that sexual orientation is fixed by the age of 16, but maintains that the age of consent for homosexual activity should be 18 to protect "the immature young man, who takes a little longer to fix his sexual orientation."

On the legal status of a hypothetical Homosexual Advice Centre: would it be guilty of corrupting public morals? Where the aim is to reduce the psychic distress and isolation of homosexuals, the activity is lawful. Where the furtherance of overt sexual activity by homosexuals is involved, statutory--and possibly common law--liability exists.

The degree of protection afforded by the 1975 Sex Discrimination Act to homosexuals and transsexuals will depend upon the judicial construction of the opaque language of the legislation, the actual decisions will reflect the willingness of the courts to protect weak and oppressed minorities.

A moralistic approach with comparative perspectives. See pp. 198-231 and esp. 310-35 ("Laws Concerning Homosexual Offences").

4184. SMITH, F. B. "Labouchere's Amendment to the Criminal Law Amendment Bill," Historical Studies (Melbourne), 17 (1976), 165-75.
Provides background on the still somewhat obscure circumstances under which gross indecency between males was appended to the 1885 Act, a provision that remained in force until the reform of 1967.

Statement representing the views of Britain's leading gay rights organization.

Retrospect: ten years after decriminalization in England and Wales.

Attempt to assess the results of recent changes in the law on prosecutions for buggery, attempted buggery, and indecency between males (see pp. 26-28, 38-48).

This pivotal work, generally known as the Wolfenden Report, laid the foundation for the English reform of 1957. The Report represented not only an idea whose time had come, but persuaded with trenchant logic and remarkable clarity of exposition. In the English-speaking world its beneficent effect has probably been second only to that of the two Kinsey Reports. For some of the circumstances surrounding its creation, see Lord Wolfenden’s memoirs, Turning Points (London: Bodley Head, 1976), pp. 129-46.

E. AUSTRALIA AND NEW ZEALAND

Australia, which became self-governing in 1901, inherited the British legal system, with the exception of the fact that it has a federal structure resembling that of the United States. Accordingly, it has been necessary to proceed to homosexual law reform in each of the state jurisdictions individually. New Zealand, where reform has been slow in coming, has a unitary system.

Based on two cases of homosexual necrophilia, argues that defense based on the abnormal state of the accused should be excluded.

Public opinion on the subject of homosexuality is changing, but a wide disparity still exists between urban and rural attitudes.

Includes legislation.

Shows how in practice Australian lawyers and judiciary are influenced by antihomosexual prejudices.

Compromises and manoeuvres which led to (qualified) decriminalization in that state: buggery and indecent assault on males are abolished where both parties are over 18.


Homosexual acts by males are punishable in New Zealand by imprisonment for up to 10 years if the partner is under 16, and up to 5 years if the partner is over 16. Women over 21 who participate in homosexual acts with girls under 16 are liable to imprisonment for a term up to six years; consenting adult women cannot be prosecuted for homosexuality.


Official statistics from one Australian state.

F. CANADA

Canada has inherited the English common law tradition to which it has largely adhered. Since Canada has a unitary system of law, sodomy has been decriminalized throughout the country—though the legal age of consent is 21. In addition, Quebec's Civil Rights Code includes "sexual orientation."


In matched personal resumes sent to law firms, employers' responses were less likely to be favorable to gays and women.


In a questionnaire sent to the entire 1974 graduating class of Ontario law schools, 1.5% of the respondents indicated that they were homosexual or bisexual.

Discusses the legal definition of pedophilia, the credibility and objectivity of witnesses, and trial evidence as illustrative of legal-psychiatric discourse.

The legal situation of homosexuals in Quebec.

In this popular survey, see pp. 67-76.

4201. DELEURY, EDITH. "L'union homosexuelle et le droit de la famille," Cahiers du Droit (Laval University, Quebec), (December 1984), 751-75.
One of a series of articles in this issue on homosexuality and the law, including Robert Demers, "De la Lex scantisia aux recents amandements du Code criminel" (pp. 777-800); Nicole Duple, "Homosexualité et droits à l'égalité dans les chartes canadienne et québecoise" (pp. 801-42); and Richard A. Goreham, "Le droit à la vie privée des personnes homosexuelles" (pp. 843-72).

See esp. pp. 39-50, 82-95, 100-24, 159-68. On the crimes of buggery, indecent assault, gross indecency, and the like. One legislator is quoted as saying that there are "fifty kinds of gross indecency."


On "Deviate behaviour not dangerous" which covers the offenses of buggery and gross indecency under Canadian law (pp. 67-74).
4205. RUSSELL, J. STUART. "The Offense of Keeping a Common Bawdy House in Canadian Criminal Law," Ottawa Law Review, 14 (1982), 270-313. On the ambiguity of the term "acts of indecency" in the Canadian and British Criminal Codes, and the question whether homosexual baths and bars constitute "common bawdy houses" because they existed "for no other reason but to provide sexual gratification in the homosexual sense."


G. US LAW: GENERAL

Although the United States has inherited the British common law tradition, it has modified it in two significant respects. 1) According to the principle of constitutional review, no enactment of positive law can stand if it is in conflict with the Constitution of the United States. In addition, state laws must not violate state constitutions. This principle opens the door to challenges of sodomy laws on constitutional grounds. 2) In keeping with the federal system, each of the fifty states has its own penal code and this federalism has meant that legal reform—in the absence of a general decision on the part of the United States Supreme court on the unconstitutionality of sodomy laws—must be achieved on a state-by-state basis. The continuing production of law review articles may be monitored in Index to Legal Periodicals (1909—).


Intended for legal practitioners and scholars, the work organizes a diverse body of material (with many case citations) under three major categories: Family and Property; Civil Rights and Discrimination; and Criminal Issues. Some users have felt that the volume has an overemphasis on California.


After some years of sidestepping the issue, this was the first positive ACLU statement, becoming a model for national policy.

Sections 213.0, 213.2, 213.2 and 213.6 refer to "deviate sexual intercourse"; sections 251.1, 251.2, and 251.3 refer to open lewdness, prostitution, and loitering. Various tentative and proposed drafts of the code were published in the ten-year period prior to 1962, when this version was finally adopted. The institute draft codified and modernized law for the use of legislators and commissions considering new codes or reforms of existing portion of codes in the separate states.

Comprehensive review of the historical background of privacy, including purported state interest in the prohibition of sodomy. This valuable survey was prepared by the editors of the Review in connection with the consideration of the (Georgia) Bowers v. Hardwick case, which the U.S. Supreme Court resolved in June 1986, restoring the state law. See also: "Elisa L. Fuller, "Hardwick v. Bowers: An Attempt to Pull the Meaning of Doe v. Commonwealth's Attorney out of the Closet," ibid., 39 (1985), 973-95.

This scholarly work on the philosophy of Constitutional law contains a relevant chapter.

Holds that the notorious California requirement that convicted sex offenders maintain registration with the police for life is unconstitutional.

Following Montesquieu and Beccaria, supports the abolition of the death penalty for the "crime against nature."
"Laws might have been proper for a tribe of ardent barbarians wandering through the sands of Arabia, which are wholly unfit for an enlightened people of civilized and gentle manners" (pp. 20-21).

Summarizes the now-classic arguments from the literature of the 1950s and 1960s to the effect that sodomy should not be a crime: separation of church and state, violation of the right to privacy, victimless offense, and the like.