

Homosexual Law Reform in the Parliament of the United Kingdom: The case of Earl Winterton, the ‘Father of the House’*

Kate Gleeson*

The Wolfenden Committee was appointed in 1954 by the Churchill government to respond to public demand for a Royal Commission into a ‘serious increase’ in women’s street prostitution and men’s homosexual offences since the war (Fyfe 1954). Vice-Chancellor of Reading University John Wolfenden was appointed as Chair, and the Committee members included three women and twelve men: MPs, doctors, lawyers, academics and representatives of different churches. The Committee met for 62 days to interview witnesses ostensibly to consider the ‘extent to which homosexual behaviour and female prostitution should come under the condemnation of the criminal law’ (Home Office 1968, 9). John Wolfenden lobbied for buggery to remain a crime between consenting adult men in private and for the ‘lesser offence’ of gross indecency in private to be decriminalised (Higgins 1996, 63). But after deliberating evidence of the practice of arrest and the futility of gaoling homosexual men, Wolfenden was persuaded otherwise and the Committee made its recommendations for the decriminalisation of both categories of offence when performed by men over 21 years of age in private. It also recommended maintaining the status quo in regard to heterosexual prostitution; that is, to continue not to criminalise the selling or buying of sex, but to heighten punishment of women soliciting sex in public and to thereby drive the prostitution trade from the streets. The prostitution recommendations were enacted by the MacMillan government in the Street Offences Act 1959, but it took ten years of parliamentary prevarication before acts of men’s homosexuality were partially decriminalised in the Wolfenden model by the Sexual Offences Act 1967.

The Wolfenden Strategy of decriminalisation, has been described by Mark Jarvis and others as the genesis of the monumental shift in governance exemplified in the

* This article has been peer reviewed.

* Dr Kate Gleeson, Research Fellow Division of Law, Macquarie University,
kate.gleeson@law.mq.edu.au

'permissive' social reforms of the 1960s. Jarvis write that the Wolfenden Report commenced a conceptual and legislative process that distinguished the public and the private spheres and dictated that the 'function of the criminal law was to uphold public order and decency and to safeguard those deserving society's protection. But the area of private adult behaviour was no concern to the criminal law' (Jarvis 2005, 11). The motivation for the formation of the Wolfenden Committee is routinely described as emanating from a public 'moral panic' in the early 1950s over homosexuality (and to a lesser degree, women's prostitution) that was played out in the press. Hugh Cudlipp, editor of the *Daily Mail* and the *Sunday Pictorial*, for example, was 'alarmingly provocative' in his commodification of sexuality in the 1950s (Mort 1998, 96). Various journalists reported in detail police operations, stings and trials of men and in the six months from October 1953, more space was devoted to homosexuality in the British press than since Oscar Wilde's trials in 1895 (Higgins 1996, 3). Carol Smart identifies the Queen's 1953 Coronation in particular, as a focus for panic over the number of tourists visiting London and the 'shameful reputation' the capital was acquiring as 'vice centre of the Western World'. She states this reputation 'was not welcomed at a time when a new young Queen had acceded to the throne' (Smart 1981, 49–50). These types of analyses, however, give little insight into the actual *nature* of the fear of sexual 'vice'. In this paper I examine parliamentary arguments *opposing* decriminalisation in the 1950s, to reveal the climate surrounding the inception and reception of the Wolfenden Committee, and to provide insight into resistance to decriminalisation of homosexual offences.

In particular my argument in this paper centres on the arguments of one of the most prominent opponents the Wolfenden Report's recommendations. Earl Winterton was the once 'Father of the House' who initiated the first comprehensive debate in the House of Lords over homosexual and prostitution offences after the government's announcement of the formation of the Wolfenden Committee, in May 1954. He was also a passionate and prominent contributor to the 1957 debate on the release of the Wolfenden Report, a debate begun in the Lords by the Archbishop of Canterbury. In the 1950s Earl Winterton was violently opposed to homosexual law reform. In modern terms, he was an eccentric, archaic old man, and he has largely been dismissed by those who write about gay law reform as a simple homophobe and a nasty bigot, as a national embarrassment whom it is easy to mock as out of touch and foolish. He was all that is so often satirised in the English aristocracy: Tory, fox-hunter, anti-Semite, homophobe. He was the sort of man to whom Lord Alfred Douglas might quip, 'What a funny little man you are', had they ever crossed paths.¹ Earl Winterton died before the deferred legislative outcome of the Wolfenden Report, the Sexual Offences Act of 1967. No doubt, he would have been gravely disappointed with this outcome.

¹ 'What a funny little man you are' was Bosie Douglas's famous, tempered response to his father the Marquess of Queensberry's public assault on Oscar Wilde (Murray 2003, 57).

Winterton's views on homosexuality were informed by his personal experiences and priorities at the turn of the century. His speeches in the House of Lords, together with his published musings on the topic, provide insight into a peculiar historical view of the role of law and convention in regulating sexuality. His views appear not to have changed during this radical first half of the twentieth century. They stand not only as historical artifacts of an earlier era; they appear also to have been influential in the decade-long refusal to put into practice the liberal recommendations of the Wolfenden Committee. Emanating from perhaps the most passionate and dedicated of all parliamentary opponents of homosexual law reform, the parliamentary arguments of the Sixth Earl Winterton stand as testament to an alternative understanding of homosexuality and masculinity, an understanding that has received scant attention in the assessment of homosexual law reform. They provide insight into what was *at stake* for some, in the war for decriminalisation. Winterton's impassioned pleas for safeguarding heterosexuality hint at personal concerns of his for British masculinity and the cherished traditions of male friendship in the forms of intimate pedagogy and other formal male relationships, which found their voice in the obnoxious tone of homophobia. His arguments offer insight into a lost, archaic world, by providing a voice for the great battle against decriminalisation that was concerned, as he understood it, with the safeguarding of 20th century manhood. In doing so Winterton helps to provide a voice, albeit obscure, for the unspoken wonder of men's manly intimacy. This paper is structured as follows. First I provide an overview of the life of Earl Winterton emphasising his parliamentary career and his formal male relationships formed outside of parliament. Next I explain Winterton's interest in homosexual (and prostitution) law reform, in parliament and beyond. I then explain Winterton's broader historical perspective on homosexuality and the law, which was greatly influenced by life and trials of Oscar Wilde; and I place this perspective in the context of political and social events at the time of the Wolfenden Committee in the early 1950s. Lastly I then suggest the fears for masculine intimacy that Winterton's arguments opposing decriminalisation reveal.

***The Life of The Sixth Earl Winterton: The 'Most Voluble Homophobe'*²**

In his devoted 1965 biographical tribute, *Near to Greatness*, Alan Houghton Brodrick described the Sixth Earl Winterton as a 'surviving link between the pre-1914 era and today' (1965, 252). Winterton died in 1962 aged 79, after serving his adult life in the British Parliament from 1904, with time out for service in the Great War. Known as Winterton, 'by friends and foes alike', Winterton was elected to the Balfour government when only 21 as the youngest member of the House (Williams & Nicholls 1981, 1025). In 1932 Winterton reminisced that the period before the

² This is Richard Davenport Hines's caption of a photograph of Earl Winterton that he included in *Sex, Death and Punishment: Attitudes to Sex and Sexuality in Britain Since the Renaissance* (1990)

Great War was one the likes of which might not be seen again, characterised by ‘the florid magnificence of the Edwardian era ... eating too many big meals, meeting too many rich Jews, and shooting too many fat pheasants’ (Winterton 1932, 71). In 1915 Winterton served at Gallipoli, where the ‘toll of lives taken from the elite’ of British society was in his view ‘appalling’; for Winterton, there had been ‘nothing like it since the War of the Roses. The whole structure of British society changed in those years’ (Houghton Brodrick 1965, 164). In Alexandria, Winterton served in the Imperial Camel Corps where what made him popular was his ‘constant care for his men’. He formed strong bonds with Australian Anzacs, with whom he ‘could not have been on better terms’. In 1918 he joined Lawrence in Arabia, where Winterton wore a huge beard and an Arab head cloth and rode a tall racing camel bedecked with ‘gorgeous trappings’ (Houghton Brodrick 1965, 179). Winterton had great admiration for Lawrence’s genius, claiming he stood at the ‘pinnacle of moral and physical courage with the power of inspiring the deepest affection and respect in his friends’ (Winterton 1955, 66).

Winterton returned to Parliament after the war and in 1945 he succeeded David Lloyd George as the ‘Father of the House’ — the longest serving member in the House of Commons. Winterton was a ‘Tory iconoclast’, according to Houghton Brodrick, who showed the House of Commons ‘what it once had been and what it should still be’, throughout his lengthy term: by keeping alive the ‘spirit of criticism, he was fearless in outraging prejudices, he had an unconcealed contempt for hypocrisy and sentimentality ... no wonder he was not a favourite with Prime Ministers’ (1965, 252). For his colleague in the House of Commons, Henry Channon, it was Winterton’s nature as an ‘absurd dissenting nanny goat’ that prompted this lack of favoritism (Rhodes 1993, 172). In 1952 Winterton was inducted into the House of Lords by the Churchill government, after having served in the Commons for 47 years, the longest consecutive period of any member. For Winterton the House of Lords was ‘our funny little house’ (Houghton Brodrick 1965, 248) in which he debated at length, with passion and venom. In 1962 the *Times* obituary described Winterton as

A parliamentary personality of rare and vivid quality. A man of great courage, often explosively outspoken, he won a unique place in the House of Commons, where he sat continuously for 47 years. For eight of them he was ‘Father of the House’, a title which belied the perennial youthfulness of his mind and an unquestionable vitality, enriched by endearing mannerisms which contributed notably to the gaiety of the Lower House. (1962, 10)

Winterton’s entry in the *Dictionary of National Biography* describes him as epitomising ‘all the virtues of and some of the supposed vices of the aristocrat in politics’. The *DNB* entry documents his venom: he could also be quick-tempered and exceptionally offensive. The intolerance as well as the exuberance of youth persisted beyond middle age, and in the heat of controversy he would make personal allusions better left unsaid’ (Williams & Nicholls 1981, 1025). Apart from Tory politics, Winterton’s other great passion was fox hunting. In his whimsical 1955 memoir *Fifty Tumultuous Years*, chapters are entitled: ‘Foxes like being hunted!!’,

'Mr. Stewart's Cheshire Foxhounds', 'Why foxhunting is justified'. It is said that at the age of 70 Winterton sometimes spent four days out of five 'in the saddle', and that he named his favourite hunting dog Churchill (Williams & Nicholls 1981, 1025). Fox hunting evoked fond memories for Winterton of his father, with whom he had a relationship 'more like that of a younger with an elder brother than that of a son with his father'. When at home Winterton was always in his father's company. When the two had a good day's hunting, father and son 'rode home at perfect peace with ourselves and the whole world' (Winterton 1932, 1–2). T.E. Lawrence noted that Winterton's 'instinct joined him to the weakest and more sporting side in any choice but foxhunting' (Lawrence 1964, 646). Notoriously, however, Winterton did not empathise nor side with the 'weakness' of homosexuality.

Winterton, the House of Lords and the Wolfenden Committee

The image of Winterton as a surviving link between the *fin de siècle* and the so-called 'permissive society' of 1960s Britain is a telling one. It is particularly so in reference to the Wolfenden Report and homosexual and prostitution law reform, in each of which he took an impassioned personal interest. In fact his interest in homosexuality appears little short of compulsive. Houghton Brodrick records Winterton as having shared his observations on homosexuality prior to 1914 that, 'any man, young or old, moving in good society, who was even suspected of this practice was regarded as a danger ... he was not invited to many houses ... and his fellow-members at this clubs avoided conversation with him' (1965, 253). However he appears not to have voiced his concerns on the public stage until 1954 when Home Secretary Sir David Maxwell Fyfe announced the formation of the Wolfenden Committee, and Winterton seized the opportunity to speak. He enjoyed talking about his personal hey-day, the early 1900s, and argued against further regulating prostitution due to its supposed 'inevitable' nature; explaining that the streets of London were in 'many respects' worse in the 1900s, and 'certainly worse at an earlier period' (Winterton 1955, 119). He feared the impact of the Wolfenden Report in this area, and disguised these fears in reference to his own elusive understandings of justice. He warned, 'it would be easy to pass a law which, however unpleasant and disgraceful a vice prostitution is, would be unjust and contrary to the English conception of justice' and pleaded, 'I hope that her Majesty's Government will proceed with great caution' (House of Lords, 4 December 1957, 795). I surmise that he was worried that the report might lead to the punishment of men who used women as prostitutes, although due to his cryptic speech, it is difficult to be certain. If this were the case, he need not have been concerned, as the Wolfenden Committee also had no interest in punishing men and in fact little interest in curtailing prostitution at all (Gleeson 2007a).

Winterton's greater concern was the 'filthy, disgusting, unnatural vice of homosexuality' (House of Lords 19 May 1954, 738) and he suspended his usual cryptic tone when railing against the 'unnatural vice'. In 1954 he cited police statistics that depicted a rise in convictions for homosexual offences from 1938 to

1952 in London, and was adamant that they reflected a growth in homosexual behaviour, though not an increase in heterosexual prostitution, despite similar increasing arrests. He regularly presented his fears for homosexuality in terms of concern for the nation and the empire, claiming to be convinced that

the majority of British people agree with me that few things lower the prestige, weaken the moral fibre and injure the physique of a nation more than tolerated and widespread homosexuality [sic]. I hope and believe that we have not reached that point, and never shall.

If we did, I would submit with respect, and here I think I should have the support of everyone in your Lordship's House, we should lose our influence for good in the world, and we should go the way of other countries in the past, who were once great but became decadent through corrosive and corrupting immorality (House of Lords, 19 May 1954, 744–45).

Oscar Wilde and the Death of Homosexuality

Winterton's speech in the Lords was rooted in a much longer historical perspective, in which the scandal of Oscar Wilde loomed large. Winterton had an interesting take on the 'problem' of homosexuality. He believed that the trials of Oscar Wilde had put a stop to homosexual sex, at least among the ruling class (his class) by the early 1900s. Wilde's downfall had come in 1895 after he unsuccessfully sued the Marquess of Queensberry for libel for leaving a calling card at the Albermarle Club for 'Oscar Wilde posing as a sodomite [sic]' (Ellman 1997, 412). Evidence of Wilde's relationships with men was tendered in court and Wilde was subsequently convicted of the new offence of gross indecency with men, and sentenced to two years hard labour. After his release from prison he died alone in Paris, but not before he had famously and publicly defended 'the love that dare not speak its name'. Wilde's trials are conventionally depicted as a turning point or catalyst in the history of the emergence and consolidation of the homosexual identity in their public pronouncement of homoerotic love, and in providing a rallying point on which to campaign for decriminalisation of homosexual acts (Cocks 2007, 141). For Winterton however the calamitous trials signified the *annihilation* of the homosexual man. Winterton was a firm believer in the educative (threatening) role of the English criminal law and was convinced that the fear of hard labour and Wilde's lonely demise in a Paris hotel room had proved adequate in scaring 'unnatural' inclinations out of a generation of privileged young English men in the years after Wilde's trials. Winterton had attended Oxford University in the decade after the trials (the *boys own* environment in which Wilde reportedly had nurtured his sexual preferences), and attested to the fact that there were no 'pansies' there during his time (House of Lords, 19 May 1954, 742). As such, Winterton appears to have been genuinely confused by what he identified as a 're-emergence' of the

'vice' in the 1950s, and he was worried that Britain would now follow the Greeks and Romans, packed with 'pansies' into imperial decay.³

Winterton argued that the duty of the Wolfenden Committee was not so much law reform, although this was one important consideration, but the 'investigation of the cause of this great rise in criminal vice and, above all, the moral issue of how a further rise can be prevented' (House of Lords, 19 May 1954, 738). Despite his professed concerns for the nation as a whole, however, Winterton's venom belied a more personal fear for 'his England', particularly 'his Oxford'. He explained in the House of Lords that there was a 'considerable amount of homosexuality' at Oxford in the early 1890s; however, he was adamant that a decade after a 'horrible series of attacks had occurred at Oxford, this vice was never to our knowledge, discussed or practised'. The attacks probably referred to the relationship between Oscar Wilde and Lord Alfred (Bosie) Douglas, to which Winterton alluded in 1954 when claiming that the '*fons et origines mali*' were Oscar Wilde and his associates' (House of Lords 19 May 1954, 741–742). The poet Douglas, the son of the Marquess of Queensberry, was Wilde's young lover from 1893. Wilde had long since left Oxford, but Bosie (when he bothered to attend) was there in the early 1890s. According to Winterton,

in the Oxford of our day it was wholly taboo, and such undergraduates as had practised unnatural sexual vices at their public school concealed and were heartily ashamed of the fact. What caused the change? In the opinion of some well calculated to judge, it was the conviction of and sentence upon, Oscar Wilde. It frightened Wilde's imitators and, I think, acted as a moral purge. (House of Lords 19 May 1954, 642)

Winterton took personally Wilde's scandalous 'debasement' of his beloved Oxford. Winterton had progressed from Eton to Oxford in 1902, around 25 years after Wilde's departure, and he remained devoted to the memory of Oxford throughout his life. In 1955 he reminisced that 'it is Oxford University and the House of Commons which produce in me a nostalgia, at once sweet and painful when I revisit either' (Winterton 1955, 126). Winston Churchill reportedly referred to Winterton's university years as 'the pomp and pageantry of the Noble Lord's Oxford Days' (Houghton Brodrick 1965, 77), affirming Winterton's nostalgic memories. In contrast, Winterton professed 'no excessive loyalty' for Eton (Houghton Brodrick 1965, 77). Winterton's preference for Oxford over Eton might have had something to do with his idea of Eton as a homosexual incubator. Eton was tainted by two separate homosexual scandals in the late 1800s, both involving masters (Dowling 1994, 87). As late as 1964, Eton's newly appointed headmaster Anthony Chenevix-Trench lamented, 'being known as an Old Etonian can be an embarrassment, a cross a boy has to bear probably all his life. There is much to be done but I realise making changes in such a historic place as Eton must be difficult' (Barrow 1980, 236).

³ 'Pansy' was the preferred term of the Earl by which to refer to gay men, though he did credit himself with coining the term 'homosexualist': House of Lords, 19 May 1954, 744–45.

While Winterton claimed to have ‘avoided it’ along with a majority of boys’ due to his ‘moral revulsion’ (and a curious fear of being ‘sacked’), he conceded that ‘sexual perversion was worse at certain Eton Houses in my time than others’ (Winterton 1955, 128).

Oxford however, was a different matter. For Winterton, whom Houghton Brodrick describes as ‘rather a gay young man’, there were ‘only two places to be on a fine May day’ — Paris and Oxford; for Winterton, Oxford University was a time for ‘wine, women and song, hunting, racing and polo (always poor at Oxford) with ragging, semi-rioting and a certain amount of reading maybe’ (Houghton Brodrick 1965, 78–79). At Oxford Winterton formed strong friendships with men, many of whom perished in the war. Indeed, Oxford brought Winterton so much ‘fun in the saddle’ with friends that he conceded that the first two years of his University career had been ‘barren of intellectual achievement of any value, for which the fault lay wholly with me’ (Winterton 1932, 1). According to his biographer, Winterton and his Oxford peers reportedly had ‘no use for aesthetes, pansy poodles’ such as Oscar Wilde or Bosie Douglas (Houghton Brodrick 1965, 79). In Winterton’s mind, Oxford had been purified since Wilde’s time, and any juvenile incarnations of homosexuality that might have persisted in public schools were purged by young adulthood in time for the sanctity of the great University. Houghton Brodrick recorded Winterton’s explanation in 1961 that

sex perversion was never referred to other than by that term of b.... [sic] of great antiquity in the English language. It is true that many of the undergraduates had indulged in vicious practices with other boys when they were at school, but none of them ever dared to mention the fact. (1965, 79)

The 1950s ‘Surge’

Winterton credited the trials of Oscar Wilde as heralding the purging of homosexual men in England. Many of those who did not simply cease their ‘unnatural practices’, he explained, ‘fled the country for lands where homosexuality is regarded as an eccentricity and not a crime’ (House of Lords 19 May 1954, 742). Hence Winterton appeared genuinely to have been confused by their return. The dramatic rise in arrests and convictions for homosexual offences during the 1950s is usually described now in contemporary literature as reflecting an increase in police activity more than any substantial increase in sexual activity. It seems that the police pursued arrests for these offences with increased vigour during the period. However at the time of the so-called ‘purges’ of the 1950s, a theory was promoted that a homosexual ‘surge’ was underway. Some blamed the war, others invoked such nebulous concepts as loose morality and selfishness on the part of men, and inevitably some blamed mothers. Others were kind enough to consider homosexuality an illness or a genetic affliction, as Oscar Wilde supposedly had described his own sexuality (Hyde 1970, 151).

Winterton was convinced there was an immoral 'surge', and he wanted answers. In lieu of an explanation, he was adamant that the police should maintain their controversial assault on those English men found exhibiting or soliciting themselves, typically in underground urinals, so they might perform a purge similar to the public persecution of Oscar Wilde sixty years earlier. The Churchill government and the Metropolitan Police were under fire in the press for the police tactics used in the assault on public sex across London throughout the early 1950s, especially for the use of *agents provocateurs* (Wildeblood 1955, 125–126). This practice involved the use of 'good looking' police officers in plain clothes to entice and entrap men into soliciting sex in London's public toilets (Hyde 1970, 209). There was also an increase in the number of prosecutions in which one man was persuaded to turn 'Queen's Evidence' and testify against his 'accomplice' with the promise of immunity or a lesser charge (Wildeblood 1955, 125–126).

Winterton spoke in defence of the police. Referring again to the example of Oscar Wilde, Winterton claimed that police tactics would act as a deterrent to would-be homosexual men. Winterton had unlimited faith in the genius of terror for purging men of unnatural proclivities, as he explained with reference to the homosexual-free zone of the early 20th century,

It may well be said that the Oscar Wilde case was a moral purge, and it may be that certain recent cases will have the same effect. If this be so, the whispering campaign against the police, which is going on very strongly, and sometimes in circles which ought to know better, should cease. In any event, I believe it to be unjustified, and I stand here in your Lordship's House, to say that the police have been fully justified in the action they have taken in all the recent cases. (House of Lords 19 May 1954, 742)

Winterton's particular satisfaction with Wilde's 'divine retribution' was also related to the personal offence he took at what he understood as the homosexual bastardisation of the arts: he was especially aggrieved by an 'emergence' of homosexuality within the British acting community. This can be seen in his reaction to the conviction of Sir John Gielgud in 1953 on a charge of importuning in a Chelsea public toilet. Gielgud had recently been knighted and predictably, the press was excited by the high profile trial, albeit one that resulted only in a small fine. On returning to the stage shortly after the trial, to appear in *A Day By the Sea*, Gielgud was greeted with a standing ovation from the audience that brought the play to a standstill. This public display of support for an 'unnatural offender' incensed Winterton, and it seems genuinely to have bewildered him as to why anyone would offer support to a man convicted of so 'disgusting' a crime. As far as Winterton was concerned, this was more evidence of a 'serious moral declension' in society and of an increase in homosexuality. He argued in the House of Lords that the theatre was never a haven for homosexual men in his day,

many of the great actors of the past, in the early days of this century, were friends of mine ... We were members of the same club. It is inconceivable that they would have been guilty of the disgusting offence of male importuning or that the theatrical

public in those days would have treated the offence with the leniency accorded to [Gielgud] (House of Lords 19 May 1954, 744).

However, as Houghton Brodrick explains, Winterton was actually never any good at spotting 'pansies'. Apparently he would 'express surprise when told of some acquaintance or public man whose morals were not what he thought' (Houghton Brodrick 1965, 54).

The Moral Panic over Homosexuality: Panicking about what exactly?

The standing ovation offered to John Gielgud signals a complication of the usual explanations of the Wolfenden Report. As I have noted, the notion of a widespread 'moral panic' is often used to explain the formation of the Wolfenden Committee. However, the support for Gielgud would suggest that not everyone was panicking. Indeed, Winterton's outrage over the Gielgud affair was not directed at Sir John. Winterton was disgusted with theatre audiences, precisely because of their *lack* of panic and their overt support for, or indifference to a 'homosexual criminal'. Winterton *wanted* them to be panicked. Similarly, Winterton was astonished that he was in the minority in the House of Lords in his panic over 'homosexuality'. He was especially affronted by what he viewed as the shameful support of the Church for the decriminalisation of homosexual sex. During the three years of the Wolfenden Committee's deliberations, the Church of England Moral Welfare Council lobbied the Parliament, the Committee and the press for the decriminalisation of homosexual sex in private. To Winterton's grave disappointment, the Council advised that not all sins are crimes and that the law should retreat from punishing the sin of homosexual sex. Winterton was shocked by the church's 'astonishing' stance (House of Lords 9 May 1954, 739).

Winterton's panic was certainly a product of the early 1950s. Winterton is routinely considered a simple homophobe. But his opposition to homosexuality is a little more complicated than it first appears. When journalist Peter Wildeblood was arrested for conspiring to incite acts of gross indecency in 1953, his mother wrote to Winterton, who had previously been the Conservative MP for her constituency. Winterton responded to Mrs Wildeblood with 'sympathy for her personal situation' but explained that he was unable to do anything to help Peter, as it was beyond his jurisdiction in the House of Lords (Wildeblood 1955, 126). Peter Wildeblood understood Winterton's sympathy as simple hypocrisy, because he proceeded in Parliament to defend police use of immunity provided to co-defendants, the practice that had helped to convict Wildeblood. More unexpected is Winterton's stance on homosexual offences in the 1940s. During the second reading of the Criminal Justice Bill in 1947, Winterton complained that the penalty for 'unnatural vice between male persons is too high. I think that the present penalty was largely introduced as a result of the obstructions on another bill by Mr Henry Labouchere. I understand there is no penalty for lesbianism' (House Of Commons 28 November

1947, 2284). In 1947 Winterton had argued that two years was too long a sentence for gross indecency. By the 1950s Winterton was in a panic. In 1954 he obsessively railed against the 'filthy, disgusting, unnatural vice'. What had changed?

By the 1950s the press and the police had persuaded Winterton that a homosexual surge was under way. I wonder: how did Winterton miss the homosexual phenomenon of the first half of the 20th century? It is uncontroversial to note that there was a long and consistent public homosexual presence in London throughout the first half of the 20th century. Frank Mort states that although the Wolfenden Committee was 'amazed' at the networks of homosexual culture that their investigations brought to light, Soho had been a centre for homosexual men since at least the 1920s (1998, 9). Matt Houlbrook has documented the thriving 'queer' scene of the London throughout the first half of the 20th century (2005). Yet Winterton was *adamant* that homosexuality was annihilated by the turn of the century, and re-emerged on a large scale only after the Second World War. He was preoccupied with the topic throughout his life. It seems strange in the least that he would have missed this fact of British life, both while at Oxford and beyond it.

Winterton seems to have survived the first half of the century with his sensitivities intact by employing a policy of 'speak no evil, hear no evil'. When Oscar Wilde spoke in court, love between men was proclaimed, and could not be denied. For Winterton, the silencing of Wilde logically entailed the destruction of this love, and therefore the homosexual. It was only the newspapers' speaking of 'vice' that conjured homosexuality back up in 1953. For Winterton, silence and refusal to hear evil destroyed real presence. Winterton did not hear the homosexual; in his world, the homosexual did not exist, not even at Oxford. Once Winterton heard the cries of the tabloid press, the homosexual emerged and Winterton panicked. While one could dismiss Winterton as an ignorant and out of touch old 'nanny goat' of a man, the significance of his understanding of this period in history is greater than his personal experiences and views. Winterton might help to answer an important, often overlooked question: if we were to accept any semblance of a general moral panic over sex in the 1950s, what was everyone supposed to have been panicking about?

Conclusions, the 'Hovering Demon', its Threats to Manhood and Intimate Pedagogy

Winterton was personally affronted by homosexuality, particularly within *his* Oxford but also within *his* England. He viewed Oscar Wilde as an aberration, and the homosexual 'surge' of the 1950s as a threatening failure of morality. His theories were premised on a particular understanding of masculinity, intimacy and sexuality, which led him to personally resent and therefore deny men who had homosexual sex. Winterton's fears concerned the *threat* of homosexuality. But *what* was being threatened by homosexuality? For Jeffrey Weeks, the threat of homosexuality was to the capitalist family: as social roles became 'more clearly defined, and as sexuality was more closely harnessed ideologically to the

reproduction of the population, so the social condemnation of male homosexuality increased' (1977, 5–6). Chris Waters notes that men's homosexual relations threaten 'stable social hierarchies'. This was particularly so in the case of Oscar Wilde, whose association with rent-boys was incomprehensible to the establishment, and also in the 1950s, when high profile sex trials involving inter-class protagonists 'intensified anxieties about the erosion of social boundaries' (1999, 146–147).

However, the passion and venom of Winterton seem too personal to be explained away thus. Winterton's love of Oxford and the House of Commons, and his intimate bonds formed during the war, all speak of a great love of men. And this is perhaps the key: homosexuality paradoxically threatens masculine love and intimacy. Or more precisely, visible homosexuality threatens masculine intimacy. And this in turn threatens manhood, for being a man entails being with men, as the great institutions of masculinity — war, politics and power — illustrate. Winterton was not threatened by the homosexuality he could not see; to him it did not exist. But he violently resented public homosexuality that confessed and took form in press reports and courtroom pleas. Rather than simply a brutal bigotry informing Winterton's homophobia, his passions suggest as well, a convoluted tale of unspoken love.

Undoubtedly Winterton was not alone in his fears in the 1950s, but they do seem to be more prominent concerns of an earlier era. In response to Oscar Wilde's trials, influential newspaper editor, W.T. Stead, recorded his fears for male intimacy. Stead praised the intimacy and 'natural ease of communication' of male platonic relationships, and wrote, 'a few more cases like Oscar Wilde's and we should find the freedom of comradeship now possible to men seriously impaired to the permanent detriment of the race' (quoted in Weeks 1989, 109). John Chandos notes that in the early 19th century male intimacy was indeed restricted at Eton in the wake of sexual scandals (or the 'hovering Demon') among the boys,

Even at Eton, where old liberties died hard, affection between boy and boy, and indeed between man and boy also, was inhibited and disfigured by apprehension not less uneasy for being unjustified, of the 'hovering Demon', and an older boy could not show an interest, however innocent or generous, in a younger, without its being remarked on, and a tendentious construction put on it (1984: 295).

Winterton was not allowed to speak, nor did he probably possess the language to describe a fear for men's intimacy. Did this unspoken fear form part of the 'panic' that drove Wolfenden from above? It is neither radical nor new to suggest that manliness involves an element of homoeroticism.⁴ In terms of ultimate manliness, homosexuality is 'one of the conditions, not the only one', that permitted the

⁴ In 1977 Luce Irigaray wrote that 'reigning everywhere, although prohibited in practice, hom(m)o-sexuality is played out through the bodies of women, matter, or sign, and heterosexuality has been up to now just an alibi for the smooth working's of man's relations with himself, of relations among men' (1985, 172).

‘infernal life’ of warfare (Foucault 1981, 139). This is routine. What is threatening, is *speaking it*. Oscar Wilde spoke the truth, he defended male love as ‘pure’ and ‘perfect’ and ‘intellectual’ (Dowling 1994, 1). He bore the homosexual out of manliness. Winterton wanted the homosexual to be silenced. What Winterton could not foresee or comprehend was that with its great goal of privatising sex, this too was the object of the Wolfenden Report, the recommendations of which he so violently opposed. The Wolfenden Report ‘with its contorted mixture of 19th century liberalism and moral pragmatism’ (Mort 1999, 371) constituted a revolutionary deployment of juridical power to deflect the scandal of public sex that the press had exploited: by privatising, medicalising and self-regulating sex between the newly christened ‘consenting adults in private’ (Gleeson 2007b).

The aims and motivations of the Wolfenden Committee are complicated and multi-faceted. One important overlooked feature of the debate surrounding its inception and its recommendations concerns the question of the protecting of English manhood, which had come under threat of contamination and conjecture about its own homosexuality. The Wolfenden strategy aimed to distance homosexuality from intimate English manhood and sealed it away in the newly embraced (and enforced) zone of the private. Paradoxically, resistance to decriminalisation from some quarters, was driven by similar concerns. Studying the conservatives, listening to Earl Winterton, is invaluable. Winterton can tell us nothing about ‘homosexual culture’ which so often is the focus of studying gay law reform. But he tells us a lot about manliness, identity, intimacy and friendship. The lesson of Winterton is to listen between the lines — not to what object the subject is addressing, but what the subject reveals about himself. We possess few ‘truths’ about unspoken intimate manliness. Winterton’s confessions in the House of Lords constitute artefacts themselves of pure British manliness. ▲

References

- Barrow, A. (1980), *Gossip: A History of High Society from 1920 to 1970*. London.
- Cannadine, D. (1980), *The Decline and Fall of the British Aristocracy*. London.
- Chandos, J. (1990), *Boys Together: English Public Schools 1800–1864*. London.
- Cocks, H.G. (2007), ‘Secrets, Crimes and Diseases, 1900–1914’, in M Cook (ed.) *A Gay History of Britain: Love and Sex between Men Since the Middle Ages*, Oxford.
- Davenport-Hines, (1990), R. *Sex, Death and Punishment: Attitudes to Sex and Sexuality in Britain Since the Renaissance*. London.
- Douglas, Lord Alfred (1950), *Oscar Wilde: A Summing Up*, London.
- Dowling, L. (1997), *Hellenism and Homosexuality in Victorian Oxford*, London.
- Ellman, R. *Oscar Wilde*. London. 1997.
- Foucault, M. (1994), ‘Friendship as a Way of Life’, interview by J Danet and J Le Bitoux in France in April 1981, reproduced in P Rabinow (ed.) *Michel Foucault, Ethics: Essential Works of Foucault 1954–1984 Volume I*, London, 135–40.
- Fyfe, D. (1954), ‘Sexual Offences’, *Cabinet Office Record*. PRO: CAB 129/66. 17 February.

- Gleeson, K. (2007a), 'The Timeless Aberration: Wolfenden and the Making of Modern Prostitution', *Lilith*, 16, 69–83.
- Gleeson, K. (2007b), 'Discipline, Punishment and the Homosexual in Law', *Liverpool Law Review*, 28(3), 327–47.
- Higgins, P. (1996), *Heterosexual Dictatorship: Male Homosexuality in Post-war Britain*, London.
- Home Office (1968), *Scottish Home Department Report of the Committee on Homosexuality Offences and Prostitution [The Wolfenden Report]*, London.
- Houghton Brodrick (1965), A. *Near to Greatness. A Life of the Sixth Earl Winterton*, London.
- Houlbrook, M. (2005), *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918–1957*. London.
- Hyde, H.M. (1970), *The Other Love*, London.
- Irigaray, L. (1985), *The Sex Which is Not One*, translated by Catherine Pooter with Carolyn Burke, Ithaca.
- Jarvis, M. (2005), *Conservative Governments, Morality and Social Change in Affluent Britain, 1957–64*, Manchester.
- Lawrence, T.E. *Seven Pillars of Wisdom*. Middlesex, 1964.
- Mort, F. (1998), 'Cityscapes: Consumption, Masculinities, and the Mapping of London', *Urban Studies*, 35, 5–6.
- Mort, F. (1999), 'Social and Symbolic Fathers and Sons in Postwar Britain', *The Journal of British Studies*, 48, 353–84.
- Murray, D. (2003), *Bosie: A Biography of Lord Alfred Douglas*, London.
- Rhodes, J.R. (ed.) (1993), 'Chips', *The Diaries of Sir Henry Channon*, London.
- Smart, C. (1981), 'Law and the Control of Women's Sexuality: The case of the 1950s', in Bridget Hutter & Gillian Williams (eds), *Controlling Women: The Normal and the Deviant*, London, 40–60.
- Waters, C. (1999), 'Disorders of the Mind, Disorders of the Body Social: Peter Wildeblood and the Making of the Modern Homosexual', in B. Conekin, F. Mort & C. Waters (eds), *Moments of Modernity, Reconstructing Britain 1945–1964*, London, 134–51.
- Weeks, J. (1989), *Sex Politics and Society: The Regulation of Sexuality since 1800*, London.
- Weeks, J. (1977), *Coming Out: Homosexual Politics in Britain, from the Nineteenth Century to the Present*, London.
- Wildeblood, P. (1999), *Against the Law: The Classic Account of a Homosexual in 1950s Britain (1955)*, London.
- Williams E.T. & C.S. Nicholls (eds) (1981), *The Dictionary of National Biography 1961–1970*, New York.
- Winterton E. (1932), *Pre-War*, London.
- Winterton, E. (1955), *Fifty Tumultuous Years*, London.