

The Freudian motivation behind 1967's Sexual Offences Act

Adam Jowett on Labour MP Leo Abse's role

This July marked the 50th anniversary of the Sexual Offences Act 1967, which partially decriminalised sex between men in England and Wales. Readers may be aware of this historic landmark due to cultural celebrations such as an exhibition of Queer British Art at the Tate and a Gay Britannia season of programming by the BBC. What readers may be less aware of is the Freudian influences that motivated a backbench MP to champion this law reform.

The liberalisation of the law followed the Wolfenden Report on homosexuality and prostitution in 1957, which recommended the decriminalisation of homosexuality between consenting adults over the age of 21. However, it took another 10 years and several failed attempts – notably by Lord Arran and the gay Conservative MP Humphry Berkeley – before these recommendations were enacted in Parliament. The successful piece of legislation that eventually passed through Parliament was brought forward as a Private Member's Bill by an eccentric backbencher with a Freudian take on the matter.

Leo Abse was a Jewish Labour MP who represented the South Wales mining constituency of Pontypool. He became an MP in 1958, a year after the Wolfenden Report had made its recommendations. Unlike Berkeley who had previously taken up the cause in the House of Commons, Abse was himself heterosexual. A number of factors could be said to have influenced Abse's decision to champion the cause. His first wife, who was an artist, had many gay friends, and prior to being an MP Abse was a solicitor and saw first-hand how gay men were suffering as a result of the law. Abse recounted that, as a lawyer in Cardiff, his fees from the criminals he was defending all started coming from

the account of one man. Upon investigating the matter, he discovered that the man paying their fees was a gay vicar who was being blackmailed. Abse threatened to have one of the criminals arrested for extortion and told the vicar to come to him if they approached him again.

But Abse claimed that it was Freud who was his main inspiration for taking up the cause. Abse proudly described himself as a Freudian. He liked to drop Freudian references into his political speeches, and in retirement he would go on to write psychoanalytic biographies of political figures such as Margaret Thatcher and Tony Blair. It was known that Freud himself was a supporter of law reform on this issue. In a private letter dated 1935 and later published in the *American Journal of Psychiatry*, Freud (1935/1951) explained to a concerned mother that homosexuality 'is nothing to be ashamed of' and that '[i]t is a great injustice to persecute homosexuality as a crime and a cruelty too'. As a Freudian, Abse believed that we all have a predisposition to bisexuality but through psychosexual development most become heterosexual with homosexual feelings remaining latent. He believed that it was this fear of one's own latent homosexuality that drove people to homophobia.

In his 1973 memoir *Private Member* Abse attributed Parliament's decade-long resistance to implementing the Wolfenden recommendations in Freudian terms. He suggested that permitting freedom to homosexuals was interpreted by many as a personal threat; that MPs (and particularly Conservatives) equated a relaxation of the law with a relaxation of the control over their own repudiated desires. He believed it was fitting that the rallying cry of his opponents was that a change in the law would 'open the floodgates', as they unconsciously feared it would open the floodgates of their own repressed homosexuality. He believed that the many debates and the press attention over the intervening decade had led to a form of catharsis that brought anxieties to the surface and released tensions enough for the recommendations to be passed into law by Parliament. In a 2007 interview in *The Guardian* Abse claimed that he believed he was doing more than just releasing homosexuals from criminality.

Key sources

Abse, L. (1968). The Sexual Offences Act. *British Journal of Criminology*, 8, 86–87.

Abse, L. (1973). *Private member*. London: Macdonald.

Freud, S. (1951). A letter from Freud (April 9, 1935). *American Journal of Psychiatry*, 107, 786–787.

Gleeson, K. (2008). Freudian slips and coteries of vice: The Sexual Offences Act of 1967. *Parliamentary History*, 27(3), 393–409.

Weeks, J. (1989). *Sex, politics and society: The regulation of sexuality since 1800*. Harlow: Longman.

He believed that by encouraging society to come to terms with its bisexuality rather than repudiate homosexuality, 'it was the start of opening up society to be more caring and sensitive. One was battling for all men and women to have greater freedom.'

In his memoir Abse suggests that 'to have pleaded Freud would have alarmed too many in the House of Commons, insufficiently secure in their own heterosexuality to acknowledge their homosexual dispositions' (p.153). So instead, Abse invoked pity to convince his fellow parliamentarians. He would later claim not have believed a word of it but viewed himself as a rhetorician, tactically framing his argument in a way that would convince his audience (Gleeson, 2008). In the House of Commons Abse argued that:

'The paramount reason for the introduction of this bill is that it may at last move our community away from being riveted to the question of punishment of homosexuals which has hitherto prompted us to avoid the real challenge of preventing little boys from growing up to be adult homosexuals. Surely, what we should be preoccupied with is the question of how we can, if it is possible, reduce the number of faulty males in the community' (Leo Abse MP, *HC Hansard*, 19 December 1966: col. 1078).

Abse would later express regret at referring to gay men as 'faulty males'. Whether his true motivation for the Bill was to shift society's focus onto preventing future generations of homosexuals, as suggested in this speech, or whether he was crafting an argument he felt would persuade a homophobic audience, is impossible to tell. Yet such arguments secured Abse an ambivalent status in the collective memory of the gay community.

Such ambivalence was also felt towards the Act itself. The 1967 Act only partially decriminalised homosexual acts between men: sex between men remained prosecutable unless it took place under strict conditions of privacy; it continued to be a crime for more than two men to have sex together (despite there being no equivalent law for heterosexual sex); the age of consent was set higher at 21 and; it did not apply to the armed forces or the merchant navy.

Abse himself was well aware of the Act's limitations. Only a year after the Act was passed, he commented in the *British Journal of Criminology* that 'the penalties attached to some public displays of homosexuality are too harsh', that provisions which continued to make homosexual acts between servicemen criminal were 'unrealistic', and that if the notion of privacy were interpreted too narrowly it would 'thwart the legislature's intentions' (Abse, 1968). Abse's concerns were well founded. Arrests and prosecutions of gay men actually rose in the years (and indeed decades) following the Act (Weeks, 1989).



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Several years later in 1970 the radical Gay Liberation Front formed. They too believed everyone was born with bisexual potential, but they had no desire to be pitied. They believed that tackling homophobia would free the homosexual in everyone. Their manifesto would mention the limitations of the Act: 'The Sexual Offences Act gave a limited licence to adult gay men...Beyond this there are a whole series of specific minor offences. Although "the act"

is not illegal, asking someone to go to bed with you can be classed as "importuning" for an immoral act, and kissing in public is classed as "public indecency".' Abse was appalled at this rising movement for liberation. On the 40th anniversary of the Act *The Guardian* quoted him as having said: 'Those of us putting the bill through thought that, by ending criminality, we'd get the gays to integrate. But I was disconcerted and frightened at first because they were coming out and turning themselves into a self-created ghetto.' In expressing such sentiments, Abse undoubtedly continued to offend the community he claimed to have fought for. He was probably right when in the same interview he commented, 'when I've shown any reservations about the gays, they haven't forgotten'.

In his later years Abse resented the fact that the gay community wasn't more grateful. He complained that on his 90th birthday he never had one word of thanks from any gay activist. However, his ambivalent status as an ally of the gay community is something he has in common with his hero, Sigmund Freud. While Freud's reassuring letter to the concerned mother of a gay son shows that he was sympathetic to the plight of gay men, he is perhaps more commonly remembered for having referred to homosexuality as a form of 'arrested development' – a notion that conversion therapists use to pathologise homosexuality to this day.

Yet on the 50th anniversary of the Sexual Offences Act, Abse's law is widely being hailed and celebrated as an important landmark in the advancement of gay rights. As the influence of psychoanalysis has waned and Freud's theory of sexuality is widely discarded within psychology, it may seem an odd quirk of history that Freud's ideas played such an important role in motivating the politician who championed the law reform. Yet without this eccentric Freudian, we may have waited much longer to make that first small step towards gay equality.



Leo Abse MP, in 1967