

heterosexual experiences have been cited as "facilitating factors," but few if any of these have been systematically investigated.

The self-help literature for gay and lesbian youth is quite explicit in designating parents as the crucial factor in the youth's coming out process. Those who do not come out to their family, according to G. B. MacDonald, become "half-members of the family unit: afraid and alienated, unable ever to be totally open and spontaneous, to trust or be trusted. . . . This sad stunting of human potential breeds stress for gay people and their families alike—stress characterized by secrecy, ignorance, helplessness, and distance." The scientific literature, however, has largely ignored the role of parents, having centered on gay and lesbian adults.

*Obstacles and Difficulties.* Many defenses are used by individuals to check the seemingly inevitable process, including rationalization ("I was drunk"), relegation to insignificance ("I only did it as a favor for a friend"), compartmentalization ("I get turned on by boys but that doesn't make me a queer"), withdrawal to celibacy or asexuality ("I'm saving myself until I get married"), and denial ("I can't be lesbian because I date boys"). Repression of same-sex desires may lead to future feelings of panic or major disruptions of established coping strategies. It may be difficult for a person going through early phases to request assistance in coping with inner turmoil because consciously there is no problem, and the issues are so nebulous and intensely personal that they constitute an existential crisis. It is not easy to recognize that social standards of behavior, attitudes, and expectations for the future that normally accompany a heterosexual identity are not relevant to one's own life. Passing as heterosexual has its own costs: loss of personal authenticity, feelings of hypocrisy, constant fear of being discovered, and generalized anxiety.

A positive outcome may provide identity integration, a lessening of feelings of guilt and loneliness, a fusing of sexuality and emotionality (such as taking a lover), and a sense of support from the surrounding gay or lesbian community.

The existence of a coming out process is usually attributed to a homophobic environment in which one must take a stance against the perceived social consensus in order to assert one's own preferences, attractions, feelings and inclinations. In this view, full social acceptance of homosexuality as a natural and common variation on a sexual theme would end most of the emotional difficulties as well as the sense of fateful significance of what is otherwise described as coming out.

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### COMMON LAW

Common law is the designation for a system of law that relies on long-established custom and the evolving pattern of precedent established by court decisions. The law common to the whole realm—so termed originally to distinguish it from local custom—began in medieval England, and spread overseas with British colonization. Today, with various national

modifications, the common law tradition characterizes most English-speaking nations, including the United States, and sets them apart from the so-called civil law countries (including Scotland), which derive their legal tradition from the Roman law codified by Justinian, then further refined by medieval jurists and commentators. A major feature of the common law is the role of jurisprudence, that is to say, of decisions rendered by the courts that enlarge or reduce the scope of existing laws or prior decisions and are then followed by other courts, so that they enter the body of law quite apart from the action of any executive or legislative authority. In other legal systems the courts either do not exercise this role or are formally denied the right to contravene the will of the legislature by altering an existing law or finding it unconstitutional.

*The Medieval Background.* The first mention of criminal punishment for homosexual behavior in the English common law tradition occurs in a somewhat eccentric treatise known as *Fleta* (ca. 1290), composed by an anonymous jurist at the court of Edward I. This text prescribes that sodomites (along with those who have sexual commerce with Jews and those guilty of bestiality) are to be buried alive. This mode of execution, which does not seem to have been adopted, is probably a reminiscence of a passage in Tacitus, which states that among the ancient Germans effeminate cowards were drowned in bogs. As this example suggests, early thinking was a mixture of learned and folkloric elements, grounded in Christian fear of otherness. The treatise known as *Britton* (perhaps by John Le Breton), which is only a few years later than *Fleta*, seems to have had more authority. Here sodomites are to be burned. Although there is little indication of enforcement of this punishment in England from this period, executions are known to have been carried out on the continent, where their sanction derived from an enactment of Justinian and served to link sodomites to heretics, who were

also burned. As in the case of heretics, church officials and courts were charged with finding sodomites, who were then handed over to the secular arm for punishment. However, the king's court had the power of acting independently, and thus sodomy was a crime which partook of both canon [ecclesiastical] and common law.

*From the Renaissance through the Eighteenth Century.* In 1533, in keeping with a wave of antisodomy legislation on the European continent, Parliament enacted a felony statute against the "detestable and abominable vice of buggery," providing for the penalty of death (25 Henry VIII c. 6). Reenacted under Elizabeth I and made perpetual, this act, which became the charter for all subsequent criminalization in the English-speaking world, secularized the crime, removing it from church jurisdiction and even denying benefit of clergy to the culprits. The language recurred somewhat later in statutes from the southern colonies in North America, though the more northerly ones, many of them under dissenter auspices, preferred to reinforce the wording with biblical language. In England only a few executions, and these by hanging, not burning at the stake, are known from the following two centuries, and Englishmen seemed content to discuss the matter as little as possible, a position taken as late as the *Commentaries* (1765–69) of William Blackstone, which says that the crime is "not to be named among Christians." However, a series of polemical pamphlets, such as John Dunton's *The He-Strumpets* (1707) and the anonymous *Satan's Harvest Home* (1749), began to stir up public opinion against the homosexual subculture that flourished in the British metropolis.

*Modern Times.* At the end of the eighteenth century, and into the second decade of the nineteenth, a number of executions took place, probably linked to the national malaise caused by the uncertain fortunes of the Napoleonic wars. By 1828 a series of decisions had limited the definition of the offense and imposed a

greater burden of proof on the prosecution, but was offset by a new version of the statute enacted as part of the reform of the criminal law by Sir Robert Peel, prescribing that penetration alone (without emission of seed) sufficed to establish the crime. The death penalty for buggery (= anal intercourse) was not formally abolished until 1861 in England and Wales.

The reception of the common law in the newly independent United States meant that British precedent could be followed by American courts in their interpretation of existing laws, but did not bind them. Hence the individual states came to have their own definitions of the crime and penalties for it. Some ratified a British decision of 1817 that removed oral-genital sexuality from the definition of buggery, but others rejected it.

Then in 1885, in response to a wave of sensationalism in the press concerning the prostitution of teen-aged girls, Parliament adopted the **Criminal Law Amendment Act**. This contained an amendment devised by Henry Labouchere that prescribed a penalty of two years for "gross indecency" between male persons. Oscar Wilde was punished under this act, and the notoriety of the case, and the general hostility to homosexuals, blocked legal reform for decades throughout the English-speaking world. Further, many American states enacted their own versions of the amendment that made homosexual acts between males, and sometimes between females, criminal in a loosely defined manner, although the courts could later give more precision to the statute. By and large, courts in the common law tradition did not go beyond holding that "any penetration, however slight" was "sufficient to constitute the offense." This differed from the ruling of German courts that any "beischlafsähnliche Handlung" (act similar to coitus, such as full contact between two male bodies) was criminal under **Paragraph 175** of the Penal Code of the German Empire.

In 1957, however, the **Wolfenden Report** urged decriminalization, which was accomplished, for England and Wales, ten years later, although the age of consent was set at 21, far above the one prescribed by tradition for heterosexual intercourse. In Scotland, Northern Ireland, Canada, and New Zealand legal reform occurred subsequently. The United States and Australia are a legal checkerboard, with some states reformed and others retaining the archaic legislation.

See also **Canon Law; Capital Crime, Homosexuality as; Law: United States; Sixteenth-Century Legislation**.

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## COMMUNICATIONS

In the broadest sense communication refers to all acts and processes of signaling from one sentient being to another. In the narrower sense, with which this article is concerned, communications embraces all aspects of human technological enhancement of information conveyance—beyond speaking, gesture, and writing. Inherent in these enhancements is the potential to reach mass audiences, far bigger than the hundreds, say, that a Demosthenes or Cicero was able to reach.

*Print Media*. It is generally agreed that the first step in this momentous development was the spread of printing from Germany in the middle years of the fifteenth century. This invention made it possible for written texts to come out of the monasteries and universities and reach middle-class audiences. Early on the authorities recognized the potential for circulation of heretical or seditious material; hence the apparatus of  **censorship** set up throughout Europe. These restrictions could never be absolutely effective, and various stratagems of clandestine publication appeared. These methods were developed in the first instance by religious dis-