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# The Construction of Homosexuality

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*Jeffrey Weeks*

## Homosexuality: Concepts and Consequences

Most works on the history of sex tend to concentrate on the major forms of sexual experience to the exclusion of the minority forms. This is not surprising given the centrality in our society of the great rituals of birth, maturation, pair-bonding, and reproduction. But to ignore extra-marital, non-reproductive, non-monogamous, or even non-heterosexual forms is to stifle an important aspect of our social history. Nor indeed are they independent aspects. The regulation of extra-marital sex has been a major concern for the forces of moral order throughout the history of the West, whether through the canonical controls of the church over adultery and sodomy in the medieval period, or the state's ordering of prostitution and homosexuality in the modern.

Of all the "variations" of sexual behaviour, homosexuality has had the most vivid social pressure, and has evoked the most lively (if usually grossly misleading) historical accounts. It is, as many sexologists from Havelock Ellis to Alfred Kinsey have noted, the form closest to the heterosexual norm in our culture, and partly because of that it has often been the target of sustained social oppression. It has also, as an inevitable effect of the hostility it has evoked, produced the most substantial forms of resistance to hostile categorization and has, consequently, a long cultural and subcultural history. A study of homosexuality is therefore essential, both because of its own intrinsic interest and because of the light it throws on the wider regulation of sexuality, the development of sexual categorization, and the range of possible sexual identities.

In recent years it has become increasingly clear, first to sociologists, and belatedly to historians, that it is essential to distinguish between on the one hand, homosexual behavior, and on the other homosexual roles, categorizations, and identities.<sup>1</sup> It has been apparent to

anthropologists and sexologists since at least the nineteenth century that homosexual behaviour has existed in a variety of different cultures, and that it is an ineradicable part of human sexual possibilities. But what has been equally apparent are the range of different responses towards homosexuality. Attitudes towards homosexual behavior are, that is to say, culturally specific and have varied enormously across different cultures and through various historical periods. What is less obvious, but is now central to any historical work, is the realization not only that *attitudes* towards same sex activity have varied but that the social and subjective meanings given to homosexuality have similarly been culturally specific. Bearing this in mind it is no longer possible to talk of the possibility of a universalistic history of homosexuality; it is only possible to understand the social significance of homosexual behavior, both in terms of social response and in terms of individual identity, in its exact historical context. To put it another way, the various possibilities of same sex behavior are variously constructed in different cultures as an aspect of wider gender and sexual regulation. The physical acts might be similar, but their social implications are often profoundly different. In our culture homosexuality has become an excoriated experience, severely socially condemned at various periods, and even today seen as a largely unfortunate, minority form by a large percentage of the population. It is this that demands explanation.

The general tendency is still to assume that "deviance," and especially sexual unorthodoxy, is somehow a quality inherent in the individuals, to which the social then has to respond. Over the past twenty years, however, it has been increasingly recognized that the social not only defines, but actually in part constructs the deviance. The classic statement of the impact of social labeling was made by Edwin Lemert, who drew a distinction between what he termed "primary" and "secondary" deviance, the first being intrinsic, for whatever reason, to the individual, the second the result of social definition.<sup>2</sup> This suggests that there are two levels of analysis, one of which is more susceptible to historical understanding than the other. First of all there is the question of the actual creation of gendered and sexed individuals, whether as heterosexual or homosexual. Recent advances in social psychology and in neo-Freudian thought have suggested that the development of heterosexual or homosexual propensities at the level of the young human are not a product of inherent biological imperatives but are the effect of historically conditioned familial and other social influences channeling the sexual possibilities which exist in the young child.<sup>3</sup> It is quite possible, that is to say, that changing family forms, changing

notions of childhood, of the role of parents and so on actually have profound effects in the construction of individual heterosexuals, homosexuals, or other sexual categorizations. Emotions are differentially structured according to different social forms and pressures. But even if primary differences were biologically formed, this would not fundamentally alter the argument. For secondly, what makes this *historically* important are the social reactions to the sexed individuals that emerge in any particular form of society, and the ways in which these shape individual meanings. For to feel or experience something is not the same thing as to adopt a specific social identity, with all its often problematical effects. The historical problem therefore is to explain the various sources of the social stigmatization of homosexuality, and the individual and collective response to this broadly hostile regulation. But the way to do this is not to seek out a single causative factor. The crucial question must be: what are the conditions for the emergence of this particular form of regulation of sexual behaviour in this particular society? In our own history this must involve an exploration of what Mary McIntosh pinpointed as the significant problem: the emergence of the notion that homosexuality is a psychological or emotional condition peculiar to some people and not others, and the social implications of this conceptualization.

Mary McIntosh herself has theorized this, in a highly suggestive essay, in terms of the emergence of what she describes as a "homosexual role."<sup>4</sup> That is to say, under specific historical circumstances, which McIntosh traces to the late seventeenth century, there emerges a specific male (and it has usually been a male) role, a specialized, despised and punished role which "keeps the bulk of society pure in rather the same way that the similar treatment of some kinds of criminal helps keep the rest of society law abiding."<sup>5</sup> Such a role has two effects: it helps to provide a clear-cut threshold between permissible and impermissible behavior; and secondly, it helps to segregate those labeled as deviant from others, and thus contains and limits their behavior patterns. In the same way, a homosexual subculture, which is the correlative of the development of a specialized role, provides both access to the socially outlawed need (sex) and contains the deviant.

This insight has been enormously influential but, as in all exploratory essays, it has left many questions unanswered. More recent work has attempted to challenge it both in terms of its relationship to role theory and functionalism generally, and because of its apparent denial of any pre-given sexual orientation.<sup>6</sup> This however is to misconstrue its real importance. The essay itself suffers from the usual defects of a

structuralist-functional approach, particularly in the purposive effort at social control that it implies. But what it points to is an approach that can bear much historical fruit, indicating the necessity of studying homosexuality (as with other forms of sexual behavior) both in terms of the social categorization that shapes the experience, and in terms of the response itself, which in relationship to homosexuality has, over a long historical development, given rise to complex cultural and subcultural forms, and a distinctive series of sexual identities. These identities must, however, be understood in all their specificities, historical, class, and gender. This last point is particularly important because though social scientists and historians have, by and large, sought to explain male and female homosexualities in terms of the same etiologies and characteristics, their social histories, though obviously related, are distinctive. For both male and female homosexualities are social and historical divisions of the range of sexual possibilities and as such have to be understood in terms of their social implications.<sup>7</sup>

### Moral, Legal, and Medical Regulation

There is a long tradition in the Christian West of hostility towards homosexuality, although this usually took the form of the formal regulation of male homosexual activity rather than of lesbian. The West during the Christian era was in fact unique in its taboo against all forms of homosexuality. Cross-cultural evidence demonstrates very clearly that other cultures have successfully integrated some forms at least of homosexual behavior into its sexual *mores*, whether in the form of the socially accepted pedagogic relations common to ancient Greece, or in the development of the transvestite (*berdache*) roles in certain tribal societies.<sup>8</sup> But though persistent, the Christian taboos against homosexuality have varied in strength throughout time and have had differential effects on male and female homosexual behavior. In England before 1885 the only legislation which *directly* affected homosexual behavior was in fact that referring to sodomy. This "sin against nature," the crime not to be named amongst Christians, evoked acute horrors. The classic position was summed up by the jurist, Sir William Blackstone, in the late eighteenth century, who felt that its very mention was "a disgrace to human nature." But this defiance of nature's will was not a solely homosexual offence. The 1533 Act of Henry VIII which first brought buggery within the scope of statute law, superseding ecclesiastical law, adopted the same criterion as the

church: all acts of buggery were equally condemned as being "against nature," whether between man and woman, man and beast, or man and man. The penalty for "the abominable vice of buggery" was death, and the death penalty continued on the statute books, formally at least, until 1861. This enactment was the basis for all homosexual convictions up to 1885 in England and Wales. Other forms of homosexual activity were subsumed under the major form either as assault or as attempts at the major crime. The central point we must grasp was that the law was directed against a series of sexual acts, not a particular type of *person*, although in practice most people prosecuted under the buggery laws were probably prosecuted for homosexual behavior (sodomy). It seems likely that homosexuality was regarded not as a particular attribute of a certain type of person but as a potential in all sensual creatures. The prime task seems to have been protection of reproductive sex in marriage. The law against sodomy was a central aspect of the regulation of all non-procreative sex and it was directed at men. Though lesbian behavior was variously condemned its threat was less explicitly recognized in legal regulation, in Anglo-Saxon cultures at least.<sup>9</sup>

The "sin against nature" seems to have evoked a peculiar hostility. One of the sailors court-martialed for buggery on HMS *Africaine* in 1815 spoke of "a crime which would to God t'were never more seen on earth from those shades of hellish darkness whence to the misery of Man its propensity has been vomited forth."<sup>10</sup> The epithet "sodomite" was certainly one to be feared throughout the nineteenth century. In the early part of the century there is some evidence of great public antipathy towards convicted sodomites, while in 1895 Oscar Wilde was stirred into his disastrous libel case against the Marquis of Queensberry after being accused of posing, in his inimitable misspelling, as a "sodomite." As Lord Sumner put it in 1918, setting the stamp of an admired judge on social stigmatization, sodomites were stamped with "the hallmark of a specialised and extraordinary class as much as if they had carried on their bodies some physical peculiarities."<sup>11</sup>

Despite this evidence it is difficult to trace in any detail the actual enforcement of the sodomy law or to understand the sorts of sexual identities that those prosecuted under it developed. Its enforcement varied throughout time and between different social classes. There seems to have been a spate of convictions at the end of the seventeenth century and in the 1720s, coinciding significantly enough with morality crusades and the emergence of a distinctive male homosexual subculture in some of the larger cities. And there appears to have been

an increase in prosecutions in the first third of the nineteenth century when more than 50 men were hanged for sodomy in England. In one year, 1806, there were more executions for sodomy than for murder, while in 1810 four out of five convicted sodomists were hanged.<sup>12</sup> The law appears to have been particularly severe on members of the armed forces, where it was often employed with particularly dramatic and exemplary results. In 1811 Ensign John Hepburn and Drummer Thomas White were "launched into eternity" before a "vast concourse of spectators" including many notables and members of the Royal Family. And in February 1816, four members of the crew of the *Africaine* were hanged for buggery after a major naval scandal. Buggery has been mentioned in the articles of war since the seventeenth century and was treated as seriously as desertion, mutiny, or murder.<sup>13</sup>

There does seem to be a pattern, certainly in the early nineteenth century, of an increase in the prosecution of buggery related to whether or not Britain was at war or in a state of social turmoil; as in later periods, homosexual behavior was often a funnel for wider social anxieties. Efforts to remove the death penalty for sodomy were generally unsuccessful. Sir Robert Peel reaffirmed it in his reforms, in 1826; and when Lord John Russell attempted to remove "unnatural offences" from the list of capital crimes in 1841 he was forced to withdraw through lack of parliamentary support. In practice, however, the death penalty was not applied after the 1830s, and was finally removed in 1861 (to be replaced by sentences of between ten years and life imprisonment).

Severe as the law was in theory, it was a catch-all rather than a refined legal weapon, reflecting a generalized legal control rather than detailed individual surveillance. As late as 1817 a man was sentenced to death under the sodomy laws for oral sex with a boy (he was later pardoned), and the term "unnatural crimes" often covered a multitude of meanings, from bestiality to birth control. The uncertain status of sodomy was underlined in the notorious prosecution of the two transvestites, Ernest Boulton and Frederick William Park, who with others were tried for conspiracy to commit sodomite acts in the early 1870s. Police, legal, and medical attitudes were manifestly confused. When Boulton and Park were arrested in 1870 for indecent behavior (constituted by their public cross-dressing), they were immediately examined, without authorization, for evidence of sodomy. It becomes clear from the transcripts of the trial (itself a major public event, held before the Lord Chief Justice in Westminster Hall and producing saturation press coverage) that neither the police nor the court were familiar with the patterns of male homosexuality. The opening remarks of the

Attorney General hinted that it was their transvestism, their soliciting men as *women* which was the core of their crime. A Dr. Paul, who examined them for sodomy on their arrest, had never encountered a similar case in his whole career. His only knowledge came from a half-remembered case history in Alfred Swaine Taylor's *Medical Jurisprudence*. But even Dr. Taylor himself, who gave evidence in the case, had had no previous experience apart from this case, and the other doctors called in could not agree on what the signs of sodomitical activity were. The Attorney General observed that: "It must be a matter of rare occurrence in this country at least for any person to be discovered who has any propensity for the practices which are imputed to them."<sup>14</sup> Their only recourse to the "scientific" literature that was by then appearing was to the French, and then reluctantly. Dr. Paul had never heard of the work of Tardieu, who had investigated over 200 cases of sodomy for purposes of legal proof, until an anonymous letter informed him of its existence. The Attorney General suggested that it was fortunate that there was "very little learning or knowledge upon this subject in this country." One of the defense counsel was more bitter, attacking Dr. Paul for relying on "the newfound treasures of French literature upon the subject - which thank God is still foreign to the libraries of British surgeons."<sup>15</sup>

What is striking in all this is that as late as 1871, concepts of homosexuality were extremely undeveloped both in the Metropolitan Police and in high medical and legal circles, suggesting the absence of any clear notion of a homosexual category or of any social awareness of what a homosexual identity might consist of. Certainly from the early seventeenth century, if not earlier, there was a widespread appreciation of the existence of a sort of transvestite and male prostitution subculture, and by the early nineteenth century it was often assumed in court cases that a married man was less likely to be guilty of buggery offences with another man.<sup>16</sup> But even this issue was a matter of debate in the Boulton and Park case in 1871. Such popular notions as did exist invariably associated male homosexual behavior with effeminacy and probably transvestism as well. The counter-evidence that was present always produced surprise. The author of *The Phoenix of Sodom*, published in 1813, was amazed to discover that males who prostituted themselves were often not effeminate men, but coalmerchants, police runners, drummers, waiters, servants, and a grocer.<sup>17</sup> There was no awareness of homosexuality constituting the center of a life "career." Even Jeremy Bentham, the utilitarian philosopher, who had produced extraordinarily advanced views at the turn of the eighteenth and nineteenth centuries, almost always conceived of

sodomites as "bisexual," capable of marriage, and attracted to adolescent boys, rather than as adult men who love other adult men.<sup>18</sup>

The latter part of the nineteenth century, however, saw the clear emergence of new conceptualizations of homosexuality although the elements of the new definitions and practices can be traced to earlier periods. The sodomite, as Foucault has put it, was a temporary aberration. The "homosexual," on the other hand, belonged to a species, and it is this new concern with the homosexual person, both in legal practice and in psychological and medical categorization, that marks the crucial change, both because it provided a new subject of social observation and speculation, and because it opened up the possibility of new modes of self-articulation. It is precisely at this period that we see the development of new terms to describe those interested in the same sex. The adoption in the last decades of the nineteenth century of words like "homosexual" or "invert," both by sexologists and by the homosexuals themselves, marked as crucial a change in consciousness as did the widespread adoption of the term "gay" in the 1970s. Changing legal and medical attitudes were important elements in this development. The 1861 Offences Against the Person Act represented a formal move towards civilization and removed the death penalty for buggery (replacing it by sentences of between ten years and life). In the next twenty years there is clear evidence in the Home Office files of attempts to distinguish the various forms of buggery, which in practice meant a separation of bestiality from homosexual activity, which was being more closely defined as an individual trait.<sup>19</sup> This in turn was being more directly controlled. By the famous Labouchère Amendment to the Criminal Law Amendment Act of 1885, acts of gross indecency between men were as "misdemeanors" made punishable by up to two years' hard labor, and this in effect brought within the scope of the law all forms of male homosexual activity. In 1898 the Vagrancy Act tightened up the law relating to importuning for "immoral purposes" and this was effectively applied exclusively against homosexual men. By a further Criminal Law Amendment Act in 1912, the sentence for this offence was set at six months' imprisonment with flogging for a second offence, on summary jurisdiction.<sup>20</sup>

Henry Labouchère stated that his stimulus to introduce this amendment was a report on male prostitution sent to him by W. T. Stead, and he argued that its introduction was essentially to facilitate proof.<sup>21</sup> The new laws were of course formally less repressive than the sodomy law, which still carried for a while a maximum of life imprisonment. Moreover the application of the laws varied throughout time and between different places at different times, with juries still reluctant to

convict. There was even some opposition at governmental level to the fact that the Labouchère Amendment applied to private as well as public behavior. The Director of Public Prosecutions noted in 1889 "the expediency of not giving unnecessary publicity" to cases of gross indecency; and at the same time he felt that much could be said for allowing "private persons - being full grown men - to indulge their unnatural tastes in private." Often it seems juries were reluctant to convict, while the police directed a blind eye to private activity before the First World War, as long as "public decency" was not too offended.<sup>22</sup> When the law was applied however, as it was for instance in the case of Oscar Wilde in 1895, it was applied with rigor, with the maximum penalty of two years' hard labor under the 1885 Act often being enforced. Similarly, the clauses against importuning were vigorously applied. Compared to the shillings fine imposed on female prostitutes under the Vagrancy Act, the maximum sentence of six months' imprisonment for men under the same provision ground particularly hard on male homosexuals, particularly as a prosecution was usually associated with social obloquy and moral revulsion. As a libertarian writer observed in the 1930s, speaking of private enforcements by the Public Morality Council, "It is gratifying to note that in respect of female soliciting action is only taken where actual annoyance or disorderly conduct are apparent. All cases of importuning by male persons are however reported."<sup>23</sup> The law did not create hostility, but as part of a wider restructuring of the social regulation of sex, it helped shape a new mood, particularly in its operation. Perhaps even more important than the individual prosecutions were the outbursts of moral panic that often accompanied some of the more sensational cases. This was particularly exemplified in the furor surrounding the "Three Trials" of Oscar Wilde in 1895. The downfall of Oscar Wilde was a most significant event for it created a public image for the "homosexual," a term by now coming into use, and a terrifying moral tale of the dangers that trailed closely behind deviant behavior. The Wilde trials were in effect labeling processes of a most explicit kind drawing a clear border between acceptable and abhorrent behavior. But they also of course had paradoxical effects. As Havelock Ellis said of the Oscar Wilde trials, they appeared "to have generally contributed to give definiteness and self-consciousness to the manifestations of homosexuality, and to have aroused inverts to take up a definite stand."<sup>24</sup> It seems likely that the new forms of legal regulation, whatever their vagaries in application, had the effect of forcing home to many the fact of their difference and thus creating a new community of knowledge, if not of life and feeling, amongst many men with homosexual leanings. There

was clear evidence in the later decades of the nineteenth century of the development of a new sense of identity amongst many homosexual individuals, and a crucial element in this would undoubtedly have been the new public salience of homosexuality, dramatised by the legal situation.

The changing legal situation was intricately associated with the emergence of a "medical model" of homosexuality which helped provide theoretical explanation for the individualizing of the crime. The most commonly quoted European writers on homosexuality in the mid-1870s were Casper and Tardieu, the leading medical and legal experts of Germany and France respectively, and both seemed to have been primarily concerned with the need to define the new type of "degenerates" who were coming before the courts, and to test whether they could be held legally responsible for their acts.<sup>25</sup> The same problem was apparent in Britain. Most of the works on homosexuality that appeared up to the First World War were directed, in part at least, at the legal profession. Even J. A. Symonds's privately printed pamphlet *A Problem in Modern Ethics* declared itself to be addressed "especially to medical psychologists and jurists," while Havelock Ellis's *Sexual Inversion* (1897) was attacked for its opposite policy, for not being published by the medical press and being too popular in tone. The medicalization of homosexuality – a transition from notions of sin to concepts of sickness or mental illness – was a vitally significant move, even though, like the new legal model, its application was uneven. Around it the poles of scientific discourse raged for decades: was homosexuality congenital or acquired, ineradicable or susceptible to cure, to be quietly if unenthusiastically accepted as unavoidable (even the liberal Havelock Ellis in his pioneering study of homosexuality found it necessary to warn his invert reader not to "set himself in violent opposition" to his society), or to be resisted with all the force of one's Christian will?<sup>26</sup> Older notions of the immorality or sinfulness of homosexual behavior did not of course die in the nineteenth century. But from the nineteenth century they were inextricably entangled with would-be scientific theory which formed the boundaries against and within which homosexuals had to define themselves.

What in effect many of the pioneering sexologists of the late nineteenth and early twentieth centuries were doing was to develop the notion that homosexuality was the characteristic of a particular type of person. Karl Westphal, for instance, in the 1860s described a "contrary sexual feeling" and argued that homosexuality was a product of moral insanity resulting from "congenital reversal of sexual feeling." Karl Ulrichs, a German lawyer and writer and himself homo-

sexually inclined, who pioneered congenital theories in Germany from the 1860s, argued that the "urning" was the product of the anomalous development of the originally undifferentiated human embryo, resulting in a female mind in a male body or vice versa. The theories of an intermediate sex popularized by Edward Carpenter in the early twentieth century were logical extensions of Ulrichs' ideas. On a more scientific level, the great German sexologist Magnus Hirschfeld was able to develop notions of a third sex and to integrate into this notion discoveries of the significance of hormones in the development of sexual differentiation. Hormonal explanations also supplement Ellis's congenital theories. Many of these ideas in turn were taken up by homosexual apologists to form the basis for an explanation of homosexuality which was free of the pejorative implications of the sin or moral-weakness theories.

Alongside these congenital theories, environmentalist notions of corruption of "degeneration" continued to flourish. And discussion continued as to whether, as liberals like Havelock Ellis agreed, homosexuality was a congenital and relatively harmless "anomaly," or whether it was evidence of moral insanity or mental sickness. The sickness theory of homosexuality was to have profound social resonance from the 1930s onwards, but even earlier many homosexuals themselves had a deeply rooted belief that they were sick. Oscar Wilde complained in prison that he had been led astray by "erotomania" and extravagant sexual appetite which indicated temporary mental collapse.<sup>27</sup> Sir Roger Casement, the Irish patriot, thought his homosexuality was a terrible disease which ought to be cured, while Goldsworthy Lowes Dickinson, a liberal humanist famed for his rationalism, believed his homosexuality to be a misfortune: "I am like a man born crippled."<sup>28</sup> With such a deeply rooted self-conception often went a willingness to accept a hegemony of (often dubious) medical knowledge and that in turn encouraged would-be cures, from hypnosis through to chemical experimentation and in the 1960s to aversion therapy.<sup>29</sup> But in the early decades of the twentieth century the medical model still to a large extent stayed at the level of theory and most doctors seemed to have been indifferent to or ignorant of the phenomena, reflecting as usual all the prejudices of the wider society. The old morality rather than the new psychology retained its influence until at least the inter-war years. Nevertheless, the existence of a medical model was profoundly to shape the individualization of homosexuality, and contribute to the construction of the notion of a distinct homosexual person.

Although the theorizing of homosexuality applied indifferently to

males and females, it is striking that it was male homosexuality that was chiefly subject to new regulation. Lesbianism continued to be ignored by the criminal codes. An attempt in 1921 to introduce provisions against lesbianism similar to those of the Labouchère Amendment ultimately failed to get through Parliament, and the reasons were instructive. Lord Desart, who had been Director of Public Prosecutions when Wilde was indicated, opposed the provision with the comment: "You are going to tell the whole world that there is such an offence, to bring it to the notice of women who have never heard of it, never thought of it, never dreamt of it. I think that is a very great mischief." Lord Birkenhead, the Lord Chancellor made the same point: "I would be bold enough to say that of every thousand women, taken as a whole, 999 have never even heard a whisper of these practices. Among all these, in the homes of this country . . . the taint of this noxious and horrible suspicion is to be imparted."<sup>30</sup> It is clear in such comments that there was both an awareness of the contradictory effect of severe laws against homosexual behavior, and a belief that the control of male homosexuality was of greater social salience than of female. It was not that lesbian behavior was approved – but it did not enter the same domain of debate as male homosexuality.

It is this preoccupation with male sexuality that allows us to indicate at least some of the concerns which acted as preconditions for the refinement of social regulations in the latter part of the nineteenth century. These cannot be understood by trying to locate a simple programme of social control. On the contrary, it seems likely that the changes in attitudes towards homosexuality were often unintended consequences of other major changes. What was happening was that the ensemble of traditional assumptions was meeting new categorization and together being transformed by a series of intersecting influences.

An important factor here was the renewed emphasis in the social-purity campaigns of the latter part of the nineteenth century on the dangers of male lust, and on the necessity for public decency. It is striking that the social-purity campaigners of the 1880s saw both prostitution and male homosexuality as products of undifferentiated male desire and it is significant in this respect that the major enactments affecting male homosexuality from the 1880s (the Labouchère Amendment, the 1898 Vagrancy Act, the 1912 Criminal Law Amendment Act) were aspects of the general moral restructuring, and were primarily concerned with female prostitution. Indeed, as late as the 1950s it was still seen as logical to set up a single government committee – the Wolfenden Committee – to study both prostitution and male

homosexuality. In the debates before the 1885 Criminal Law Amendment Act was rushed through Parliament, male homosexual behavior was quite clearly linked with the activities of those who corrupted young girls. What was at stake was on the one hand the uncontrolled lusts of certain types of men, and on the other the necessary sanctity of the sexual bond within marriage.<sup>31</sup>

At this point several apparently extraneous themes intervene, which in particular demonstrate the influence of the new attitudes towards childhood and adolescence. The progress of civilization, the headmaster of Clifton College, Bristol, the Reverend J. M. Wilson, intoned in the 1880s, was in the direction of purity. This was threatened by sins of the flesh which undermined both the self and the nation. He advised his students to "strengthen your will by practice; subdue your flesh by hard work and hard living; by temperance; by avoiding all luxury and effeminacy, and all temptation."<sup>32</sup> Such beliefs and adjurations constantly invade the discussion of and responses to homosexuality.

In the scandals around the Cleveland Street brothel in 1889/90 and in the Oscar Wilde scandal, the corruption of youth was again a central issue. The Director of Public Prosecutions, reflecting on the Cleveland Street scandal, observed that there was a duty "to enforce the law and protect the children of respectable parents taken into the service of the public . . . from being made the victims of the unnatural lusts of full grown men."<sup>33</sup> The efforts through the raising of the age of consent for girls to 16 to prevent the seduction of minors was therefore paralleled by the regulation of male homosexual behavior. In the mythology of the twentieth century the homosexual, as the archetypal sexed being, a person whose sexuality pervaded him in his very existence, threatened to corrupt all around him and particularly the young. The most pervasive stereotype of the male homosexual was as a "corrupter of youth."

Another vital complex of attitudes, those associated with imperialist sentiment, also entered the development of attitudes towards homosexuality. Here there was a complex pattern related not only to the notion of corruption and degeneration but also to the vital importance of the family to imperial security. Attitudes to homosexuality have of course long been linked to fears of imperial decline, from Gibbon's description of the decline and fall of the Roman Empire, through to those who opposed homosexual law reform in the 1960s. These had no more relevance in the 1880s than at other times. But to the social-purity advocate it was lust which threatened both the family and national decay. "Rome fell; other nations have fallen; and if England falls it will be this sin, and her unbelief in God, that will have been her



ruin."<sup>34</sup> The puritan emphasis on the family, and on sexual life as being necessarily confined to the marital bed, offered an antidote to social crisis and a counter to the fear of decline.

But there is an even wider factor that needs to be emphasized. Homosexuality only becomes a matter for social concern when sexuality as a general category becomes of major public importance. The debates on "natural" sexuality in the nineteenth century, and particularly the focusing on the sanctity of the marital bond in social-purity discourse, by a necessary rebound demands the more refined control of extra-marital sexuality, however trivial. Sodomy was a catch-all which marked the distinction between non-reproductive and reproductive sexuality, but whose character, as description and as legal category, remained vague. Homosexuality and the other categories that were so intricately described by Krafft-Ebing and others in the late nineteenth century spoke of the pleasures and dangers of sex in general, in all its forms, pleasures, and dangers that not only addressed reproductive sexuality but also the privileged role of sex in cementing the marriage alliance. As sex was ideologically privatized, in the privileged domain of the sacramental marriage, as its discretion and "control" became the mark of respectability, so its variant forms needed ever more refined definitions and control – and ever more discussion and debate and analysis. But inevitably, simultaneously, they also provided the space for new sexual localizations: for, indeed, sharper sexual identities. The inevitable contradictory effect was that a growing awareness of homosexuality, an ever-expanding explosion of works about it, accompanied its more detailed organization and control; and this in turn created the elements of resistance and self-definition that led to the growth of distinctive homosexual identities. . . .

Homosexuality has existed in various types of societies, but it is only in some cultures that it becomes organized into distinctive subcultures, and only in contemporary cultures that these became public. Homosexual behavior in the Middle Ages and after was no doubt recurrent, but only in certain closed communities was it ever probably institutionalized: in some monasteries and nunneries, as many of the medieval penitentiaries suggest; in some of the chivalric orders; in the courts of certain monarchs, such as James I and William III; and in and around the theatrical profession, and such like fringe cultural activities. Other homosexual contacts are likely to have been casual, fleeting, and undefined. The development of wider, more open subcultures was probably of a comparatively recent origin. Though in Italy and France there is evidence for some sort of male homosexual subculture in the towns in the fourteenth and fifteenth centuries, in Britain

there was no obvious public subculture, bringing together various social strata, until the late seventeenth century: Certainly by the early 1700s there were signs of a distinctive network of overlapping homosexual subcultures in London associated with open spaces, pederastic brothels, and latrines. From the eighteenth century these were known as "markets," reflecting in part the current heterosexual usage, as in the term "marriage market." But it does underline what seems to have been characteristic of these subcultural formations well into the twentieth century: their organization around forms of prostitution, the exchange of money and services between unequals, rather than peer partnerships. It seems quite likely that the only frequent or regular participants in these subcultures were the relatively few "professionals." The evidence of the trials from the eighteenth century suggest that a wide variety of men from all sorts of social classes participated in the subculture, but very few organized their lives around them . . .

By the latter decades of the nineteenth century we can see the emergence of groups of people with a much more clearly defined sense of a homosexual identity. From the 1860s the poet and critic John Addington Symonds was attempting to grapple with the new theories on inversion which were appearing in Europe. His essay *A Problem in Greek Ethics*, privately printed in 1883, examined homosexuality as a valid lifestyle in Ancient Greece and this emphasis on the Greek ideal, despite its transparent anachronisms, was a very important one for self-identified homosexuals into the twentieth century. His essay *A Problem in Modern Ethics*, privately published in 1891, was a synthesis of recent views and a plea for law reform. With Havelock Ellis he began the preparation for the first comprehensive British study of the subject, *Sexual Inversion*, which appeared after his death, and after his family had withdrawn their consent, under Ellis's name alone. Although married, with children, there is no doubt that J. A. Symonds was striving to articulate a way of life quite distinct from those which had gone before. Edward Carpenter and his circle of socialists and libertarians provide another example of the development of a distinctive homosexual identity, in his case associated with politico-social commitment. From the 1890s he lived a relatively open homosexual life with his partner, George Merrill. Oscar Wilde and his circle also constitute an example of a social network where a sense of a homosexual way of life was developing. Individuals from these interlocking circles, such as George Cecil Ives, later became important in the small-scale homosexual reform movements which began to develop in the early years of the twentieth century, and saw themselves very much as fighting for "the Cause" against legal and moral repression. . . .

The keynote of the homosexual world was ambivalence and ambiguity. It *was* possible to lead a successful homosexual life within the interstices of the wider society. Nor was the life entirely shaped by legal repression. Jack Saul in his deposition in 1889 was asked:

"Were you hunted out by the police?"

"No, they have never interfered. They have always been kind to me."

"Do you mean they have deliberately shut their eyes to your infamous practices?"

"They have to shut their eyes to more than me."<sup>35</sup>

Probably more important than the legal situation was the social stigma that attached to homosexual behavior and that seems to have increased in the late nineteenth and early twentieth centuries. It is this which gives social significance to the development of the small-scale and secretive homosexual reform movement. One circle associated with the criminologist George Cecil Ives, the Order of Chaeronea, appears, on the evidence of his three-million-word diary, to have been active from the early 1890s in succoring homosexuals in trouble with the law. It developed an almost Masonic style and ritual, insisting on secrecy and loyalty, and developed international "chapters." Many of the participants in this Order, men like Ives and Laurence Housman, were active in the British Society for the Study of Sex Psychology, founded on the eve of the First World War to campaign for general changes in attitudes towards sexuality. One of the major planks of the society was reform of the law relating to homosexuality, and in the 1920s this too became part of an international movement for sex reform. It is characteristic of these movements that although they were generally founded and operated by homosexuals they were not ostensibly homosexual organizations. On the contrary, their ability to remain publicly respectable was an important part of what success they gained.

Despite the ambiguities, it is clear that by the end of the nineteenth century a recognizably "modern" male homosexual identity was beginning to emerge, but it would be another generation before female homosexuality reached a corresponding level of articulation. The lesbian identity was much less clearly defined, and the lesbian subculture was minimal in comparison with the male, and even more overwhelmingly upper class or literary. Berlin and Paris might have had their meeting places by the turn of the nineteenth century and there is clear evidence of coteries of literary lesbians such as those associated with the Paris salon of Natalie Clifford Barney. A chronicler of homosexual life in the

early part of this century mentions various lesbian meeting places, including the London Vapour Bath on ladies' day, and by the 1920s the better-off lesbians could meet in some of the new nightclubs. But it is striking that the best-recorded examples of a lesbian presence referred to the defiantly "masculine appearance and manner" of the participant. The novelist, Radclyffe Hall, for instance, became notorious for her masculine appearance. Only by asserting one's identity so vehemently, as Radclyffe Hall recognized, could you begin to be noticed and taken seriously. But the numbers who could dress this way and could afford to defy conventional opinion were tiny and the lives of the vast majority of women with lesbian feelings were unknown, perhaps unknowable. Even the enthusiastic categorizers of early twentieth-century sexuality stopped short of female homosexuality. In 1901 Kraft-Ebing noted that there were only 50 known case histories of lesbianism, and even in the early 1970s, two modern writers on homosexuality could note that "the scientific literature on the lesbian is exceedingly sparse." Writers like Magnus Hirschfeld and Havelock Ellis whose scientific and polemical interest in the subject was genuine seem to have found it difficult to discover much information, or many lesbians whose case histories they could record.

No doubt the absence of any legal regulation of lesbian behavior and a consequent absence of public pillorying and scandal was an influence in shaping the low social profile of female homosexuality, but the basic reason for the indifference towards lesbianism is probably more fundamental. It relates precisely to different social assumptions about the sexuality of men and women and in particular to dominant notions of female sexuality. Havelock Ellis, whose wife was lesbian, felt the need to stress that female homosexuals were often particularly masculine, and in Radclyffe Hall's *The Well of Loneliness*, a major novel of lesbian love published in 1928, it is the "masculine" woman in the story who is the true invert. Stephen, masculine in name and behavior, is forced to endure the agonies of her nature, the biologically given essence, while the feminine Mary in the story is in the end able to opt for a heterosexual married life.

This concern with the masculinity of lesbians can only be explained in terms of the overwhelming weight of assumptions concerning female sexuality. As J. H. Gagnon and William Simon have put it, "the patterns of overt sexual behaviour on the part of homosexual females tends to resemble those of heterosexual females and to differ radically from the sexual patterns of both heterosexual and homosexual males."<sup>36</sup> Several intertwined elements determined attitudes to lesbianism, and the consequent possibilities for lesbian identity: the roles that

society assigned women; the ideology which articulated, organized, and regulated this; the dominant notions of female sexuality in the ideology; and the actual possibilities for the development by women of an autonomous sexuality. The prevailing definitions of female sexuality in terms of the "maternal instinct," or as necessarily responsive to the stimulation of the male, were overwhelming barriers in attempts to conceptualize the subject. Ideology limited the possibility for even an attempt at scientific definition of lesbianism. But even more important, the social position of most women militated against the easy emergence of a distinctive lesbian identity. It remained very difficult for respectable young ladies to be "independent." So it is likely that most women with lesbian inclinations fitted inconspicuously into the general world of women. There is as we have seen abundant evidence in eighteenth- and nineteenth-century diaries and letters that women as a matter of routine formed long-lived emotional ties with other women. Such relationships ranged from a close supportive love of sisters, through adolescent enthusiasms, to mature avowals of eternal affection. Many of the early writers on lesbianism spoke of the greater emphasis on cuddling, on physical warmth and comforting, of kissing and holding hands between female homosexuals, at the expense of exclusively sexual activity. This was precisely the line of continuity between all women whatever their sexual orientation. Deep and passionate declarations of love recur without any obvious signs of sexual expression.<sup>37</sup> The conditions for a polarity between "normal" female sexuality and "abnormal" were almost non-existent and it is this which makes it presumptuous to attempt to explore female homosexuality in terms of categories derived from male experiences.

It is striking that it is amongst the new professional women of the 1920s that the articulation of any sort of recognizable lesbian identity became possible for the first time, and it was indeed in the 1920s that lesbianism became in any way an issue of public concern, following a series of sensational scandals. Towards the end of the First World War the criminal libel prosecution brought by the dancer Maude Allan against the right-wing Member of Parliament, Noel Pemberton Billing, who had accused her of being on a German list of sexual pervers, was a *cause célèbre* which brought lesbianism to the headlines. In 1921 there were attempts, as we have seen, to bring lesbianism into the scope of the Criminal Law. During the 1910s and 1920s a series of novels, and even a film, portrayed lesbian experiences; and in 1928 came the most famous event of all, the banning and prosecution of Radclyffe Hall's lesbian novel, *The Well of Loneliness*. As Lord Birkenhead, who appeared for the publishers, later pointed out, the Chief

Metropolitan Magistrate, Sir Chartres Biron, found against the novel largely because Radclyffe Hall "had not stigmatised this relationship as being in any way blameworthy". Nevertheless, paradoxically, and in line with the impact of the Oscar Wilde trial, the prosecution gave unprecedented publicity to homosexuality. This perhaps is the outstanding feature of the case: the publicity it aroused did more than anything to negate the hopes of reticence expressed by Lords Desart and Birkenhead in 1921. Thousands of lesbian-inclined women wrote to Radclyffe Hall. She more than anyone else during this period gave lesbianism a name and an image. As a lesbian of a later generation put it, "When . . . I read *The Well of Loneliness* it fell upon me like a revelation. I identified with every line. I wept floods of tears over it, and it confirmed my belief in my homosexuality."<sup>38</sup>

In any study of homosexuality the important point to observe is that there is no automatic relationship between social categorization and individual sense of self or identity. The meanings given to homosexual activities can vary enormously. They depend on a variety of factors: social class, geographical location, gender differentiation. But it is vital to keep in mind when exploring homosexuality, which has always been defined in our culture as a deviant form, that what matters is not the inherent nature of the act but the social construction of meanings around that activity, and the individual response to that. The striking feature of the "history of homosexuality" over the past hundred years or so is that the oppressive definition and the defensive identities and structures have marched together. Control of sexual variations has inevitably reinforced and reshaped rather than repressed homosexual behavior. In terms of individual anxiety, induced guilt, and suffering, the cost of moral regulation has often been high. But the result has been a complex and socially significant history of resistance and self-definition which historians have hitherto all too easily ignored.

## Notes

- 1 Or as the French theorist Guy Hocquenghem puts it, between "desire," and homosexuality as a psychological category: See his *Homosexual Desire*, London, Allison and Busby, 1978. A Preface by Jeffrey Weeks discusses the general placing of his theories. For a major discussion of the distinctions drawn here see the essays in Kenneth Plummer (ed.), *The Making of the Modern Homosexual*, London, Hutchinson, 1981. A longer theoretical exploration of the issues referred to in this chapter can be found in Jeffrey Weeks, "Discourses, Desire and Sexual Deviance: Problems in a History of Homosexuality," in that volume. See also Kenneth Plummer, *Sexual*

- Stigma: An Interactionist Account*, London, Routledge & Kegan Paul, 1975, which is the most important British work of sociology on these themes.
- 2 Edwin M. Lemert, *Human Deviance, Social Problems and Social Control*, Englewood Cliffs, Prentice-Hall, NJ, 1967, p. 40.
  - 3 These are themes discussed in Hocquenghem, op. cit. and in Deleuze and Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, New York, Viking Press, 1977.
  - 4 Mary McIntosh, "The Homosexual Role," *Social Problems*, 16, no. 2 (1968). Partly reproduced as ch. 1 above.
  - 5 McIntosh, op. cit., p. 184.
  - 6 Compare Frederick L. Whitam, "The Homosexual Role: A Reconsideration," *Journal of Sex Research*, 13, no. 1, (Feb. 1977); and Randolph Trumbach, "London's Sodomites: Homosexual Behaviour and Western Culture in the 18th Century," *Journal of Social History* (fall 1977).
  - 7 This point is forcefully argued by Annabel Faraday, "Liberating Lesbian Research" in Plummer (ed.), *The Making*.
  - 8 The anthropological and cross-cultural data is summarized in McIntosh, "The Homosexual Role," and in Trumbach, "London's Sodomites." The most comprehensive discussion of ancient Greek attitudes is in K. G. Dover, *Greek Homosexuality*, London, Duckworth, 1978. On the ber-dache see Donald G. Forgey, "The Institution of Berdache Among the North American Plains Indians," *Journal of Sex Research*, 11, no. 1, (Feb. 1975). On a different form of cross-dressing see Martin Baumi Duberman, Fred Eggan, and Richard Clemmer (eds), "Documents in Hopi Indian Sexuality: Imperialism, Culture, and Resistance," *Radical History Review*, 20 (spring/summer 1979).
  - 9 For a general discussion of the legal situation, see Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain from the Nineteenth Century to the Present*, London, Quartet, 1977, chs 1-3. (This present chapter is a development of themes discussed in that book.) For a further discussion of the legal situation, see D. J. West, *Homosexuality Revisited*, London, Duckworth, 1977, ch. 10. On the general taboo on sodomy, see Michael Goodich, *The Unmentionable Vice*, Oxford, Clio, 1978; and John Boswell, *Christianity, Social Tolerance and Homosexuality*, Chicago and London, University of Chicago Press, 1980; and on the confusion in the use of the term in another, though related culture, see Robert F. Oaks, "Things Fearful to Name: Sodomy and Buggery in Seventeenth Century New England," *Journal of Social History*, 12 (1978). On reasons for the absence of legislation relating to lesbian behavior, see the statement of the British government, quoted in *Gay News*, 144 (June 1-14, 1978), p. 3 "the question of homosexual acts by females has never - so far as the government of the United Kingdom are aware - been generally considered to raise social problems of the kind raised by masculine homosexuality."
  - 10 Quoted in A. N. Gilbert, "The Africaine Court Martial," *Journal of Homosexuality*, 1, no. 1 (fall 1974).

- 11 Quoted in Sir L. Radzinowicz, *A History of the English Criminal Law, 4, Grappling for Control*, London, Stevens and Son, 1968, p. 432.
- 12 On the eighteenth century, see Trumbach, "London's Sodomites"; on the early nineteenth century, see A. D. Harvey, "Prosecutions for Sodomy in England at the Beginning of the Nineteenth Century," *Historical Journal*, 2, no. 4 (1978); see also Radzinowicz, *Grappling for Control*; and the review article by Louis Crompton, *Victorian Studies* (winter 1979), pp. 211-13. Crompton makes the point that in no other Western country was the law so severe. No executions elsewhere have been documented after 1784. And the policy of *sentencing* to death continued to the eve of repeal. In the years 1856-9, 54 men were sentenced to death for sodomy, though the capital punishment was not carried through.
- 13 See Gilbert, op. cit.; "Buggery and the British Navy 1700-1861," *Journal of Social History*, 10, no. 1 (Fall 1976); "Social Deviance and Disaster during the Napoleonic Wars," *Albion*, 9 (1977).
- 14 Public Record Office: DPP4/6. Transcript of the trial, Day 1, p. 21. This account is based on the manuscript transcript.
- 15 *Ibid.*: Day 2, p. 276; Day 1, p. 82; Day 3, p. 299.
- 16 McIntosh, "The Homosexual Role"; Trumbach, "London's Sodomites," p. 18.
- 17 *The Phoenix of Sodom or the Vere Street Coterie*, London, Robert Hollo-way, ca. 1813, p. 13.
- 18 Louis Crompton, "Jeremy Bentham: Essay on 'Paederasty': An Introduction," *Journal of Homosexuality*, 3, no. 4 (summer 1978), p. 386.
- 19 See for example "Opinions of certain judges on Unnatural Offences Cases," Public Record Office: HO 144/216/A 49134/2. Mr. Justice Hawkins suggested with regard to bestiality that "for the most part that crime is committed by young persons, agricultural labourers etc. out of pure ignorance. The crime of sodomy with mankind stands upon a different footing. . ." See also HO 144/216/A 49134/4, a memorandum from the Under Secretary. I am grateful to the Departmental Record Officer at the Home Office who gave me access to the hitherto closed files in the HO 144 series.
- 20 See Weeks, *Coming Out*, ch. 1; D. J. West, op. cit.; and G. C. Ives, *The Continued Extension of the Criminal Law*, London, 1922.
- 21 On Labouchère's motive see his Parliamentary statement, *The Times*, March 1, 1890, and his comments in *Truth*, May 30, 1895; and the discussion in F. B. Smith, "Labouchère's Amendment to the Criminal Law Amendment Act," *Historical Studies*, 17, no. 67 (1976).
- 22 For the DPP's comments, see Public Record Office: DPP 1/95/1: July 20, 1889, and Sept. 14, 1889. On the reluctance of juries to convict (sometimes because they could not believe respectable people could commit such deeds), see H. Montgomery Hyde, *The Other Love: An Historical and Contemporary Survey of Homosexuality in Britain*, London, Mayflower Books, 1972, p. 19. On police attitudes in the early twentieth century, see

- Havelock Ellis, *The Task of Social Hygiene*, London, Constable, 1912, p. 272.
- 23 Alec Craig, *The Banned Books of England*, London, George Allen & Unwin, 1937, p. 86. *The Report of the Royal Commission upon the Duties of the Metropolitan Police*, Cd 4156, London, HMSO 1908, vol. 1, p. 119, makes clear that there is nothing in the 1898 Act which would have inhibited prosecuting of men soliciting women; in practice it was never used for this purpose. It was effectively directed against homosexual offences. For the flogging provision of the 1912 Act, see Bristow, *Vice and Vigilance*, p. 193; Ian Gibson, *The English Vice: Beating, Sex and Shame in Victorian England and After*, London, Duckworth, 1978, p. 161; Hermann Mannheim, *Social Aspects of Crime in England between the Wars*, London, George Allen & Unwin, 1939, table V, p. 51.
- 24 Havelock Ellis, *Studies in the Psychology of Sex* (4 vols), vol. 2, *Sexual Inversion*, New York, Random House, 1936, p. 352.
- 25 Arno Karlen, *Sexuality and Homosexuality*, London, Macdonald, 1971, p. 185.
- 26 For a fuller discussion see Weeks, *Coming Out*, ch. 2.
- 27 See Wilde's petition for reducing his sentence, July 2, 1896, HO 144/A 56887/19. The eloquence of his petition, as the prison staff did not fail to point out, contradicted his supposed mental weakness.
- 28 Dennis Proctor (ed.), *The Autobiography of G. Loues Dickinson*, London, Duckworth, 1973, pp. 10–11; Brian Inglis, *Roger Casement*, London, Coronet, 1973, pp. 67–8; Public Record Office: Casement Diaries, entry for April 17, 1903.
- 29 For an excellent summary of theories of intersexuality, the incorporation of hormonal theories, and the debate over "cures," see Max Hodann, *History of Modern Morals*, London, William Heinemann, 1937.
- 30 See Hyde, *The Other Love*, pp. 200 ff.
- 31 For a fuller discussion of these ideas see Weeks, *Coming Out*, ch. 1.
- 32 Rev J. M. Wilson, *Social Purity*, London, Social Purity Alliance, 1884; *Sins of the Flesh*, London, Social Purity Alliance, 1885, p. 7.
- 33 Quoted in L. Chester, D. Leitch, and C. Simpson, *The Cleveland Street Affair*, London, Weidenfeld & Nicolson, 1976, p. 73.
- 34 Wilson, *Sins of the Flesh*, p. 7. "This sin" in fact referred to masturbation, but masturbation (not surprisingly, given the public-school tradition) was intimately linked to homosexuality. Cf. V. L. Bullough and M. Voght, "Homosexuality and its Confusion with the 'Secret Sin' in pre-Freudian America," *Journal of the History of Medicine*, 27 no. 2 (April 1973).
- 35 Public Record Office: DPP 1/95/4, File 2: Saul's deposition.
- 36 Gagnon and Simon, *Sexual Conduct*, p. 180.
- 37 Carroll Smith-Rosenberg, "The Female World of Love and Ritual: Relations between Women in Nineteenth Century America," *Signs: Journal of Women in Culture and Society*, 1, no. 1 (autumn 1975). See also Blanche Wiesen Cook, "Female Support Networks and Political Activism: Lillian

Wald, Crystal Eastman and Emma Goldman," *Chrysalis*, 3, (autumn 1977); reprinted as a pamphlet by Out and Out books 1979. For similar British references see Weeks, *Coming Out*, ch. 7.

- 38 Quoted in Charlotte Wolff, *Love Between Women*, London, Duckworth, 1971.