GENEALOGY OF THE AUSTRALIAN HOMOCRIMINAL SUBJECT
A Study of Two Explanatory Models of Deviance

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By conducting close readings of a wide range of texts where knowledge of homosexual deviance was constructed and deployed, this article seeks to chart how two competing models evolved to account for the emergence of the ‘homocriminal’ subject in Australia. In the first model, that of importation, ‘homocriminality’ was imagined as emanating from abroad — an exotic perversion imported from England. In contrast, a second model posited that ‘homocriminality’ was simultaneously present within Australia. Exploring these models offers a valuable insight into the ways that homosexuality was imagined as deviant, threatening and offensive prior to the advent of the decriminalisation era in Australia. Furthermore, the article highlights how the gaze of agents of the law was implicated in constructing and representing homosexual desire as disgusting and unruly, warranting ongoing surveillance and regulation by the law.

The Emergence of Two Homocriminal Models: Some Thematic and Methodological Considerations

This article seeks to chart the emergence of a series of homocriminal archetypes in the Australian socio-legal terrain. The term ‘homocriminality’ conjoins two separate words: ‘homo’ (the abbreviation of homosexual) and ‘criminality’ (that which relates to crime). I deploy this term as a deliberate tactic to remind us that, in the juridico-cultural imagination, homosexuality and criminality are often attached to each other. These archetypes functioned to imagine homosexuality as variously duplicitous, offensive, dangerous and disgusting, and instilled an irrational fear of homosexuality in pre-decriminalisation era Australia.

My argument is that models and knowledge of homocriminality do not pre-exist; rather, they are the product of discursive imaginings. This will be highlighted by examining how legal discourse contributed to the forging of knowledge and truth about homocriminality in Australia. I propose to reveal this truth and knowledge by documenting and discussing vignettes of

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homocriminality drawn from the archive. Described as ‘a brief or evocative account or episode, a small illustration which fades into its background without a definable border’, the notion of the vignette is particularly well suited to documenting and elucidating the emergence of homocriminality. As with the vignette, the homocriminal subject fades into the cultural terrain (background) and does not possess a clearly delineated border or form.

The vignettes this research explores include the reminiscences of a Sydney detective (told in the entertaining guise of ‘true crime’ narratives), a compilation of popular newspaper reports relating to ‘homosexuality’ and selected trial reports of offences construed as relating to homosexuality. It should be noted that these texts offer a rare and unique insight into the Australian legal imagination of homosexual deviance in the pre-decriminalisation era. This is because most charges of homosexual conduct (‘gross indecency’, ‘loitering’, and so on) were rarely contested. While thousands of men have been prosecuted for homosexual offences between 1900 and the 1970s, most cases originated and terminated in the Magistrates Courts and did not produce recorded judgments of any significant length. All these factors justify why one must look to a diverse range of texts to reveal how the homocriminal subject emerged. Given that most of these vignettes are narratives, I will engage in a close reading of these texts to reveal how they work to produce homocriminal knowledge.

Two explanatory models account for the emergence of homocriminality in Australia. The first model is that of ‘importation’ through which homocriminality is imagined as emanating from abroad – an exotic perversion imported from England. In contrast, a second model posits that homocriminality was simultaneously present within Australia and was not imported per se. In examining these models my intention is to reveal how they functioned as a form of violence – effectively producing gay men and homosexual desire as offensive, disgusting, unruly and warranting actual and symbolic hostility.

Three key themes organise the analyses in this article: visibility, space and gender. The discussion that follows will thus engage with the vexatious nature of homosexual desire once it becomes visible, disrupting the heteronormative convention that gay male desire should not be seen in public. The second theme of space (or place) emerges in the discussion of the emergence of homosexuality through recourse to the logic of importation. Here

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2 Pearsall (1999), p 1598.
3 For discussion of the ways that ‘true crime’ narratives generate fear and anxiety of crime, see Biressi (2001).
4 These reminiscences are recounted in Kelly (1956). The two relevant chapters from this book are Chapter 5, ‘The Queer House’, and Chapter 6, ‘The Hugo Tuck Case’.
5 These newspaper reports, relating to court appearances and police investigations, span a period from the 1940s to the 1960s. They were collected at the State Libraries of Victoria and New South Wales. In collating these newspaper reports, French (1986) was an invaluable guide. For an insight into newspaper accounts of male same-sex offences in the period, 1913–45, see Murdoch (1998, 2000).
homosexuality is shown to weaken the notion of a healthy and vigorous nation-state by polluting masculinity. The third theme, gender, seeks to examine how homosexuality is aligned with femininity and produced as ‘out of place’ in the male subject. My contention here is that the homosexual subject is produced in the discourse as a figure of failed masculinity and that this constitutes a monstrous spectacle.

**Sexological Writings and the Forging of an Association Between Homosexuality and Deviance**

In seeking to understand how Australian conceptions of homocriminality are linked to notions of deviance, I wish to emphasise the importance of Australia inheriting ideas about homosexual subjectivity that can be traced back to sexological literature. As Doan and Waters have noted, we are still struggling with the legacies of those classifications imposed upon gay desire between the 1890s and the 1930s. Krafft-Ebing’s *Aberrations of a Sexual Life: The Psychopathia Sexualis*, a self-described medico-legal study for doctors and lawyers, is a major sexological text which accounts for the ‘peculiar place’ homosexuality takes among all the deviations of sexual impulse. Weeks has argued that the publication (and enthusiastic reception) of this first aetiology of homosexuality was a decisive moment in the invention of homosexuality because ‘it was the eruption into print of the speaking pervert, the individual marked or marred by his sexual impulses’.

Providing ‘valuable service over the decade to doctors and lawyers’, Krafft-Ebing’s seminal text is a point of departure from which homosexuality was deployed as, variously, a perversion, a compulsion, a dark inkling and a mental degeneration. A second sexologist, Havelock Ellis, contributed to aetiological accounts of homosexual ‘aberration’. Ellis framed homosexuality as a ‘deviation’ and an ‘aversion’ to distinguish that this choice of same sexual object should be ‘opposed to normal heterosexuality’. Describing homosexuality as a streak, stain or tinge that may ‘flourish’ under certain conditions, Ellis pathologised homosexuality as essentially a disease-like state. He believed that every individual possessed ‘physical’ and ‘psychic’ germs that could give rise to the symptoms of homosexuality — observable in the appearance of homosexual tendencies. This ontological construction of homosexuality as a disease-like state prevails in the explanatory models deployed to comprehend homocriminality in Australia. Krafft-Ebing writes that, in order to pass judgment on the cases he examines, it is essential to ‘establish the true state of affairs’. Implicit in this statement is the belief that,
as a sexological expert, only he can uncover the truth of the subject and, furthermore, the subject does not have access to his own truth. Such a theme is echoed in the investiture of criminology and law as the light that can illuminate the homocriminal subject in his place of darkness and obscurity.  

The Paradox of Homosexual (In)visibility

The emergence of homocriminality is linked to vision. A key trope associated with the appearance of homosexual deviance is that of darkness/concealment. This attaches a quality of dangerousness to homosexuality — that one might know a homosexual man but fail to recognise his deviance. Law is constructed as possessing a light that can penetrate the darkness to reveal the presence of homosexual deviance. This light is cast by the gaze of agents of the law. Those who fail to see and read signs of homosexuality (before its existence is revealed in court) are exonerated for their blindness. This occurs because homocriminal men are constructed as conniving, secretive and well-practised at deceiving their fellow man. They achieve this by passing as what one reporter terms ‘average citizens’. This idea can be gleaned from newspaper reports relating to a prominent newspaper editor, Terence McNulty, being charged with wilful and obscene exposure in a lavatory in Sydney in 1943. Commenting on the alleged behaviour of McNulty, the presiding magistrate stated:

My experience in court discloses that such abnormalities of conduct arise in men who have hitherto borne excellent characters; whose friends prior to the event would scout the possibility of any such conduct; and after the event are at a loss to realise or account for such behaviour.

This idea that homosexual perversion is difficult to detect is echoed in the testimony of Frank Symes, who said that during the 13 years that he knew McNulty, he had ‘never noticed anything abnormal about his conduct’.

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13 For a discussion of Foucault’s deployment of shadows, light and shade as metaphoric models that help elucidate how discourse reveals the sexual subject, see Visker (1995), pp 80–81. He argues that subjects are compelled to conform to ‘laws of light and darkness’ which render their sexuality visible.

14 On the general fear of darkness and darkened places that has prevailed in culture since the latter half of the eighteenth century, see Foucault (1980), p 153.

15 For a typical newspaper account of the difficulty of identifying homosexual men, see the Sydney Sun article ‘They’re Hard to Pick: Perverts Roam at Night’, reprinted in French (1993), p 103.


17 See ‘Editor McNulty Goes Free’ (1943), p 17. This belief that homosexuals are difficult to detect is not restricted to Australian culture. Such beliefs prevailed in the United Kingdom and the United States and endured well into the latter half of the century. Edelman documents that in the 1960s Cold War era in the United States, magazines such as Time and Life published articles promoting the idea that ‘homosexuals are nearly impossible to detect’: Edelman (1993), p 556.
Similarly, Thomas Gurr said that he had known McNulty ‘under all conditions in twenty years and had never noticed any abnormality’. The difficulty associated with detecting homocriminality is presented as a source of great social anxiety. Indeed, the fear of being unable to identify homosexuals was part of the impetus for the New South Wales government setting up a committee to investigate the incidence of homosexuality. The then Minister of Justice, Mr R Downing, remarked that:

> The public will realise how difficult it is to recognise and identify homosexuals when it is recalled that many of these offenders before the Court are persons who have held responsible positions and were otherwise of unblemished character. All expert opinion here and overseas is that it is difficult to recognise offenders.

A Melbourne newspaper report bespeaks a similar anxiety that homosexual men are difficult to detect. The report iterates the point that men may not bear any obvious hallmarks of deviance: ‘some of these men (homosexuals) are outwardly of such unblemished character that those who know them have refused to accept the evidence of their guilt’. As I shall explore later in this article, identifying homocriminality is shown to be a matter of looking for the right signs. Insofar as the blemish of homocriminality is discernable, it is constructed as appearing in the various guises of monstrous femininity — at once a sign of failed masculinity and therefore homocriminality. Of course, much anxiety is associated with the challenges faced by the police and the courts due to the impact of the trope of homosexual (in)visibility. Indeed, such attendant anxiety is the rationale behind agent provocateur policing initiatives that seek to incite visible displays of homosexual offences.

The homocriminal subject evinces a fractured relationship of (in)visibility to both society and the law. For, paradoxically, the subject is both conspicuous

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19 A committee was formed to investigate the causes and treatment of homosexuality under the direction of the Professor of Psychiatry at Sydney University, WH Trethowan. The committee laboured for five years considering legal and medical aspects of homosexuality but no report was ever tabled.
21 A *Sydney Sun* article elaborates on the theme of homosexual subjects being difficult to detect. A reporter claiming to have been accosted three times in one week by perverts wrote that he would defy anyone to pick them out in a police ‘line-up’. He added that they bore no characteristics that he could discern to distinguish them from thousands of average men in Sydney. For a reproduction of this article, see French (1993), p 103.
23 For a discussion of the role plain-clothed agent provocateur policing initiatives play in exposing homosexual offences, see Moran (1996).
and highly visible, and simultaneously inconspicuous and invisible. A typical newspaper account invokes this dyad, describing homosexuals as ‘the mincing affected feminine types and the silent, sinister, dangerous male perverts out searching for fresh victims to corrupt’. Whether the homocriminal subject is masquerading in the form of the feminine (adopting female appearances, names and gendered roles) or donning a mask of masculine normality (passing himself off as an ordinary man), both the visible and invisible tropes coexist. The invisible homocriminal subject instils fear and anxiety in society. Often described as ‘twilight men’, they are imagined as existing in a state of obscurity — neither wholly visible nor invisible. Moving through the streets as the nemesis of order and decorum, the phantasmagoric presence of the homocriminal entices police to capture a glimpse of his spectral form. The highly visible archetype of homocriminality, as grotesque parody of femininity, is the form that law arrests, prosecutes and subjects to ridicule. Represented in newspaper crime reports as curiosities and sexual freaks, these feminised homocriminal bodies bear a double burden. Reviled for transgressing unwritten rules of masculine appearance and deportment, they also function as receptacles for the fear and detestation directed at their ‘invisible’ counterparts — those who evade the gaze of agents of the law.

In concluding this section, it is noteworthy that all the incidents and lives referred to in this discussion are in public but invisible within a heteronormative scheme of intelligibility. Non-standard (non-heterosexual) intimacies are represented in the heteronormative scheme as fleeting, promiscuous and criminal. As Berlant and Warner have argued, heteronormative conventions of intimacy allow sex in public to appear like matter out of place. Thus what Berlant and Warner describe as the ‘tacit sense of rightness and normalcy’ accorded to heterosexual sex is attributable to the fact that such sex is typically conducted in private and therefore rendered invisible. Thus the spectacles of gay male sexuality, so derided in the aforementioned newspaper discourse examples, speak of a symbolic desire to affirm the heteronormative convention that sexuality remains in the private (invisible) realm. It is no wonder, then, that when homosexual sex is identified in public via the heteronormatively framed gaze of agents of the law, it is disavowed and suppressed, construed as a perverse and aversive spectacle. The heteronormative gaze of agents of the law, having rendered homosexual desire

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24 For an analysis of the dangers that can result from the cultural invisibility enjoyed by homosexuals, see Edelman (1993), p 557.
26 On the theme of liminal bodies and the regulation of male same-sex genital behaviours, see Moran (2001), p 113, and Moran and McGhee (1998), particularly their discussion of Turner’s notion of ‘threshold personae’ as applicable to public urinals being occupied by ‘threshold people’ — the police, the juridical subject (gay men) and other men.
visible, bespeaks a symbolic desire to make such a desire disappear again, to be punished and made invisible once more in accordance to a heteronormative scheme of intelligibility.

**Importing Deviance: The English Origins of Homocriminality**

The emergence of homocriminality can be understood by reference to an explanatory model of importation. The logic of importation allows homocriminality to be imagined as imported into Australia in a disease-like manner. Australia is constructed as a veritable ‘Eden before the fall’, or a host whose state of masculine purity is polluted by the introduction of homosexual practices. This is important because it effectively attributes blame for the emergence of homosexuality on England.

French discusses the comparison of homosexuality to a disease through reference to an excerpt from an 1895 Sydney scandal sheet called *The Scorpion*. In the course of reporting on the aftermath of the Wilde trials in London, an article entitled ‘The Oscar Wilde’s [sic] of Sydney’ commented:

> The state of things in London as regards this horrible vice is also the condition of affairs in Sydney. It is idle for people to shut their eyes to this fact. It has been planted here by the English exiles. The men who escaped the Cleveland Street prosecution found shelter in Australia, and there are many of them present in Sydney.30

The article alluded to hotels and other public places ‘haunted by these characters’, whose presence was advertised by an effeminate style of speech.30 A threefold logic is deployed in the quotation above: that homosexuality was not only carried (in the manner of a germ), but also smuggled (secretly) into Australia to be planted (connoting its hereditary grounding).31 It is implied that London is a debauched city — the site where privileged, upper-class older men seduced young working-class men in the Cleveland Street brothel.32 Sydney is imagined as a sanctuary where such men are free to seduce young working-class boys at their will. This points to the forging of cultural associations between class and homosexual deviance. The Australian cultural conception of manhood operating at that time pivoted upon a foundational chain of associations that equated the privileged (wealthy) classes with idleness,
weakness, effeminacy and decadence. In contrast, the antithetical working-class male was constructed as strong, hard working, resilient — all desirable qualities in a burgeoning young nation. This model of imported deviance ensconces Australia as a place of threatened purity, unblemished by the canker of decadent homosexual tastes. It locates the explanation for the homosexual taint in the importation of sexual excesses. The bourgeois men escaping the Cleveland Street scandal are imagined as the source of contamination. They are the veritable ‘patient zero’ — the exotic English degenerates who can be blamed for infecting a susceptible new colony.

The first importation vignette I wish to explore, the ‘Hugo Tuck murder case’, is described as ‘one of the strangest cases in the annals of Australian crime’. The case concerns the murder of a man named Albert Spencer in Sydney in 1919. Kelly commences his account of the crime, noting that a Sydney detective, Constable Chuck, received a call reporting that a man was ‘gasping his life out’ in an Elizabeth St flat. When he arrived, he found a man whose face resembled a gory mess. As the man lay dying, the detective surveyed the scene of the crime. He noticed that the victim wore three diamond rings on puffy fingers. Chuck learned from interviewing the housemaid that the Mr Spencer ‘had lots of men callers’ and that he took many meals in ‘expensive restaurants and leading hotels’. A search of the house revealed that the kitchen was well stocked with ‘cans and jars of carefully selected and expensive food’. In the narrative’s insinuations, it is readily apparent that he is guilty of being a wealthy citizen in an era of depression austerity.

Spencer died at Sydney hospital an hour after being admitted, and so Detective Chuck set about investigating his murder. A search of drawers in the house yielded scores of letters written to the dead man. When a large trunk was opened the police found hundreds more. This trunk was a Pandora’s Box of sorts: once opened, it yielded letters and documents that enabled the detectives to read Albert Spencer’s life as a catalogue of forbidden pleasures and sexual perversion. The trunk (box) metaphorically released the ills of homosexuality upon the investigators who sifted through its contents and were confronted with the unpalatable truth of Spencer’s secret life:

33 On the discursive construction of the danger of luxury and idleness in stimulating homosexuality, see Mort (1999).
34 For a discussion of how explanations for deviance are invariably couched in terms of excess, deficiency or imbalance, see Sedgwick (1990), p 43.
35 The idea of a ‘patient zero’ (and the notion of homosexuality as an originating source of infection) has its apotheosis in relation to the origins of HIV/AIDS. See Shilts (1987).
36 Kelly (1956), p 61.
37 Kelly (1956), p 61.
38 Kelly (1956), p 63.
39 Kelly (1956), p 63.
40 For a discussion of the myth of Pandora’s Box as a spatial metaphor for the opening and revealing dangerous secrets, see Mulvey (1996), Ch 4.
A quick glance at them convinced Chuck that the murdered man was a sexual pervert. The letters were written in terms which left no doubt of this. Some of them started, ‘Darling Albert’, ‘Dearest Albert’, and similar endearments.\(^41\)

Thus the discovery of intimate correspondence confirmed Tuck’s true nature. Clues deduced from examining the envelopes revealed that the letters were from young men living all over New South Wales. Thus Spencer’s mail was read as demonstrative proof of his perversion, for the contents were ‘ridiculously affectionate and offensive’.\(^42\) A further search of his trunk revealed that: ‘The dead man had been living under an assumed name. He was not Albert Spencer, but Hugo Tuck, a member of a wealthy and fine old English family. He was fifty-three years old and had been living in Australia as a remittance man.’\(^43\)

The text then details — as if in homage to the theories of Lombroso — the physical appearance of Spencer, commenting that he had ‘a small, receding chin, wavy hair and big bulbous eyes’.\(^44\) This description, bordering on the grotesque, further adds to the repudiation of his character. Documents in the flat revealed that Tuck had married in London, and that he had been residing in Sydney for four years having come to Australia 25 years before on a business visit.

From this point in the narrative, the name of ‘Spencer’ is replaced with that of ‘Tuck’ to ascribe identity to the murdered man. This substitution, of a name forged in Australia with a name from abroad, effectively inaugurates the naming of this man as deviant. Attributing this old English name to the murdered man erases his fraudulent Australian identity. The narrative logic at work here is that the seduction of young men is carried out by this wealthy English man under an assumed name. Cleveland Street’s legacy, the exiled perverted Englishman who escaped abroad, is personified in the figure of ‘Tuck’. His guilt is twofold: he seduces young men and passes himself off as a heterosexual Australian male. Tuck assumes the guise of a sexual impostor whose life in Sydney belies his past life as a married man in London.

Tuck is represented as a voracious consumer with an appetite for fine food and the trappings of luxury. His is a life of excess, from his puffy fingers adorned in diamond rings to his pleasant view of Hyde Park. His appetite is marked by metonymy. Moving from ‘goods’ to ‘good young men’, Tuck is framed in the narrative as a despoiler of working-class men. He is the monstrous import framed as contaminating the youth invoked in the reference to hundreds of letters. These young men of Sydney stand, in synecdoche, for the whole city. The police investigation is said to reveal that ‘Tuck had lived in

\(^{41}\) Kelly (1956), p 65.

\(^{42}\) Kelly (1956), p 67.

\(^{43}\) Kelly (1956), p 66. The term ‘remittance man’ is chiefly historical; it is defined as ‘an emigrant chiefly supported or assisted by payments from home’: Concise Oxford Dictionary (1999), p 1211. Thus, in the context of the ‘Hugo Tuck’ case, his extravagant lifestyle is financed with English funds.

\(^{44}\) Kelly (1956), p 66.
an atmosphere of sexual perversion for the four years he had been in Sydney before his death’. 45 This atmosphere is read by the detective as evident in the obvious wealth and opulence of Tuck’s surroundings. Such was the interest of the detectives assigned to investigate the case that: ‘The deeper the police probed, the seamier they proved the character of Tuck to be.’ 46 Here, law’s agents evince a penetrative desire to probe his life history to reveal evidence of homocriminality. 47 Yet the detectives realise that it is precisely Tuck’s ‘homosexual background’ that frightened away men from coming forward to assist them in their investigations: ‘The whole atmosphere reeks of revulsion; a fact which naturally tends to induce silence on the part of those knew Tuck even remotely.’ 48 Even in death, ‘Tuck’ is abject and incriminating. Since ‘Tuck’ operates in the narrative as a polluter, any man who said he knew ‘Tuck’ would immediately be read as having been polluted — as being a homocriminal subject.

Tuck is represented as the archetypal wealthy homocriminal predator who lures young working-class men into his sphere of influence. Descriptions of youthful callers were given to the police. One description of a 19-year-old youth who was rather poorly dressed and of delicate appearance was considered so typical of Tuck’s ‘numerous callers’ that it did little to advance the investigation. 49 A breakthrough occurred when the police tracked down a 17-year-old youth working as a ‘hotel useful’. The youth admitted that he had known Tuck for some months and had occasionally received a shilling or two from him and that they were both interested in the theatre. A search of the youth’s room uncovered the weapon that had killed Tuck, a bricklayer’s plumb bob in a leather sheaf. 50 The youth recounted to detectives that, after Tuck had made ‘obnoxious advances’ to him, ‘his hand had found the weapon and he had used it against his aggressor’. 51 The matter went to trial and a jury acquitted the youth, accepting his story of self-defence. 52

The narrative ends with a statement that in court the detectives quoted medical opinion of the time that ‘the skulls of homosexuals were of more delicate structure than those of normal men’. 53 In Kelly’s salacious ‘true crime’ narrative style, the story of the murder of Hugo Tuck attracts no

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45 Kelly (1956), p 66.
46 Kelly (1956), p 66.
47 On the theme of law’s desire in general, see Stychin (1995).
48 Kelly (1956), p 66.
49 Kelly (1956), p 67.
50 A plumb bob is ‘a bob of lead or other heavy material forming the weight of a plumb line’: Concise Oxford Dictionary (1999), p 1100.
51 Kelly (1956), p 68.
52 This case may well be the first Australian judicial instance in which a man was acquitted for the murder of a gay man by pleading the defence of provocation (which pivots on the construction of an unwanted sexual advance triggering a justifiably violent response). For a discussion of the contemporary use of the so-called ‘Homosexual’ panic defence in Australia, see Howe (2000).
53 Kelly (1956), p 68.
sympathy and he is ultimately accorded the status of a ‘delicate skull’, his corporeality reduced to a body part.

My attention turns to a second vignette, *R v Nation*,\(^54\) which reveals another aspect of how legal culture imagined homocriminality as an imported deviance. The importance of the case lies in its pained attempts to define homosexuality as coming from afar. My focus is to explore the homocriminal meanings attributed to conversation. The case concerned a 49-year-old antique dealer named Reginald Pierre Hyett Gillard Nation, who was charged with attempting to procure an act of gross indecency with an undercover police officer.\(^55\)

The police officer, ‘Aldridge’,\(^56\) assuming the undercover identity of a commercial artist named ‘Dick’, telephoned Nation and said that a mutual friend, Miller, had suggested he make Nation’s acquaintance. A general conversation ensued about Miller and ‘some place in Soho’ referred to as ‘The Spotted Dog’.\(^57\) Nation expressed a wish to see ‘Dick’ that night, allegedly saying ‘I would love to meet you, Dick. You sound an interesting person. London has always fascinated me, and you could tell me about it.’\(^58\) ‘Dick’ arranged to meet Nation at a local saloon bar. Nation agreed to wear a dark blue blazer with a gold crest on the pocket so that ‘Dick’ could recognise him. The rendezvous is presented as a secret assignation and evokes comparisons with spies, secrecy and duplicity.\(^59\) The two men met and a long conversation ensued: ‘Certain hotels in London were mentioned, and that the appellant (Nation) made obscure references to “lively” hotels and “bright” men, including John Gielgud.’\(^60\) Naming John Gielgud works as a form of synecdoche. Naming the part (one actor in the United Kingdom), ‘John

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\(^54\) *R v Nation* (1954) SASR 189. This appeal case sought to establish whether corroboration was necessary to convict a male person charged with procuring the commission by another male person of an act of gross indecency.

\(^55\) In the first criminal trial, Nation was convicted of this charge. He was sentenced to six months’ imprisonment. Mayo J remarked that, by the verdict, Nation would have to depart Adelaide upon his release and set up among people who did not know him. This is a reminder that those named in law ‘as homosexual’ suffer a civil death of sorts. On the ramifications of naming in law, see Moran (1998).

\(^56\) It is noteworthy that Aldridge has a particular affinity with London. The case reveals that, immediately prior to coming to South Australia, Aldridge had been a member of the Metropolitan Police Force in London, having held the rank of Detective First Class. See *R v Nation* (1954) SASR 189 at 192.

\(^57\) *R v Nation* (1954) SASR 189 at 192.

\(^58\) *R v Nation* (1954) SASR 189 at 192.

\(^59\) On the general link between spying and homosexuality in Australia, see Wotherspoon (1989) and Willett (1997).

\(^60\) See *R v Nation* (1954) SASR 189 at 192. The provenance of this term ‘bright’ men is mysterious, but it is revealing that Hyde recalls in ‘Famous Trials 7 — Oscar Wilde’ that the Solicitor-General put the following question to Wilde during his third trial: ‘You like bright boys?’ Wilde is recorded as agreeing: ‘I like bright boys. Charles Parker was a bright boy. I liked him.’ See Hyde (1962), p 249.
Gielgud’, stands in for the whole — the theatrical world of London and its strong associations with male homosexuality.

This synecdoche operates on a second level that is evident in other Australian sites where Gielgud’s name is linked to homosexuality. In these sites, he epitomises the perverted part of a whole sector of English society described as ‘in the grip of a periodic resurgence of homosexuality’. In the same article, Gielgud’s photograph features next to a photograph of New South Wales Police Commissioner Delaney. The juxtaposition is highly symbolic. Delaney is the embodiment of law’s crusade to wipe out ‘this human garbage which practises homosexuality’. In contrast, Gielgud functions as the face of perversion. Located in an England described as ‘strangely tolerant of perversion’, his image insinuates that England, in failing to set a good example, contributes to Sydney’s problem by tacitly encouraging homosexuality.

The belief that homocriminality was imported from England reached its zenith in the late 1950s. An article entitled ‘Vice Ring Began in UK’ states that ‘Police have evidence that a huge vice ring that they have uncovered in NSW had its origin in England’ and that the vice ring: ‘gained many recruits from England where, in some circles, homosexuality almost amounts to one of the social graces’. Invoking the trope of the duplicitous homosexual, the article claimed that the ring was ‘operating behind the façade of a highly respected charity’. Lambasted for its misplaced tolerance and inability to deal with the ‘grave problem’ of homosexuality, the Wolfenden Committee is represented as contributing to the problem by continuing to tolerate homosexuality and, by doing so, allowing homosexual men to acts as parasites who travel to Australia to spread homosexuality.

Returning to the Nation vignette, I wish to explore how homocriminality is conjured through speech and ‘suggestion’. ‘Dick’ was asked whether he was interested in women, to which he replied that he was not. Nation then suggested that Dick should accompany him to an ‘all-male party’. Dick told the court that Nation ultimately spoke in a way that was ‘highly suggestive of homosexual behaviour’. Later, after Dick had accompanied Nation to his antique shop, the conversation was described as becoming ‘unmistakably

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62 ‘Shocking Male Vice’ (1953), p 10.
63 Gielgud is also named in connection to the spread of homosexuality in Melbourne. In the article ‘Vice Shock in Army Camp’, *Melbourne Truth*, 23 June 1956, p 1, the ‘unhappy growth of homosexual practices in Melbourne’ is said to ‘reflect the moral decadence evidenced in England over the past couple of years involving Lord Montagu, the famous actor Sir John Gielgud and other notable figures’.
65 ‘Vice Ring Began in UK’ (1958), p 11.
homosexual’, yet the case transcript does not elaborate precisely what this means. At this point ‘Dick’ alleged that Nation ‘took down his trousers and underpants’, prompting his arrest on the charge of procuring an act of gross indecency.

This case reveals much about how homosexuality is imagined, not as an act or series of acts, but rather as a state of mind that is revealed through conversation. Although it is assumed that homosexuality is obviously insinuated (attached to the talk of ‘bright’ young men and certain ‘lively’ hotels), the police officer would not name homosexuality in plain terms. This is evident in the passage of transcript relating to the re-examination of Aldridge (‘Dick’) by the Crown Prosecutor:

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Q:\text{What was the purpose of your contacting, meeting and talking with the accused?}
\]

\[
By \text{his Honour: Was there anything in particular that you were investigating and looking for?}
\]

\[
A:\text{Yes.}
\]

\[
Q:\text{Can you put it in a word?}
\]

\[
A:\text{I find it difficult to do so.}
\]

\[
(A\text{Witness instructed to write down answer.)}
\]

\[
A:\text{(Witness reads from what he has written with words struck out by his Honour.) To investigate an alleged circle of vice in Adelaide; also the alleged traffic of drugs.69}
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The paradox here is that, despite the fact that ‘Dick’ spoke of Nation’s conversation as being ‘highly suggestive’ and ‘unmistakably’ homosexual in nature, he was unable to articulate any word to the court that would have indicated his purpose in investigating Nation. ‘Dick’ was able to speak of homosexuality in veiled terms (bright men, lively hotels) with Nation in cafes, hotels and an antique shop, but unable to do so in court. This disjunction is explained by that fact that in court, Aldridge has abandoned his homosexual mask and persona (that of ‘Dick’) and resumed his identity as an agent of the law (‘Aldridge’). Out of character (as the undercover agent provocateur ‘Dick’) he cannot speak of homosexuality other than by reference to that which is unnameable.

In Nation, homosexuality is imagined as coming from afar — London. This distant homosexuality is rendered proximate through conversation. The absent ‘bright’ homosexual men possess no corporeality. They manifest in words, hints and innuendo that are suggestive of their presence. They are spectres invoked through the power of speaking. Yet the threat they embody is so potent that they are not spoken of directly. Their invocation is accordingly surreptitious. One is not told what these ‘bright’ men do, or what passions are expressed through their talk. In court, Nation denied that he had introduced the

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69 R v Nation (1954) SASR 189 at 194.
‘homosexual element’ into the conversation with ‘Dick’. It should be recalled that Nation thought that ‘Dick’ could ‘tell him’ about the goings on in London. And so the gay man and the agent provocateur met, both keen to hear homosexuality spoken about, one for the purpose of entrapment, the other for communion with a like soul.

The relationship between ‘Dick’ and Nation took a complicated turn during their meeting. Nation stated that whilst ‘Dick’ was away refilling their glasses of beer, a stranger heading towards the door said out of the side of his mouth ‘He is a cop’.70 Nation claimed that he continued to speak to ‘Dick’ because he was interested ‘in learning what he was trying to find out and seeing how far he would go’.71 This explains why Nation allowed ‘Dick’ to accompany him to the privacy of his antique shop. In discussing ‘Dick’s uncorroborated evidence that Nation ‘fiddled with the buttons of his trousers for a while and watched to see what he [‘Dick’] would do’, Abbott J cited Blackstone’s ‘Commentaries’ on rape, alluding to ‘an offence of so dark a nature’ — the ‘infamous crime against nature’.72 Thus talk of ‘bright’ young men leads, paradoxically, to the invocation of the ‘dark’, unnameable offence of sodomy. Both men are framed in the case narrative as anticipating ‘homosexuality’ showing itself. Despite the fact that both men are framed as participating in this waiting game, Abbott J notes that it is Nation who, ‘in stringing Aldridge on’, may have prompted the jury to read this behaviour as an act of procurement.73 That Aldridge (in the guise of the agent provocateur ‘Dick’) may have been stringing Nation on is not entertained. Nation is damned either way. For talk of homosexuality adheres to the logic that action will follow. Conversation has paved the way for homosexuality to be transacted and it is through law that these preparatory conversations must be made to deliver on their implicit sexual promise. Nation’s appeal to have his conviction for attempting to procure an act of gross indecency is set aside.

Nation effectively demonstrates how talk of homosexuality sets up a temporal frame through which actions (meeting a man in a bar, taking him to one’s premises, fiddling with one’s trouser buttons) are inflected with a homosexual meaning that does not necessarily exist in isolation to conversation. Nation’s actions become synonymous with the very talk for which he is held responsible. He is the literal, indeed spectral, embodiment of all that is spoken about, alluded to, suggestively implied but never explicitly named. Nation conjures the ‘bright’ men of London into the city of Adelaide by simply speaking of their existence. By breaking law’s injunction of silence that pertains to speaking of homosexuality, he must be punished.74

70 R v Nation (1954) SASR 189 at 196.
71 R v Nation (1954) SASR 189 at 196.
72 R v Nation (1954) SASR 189 at 198.
73 R v Nation (1954) SASR 189 at 200.
74 On the theme of silence attached to the articulation of homosexuality, particularly in relation to sodomy, see Moran (1996).
Queer Visitations: The Appearance of Homocriminality Within Australia

The importation of homosexuality from abroad is not the sole explanatory model deployed to explain the emergence of homocriminality in Australia. Homocriminality is also explained as simultaneously manifesting within Australia. This is inherently paradoxical and contradictory. In this section I will explore select instances in which homocriminality has been perceived to manifest within Australia. Importantly, its appearance is explained through recourse to the logic of failed masculinity. The symptoms of this failure appear in the adoption of feminine appearances, the appropriation of feminine names and the presence of a decorative and ornamental style that bespeaks feminine ‘taste’. The first vignette I wish to explore is the story of ‘The ‘Queer House’ as recounted in the reminiscences of Sergeant Chuck. My purpose is to deconstruct this memoir to reveal how the curiosity of the police sought to reveal homosexual deviance — to bring it to light and justice.

From the outset in the narrative, the inhabitants of a house in Carrington Street (Sydney) who came under the scrutiny of the law are described as ‘anxious to live quietly and unostentatiously’. Following an anonymous report that there were ‘queer goings on’, Sergeant Chuck was sent to investigate the household. On the evening he visited the street, he found the house remained in darkness. As the residents returned, he watched them and noted that they ‘were mostly young men and appeared to be normal, purposeful citizens’. The detective appreciated the value of working on the ‘inside’, so he set about ringing the front door bell:

It was opened by a good-looking young woman who was dressed in a Japanese kimono. Chuck noticed that she wore a wedding ring and an

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75 Wotherspoon (1989) argues that communists were aligned with homosexuality and that both of these ‘otherly’ types were represented as posing a threat to the nation from within. On the conflation of homosexuality with communism and the drive to identify gay men and extract them from government employment, see Edelman (1993), p 560.

76 Sergeant CJ Chuck, a long-serving officer, assisted Vince Kelly in recollecting some of his ‘triumphs’ as a detective in the New South Wales Police Force. In noting that the text was published in 1956, at a time when anti-homosexual sentiment was endemic in Australia, it should be acknowledged that some of the sentiments expressed in the reminiscences are more likely to reflect the 1950s cultural and political climate than the 1920s cultural climate in which the detection took place (30-odd years earlier).

77 Kelly (1956), p 45.

78 Kelly (1956), p 46. On the homosexual male abode typically being a dark space, see Cohen’s (1993), p 181 discussion of newspaper accounts of the Wilde trials where Alfred Taylor’s lodgings are described as having heavily draped windows with candles burning throughout the day. As with the ‘queer house’, the trope of darkness functions as concealing the perversions of homosexuality.
As with the ‘Hugo Tuck’ case, diamonds are metonymous with wealth and luxury. In time the detective came to read this ring as a sign of perversion, but initially it worked in unison with other signs of femininity to deceive him. The woman told him that rooms were only available to persons who had an introduction or were personally known by her or her husband or friends. Chuck left the house and spoke to a woman next door who said of the household ‘they seemed a queer lot’. Another neighbour whom he questioned asked Chuck about his impressions of the woman he had met: ‘You didn’t see anything queer about her?’ She went on to explain that she was perplexed by the fact that she would see girls entering the house at night, but never see them leaving in the morning. Intrigued by their mysterious disappearance, the detective began to ‘visualise lovely young women coming and going via a subterranean passageway’. Chuck consulted his mentor, an experienced detective, who suggested that the young ladies who left the house at night were in fact ‘perverts dressed as women’. Chuck returned to the house, posing as an electoral officer. When he confronted the women he had previously met, he realised that she was possibly not a women but ‘a pervert looking the part of the well groomed, respectable housewife’.

The detective kept the ‘queer house’ under surveillance, shadowing three young men who left the house. They approached another man in George Street who was ‘nattily dressed but who was undeniably wearing lipstick and whose face had been rouged’. After they divided into couples and embraced affectionately, Detective Chuck arrested the four of them for offensive behaviour. Upon being searched at the police station, their pockets yielded women’s toilet accessories and two of the men were discovered to be wearing women’s silk underwear. Men wearing or possessing female attire operates as an indicator of failed masculinity. Here the otherwise hidden interior state of homosexuality is betrayed by the exterior presentation of femininity. In a South Australian case, Turner, female clothing is read as providing an insight into a defendant’s hidden homosexual conscience: ‘the state of a man’s mind is as much a fact as the clothes he is wearing’. Such displays are construed by the gaze of the police as offensive and disorderly. Archival material from this period reveals that males displaying or possessing female clothing are read by

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80 Kelly (1956), p 46.
81 Kelly (1956), p 47.
83 Kelly (1956), p 50.
84 Kelly (1956), p 53.
85 On the spectacle of homosexual familiarity in ‘public’ attracting the disapprobation of the law, see Goodrich (1990), p 233. Reading an English case, Masterson and Another v Holden, Goodrich explores the role the legal gaze plays in constituting and fixing particular bodily gestures as offensive and outrageous.
86 See R v Turner (1947) SASR 74 at 76.
agents of the law as potent signs of homocriminality. A Supreme Court of Victoria case, *Hannaberry v Cowther*, considered whether a man dressed as woman and posting a letter at night was guilty of behaving in an offensive manner:

He was completely dressed in woman’s clothing including underclothing, was wearing a gold bangle, his cheeks were powdered and roughed and his lips painted, and he smelt of perfume. He had pads under his dress over his breast.87

Homocriminality is performed when a male body is adorned with women’s clothing and accessories. This link between homosexuality and feminine attire is ubiquitous in newspaper reports of the 1940s and 1950s. An Adelaide newspaper report describes a man charged with loitering as being ‘dressed in a floral frock, a woman’s brown felt hat, stockings and a woman’s shoes, and carrying a woman’s hand-bag’.88 In apprehending this man, the arresting constable demanded to know: ‘Are you a man or a woman?’89 This question bespeaks police anxiety about the sanctity of appearance being mocked. A second (unarticulated) question resides in the challenge ‘Are you a homosexual?’ As Rush notes, such a question commands ‘show yourself, your true colours’ and it can only be answered by a display of monstrosity.90 And, as Huet argues, ‘monstrosity always reveals a truth’.91 The truth of the homocriminal subject emerges in his visage. As a monstrous female impostor, the powdered and rouged cheeks are read as the ‘true colours’ of the interior state of homosexuality. Female clothing is thus the material sign (veneer) that indicates the possibility of homosexuality. As Rush remarks, ‘the legal apparatus demands visible signatures of an invisible truth’.92 Feminine garments are the visible (exterior) signatures that reveal the inner (interior) truth of a man’s homosexual disposition.93 Rush has noted that:

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87 *Hannaberry v Cowther* (1945) VLR 158.
89 ‘Adelaide Police Notes’ (1949), p 9. The *Melbourne Truth* often published stories that tapped into the public anxiety that men were masquerading as women. For three typical accounts of these, see ‘Man Masquerades as Maid — Adelaide Youth’s Escapade’, *Melbourne Truth*, 16 January 1915, p 2; ‘Male Masqueraders — Female Impersonators Chased by Men — Some Melbourne Freaks That Merit Attention’, *Melbourne Truth*, 29 April 1916, p 3; and ‘Man-Woman Masquerader’, *Melbourne Truth*, 4 March 1922, p 4.
93 In reading the archival material, it is apparent that medical discourse is often co-opted by law to assist in revealing the concealed interiority of the homocriminal subject. For example, an Adelaide man remanded for sentencing on a charge of gross indecency was described in a Supreme Court case by a Dr D Salter as having ‘a large portion of feminine make-up in his characteristics’. See ‘Supreme Court Notes’, *Adelaide Advertiser*, 8 March 1950, p 7.
the emergence of the homosexual is the emergence of a pathological type. To be recognised as homosexual, one must live up to the ‘typical image’ of homosexuality created by the legal institution.\footnote{Rush (1992), p 191.}

Donning a dress and applying make up (eschewing sanctioned masculine forms of appearance) will attract the attention and recognition of law.

As my reading of the next vignette will demonstrate, the danger posed by adult homosexuality, framed as a poisonous effeminacy, is often linked explicitly to youth. In an article entitled ‘This Boy is Damned’,\footnote{See Melbourne Truth, 21 July 1956, p 3. In contrast to the Wolfenden Committee’s assumption that homosexuality in adolescents was usually transitory or retrievable (see McGhee (2000), p 74), most accounts in Australia operate on the assumption that, once converted, young men cannot be cured and are effectively made homosexuals for life.} a Melbourne newspaper accounts for the ‘ugly story’ of 15-year-old boy whose masculine, heterosexual identity is presented as having been poisoned by exposure to homosexual men.\footnote{The theme of homosexual men corrupting young men is a common feature of newspaper accounts of homosexual crimes. This theme often revolves around the idea that the youth adopts a passive, feminine role. See, for example, ‘Youth Love for Man (35)’ Sydney Truth, 31 October 1954, p 47; and ‘Headmaster on Serious Charges: Love Letters to R.A.A.F Lad Once his College Pupil’, Melbourne Truth, 1 January 1942, p 32.} His degeneracy is stated as being discernable in the ‘unmistakable effeminacy’ of his speech and gestures and his use of hair dye and makeup.\footnote{See ‘This Boy is Damned’ (1956), p 3.} The newspaper account states that his exposure to homosexual males led him to steal jewellery, a vanity bag and a handbag. His parents heard him talking on the phone to other boys at night, making arrangements to meet what they took to be girls: ‘They heard names like Anita, Grace, Daphne, Rowena and Sadie — to name a few. Under pressure he confessed that they were boys — not girls.’\footnote{‘This Boy is Damned’ (1956) p 3.} It was said of the boy: ‘He too is known by a girl’s name.’\footnote{‘This Boy is Damned’ (1956) p 3.} Having been converted to the crime of homosexuality, the boy is constructed as spiralling into a life of crime. Homocriminality begets other forms of criminality. It was claimed that the boy stole money to ‘buy exotic women’s clothes’ and he uses takes marijuana and other drugs.\footnote{On homosexuality as one facet of a constellation of criminal proclivities that includes drug use, see ‘Big Melbourne Names in Vice Net’, Melbourne Truth, 28 July 1956, p 1.} The boy’s corruption was blamed on a ‘vicious ring of homosexual procurers’.\footnote{See ‘This Boy is Damned’ (1956), p 3.} The framing of the boy as a monstrous parody of femininity culminates in the article declaring that his diary revealed evidence that he was secretly ‘engaged’ to a radio personality. And as the subsequent analyses of the ‘queer house’ will reveal, homosexual ‘marriages’ are constructed as profoundly offensive.
Returning to ‘The Queer House’ vignette, it is evident that the homocriminal subject is represented as audacious and provocative. The narrative stated the men admitted they were perverts and that they lived two in each room as ‘man and wife’ in the queer house. One of the young men recounted to the detectives that the women in the silk kimono was known as Mother Superior and that ‘Her word was law to all the other inmates’. This pronouncement strikes at the very sanctity of law. Legal order is predicated upon obedience to the written word of the law to the exclusion of all other sources. Here, the inhabitants of the ‘queer house’ obeyed the word of the Mother Superior — a man wearing a wig, rouge and a kimono. The Mother Superior supplants the word of the law. The inhabitants of the ‘queer house’ are punished for their allegiance to this false judicial prophet and for breaking social conventions. First, they had passed as that which they were not by dressing in the attire of women. Second, they had mocked the sanctity of the marriage union by residing as man and wife, and third, they had subjected the public to the spectacle of their inappropriate public intimacy.

But it is not only the appearance of male bodies in female garments and accoutrements that bespeaks homocriminality. In the ‘Tuck’ narrative, the decorative style of his dwelling is constructed as providing a sign of the presence of deviance. Neatness, attention to detail and any sign of a feminine decorative touch are presented as being wholly inappropriate in a man’s abode. Albert Spencer’s inner city flat is coded as distinctly unmanly:

The room was furnished with almost feminine daintiness. The cushions were silk-covered and there was a surprising amount of bric-a-brac for a flat occupied exclusively by a man.

Here is evinced a situation where decorative taste is read metonymically through a chain of associations. Decorative taste equates with fastidiousness, which in turn equates with femininity (indicative of failed masculinity). Furthermore, discovering evidence of femininity in a man’s home is invested with the power to repel. Homosexual ‘femininity’ is characterised as a distinctly unwholesome:

The closer he [Detective Chuck] examined the numerous nick-knacks and fripperies, the more unwholesome its atmosphere became to him.

Kelly (1956), p 53.
Kelly (1956), p 53.
See Cohen’s (1993), p 180 analysis of the representation of the Wilde trials for a discussion of how the ‘decorative perversions of bourgeois domesticity come to signify larger violations’ of the sexual code and moral code.
Kelly (1956), p 63.
and the more strongly it reminded him of the unsavoury ‘queer house’.106

The idea that male neatness implies homosexuality endured over time. In 1970 the criminologist Ward explicitly details the trait of ‘neatness’ as precluding a police officer from being a suited to working on the ‘Indecency Squad’ policing public toilets in undercover operations:

To avoid strain on the officers involved, policemen who are not noted for the excessive neatness of their homes … would seem to be preferable for assignment to the squad (emphasis added).107

In the ‘Hugo Tuck’ case, the most damning evidence of homocriminality is gleaned from the observation that: ‘on the dressing-table were prominently displayed a fan and a powder puff’.108 Both objects carry significant homocriminal meaning. The fan, a theatrical object, connotes femininity. Women, constructed as delicate and prone to suffer from heat fatigue, have strong historical links to their use. The displaying of a fan in a man’s bedroom increases its offensive qualities. The second item, the powder puff, is the quintessential feminine accoutrement used to embellish the skin. Rush’s reading of an English case, Thompson v DPP,109 demonstrates how Thompson’s possession of a powder puff was read as a personal indicia of his identity. The monstrous connotations of the powder puff framed his possession of this item (as a male) as evidence of a propensity to commit acts of gross indecency.110 In the ‘Tuck’ case, the powder puff and fan furnish the gaze of agents of the law with evidence of homocriminality.

Conclusion: Two Models of Emergence

This article has explored two explanatory models deployed to account for the emergence of homocriminality in the Australian legal and cultural landscape. Furthermore, the emergence of the homocriminal subject has been posited as a by-product of the gaze of agents of the law. In the first model, homocriminality emerges as an exotic form of deviance imported from England. This model is

106 Kelly (1956), p 64.
107 See Institute of Criminology (1970), p 47. This logic holds that ‘neat’ police may be closeted homosexuals who, if placed in a position where they come into close proximity with homosexual men, would be more susceptible than their counterparts to responding to overtures.
associated with the notion of a decadent class of English men colonising Australia and corrupting young men by seducing them. Constructing homosexuality as an imported vice serves to relegate blame for the spread of homosexuality to England.

A second model posits that homocriminality emanates from within Australia. This manifestation is explained by recourse to the archetype of the homosexual as monstrous feminine; the evidence of which can be deduced from observing a whole range of evidential features. These include: the display of feminine dress and makeup; the adoption of female names; living in an environment that bespeaks ‘feminine tastes’; and possession of various indicia accorded homosexual significance (jewellery and other feminine accoutrements). The apotheosis of this monstrosity is read in homocriminal men mimicking the marriage compact, a pretence that strikes at the sanctity of this cherished heterosexual institution. A second level of meaning is attributed to this type of homocriminal subject — that he is essentially a specimen of failed masculinity. The archetype of the homosexual as monstrous feminine provides the function of alleviating social paranoia by positing a readily identifiable homocriminal type that society and the police can remain vigilant to.

It is interesting to note that femininity can also function as a problematic attribute in female subjects. Gail Mason’s groundbreaking work on homophobic violence has demonstrated that homophobic violence is gendered, and that lesbians who transgress conventional codes of feminine appearance and/or demeanour are often subjected to hate speech or violence. That is, lesbians who appear ‘butch’, ‘manly’ or insufficiently feminine are often the targets of homophobic violence. Thus a perceived lack of femininity (in lesbians in contemporary Australia) or excess (in the case of the gay men explored in these historic vignettes) inaugurates disapprobation and violence. The commonality here is that lesbianism and homosexuality are often read as signifiers of disordered gender, and that such readings are underpinned by what Mason calls ‘the contours of normative sexual and gendered economies that undergird them’.

Some may question the value and relevance of this genealogical enterprise in contemporary, post-decriminalisation and post-gay liberation era Australia. I wish to counter such criticism by drawing attention to the persistent and enduring nature of many of the tropes explored in this article. For the contemporary legal imagination of the gay male subject still bears traces and echoes of these past discourses. I close by providing an instantiation of this phenomenon. When John Marsden, a gay man and prominent Sydney solicitor, was named as a paedophile on Australian television, he chose to sue

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111 On the offence of so-called ‘homosexual marriages’, see ‘The Shame of Sydney’, Sydney Truth, 16 May 1954, p 11. The article states that homosexual men ‘often indulge in a sacrilegious parody of the wedding ceremony’ when some ‘dominant pervert marries his lisping, gushing girl’.

112 Mason (2002).

113 Mason (2002), p 56.
Channel Seven for defamation.114 In the newspaper discourse surrounding the trials, Marsden was represented as a contemporary version of the antecedent homocriminal figure of ‘Hugo Tuck’ explored in this article. ‘Tuck’ and Marsden are marked as men who possess a taste for young men who are not their class equals. And both men are constructed and represented as despoiling otherwise healthy, heterosexual men by introducing them to homosexual practices. Thus the vestiges of past constructions of homocriminal deviance impinge on the present. Their influence — albeit muted — is felt when those tired and worn constructions of homocriminality are deployed, disguised as fresh accounts of gay male subjectivity.

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114 For a discussion of the representation of Marsden’s criminal subjectivity, see Dalton (2006).


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