

*Center: In Whose Interest?* while co-director of the North Carolina Public Interest Research Group in 1981–82. Carl was one of the founders of the Durham Lesbian and Gay Health Project and was active in AIDS work. He died on January 22, 1986, after he rejected hospital AIDS treatment and chose to die in dignity among friends at home. In choosing the time of his death, he demonstrated his 1963 principle that people must be "confident that they have some control over the decisions which affect their lives."

Charley Shively

### WOLFENDEN REPORT

The *Report of the Departmental Committee on Homosexual Offenses and Prostitution*, published on September 3, 1957 by the British government, is known as the Wolfenden Report after the Chairman of the Committee, Sir John Wolfenden (1906–1985), at that time Vice Chancellor of Reading University. This *Report* was destined to have momentous and far-reaching effects.

*Creation of the Report.* In the wake of several scandalous court cases in which homosexuality had been featured, the British Parliament on August 24, 1954 appointed a committee of 15 men and women whose task it was "to consider . . . the law and practice relating to homosexual offenses and the treatment of persons convicted of such offenses by the courts" along with the laws relevant to prostitution and solicitation. The committee met on 62 days of which 32 were devoted to the oral interrogation of witnesses. All the sessions were private, not only to avoid sensationalizing of the deliberations on the part of the media, but also because "only in genuinely private session" could the witnesses "giving evidence on these delicate and controversial matters" speak "with the full frankness" which the subject demanded. The proposals with respect to homosexuality were for the time a radical innovation: of the 13 members of the Committee who had served during the

full three years, 12 recommended that homosexual behavior between consenting adults in private should no longer be a criminal offense. The *Report* did not explicitly define "consent" and "in private," leaving these words to be interpreted as they would be in the case of heterosexual conduct; it suggested that the age of consent be twenty-one; and it tried to relieve from the threat of prosecution the victim of blackmail whose homosexual activity had been revealed to the police.

For the common law countries of the English-speaking world, the *Wolfenden Report* meant a break with a legal tradition that had gone virtually unchallenged since the enactment of 25 Henry VIII c. 6 in 1533. It urged that homosexual behavior cease to be criminal, that the religious sanctions against it were not grounds for bringing it to the attention of secular courts, and that there "must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business." The signers of the document recognized that "to reverse a long-standing tradition is a serious matter and not to be suggested lightly." But the task entrusted to the Committee was to "state what we regard as just and equitable law," and that consideration of the question should not be unduly influenced by "the present law, much of which derives from traditions whose origins are obscure." This last remark evidently reflected the work of the Anglican cleric Derrick Sherwin Bailey, who had put forward arguments intended to exculpate the Christian Church of responsibility for the legal intolerance of homosexuality, preferring instead to place the onus on pagan, pre-Christian beliefs and laws.

Moreover, and against the testimony of nearly all the psychiatric and psychoanalytic witnesses, the Committee found that "homosexuality cannot legitimately be regarded as a disease, because in many cases it is the only symptom and is compatible with full mental health in other respects," echoing what Iwan Bloch

had written in 1907 in *The Sexual Life of Our Time*. This finding provoked an outcry in the psychiatric press, but it anticipated the later decision of the American Psychiatric Association—under pressure from gay activists—to drop homosexuality from its classification of mental illnesses. But in turn the judgment of the Committee closed the door on the notion that exclusively homosexual individuals are in any way less responsible for their actions in the eyes of the law.

The choice of twenty-one as the age of consent was motivated by considerations which the *Report* itself laid open to question. Some of the witnesses had urged an age of consent as low as seventeen or even sixteen, but the Committee deemed a boy of sixteen “incapable of forming a mature judgment about actions of a kind which might have the effect of setting him apart from the rest of society.” It had encountered “several cases in which young men have been induced by means of gifts of money or hospitality to indulge in homosexual behavior with older men,” and to fix the age of consent at eighteen would lay young men “open to attentions and pressures of an undesirable kind from which the adoption of the later age would help to protect them, and from which they ought, in view of their special vulnerability, to be protected.” The practical implication of this recommendation was that the boy in his late teens, at the peak of his physical vitality and sexual attractiveness, ought to be placed off limits because older males might seek him out as a sexual partner. Such a high age of consent had been unknown even in Victorian times, when most law codes set the age of sexual responsibility for heterosexual activity somewhere between nine and fourteen, but it reinforced a trend to reform the law in favor of adult homosexuals having relations with other adult homosexuals and at the expense of pederasts, who would now be threatened with even more severe sanctions.

*Results.* The publication of the *Report* provoked a storm of debate, all the more as the immemorial taboo on public discussion of homosexuality had now been breached for once and for all. As John Wolfenden himself remarked, the subject “filled the front pages of Wednesday’s evening papers, with VICE in inch-high capitals as the main headline.” Despite attacks from the conservative sectors of the press, a writer in the *New Statesman* summarized the situation by saying that the liberal wing of the Establishment was solidly behind the recommendations of the *Report*, and that it was only a matter of time before they became law.

This prophecy proved correct: not Great Britain alone, but other English-speaking countries felt the impact of the Wolfenden Report as well. In 1961 the American Bar Association approved the draft of a Model Penal Code from which homosexual offenses between consenting adults were omitted, and the State of Illinois broke the ice as the first American jurisdiction to adopt the new principle. In Canada also the words of the *Report* were heeded, and in 1969 Parliament repealed the section of the Penal Code that made homosexual activity a crime. In England itself the Earl of Arran, inspired by zeal to remove what he regarded as a shameful injustice to a persecuted minority, had in 1965 persuaded the House of Lords—which is not subject to the control of the electorate—to initiate legislation for the same purpose. Eighteen months later, on the initiative of Leo Abse, the House of Commons followed suit, so that in the summer of 1967 the Sexual Offences Act became law in England and Wales—though not (at that date) in Scotland and Northern Ireland, where Protestant fundamentalism worked to stymie repeal of the laws against “immorality.” At the behest of various high officers, the British military remained exempt from the reform.

With its limitations and with views that now strike many readers as old-fashioned and conservative, the Wolfen-

den Report was a landmark in the struggle for the legal toleration of homosexuality in common law countries. Its arguments, grounded in a liberal tradition that harked back to John Stuart Mill, solidly underpinned the impetus to law reform that made possible the gay liberation movement which was to blossom in the 1970s and later throughout the English-speaking world.

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Warren Johansson

### WOMEN'S NAMES FOR MALE HOMOSEXUALS

The use of the name Molly for an effeminate homosexual goes back to the early eighteenth century in London where the *molly houses* (male brothels and places of assignation) became notorious. The related form Mary Ann (Molly is a familiar form of the name Mary) seems to belong mainly to nineteenth-century England. Other women's names chosen to refer to gay men have been Cissy (or Sissy), Gussie (Australian), Jessie (British), Margery, Nance/Nancy (common especially after World War I), Nellie, Nola (rare), and Pansy (intersecting with flower terminology). While this list could be extended almost indefinitely, these seem to have been the most common names in the English-speaking world. In America in the 1950s, the word *nellie* (or *nelly*) was a general adjective meaning "obviously effeminate" (the antonym of "butch"), while Mary was often used in the vocative to address any fellow homosexual ("Well, Mary . . .").

Parallels occur in other languages, e.g., Spanish *maricón* and *mariquita* (from María), Portuguese *Adelaida*, and Italian *checca* (from Francesca). In the Flemish-speaking part of Belgium the word

*janet* (from French Jeannette) is a generic term for homosexual.

It is a little-known fact that etymological analysis shows that a number of key slang terms (common nouns and adjectives) for gay men stem from previous use as pejorative appellations for women. Thus before being applied to homosexuals, *faggot* meant "a slatternly woman," while *gay* referred to "a fallen woman; prostitute." The modern slang word *queen* derives from a conflation of standard English *queen*, "consort of a king monarch," and the obsolete *quean*, "prostitute."

The ultimate grounding of all these acts of naming is the widespread acceptance of the idea of *inversion*—that male homosexuals have feminine qualities, while lesbians have masculine ones. Evidence is much slighter for a lesbian counterpart for these procedures of "transnaming." In Radclyffe Hall's *The Well of Loneliness* (1928), however, the heroine is called Stephen.

A question that has received little attention is why a few male names are taken by gay people to be stereotypically suitable for themselves. Until recently at least, Bruce was so regarded in the United States. In Germany Detlev (Detlef) has the same reputation; in France Emile. It may be that these names are a subset of a larger category of given names, such as Algernon and Clarence, considered *sissy*.

Some campy coteries have affected the feminine pronouns *she* and *her* for gay men. When these appellations are extended to straight men, the implication is that their heterosexuality is tainted and may soon crumble. Ultimately, there lurks the covert suggestion that all men are gay. Since those who are engaged in this verbal guerrilla war are usually admirers of the *macho* type they would appear to be cutting the ground out from under their feet. In such coteries male names of group members are regularly changed to female ones, e.g., Charles becomes Charlotte, and Don, Donna. These habits seem to be fading.

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