, accompanied by a significant court challenge to existing military policy (described below), eventually reversed the CF's prohibition against homosexuals. Historically, the CF had found "people who commit sexually abnormal or homosexual acts" to be disruptive, and therefore excluded homosexuals from enrollment, and dismissed serving homosexuals upon discovery.¹⁰

⁹For example, in various public opinion polls taken in the early 1980s, 70 percent of Canadians, compared to 65 percent of Americans, express support for homosexual equality rights. At the same time, 69 percent of Canadians and 76 percent of Americans disapprove of sexual relations between same-sex individuals (Rayside and Bowler, 1988, p. 651).

This policy was reexamined as Section 15 of the Charter took effect. In March 1986, the Chief of the Defence Staff (CDS) of the CF formed a Charter Task Force to determine how to accommodate the provisions of Section 15, covering issues with respect to employment of women, sexual orientation, mandatory retirement ages, physical and medical employment standards, and recognition of common-law relationships (Canadian Forces, 1986). The Charter Task Force issued its Final Report in September, 1986.

With respect to sexual orientation, the Charter Task Force Report recommended that the exclusionary policy be maintained for homosexuals. It concluded that given the unique purpose and characteristics of Armed Forces, and negative attitudes and aversion toward homosexuals in Canadian society and the military, "the presence of homosexuals in the CF would be detrimental to cohesion and morale, discipline, leadership, recruiting, medical fitness, and the rights to privacy of other members." Moreover, "the effect of the presence of homosexuals would be a serious decrease in operational effectiveness" (Canadian Forces, 1986, Part 4, p. 21).

The Final Report of the Charter Task Force was submitted to and accepted by the Minister of Defence. Subsequently, a new Minister of Defence announced an intention to maintain the basic policy but make modest modifications. The most significant of these was the adoption of an interim policy in January 1988 which permitted homosexuals to be retained in the service subject to career restrictions. The policy prescribed that persons found to be homosexual were "frozen" with respect to transfers and promotions but not required (though encouraged) to leave the service.

However, pressures against the CF's policy on homosexuals continued to mount. As legal rulings extended homosexuals' rights under the Charter and the Human Rights Act, litigation was mounted that directly challenged the military's policy and practices toward homosexuals. The most notable of these cases was that of Michelle Douglas, an Air Command

¹⁰This policy is described in regulation CFAO 19-20, entitled "Homosexuality--Sexual Abnormality Investigation, Medical Examination and Disposal."

lieutenant with an exemplary service record who had been charged with lesbianism, investigated, and had her security clearance revoked (with additional career restrictions). Douglas filed suit in 1989 asking for damages under the Charter of Rights and Freedoms. Newspaper accounts report that Douglas' case occasioned wide publicity and public sympathy (*Los Angeles Times*, 1992; *Army Times*, 1993).

The CF initially prepared to defend its policy using the Charter Task Force Final Report. It planned to argue that its restrictions on military service by homosexuals were a "reasonable limitation" under Section 1 of the Charter. In support of this, they prepared to offer evidence that the majority of service members were opposed to serving with homosexuals, and that the presence of homosexuals would be damaging to cohesion and morale and infringe on the privacy of heterosexuals.

In preparing its defense for the Douglas case, the CF determined that they could not meet the standard of proof for a Section 1 argument. Under previously established case law, it would be the military's burden to show substantial pressing interest to discriminate on the basis of sexual orientation, proportionality between infringement and rights affected, and minimum impairment of rights. The CF determined that the available evidence could not be developed into arguments that would meet these legal standards. Moreover, the CF leadership came to the conclusion that much of the evidence they were prepared to offer had little substantive merit as well.

On October 27, 1992, the CF agreed to settle Douglas' lawsuit. As part of the terms of settlement, the Federal Court of Canada declared CF policies restricting the service of homosexuals to be contrary to the Canadian Charter of Rights and Freedoms. In response, the CF announced its new policy governing homosexuals. In a news release of October 27, 1992, the CDF, General John de Chastelain, stated, "The Canadian Forces will comply fully with the Federal Court's decision. Canadians, regardless of their sexual orientation, will now be able to serve their country in the Canadian Forces without restriction" (National Defence Headquarters, 1992a).

The CDF took additional steps to announce, define, and implement their new policy, including the following:

- In a message entitled "homosexual conduct" disseminated throughout the Canadian Forces, General de Chastelain revoked CFAO 19-20 and all interim policies under that order, expressed his "full support" of the Federal Court of Canada decision, stated the unacceptability of "inappropriate sexual conduct by members of the forces, whether heterosexual or homosexual" as codified in a forthcoming order, and stated his expectation of support within the chain of command (National Defence Headquarters, 1992b).
- National Defense Headquarters issued a "Questions and Answers" sheet for immediate internal use by the CF, providing explanations for the change in policy (National Defence Headquarters, 1992a).¹¹
- "Post-announcement action" issued by the Assistant Deputy Minister (Personnel) provided guidance to leaders to help "communicate the rationale for the change, encourage its acceptance, and respond to the personal concerns of CF members" (National Defence Headquarters, 1992c). This announcement contained advice to leaders and additional "questions and answers" with respect to the policy.
- A Canadian Forces Personnel Newsletter was prepared and disseminated describing the CF's policy change regarding homosexuality (National Defence Headquarters, 1992d).
- A new regulation (CFAO 19-36) entitled "Sexual Misconduct" was issued in December 1992. The regulation was intended to be used with an amended version of the regulation governing personal harassment (CFAO 19-39) to describe policies and procedures governing inappropriate sexual conduct. (Regulations CFAO 19-36 and CFAO 19-39 are reproduced in Appendix E.)

¹¹For example, Q31: "Will such activities as dancing, hand holding, embracing between same/sex members be accepted at mess social functions?" A31: "Standards of conduct for homosexual members will be the same as those for heterosexual members. Common sense and good judgment will be applied and required of all members."

Effects of the Policy Change. Because the Canadian change in policy is fairly recent, some have argued that the effects are hard to judge (*Army Times*, 1993). However, other accounts reveal no major problems resulting from the policy change. According to these accounts, no disciplinary problems have occurred, no resignations explicitly over the change in policy have resulted, and nobody is "standing up and declaring their sexual preference" (*Los Angeles Times*, 1993). These observations are buttressed by evidence collected in our visits to Canada. According to CF officials, they have noticed no changes in behavior among their troops. They say they know to date of no instances of people acknowledging or talking about their homosexual relationships, no fights or violent incidents, no resignations (despite previous threats to quit), no problems with recruitment, and no diminution of cohesion, morale, or organizational effectiveness.

CF officials suggest several reasons for the seemingly smooth integration of homosexuals into the Armed Forces. First, the leadership recognized the inevitable need to change the policy, given Canadian legislation and national attitudes toward homosexuality. The process was "evolutionary," and they had time to acculturate under their interim policy.

A second reason concerns the "conscious strategy" to treat the policy change as a leadership issue in its implementation stage. The main priority was to ensure compliance with the order. The next order of priority was to gain acceptance of the policy change so that no friction would occur. Next, they decided that it was not possible or appropriate to attempt to change beliefs or attitudes. Thus, there were no programs (e.g., educational or sensitivity training programs) concerning homosexuality. Further, implementation was accomplished in a "low-key" manner, focusing on the internal audience of the military and without public pronouncements or statements.

Finally, CF officials emphasize the nature of the policy change. In the words of a senior CF personnel official:

The question has been asked, "what is our policy on gays and lesbians in the Canadian Forces?" Our answer is, "we don't really have one." We don't discriminate on the grounds of

sexual orientation, and we don't have any policies that specifically target gays or lesbians. We do have policy on sexual misconduct; we also have an order on personal harassment. In general, this establishes the same expectations for both groups, both straight and gay. Service members can form personal relationships that are not restricted except where they threaten morale and cohesion.

France

Context. Interviewees all expressed the opinion that the French population in general tolerates homosexuals, but does not welcome them. They saw homosexuals in France as quieter, less visible, and more tolerated than their American counterparts. There is some segregation and denigration and a definite discomfort. Urban and more educated citizens tend to be more tolerant. People who live in rural areas do not know many homosexuals and far fewer militant ones. When a homosexual shows visible differences, he or she would probably move to a large city, not so much because of persecution, but to find kindred others. The more obvious a manifestation of homosexuality, the less well it is tolerated; but it is the obviousness more than the homosexuality that produces the intolerance. The frontier at present is for acceptance of homosexuals; society no longer regards them as immoral, and they can be trusted in jobs where they were previously banned, such as public school teaching.

Official Policy. The formal response one will obtain when a French official is asked about homosexuality in the French military is that "there is no policy and there is no problem." In a legal sense, that is true.¹² Homosexuality per se is not the basis for exclusion from conscription or voluntary military service, nor is sexual orientation a criterion for serving in any military capacity. Interviewees readily named openly homosexual men who achieved fame throughout French history, in the military and government as well as in the arts. The French navy

¹²Moskos (1993), in testimony before the Senate Armed Services Committee, stated that a person found to be homosexual is discharged from the military. We, together with Moskos, investigated the discrepancy between his version of French policy and ours and found the source to be an infelicitous translation from French to English by French personnel that led to Moskos' misunderstanding.

never had the strict anti-sodomy laws of the British. Instead, the official French policy is captured by the phrase in Article 6.01 of the general code of conduct "*atteinte aux bonnes moeurs*" [affront to sensibilities]¹³ (Doniol, 1993). This phrase refers to behavior contrary to the normative standards of both French society and its strongly conformist military, and in the context of homosexuality, is applicable to specific deeds and not to sexual orientation.

Potential conscripts are not asked whether they are homosexual, and the matter is brought to the attention of medical authorities only if the conscript himself or his superior officers bring it up. The military officially regards homosexuality as a medical problem, and French medicine follows the American Psychiatric Association (1987) in not regarding homosexuality per se as a disease. However, if a person's homosexuality is associated with "[problems incompatible with military service,]" then the person may be excused from military service. The official reason for exemption is a disqualifying rating of "P3" on the P (psychological) criterion of the medical examination: "[Dysfunctional elements of personality which can be manifested as behavioral problems or limited intellectual capability, without other anomaly]" (Ministère de la Défense, 1989, p. 123; 1992, p. 10). The specific category is Article 437: "[Miscellaneous problems (stuttering, tics, sleepwalking, enuresis, apparent cranial trauma, sexual problems)]" (Ministère de la Défense, 1989, p. 126), corresponding to category 302.70 ("miscellaneous sexual dysfunction") of the Diagnostic and Statistical Manual III-R (American Psychiatric Association, 1987). The inaptitude must have a chronic nature; because a conscript's period of service is so short, transient problems will be waited out. The problem must be manifested in actual behavior ("*conduit*"), not in orientation.

For all of the official disregard, the informal state of affairs is that sexual orientation can make a difference, both for conscription and career military service. If a person's behavior at the medical examination causes the physician to suspect that the person is homosexual, the candidate will sometimes be invited to request an

¹³Square brackets indicate a translation.

exemption. Whenever a homosexual requests an exemption from service, it is granted. In 1991, approximately 7 percent of the candidates for conscription were exempted on psychological grounds (Ministère de la Défense, 1992); it is impossible to know how many of these were homosexual, nor how many homosexuals actually served. Once in service, a conscript may be discharged early on medical grounds, using the same basis as not passing the psychological component of the pre-induction medical examination, but this is rare.

Generally, careerist homosexuals do not make public their sexual orientation, because they wish to forward their careers and must conform (not only in terms of sexual orientation but in most other ways as well) to succeed (e.g., Doniol, 1993).¹⁴ Again, behavior counts, not orientation. It is against custom to behave sexually (either heterosexually or homosexually) in a military context, but behavior in private is not a concern of the military. There are homosexuals in the officer corps who live together as couples and are relatively known to their cohorts. As long as certain unspoken rules are adhered to (de Laclos, 1780/1958), nobody takes any action, but when the rules are broken, there are serious consequences. These consequences are never connected directly to a person's sexual orientation, but his or her military career somehow "slows down." For flagrant "affronts to sensibilities," the common practice is to treat the matter as quietly as possible and to request the resignation of the offender.

Although some women serve in the French military, almost all serve in support roles ("feminine jobs") with enlisted or NCO rank. Women do not serve in combat roles. Only 1.7 percent of the officer corps and 0.6 percent of the "conscripts" (draftees and volunteers for short-term national service), but 10.4 percent of careerist NCOs are women.¹⁵ There was no mention of lesbianism in any written materials and all interviewees stated that they had no knowledge of lesbians in the military.

¹⁴The French Foreign Legion has always had a reputation of extensive homosexuality and tolerance. But these soldiers are, by definition, not French.

¹⁵Personal communication, Defense Attaché's Office, Embassy of France, Washington, D.C., 3 June 1993.

Germany

Context. In Germany the homosexual community, while a visible presence, is not especially active politically. Those who advocate further nondiscrimination or greater homosexual rights in Germany do not place the right to serve in the military high on their political agendas. The German military, as a consequence, does not view this issue as one of great importance in setting personnel policy. Within German society there is considerable opposition to homosexuality, although homosexual behavior has been decriminalized (since 1969) and the issues of expanded partnership rights for homosexuals and preventing job discrimination are the subjects of current debate (van der Veen and Dercksen, 1992; Waaldijk, 1992). The arena for policy change in these areas, however, has been the courts, not the legislature.

The officials interviewed, who are responsible for all policies with regard to homosexuals in the *Bundeswehr*, were unanimous in their view that homosexuality is "not an issue" for them, and that they would not find it necessary to have a meeting focused on the subject if one had not been requested by visiting American researchers. The German military currently feels itself under no pressures from the political process or public opinion to review its policies in this area.

Policy. Germany has both a conscript and a voluntary force. Conscriptation is nominally universal, although in practice only about 50 percent actually serve. Twenty percent perform alternative service, and 30 percent no service at all.¹⁶ Conscripts are not routinely asked their sexual orientation at the time of induction. If the initial interview raises any questions concerning sexual orientation (such as mannerisms, voluntary statements, etc.), then the recruit is likely to be subjected to additional evaluation to determine suitability for service. A decision will then be made in the individual case, and if it is determined by physicians or psychologists that the potential

¹⁶The *Bundeswehr* has all the conscripts it needs, and so has a liberal exemption policy. For example, marriage is grounds for exemption, in part so that the military does not incur expenses for dependents.

conscript would have difficulty adapting to military life, that individual will be exempted.

For the voluntary force, which provides the bulk of commissioned and non-commissioned officers, the rules are somewhat different. A potential volunteer who is known to be homosexual will be refused service. As the Germans explain this policy, the *Bundeswehr* has spent decades developing its leadership cadres around the concept of "*innere Führung*," a notion implying that military officers must lead through their "inner qualities" or strength of character. The German military believes that homosexual officers would not be respected by their soldiers and would have difficulty becoming effective leaders, and therefore homosexuals are not accepted into the ranks of potential leaders. If a volunteer is discovered to be homosexual after having begun service, his situation will be evaluated on an individual basis. If he has served less than four years, he is likely to be separated (although not in every case, if the volunteer's record is otherwise exemplary). After serving four years, the volunteer will not be separated until the end of his contract (i.e., at the end of six years), but will most likely be given assignments that do not require "leadership."¹⁷

Practice. If homosexual conduct occurs or is documented, the German military is likely to remove the individual from the *Bundeswehr*. When homosexuals are removed, the general policy (absent other justifications) is to keep the reason for removal confidential. The emphasis in the case-by-case approach is on whether the individual is engaging in disruptive conduct or in other ways is no longer performing suitably in the military environment. According to our interviewees, the actual number of removals for homosexuality is small, totaling only 63 between 1981 and 1992.¹⁸

¹⁷For additional discussions of the German military's policies in this regard, see United States General Accounting Office (1993) and *Army Times* (1993).

¹⁸It is important to note that this number refers to expulsions for homosexual conduct, and that other "psychological" discharges would not necessarily be captured in this figure. Indeed, no figures are kept that would indicate the total number of homosexuals discharged.

The presence of homosexuals in military housing is not regarded as a problem by the *Bundeswehr*. Many of the soldiers live with their families or in civilian housing, and no effort is made to monitor behavior off-base and off duty. No investigations are conducted exclusively to discover if someone is a homosexual. The German military is primarily designed for defense of German territory, not for deployments abroad, and while this may change in coming years, as the Basic Law is revised and German units participate more vigorously in peacekeeping operations, at present the *Bundeswehr* does not engage in extensive field deployments.

To summarize, German military personnel policy with regard to homosexuals serving can best be described as flexible in practice, where the decision with respect to an individual homosexual depends on the cumulative evidence of the circumstances and where personnel authorities exercise considerable discretion in deciding individual cases. Discrimination in fact occurs, but some homosexuals are also permitted to serve if such service is not disruptive to the organization.

Israel

Context. Israel is quite different from the other foreign countries we visited and the United States. Since Israeli independence in 1948, the Israeli Defense Force (IDF) has fought four major wars, innumerable major operations against its hostile neighbors, and since 1967 has been an army of occupation in the West Bank and Gaza Strip. This gives Israel a warfighting experience unparalleled in the rest of the world. At the same time, it has undertaken the task of establishing a homeland for Jews from all over the world, who had lived in a wide variety of cultures (from contemporary European and American to almost medieval Yemenite). Israel has monumental problems of assimilating newcomers with different work ethics, who have lived under various forms of government, who speak many languages, and who have vastly different educational backgrounds. Military service has been one of the tools the nation has used to establish a cohesive society.

The IDF is therefore founded on the model of the citizen-soldier. Conscription to active duty is universal, for both men (3 years) and

women (2 years), and annual reserve duty (not just training) continues for women into their mid-20s and for men into the 40s.¹⁹ If a person does not serve in the Army, he is outside the norm of society and may face discrimination when later applying for a secular job; therefore Israeli exemption policies are very limited and many individuals exempted from service (for example, for severe physical handicaps) appeal to be allowed to serve. Women do not serve in combat units because Israeli society is reluctant to expose women to being prisoners of war and other associated risks. All careerists first enter the service as conscripts, moving only later into the professional officer and NCO ranks.

Attitudes Toward Homosexuality. Judaism is the established religion of the country, with two major Rabbinate--the Ashkenazic (largely European) and Sephardic (largely Mediterranean). Although the majority of Israelis are non-observant, the power of religion and of the religious political parties is strong beyond their proportional representation; this influence has been most strongly felt by religious control of the Interior and Education ministries throughout much of Israeli history. Jewish traditional religious thought, based on the Bible, considers homosexuality to be an egregious sin. Perhaps because of this strong religious influence, homosexuality is perceived in Israel to be aberrant behavior and homosexuals are not generally accepted. Our interviewees stated that homosexuals in Israel are very reluctant to reveal their sexual orientation and they remain much less visible than their counterparts in the United States or most Western European countries (see also *Army Times*, 1993).

Legal Status and Change in Military Policy. This religious attitude notwithstanding, Israeli civil law has followed that of the Western European democracies; hence, since 1988 homosexual acts between

¹⁹Conscription is universal as stated for Jews (82 percent of the population) and certain others such as Druze (1.7 percent of the population). Because the threat is Arabic and largely Moslem, the loyalty of the remainder of the population is regarded as suspect. Certain groups of Christian Arabs (2.3 percent of the population) may volunteer to serve, and the bulk of Moslem Arabs (14 percent of the population) are not eligible.

consenting partners above the age of 17 are no longer crimes (Knesset, 1990). Since 1992 (Knesset, 1992), discrimination in employment on the basis of sexual orientation has been illegal. But beyond that, homosexual partners have no recognized legal status, in terms of either legitimization of the relationship or benefits, i.e., housing, insurance, or taxation. In the military, homosexuals are given the same benefits as are given to singles.

There is an active gay rights movement in Israel, e.g., Otzma, a gay homosexual political rights organization and a *Society for the Protection of Personal Rights for Gay Men, Lesbians and Bisexuals in Israel*. Earlier this year a Knesset committee inquiry into the status of homosexuals in the military led the Chief of Staff of the IDF to establish a group to study the status of homosexuals.²⁰ This effort culminated in a new policy announced 11 June 1993, whereby "No restrictions shall be imposed on the recruitment, assignment or promotion of homosexual soldiers (in career, regular or reserve service) and civilians due to their sexual inclination" (Israeli Defense Force, no date).

The former policy, drafted in 1986, prohibited homosexuals from serving in jobs requiring the top two levels of security, e.g., "The placement of homosexual soldiers in regular, career and reserve service, as well as civilian employees, will be limited because of their (sexual) orientation. This is because the aforementioned orientation is likely to be a security risk." (*Los Angeles Times*, 1993) Moreover, homosexuals were required to undergo a mental evaluation once their sexual orientation was known; that evaluation was to determine whether they were security hazards or if they had the mental fortitude and maturity to serve. As a result of that examination, the service member could be separated from service or restricted in assignment.

On the issue of security, the new policy states, "If the assignment of a soldier requires a security clearance, he will be required to go through the security check that is normally applied to that position."

²⁰The original reason for the Knesset's inquiry was a charge by an intelligence officer who had done highly secret research for the military for 15 years, that "he was denied promotions and given clerical work after his homosexuality was discovered" (*Los Angeles Times*, 1993).

Homosexuals are no longer singled out as a class. Security investigations are routine for highly classified positions, are always conducted on an individual basis, and always touch on sexual partnerships and mental health, regardless of sexual orientation.

Service Conditions and the New Policy. For service members in noncombat units in Israel the military is very much like an ordinary job. Service members live at home, work a scheduled shift, and mostly have weekends free. But life for the active duty IDF soldier in a combat unit is not unlike that for many CONUS-based American enlistees, especially those in combat units. The living conditions for soldiers are not conducive to privacy. Soldiers' quarters are barracks with 12 to 15 soldiers per room in bunk beds. Common bathrooms are the rule. Although Israel is a small country and therefore home is never far away, IDF soldiers in combat units do not routinely live at home or get leave every weekend.²¹ Even for the few openly homosexual soldiers, the IDF reports no problems connected to homosexuality regarding privacy, showers, or unwanted sexual advances.

The IDF holds unit cohesion and a group orientation as necessary for military effectiveness. A soldier does nothing in the IDF as an individual. Accomplishments are achieved by a collective unit. If a service member differentiates himself too much from the group, that difference may be disruptive to the unit's performance; the soldier must adapt to the group and contribute to its performance. As noted by a senior Israeli military psychiatrist, "Homosexuals can become scapegoats if their manifestations of homosexual behavior cause them to be rejected or ostracized from the group. This is not just because of homosexuality, but for any social adjustment problem or personality

²¹Schwartzkopf (1993) testified that homosexual men in the IDF do not sleep in barracks. Moskos (1993) testified that open homosexuals are treated like women--i.e., placed in noncombat jobs where they do not live in barracks. The *Army Times* (1993) reported that openly homosexual men are rarely assigned to combat units. During interviews with the IDF we were told that as a matter of practice, homosexuals are not precluded from serving in combat units but that few did, and they did so largely without incident. The *LA Times* notes, however, that, "Although chartered as a restatement of IDF policy, the new order is intended to end discrimination against homosexuals and to assure them equal opportunity to serve in all positions."

problem which does not allow him to adapt to the group.... (However), if there were no disfunctionality in the unit, he (the homosexual) would not currently be removed from the unit."

The new policy does try to address leadership by stating that, "Unit commanders should be made aware that no restrictions apply to homosexual soldiers.... Should there be a problem that prevents the soldier from functioning in his unit, as a direct result of his sexual inclination, the commander will decide whether the soldier should be referred to a psychologist, as is customary in other cases." However, the psychological examination is "restricted to determine whether the sexual inclination is accompanied by manifestations that could prove a security hazard. Should no finding be revealed, the examination will end at that," and the homosexual will be returned to his or her unit.

Commanders are on notice that they can no longer transfer out of their units any soldier they suspect of being a homosexual (*Los Angeles Times*, 1993). As one senior Israel official told our team, "If a commander were to come to me and ask to remove a soldier just because others cannot adjust to him, I may not do it. If a soldier is a scapegoat and we can predict he may adjust to another group, we may rotate him to the same type of unit. If he is a person with very low self-esteem and subjected to external stigma, I will try to assign him to a less stressful job."

Even though Israel is a religious state, the IDF is secular; religious law cannot be imposed on nonreligious service members. Within the IDF, religious beliefs are respected for the individual, but the individual does not impose his religious beliefs on others; hence, a religious service member who has trouble with homosexuals is expected to make the personal adjustments necessary for the group and to tolerate homosexuals.

The IDF has no policy on public displays of affection. Nevertheless, sexual harassment is monitored and social interaction is a delicate situation. A soldier may hug a man but not a woman because of the potential misinterpretation that he is involved in sexual harassment. As a result, soldiers today are very restricted in behavior

that could lead to misinterpretations of intent. When relating to one's declared heterosexual lover, behaviors are somewhat more open.

The IDF policy on fraternization is more liberal than the American one. Between persons of higher and lower rank, including officers and enlisted personnel, relationships are permitted as long as they are not between personnel in the same chain of command.

In summary, the societal approbation of homosexuality means that even given the new nondiscriminatory policy, homosexuals are likely to remain very covert in their behavior; social ostracism is a strong disincentive in the IDF. Although career patterns for homosexuals can be the same as for other soldiers, problems with individual commanders did exist. It remains to be seen if, under the new policy that bans discrimination, as suggested by an IDF spokesperson, "everyone who felt forced to keep his or her homosexuality a secret will now be able to be open" (*Los Angeles Times*, 1993).

The Netherlands

Context. The geographic situation of the Netherlands makes it a natural transportation corridor, and as a consequence, Dutch society has been multicultural throughout its history. This has led to an overall toleration for differences among groups and a style of government where minority sensibilities are accommodated (Lijphart, 1970). In keeping with this political orientation, the Netherlands is considered one of the leaders in toleration of homosexual orientation and behavior (CBS News, 1993; Ketting & Soesbeek, 1992; Likosky, 1992). In 1991, the Dutch parliament passed one of the strongest anti-discrimination laws and changed most of the anti-discrimination provisions of the penal code so as to cover discrimination on the basis of "heterosexual or homosexual orientation" (Waaldijk, 1992).

Public Attitudes and Legal Status. Toleration in the Netherlands is not the same as endorsement. Just as the in-effect decriminalization of marijuana does not mean that the Dutch are a nation of drug addicts, so the prohibition of discrimination on the basis of sexual orientation does not mean that homosexuals are more open--much less more flagrant--than elsewhere. What it does mean is that people who do use drugs or

are homosexual are acknowledged as members of the Dutch society, to be included in public matters.²²

The Netherlands is gradually moving towards recognition of homosexual partnerships (Waaldijk, 1992). Most political parties have recommended such legislation, which is expected to work its way through the parliament within a couple of years. Some municipal authorities have offered semi-official registration of homosexual couples, but this is largely symbolic. It is difficult, however, to track social change in the Netherlands through legislation because the Dutch are very willing to let official laws lag well behind actual practice. This is the case in such areas as drug laws (marijuana is officially illegal but openly sold under strict conditions), physician-assisted suicide for terminally ill people (technically illegal but highly regulated and not uncommon), and nondiscrimination in the public sector.

Policy. From 1911 until 1971, homosexual intercourse was by law forbidden for people younger than 21 years, while the age of consent for heterosexual intercourse was 16 (Ketting & Soesbeek, 1992). During this time, homosexuals were not allowed to join the Dutch military. In 1972, concomitant with the abolition of the civilian law, pressure was applied on the military to admit homosexuals; in 1974, Minister of Defense Vredeling decided that homosexuals had the right to be service members.²³ With this decision, homosexuality was moved from a moral to a medical category; the mere fact of homosexual orientation or behavior was not automatically exclusionary, but could be used as one of multiple criteria to determine psychological inaptitude for service. This policy eroded over the next dozen years, until 1986, when Minister of Defense Brinkman declared the military to be part of an overall governmental policy of equal rights for homosexuals and heterosexuals. Since then,

²²To illustrate this viewpoint, consider two public service billboards currently prominently displayed at train stations throughout the Netherlands. They promote safe sex with the slogan "[I make love safely or not at all]." In the first, a man and a woman are admiring each other on a bed, while in the second two men are enjoying each other's company in a shower. Neither billboard conveys a sense of titillation.

²³The Dutch political system gives ministers--who are members of parliament--far more executive power than American cabinet secretaries.

not only has homosexuality not been grounds for exclusion or dismissal from the Dutch military, but the government has actively attempted to ensure that serving homosexuals will be well-integrated into the force.

This assertive policy of equal rights goes beyond the passive one of the other foreign military services we examined, but is consistent with other aspects of Dutch policy. At about the same time as the assertion of equal rights without regard to sexual orientation, the Dutch military has not restricted the jobs in which women may serve (although only men are conscripted). Also, there has been a policy of equal rights for the relatively few Dutch soldiers of non-European race (largely of Surinamese or Indonesian descent).

Implementation of the Nondiscrimination Policy. Over and above statements of equal rights, the Dutch military has been proactively involved in ensuring the well-being of service members. An example of this is their actions with regard to violence in the military. In response to active concern (e.g., Tromp, 1986), a survey of over 4000 service members was conducted to ascertain the extent and type of violence in the military and what types of persons were perpetrators and victims of that violence (Stoppelenburg, Mandemaker, Serail, & Ubachs, 1990). While the major conclusions of that study go beyond our present interest, and the specific question of harassment on the basis of sexual orientation was not asked, it is worth noting that overall violence was low, and that only 0.1 percent of violent incidents were sexual in nature (harassment) and 0.7 were physical violence. Most incidents were verbal abuse and psychological harassment of various forms. The study led to explicit changes, not only in terms of education and training against violence and sanctions for violent behavior, but means to make it easier to report incidents of violence (Tweede Kamer der Staten-Generaal, 1992).

Concomitant with the assertion of equal rights in the military regardless of sexual orientation was the establishment in February, 1987, with financial support from the Ministry of Defense, of the *Stichting Homosexualiteit en Krijgsmacht* [Foundation for Homosexuality and the Military] by 40 service members. The foundation's membership includes conscripts, enlisted personnel, and officers, as well as civil

defense workers. At least one unit commander belongs to the foundation. The general functions of the foundation include (Stichting Homosexualiteit en Krijgsmacht, 1987):

- Providing a support organization for homosexual service members.
- Providing information to counter prejudicial and stereotypical beliefs about homosexuals.
- Advocating and monitoring equal rights.
- Promoting open homosexual membership in the military at least in proportion to their membership in the greater population.

An early achievement of the foundation was the establishment of sensitivity training, in acceptance of different sexual orientations, as part of basic training.

Effectiveness of the Nondiscrimination Policy. To test the effectiveness of the equal rights policy, the Ministry of Defense asked the Netherlands Institute of Social Sexological Research to conduct a survey of the Dutch military about the experiences of homosexual service members and the attitudes of heterosexual service members towards their homosexual peers. The results of this research appeared in late 1992 (Begeleidingscommissie, 1992; Ketting & Soesbeek, 1992; van Weerd, 1993). A representative sample of 1238 male and 149 female service members completed a written questionnaire on their own sexual orientation, personal attitudes, and behavior towards homosexuals.

In common with the general Dutch population, the survey respondents expressed generally tolerant attitudes towards homosexuals, agreeing that homosexuals should have the same rights as heterosexuals. However, in their daily contacts with homosexuals, most heterosexual service members prefer to keep their relationships at a psychological and social distance. For example, 11 percent of male respondents state their relationships with homosexuals as friendly, 8 percent as acquaintanceship, 49 percent as collegial, and 32 percent as purely

business.²⁴ Thirty percent of men say that they would react in a hostile or aggressive manner if a colleague turned out to be homosexual, although the actual incidence of aggression and hostility is low.

The survey found that even in the Netherlands, service members would not openly acknowledge homosexuality. The survey research team was unable to meet their targeted number of openly homosexual service members for detailed interviews; conscripts in particular were reluctant to acknowledge themselves to the researchers (Ketting & Soesbeek, 1992). Although most Dutch service members believe that between 4 and 5 percent of male servicemen are homosexual (Ketting & Soesbeek), only 0.9 percent of the men surveyed declared themselves predominantly homosexual.²⁵ In the survey, 4.8 percent of male respondents reported that they had ever had sexual contact with another man in their lifetimes.

Even given the strongly encouraging and consistent message from leadership, many homosexuals in the Dutch military are afraid that their sexual orientation could cause trouble. As a result of this research, the Dutch government (Begeleidingscommissie, 1992) concluded that the position of homosexuals in the Dutch military is still far from ideal. Although they have equal rights, the negative attitudes and behavior of their colleagues make the reality of daily life uncomfortable.²⁶ Policy recommendations were made to eliminate prejudice and strengthen efforts to change the attitudes of heterosexuals towards homosexuals.

The response of the Dutch Ministry of Defense (ter Beek, 1993) is an intensive effort to improve acceptance of homosexuals. A program of

²⁴Women in the Dutch military are considerably more comfortable than men with homosexuals; the corresponding percentages are 39 percent friendly, 6 percent acquaintanceship, 42 percent collegial, and 13 percent as purely business.

²⁵Correspondingly, only 3.5 percent of females interviewed considered themselves predominantly lesbian; informal estimates of actual prevalence range up to ten times that figure and the official Ministry of Defense estimate is 5 to 10 percent, corresponding to the proportion of homosexuals in the Netherlands (Joustra, 1993).

²⁶CBS News (1993) portrayed four openly homosexual Dutch service members as fairly well satisfied. We note that all four had relatively high rank (a Lieutenant Colonel and a Major in the Army, a Lieutenant Commander in the Navy, and a Sergeant-Major in the Air Force) and were demonstrably proven achievers. Of the 64 homosexuals interviewed in the NISSO survey, only 13 were officers.

education, counseling, and information will be instituted throughout the military, accompanied by sanctions against discrimination in any form. The focus will be on leadership, including special sensitivity training for military trainers, special courses for counselors on problems that homosexuals present, and soliciting the assistance of homosexual groups to provide information about support services for homosexual service members. In particular, there will be a focus on dispelling prejudices and false stereotypes about the nature and behavior of homosexuals. Procedures will make it easier to file complaints for harassment. Units will have a "[person you place your trust in]" for informal counseling--for both heterosexuals and homosexuals. Ter Beek's statement explicitly notes that the Dutch military will not permit official discrimination on the basis of sexual orientation in coalitional deployments with armies that do exclude or discriminate against homosexuals.

Norway

Context. Our interviewees reported that sexuality is regarded in Norway as a private matter; people strongly prefer that it not be brought out in public. A statement about sexual orientation is interpreted to be a statement about sexual behavior, and is thus considered distasteful. This personal aversion is juxtaposed against a legal toleration: Laws against sodomy were abolished in 1972; there is a specific law sanctioning insult or injury of a person or group because of sexual orientation; and the social climate in Norway is increasingly tolerant of nontraditional living arrangements, as culminated in the passage in April 1993 of the partnership law in effect establishing homosexual marriage. Thus, Norway might present what appears to be a contradiction: On the one hand, homosexuals may publicly and legally declare partnerships, while on the other hand, openly stating one's sexual orientation is unsocial behavior. The contradiction is resolved when one considers a remaining restriction on homosexual marriage--the ceremony cannot be conducted in the (established) church. Thus,

although homosexual orientation may be *stated*, and thus tolerated, it cannot be *sanctified*, and thus fully acknowledged.²⁷

Norway's military is based on the principle of home defense by the citizen-soldier; about 70 percent of young men enter military service, with the remainder excused for physical, mental, or moral unfitness or for conscientious objection. (Objectors spend a similar length of time in another form of national service.) The principle dictates that there be essentially no difference between military laws and civil laws. The official Norwegian position is that homosexuality is not an issue. There is no registration, discrimination, or special treatment within either Norwegian society or its military based on race, religion, political beliefs, or sexual orientation. Moreover, the Norwegian military claims to have no indication that their policy "is in conflict with military requirements in any form or by any definition" (personal communication, 6 May 1993).

Policy. Before sodomy was civilly decriminalized in 1972, acknowledged homosexuality was grounds for exemption from military service and homosexual behavior of military personnel was grounds for both dismissal from service and civil punishment. The decriminalization of sodomy in effect immediately ended any military punishment for sodomy and triggered a seven-year examination of whether homosexuality as a *medical* rather than a criminal problem might lead to exemption (Holm, 1977; Kringlen, 1977). In 1979, homosexuality was removed from the list of medical conditions limiting either conscript or career military service.²⁸ This year, with homosexual partnerships civilly recognized, the military plans to shortly confer upon homosexual couples any economic and housing benefits it confers upon married heterosexual

²⁷Interestingly, Norwegian law allows heterosexual couples an alternative short of marriage, called *sambo*, which provides recognition of cohabitation and parental status. To have *sambo* status, the couple must be eligible for heterosexual marriage (e.g., not currently married to somebody else, underage, etc.). *Sambo* status, like homosexual partnership, may be stated but is generally not fully accepted.

²⁸Again, Norwegians differentiate between toleration and acceptance even here. Military medical authorities still define homosexuality as a sexual *dysfunction*, but one with no implications for military fitness.

couples; this is regarded as a matter of minor changes in the wording of regulations and not a major problem.

Service Conditions. Although the regulations declare that there is no discrimination based on sexual orientation, the reality does not completely bear this out. Homosexuality per se is not grounds for exemption from service; however, if that homosexuality is accompanied by other psychiatric grounds, an exemption will be granted. Unlike the case in France, this exemption is neither automatically granted nor freely offered; the principle of citizen-soldier dictates that homosexuals able to serve should do so.²⁹ Although there are no official statistics, it is generally agreed that homosexual officers would not advance as quickly as would equally performing heterosexual peers. One interviewee said that open homosexuals are denied security clearances, but this was not verified by others. Homosexuality would never be the overt reason for this slowdown in career or denial of clearance, because that would be illegal. Nonetheless, such discrimination is a fact of life.

Both civilian and military interviewees agreed that harassment is not considered a problem in the Norwegian military. There is generally not much physical violence within the military, nor within Norwegian society in general.³⁰ NCOs and officers get education in ethics, sexuality, and the nature of sexual orientation as part of leadership training, and are urged to treat all soldiers as individuals and to tolerate differences.

Public display of affection is rarely seen even in civilian life. There are no regulations against it, but it is not considered "military custom and order." If either heterosexuals or homosexuals displayed

²⁹Moskos (1993) states that in the Scandinavian countries, an openly homosexual person will be exempted from conscription upon request. Norwegian personnel and medical staff we interviewed were adamant that automatic exemptions are not granted; only if homosexuals can demonstrate other psychological problems that will make life in the military for them difficult will they be granted the exemption.

³⁰One informant claimed that there had been four people killed in the past three years in incidents that appeared related to sexual orientation. This, in a country of 4.3 million people, was regarded by this informant as a frighteningly high rate.

affection in public, there would be no official reaction, but this might affect how people think about the individual.

As the primary mission of the Norwegian military is home defense, few service members are stationed far from home. Barracks quarters are not mandatory, but are available for personnel who choose them. Weekend leaves, cheap transportation fares, and attempts to accommodate needs mean that there is a lot of flexibility and not much isolation in Norwegian military life. There are no special considerations made for race, gender, religious, or sexual orientation status for service members deployed in special circumstances, e.g., in the far North of the country, at sea, or on UN or other peacekeeping missions.³¹ If an ally were to request that homosexuals be restricted from a joint mission, it is not clear that the Norwegian military would comply with the request; they hope that the issue never arises.

Women are not drafted, but have been eligible to serve in the military since the 1970s. From the mid-1980s, there have been no restrictions on type of service, including combat units. In practice, because the military is regarded as a man's job, few women serve. Even though 69 percent of Norwegians work in trade, services, or the travel industry and less than 1 percent are in agriculture, fishing, or commercial hunting, many Norwegians still adhere to its agricultural image where the woman's role was to stay home, raise babies, and guard the homestead. Our interviewees noted that the presence of women in the military has led to some problems of adjustment, but there have been very few official claims of sexual harassment.

Although none of the people we interviewed in the Norwegian military claimed to have any explicit knowledge of lesbians in service, a newspaper article last year (Schmidt, 1992) carried the headline "lesbian sweethearts in the barracks." Members of Norwegian homosexual groups claim, and some military officers conjecture, that there are

³¹Deployments abroad are popular, with volunteers outnumbering available slots up to 10 to 1.

"more than just a few" lesbians in the military, but that not many are open.³²

United Kingdom

Context. From 1885 until the enactment of the Sexual Offenses Act of 1967, male homosexual acts were illegal under civil law in the United Kingdom.³³ The 1967 Act decriminalized homosexual acts for consenting males over the age of 21.³⁴ This decriminalization of homosexual acts represents a general secularization of attitudes since the 1930s as well as a liberalization of the legal statutes. While homosexual marriages are not recognized and child adoption and fostering by homosexuals are not tolerated, there has been an increasing shift in society towards tolerance of homosexuals.

Public Attitudes. One of the distinctions between the U.S. and U.K. societies is in their perspectives on minority rights. The British generally do not see their society as a melting pot, and hence, do not treat minority rights with the same degree of concern as they are treated in the United States. There is neither a strong homosexual movement, nor is there a strong anti-homosexual movement in the United Kingdom. The initial impetus to decriminalize homosexual acts did not arise from a gay activist organization, but from a group called the Homosexual Law Reform Society, composed of prominent bishops, doctors, lawyers, and liberal politicians. The Stonewall Group, associated with the Health and Education Research Unit of the University of London, has also lobbied for civil rights for homosexuals and has requested changes in British law.³⁵ Although one might expect that the Church of England

³²One member of the couple featured in the newspaper story remained anonymous and did not allow herself to be photographed, because she did not want her family to know.

³³When the laws proscribing homosexual acts were presented to Queen Victoria, she purportedly could not imagine homosexual acts between females, and hence those were never enacted.

³⁴In practice, there is almost no prosecution for homosexual acts by males over the age of 18.

³⁵In a 1991 memorandum submitted to the Select Committee on the Armed Forces Bill, the Stonewall Group recommended: (1) that homosexual acts should no longer be forbidden between consenting adults under service law, (2) that homosexuality of itself should no longer be a reason for refusing entry to the armed forces nor for dismissal, and (3)

would have much to protest on this subject, it does not see its duty or its role as that of dictating the private behavior of individuals who are not its members. Even though it is the established religion, the Church cannot make legal positions for society at large.

The Military Perspective. The United Kingdom, like the United States and Canada, has abandoned conscription in favor of an all-volunteer force.³⁶ Behavior in the military is governed by the Queen's Regulations, which, along with the laws establishing a military force, are reviewed and renewed every five years--next in 1996.

Of all the foreign countries we visited, only the United Kingdom explicitly bans homosexuals from military service--under current regulations, participating in a homosexual act is a punishable criminal offense under military law. Many of the arguments put forward by the United Kingdom military establishment against allowing homosexuals to serve are similar to those used in the United States. That is, it is claimed that homosexuality undermines cohesion and good military order; that it undermines recruiting; that it interferes with confidence building and bonding in small groups; etc. In fact, their current practice is much like the U.S. military policy that has been in effect since January 1993. Recruits are not asked whether they are homosexual, but they are given a pamphlet (Her Majesty's Armed Forces, no date) before they enlist that states, in part:

Homosexuality and homosexual behaviour are not compatible with Service life. If you engage in homosexual activity you may not be prosecuted under Service law (depending on the circumstances of the activity), but you will have to leave the Armed Forces.

The Sexual Offenses Act of 1967 specifically did not decriminalize homosexual acts among military service members. However, there is the expectation that the Queen's Regulations will be changed in the normal course of their review in 1996 to formally decriminalize homosexual acts

that members of the armed forces should be guaranteed protection from discrimination on the grounds of their homosexuality.

³⁶Warner (1993) testified that Great Britain has conscript recruitment; we suspect that this is a transcription error.

for service members. A special report from the Select Committee on the Armed Forces Bill (1991) states:

We are not persuaded that the time has yet come to require the Armed forces to accept homosexuals or homosexual activity...

We recommend that homosexual activity of a kind that is legal in civilian law should not constitute an offence under Service law. We look to the Government to propose an appropriate amendment to the law before the end of the next Session of Parliament.

Military Law. Currently, the military does not take disciplinary action against an individual for engaging in a homosexual act if the soldier is over 21 and the act is between consenting adults--individuals are administratively discharged for participating in such acts.³⁷ As in the United States, the mere statement by a person that he or she is a homosexual is not sufficient for discharge; status must be convincingly shown. Dismissal is not automatic, but almost certain (Select Committee on the Armed Services Bill, 1991). Individuals are generally charged with disgraceful conduct of an indecent kind, or conduct prejudicial to good order and discipline. Over the three-year period of 1987 to 1989, 32 individuals were court-martialed and 225 individuals were administratively discharged.

This is not to say that homosexuals are not present in the Armed Forces of the United Kingdom. However, because of the restrictions on homosexuality and homosexual behavior, they are wary about openly declaring themselves. As is the case with the U.S. military, homosexuals who have been dismissed have provided testimony to the existence of others at all levels, who remain unacknowledged.

AN INTERNATIONAL COMPARISON

Although each of the countries we visited is unique, a common picture emerges that can inform the policy decisions facing the United States.

³⁷These administrative discharges are noted as SNLR--Services No Longer Required.

Military Policy and Practice Reflect Societal Norms

The trend in all Western democratic societies is for greater toleration of social deviations as long as those deviations do not impinge on the larger group. Thus, premarital sex and homosexual behavior among consenting adults are becoming more tolerated, while drunk driving and smoking in public areas are becoming less tolerated. In each of the countries, the national military policy reflects--with a possible time lag--national societal attitudes and norms regarding tolerance; in no country is the military on the edge of social change or a test bed for social experimentation.

But tolerance does not mean acceptance. In none of the countries visited is homosexuality fully accepted. Interviewees stated and the data available support the conclusion that most people are avowedly heterosexual and express some discomfort around openly homosexual people. However, in these countries, the homosexuals are aware of and sensitive to the feelings of the majority. Most homosexuals are not public about their orientation and even open homosexuals are circumspect about their behavior in most social situations. This generalization holds particularly true for homosexuals in the military.

In each of the countries visited, homosexual behavior has been decriminalized for many years in civil law. Only in the United Kingdom does the military still prohibit sodomy, and it is anticipated that this, too, may soon change. In accordance with the civilian practice of official toleration, none of the foreign military services asks potential conscripts or recruits about their sexual orientation and only the United Kingdom will actively investigate an allegation of homosexuality.

The accession of admitted homosexuals into military service is less uniform in the countries visited. Canada, the Netherlands, and Norway do not permit an individual's homosexuality to be a criterion of acceptance into or rejection from the military. France and Israel will, in effect, exempt a homosexual from conscription if the person so chooses and, for appropriate individual cases, may recommend to the individual that an exemption be claimed. The ultimate choice in these two countries, however, is with the individual candidate. Germany and

the United Kingdom formally deny entry into service to open homosexuals, although Germany will tolerate homosexual members upon discovery or declaration.

Homosexuals Serve--But Quietly--In All Militaries Visited

No matter what the official regulation, interviewees reported that homosexuals did serve in the military service of each country, in the conscript, volunteer, and officer ranks. In none of these countries are heterosexuals fully comfortable living closely with homosexuals, but in none of these countries were there significant disciplinary problems caused by homosexuals within the ranks. In each country, the number of openly homosexual service members is small and is considered to represent only a minority of homosexuals actually serving. Moreover, in all countries, openly homosexual service members were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.

Problems Are Dealt With on a Case-By-Case Basis

The foreign militaries visited reported very few problems caused by the presence of homosexual service members. Moreover, they reported that these problems were effectively dealt with on a case-by-case basis. Even in countries where it was claimed that homosexual orientation might lead to limited military careers, interviewees were emphatic that there was no hard and fast rule. Instead, each case was considered on its merits, and if there was a net benefit to the military of keeping a homosexual person on the job, that action was taken. In France and Norway, homosexuality is never an explicit criterion in any personnel decision, but certain homosexual behavior³⁸ could be a component of conduct unbecoming a service member and lead to sanctions; Canada is expected to follow this pattern. In the United Kingdom, there was a blanket dismissal of discovered homosexuals from the service, and in the

³⁸In most cases it is the flagrancy of the behavior, not its homosexual nature per se, that determines its unacceptability.

Netherlands, homosexuality is, by law, never a criterion in personnel actions.

Where there is the potential for unit disruption, the foreign militaries are proactive. Possible sources of trouble are identified, and if individual differences among service members are causes, action is taken. The particular action depends, as above, on the circumstances. Thus, if there is a clash between a homosexual and heterosexual that cannot be resolved within the unit, depending on the circumstances, one or the other or both may be removed from the unit or sanctioned. Interviewees claimed that in their experience there was no significant threat to unit cohesion or organizational performance created by the presence of homosexuals in their militaries, either at home stations or deployed at sea or abroad.³⁹

Change Has Not Been Disruptive

Since 1972, five of the countries--Canada, France, Israel, the Netherlands, and Norway--have changed policy, broadening the inclusion of homosexuals in military service. In the Netherlands and Norway, the change followed the decriminalization of homosexual behavior, while in France, change occurred when the psychiatric profession determined that homosexuality was not a mental disorder. Canada's change in policy was more political in nature. According to our sources, the change Israel announced in June 1993 was a formal statement of what had become actual practice. In France, the Netherlands, and Norway, officials report that the change in policy produced no problems for conscription, recruitment, or retention; although Canada's policy change is recent (October 1992), they similarly report no problems to date. In all instances, the change in policy produced little real change in practice because almost no service members or candidates for service revealed a homosexual orientation.

Implementing the change in policy for Canada, the Netherlands, and Norway has not posed major problems. (France's change of policy went almost unnoticed, and implementation was not an issue.) For all three

³⁹The caveat to this statement is, of course, the much greater extent of deployment of U.S. forces than any of the services visited.

countries, strong support from the highest levels of leadership, including the Minister of Defense and the highest ranks of military officers, communicated the acceptability of the new policy and the resolve of the military to accomplish the change. For Canada and Norway, implementation was done in as low a key as possible and unobtrusively. For example, there have been no sensitivity training sessions for troops, and neither country has attempted to change the attitudes of its service members.

Only the Netherlands has attempted to assertively establish equal rights for homosexuals and to change the attitudes of heterosexual service members. However, this effort does not appear to have produced a better situation for homosexual service members than the situation in countries that made no attempt to change attitudes. The Dutch are continuing their efforts in this direction, and because they are closely monitoring progress, in five years it will be possible to assess the effects of their programs.