

# Call for revision of laws on homosexuality : protecting youth from corruption

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give you pleasure to see my naked body.' This time he had found by chance my weakness — it would mean delight to see the tall boy naked, a feast for one's eyes. Fritz noticed my hesitation, smiled openly and friendly at me and said: 'That would at least pay off something of what I owe you, though there still remains a great debt.' And before I could check him, he had started to take off the few things he was wearing. Youth — tall and deeply tanned by sun and water — naked — that's how he stood before me. Muscular in all his suppleness, the body perfectly moulded by swimming, his skin an even dark tan except for the lovely whiteness of his slender hips from which the bathing shorts had slipped down. Joyously he stretched his arms and smiled at me unreservedly. With this gesture he had given to me of his own free will inexpressible delight — there was no urge in myself to ask for more. Enough is as good as a feast. In the carefree nakedness of his youth he continued to keep me company for a little while. «To look at someone beloved is the most intrinsic embrace we know of, the one which sinks down into our hearts and stays there alive for all eternity» — those words written by the Swiss poet Cécile Lauber came to my mind.

Then Fritz dressed and when he said goodbye to me he took me into his arms. Maybe that was his way of thanking me.

The next morning I left town.

## Call For Revision Of Laws On Homosexuality

### *Protecting Youth from Corruption*

Homosexuality is generally more prevalent in this country than is generally admitted said Sir Robert Boothby, M. P., in a discussion on homosexuality and the law at the Hardwicke Society's debate in the Middle Temple Committee Room last night.

It was increasing steadily, he went on, and it was by no means confined to London. There was in fact a homosexual underground in most of our large cities of disturbing dimensions which was a continuous menace to youth, and we had now reached a situation in which no man with any regard for his reputation would dare to enter a public urinal after dark.

Those who were most revolted by the subject of facing up to the problem with a view to reducing its incidence and minimising its bad effects, shrouded it in a veil of secrecy and silence campaigns against homosexuality, which are not unaccompanied by methods of great dubiety, do nothing towards its eradication. On the contrary they intensify the squalor by which it is surrounded and widen the area in which it prevails.»

## *Laws No Deterrent*

After surveying earlier legislation on the subject Sir Robert continued:

«The present laws governing the treatment of homosexual offences are section 61 and 62 of the Offences Against the Person Act of 1861, and section 2 of the Criminal Law Amendment Act of 1886. Both were passed long before the discoveries of modern psychology, and in my submission they are no deterrent to the practice of homosexuality.

«My objections to section 61 and 62 of the Offences Against the Person Act are simply that, the prescribed penalties of imprisonment for life or ten years are so severe that judges are reluctant to impose them. This tends to bring the law into disrepute. My objections to section 2 of the Criminal Law Amendment Act of 1886 is much stronger. I base myself on the observations of Sir Travers Humphreys in his introduction to the «Trial of Oscar Wild», which seem to be worth quoting in full:

'Until that act came into force, on January 1, 1866, the criminal law was not concerned with alleged indecencies between grown up men committed in private. Everyone knew that such things took place, but the law only punished acts against public decency and conduct tending to the corruption of youth. The bill in question entitled. «A Bill to make Further Provision for the Protection of Women and Girls, the Suppression of Brothels and Other Purposes,» was introduced and passed by the House of Lords without any reference to indecencies between males. In the Commons, after a second reading without comment, it was referred to a committee of the whole house. In committee, Mr. Labouchère moved to insert in the bill the clause which ultimately became section 2 of the act, creating the new offence of indecency between male persons in public or private.

Such conduct in public was, and always has been, punishable at common law. There was no discussion except that one member asked the Speaker whether it was in order to introduce at that stage a clause dealing with a totally different class of offence to that against which the bill was directed.

The Speaker having ruled that anything could be introduced by leave of the House, the clause was agreed to without further discussion, the only amendment moved being one by Sir Henry James with the object of increasing the maximum punishment from twelve to 24 months, which was also agreed to without discussion.

It is doubtful whether the House fully appreciated that the words «in public or private» in the new clause had completely altered the law; as soon as the royal assent had been given and the act was published there began a spate of correspondence in the newspapers both legal and lay, and references to the subject on various public platforms, which were duly reported. A learned recorder dubbed it «A blackmailer's charter,» and an eminent Q. C. prophesied that juries would refuse to convict where the alleged acts were in private and not visible to any member of the public.

'On the other hand, those interested in the welfare of girls welcomed the act as a whole so warmly (and indeed it was an excellent act apart from section 2) and it was so clearly impossible to do anything except

let the law take its course that after a few weeks the clamour died down and the public interest became centred on some more savoury topic.»

It was this section, continued Sir Robert, that had introduced the horrible element of blackmail into a situation which was already sufficiently dark and difficult.

### *Modern Psychology*

«What has modern psychology got to teach us?

«1. That mature forms of sexuality are a composite product in the formation of which primitive infantile elements, hereditary factors, upbringing and environment have all played their part.

«2. That subconscious bisexuality is a component part of all of us and that a majority of males pass through a homosexual period at one period of their lives.

«3. That congenital homosexuals are seldom happy, but often endowed with creative and artistic gifts which can within limits and in favourable circumstances be diverted into fruitful channels.

«4. That homosexuality is form of mental sickness which may be cured, and not a crime which must be punished.

« I conclude from this that the existing laws dealing with homosexuality are medieval,» said Sir Robert.

The duty of the State, he said, is to protect youth from corruption and the public from indecency and nuisance. What consenting adults do in privacy may be an issue between them and the Government. Where did this lead us? «It leads straight to a revision of the law on the lines of the Code Napoleon. The law must provide for the appropriate punishment of those guilty of the seduction or attempted seduction of youth, of violence in any shape or form, of importuning, or of acts of indecency committed in public. The infanto-homosexual must be segregated—permanently if necessary—and there the law should stop.

«I am well aware that this is not a popular cause. The inhibitions on the part of the public are indeed daunting to anyone who espouses it. Nevertheless I believe the magnitude of the problem and the amount of avoidable suffering that is now being caused demand that it should be faced. That is why I am asking for the appointment of a Royal Commission.»

*(Manchester Guardian 20. 2. 54.)*





## Arrest

*What about this youngster being arrested? Is he a criminal, a blackmailer or just a misguided youth? If he is a criminal or a blackmailer, whose fault is it? Isn't the man who thoughtlessly and without any feeling of responsibility taught the boy practices, probably contrary to his nature, the real culprit? It's up to us that such scenes do not occur any more. The less they happen the better. By their disappearance we shall all profit.*

*R. Young.*