



## The Labouchère Amendment (1885-1967)

by Caryn E. Neumann

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Henry Du Pré  
Labouchère.  
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In the Victorian era, common wisdom held that women were passive, sexually innocent beings who did not initiate sexual contact, while men possessed a lustful nature that could destroy the foundations of the family if not contained. Accordingly, the bill debated in the British House of Commons on August 6, 1885, "An Act to Make Further Provision for the Protection of Women, Girls, the Suppression of Brothels and Other Purposes," blamed men for all sexual transgressions and proposed to raise the age of consent for heterosexual intercourse.

Unexpectedly, the Radical MP Henry Du Pré Labouchère (1831-1912) proposed an amendment to make sex between men a crime. This Eleventh Clause of the Criminal Law Amendments Act stated that, "Any male person who in public or private commits or is a party to the commission of or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person shall be guilty of a misdemeanor and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years with or without hard labor."

Sodomy was first criminalized in England in 1533. In 1861, the Offences against the Person Act reduced the punishment for sodomy from capital punishment to life imprisonment. Labouchère's amendment was, however, more insidious, for it extended punishment to any homosexual act between men, defined as "gross indecency." It also made the prosecution of homosexuals easier by not requiring evidence of penetration. Lesbian activity was completely ignored.

The bill passed on August 7 without any debate, possibly because the MPs were eager to return home to campaign for the upcoming election.

Labouchère had never before shown any particular interest in matters of sexuality, and it is a puzzle why he proposed his amendment. A banking heir, he had focused his attentions on the injustices of the English class system. He came to national prominence as the muckraking editor of the weekly *Truth*. Within its pages, he pushed for judicial reform, advocated abolishing the House of Lords in favor of an elected body, and attacked the racism evident within the imperialist system. The amendment may have been another attempt to protect the weak from predators.

Commonly referred to as the blackmailer's charter, the Labouchère Amendment led to an enormous amount of misery. Its vagueness about evidence, consent, and procuring led to expansive judicial interpretations.

Oscar Wilde, coincidentally a man Labouchère once admired, became the clause's most prominent victim in 1895. Wilde spent two years in prison at hard labor.

Many other gay men shared Wilde's fate, while countless thousands silently suffered extortion and the mental torture brought by fear of exposure. Many chose suicide over arrest and exposure.

The Labouchère amendment became a device for perpetrating fear and hatred of male homosexuality for

more than 80 years. A Parliamentary committee studying homosexuality challenged the law in 1957, but not until 1967 did adult gay men gain the legal right to engage in consensual sex in England.

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