salacitas et castitas ... necon coitus ... item nefandus et sodomiticus raris observationibus et aliquot casibus medico-forensibus exhibentur.

Dresden and Leipzig: 1730.

Chapter VII (pp. 368-413) deals with the crime of sodomy in all its forms: with members of the same sex, with animals, intercourse with the opposite sex per os et per anum, with corpses, and with inanimate objects. There are extensive references to ancient and contemporary authors in Latin and in German, including accounts of many little known cases. All in all, a compendium of what was thought on the subject on the eve of the Enlightenment campaign for reform. See also Schurig's earlier treatise: Spermatologia historico-medica ... (Frankfurt am Main, 1720).

4099. SINISTRARI D'AMENO, LUIGI MARIO. De delictis et poenis. Venice: Hieronymus Albriccius, 1700.

In this work written for the use of priests in the confessional, see Section X, "Mollities" (pp. 250-68), for the crime against nature. This section of Sinistrari's treatise has been several times republished in Latin, French, and English. The English version first appeared as Peccatum mutum (Paris: I. Liseux, 1893; 76 pp.).


See pp. 231-32 (IX.vii.3) for the antihomosexual law of 342, and pp. 232 (IX.vii.6) for the shorter text of the 390 law.


See vol. 7, Book XLVIII, Title 5, Section 24, where Voet lists a dozen legal authorities of the 16th and 17th centuries.

4102. WOLFART, JOANNES HENRICUS. Tractatio juridica de sodomia vera et spuria hermaphroditii; Von achter und unachter Sodomiterie eines Zwittern. Frankfurt am Main: 1742. 32 pp.

Part I deals with sodomy committed by hermaphrodites of either sex with each other, or with ordinary men and women. Part II gives an account of a lesbian scandal of 1740.

C. EUROPEAN LAW

The French Revolution marks a decisive turning point in
the civil law tradition. With respect to homosexuality, the French National Assembly decriminalized sodomy in 1791, and this omission was replicated in the body of law known as the Code Napoleon, created in the first decade of the 19th century. The decriminalization was imitated in many countries under French influence, chiefly in southern Europe and in Latin America. Change in the sodomy laws of northern Europe was a slower process, but it was essentially achieved in the period after World War II.


Describes the prereform situation in Norway. Since this time a remarkable improvement has occurred; see, e.g., Lia Pedersen, "Norway: The Antidiscrimination Law: The Experience So Far," *ICA Pink Book* (Amsterdam: CIC, 1985), 117-19.

The penal codes of the union republics of the USSR with a predominately Moslem population (Uzbekistan, Tadjikistan, Turkmenistan) already had prescriptions against pederasty, which was regarded as an aspect of the "old way of life."

Arguments for the complete abolition of Article 175. Concerning this article of the German penal code, enacted in its original form in 1871, there is an enormous literature, most of which is listed in Manfred Herzer, *Bibliographie zur Homosexualität* (Berlin: Verlag Rosa Winkel, 1982).

Legal dissertation with particular application to the new liberalized Swiss code.

Twenty-two essays on various aspects of sex and the law assembled during a period of intense discussion of law reform in West Germany. Of particular interest are those by Helmut Thielecke (Protestant theology and homosexuality in relation to the law) and Heinrich Ackermann (on the question of punishing homosexual conduct: supports reform).

An argument for the reform of Article 175 of the (West) German penal code, a step which was taken the following year.

On the antihomosexual article 372bis of the Belgian penal code.

A statistical and taxonomic inquiry concerning homosexual indecency in criminal-political perspective.

In addition to Biederich's essay on Article 175, contains "Die lesbische Liebe im Spiegel der Gesetze" by Thea Booss-Rosenthal, and "Zwischen Mann und Weib: Zwitterbildung beim Menschen" by E. Koeniger.

On the sexual articles in the draft of the Czechoslovak penal code, which was unfortunately not adopted during the First Republic.

Evaluates changes in attitudes among homosexuals following the 1962 law reform.

4115. BROCHER, TOBIAS and others. Plädoyer für die Abschaffung des Paragraph 175. Frankfurt am

Four essays by academic authorities (Tobias Brocher, Armand Mengen, Hans Boleswki, and Herbert Ernst Muller) arguing in favor of discarding Article 175.

4116. CHARLES, R. "Propos sur l'article 372bis du code pénal (article 87 de la loi du 8 avril sur la protection de la jeunesse)," Revue de droit pénal et de criminologie, 62 (November 1982), 809-35.
Complications of current Belgian law.

Historical review of problems in French law concerning homosexuality, esp. those stemming from the Vichy government's 1942 change of article 334 of the penal code, which set the age of consent at 21.

Sets forth some elements in Enlightenment thought that made possible the decriminalization effected by the National Assembly during the Revolution.


Changes in French legal attitudes toward sexual deviation in the 19th and 20th centuries.

Consideration of the German situation in the period leading to reform, with extensive reference to the Griffin Report and the Wolfenden Report (UK).

Somewhat prolix interviews with Spanish judges and legal authorities.

The existing statute in Northern Ireland was held to violate Article 8 of the European Human Rights Conven-
tion ("right to privacy").

See p. 138ff. for brief discussion of "corruption" (homosexuality in its relation to sexual offenses).

Problems of the aims and methods of applying criminal penalties to homosexuals; revision of author's doctoral dissertation.


4127. GALLETTO, T. "Identità di sesso e rifiuto delle pubblicazioni per la celebrazione del matrimonio," Giurisprudenza Italiana (February 1982), 169-73.
Well-informed article focussing on the attempt of two men to marry in Rome in 1980.

On the criminalization of homosexuality in Austria.

Attempts to exfoliate preconceptions conditioning penalization of homosexuality, and in particular, rationalizations utilized by defenders of the existing law in Germany from 1897 to the time of writing.

4130. GOLLNER, GUENTHER. "Homosexualität--Tradition gegen Recht?" Zeitschrift für Rechtspolitik, 8 (1975), 231-34.
Discusses practical difficulties, esp. among the military, hindering the full effect of the West German legal reform of 1969.

In this standard commentary on Mexican penal law, the author defends the Latin pattern of exclusion of homosexuality from the penal code, for "the law should not invade the territory proper to conscience and individual morality" (pp. 323-25).
Ambitious, but sometimes capricious effort to treat the law of homosexuality in Europe: civil, criminal, and institutional. Extensive, but not always adequate references.

Discussion of sexual crimes from a positivist standpoint, treating medical background, Brazilian law, and comparative law (includes offences against decency and corruption of minors).

Favors reform of Art. 169 of the draft of a penal code for the Swiss confederation.

Summary of the state of the law in Western European countries at the time of writing.

Criminalistic study of the homosexual man conducted before the 1969 law reform in West Germany.

After a discussion of the lesbian social situation, deals with aberrations such as murder, crimes against property, and offenses against public morals.

One of scores of critiques of the antihomosexual Article 175 in the Imperial German Penal Code which appeared in the period 1880-1933. For the most recent developments, see R. Augstein-Thalacker, above.

Political aspects of impending law reform in West Germany.

4140. JOUBERT, DIAN D. Tot dieselfde geslag: Debat oor
Analysis of discussions in South Africa in 1968 regarding legal reform, with coverage of the negative position of Roman-Dutch law as influenced by the Calvinist religious tradition.

On the attitude of the West German Social Democratic Party to Article 175.

Psychiatrist comments on the ongoing discussions concerning changes in the Swiss penal code, arguing for reform.

Three lectures delivered before the Tribunal Supremo of Cuba; hostile.

Account of the Soviet recriminalization of sodomy. There is a reply by Sergei Isakovlevich Bulatov in Sovetskoе gosudarstvo, 1-2 (1935), 159-61.

4145. NABOKOFF, VLADIMIR. "Die Homosexualität im Russischen Strafgesetzbuch," JfAŽ (1903), 1159-71.
Russian jurist's account of Tsarist law before the Revolution of 1905.

Commentary on the current Norwegian situation by the leading Norwegian homosexual rights association.

Human rights, including those of homosexual persons, in the context of the Council of Europe.

Current Swiss law sets the age of consent for heterosexual acts at 16 and for homosexual acts at 20. It is proposed to make the latter conform to the former.
4149. SCHWULE INITIATIVE GEGEN DEN PARAGRAPHSUMPFF.  
Rechtschul: Rechtsratgeber für Schwule. Berlin:  
Verlag Rosa Winkel. 288 pp.
A legal guide put together by gay German law students  
and lawyers offering comprehensive coverage from simple  
civil procedures to felonies. The guide also provides  
 advisce for homosexuals in the civil service, the church,  
and the army, as well as information about cohabitation  
and inheritance rights.

4150. SEELBACH, STEGFRIED. Die Beratungen der Grossen  
Strafrahrechtskomission über das Problem der Bestraf-  
ung gleichgeschlechtlicher Unzucht zwischen  
Mannern. Cologne: The author, 1965. 315 pp. (Doc-  
toral dissertation)
Account of West German parliamentary and other official  
discussions preceding the reform of 1969 stimulated by  
the English Wolfenden Report. Reissued as a book with a  
somewhat different title by Enke in Stuttgart in 1966.

4151. STOKVIS, B. J. "Frage der Homosexualität im  
Holländischen Strafrecht," Monatschrift für  
Kriminalpsychologie, 24 (1933), 740-46.
The Dutch law as amended in 1911.

4152. STURUP, GEORG K. "Sex Offenses: The Scandinavian  
Experience," Law and Contemporary Problems, 25  
(1960), 361-75.
Reports decriminalization of homosexual behavior between  
persons 18 years of age and over.

4153. SZABÓ, A., and G. POLLNER. "Appreciation de  
l'homosexualité à la base du nouveau Code Pénal  
Hongrois," Acta Medicinae Legalis et Socialis, 19  
Discusses the exclusion of homosexual acts between men  
from the Hungarian penal code of 1962. The age of con-  
sent is 20.

4154. TISSOT, OLIVIER DE. La liberté sexuelle et la  
Theoretical considerations on sexual liberty with partic-  
ular reference to French experience.

4155. VINCINEAU, MICHEL. La débauche en droit, le droit  
Reflections on the law by a Belgian professor, who is  
also part owner of a gay sauna that has been harassed by  
the authorities.

4156. VINCINEAU, MICHEL. "Homosexuals devant la Commis-  
sion européenne des droits de l'homme," Revue de  
Droit Criminal et de Pénologie, 59 (1979), 83-106.  
Reviews some cases brought before the European Commission  
on Human Rights.
Britain's historic law tradition, known as the common law, stands apart from the civil law tradition of the European continent. This British legal tradition has been bequeathed to the other English-speaking countries, including (with the major modification of the principle of constitutional review) the United States. Accordingly, Henry VIII's law of 1533 against buggery is a landmark not only for England, but for all jurisdictions in this legal tradition. As far as modern research can determine, prosecutions were relatively uncommon. However, the English-speaking countries have inherited a body of commentary, as seen in the writings of Coke and Blackstone, that is harshly antihomosexual. This hostile strand of our tradition accounts in part for the fact that sodomy law reform has been slow to come to the English-speaking world. The publication of the Wolfenden Report in Britain in 1956 nonetheless marked an important turning point on the road to reform.


On the Dudgeon decision, which brought about decriminalization in Northern Ireland, and virtually establishes the right of adult males, in those states which are parties to the European Convention on Human Rights, to engage in homosexual acts in private.


A noted English philosopher urges adoption of the Wolfenden Committee proposals.


In "The Wolfenden Report on Homosexual Offenses" (pp. 11-50), Berg argues that the Committee did not go far enough in separating the realm of law from the realm of private morality.

1979. 4 vols.
In this most famous of all English law commentaries, see vol., pp. 215–16, on "the infamous crime against nature ... a crime not fit to be named."

On the murder of Maxwell Contait, a homosexual transvestite, followed by the conviction of three delinquent boys, whose main activity was setting fire to buildings.

This 14th-century treatise prescribes burning for arsonists, sorcerers, renegades, sodomites, and heretics publicly convicted (vol. 1, pp. 41–42).

Although this report straddles the legal issue, it suggests that "essential" homosexuality should be treated differently from "acquired" homosexuality.

Affirms that the private behavior of consenting adults is not the concern of the state.

Practical advice for homosexuals and other sexual minorities.

This influential treatise is harshly negative, prescribing death by hanging or drowning. "Buggery is a detestable, and abominable sin, amongst Christians not to be named, committed by carnall knowledge against the ordinance of the Creator, and order of nature, by mankind with mankind, or with brute beast, or by womankind with brute beast." (pp. 58–59). See also: The Twelfth Part of the Reports ... (London: Twyford and Bassett, 1656), pp. 36–37. (These texts are renderings from the original texts in Law French.)