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## **Agent Provocateurs Invade The Cottages: An Examination of Norms, Space and the Consequences of Policing Practices in 20th Century London**

### Abstract:

This essay examines the relationship between the police, the public, and those who engaged in homosexual practices in the nineteenth century in London. By specifically looking at a case study of the agent provocateurs in London's public urinals using newspapers, individual confessions, and public committee reports, this essay attempts to show how this space battle to regulate public space can be an example for how the broader regulation of sexual deviancy has been exercised. I contend that the fact that the compromising methods of agent provocateurs in the twentieth century provoked counter investigations and public backlash, demonstrates how increased efforts to protect public space and "masculinity" from the effeminate "other" engaging in homosexual behavior reversed the nineteenth century process of repression by silence. This counter movement led to an increased discourse and visibility of homosexuality, and even diminished the legitimacy of the police to serve as torchbearers of masculinity. These consequences ultimately threatened the strength of gender and sexual norms, which was the complete opposite of the state's intention.

In London in 1927, a respected schoolmaster named Francis(Frank) Champain threatened the masculine order of the twentieth century. How could one man be a threat to the concept of masculinity? The danger he posed to gender norms emerged with his arrest for his actions of a "deviant" nature in London's public urinals. In August 1927, a plainclothes officer arrested Champain for importuning - a twentieth-century accusation that entailed soliciting for "immoral" behaviors, specifically understood to be applied to those involving engaging in sexual relations with individuals of the same sex.<sup>1</sup> By September, his conviction was overturned, and the danger he presented to the sexual "normal" was eliminated.<sup>2</sup> Champain, alongside his expensive lawyer, Sir Henry Curtis Bennett, had successfully appealed his conviction through a two-pronged approach: building the case of his exemplary character as a masculine gentleman while

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<sup>1</sup> "Double 'Blue's' Lapse," *Daily Mail*(London, England), 24 August 1927, Issue 9777, p. 5.; Committee on Homosexual Offenses and Prostitution, *The Wolfenden Report*, (New York: Stein and Day, 1963).

<sup>2</sup> "Mr. Champain," *Daily Mail* (London, England), 22 September 1927, Issue 9802, p. 10.

simultaneously discrediting the uncorroborated nature of his arresting officer's evidence.<sup>3</sup>

Champain's lawyer, Bennett informed the court that his client:

*"was educated at Cheltenham. Later he went up to Oxford, where he played four years for the University XI., and captained the [cricket]team in his last year.... He also took part in the Gentlemen v. Players match - the second highest honour in the cricket world.... [and] at the outbreak of war he enlisted as a private in the Worcestershire Regiment... He remained in the Army until Easter 1919 and then returned to Sedbergh".<sup>4</sup>*

Bennett's argument presented the court with an essential dilemma - Considering the effeminate and corrupt ways of a homosexual male, how could this cricket star, schoolmaster, and war veteran, who so clearly met the qualifications of high character and masculinity, ever be willing to engage in sexual relations with other men? Champain's overturned conviction proved that the state agreed with his lawyer's assertion - homosexuality and masculinity were mutually exclusive. To believe otherwise would be too big of a threat to the socially constructed twentieth-century male gender norm.

Champain's original arrest, conviction, and successful appeal raises some intriguing questions about the dynamics of policing public urinals, sexual relations between two men, and gender norms. Why were these public urinals heavily policed? What measures were the police officers willing to take in order to regulate these men engaging in homosexual behaviors? Why did society care about protecting masculinity? How did the narrow fight over public urinals between plainclothesmen and men engaging in homosexual behavior reflect the larger battle for establishing and regulating societal, and more specifically gender norms?

In order to answer these questions, one must pull back the curtain to reveal an intricate system in which the boundary between public and private in London was policed to regulate the space, access and existence of the "other", so that "normal" conceptions of sexuality and

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

masculinity could be maintained. This conflict between the “normal” and “other” has existed throughout history, but it has only been over the past thirty years that mainstream scholars have begun to directly investigate the existence and treatment of sexually deviant bodies in British history.<sup>5</sup> This essay focuses on London from 1901 until the Sexual Offences Act of 1967, in order to capture the impact that the transition from the Victorian Era and the passage of two subsequent World Wars had on masculinity and policing. To explain that change, this essay includes references to numerous publications studying gender, sexuality, and identity in both the nineteenth and twentieth centuries so as to pinpoint aspects of continuity and difference within their extensive discourse. The proceeding discourse alternates between having either the state or the men engaging in homosexual acts as their main subject, but in this essay looks at both in addition to the general public. Specifically, the central actors/objects examined here are 1) the police - as both *agent provocateurs* (undercover officers known for instigating certain kinds of “illicit” behavior) and primary archetypes of masculinity; 2) the public urinals - as spaces that are important symbols of power; 3) the men who use the urinals for homosexual acts; and 4) public opinion as expressed in the popular press. Before one looks at how these subjects work in conjunction with each other, the aforementioned scholarship provides a helpful foundation.

The existing scholarship on sexual regulation in British society during the nineteenth and twentieth century can be split into three main sections of relevance for this paper - identity, space, and masculinity. Although each scholar has paved his/her own way and focused on different points, their contributions fall neatly into those three categories. For the following conversations of identity, Jeffrey Weeks, Michel Foucault, Sean Brady, and Matt Cook are most significant; for those about the matter of space, Judith Walkowitz, Simon Gunn, Frank Mort, and

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<sup>5</sup> Brian Lewis, eds., *British Queer History: New Approaches and Perspectives*, (Manchester and New York: Manchester University Press, 2013) 190.

Matt Houlbrook are paramount; and lastly, for the subject of masculinity, Sean Brady, Angus McLaren, Matt Houlbrook and H.G. Cocks all offer helpful insights. In what follows, my analysis is deeply influenced by the scholarship of Matt Houlbrook, as his recent publications offer an insightful account of the period under consideration in this essay. I am greatly indebted to his work and thought-provoking pieces. While masculinity and space both get further attention in this paper, the matter of identity needs to be briefly addressed here, because the claims of this essay depends upon one's understanding of the complexity that homosexual identity entails.

Identity is one of the main subjects of queer history and therefore attracts the most attention of authors, but there are a few that have the utmost importance for modern understandings of British homosexual identity - Jeffrey Weeks and Michel Foucault. They are foundational authors, firstly because of their early entry into the field, but secondly and more importantly, because their conclusions are discussed in every work that follows. Scholars either take the Weeks/Foucault paradigm as fact and foundation, or like Cook and Brady, they build their entire book attempting to challenge the understanding that Weeks and Foucault present.<sup>6</sup>

Their paradigm is built on the two earliest works in the field - *Coming Out: Homosexual Politics in Britain* by Jeffrey Weeks and the unfinished *The History of Sexuality* by Michel Foucault, both published in the 1970s (before the bigger wave of writing in the 1990s).<sup>7</sup> These works rely on a belief that external factors, such as medical discourse, legal standing, sexology, newspaper sensationalism, and a new lexicon are all fundamental to the formation of a homosexual identity.<sup>8</sup> The term "Homosexuality" was coined in 1869 by Hungarian, Károly

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<sup>6</sup> Matt Cook, *London and the Culture of Homosexuality, 1885-1914*, (Cambridge: Cambridge University Press, 2003); Sean Brady, *Masculinity and Male Homosexuality in Britain, 1861-1913*. (New York: Palgrave Macmillan, 2005).

<sup>7</sup> Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain, from the Nineteenth Century to the Present*, (London: Quartet Books, 1977); Michel Foucault, "The will to knowledge: The history of sexuality vol. I.", (1998).

<sup>8</sup> Cook, 3.

Mária Kertbeny (born Karl Maria Benkert), but did not enter into English currency until the 1890s.<sup>9</sup> It was first used “as a vehicle for the expression of defiance and indignation at bigotry, ignorance and intolerance” in response to the imminent threat of criminalization.<sup>10</sup> By the early twentieth century referring to someone as a homosexual person was accepted and common language.<sup>11</sup> This new terminology in conjunction with the other factors was at the heart of Foucault’s claim that there was an emergence of the homosexual “species” in the nineteenth century, in essence leading to the creation of a binary homosexual/heterosexual ordering.<sup>12</sup> Weeks agrees that a homosexual identity was created in the nineteenth century, but he focuses less on a binary and more on the transition from homosexual behavior to homosexual identity.<sup>13</sup> He does not give full credit to law as the sole creator of identity, but asserts that the law gives the population a language in which to isolate and decry these “deviants”.<sup>14</sup> The primary critiques of these works, such as those offered by Brady and Cook, focus on the timeline - arguing that Weeks and Foucault inaccurately suggest full formation of identity in the nineteenth century when there was still a layer of repressive silence. These critiques are ironic considering that both Weeks and Foucault were attempting to disprove the idea that homosexual identity is a fated conception. They instead wanted to show that identities and categorizations of “other” are always socially determined, but were caught for still being too early and too binary.

Sean Brady in *Masculinity and Male Homosexuality in Britain, 1861-1913*, argues that Weeks’ timeline does not acknowledge the real silence in the public and legal realm regarding

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<sup>9</sup> Weeks, 3.; Leslie Moran, *The homosexual (ity) of law*, (Routledge, 2002), 3.; Rictor Norton, *A Critique of Social Constructionism and Postmodern Queer Theory*, 1 June 2002.

<sup>10</sup> Moran, 3.

<sup>11</sup> Weeks, 3.

<sup>12</sup> Foucault; Cook, 7.

<sup>13</sup> Weeks, 3.

<sup>14</sup> *Ibid.*, 165.

homosexual behaviors.<sup>15</sup> His argument is built upon the portrayal of masculinity, in which silence was crucial to prevent sexual relations between men from threatening gender norms.<sup>16</sup> In Brady's eyes, that silence restricts the creation of an identity and binary at the point in time that Foucault and Weeks place it. Another angle of critique originates with authors such as Matt Cook, who disagree that a singular identity was ever created. His book, *London and the Culture of Homosexuality, 1885-1914*, builds the case for the "impossibility of conjuring a unitary 'gay' metropolis or a singular 'gay' urban type, and indicates instead the controlled plurality that characterized the relationship between London and homosexuality."<sup>17</sup> Despite these disagreements, all authors suggest that between the nineteenth and twentieth century there was a shift in how one identified those engaging in intercourse with members of the same sex.

This essay can not hope to make bold claims about identity formation like the aforementioned authors due to lack of scope, information and time, but it can make the case for factors which can arguably serve as a precursor or catalyst in the development of an identity. I suggest that the increasing discourse and visible presence of sexual engagements between two males, at least provided men with the knowledge that there were others out there like them, which is an important first step in any progress towards identity.<sup>18</sup>

Each of these scholars has chosen to rely on primary documents that pertain directly to their thesis. While they have a variety of theses and a diversity of documents, there are similar points of focus simply because of access and source availability. The most common primary evidence included legislative acts and committee documentation, diaries and letters of famous

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<sup>15</sup> Brady, 9.

<sup>16</sup> Ibid., 10.

<sup>17</sup> Cook, 5.

<sup>18</sup> Ibid., 41.

queer men, and major court cases sensationalized in the press.<sup>19</sup> The dichotomy of information means that one must choose either an anecdotal approach, which due to the individual scope, limits one's claims, or an institutional approach that looks at legislative impact without capturing the agency of an individual. Considering this common struggle in addition to my personal distance from some of the most helpful London archives which house Metropolitan Police records, this essay takes a piecemeal approach to evidence that limits the reach of my conclusions, but builds a cohesive narrative. Specifically, this essay utilizes *The Daily Mail*, the *Sunday Times*, *The Economist* and the *Times* (as well as a few smaller publications) for public commentary and court analysis; a compilation of interviews of homosexual males completed by George Westwood's research team in 1960; and the Reports of the Royal Commission on Police Powers and Procedures, the Street Offences Committee, and the Wolfenden Council. These historical artifacts are all directly related to the regulation and policing of the homosexual acts committed within public urinals, thus painting a small picture of a bigger system which involved many more voices and a larger fight for power.

Using these sources, this essay examines one aspect of regulation upon the man engaging in homosexual behaviors in London in the twentieth century. The purpose of regulation is to protect space from the encroachment of the "other" so as to shield the traditional paradigm of a range societal norms, specifically masculinity here.<sup>20</sup> Policing of society and norms involves two types of regulation - the first being the legal policing embodied by limiting the right to space (seen here as public urinals) through arrests and surveillance and the second is moral regulation enforced by society and government. Moral regulation is conveyed by acceptance of "normal"

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<sup>19</sup> Weeks, 1.

<sup>20</sup> Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries 1870-1930*, (Chicago: University of Chicago Press, 1997).



and simultaneous disgust and silence about the existence of the “other”. It is important to note that extreme regulation does not always produce the desired results. In fact, it may lead to increased visibility of the “other” they are attempting to repress, or even result in the regulation of the police themselves if they are deemed to cross any morally unacceptable boundaries.

This quandary informs a key assertion of this study. I contend that the fact that the compromising methods of agent provocateurs in the twentieth century provoked counter investigations and public backlash, demonstrates how increased efforts to protect public space and “masculinity” from the effeminate “other” engaging in homosexual behavior reversed the nineteenth century process of repression by silence. This counter movement led to an increased discourse and visibility of homosexuality, and even diminished the legitimacy of the police to serve as torchbearers of masculinity. These consequences ultimately threatened the strength of gender and sexual norms, which was the complete opposite of the state’s intention.

In order to substantiate this claim, I make my case through three sections. The first, “The construction of twentieth-century masculinity” argues that conceptions of gender and sexuality (inherently linked in this era) are not simply determined, but socially constructed over time. By tracking the transition into the twentieth-century, the damage caused by the two World Wars, the declining birth rate, and shifting and increasingly urban workforce, this section explains why elites and the state reinforced a certain form of masculinity that best protected their interests and the nuclear family. Once this context is provided and twentieth-century masculinity defined, I use Section 2: “Regulating Space”, to demonstrate how control of space was one of the primary methods of enforcing those norms. This section imagines “space” as a concept with three tiers, that works down from the big picture norms which govern acceptance into any space, to the specific battle between police and homosexual men for access to public urinals. This police’s

regulation of space, is one of the critical pieces in provoking responses which increase the visibility and discourse about homosexuals. The final and third section, “Police Action and its Unintended Consequences” breaks down into several parts to create a narrative produced by primary source analysis. Here by examining the methods of the agent provocateurs and their own sexual deviancy, the public backlash for arrests involving men of high character, the mandated committee reports on police practices, a national newspaper’s leading article on homosexuality, and the discourse generated by the Wolfenden Report, this section will defend my claim that by regulating space to protect masculinity and the family, the police and the state welcomed visibility and national discourse surrounding the “other”.

### **Terminology**

Before diving too deeply into this essay, I want to make a brief note about the terminology I have chosen to use throughout this essay. As mentioned, the term “homosexuality” was coined in the nineteenth century, and was recognized as common language in the twentieth century. However, considering the debate regarding the formation of an actual homosexual identity, I attempt to avoid frequent references to men directly as homosexuals except in cases where that is an established identifier for them, such as in George Westwood’s minority report, or when the law is specifically aiming to persecute homosexual men, or in the decades after the second World War in which the homosexual identity is generally accepted.<sup>21</sup> When possible, I refer primarily to their actions as opposed to what that means for their identity. I use phrases such as “homosexual behaviors”, “Same-sex behaviors”, and “homosexual proclivities”.

Lastly, one of the important arguments of my paper is about norm generation and maintenance, which I believe is about establishing a “normal” versus an “other”. A man

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<sup>21</sup> Matt Houllbrook, *Queer London: perils and pleasures in the sexual metropolis, 1918-1957*, (University of Chicago Press, 2006), 7.

engaging in homosexual acts, while not being the only possible “other”, is typically the subject of any “other” references within this essay because of the examination of the masculinity. Any other brief mentions of queer identity, follow the same pretense in that just like today, homosexual men are certainly not the only queer members of society, but are part of the larger queer discourse. This essay was designed with an effort to be open and contribute to the study of a repressed group in society, without furthering any mischaracterizations.

## **Section 1: The Construction of Twentieth-Century Masculinity**

Ideologies and norms are not simply predetermined historical truths, rather they survive “because they serve a social function, in rationalizing and articulating certain material needs, and the material needs as defined by those who control society.”<sup>22</sup> As the nineteenth century came to a close, the country was experiencing an economic and social transformation that would only accelerate during and after the two World Wars. A reconstruction, which demanded a retrenchment in certain gender roles and nuclear family life.<sup>23</sup> The need to enforce these norms led to a series of laws and actions designed to govern sexuality and masculinity.

At the end of the nineteenth century, London was experiencing a city-wide reorganization which involved “the changing nature of men’s work, the rise of the white collar service sector, the reduction of the birth rate, and women’s entry into higher education and professions”.<sup>24</sup> These transformations began with urbanization and industrial capitalism and led to the a diminishing power of the “church, family, shop, and farm”, the typical elite male mechanisms of control.<sup>25</sup> Instead those disciplinary tools were replaced with teachers, policemen, and doctors in

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<sup>22</sup> Weeks, 4.

<sup>23</sup> McLaren, 35.

<sup>24</sup> Ibid., 2.

<sup>25</sup> Ibid., 35.

the city.<sup>26</sup> These new tools were used to reinforce the nuclear family model and strengthen gender norms, which were desperately needed in a time when an evolving workforce and diminishing eligible bachelors increasingly threatened the bourgeois family. During 1913-1917 and 1939-1945 there were thousands of men away from home, and upon their return (for those who did return) there was still a continued statewide concern about family and the national birth rate.<sup>27</sup> Each post-war period endured years of instability as men attempted to return to the workforce, much to the consternation of the women who were reluctant to resign their newfound importance. In the postwar reconstruction, authorities were quite anxious to reverse the blurred gender lines of wartime and redirect male and women to gender norms that would protect the family and a more ordered world for the sake of British stability.<sup>28</sup> One way to gain this stability was to uplift a form of masculinity in which men were providers for their nuclear family, while simultaneously repressing the “other” in society, specifically the intensely destabilizing homosexual man.<sup>29</sup>

Sean Brady, Angus McLaren, H.G. Cocks and Matt Houlbrook present the foremost scholarship on this twentieth century form of masculinity. Their work shares a general assertion that in order to protect masculinity, there needed to be an effeminization of the homosexual male. If deviant sexuality were to be tolerated, a consequence could be the “potential to tempt some men away from their procreate duties to their wives” and neglect the structure of the

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<sup>26</sup>Ibid.

<sup>27</sup> Simon Gunn, and Robert John Morris, eds., *Identities in space: contested terrains in the western city since 1850*, (Ashgate Publishing, 2001), 176.

<sup>28</sup> Brady, 24.; 24, McLaren, 236.; Matt Houlbrook, “Queer Things: Men and Make-up Between the Wars”, in *Gender and Material Culture in Britain since 1600* ed. Hannah Greig, Jane Hamlett, and Leonie Hannan, (London: Palgrave, 2016), 128.

<sup>29</sup> Brady, 52.

family.<sup>30</sup> Therefore, the father and loving husband would be commended and celebrated for his high character and masculinity, while the immoral other would be painted as weak and corrupt.

Authorities did “not so much “create” the stereotype; it would be more accurate to say that they selected and declared preeminent one particular model of masculinity from an existing range of male gender roles.”<sup>31</sup> This selected model extolled the overall gentleman and more specifically, the “virtues of strength, military preparedness, courage, hardness, aggression, vitality, comradeship, productivity.”<sup>32</sup> Since sexual desire was seen as a quality of gender, “the desire for a woman was considered inherently masculine. The desire for a man was a priori womanlike”.<sup>33</sup> Therefore homosexuals were assumed to be decadent, corrupt, effete, and effeminate.<sup>34</sup> This link had not always been present. It was not until the Great War that any notions of the effeminate “other” surfaced.<sup>35</sup>

At that same point in time, nationalism was thriving, and following military victory, notions of masculinity and British identity were quickly linked.<sup>36</sup> *John Bull*, a popular weekly journal, identified those newly recognized as effeminate, as “un-British - a ‘German perversion; that threatened to accomplish what the Kaiser’s armies had failed to do. The ‘painted and scented boys’ enjoying themselves in the teashop ‘shamed the name of England’ and threatened its existence.”<sup>37</sup> The journal’s claim was that in order to be British, one had to be great and superior to Germans, which was only possible if one was constrained to “normal” gender practices. This reaction was likely due to the way in which the manhood of surviving soldiers seemed to be

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<sup>30</sup> Ibid., 48.

<sup>31</sup> McLaren, 2.

<sup>32</sup> Ibid., 36.

<sup>33</sup> Houlbrook, “Queer Things”, 124.

<sup>34</sup> Weeks, 162.

<sup>35</sup> Houlbrook, “Queer Things”, 126.

<sup>36</sup> Ibid., 128.

<sup>37</sup> Ibid.

undermined. Following the horrifying weeks of bombardments and attacks on the Western front, many normal men appeared to lack “will and character” and were deeply damaged psychologically, a problem which terrified military high command and the state.<sup>38</sup> The keepers of societal norms needed to identify ways to reject this seeming weakness of men. One way to do that was to identify an “other” and attack. It would be in these moments following the wars, that the police would ramp up their efforts to enforce legal codes and rigorously regulate homosexual behaviours.

Legislation on this matter evolved from regulating same-sex behaviors when religion and sin were the primary justifications, to regulating deviant men as gender norms needed to be protected for the sake of the family.<sup>39</sup> This began in 1533, when King Henry VIII first brought sodomy under the purview of the law. At that point in history sodomy was “against nature” because it was non-procreative sex. If committed by two of the same gender (buggery) that amplified the sin and carried the penalty of death.<sup>40</sup> The renewal of this 1533 act in 1563 was “the basis for all homosexual convictions up to 1885”.<sup>41</sup> ‘The Labouchere Amendment’ of the 1885 Criminal Law Amendment Act strengthened standards, in which “all male homosexual acts short of buggery, whether committed in public or private, were made illegal”.<sup>42</sup> These heightened standards came right at the moment in which the enlarging threat to families took off and therefore required a simultaneous pushback on the “other”. The Labouchere Amendment was increasingly enforced in the first half of the twentieth century to do just that, through methods utilized by agent provocateurs detailed later in this essay. After eighty years, this amendment was finally replaced by 1967 Sexual Offences Act which allowed homosexual acts between two

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<sup>38</sup> McLaren, 233 - 234

<sup>39</sup> Weeks, 5.

<sup>40</sup> Ibid., 12.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid., 14.

men over the age of 21, as long as they were in private. The evolution of legislation and enforcement regulating homosexuals and homosexual behavior aligns well with the twentieth century timeline presented previously addressing why masculinity was curated and homosexuals effeminized.

The punishments for these pieces of legislation were particularly cruel. While rapists and murders were subjected to long prison sentences, the self-declared “normal men” decided that that sexual deviants had become such a threat and their “wickedness so exceeded common criminality that it warranted extraordinary penalties.”<sup>43</sup> In their view, a murderer may do deep harm to one individual or family, but the disorder caused by homosexuals was seen as much more dangerous to the state.<sup>44</sup> With this idea of masculinity firmly entrenched, “institutions of British authority, such as national newspapers, government, the legislature and the profession of medicine” all continued to protect these gender norms against the nefarious “other”.<sup>45</sup>

## **Section 2: Regulating Space**

The twentieth-century masculine norm and the nuclear family was defended through a battle over space. According to Foucault, “Space is fundamental in any exercise of power” and by association, the effort to reclaim or convert space for practices condemned by the state, serves as a form of resistance to that power.<sup>46</sup> Rather than envisioning space as a backdrop to history, imagine it as part of history itself, as an object of contestation. Once one understands twentieth century masculinity and the corresponding family model it was designed to protect, one must

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<sup>43</sup> McLaren, 13.

<sup>44</sup> Ibid., 15.

<sup>45</sup> Brady, 25.

<sup>46</sup> Simon Gunn and Robert John Morris, eds., *Identities in space: contested terrains in the western city since 1850*, (Ashgate Publishing, 2001), 9.

turn to think about how that norm was to be protected and reinforced. The primary way to control those deviating from “normal” is to regulate the space they could access.<sup>47</sup> Access to space quickly becomes a weapon of the powerful.

This essay chooses to conceptualize “space” on three levels, working from a big picture all the way down to specific details. The first and highest level envisions space in the same way as “time” - a tool that can be used to judge the evolution and course of history.<sup>48</sup> The second and middle level is imaging the city as a space under state control that has taken on certain identifying qualities. Lastly, on the third and final level, one can narrow down to specific spaces that are points of contention, i.e. the public urinals. The homosexual male and the regulation to which he was subjected in London exists on each of the three levels. On the highest level, there has been implementation of norms dictating who deserves to have access to space at all. On the city level there has been a police effort to enforce a city identity in which “normal” is celebrated in public spaces. At the bottom of the ladder, that larger battle between public and private was encapsulated in the battle over public urinals.

Judith Walkowitz and Matt Houlbrook both published groundbreaking books in which they used space as one of their central techniques of analysis for the reinforcement of gender roles or the “sexual normal”.<sup>49</sup> They focused on the public/private delineation of space and who was allowed to occupy the public domain. With a new wave of feminism hitting London in the late nineteenth century, the modern woman was increasingly found in the public domain. This posed, a deep threat to the freedom and power of man who used to control the public realm and

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<sup>47</sup> Gunn.

<sup>48</sup> *Ibid.*, 1.

<sup>49</sup> Judith R. Walkowitz, *City of dreadful delight: narratives of sexual danger in late-Victorian London*, (University of Chicago Press, 2013); Houlbrook, *Queer London*.



monitor that which took place at home.<sup>50</sup> As women became increasingly visible and accepted actors in the public realm in the twentieth century (a reality that has significantly more nuance than captured here), the homosexual man fought for access to public space which was very deliberately withheld to keep him invisible.<sup>51</sup> Elite white males did not have the capacity to face two challenges at once, so with women's presence solidified, there was no desire for allowance of an "other". My analysis of the regulation of public urinals will mimic the same close examination used by Walkowitz and Houlbrook.

By regulating access to public urinals, the police, state, and society were continuously attempting to "heterosexualize" the city, reinforcing that only "normal" was allowed to be displayed in any public space.<sup>52</sup> However, urinals served a unique role, in that they were the only possibility for relief in a commercialized city that allowed individuals to spend the whole day away from their homes. Their necessity meant that eliminating urinals was not an option in the efforts to prevent their unforeseen "usage" by homosexual males. Instead police had to use their constant surveillance and presence to regulate. The fight for public urinals presented itself on two fronts. Firstly, there was a battle between the police and men engaging in same sex behavior over whether this space was public or private. Was it a space that could be under surveillance, or one in which acts were committed in the darkness of night? Secondly, there was a higher conceptual conflict over the presence of normal versus. queer in any visible space. What would be accepted? Could the police adapt the buildings to service the "normal man" or would other adaptations allow homosexuals to claim a space in the city for themselves? Homosexual men would strive to transform these urinals into "cottages" serving as spaces for anonymous sex

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<sup>50</sup> Walkowitz

<sup>51</sup> Houlbrook, *Queer London*.

<sup>52</sup> Matt Houlbrook, "The private world of public urinals: London 1918–57," *The London Journal* 25, no. 1 (2000): 52-70, 52.

between homosexual men, thus symbolizing a small measure of resistance by making a public space serve a queer purpose.<sup>53</sup>

These questions are answered by closer analysis of incidents between agent provocateurs and homosexual men. In order to understand why this was such a contested divide, one must see what effects control of space can have and the ways in which London's sexual geography has developed. London's history of urban planning differentiated it from that of its fellow European capitals and major cities in America in its own general ad hocery.

"The capital never experienced a *police des mœurs*, or moral police, on the Parisian model, nor have its zones of respectable and disreputable behavior been as strategically zoned as in some other European or American cities. Yet since the eighteenth century London has been shaped by a series of large-scale sanitary initiatives, in which fears over immorality, health and disease have been linked to the sexual practices of its diverse and recalcitrant populations."<sup>54</sup>

The lack of coordination between urban planning and moral order in London's history means that the regulation of the "other" over time finds its peaks and valleys of enforcement closely linked to the evolution of space. Public urinals provided a space unlike any before, where walls and doors blocked these men from view, adding a layer of protection that parks could not offer, freeing them to engage in sexual relations with other men in a seemingly public arena.

The war for space is not unique to homosexual individuals, but rather a common conflict for many deemed outside the normal. In their "conflicts over the boundaries, ownership and meaning of places", there is often some building of group identity as they bring themselves into the view of "those with power and authority: men, whites, heterosexuals, [and] the state."<sup>55</sup> Houlbrook argues that in these conflicts, the state was not just regulating physical space, but by regulating where one can act in the way they wish, they were essentially making the queer

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<sup>53</sup> Matt Houlbrook, "For Whose Convenience? Gay Guides, Cognitive Maps and the Construction of Homosexual London: 1917–1967," *Identities in Space: Contested Terrains in the Western City since 1850* (Ashgate Publishing, 2001): 165-86, 171.

<sup>54</sup> Frank Mort and Lynda Nead, "Introduction: sexual geographies." *New formations* 37 (1999), 8-9.

<sup>55</sup> Gunn, 9.

body and the space in which it existed “a public body, subject to the draconian force of law”.<sup>56</sup> Yet in so regulating a person and space, the state inadvertently increased discourse and common knowledge about the homosexual and the areas in which they operate. Many straight men completely shied away from these urinals fearing association with immoral practices, whereas other homosexual men became increasingly aware of these spaces occupied by others like them.<sup>57</sup> Those inverse behaviors reinforced the degree to which homosexual behavior had begun to mark its place in society. The fact that this marking came through a space of generally accepted disgust weakens the victory, but does not negate it.

Nor does it negate the necessity of this victory. Homosexual men in the twentieth century needed access to public spaces, because for them, “privacy was to be found in the public domain, rather than in the home, as for young working-class men and women more generally; the public meant escape from the constraints of family, neighbors and overcrowded apartments. Their world inverted the bourgeois public/private division on which the sexual regulation of the city was predicated.”<sup>58</sup> By renaming these urinals as “cottages”, homosexual men were able to transform their significance and make them “a central site around which homosexual identities and communities were constructed and imagined.”<sup>59</sup> It was more than just a physical space.<sup>60</sup> This was their way to make a space private and queer.

In an effort to prevent that space making, the police and state enlisted “pretty police officers” or *agent provocateurs*. This form of regulation, while attempting to repress the other, ended up furthering the discourse around homosexual practices and locations, and

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<sup>56</sup> Houlbrook, *Queer London*, 20..

<sup>57</sup> Gunn.

<sup>58</sup> *Ibid.*, 7-8.

<sup>59</sup> Houlbrook, “For Whose Convenience?”, 170.

<sup>60</sup> *Ibid.*

simultaneously pushed their officers into dalliances with the very community they were supposed to eliminate.

### **Section 3: Police Action and its Unintended Consequences**

The analysis of masculinity is two fold in this essay - firstly, the way in which a man with same-sex proclivities is seen as deeply threatening to the social order maintained by masculinity; and secondly, the role police officers occupied as torchbearers of masculinity. While the first frame was covered in section two of this essay there still needs to be a brief introduction to the police's role. By shaping their bodies, language, and tendencies in order to fit into the homosexual world as agent provocateurs, police officers opened the door to accusations of their weakened masculine standing.<sup>61</sup> This vulnerability was so severely alarming to the public, that they frequently demanded the creation of committees, such as the Royal Commission on Police Powers and Procedures, to investigate if police behaviors were within the law and not encouraging a possible "infection" of homosexuality. Although the Metropolitan police officers' regulatory actions occurred at the city-wide level, this analysis chooses to focus on the lowest rung of the space hierarchy, that which explores police interactions with men seeking to engage in sexual relations with other men in urinals.

The masculine stereotype of police officers was established because of their role as the enforcer for the state and bourgeois class, in addition to the nature of their work and similarity to the army. The Metropolitan Police was formed in 1829, and was justified as a force to maintain public order.<sup>62</sup> Police were originally presented as the only rational solution to rising crime and

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<sup>61</sup> Harry G. Cocks, *Nameless offences: Homosexual desire in the 19th century*, (IB Tauris, 2003), 167.

<sup>62</sup> Clive Emsley, *The English police: A political and social history*. (Routledge, 2014), 2.

disorder.<sup>63</sup> However, as recent movements such as the Black Lives Matter campaign have highlighted, it is just as easy to argue that the police are designed just as a tool of the ruling elites to reinforce class and societal repression.<sup>64</sup> Their association with elites and the state meant that they have often been included in the classifications of “normal” and “good”, which the state defines and implements. Also, their day to day tasks demanded certain qualities that corresponded well with the twentieth century conception of masculinity. The virtues of strength, courage, hardness, aggression and comradeship were all exhibited in job performance tasks such as corralling riots, capturing criminals, and monitoring the streets.<sup>65</sup>

Their similarity to the army was the last piece in the puzzle for the masculine trope. There were frequent complaints from the populace that the police too closely resembled the military, an understandable complaint considering their frequent deployment with the army, their own “hierarchical structure of the forces, the uniforms, the rigid discipline, and the way that, from early on, the men were deployed as riot squads” in London.<sup>66</sup> The weight of each of these factors meant the Metropolitan Police were seen as one of the greatest guidelines for masculinity. However, just like the army, the more people view the force as unfalteringly masculine, the more vulnerable they are to even the slightest accusations of association with homosexuals. For the state, homosexuality was a threat to society, but a potential source of total destruction for any armed forces.<sup>67</sup> Any relations between men or across ranks was bound to destroy all the power of hierarchy.

Considering the delicate position the Metropolitan police were in, their methods of entrapment using agent provocateurs immediately placed them in the cross hairs of public

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<sup>63</sup> Ibid., 4

<sup>64</sup> Ibid.

<sup>65</sup> McLaren, 36.

<sup>66</sup> Emsley, 25, 52.

<sup>67</sup> Weeks, 13.

backlash. Why were the police willing to put themselves in such a dangerous position in the twentieth century which they had previously avoided, even with no new legislation? In the nineteenth century, the Home Office, which directed the Metropolitan Police Force, was painfully aware that prosecutions of sodomy were horribly difficult to prove and would likely cause “public scandal and thereby alert the unsuspecting to the existence of unnatural lust”, without any successful convictions.<sup>68</sup> With no desire to be accused of complicity, the police instead maintained a system of silence, hoping that instead of persecuting they could repress this “other” with lack of visibility or acknowledgement.<sup>69</sup>

However fear of the homosexual spiked in the twentieth century. Emerging discussions of homosexuality in the medical discourse, expansions of public urinals all over London, growing frequency of scandals in the press and an increased post-war threat to the nuclear family added substantial pressure on the police to act. The police responded by changing their approach and attempted to increase their arrests through methods of entrapment, while maintaining a resolve to keep their efforts away from public ears as to not plague their reputation.<sup>70</sup> However, their very efforts to repress the homosexual further helped to augment the homosexual presence and discourse, while dragging the police officers down with accusations of complicity.

The following chronological analysis highlights the consequences of the repressive methods of the Metropolitan Police Department with regards to regulating homosexual behavior. This begins with a few narratives conveyed by court reports and some direct interviews responses of homosexual men, that show officers using their position of power to cross into the sexually deviant underworld. Once their methods and personal dalliances are addressed, further

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<sup>68</sup> Cocks, “Nameless Offences”, 50-51.

<sup>69</sup> Ibid.

<sup>70</sup> Houlbrook “Private World of Public Urinals”, 64.

analysis includes an examination of popular press' reports on the court cases of Frank Champain and Wren Pierce, the reports of both the Street Offences Committee and the Royal Commission on Police Powers and Procedures, breaking newsworthy social commentary, and finally the Wolfenden Report. These materials present a case for how efforts to reinforce homosexual distastes and protect officers masculinity, can lead to homosexuality becoming a topic of national discourse. This progression aims to establish that as the police ended repression by silence, their intensity in prosecuting importuning in urinals led to them losing control of the homosexual narrative. That frequent discourse and publicizing evidence of others with "unnatural desires" is an invaluable step in identity formation because it establishes that one is not alone, something the state would like one to believe.

### **Agent Provocateurs**

An agent provocateur - an officer "who entices another to commit an express breach of the law which he would not otherwise have committed and then proceeds or informs against him in respect of such offence" - became a position of ubiquitous use in the legal regulation of homosexual males in the 1920s.<sup>71</sup> Since these relations between men took place behind urinal doors in the cover of darkness, one could hardly hope to catch any offenders without a closer look. Therefore, these "officers regularly entered urinals, discarding the visual signifiers of official status and participating in a public sexual exchange, deliberately replicating men's movement's to encourage them to approach or even touch them."<sup>72</sup> However, the negative connotation of the name itself - agent provocateur - is evidence of exactly how public distaste for this position would lead to immediate criticism.<sup>73</sup> Despite the public disapproval, these methods

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<sup>71</sup> Report of the Royal commission on police powers and procedure, 16 March 1929. London, H.M. Stationery off., 1929, 41.

<sup>72</sup> Houlbrook, *Queer London*, 25.

<sup>73</sup> Report of the Royal commission on police powers and procedure, 40.

of entrapment were incredibly successful and quick ways to boost an officer's arrest numbers.<sup>74</sup>

One homosexual from George Westwood's *Minority Report*, detailed how simple it was to be caught and how well these officers played their part:

"I was picked up by a charming policeman, most attractive. He asked if I had a light, winked and went to a cottage. I followed, and almost immediately he and another policeman grabbed me and took me to the police station.... I was importuning because I followed a man out who turned out to be a policeman. He played his part very well. I could have sworn he was homosexual."<sup>75</sup>

Although importuning prosecutions obtained under these methods were frequent used since the 1920s, their use fluctuated during war time due to diminished resources and forces. Yet, in 1953, after the "appointment of a new Metropolitan Police Commissioner, Sir John Nott-Bower", arrests skyrocketed.<sup>76</sup> A result, which likely had to do with John Nutt-Bower's personal preferences and political history, but also most likely was a reaction to a decreasing birthright and need to recover after a most deadly war for Britain. The public backlash to this increase was vehement. The public not only panicked that their masculine police officers were becoming sullied by these actions, but were disturbed by the disgrace placed upon persons of high moral character who were arrested on uncorroborated evidence.

Accusations that police officers giving into the greater temptation that is found when out of uniform, certainly had merit.<sup>77</sup> Although unbeknownst to many at the time, homosexuality is really not a disease that can be "caught", but for those who had natural proclivities on the force, their surveillance routes provided access and knowledge.<sup>78</sup> One does not have to look too far to find instances in which police officers crossed a line by allowing themselves to be caressed, but

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<sup>74</sup> Houlbrook, "The Private World of Public Urinals", 56.

<sup>75</sup> Gordon Westwood, "A minority: A report on the life of the male homosexual in Great Britain," (1960), 138.

<sup>76</sup> Weeks, 159.

<sup>77</sup> Houlbrook, *Queer London*, 29.

<sup>78</sup> *Ibid.*, 30.



there are even cases of further transgressions. Here are two instances offered up in interviews of homosexual men:

"I was crossing Clapham Common one night. It was after midnight and a policeman shone a torch on me. He asked me where I was going and we talked for a bit and then he put his hand down. I wondered if anyone else was behind the tree but something told me it was all right, so we went into the bushes. The same thing happened a few months later only this time it was an Inspector, but I didn't do anything. It's a bit unfair, isn't it? I suppose it all depends on how they feel. One night they want sex and the next night they'll run you in."<sup>79</sup>

"One evening a screw man in with a form, 'It says here you're in for burglary.' I said, 'you know bloody well it's buggery not burglary.' He said, 'Ah, that's interesting, I'll have to come back and find out more about that.' I said, 'F---- that for a lark, you'll get me into more trouble.' He said, 'Now don't you worry, I won't lock you up just yet, make your bed down and I'll come back when I've finished the floor.' He was fabulous to look at. I had sex with him six times and once on a landing with another of the boys."<sup>80</sup>

The repetition of countless stories of homosexual behaviors exhibited by certain police officers was too common to dismiss as hyperbole, particularly considering that many of these men would have little ability to share their stories with each other. The boundary between masculine officer and effeminate homosexual were clearly not as demarcated as the gender norms propagated by society would like it to be.

### **Press Backlash**

The return from the first World War initiated the first round of pressure from agent provocateurs, most likely to compensate for the apparent cowardice of men discovered on the Western front.<sup>81</sup> By the late 1920s, after several years of common implementation of these methods, the public finally reacted. Their response hit all the relevant points of this essay - disgust for homosexuality, a reiteration of the status allotted to masculine men, and a fear of the police crossing boundaries. Even after the sensational Oscar Wilde court case that obtained a lot of newspaper coverage, the press maintained a relative silence regarding successful gross

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<sup>79</sup> Westwood, 141-2

<sup>80</sup> Ibid., 142.

<sup>81</sup> Houlbrook, Queer London.

indecent or importuning cases.<sup>82</sup> However, they became increasingly involved and vocal about the cases in which there were acquittals or overturned convictions, an important transformation considering the part the general populace plays in regulating social norms. They consistently regulate with social acceptance and positive discourse; those who are deemed “normal” are welcomed and supported while those who are “other” tend to be shunned and blatantly judged. This form of social regulation is so successful, that those which possess proclivities to the “other” often repress, or even come to feel guilt for the way they are.<sup>83</sup> The actions of the press in this case were fulfilling that same duty by defending individuals who met all of the requirements of masculinity. Their intention was to protect those perceived “normal” persons from the disgrace of categorization as an “other”. They portrayed a narrative that sustained norms by protecting the masculine male and attributed the “false” accusations to the danger of the police using these methods of entrapment and instigation. This increasingly became a trend, building up until the Frank Champain case, which finally necessitated a committee inquiry into the practices that the press had constantly decried.

A close look at both the case of Ward Pierce and that of Frank Champain in 1927, is enough to demonstrate the pattern and common tropes of successful acquittals, even though there are more acquittals which were documented in the press. In order to overturn a conviction, the defendant and their lawyer (usually an expensive one) needed to make a case rejecting the use of uncorroborated evidence while building themselves up with numerous witness testimonies and historical recounting as men of remarkable character. As established earlier, the public was working under the mentality that men of high character could not possibly be homosexuals. In these cases, it is critical to look at not just at their legal defense, but also what language the press

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<sup>82</sup> Brady, 27.

<sup>83</sup> Weeks, 163.

chooses to convey this information to the public. There are a couple of small markers that make it clear whose side the press comes down on.

In February of 1927, an American doctor named Ward Pierce was sentenced to three months for importuning and being an alleged rogue and vagabond (a common designation for homosexual men).<sup>84</sup> He immediately appealed and successfully overturned his conviction. There were no articles published about his initial arrest or conviction, but three articles were printed upon his acquittal, the most important of which included one in *the Times*, one of London's premier new sources. These articles were titled "Doctor's Conviction Upset - Harley Street Specialist's Successful Appeal", "Specialist Wins" and "Conviction Quashed".<sup>85</sup> Not only were there no reports on the initial arrest, but those published in 1927 were designed to highlight Pierce's profession, a quality which classifies him as a gentleman. Even just this labelling was an effort on the press's part to influence public opinion to protect the character of these gentlemen. In knowing if "the accused had acted like a "gentleman" or a "cad," a "decent fellow" or a "bounder", the public could easily expect newspaper the trial's final outcome".<sup>86</sup>

These articles recapped the way that Ward successfully obtained his acquittal. It all came down to if he could make the case for his character. Therefore the "Appellant in the witness-box, emphatically declared his innocence. He mentioned that he came to England after serving from the outbreak of the war as a doctor in the R.A.M.C."<sup>87</sup> His personal assertion was matched by "a number of doctors and other witnesses [that] all stated that Pierce bore a very high

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<sup>84</sup> "Conviction Quashed," *The Times* (London, England), 12 February 1927, Issue 44504, p. 9.

<sup>85</sup> "Doctor's Conviction Upset," *Citizen*(Gloucester, England), 11 February, 1927, Issue 245, p. 6; "Specialist Wins," *The Nottingham Evening Post*, 11 February 1927, Issue 15174, p. 5.; "Conviction Quashed," *The Times* (London, England), 12 February 1927, Issue 44504, p. 9.

<sup>86</sup> McLaren, 38.

<sup>87</sup> "Doctor's Conviction Upset".

character.”<sup>88</sup> This defense highlighted his professional qualification and military experience. The homosexual man was painted as an effeminate and weak character, hardly capable of the masculine qualities of a smart, charming, strong doctor who had served on the battlefield. Holding on tightly to this quality of character argument, Pierce’s lawyer smartly went after the uncorroborated evidence which had been used to arrest Pierce. His lawyer argued less for against Pierce’s specific evidence, but rather tapped into the larger danger of prosecuting under this method which would be akin to the Court “allowing it to go forth to the police force that they were entitled to refrain from getting independent witnesses.”<sup>89</sup> To the police’s chagrin and the public comfort, Pierce was released. The model he and others followed seemed infallible, and with enough money and a good lawyer, one could overturn a conviction, just as Frank Champaign would do in the following September.

Making an even better case than Pierce (possibly because he was a native Briton), Champaign, despite considerable evidence to the contrary, successfully refuted police accusations by asserting his gentleness and masculinity. There were more layers to Champaign’s story with the press and the court, likely because of Champaign’s higher place in society and his position as a schoolmaster. In 1927, there was an article published upon his conviction, and a few subsequent ones around the time of his appeal. First came “Double ‘Blue’s’ Lapse - Sent to Prison for Three Months”, by the Daily Mail, then after his acquittal there was “Mr. Champaign”, and “Vindicated - Cricketer-Schoolmaster’s successful appeal.”<sup>90</sup> The same pattern used for Pierce is quickly apparent. Even when he was sentenced for his offence, Champaign was

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<sup>88</sup> Ibid.

<sup>89</sup> “Specialist Wins”.

<sup>90</sup> “Double ‘Blue’s’ Lapse,” *Daily Mail*(London, England), 24 August 1927, Issue 9777, p. 5; Mr. Champaign,” *Daily Mail*(London, England), 22 September 1927, Issue 9802, p. 10; “Vindicated,” *The Western Daily Press*(Yeovil, England), 22 September 1927, Issue 23304, p. 7.

recognized for his “Double Blue”, a commendation for performance in both rugby and cricket.<sup>91</sup> This recognition carried weight and esteem with the British community and certainly implied high masculine status. The press and even the court, put in a significant amount of effort to chalk Champain’s behavior as a “lapse”, which simply occurred because of excessive consumption of alcohol. Champain was given a shorter sentence because he was not one of those effeminate homosexual, rather just a drunk man who had a lapse in judgment late at night which just could not be ignored. The headlines after his appeal in which he was referred to as “Cricket-Schoolmaster” and “Mr.” imply once again that the press was inclined to portray him to the public as a masculine gentleman worthy of his titles.

The content of each article tracked the way his lawyer was also attempting to make Champain’s case as a gentlemen. Bennett defended Champain as an individual who had “the highest character possible,...[with a] distinguished athletic career, and was a class of man who could not possibly be associated with the conduct alleged by the police.”<sup>92</sup> The article “Mr. Champain”, goes into extensive detail on Champain’s defense with no mention of any merits in the state or the police’s case.<sup>93</sup> The author’s preference is hardly difficult to discern. Champain’s prestigious schooling, spectacular athletic career, respectable profession and committed tenure to military schooling were all highlighted in his defense. Specifically the author conveyed the full extent of his military history:

“At the outbreak of war he enlisted as a private in the Worcestershire Regiment. Afterwards he obtained a commission in the Rifle Brigade and went over-seas in August 1915. He remained in the Army until Easter 1919 and then returned to Sedbergh, subsequently going to Bromsgrove.”<sup>94</sup>

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<sup>91</sup> “Double 'Blue's' Lapse,”

<sup>92</sup> “Double 'Blue's' Lapse,”

<sup>93</sup> “Mr. Champain”

<sup>94</sup> Ibid.

As addressed in an earlier section of this paper, the armed forces occupy a preeminent spot in the masculine hierarchy; therefore, drawing attention to the fact that Champain was not just a soldier, but a committed one who had fought the length of the war. Additionally, Champain found numerous witnesses to give testimony corroborating his impressive character.<sup>95</sup> At this point, his character was well defined and well accepted by not only the court, but also clearly by the press. However, the second half of their case required discrediting the police's evidence. Champain's lawyer comfortably accomplished this in cross examination:

"Sir Henry Curtis Bennett, K.C.m for Mr. Champain:  
When he asked "Would you like a cigarette?" there is nothing suspicious about that? - *I was suspicious because it was a strange thing in the circumstances.*  
Your story is absolutely uncorroborated? - *Yes.*  
You know now that Mr. Champain is a gentleman of the highest reputation? - *Yes.*  
You don't suggest that during your observation extending over 35 minutes he importuned anyone else except you? - *No.*  
It was perfectly clear that he was sober? - *Yes.*<sup>96</sup>

This cross examination reflected poorly upon the police officers' and their uncorroborated evidence, to the great pleasure of Bennett and Champain. Bennett had convinced the court that the word of a gentleman of high class should not be questioned simply because of one officer's misrepresentation of the truth. With that, Champain's conviction was quashed. Interestingly, the only evidence for why it had been a lapse in judgment in the first article at the point of conviction was the declaration of Champain's inebriated state. However, once they managed to paint a different defense, that narrative was no longer necessary. This is just another way in which the media and the courts were willing to adjust the story line so as to not conflict with the masculine gender norm.

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<sup>95</sup> Ibid.

<sup>96</sup> "Mr. Champain"

The last point of significance in an analysis of Champain's case, is to look at what the newspapers left out. Specifically the details of Officer Handford's methods in arresting Champain in the first place. The story goes as follows:

"Entering the urinal at Adelphi Arches, he stood in the stall adjacent to Champain. When the latter spoke to him, offering him a cigarette, he said nothing but left - waiting outside the urinal and following Champain along the Strand when he came out. Walking a short distance Champain turned and walked past Handford, backtowards the urinal, beckoning him with his head. Handford again followed him inside, standing in the adjacent stall, 'to see what happened'. Champain again spoke, this time inviting the officer to come into a nearby quiet spot. The officer said nothing, left and followed Champain as he came out of the urinal. For a short while the latter entered Appenrod's restaurant, Handford waiting for him outside. When Champain came out, the constable followed him into another urinal at York Place, where again he was importuned verbally. This time he informed Champain he was a police officer and arrested him."<sup>97</sup>

Although these seem like critical details for the case, the press chose to only lightly allude to the actions that led to arrest. Only in *Double Blue's Lapse* was there a brief mention that Champain had visited five public houses, but still no comment on Handford's involvement.<sup>98</sup> If they were to highlight the police's immoral entrapment, the public would witness the soiling of one of their main masculine role models. Instead of reporting on details, they made clear that it was uncorroborated evidence holding back convictions and subsequently demanded Home Office investigation.

Champain's acquittal served as the spark to begin investigating police practices. The public and administration were more comfortable questioning police procedures, then agreeing that a man of high character could be associated with same-sex sexual relations. Particularly if those police procedures seemed increasingly corrupt. Pierce and Wren are just two of the many victims of the increased usage of agent provocateurs. As the threat to the nuclear family and the seeming cowardice and dysfunction of "normal" soldiers intensified, the state reacted vehemently, increasing regulation of space to further repress the "other" which could harm the

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<sup>97</sup> Houlbrook, "The Private World of Public Urinals", 57.

<sup>98</sup> *Double 'Blue's' Lapse*,

traditional family model. However, this was just the first step in a pattern that would evolve in the coming decades - each intensification in repression by police engagement led to increasing discourse on homosexuality, and an escalating danger to the soldier's masculine reputation. The demand for an inquiry into police measures was one of the first waves of this public pushback.

### **Street Offences Committee/Royal Commission on Police Powers and Procedures**

After several cases like the two above, an “uneasiness was created in the minds of the public at the idea that a man might be stigmatized for the whole of his life by wrongful arrest and conviction, even although on appeal his character might have been vindicated.”<sup>99</sup> In light of these and similarly problematic wrongful arrests for female prostitution, in 1927, the Home Secretary, Sir William Joynson-Hicks, “decided to institute a full inquiry as to whether any alteration in the law is necessary in the case of charges of solicitation and importuning”, done by the Street Offences Committee, since “experience has exposed the grave risk of arrest to which innocent men and women may be subjected in the streets of London”.<sup>100</sup> A significant portion of the report was dedicated to an inquiry into reform of female prostitution, but there was also the section and recommendation regarding importuning.

The same cases and public scandals that necessitated the Street Offences Committee, led to creation of a Royal Commission on police powers and procedure, in order to examine larger public accusations of police corruption and dysfunction. Their report examined the broader role of any police evidence and interview practice, and agreed with the recommendations found in the Street Offences Committee report. These reports were commissioned because of enormous public discontent, but their culminating projects each tried to protect the actions of the Metropolitan Police. There were a few sections which justify police methods of entrapment and

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<sup>99</sup> Political Correspondent, “Unsupported Evidence,” *Daily Mail*(London, England), 29 September 1927, Issue 9808, p. 10.

<sup>100</sup> “Law of Street Offences,” *Daily Mail*(London, England),27 September, 1927, Issue 9806, p. 10.



offer a few security measures to assure the public that the police could not transgress the boundary into sexual deviancy. Also, they reiterate a general disgust with the ways of importuning men, offering pity for those officers who handle those crimes as part of their job. The more one can paint that task as undesirable, but necessary, the safer the officers on that beat are from public accusation.

The report from the Royal Commission on Police Powers and Procedures, summarizes the relevant points and recommendations of Street Offences Committee while also going further to defend the methods of the Metropolitan Police. Three claims are particularly relevant for our purposes:

“The use of plain clothes Police is essential in some circumstances for the investigation and detection of crime and for certain types of observation work. The extent to which they should be used is a matter which must be left to the discretion of superior officers of the Police.”<sup>101</sup>

“We understand in this connection that it is a common practice to employ plain clothes officers to work in pairs, for the purpose of obtaining information as to certain types of offences. The fact that Policemen are employed in plain clothes exposes them to greater temptation than when they are in uniform. For this reason there is an advantage in not using plain clothes officers singly, but the prolonged partnership of the same two officers largely nullifies the safeguards which the presence of a second officer affords. We therefore recommend that a system of frequent interchange should be adopted, in order that the same two officers should not work together indefinitely.”<sup>102</sup>

“ ‘While half the world declaims against conviction on the uncorroborated testimony of Police, the other half clamours that the Police should keep parks and open spaces clean.’ The Police in consequence are left with the responsibility of steering a middle course between these two incompatible points of view and are placed in a most invidious position. Charges of offences against public decency are often vehemently repudiated and the efforts made to rebut these charges do not stop short of attacks on the credibility and honesty of Police witnesses.”<sup>103</sup>

These claims summarize the fundamental claims of these two committees. They offer a reminder that the need for plain clothes police is necessary and irreplaceable (although they dislike the insinuation that plain clothes officers have to be perceived as agent provocateurs), a few

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<sup>101</sup> Report of the Royal commission on police powers and procedure, 40.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid., 78.

suggestions for methods that they claim would eliminate corruption and temptation, and an argument that the position the police are placed in is simply impossible and no matter what will always be subject to public critique. Individuals still despise the “dirty” homosexual in their space, but upon questionable grounds an arrest can invoke pity. In order to protect the masculinity of several men and women of high character the public demanded change, but the investigation into said change, was to a certain extent the state pushing back by defending the morality and character of their police force. However, both these efforts although seemingly quite opposite, were actually driven by the same motivation discussed throughout this essay - regulating space (or regulating even how those who are allowed to regulate, do so) in order to maintain masculinity and the rejection of the other, for the sake of the nuclear family and elite order.

### **A Social Disorder**

Each of these sources, whether they be the newspaper articles or the committee reports, opened up the public space to increasing discourse and visibility of homosexuality. There was a dip in arrests during the second World War as resources were once again diverted. However, in the aftermath of the Blitz, the state actually had the opportunity to redesign some of the public urinals as to make them brighter and more sections, making sexual engagement within them less permissible.<sup>104</sup> Then in the 1950's as a result of the many dangers detailed above, the arrests skyrocketed.<sup>105</sup> This is when public discourse also took off and the homosexual became a common and known part of the city. A part deemed disgusting, but nonetheless visible. An article published by the Sunday Times titled “A Social Problem”, was a dramatic sign of homosexuality's presence in mainstream discourse.

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<sup>104</sup> Houlbrook, “Private World of Public Urinals”, 61.

<sup>105</sup> Weeks, 159.

"This is possibly the first time that a national newspaper of standing has devoted its whole leading article to this subject. Some readers may be surprised. But events have made this problem more widely discussed than ever before and so grave is it that lead to public thought becomes an imperative duty."<sup>106</sup>

The nation's method of repression by silence had finally ended, although the portrayed distaste for homosexuality was still present. The Sunday Times also made it abundantly clear within the first few sentences what was to blame for the necessary discourse - the overwhelming number of arrests. The "number of offences of "indecent with males" known to the police in England and Wales increased from an average of 299 in 1935-39 to 1.686 last year."<sup>107</sup> Such a succession of convictions that it has even "aroused an ignorant public to an aspect of our affairs which to them appears startling."<sup>108</sup> Everyone then understood their existence, and were forced to acknowledge that homosexual proclivities in males was not a rarity. The Wolfenden Committee formed just after this article, and would not only increase discourse, but would even provoke a debate on merits of repression and regulation.

### **Wolfenden Report**

The Wolfenden Report is culminating proof that efforts to heterosexualize space can lead to an increased presence and visibility of homosexuals. It is such a big moment for the discourse around homosexuals, that one scholar Kate Gleeson, argues this was the moment in which homosexual identity was actually formed in Britain.<sup>109</sup> While I do not wish to make as monumental of a claim here, I do believe this was an important final moment in the narrative laid out above. In 1957, the Committee on Homosexual Offences and Prostitution, chaired by Sir John Wolfenden, released their report three years in the making, commonly referred to as the

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<sup>106</sup> "A Social Problem," *The Sunday Times*(London, England),1 November 1953, Issue 6811, p. 6.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Gleeson, Kate Gleeson, "Discipline, punishment and the homosexual in law," *Liverpool Law Review* 28, no. 3 (2007): 327-347, 327.

Wolfenden Report. This report had been commissioned as a result of numerous high profile court cases, such as Peter Wildeblood's sensationalized trial, in addition to a striking amounts of importuning arrests, which led to an increased public awareness and demand for reform. However, the Committee came to the surprising conclusion that "homosexual behavior between consenting adults in private be no longer a criminal offence."<sup>110</sup> Seen at the time to be a liberal moment, a modern view reveals although this was progress due to the public way this report addressed homosexuality, a less pure intention of the committee was to direct resources to the more enforceable public acts. "In a classic Foucauldian manner, Wolfenden sought to regulate homosexuality and prostitution by bringing these practices into greater administrative visibility, while at the same time restricting their public view."<sup>111</sup> Yet, they hardly succeeded in keeping it out of the public view.

The Wolfenden Report received its evidence from police officers, reports, and even three homosexual men. In their research stage, they were making closer contact with this category of "other" than ever before by traveling through the undercover world of the police officers, and listening to homosexual men themselves. With this proximity, "despite painstaking efforts by the committee to define such other worlds as apocryphal and irregular, the men and women who sat on the inquiry were emotionally and sometimes personally engaged with London's bohemian sexual cultures. There was no neat separation between respectable and illicit areas."<sup>112</sup> So just like the agent provocateurs, the members of the state who were supposed to be repressing homosexual deviancy were increasingly vulnerable to crossing sexual boundaries into that community.

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<sup>110</sup> Committee on Homosexual Offenses and Prostitution.

<sup>111</sup> Mort, 95.

<sup>112</sup> Mort, 95.

It is not just the introduction of the homosexual presence and conversation into this crucial committee that matter, but it is the subsequent expansion through press coverage and social commentary on the findings of the Wolfenden Report that also have a strong impact. The conversation and reporting on this release of the report was immediate and varied. People were not just made aware that this committee existed, but they were given tangible recommendations (a pamphlet was even available for popular consumption) that they then had the opportunity to debate among peers. Some were deeply disgusted, but others might have been willing to tolerate this sexual “other”. Here are two opposing sides published in two major newspapers:

First - the Daily Mail, one of the primary newspapers, reacted as expected - with a firm distaste at the allowance of homosexual behavior.

“The committee themselves say: “It is important that the limited modification in the law which we propose should not be interpreted... as a general license to adult homosexuals to behave as they please.” But how else could it be interpreted? Can there be any doubt that it would leave the perverts free to spread corruption?”<sup>113</sup>

“Through the centuries there have always been plenty of easy arguments to explain away and excuse corruption. But, as we have said here before, great nations have fallen and empires decayed because corruption became socially acceptable.”<sup>114</sup>

Any acceptance of homosexuals even if the private sphere was so alarming, that it was suggested to be the reason for the fall of an empire. Surprisingly though, there were the counter arguments made in other periodicals- ones that supported the recommendations of the Wolfenden report.

One such supporter was *The Economist*, which argued that:

“The proposal to permit private homosexuality should be judged according to whether it would do any harm, by contagion or example, to other people; the commonsense conclusion in this case seems to be that it should not, and that the general social consequences of removing the ban would probably be rather less damaging (in scope for blackmail, for instance) than the social consequences of the present system.”<sup>115</sup> 336

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<sup>113</sup> “Report Full of Danger,” *Daily Mail*(London, England), 5 September 1957, Issue 19091, p. 1.

<sup>114</sup> Ibid.

<sup>115</sup> “More Private Vices,” *The Economist*(London, England), 7 September 1957, Issue 5950, p. 735.

These articles matter not just for their opinions on the efficacy of the Wolfenden Committee, rather these articles are most important for my purposes because of the way in which they normalize debate on a previously taboo subject. Public debate in national newspapers is the exact opposite of the nineteenth century method of repression by silence. The transformation throughout the twentieth century and this capstone report has made homosexuality and same-sex relations a matter of public opinion and public discourse. The efforts to hide it by criminalizing and subjecting men to intense pressures to conform may have opened up the heterosexual space more than the state intended. With time the space opened up even more as the Wolfenden recommendations were accepted and implemented in the Sexual Offences Act of 1967. Soon a new path of resistance would begin.

### **Narrative Conclusion**

In 2013, the UK parliament legalized gay marriage, one of the ultimate signs of acceptance. There are still many steps to come and barriers to overcome, but with this law, gay men are increasingly allowed to exist in as they are in spaces previously closed off to them. This primary source analysis has been an examination of that control of space. A look at what measures police officers are willing to subject themselves to shows how deeply the state wanted to defend twentieth century masculinity. The narrative told above is that of the regulators, the physical enforcers (the police), and the societal regulators (the press and elites). Both parties in attempting to protect masculine norms and the family sometimes took on opposing actions. The press in maintaining the masculinity of individuals of high character often undermined the evidence of the police, while on the other hand the police often had to justify their methods of entrapment and security in order to protect their own masculine reputation and demarcate their

sturdy sexual character. However, as shown in the section on agent provocateurs, concerns of police crossing into sexual deviancy were well founded on truth.

The battle over boundaries and regulators continued throughout the twentieth century. As the usage of agent provocateurs fluctuated surrounding war time, the public responded with calls for change. This section worked through that ebb and flow, after establishing the status and mechanism of agent provocateurs, it moved through the cases of Ward Pierce and Frank Champain, in which the press publicly defended the professional gentleman against the accusation of homosexual behavior, then through the state's response to verify the police's masculinity and justification in technique through the Street Offences Committee and Royal Commission on Police Powers and Procedures. Then the transition to full public discourse on homosexuality was completed with the article by the Sunday Times and more importantly the Wolfenden Report. Each step took the state and media away from the nineteenth century mechanism of repression by silence, and into a world in which the methods used by the police to control the "other" and deny access, furthered their visibility and presence. A presence which while not being the sole creator of identity, played its part in allowing certain men to see that there were others like them and where they could be found.

## **Conclusion**

Problematizing socially constructed norms such as masculinity and "normal" sexuality, has an important role in deconstructing the notion of predetermined historical facts. Once one accepts the dominant part white, elite, heterosexual males have played in the design of Western society, they can begin to examine how those men were able to exercise such power and control. One can also examine how the actions that elite males encouraged ended up furthering the identity formation which they were trying so hard to repress. In fact, the elite's effort to exert

power to repress the “others” had the long-term consequence of diminishing their own hold on society. That was exactly the purpose of this essay - to show how the compromising methods of agent provocateurs in London in the twentieth century led to a series of investigations and public reporting that compromised their goal of preventing the homosexual from existing in public space, and actually led to an increasing discourse and visibility of homosexuality at the cost of the masculine legitimacy of the Metropolitan police force. While the homosexual men may have lost the small scale battle for their cottages in public urinals, which went out of usage after the Sexual Offences Act of 1967, they managed to win concessions in the larger war for not only space in the city, but space in the highest rung exemplified by their access to discourse and increasing presence.

The norms the elites were attempting to protect were designed to highlight a masculine man over an effeminate homosexual, a norm which was selected in order to protect the nuclear family and elite system of control of society as the threats of dying soldiers, changing workforces, and declining birth rates increased in the aftermath of two World Wars. An entirely different form of masculinity could have been selected had the needs of the straight white males been different. If one looks at the interests of today’s society they can see the way in which the redefinition of masculinity is linked to these historical struggles over norms, space and policing practices.

As society fights against oppressive and biased police forces, they can take this historical analysis as an example of ways in which repression can be used to carve out a space which those in power wish to deny. While making the case that these police actions directly caused a new identity formation would be messy and unsubstantiated here, a claim for an increased presence and augmented awareness of others with similar proclivities is within the reach of this essay. One



should never underestimate how important just being a part of public discourse is, particularly if it is at the expense of those in power.

## Bibliography

### Primary Sources:

“A Social Problem.” *The Sunday Times*(London, England),1 November 1953, Issue 6811, p. 6.

Committee on Homosexual Offenses and Prostitution. *The Wolfenden Report*. New York: Stein and Day, 1963 (Authorized American Edition).

“Conviction Quashed.” *The Times* (London, England), 12 February 1927, Issue 44504, p. 9.

“Doctor's Conviction Upset.” *Citizen*(Gloucester, England), 11 February, 1927, Issue 245, p. 6.

“Double 'Blue's' Lapse.” *Daily Mail*(London, England), 24 August 1927, Issue 9777, p. 5.

“Law of Street Offences.” *Daily Mail*(London, England),27 September, 1927, Issue 9806, p. 10.

“More Private Vices.” *The Economist*(London, England), 7 September 1957, Issue 5950, p. 735.

“Mr. Champain.” *Daily Mail*(London, England),b22 September 1927, Issue 9802, p. 10.

“Mr. F. Champain's Appeal Allowed.” *The Gloucester Journal*(Gloucester, England), 24 September 1927, Issue 10696, p. 6.

“Police Commission.” *The Times* (London, England),19 September 1928, Issue 45002, p. 14.

Political Correspondent. “Police Powers: Sir W. Horwood's Evidence To-Day.” *Daily Mail*(London, England), 10 October 1928, Issue 10129, p. 13.

Political Correspondent. “Unsupported Evidence.” *Daily Mail*(London, England), 29 September 1927, Issue 9808, p. 10.

“Report Full of Danger.” *Daily Mail*(London, England), 5 September 1957, Issue 19091, p. 1.

Report of the Royal commission on police powers and procedure. Dated 16th March, 1929. London, H.M. Stationery off., 1929.

“Specialist Wins.” *The Nottingham Evening Post*, 11 February 1927, Issue 15174, p. 5.

The Report of Street Offences Committee. The Howard Journal of Criminal Justice Banner 2 (June 1929): 331-336, <https://doi.org/10.1111/j.1468-2311.1929.tb00139.x>.

Westwood, Gordon. "A minority: A report on the life of the male homosexual in Great Britain." (1960).

“Vindicated.” *The Western Daily Press*(Yeovil, England), 22 September 1927, Issue 23304, p. 7.

## Secondary Sources

Brady, Sean. *Masculinity and Male Homosexuality in Britain, 1861-1913*. New York: Palgrave Macmillan, 2005.

Cocks, Harry G. *Nameless offences: Homosexual desire in the 19th century*. IB Tauris, 2003.

Cocks, H G. "Making the Sodomite Speak: Voices of the Accused in English Sodomy Trials, c. 1800-98," *Gender and History* 18 (April 2006): 87- 107.

Cook, Matt. *London and the Culture of Homosexuality, 1885-1914*. Cambridge: Cambridge University Press, 2003.

Emsley, Clive. *The English police: A political and social history*. Routledge, 2014.

Foucault, Michel. "The will to knowledge: The history of sexuality vol. I." (1998).

Gleeson, Kate. "Discipline, punishment and the homosexual in law." *Liverpool Law Review* 28, no. 3 (2007): 327-347.

Greig, Hannah, Jane Hamlett, Leonie Hannan, Helen Smith, Susan Vincent, Karen Harvey, Vivienne Richmond, Jessica P Clark, Matt Houlbrook, Stella Moss, eds. *Gender and Material Culture in Britain since 1600*. London: Palgrave, 2016.

Gunn, Simon, and Robert John Morris, eds. *Identities in space: contested terrains in the western city since 1850*. Ashgate Publishing, 2001.

Houlbrook, Matt. "For Whose Convenience? Gay Guides, Cognitive Maps and the Construction of Homosexual London: 1917–1967." *Identities in Space: Contested Terrains in the Western City since 1850* (2001): 165-86.

Houlbrook, Matt. "The private world of public urinals: London 1918–57." *The London Journal* 25, no. 1 (2000): 52-70.

Houlbrook, Matt. *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957*. Chicago and London: The University of Chicago Press, 2005.

Houlbrook, Matt. "Queer Things: Men and Make-up Between the Wars." in *Gender and Material Culture in Britain since 1600* ed. Hannah Greig, Jane Hamlett, and Leonie Hannan. London: Palgrave, 2016.

Lewis, Brian, eds. *British Queer History: New Approaches and Perspectives*. Manchester and New York: Manchester University Press, 2013.

McLaren, Angus. *The Trials of Masculinity: Policing Sexual Boundaries 1870-1930*. Chicago: University of Chicago Press, 1997.

Moran, Leslie. *The homosexual (ity) of law*. Routledge, 2002.

Mort, Frank, and Lynda Nead. "Introduction: sexual geographies." *New formations* 37 (1999): 2-9.

Norton, Rictor. *A Critique of Social Constructionism and Postmodern Queer Theory*. 1 June 2002, expanded 11 July 2002 onwards, updated 1 January 2018  
<<http://www.rictornorton.co.uk/extracts.htm>>

Slater, Stefan. "Lady Astor and the Ladies of the Night: The Home Office, the Metropolitan Police and the Politics of the Street Offences Committee, 1927–28." *Law and history review* 30, no. 2 (2012): 533-573.

Walkowitz, Judith R. *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*. Chicago: The University of Chicago Press, 1992.

Weeks, Jeffrey. *Coming Out: Homosexual Politics in Britain, from the Nineteenth Century to the Present*. London: Quartet Books, 1977.