

The Two-Faced Fifties: Homosexuality and Penal Policy in the International Forensic Community, 1945–1965

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IN THE SUMMER OF 1958, AT ITS seventeenth annual General Assembly, Interpol discussed a global report that the organization had drawn up to explore the issue of homosexuality and crime. Historians of sexuality have devoted virtually no attention to this report, which is remarkable, given that Interpol's engagement with homosexuality occurred while a broader concert of international organizations concerned with penal law and its enforcement was beginning to scrutinize the "problem" of what they generally referred to as sexual "deviance."¹ Apart from Interpol, the International Association of Penal Law, the International Society of Criminology, the Council of Europe, the World Health Organization, the United Nations' Social Defence Section, and several more agencies all put sexual "deviance" and homosexuality more particularly on their interlocking agendas during the 1950s and the early 1960s.² Paradoxically, while these organizations initially served mainly as a conduit for the spread of postwar fears about

I would like to thank the Belgian American Educational Foundation, the Research Foundation Flanders, and Yale–NUS College for generously funding this research. I am also grateful to the Yale History Department and the University of Antwerp's Centre for Political History for hosting me while conducting it and to the United Nations Office at Geneva Library, the Kinsey Institute, the Rockefeller Foundation Archive Center, the University of Wisconsin's American Heritage Center, the Dutch National Archives, and the Belgian State Archives for facilitating my inquiries. Special and sincere thanks to Houssine Alloul, George Chauncey, Henk de Smaele, Katrien Dierckx, Dagmar Herzog, Joanne Meyerowitz, Robert Nye, Annette Timm, Theo van der Meer, Chris Waters, and the members of the Gender Research Cluster at Yale–NUS College for their helpful comments on draft versions of this text.

¹ A rare but highly descriptive exception, only available in Dutch, is Pieter Koenders, *Tussen christelijk réveil en seksuele revolutie: Bestrijding van zedeloosheid in Nederland, met nadruk op de repressie van homoseksualiteit* (Amsterdam: Stichting beheer IISG, 1996), 617–23.

² These organizations were part of the rapidly expanding postwar global community. See Akira Iriye, *Global Community: The Role of International Organizations in the Making of the Contemporary World* (Berkeley: University of California Press, 2002).

the growth of sexual crime and the dangers of the homosexual seduction of minors, during the late 1940s and the early 1950s they became the engines of what one observer called, with hindsight, the “dedramatization” of sexual crime soon thereafter, helping to create an international consensus that, among other things, homosexuality should be decriminalized.³ This article examines the emergence of homosexuality as a matter of international penal policy within organizations that were, at the time, still primarily dominated by Western European countries, even though more global and transatlantic connections would also prove highly important.

Despite this manifest transnationalism, however, the circulation of ideas about sexual deviance (a term that was so loosely used and ubiquitous at the time that I will henceforth dispense with the scare quotes) was nevertheless driven by national circumstances and local events, as I will demonstrate with reference to Belgium.⁴ Moreover, in stark contrast to the common view of large international organizations as impersonal bureaucratic behemoths and vast “systems without brains,”⁵ I want to argue that, at least in their early days, the agencies I have named still functioned largely as an old boy network: strategically positioned individuals such as Florent Louwage, the longtime president of Interpol, Alexis Goldenberg, another senior figure within the organization, and Trevor Gibbens, a WHO forensic expert, played an outsized role. What emerges is a picture of what I will call the “long 1950s” that complicates narratives portraying this decade as a monochromatic and sexually oppressive prelude to the more colorful 1960s. Indeed, while police and policy concerns about juvenile delinquency and homosexuality peaked at the national level throughout Western Europe during the late 1950s, at the very same time a consensus on the need for far-reaching liberalization of sexual criminal law was building between policy makers at the supranational one.

The big-picture sociological approach to sex in the style of Alfred Kinsey increasingly called into question the essentialisms and the hyperbole of a traditional psychiatric focus on small groups of violent sexual offenders. The new approach favored a fundamental legal distinction between the private realm of consensual sexual discretion and a public sphere of enforced propriety (effectively understood as heteronormative familialism). This postwar syncretization of the individual’s liberties, on the one hand, and the social body’s collective prerogatives, on the other, took the discursive form of

³ Séverin C. Versele, “Le traitement des délinquants sexuels,” *Revue de droit pénal et de criminologie* 49, no. 4 (1968–69): 259–98, 276.

⁴ This not to argue that Belgium was the only or even the main country driving this issue forward, and further research should assess the relative importance of various national contributions.

⁵ The phrase was coined by the UN insider Sir Robert Jackson in 1969. Quoted in Richard Symonds and Michael Carder, *The United Nations and the Population Question, 1945–1970* (New York: McGraw-Hill, 1973), 192.

weighing human rights against social-defense imperatives.⁶ Homosexuality took on special significance within this wider balancing act.

Two organizations were particularly influential in this process: the International Criminal Police Commission (commonly known as Interpol), which was overseen by representatives of Western European countries; and the United Nations European Consultative Group on the Prevention of Crime and the Treatment of Offenders (ECG), at which Interpol and several other leading criminal policy organizations enjoyed consultative status.⁷ I will begin with the reestablishment of Interpol soon after the war and gradually focus more on its synergy with the ECG as I discuss the growing engagement with homosexuality among international organizations during the 1950s and the early 1960s. A final section will briefly examine transatlantic cross-pollination and how it fomented what David Allyn has called “the mid-century privatization of morality.”⁸ By the end of the long 1950s, while national lawmakers and law enforcers were doing their utmost to curb the perceived trend toward public immorality, international policy makers had laid down that sexual matters, most notably, homosexuality, were to be considered part of an inviolable private sphere, the legal immunity of which was only mitigated by issues of consent.

PINKS, REDS, AND POSTWAR BLUES

In the summer of 1960 the French Assemblée Nationale passed a motion declaring homosexuality a “social plague” on a par with alcoholism and prostitution and calling for concerted efforts to contain its spread.⁹ Around the same time, politicians from both the Right and the Left made bids (1960, 1961, and 1963) to criminalize homosexuality in Italy. Though unsuccessful, a 1957 public security bill aimed at “dangerous persons” still provided the authorities with a mandate for targeting people with “immoral habits.”¹⁰ Similar administrative security measures allowed for the

⁶ For a classic and influential postwar treatise on social defense theory, see Marc Ancel, *La défense sociale nouvelle: Un mouvement de politique criminelle humaniste* (Paris: Cujas, 1954), translated into English as *Social Defence: A Modern Approach to Criminal Problems*, trans. J. Wilson (London: Routledge, 1965). Spanish and Serbo-Croat translations also exist.

⁷ The International Criminal Police Commission added its telegraphic acronym INTERPOL to its official name in 1956 in recognition of the fact that the organization was popularly known under that name. For the sake of convenience, I will refer to the organization as Interpol throughout this article, even when discussing it in the period when it did not technically bear that name yet.

⁸ David Allyn, “Private Acts / Public Policy: Alfred Kinsey, the American Law Institute and the Privatization of American Sexual Morality,” *Journal of American Studies* 30, no. 3 (1996): 405–28, 406.

⁹ Among others, see Julian Jackson, *Living in Arcadia: Homosexuality, Politics, and Morality in France from the Liberation to Aids* (Chicago: University of Chicago Press, 2009), 97–100.

¹⁰ The *Misure di prevenzione nei confronti delle persone pericolose per la sicurezza e per la pubblica moralità* were adopted on 27 December 1956. For the full text of the law, see <http://>

confinement of homosexuals to special correctional facilities in Francoist Spain and Salazar's Portugal.¹¹

There was also a growing preoccupation with homosexuality in German-speaking parts of Europe.¹² Two murder cases involving rent boys caused a public outcry in Zurich in 1957, prompting conservative Swiss politicians to argue for the reinstitution of a ban on same-sex sexual acts that had been lifted in 1942.¹³ As in Italy, these attempts failed, but local police repression sharply intensified. Conviction rates for homosexual offenses peaked in Austria in the 1950s,¹⁴ and they more than doubled in the Federal Republic of Germany, where Nazi-era sodomy laws had remained in force.¹⁵ Both the Low Countries and Britain similarly saw a substantial uptick in police concern about homosexuality,¹⁶ while high-profile scandals in the UK and the Nordic countries led to protracted public discussions of the issue.¹⁷

www.sanzioniamministrative.it/collegamenti/RicercaGiuridica/altra_Normativa/Leggi/Mis_Prevenzione/L_27Dicembre1956-1423.htm. On postwar developments concerning homosexuality in Italy, see Dario Petrosino, "Crisi della virilità e 'questione omosessuale' nell'Italia degli anni Cinquanta e Sessanta," in *Genere e mascolinità: Uno sguardo storico*, ed. Sandro Bellasai and Maria Malatesta (Rome: Bulzoni, 2000), 317–43.

¹¹ One recent study on Francoist Spain is Javier Fernandez Galeano, "Is He a 'Social Danger'? The Franco Regime's Judicial Prosecution of Homosexuality in Málaga under the Ley de Vagos y Maleantes," *Journal of the History of Sexuality* 25, no. 1 (2016): 1–31.

¹² Since there has been little research on the fervor, dynamics, and specificity of antihomosexual feelings in many Western European countries during the period in question, I hesitate to employ the term "moral panic" here because it implies that such feelings were similarly impassioned, targeted, and intense across the Continent. For a critical discussion of the term "moral panic" with regard to homosexuality, see Gilbert Herdt, ed., *Moral Panics, Sex Panics: The Fight over Sexual Rights* (New York: New York University Press, 2009). Also see Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance*, 2nd ed. (Chichester: Wiley-Blackwell, 2009).

¹³ Switzerland decriminalized homosexuality between consenting adults in 1942, though it had been legal in several French-speaking cantons since 1798. For a general discussion of this history, see Thierry Delessert and Michaël Voegtli, *Homosexualités masculines en Suisse: De l'invisibilité aux mobilisations* (Lausanne: Presses polytechniques et universitaires romandes, 2012).

¹⁴ See Johann K. Kirchknopf, "Die strafrechtliche Verfolgung homosexueller Handlungen in Österreich im 20. Jahrhundert," *Zeitgeschichte* 43, no. 2 (2016): 68–84; and Hans-Peter Weingand, "Homosexualität und Kriminalstatistik in Österreich," *Invertito: Jahrbuch für die Geschichte der Homosexualitäten* 13 (2011): 40–87.

¹⁵ Clayton J. Whisnant, *Male Homosexuality in West Germany: Between Persecution and Freedom, 1945–1969* (Basingstoke: Palgrave Macmillan, 2012), 29.

¹⁶ On persecution in the Netherlands during this period, see Koenders, *Tussen christelijk reveil*; Gert Hekma, *Homoseksualiteit in Nederland van 1730 tot de moderne tijd* (Amsterdam: Meulenhoff, 2004), 627–801.

¹⁷ For a helpful overview of the extensive scholarship on the UK case, see Justin Bengry, "Queer Profits: Homosexual Scandal and the Origins of Legal Reform in Britain," in *Queer 1950s: Rethinking Sexuality in the Postwar Years*, ed. Heike Bauer and Matt Cook (Basingstoke: Palgrave Macmillan, 2012), 167–82. On the Nordic countries, see Jens Rydström and Kati Mustola, eds., *Criminally Queer: Homosexuality and Criminal Law in Scandinavia 1842–1999* (Amsterdam: Aksant, 2007).

Clearly, a spasm of hostility toward homosexuality was rippling through Western Europe in the first two decades following the Second World War, though this phenomenon remains largely unexplored. The cases of Belgium and Italy have received scarcely any attention from historians, while for Norway, Sweden, Finland, Denmark, the Netherlands, Austria, Switzerland, Portugal, and Spain, the available scholarship, especially in English, remains limited. For France, one of the better-examined national case studies, our image of actual police practices and policy making remains fragmentary for this period. Scholarship on the two best-documented Western European cases, West Germany and the United Kingdom, can only tell part of the wider story, since it has largely been confined to discussions of the domestic contexts, ignoring international exchange for the most part. Indeed, we still know almost nothing about the transnational interconnections of this remarkably simultaneous and manifestly widespread rise of antigay politics.

The few existing transnational studies that do focus on Western homosexualities during the long 1950s tend to concentrate on the efforts made by early gay activists to reach out to each other across national borders.¹⁸ These studies center on how such networks were built and on activists' strategies, such as the adoption of the term "homophile" in a bid to deemphasize the erotic aspects of gay life. Publications like those of the Swiss *Der Kreis* (The circle), the French *Arcadie* (Arcadia), and the Dutch International Committee for Sexual Equality (ICSE) have left us a body of sources that lends itself well to a transnational perspective. However, these same sources tell us little about how and why homosexuality became an important policy issue and a subject of knowledge transfer during a period of burgeoning European integration in the early postwar era.

Some extremely useful volumes have sprouted from the need for a broader view, but they mostly juxtapose national cases without pursuing interrelationships.¹⁹ Linguistic difference, research-funding mechanisms, the varying availability and accessibility of source materials, and, of course, widely dissimilar institutional frameworks make a transnational approach

¹⁸ See, for example, David S. Churchill, "Transnationalism and Homophile Political Culture in the Postwar Decades," *GLQ: A Journal of Lesbian and Gay Studies* 15, no. 1 (2008): 31–66; David Minto, "Mr Grey Goes to Washington: The Homophile Internationalism of Britain's Homosexual Law Reform Society," in *British Queer History: New Approaches and Perspectives*, ed. Brian Lewis (Manchester: Manchester University Press, 2013), 219–43; Leila J. Rupp, "The Persistence of Transnational Organizing: The Case of the Homophile Movement," *American Historical Review* 116, no. 4 (2011): 1014–39; and Raimund Wolfert, *Gegen Einsamkeit und 'Einsiedelei': Die Geschichte der Internationalen Homophilen Welt-Organisation* (Berlin: Männerschwarm, 2009).

¹⁹ See, for example, Evans and Cook, *Queer Cities*; David Higgs, *Queer Sites: Gay Urban Histories Since 1600* (London: Routledge, 1999); Rydström and Mustola, *Criminally Queer*; and Franz X. Eder, Lesley A. Hall, and Gert Hekma, eds., *Sexual Cultures in Europe*, 2 vols. (Manchester: Manchester University Press, 1999).

challenging.²⁰ In the continuing absence of such an approach, we risk filling in the gaps by extrapolating from what we do know.²¹ It is tempting, for example, to argue that the growing postwar concern with homosexuality was a function of increasing Americanization. In the United States, mass mobilization and the political culture of the Cold War had produced simultaneous Red and Lavender Scares that declared Communists and “sex deviates” (the more common American term) similarly subversive. Fear that homosexual men and women were particularly exposed to blackmail by Soviet spies led to a 1949 presidential executive order to purge them from the ranks of the civil and military services, while police cracked down on sexual “perverts” on the streets.²²

Gary Kinsman, Patrizia Gentile, and others have demonstrated that the United States did indeed exercise its towering international dominance to pressure close allies, particularly Canada, into adopting security policies similar to its own in the 1940s and 1950s.²³ There are also some indications that similar pressure was exerted on the United Kingdom, and David Johnson has tentatively argued that the US State Department relied on the United Nations and other agencies of postwar multilateralism to spread antigay politics throughout the Western Hemisphere.²⁴ There is, indeed, clear evidence that the Americans used NATO to urge their allies to adopt security measures against sex deviates. A memorandum from NATO’s Security Bureau of 15 April 1959, for example, insists that “a tendency towards homosexuality exhibited once early in life must be considered as indicating continuing instability of character” to a degree sufficient for the disqualification of persons with such tendencies from recruitment into NATO. The memo also stresses that this insistence “arose out of a proposal made by the United States delegation.”²⁵ At the same time, however, there are

²⁰ On the “astonishing amount that we do not know about the history of sexuality [in the postwar West],” see Dagmar Herzog, “Sexuality in the Postwar West,” *Journal of Modern History* 78, no. 1 (2006): 144–77, 144; and Herzog, “Syncopated Sex: Transforming European Sexual Cultures,” *American Historical Review* 114, no. 5 (2009): 1287–308.

²¹ On this problem and how transnational history might overcome it, see Elizabeth A. Povinelli and George Chauncey, “Thinking Sexuality Transnationally: An Introduction,” *GLQ: A Journal of Lesbian and Gay Studies* 5, no. 4 (1999): 439–50. Also see the various contributions to the AHR Forum on Transnational Sexualities introduced by Margot Canaday in the *American Historical Review* 114, no. 5 (2009): 1250–1353.

²² The literature on the so-called Lavender Scare is extensive. The classic account is David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004).

²³ See Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UCB Press, 2010); and Gary Kinsman, “‘Character Weaknesses’ and ‘Fruit Machines’: Towards an Analysis of the Anti-homosexual Security Campaign in the Canadian Civil Service,” *Labour / Le Travail* 35 (1995): 133–61.

²⁴ Evidence that the United States exerted direct influence over the UK is slim. For a helpful overview of the relevant literature, see Jeffrey Weeks, *Sex, Politics and Society: The Regulation of Sex Since 1800*, 3rd ed. (London: Routledge, 2012), 308n47.

²⁵ North Atlantic Council, Security Committee, “Personnel Security Practices and Techniques in the NATO Countries” (15 April 1959), 12 and 1, (D) Documents, item AC/

also signs that allies failed to act on US requests.²⁶ Moreover, these transatlantic connections should not blind us to the obvious fact that postwar homophobia was not simply imported into Europe, where regulating and repressing supposed sexual deviants had a long and homegrown history.

Anxieties about the war-torn moral and social fabric of Western European societies were instrumental in nurturing alarmist analyses from within European law enforcement, which partly focused on sexual deviance as a conspicuous symptom of systemic social disruption. However, compared to North America, there is hardly any reference to Soviet blackmailing of queers or to the so-called Homintern of homosexual fellow travelers in the sources I have examined.²⁷ Although this issue may have been important to Western European state security agencies and penetrated the public imagination due to the sexual orientation of defectors such as Anthony Blunt and Guy Burgess of the infamous Cambridge spy ring, it did not percolate into the discussions of the budding international penal policy community.²⁸ Much more prominent on the minds of senior policemen and forensic experts was the image of the perverted sexual child predator. One of the most senior among them, the Belgian president of Interpol, Florent Louwage, played an outsized role in circulating ideas about the psychology of perversion and in raising the issue of sexual deviance among police officials.

PSYCHOANALYSIS AND HOMOSEXUAL SEDUCTION AT INTERPOL

Now often overlooked, Florent Édouard Louwage (1888–1967) was a major contributor to police professionalization in his country during the interwar years.²⁹ He gained international influence through his early involvement in Interpol, which was established in 1923 to tackle the problem

35-D/303, NATO Archives Online, <http://archives.nato.int/personnel-security-practices-and-techniques-in-nato-countries>.

²⁶ See North Atlantic Council, Security Committee, “Supplemental Security Principles and Practices: Memorandum by the United States Delegation” (10 March 1959), (D) Documents, item AC/35-D/300, NATO Archives Online, <http://archives.nato.int/supplemental-security-principles-and-practices-memorandum-by-united-states-delegation>.

²⁷ On the idea of a Homintern, see Johnson, *The Lavender Scare*, 30–38; and Gregory Woods, *Homintern: How Gay Culture Liberated the Modern World* (New Haven, CT: Yale University Press, 2016).

²⁸ Further research into the trope and the actual importance of “gay spies” remains a desideratum. On Blunt and Burgess, see Fred Sommer, “Anthony Blunt and Guy Burgess, Gay Spies,” *Journal of Homosexuality* 29, no. 4 (1995): 273–94.

²⁹ On Louwage, see David Somer, “Florent-Édouard Louwage: Une carrière hybride de policier, de technicien et d’homme du renseignement,” in *1915–2015: Het verhaal van de Belgische militaire veiligheidsdienst—1915–2015: L’histoire du service de renseignement militaire et de sécurité belge*, ed. Marc Cools et al. (Antwerp: Maklu, 2015), 315–33; and Cyrille Fijnaut, “Florent Louwage 1888–1967,” in *Gestalten uit het verleden: 32 voorgangers in de strafrechtwetenschap, de strafrechtpleging en de criminologie*, ed. Cyrille Fijnaut (Deurne: Kluwer, 1993), 195–209.

TABLE 1. OVERVIEW OF ORGANIZATIONS AND THEIR ABBREVIATIONS

Acronym	Organization	Year
ACTWC	League of Nations' Advisory Committee on the Trafficking of Women and children	1922
ALI	American Law Institute	1923
CECPC	Council of Europe's Committee for Problems of Crime	1955
ECG	United Nations European Consultative Group on the Prevention of Crime and the Treatment of Offenders	1950
HLPR	Howard League for Penal Reform	1921
IAPL	International Association of Penal Law	1924
ICPC	International Criminal Police Commission (Interpol)	1923
ILA	International Law Association	1873
IPPC	International Penal and Penitentiary Commission	1872–1950
ISC	International Society of Criminology	1938
ISSD	International Society for Social Defence	1949
NATO	North Atlantic Treaty Organization	1949
WHO	World Health Organization	1948

of transnational crime.³⁰ By 1930 Louwage served as the organization's liaison to the League of Nations' Advisory Committee on the Trafficking in Women and Children. Before the Second World War, both Interpol and the league only dealt with sex, insofar as international trafficking and the smuggling of pornography across borders were concerned.³¹ That Interpol took a closer interest in sexual deviance after the war was due in part to Louwage's personal interest in the matter. Having been appointed inspector general at the Ministry of Justice after Belgium's liberation, Louwage was deeply concerned about the social disruption of European society caused by years of occupation, conflict, and chaos. In 1951 he wrote an article for the *American Journal of Criminal Law and Criminology* in which he drew clear connections between the wartime disintegration of the family and its effects on juvenile delinquency and sexual promiscuity. "The detention,

³⁰ On Interpol's origins and history, see, among others, Mathieu Deflem, *Policing World Society: Historical Foundations of International Police Cooperation* (Oxford: Oxford University Press, 2004).

³¹ Specific studies of trafficking from the late nineteenth century through World War II are now abundant. The best overview of the league's work with regard to international crime is Paul Knepper, *International Crime in the 20th Century: The League of Nations Era, 1919–1939* (Basingstoke: Palgrave Macmillan, 2011).

deportation and execution of a considerable mass of people, broke up their families,” Louwage emphasized. “The father was absent, the mother was compelled to work, the children were temporarily abandoned” and had often been left “in a constant state of vagrancy.” As a consequence, delinquency took on epidemic forms, and “boys from 12 to 16 years of age were especially inclined to crime.” Louwage viewed larceny and black-marketing but also “adultery, prostitution, [and] abortion” as common signs of growing social anomie. Ending his list with the ultimate excrescence of normality’s collapse, Louwage noted that “besides the crimes mentioned, homosexuality was rife.”³²

His recollection of the war and his interpretation of its effects were intertwined with a much wider moral contagion theory that associated the breakdown of the family with a steep rise in juvenile delinquency, with rampant sexual promiscuity, and particularly with sexual excess and perversion. This constellation of anxieties was held together by references to an elastically vague notion of “seduction,” which preexisted the war but to which wartime conditions had made the young more vulnerable than ever. The term’s ubiquity and sexual connotations are partly explained by the post–World War II epidemic spread of venereal diseases, which took several years to bring under control with newly invented penicillin. But the popularization of psychoanalysis, particularly in countries like Belgium, where it had previously gained little traction, provided seduction with some theoretical grounding.³³ For example, the growing influence of psychoanalysis is apparent in Louwage’s assertion that adolescent boys felt the “impulse to take the place of the father.” Moreover, Louwage purposely familiarized entire generations of new police recruits to psychoanalytical thinking with a textbook he wrote during the war. First published in 1945 and influential until the late 1960s, *Psychologie et criminalité* (Psychology and crime) served as an introduction to “Freud and his school,” in whose works Louwage had “finally discovered studies seeking to deconstruct and to analyze man’s psychological mechanisms.”³⁴

The book reflects Louwage’s admiration for criminal psychology in Germany and Austria, which he had developed through his international

³² Florent É. Louwage, “Delinquency in Europe after World War II,” *Journal of Criminal Law and Criminology* 42, no. 1 (1951): 53–56, 55.

³³ Though insufficiently studied thus far, Belgian resistance to psychoanalysis during the interwar period seems to have involved a mixture of intellectual indifference, Catholic objections to Freud’s perceived pansexualism, and anti-German resentment after the First World War. On Belgium, see Michel Coddens, “La Belgique et la psychanalyse: Un rendez-vous manqué?,” *Le Bulletin Freudien* 51–52 (2008): 17–51. On the Catholic reception of psychoanalysis, see Agnès Desmazières, *L’inconscient au paradis: Comment les catholiques ont reçu la psychanalyse* (Paris: Payot et Rivages, 2011).

³⁴ Florent É. Louwage, *Psychologie et criminalité* (Ninove: Anneessens, 1945). The foreword, dated August 1943, suggests that the book was written during the Second World War but only printed afterward. For the German translation, see Louwage, *Psychologie und Kriminalität*, trans. Kurt Sternelle (Hamburg: Kriminalistik, 1956).

experience during the interwar period, but it also demonstrates the influence of psychoanalysis on his thinking; he argues that the driving force of the libido explains human behavior and that balanced psychosexual development is critical in preventing social and sexual deviance. He had learned that heterosexuality often only develops after a “transitory period, during which the child undergoes its first sexual experiences of a homosexual nature,” and that prolonged or premature exposure to homosexual relations, especially of an exploitative kind, could leave youngsters permanently fixated in a state of homosexuality.³⁵ Thus, as a mixture of common assumptions affirmed by psychoanalytical ideas, homosexuality increasingly came to serve as a metaphor for the wider dangers that imperiled youths in the postwar era: a psychological hazard to which even the most innocent were naturally vulnerable because they could easily be preyed upon and corrupted by the cynical mischief of depraved adults and trapped in an irredeemable state of antisocial aberration.

Louwage’s eminence in the international law enforcement community ensured that his ideas spread during the late 1940s far beyond Belgium, where they reverberated with similar concerns among his peers. Having collapsed under growing international tensions during the late 1930s, Interpol was reestablished on Louwage’s initiative at a meeting in Brussels in 1946.³⁶ Appointed to the presidency, he remained a highly impactful figure in this role until 1956. Louwage’s influence derived in no small part from his voraciousness as a reader and his productivity as a writer. Before the war he had been the main editor of the *Revue belge de la police* (Belgian police review) and a regular contributor and reviewer of the International Criminal Police Commission’s newsletter, *Internationale öffentliche Sicherheit* (Public international security), which was published primarily in German but with many sections in French, English, Italian, and other European languages.³⁷ From 1946 onward Louwage also became one of the driving forces behind the organization’s new, more elaborate, and more ambitious monthly journal, the *Revue internationale de police criminelle*, which also appeared in English as the *International Criminal Police Review* (ICPR).³⁸ In December 1947 a series of excerpts drawn from *Psychologie et criminalité*

³⁵ Louwage, *Psychologie et criminalité*, 79, emphasis in the original. On “seduction,” see chapter 10 of Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City* (Chapel Hill: University of North Carolina Press, 2005), 205–32.

³⁶ On Louwage’s role in the reestablishment of the International Criminal Police Commission, see Deflem, *Policing World Society*, 200–202; ICPC, *50th Anniversary: 1923–1973* (n.p., 1973), 5–6. For an evaluation of Louwage’s connections with the remainder of a Nazi-fied Interpol after 1938 and during World War II, see Fijnaut, “Florent Louwage,” 202–5.

³⁷ *Revue belge de la police administrative et judiciaire* (1880–1940); *Internationale öffentliche Sicherheit* (1925–39).

³⁸ In the text I use the abbreviation ICPR to refer to the *International Criminal Police Review*. However, unless stated otherwise, I have made use of the French version of the journal and will be referring to its French abbreviation (*RIPC*) in footnotes.

on psychoanalysis began appearing in the *ICPR*, thus disseminating psychoanalytical thinking to its primary readership of high-ranking police officers in international law enforcement. The third installment of this series dealt specifically with “perversions and neuroses.”³⁹

A common trope in the *ICPR* during this period was the corruptive threat emanating from insidious sex offenders, both homo- and heterosexual, who supposedly preyed on the young and gullible. In November 1947, for example, a piece by Detective Superintendent George Hatherill from Scotland Yard gave a long account of the gruesome murder of two very young girls by a soldier who had picked them up while he was out driving his truck.⁴⁰ Another article from May 1950, by chief of Dutch CID J. W. Kallenborn, concerned a fifteen-year-old boy who had been inveigled by an older man who had previously been convicted for homosexual relations with minors into absconding with him to Costa Rica.⁴¹ Less sexually laden but similarly preoccupied with the depraved impulses of otherwise composed men was a report about a serial killer, published in June 1951 by Marcel Sicot, inspector general of the French national security service.⁴² Among the killer’s victims had been a young American dancer visiting Paris, whom the charming and intelligent man—“this ostensibly sensible and smiling monster”—had strangled in cold blood after meeting her in a bar and inviting her out for a stroll.⁴³ There was also no mistaking the sexual compulsions that had led to a brutal instance of child molestation and murder in Copenhagen, an account of which was accompanied by gruesome pictures of the eight-year-old victim.⁴⁴ Nor did a 1953 report in the *ICPR* leave any doubt about the motivations of a Brazilian serial offender who had raped his many underage victims post mortem and who had kept a neat little list of exploits.⁴⁵ Shocking cases like these, rendered explicable by the language of psychoanalysis, helped to motivate a broader campaign for moral restoration against the dangers of sexual perversion.

³⁹ Florent É. Louwage, “Perversions et névroses,” *RIPC* 3, no. 15 (1948): 7–11.

⁴⁰ George Hatherill, “Une enquête de Scotland Yard,” *RIPC* 2, no. 12 (1947): 3–12. Sexual motivation was immediately suspected even though these suspicions could not be confirmed.

⁴¹ “How very easy it is to kidnap a minor and transport him to the far side of the world,” the article’s introductory line lamented. J. W. Kallenborn, “Le rapt d’un enfant,” *RIPC* 5, no. 38 (1950): 149–51.

⁴² Marcel Sicot, “Une grande affaire criminelle: L’affaire Weidmann,” *RIPC* 6, no. 49 (1951): 178–89.

⁴³ Sicot, 189.

⁴⁴ J. Odmar, “Une enquête sur un cas d’homicide,” *RIPC* 11, no. 101 (1956): 260–65.

⁴⁵ João Amoroso Netto, “Les crimes d’un obsédé sexuel,” *RIPC* 8, no. 68 (1953): 155–60. No sexual defilement could be established in a Spanish case of grave desecration described in 1952 either, but the forensic psychiatrist who authored the article for the *ICPR* nevertheless insisted on the sexual perversion of necrophiles. See Francisco Echalecu y Canino, “Un cas singulier de nécromanie,” *RIPC* 7, no. 59 (1952): 182–86.

MAPPING SEXUAL DEVIANCE: TRANSNATIONAL TRENDS

Sexual perversion had received only scant attention in the *Internationale öffentliche Sicherheit* before the war. Afterward, however, grisly cases such as the ones described above served to heighten a more general engagement with sexual perversion among Interpol correspondents. This is clearly reflected in the selective reviews of a growing list of police and criminological journals from countries around the world, which served to fulfill Interpol's ambition to act as the focal point of the international exchange of information on law enforcement. Louwage personally took on the bulk of this extensive reviewing work during the early postwar years. In 1950, for example, he drew on his reading of the German journals *Kriminalistik* and *Polizei-Praxis* to highlight the forensically useful fact that many sex offenders followed the example of the Brazilian serial killer mentioned and kept a record of their wrongdoings.⁴⁶ Louwage also reviewed an article entitled "Male Soliciting or Importuning for Immoral Purposes" from the British *Police Journal* and others on "sexual outsiders" and "the sex pervert" that appeared in *Kriminalistik* and the *FBI Law Enforcement Bulletin*, respectively.⁴⁷

The United States and West Germany appear to have played an important role in Interpol's growing commitment to sexual issues. As part of an ill-fated attempt to dissuade FBI director J. Edgar Hoover from withdrawing the United States from the organization over concerns about the membership of Communist states like Yugoslavia and Czechoslovakia, Louwage traveled to the United States in September 1950.⁴⁸ In October he reported in the *ICPR* on the sly techniques used by a Californian child molester and murderer to entice his young victims.⁴⁹ This was precisely the kind of case that was fueling the American preoccupation with "sexual psychopathy."⁵⁰ In fact, Louwage had commented on one of Hoover's famously alarmist

⁴⁶ See "Échos et nouvelles," *RIPC* 5, no. 38 (1950): 152; and Florent É. Louwage, review of *Verbrecher führen Tagebuch*, by Eschenbach, *RIPC* 5, no. 41 (1950): 286.

⁴⁷ Florent É. Louwage, review of "Male Persons Soliciting or Importuning for Immoral Purposes," by G. S. Wilkinson, *RIPC* 4, no. 30 (1949): 28; Louwage, review of "Sexuelle Aussenseiter," by F. Meixner, *RIPC* 5, no. 35 (1950): 56; Louwage, review of "The Sex Pervert," by James Reinhardt, *RIPC* 5, no. 39 (1950): 189.

⁴⁸ Louis Ducloux, "Le Président Louwage en Amérique," *RIPC* 5, no. 41 (1950): 281. On the vexed relations between the FBI and Interpol, see Deflem, *Policing World Society*, 202–4.

⁴⁹ Florent É. Louwage, "États-Unis," *RIPC* 5, no. 41 (1950): 281.

⁵⁰ Among the rich scholarship regarding sexual psychopathy in the United States, see George Chauncey, "The Post-war Sex Crime Panic," in *True Stories from the American Past*, ed. William Graebner (New York: McGraw-Hill, 1993), 160–78; William N. Eskridge Jr., *Dishonorable Passions: Sodomy Laws in America, 1861–2003* (New York: Viking, 2008), 73–135; Estelle B. Freedman, "Uncontrolled Desires: The Response to the Sexual Psychopath, 1920–1960," *Journal of American History* 74, no. 1 (1987): 83–106; and Marie-Amélie George, "The Harmless Psychopath: Legal Debates Promoting the Decriminalization of Sodomy in the United States," *Journal of the History of Sexuality* 24, no. 2 (2015): 225–60.

exposés on the sharp rise of sex crimes in the United States for the *FBI Law Enforcement Bulletin* in the *ICPR* earlier that year.⁵¹ Given his enduring respect for German forensic science and the fact that his German was better than his English, he had become aware of the American sex panic through his reading of German police and criminological journals. He first learned about the influential American study *The Sexual Criminal* in the journal *Kriminalistik*, for instance.⁵² *The Sexual Criminal* (1949) was published by the forensic psychiatrist Joseph Paul De River, founder and director of the Los Angeles Police Department's Sex Offense Bureau, and it dripped with the mixture of psychoanalytical jargon and seduction theory that typified the American psychopath era, which he dominated.⁵³ In his review of the 1951 German translation for the *ICPR*, Louwage called De River's forensic exploration of perversion "extremely important" and recommended it "wholeheartedly" to all criminal investigators.⁵⁴

With sex crimes seemingly on the rise in many countries, books like *The Sexual Criminal* that were based on the experience of law enforcement officials were much sought after. Official rates of sex offenses were showing a sharp uptick in both the United States (as Hoover had noted) and West Germany. Louwage's review noted that while crime rates in Germany had declined since the immediate post-World War II years, the number of sex offenses continued to soar.⁵⁵ In one unnamed German city alone the rate had increased from 556 in 1947 to 1,768 by 1950, figures matched by a similar increase in Switzerland.⁵⁶ Personal inquiries with police commissioners in his native Flanders had confirmed for Louwage that sexual delinquency had become much more common there from 1948 onward. Generalizing on the basis of his regular contacts with chiefs of police from

⁵¹ Florent É. Louwage, "FBI Law Enforcement Bulletin," *RIPC* 5, no. 39 (1950): 189. On Hoover's concerns with sex, see Douglas M. Charles, *Hoover's War on Gays: Exposing the FBI's "Sex Deviates" Program* (Lawrence: University Press of Kansas, 2015); Chrysanthi S. Leon, *Sex Fiends, Perverts and Pedophiles: Understanding Sex Crime Policy in America* (New York: New York University Press, 2011); and Charles E. Morris III, "Pink Herring and the Fourth Persona: Hoover's Sex Crime Panic," *Quarterly Journal of Speech* 88, no. 2 (2009): 228–44.

⁵² Florent É. Louwage, review of *Der Sexualverbrecher*, by Joseph P. De River, *RIPC* 6, no. 46 (1951): 105. The original is Joseph Paul De River, *The Sexual Criminal: A Psychoanalytic Study* (Oxford: Blackwell, 1949).

⁵³ On De River and his influence, see chapter 2 of Leon, *Sex Fiends*. For a reprint of the second edition of De River's book, supplemented by an extensive foreword by Brian King, see Joseph Paul De River, *The Sexual Criminal: A Psychoanalytic Study*, 2nd ed. (Burbank, CA: Bloat, 2000), 25–53.

⁵⁴ Louwage, review of *Der Sexualverbrecher*, by Joseph P. De River, *RIPC* 6, no. 48 (1951): 173–74, 174.

⁵⁵ Florent É. Louwage, review of *Die Zunahme der Sexualverbrechen*, by E. Sturm, *RIPC* 6, no. 51 (1951): 302.

⁵⁶ Respectively, Alex Goldenberg, "Échos et nouvelles. Allemagne. Quelques chiffres," *RIPC* 7, no. 62 (1952): 303–4; J. David, "Échos et Nouvelles. Suisse. Statistiques," *RIPC* 8, no. 68 (1953): 164–65.

Europe and around the world, he observed in 1951 that “in nearly every country criminal police have been observing a very marked rise in sex crimes, particularly during the last two years.” Louwage therefore opined that it would be “extremely useful” if those countries affected were to examine the causes of this trend more closely.⁵⁷

Based on this reasoning, he raised the international problem of rising sexual crime rates at Interpol’s annual General Assembly in Lisbon in June 1951.⁵⁸ Among its causes in West Germany, he cited the ruinous consequences of a war that had upset traditional family life, including demoralization and alcoholism; mass migration and a scarcity of adequate housing; a massive number of young widows and of women working outside the home; overcrowded schools; poor parental supervision over children; and insufficient moral influence over young people. All of this, he insisted, led to the immoderation of youths, who had become cynically deprived of idealism. As widespread as some of these social phenomena may have been, however, Louwage argued that criminogenic conditions in West Germany did not exist to the same extent as in other countries, where sexual offenses were nevertheless also on the rise. International comparisons were therefore required, and he successfully persuaded members of the national delegations to respond to a questionnaire that he had personally drafted. Azmi Yümak from the Turkish Ministry of the Interior was tasked with summarizing the results and drafting a special report on sexual offenses in preparation for the next General Assembly. At Stockholm in June 1952 this report confirmed a marked increase of sexual crime since 1944 in Austria, Finland, France, Lebanon, the Netherlands, the Dutch West Indies, the Saar Protectorate, the Free Territory of Trieste, Turkey, the United Kingdom, the Union of South Africa, and West Germany.⁵⁹

Beyond this general trend, however, Yümak was quick to point out that drawing more precise conclusions on the basis of the answers received was a hazardous undertaking, since national legislations and statistics simply varied too widely from each other to allow for any sound comparison. Austrian delegate Roland Grassberger, who was also the director of the Vienna Institute of Criminology, recognized the problem of international statistical commensurability but nevertheless insisted that the number of (detected) sexual offenses had increased dramatically during his lifetime. He suggested that Interpol focus primarily on violent sexual offenses, which were punishable in all “civilized” countries and therefore lent themselves better to comparative quantitative analyses.⁶⁰ “With regard to perversion

⁵⁷ Louwage, review of *Die Zunahme der Sexualverbrechen*, 302.

⁵⁸ “About Sexual Offences,” *ICPR* 6, no. 50 (1951): 250.

⁵⁹ Louwage, review of *Die Zunahme der Sexualverbrechen*, 302.

⁶⁰ “Sexual Offences,” *ICPR* 7, no. 60 (1952): 216–19, 217. For Grassberger on sex crimes, see Roland Grassberger, “Die Entwicklungstendenzen der Sexalkriminalität,” *Österreichische Juristen-Zeitung* 7, no. 9 (1952): 225–32; Grassberger, “The Problem of Sex Offences,” *Health Education Journal* 8, no. 4 (1950): 158–61. On the Austrian context, see Weingand, “Homosexualität.”

or homosexuality,” on which national legislations varied widely, “the solution lay in taking preventive action in connection with youth,” as far as Grassberger was concerned.⁶¹ Closer scrutiny of habitual offenders was called for, as well as more oversight of public parks and other suburban areas where children gathered and child molesters were likely to loiter. He, like so many others had long done and still did, unthinkingly conflated homosexuality and pedophilia as a matter of course. The representative of the US Treasury Department (which had established ties with Interpol after the FBI’s withdrawal in 1951) provided details about how such preventive action was being undertaken in the United States. He mentioned that the Los Angeles Police Department, De River’s turf, regularly patrolled the vicinity of schools and playgrounds. The requirement that “sexual pervers” keep the police informed of their whereabouts had successfully reduced the rate of recidivism there since 1949.⁶²

In the end, the General Assembly did not adopt any specific resolutions on the matter, but a consensus view emerged that a continued dedication to public order and preventive measures to protect youths from harmful influences would help curb the trend of growing sexual delinquency, which, according to Yümak’s figures, had already reached its zenith in 1948. At the request of the Swiss delegation, plans were made to compose a follow-up report on obscene literature for the next General Assembly, but little else was undertaken. Before long, however, an interplay of international currents and local circumstances were to place homosexuality on Interpol’s agenda as a separate and pressing matter. In this respect, and partly because of Louwage’s continued personal influence, events in Belgium offer a good example of how national and parochial developments both echoed and informed transnational ones.

HOMOSEXUALITY AND CRIME: FROM LOCAL CONCERN TO INTERNATIONAL INQUIRY

In December 1949 the United Nations’ General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.⁶³ The new convention was based on a League of Nations draft from 1937, and it placed great emphasis on the problems of enticement, pimping, and exploitation. It called upon all countries still maintaining their nineteenth-century systems of licensed brothels and registered sex workers to immediately abolish the practice. After decades of debate, Belgium ended the regulation of prostitution

⁶¹ “Sexual Offences,” 218.

⁶² “Sexual Offences,” 229.

⁶³ For the text of this resolution, see Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, United Nations Human Rights Office of the High Commissioner, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TrafficInPersons.aspx>.

in 1948, two years after France.⁶⁴ This meant that vice brigades, whose primary (and not infrequently corrupting) task it had been to essentially run the system of licensed brothels for over a century, suddenly needed to reinvent themselves.⁶⁵ A new law that dealt severely with soliciting and inciting “debauchery” in public, especially where minors were concerned, pointed the way.⁶⁶ The intensification of policing public decency would soon start pushing up the number of arrests with regard to male homosexuality.

A report presented to the Belgian and Luxemburgish Union for Penal Law in 1953 evaluated the first four years of the new prostitution law’s implementation. The figures for Brussels clearly demonstrated that soliciting in public was far and away the recent legislation’s most actively enforced section. It was pointed out, however, that not only female but also male prostitutes were committing this offense. In fact, as the number of convicted women had decreased from 182 in 1949 to 90 by 1951, that of soliciting men had risen from 6 to 26 over the same period.⁶⁷ Meanwhile, an article for the *Revue de droit pénal et de criminologie* (Journal of criminal law and criminology), Belgium’s leading criminology journal, that was based on figures for 1948 and 1949 described the growth of sexual delinquency among minors and pointed out that adults had coaxed them into transgressive acts in 35 percent of the 241 vice cases under review.⁶⁸ “Who can tell the harm caused to our adolescents by the depraved and unscrupulous,” asked the author, a public prosecutor from Brussels. “Will not their entire lives be stained irreparably by such perverse influences?”⁶⁹ In 1950 a report by the juvenile court judge from Nivelles noted that “homosexuality is fast becoming a real sore here.” He thought that many of the minors led before him had been seduced into their state of moral corruption by “genuine professionals of male prostitution who wreak their havoc in Brussels.”⁷⁰

⁶⁴ Robert Vouin, “Deux lois récentes en Belgique et en France contre la prostitution,” *RIPC* 4, no. 32 (1949): 8–12.

⁶⁵ The regulation-induced tradition of corruption in the Brussels vice brigade and police forces had, in fact, led to a massive international scandal regarding the so-called white slave trade during the 1880s. Jean-Michel Chaumont and Christine Machiels, eds., *Du sordide au mythe: L’affaire de la traite des blanches (Bruxelles, 1880)* (Louvain-la-Neuve: Presses universitaires de Louvain, 2009); and Chaumont, *Le mythe de la traite des blanches: Enquête sur la fabrication d’un fléau* (Paris: La Découverte, 2009).

⁶⁶ Any soliciting of sexual services in public could result in a maximum prison sentence of one year. Mere incitement—the difference was rather vague—could amount to six months’ imprisonment if minors were concerned. The text is reproduced as an appendix to Marie-Stephanie Lanszweert, “Historiek van de wet op de afschaffing van de reglementering inzake prostitutie (1948)” (master’s thesis, Ghent University, 2007), 162–65.

⁶⁷ Raymond Screvens, “La loi supprimant la réglementation de la prostitution et son application,” *Revue de droit pénal et de criminologie* 33, no. 6 (1952–53): 567–82, 576.

⁶⁸ René Stas, “La délinquance contre les mœurs chez les mineurs justiciables du Juge des Enfants: Enquête portant sur les années 1948 et 1949 dans l’arrondissement de Liège,” *Revue de droit pénal et de criminologie* 33, no. 1 (1952–53): 35–56, 52 and 54.

⁶⁹ Stas 54.

⁷⁰ Quoted in Aimée Racine, *La délinquance juvénile en Belgique de 1939 à 1957* (Brussels: Centre d’étude de la délinquance juvénile, 1959), 94.

Homosexuality had never previously been a subject of any significant debate in Belgium, where no form of criminal legislation against it had ever been considered.⁷¹ Understaffed, overburdened, and otherwise engaged, the Brussels police authorities had never displayed more than fleeting attention to the issue. They had kept an eye on infamous urinals, which were often used as cruising grounds, and they had intervened when members of the public complained, but the police had generally left alone anyone discreet enough to avoid drawing attention to themselves in public.⁷² Consequently, when postwar anxieties about juvenile delinquency and public morality began to inflate concerns about what were still relatively small numbers, it was as if a previously unknown problem had suddenly manifested itself. Back when juvenile specialist Aimée Racine published her first study on juvenile delinquency in 1935, she had shrugged homosexuality aside as unimportant, having only come across a single case in a study that described prostitution as an “exclusively feminine” problem.⁷³ In 1952, 1953, and 1954, by contrast, she suddenly noted sixteen, eleven, and fourteen cases of homosexuality, respectively, many among them involving male prostitution. The authoritative analysis of juvenile delinquency’s evolution since 1939 that Racine published in the late 1950s stressed that “with regard to the charges brought against boys, there is one: homosexuality, which ought to give us pause, because it would appear that we are facing a new phenomenon here.”⁷⁴

From at least the late nineteenth century onward, the center of Brussels had harbored a lively queer underworld, much of which had remained under the authorities’ radar until Belgium’s comparatively belated discovery of homosexuality as a social problem.⁷⁵ Now it was newly identified as an unmistakable urban nuisance closely associated with public soliciting, male prostitution, and the corruption of minors. All of these problems “forced” the police to step up surveillance and even devote a special vice squad to patrol known hotspots.⁷⁶ Whereas heterosexual prostitution in the downtown area of the capital alone had led to police intervention 71 times in 1953, after the above-mentioned report on the implementation of the new

⁷¹ For an extensive analysis of Belgium’s belated concern with homosexuality, see Wannes Dupont, “Free-Floating Evils: A Genealogy of Homosexuality in Belgium” (PhD diss., University of Antwerp, 2015); Dupont, “Modernités et homosexualités belges,” *Cahiers d’histoire: Revue d’histoire critique* 119 (2012): 19–34; Dupont, “Pederasten op de Place royale: Een fragment uit het vergeten verleden van Brussel,” *Leidschrift: Historisch tijdschrift* 26, no. 1 (2011): 79–91.

⁷² This more general finding is clearly reflected in Victor Tayart de Borms, “La prostitution masculine: Les homosexuels devant la loi,” *Revue belge de la police administrative et judiciaire* 52, no. 136 (1931): 50–77.

⁷³ Aimée Racine, *Les enfants traduits en justice: Étude d’après trois cents dossiers du tribunal pour enfants de l’arrondissement de Bruxelles* (Liège: Georges Thoné, 1935), 81.

⁷⁴ Racine, *La délinquance*, 93, emphasis in original.

⁷⁵ See Dupont, *Free-Floating Evils*, chap. 11.

⁷⁶ Racine, *La délinquance*, 94; Screvens, “La loi,” 578.

prostitution law, that number shot up to 334 in 1954.⁷⁷ Meanwhile, broadly defined acts of a homosexual nature garnered police attention 22 times in 1953 but 159 times in 1954. In a clear indication of the new importance attached to the issue, the latter figure kept rising further, to 393 in 1955 and 988 in 1956, amounting to a more than fortyfold increase in only four years. For comparison, interventions in cases of heterosexual prostitution declined again after their peak in 1954 and were down to 176 by 1956. Between 1 January 1955 and 31 March 1957 a total of 1,147 male homosexuals were “identified” by the capital’s vice police, 1,081 of them in the historical city center alone.⁷⁸ Thus, triggered by changing police practices, male homosexuality now clearly became a problem worthy of attention. (By contrast, only seventy-two lesbians had been registered since 1951, suggesting that female homosexuality was either less visible, less of a police concern, less conceived of as a threat, or, presumably, a feedback loop of all of the above.)

In 1954 Louwage reviewed an article in *Kriminalistik* about homosexuality and the police and commented on the “remarkable growth” of homosexuality in West Germany, adding that the same rise was being noted elsewhere, including in Belgium.⁷⁹ His long career had ensured that he was an insider of Brussels’s law enforcement and judicial establishment and thus keenly aware of local and national developments. Moreover, Louwage’s former right-hand man, Firmin Franssen, now oversaw the city’s forensic police. In October 1955 the *Revue de droit pénal et de criminologie* published the country’s first-ever criminological article on homosexuality. Auguste Ley, a forensic psychiatrist, and André Marchal, a magistrate from Brussels, pointed out that a “tendency toward proselytism” made homosexuality “dangerous,” especially “when directed, as it often [was], toward young, inexperienced boys” on whose “psyche and ‘libido’” it had a corrosive effect.⁸⁰ As one of his final acts as president in 1956, Louwage urged Interpol to draft an international report on prostitution ahead of the 1957 General Assembly, which it duly did.⁸¹ Franssen would henceforth

⁷⁷ Brussels is divided into a series of different municipalities, each of which is in charge of its own police force with jurisdiction over limited parts of the city. The numbers cited here were from the municipality of Brussels itself, which is largely composed of the area confined within the so-called Pentagon, which delimits the former sixteenth-century inner city.

⁷⁸ Léon Massion-Verniory and Raymond Charles, “Les aspects médico-psychologiques, sociaux et juridiques de l’homophilie,” *Revue de droit pénal et de criminologie* 38, no. 3 (1957–58): 241–327, 304–5. These figures were later also cited in Racine, *La délinquance*, 95.

⁷⁹ Florent É. Louwage, review of *Homosexualität und Polizei*, by W. Becker, *RIPC* 9, no. 76 (1954): 96.

⁸⁰ Auguste Ley and André Marchal, “L’homosexualité: Étude médico-juridique,” *Revue de droit pénal et de criminologie* 36, no. 1 (1955–56): 323–41, 324. For Louwage’s review of the article, see Florent É. Louwage, review of *L’homosexualité: Étude medico-juridique*, by A. Ley and A. Marchal, *RIPC* 11, no. 95 (1956): 63.

⁸¹ “Prostitution and Crime,” *ICPR* 11, no. 100 (1956): 212–13, 212.

be the senior Belgian delegate to Interpol. At the organization's General Assembly of 1957 in Lisbon, after a further intensification of police action against homosexuality in Brussels, Franssen proposed a global report on the relationship between homosexuality and crime similar to the one they had just discussed on prostitution.⁸² The UN Secretariat sent out questionnaire HOSEX-4731 to all member states in November 1957.⁸³ Thus, giving expression to a growing concern with homosexuality across a range of countries, a local set of circumstances and a spike in statistics provided the immediate cause for the first global survey of the issue and its discussion by the international law enforcement community.

TREVOR GIBBENS: CONNECTING THE UK, THE US, AND THE UN

Before looking at the survey's results, it is important to point out that between 1956 and 1958 a range of international policy organizations in Western Europe started paying an unprecedented amount of attention to homosexuality. Legislation on the issue ranged from a complete absence of any statutory criminalization of the issue in countries like Belgium, Luxembourg, and Italy; to partial criminalization with a raised age of consent for homosexual acts in places like France, the Netherlands, and Denmark; to much more comprehensive bans in West Germany, Britain, and elsewhere. Legal and scientific opinion on homosexuality was in a state of flux, and these international bodies were pursuing a consensus view on the matter. One man, it seems, was particularly influential in steering these organizations toward such a consensus. Trevor C. N. Gibbens was a British lecturer in forensic psychiatry at the University of London and a member of the Howard League for Penal Reform and of the International Society of Criminology, both of which enjoyed consultative status at the United Nations' Social Defence Section. An outspoken advocate of extensive liberalization and psychiatric treatment for those cases in need of it, he dominated several key international meetings where the "problem" of sexual offenders was discussed during these years as the assigned consultant of the World Health Organization.⁸⁴

Gibbens's role should be understood in the context of a wider debate on the subject of crime and criminality. In 1948 the UN assumed international leadership for the coordination of the study of crime from a policy

⁸² "Miscellaneous Questions and Closing Session," *ICPR* 12, no. 110 (1957): 237–39, 238.

⁸³ Interpol circular letter ICPO no. 4731 HOSEX, 7 November 1957, portfolio 136: Homosexualité II, Commissioner-General's Office of the Criminal Investigation Department, Ministry of Justice, Belgian State Archives for Brussels at Anderlecht.

⁸⁴ On the WHO and criminal policy, see Maureen A. Bailey, "The Work of the World Health Organization in the Field of Crime and Delinquency: A Review for the Period 1949–1974," *International Review of Criminal Policy* 14 (1978): 54–59; World Health Organization, *WHO and Mental Health 1949–1961* (Geneva: WHO, 1962).

perspective.⁸⁵ The Social Defence Section was therefore created within the Secretariat, which absorbed the coordinating role played in the field of international criminal policy making by the International Penal and Penitentiary Commission.⁸⁶ Regional consultative groups were to advise the Social Defence Section, among them the European Consultative Group on the Prevention of Crime and the Treatment of Offenders (ECG). These groups would hold biennial meetings from 1952 onward that followed an extensive research agenda formulated by the Social Defence Section, with preparatory technical working groups convening in intermittent years.⁸⁷ In turn, these regional groups were to be assisted by a number of specialized nongovernmental organizations, which included the Howard League for Penal Reform, the International Association of Penal Law, the International Law Association, the International Society of Criminology, and Interpol, among others of less importance.⁸⁸ The Congress on the Prevention of Crime and the Treatment of Offenders would bring together the regional work at a global level every five years.

Noting that none of the twenty-one research themes set out in the section's agenda directly concerned sexual matters and that the International Penal and Penitentiary Commission had never previously addressed such matters either, Israel Drapkin from the Institute of Criminology of Santiago in Chile proposed in 1950 that sexual problems among prisoners be taken up for analysis and discussion at the earliest convenience.⁸⁹ His call fell on deaf ears, so Drapkin repeated it at the first quinquennial UN Congress for the Prevention of Crime and the Treatment of Offenders, held in Geneva

⁸⁵ "The Work of the United Nations in the Field of the Prevention of Crime and the Treatment of Offenders," *International Review of Criminal Policy* 3 (1951): 3–27, 8. For summary reports on the UN's work with regard to criminal policy, see *Revue internationale de politique criminelle—International Review for Criminal Policy—Revista internacional de Política Criminal* (1952–99). A useful introduction to the UN's work on criminal policy is Manuel López-Rey, *A Guide to United Nations Criminal Policy* (Aldershot: Gower, 1985).

⁸⁶ López-Rey, *A Guide*, 5–6. See pages 4–5 on the role of the League of Nations.

⁸⁷ "The Work of the United Nations," 10 and Annex II (pp. 21–23) for the Social Defence Section's full research agenda, approved in 1951.

⁸⁸ The UN Permanent Co-ordinating Committee was also created; it would meet annually in Geneva to streamline the consultative work of these NGOs. See "The Principal International Non-governmental Organizations Concerned with the Prevention of Crime and the Treatment of Offenders," *International Review of Criminal Policy* 1 (1951): 28–40. On these organizations, see M. Cherif Bassiouni, ed., *The Contributions of Specialized Institutes and Non-governmental Organizations to the United Nations Criminal Justice Program* (The Hague: Nijhoff, 1995). On the IAPL, see M. Cherif Bassiouni, "A Century of Dedication to Criminal Justice and Human Rights: The International Association of Penal Law and the Institute of Higher Studies in Criminal Sciences," *DePaul Law Review* 38, no. 4 (1989): 899–922.

⁸⁹ See Thorsten Sellin, ed., *Twelfth International Penal and Penitentiary Congress: The Hague, August 14–19, 1950; Proceedings*, 6 vols. (Bern: International Penal and Penitentiary Commission, 1951), 2:88–89, 474.

in 1955.⁹⁰ In the audience at that meeting was the forty-three-year-old Gibbens, who had spent a year studying US prison populations in 1949, mostly working with David Abrahamsen, a professor of forensic psychiatry at Columbia University.⁹¹ Gibbens arrived stateside around the time when Abrahamsen was commissioned by the New York legislature to investigate the advisability of a law to combat the perceived increase in sexual offenses.⁹² When it was published in 1950, Abrahamsen's *Report on Study of 102 Sex Offenders at Sing Sing Prison* immediately became a reference point among an increasingly outspoken and influential group of American psychiatrists, criminologists, and scholars of law who sought to discredit the overused concept of "sexual psychopathy" as unworkably imprecise, diagnostically inaccurate, and legally prone to the excessive curtailment of civil liberties.⁹³

Prominent among this group was the penologist Paul Wilbur Tappan of New York University, author of a 1950 report of the New Jersey Commission on the Habitual Sex Offender that was highly critical of existing sex offender legislation.⁹⁴ Tappan had been deeply impressed with the work of zoologist and sexologist Alfred Kinsey, whose pioneering study *Sexual Behavior in the Human Male* had rocked the United States and the world in 1948 and who, at Tappan's invitation, gave powerful testimony before the New Jersey commission in November 1949.⁹⁵ Tappan recommended that Gibbens, who also spent time in New Jersey, contact Kinsey in the spring of 1950, and Gibbens received an extensive guided tour of Kinsey's sex research institute

⁹⁰ First U.N. Congress on the Prevention of Crime and the Treatment of Offenders: Congress Hears Lecture by Dr. Israel C. Drapkin, Medical Director of the Institute of Criminology Prisons Administration, Santiago de Chile, on Modern Trends in the Prevention of Crime and Treatment of Offenders in Latin America [SOC/126], Information Centre, United Nations European Office, <https://www.unodc.org/congress/en/previous/previous-01.html>.

⁹¹ On 3 May 1950 Gibbens wrote to Alfred Kinsey that he had spent the last nine months working with Abrahamsen. See Correspondence, Alfred C. Kinsey Archival Collection, Kinsey Institute, Indiana University (hereafter cited as Kinsey Correspondence).

⁹² For more on Abrahamsen and the role he played in the sexual psychopathy debate, see William H. Honan, "Dr. David Abrahamsen, 98; Wrote about 'Son of Sam,'" *New York Times*, May 22, 2002; Robertson, *Crimes against Children*, 205–32.

⁹³ David Abrahamsen, *Report on Study of 102 Sex Offenders at Sing Sing Prison* (Utica: State Hospitals Press, 1950).

⁹⁴ Paul W. Tappan, *The Habitual Sex Offender: Report and Recommendations of the Commission on the Habitual Sex Offender as Formulated by Paul W. Tappan, Technical Consultant* (n.p., 1950). On Tappan, see "Paul W. Tappan, Educator, Dead; Professor of Criminology and Law at Berkeley, 52," *New York Times*, July 10, 1964.

⁹⁵ Alfred C. Kinsey et al., *Sexual Behavior in the Human Male* (Philadelphia: Saunders, 1948). Tappan drew extensively on Kinsey's research in his report. In various letters, Tappan thanked Kinsey for his "very fine contribution" and "sound judgment" while lamenting "the current wave of hysteria throughout the country" with regard to sexual crime. See Tappan to Kinsey, November 7 and December 14, 1949, Kinsey Correspondence. Kinsey was similarly impressed with Tappan and tried to recruit him for his Institute. See Kinsey to Tappan, April 3, 15, and 21, 1950; Tappan to Kinsey, April 18, 1950, Kinsey Correspondence. On the American critics of the sexual psychopathy legislation and their reliance on Kinsey's data, see George, "The Harmless Psychopath."

in Bloomington, Indiana.⁹⁶ In a later letter, Gibbens wrote to Kinsey that “the two days I spent with you were quite the most interesting of my stay in the USA.”⁹⁷ Gibbens gave Kinsey his own sex history and even asked if he could be trained in Kinsey’s unique interviewing technique for the purposes of examining sex offenders back home.⁹⁸ The men stayed in touch over the years, and the profound impression that Kinsey left on Gibbens was to prove consequential. Gibbens later gave important evidence to the British Departmental Committee on Homosexual Offences and Prostitution (better known as the Wolfenden Committee) and encouraged Kinsey to do the same.⁹⁹

In a short publication he authored while still in the United States, Gibbens expressed great interest in “the lessons which America ha[d] to teach” with regard to “the reform and rehabilitation of the offender,” but he lamented “less happy attempts to find a New Law,” like “the recent wave of ‘sex-psychopath’ legislation.”¹⁰⁰ Upon returning to Britain and his job at London’s Maudsley hospital, he insisted in a 1951 article about recent trends in the management of psychopathic offenders that “from the psychiatric point of view,” many sex offenders were “either normal or merely unusual.” He cited Paul Tappan’s and Edwin Sutherland’s work on the subject and emphasized Kinsey’s statistics, which suggested that only 5 to 10 percent of convicted sex offenders had actually engaged in behavior that was fundamentally different from that of the general population.¹⁰¹ Gibbens had studied exhibitionists before embarking upon a major research project on two hundred adolescent male delinquents, whose sexual histories he analyzed on the basis of interviews conducted between 1953 and 1955.¹⁰²

⁹⁶ Gibbens to Kinsey, May 3, 1950, Kinsey Correspondence. Kinsey confirmed his welcome on May 6, 1950.

⁹⁷ Gibbens to Kinsey, July 4, 1951, Kinsey Correspondence.

⁹⁸ Graham Robertson, “Pioneers in Forensic Psychiatry: Professor T. C. N. Gibbens (1912–83): Academic Career and Teacher,” *Journal of Forensic Psychiatry* 5, no. 3 (1994): 551–68, 557. Gibbens also referred to this interview in the letter from July 4, 1951, already mentioned. With regard to their exchanges on being trained in the “Kinsey technique,” see Gibbens to Kinsey, June 21 and July 16, 1950; and Kinsey to Gibbens, June 21, 1950, Kinsey Correspondence.

⁹⁹ In fact, Gibbens had invited Alfred and Clara Kinsey to stay with him and his wife while in the UK. See Gibbens to Kinsey, December 4, 21, 1954; Kinsey to Gibbens, December 5, 1954, Kinsey Correspondence. On Kinsey’s connections with the Wolfenden Committee, see David Minto, “Perversion by Penumbras: Wolfenden, Griswold, and the Transatlantic Trajectory of Sexual Privacy,” *American Historical Review* 123, no. 4 (2018): 1093–121.

¹⁰⁰ Trevor C. N. Gibbens, “A Reply to Dr. Teeters’ Articles on the Prison Systems of England,” *Journal of Criminal Law and Criminology* 41 (1950–51): 590–99, 599 and 591–92.

¹⁰¹ Trevor C. N. Gibbens, “Recent Trends in the Management of Psychopathic Offenders,” *British Journal of Delinquency* 2, no. 2 (1951): 103–16, 103 and 105. He referenced Tappan, *The Habitual Sex Offender*; and Edwin H. Sutherland, “The Sexual Psychopath Laws,” *Journal of Criminal Law, Criminology and Police Science* 40, no. 5 (1950): 543–54.

¹⁰² Robertson, “Professor T. C. N. Gibbens,” 557–58. On Gibbens, about whom remarkably little has been written, see J. E. Williams, “Professor T. C. N. Gibbens,” *British Journal of Criminology* 24, no. 2 (1984): 109–11.

Reflecting on these histories, he noted that while attempts at homosexual seduction by adults were common (he found them in 34 percent of his sample), their impact was generally very limited. Moreover, Gibbens argued that the prevailing view of a predatory child molester and his innocent young victim at least partly misrepresented matters if one delved into concrete circumstances, which, not infrequently, involved the pursuit of profit or even extortionist practices on the part of the minor involved. "Usually it is difficult to say who is more to blame," he asserted in a heterodox attempt to point out that teenagers and young adults have more sexual agency than public debate on the issue liked to acknowledge.¹⁰³

GIBBENS AND GOLDENBERG: LIBERAL SYNERGISM AT THE ECG

In 1955 Gibbens was invited to become a psychiatric consultant to the European Regional Office of the World Health Organization (WHO), where he became involved in the work of the UN's European Consultative Group regarding the study of "habitual" and "recidivist" offenders.¹⁰⁴ The International Penal and Penitentiary Commission initiated this work shortly before the organization's dissolution, and at its first biennial gathering in 1952 the ECG decided to enlarge the study to include "abnormal" offenders and to appeal to the WHO to delegate psychiatric experts to tackle the issue.¹⁰⁵ Meeting for the second time in 1954, the ECG agreed that this field of study could be further enlarged to encompass sexual offenders too, but it also decided that the latter group's analysis had to wait until after the third session had dealt with "habitual" and "abnormal" offenders in a more general sense.¹⁰⁶ In preparation for the ECG's third session, which took place in Geneva in August 1956, Gibbens was asked to write a discussion paper on the abnormal offender from a psychiatric perspective on behalf of

¹⁰³ Trevor C. N. Gibbens, "The Sexual Behaviour of Young Criminals," *Journal of Mental Science* 103, no. 432 (1957): 527-40, 540.

¹⁰⁴ Robertson, "Professor T. C. N. Gibbens," 558.

¹⁰⁵ United Nations Secretariat, "Conference of the European Consultative Group on the Prevention of Crime and the Treatment of Offenders (Geneva, 8-16 December 1952): Report by the Secretariat," United Nations Office at Geneva Library typescript (hereafter cited as UNOG TS), ST/SOA/SD/EUR1, 52. The published version appeared in 1953 under the same title and was printed by Prison Printing Shops at Melun. Reports of subsequent meetings of the Consultative Group were printed too, but most of the documentation they were based on was not. Since I have consulted the entirety of the original documents at the UNOG Library, I will henceforth only refer to the unpublished typescripts.

¹⁰⁶ United Nations Secretariat, "European Consultative Group on the Prevention of Crime and the Treatment of Offender: Report on the Second Session (Geneva, 23 August-2 September 1954)," UNOG TS, ST/SOA/SD/EUR/4, 33-34. In the wake of the ECG's 1954 meeting a questionnaire was drafted by its members and sent out to European correspondents in September 1955. The national responses to this questionnaire were published as "Inquiry on the Treatment of Abnormal Offenders in Europe: Replies of Fifteen Countries to the United Nations Questionnaire," *International Review of Criminal Policy* 12 (1957): 3-100.

TABLE 2. CHRONOLOGY OF THE MAIN INTERNATIONAL POLICY CONFERENCES DISCUSSED

Date	Meeting	Location
Aug. 1950	12th International Penal and Penitentiary Congress	The Hague
June 1952	21st General Assembly of the International Criminal Police Commission	Stockholm
Aug. 1955	1st UN Congress on Prevention of Crime and the Treatment of Offenders	Geneva
Sept. 1955	3rd Conference of the International Society of Criminology	London
Aug. 1956	3rd Session of the UN European Consultative Group on the Prevention of Crime and the Treatment of Offenders	Geneva
June 1957	26th General Assembly of the International Criminal Police Commission	Lisbon
Sept. 1957	Preparatory Working Group of the ECG and the Council of Europe	Strasbourg
Apr. 1958	WHO European Regional Office Seminar on the Psychiatric Treatment of Criminals and Delinquents	Copenhagen
Aug. 1958	4th Session of the UN European Consultative Group on the Prevention of Crime and the Treatment of Offenders	Geneva
Sept. 1958	27th General Assembly of the International Criminal Police Commission	London
Sept. 1960	4th Conference of the International Society of Criminology	The Hague
Sept. 1961	8th Conference of the International Association for Penal Law	Lisbon
Sept. 1963	Preparatory meeting for the 9th Conference of the International Association for Penal Law	Bellagio
Aug. 1964	9th Conference of the International Association for Penal Law	The Hague

the WHO. In it, he underlined that despite legislative insistence, “a sharp delineation will never be possible” between the psychopathic, the abnormal, and the merely neurotic. Gibbens deemed it “unjustifiable, for example, to regard all homosexuals as mentally abnormal,” pointing out that the norms of sexual behavior and the mandate of criminal law to enforce these

norms were “matters about which community opinion fluctuates, and new information is coming to light.”¹⁰⁷

Because of this paper, the problem of sexual offenders surfaced several times during the ECG’s discussions in 1956, which is why the ECG decided that the matter should receive more extensive treatment at the fourth biennial meeting, held in 1958.¹⁰⁸ In the run-up to it, a joint working group of the ECG and the Council of Europe convened at Strasbourg’s Maison de l’Europe in September 1957.¹⁰⁹ The discussion of sex offenders on that occasion was conducted on the basis of a programmatic opening statement by Gibbens, which postulated that the criminal law ought to be confined to sexual offenses involving physical force, psychological pressure, or public indecency.¹¹⁰ “Perverse behavior which does not fall into these categories,” Gibbens boldly advanced, “should not be prosecuted, and there are no valid grounds for prosecuting perverse behavior

¹⁰⁷ Trevor C. N. Gibbens, “Psychiatry and the Abnormal Offender: A Paper Prepared for Discussion by the European Consultative Group on Prevention of Crime and Treatment of Offenders, August 1956,” in “Working Group Seminars etc., vol. 1,” by WHO, Regional Office for Europe, WHO Library at Geneva typescript (hereafter cited as WHO TS), EURO-118 (1956), 8.

¹⁰⁸ United Nations Secretariat, “European Consultative Group on the Prevention of Crime and the Treatment of Offenders: Third Session: Summary Record of the Seventeenth Meeting Held at the Palais des Nations, Geneva, on Thursday, 24 August 1956, at 3 p.m.,” UNOG TS, ST/SOA/SD/EUR/SR.3/17, 2.

¹⁰⁹ On the Council of Europe’s initiative to found its own Committee for Problems of Crime, see Vitaliano Eposito, “Pour l’histoire du Comité européen pour les problèmes criminels,” *Cahiers de défense sociale* 26 (1999): 67–76; and A. H. Robertson, *The Relations between the Council of Europe and the United Nations* (UNITAR, 1972), 44–46; Comité européen pour les problèmes criminels, *Activités du Conseil de l’Europe dans le domaine des problèmes criminels 1956–1976* (Strasbourg: Comité européen pour les problèmes criminels, 1977), 7–8. The first report of the committee would signal clear signs of growing sexual delinquency among European youths. See Comité européen pour les problèmes criminels, *Quelques aspects de la délinquance juvénile d’après-guerre dans douze pays membres du Conseil de l’Europe* (Strasbourg: Conseil de l’Europe, 1960), 28–29.

¹¹⁰ See “Working Paper No. 11, 13th September 1957: Sex Offenders: Preliminary Statement of Points for Discussion by Dr. Gibbens, W.H.O.,” in “United Nations European Consultative Group on Prevention of Crime and Treatment of Offenders: Working Group Meeting at Strasbourg with the Co-operation of the Council of Europe, 9th–14th September 1957,” by United Nations Secretariat, UNOG TS, 343.9(4) U 58 1957. Gibbens was one of three persons representing the WHO at the Meeting of Specialized Agencies and Non-governmental Organizations Interested in the Prevention of Crime and the Treatment of Offenders on 24 August 1956 at UNOG, where a special WHO paper on sexual delinquency was commissioned. See “Réunion des institutions spécialisées et des organisations non gouvernementales intéressées à la prévention du crime et le traitement des délinquants: Rapport du Secrétariat sur la réunion tenue à Genève le 24 août 1956,” by United Nations Secretariat, UNOG TS, ST/SOA/SD/NGO/6, 7. For the general report of the meeting at Strasbourg, see United Nations Secretariat, “United Nations European Consultative Group on Prevention of Crime and Treatment of Offenders: Report of the Secretariat on the Discussions of a Working Group Convened with the Co-operation of the Council of Europe from 9 to 14 September 1957 at Strasbourg,” UNOG TS, ST/SOA/SD/EUR/6/Add.1.

within these categories more severely than the less perverse.”¹¹¹ Counter to common opinion, he went on to state that only 3 percent of sexual offenders had three or more convictions, which led him to conclude that recidivism among this group was particularly rare. Gibbens also argued that “there is no tendency for minor sex offenders to graduate to more serious sex offence[s] later” and that “perversion,” including homosexuality, was “very widespread in the community.”¹¹² He affirmed that bisexual ambivalence and (homosexual) experimentation were common until the age of twenty-five, but he also emphasized that attempted seduction was not inevitably traumatic. Any inflation of such experiences on the part of parents, the public, or the authorities, he warned, might well do more harm than good.¹¹³

At Strasbourg, Gibbens gained support for his previous criticisms of the definitional elasticity of sexual abnormality from an unexpected quarter. Alexis Goldenberg, Interpol’s delegate to the meeting and the police organization’s section chief of legal and criminological research, repeatedly intervened to insist that police and legal authorities should entrust the delineation and diagnosis of psychopathy entirely to psychiatrists, especially in borderline cases.¹¹⁴ A young divisional commissioner of the French national security service from a Jewish family who had fled Nazi Germany during the 1930s, Goldenberg was a spirited defender of personal integrity and privacy, not least where sexual matters were concerned.¹¹⁵ He had previously criticized how an older generation of criminologists expressed nothing but the highest praise for human dignity and personality, yet they inconsistently and uncharitably succumbed to prudish “intolerance as soon as the more intimate areas of individual life are concerned.”¹¹⁶ According to Goldenberg, “The absolute noninterference of the law in sexual relations between [consenting] adults” should be self-evident. As far as he was concerned, Germany’s Paragraph 175 was a “penal monstrosity.”¹¹⁷ It was no coincidence, therefore, that from 1956 onward Goldenberg regularly reviewed works for Interpol that advocated the (partial) decriminalization of homosexuality, including that year’s Church of England report on sexual offenders and Peter Wildeblood’s *Against the Law*.¹¹⁸

¹¹¹ “Working Paper No. 11,” 1–2.

¹¹² “Working Paper No. 11,” 2–4.

¹¹³ “Working Paper No. 11,” 4–5.

¹¹⁴ United Nations Secretariat, “United Nations European Consultative Group,” ST/SOA/SD/EUR/6/Add.1, 49–51.

¹¹⁵ On Goldenberg, see “Alexis Goldenberg,” *RIPC* 16, no. 152 (1961): 286.

¹¹⁶ Alexis Goldenberg, review of *Society and the Criminal*, by W. Norwood East, *RIPC* 7, no. 59 (1952): 190–91, 191.

¹¹⁷ Goldenberg, 191; Goldenberg, review of *Der homosexuelle Mann in der Welt*, by H. Giese, *RIPC* 14, no. 128 (1959): 159.

¹¹⁸ Alexis Goldenberg, review of *Sexual Offenders and Social Punishment*, by D. S. Bailey, *RIPC* 11, no. 103 (1956): 334; Goldenberg, review of *Against the Law*, by P. Wildeblood, *RIPC* 12, no. 104 (1957): 29. See also Goldenberg’s insight that “the very notion of sexual

Gibbens and Goldenberg joined forces again at the ECG's fourth Geneva meeting, held in August 1958, by which time the former's influence among the international community of forensic experts had been further cemented by his leading role at the WHO's Regional Office seminar on the psychiatric treatment of offenders, held earlier that year in Copenhagen.¹¹⁹ Although the problem of sex offenders had not officially been part of the agenda at Copenhagen, the group of psychiatric and criminological experts gathered there was informally consulted on the matter and had accepted many of the key tenets of Gibbens's Strasbourg paper, including that many penal codes drew "too close a connexion between crime and sin" and that perversion should not be considered criminal *per se*.¹²⁰ The conclusions of the WHO seminar at Copenhagen also made reference to a paper by Marc Ancel from the International Association of Penal Law that had put developments with regard to "abnormal" and sexual offenders into wider perspective.¹²¹ "After the war and the excesses of totalitarianism, a change has become necessary," Ancel noted, and he emphasized that "the protection of society must not be sought in the limitation of the guarantees protecting the individual."¹²² He insisted that "human rights must be respected" and that penal codes were merely an instrument for that purpose and "should be adapted to the teachings of criminology, which is first and foremost a human science." Such a subordination, which decentered criminal law to the latest criminological insights, was exactly what Gibbens and Goldenberg were driving at.

The strongest arguments in favor of shrinking the jurisdiction of criminal law over sexual matters were based on statistics. Referring to English research and to "other sources," Gibbens argued at Strasbourg that a mere "5 per cent was the maximum limit of [sexual] offences that would

abnormality is a function of cultural and ethnic factors," drawn from his review of *The Psychology of Sex Offenders*, by A. Ellis and R. Brancale, *RPC* 11, no. 103 (1956): 334.

¹¹⁹ Gibbens wrote the introductory paper for the WHO's Copenhagen seminar. See "Medical and Psychiatric Treatment of Offenders: The European Scene," in "Seminar on the Psychiatric Treatment of Criminals and Delinquents, Copenhagen 1958," by WHO, Regional Office for Europe, WHO TS, EURO-145/5. He also presented another paper (EURO-145/12) on that occasion entitled "The Composition of the Criminal Population." Gibbens's "great" influence at Copenhagen was explicitly acknowledged in "Le traitement psychiatrique des délinquants: Le colloque de Copenhague," *Revue de science criminelle et de droit pénal comparé* 12, no. 3 (1958): 679–84, 683n1.

¹²⁰ For the report on these informal consultations, see section 3, "Summary of Consultations with Experts, Submitted by the World Health Organization," of "The Problem of Sex Offenders: Note Prepared by the Secretariat; Working Paper No. 5, 23 June 1958," in "Working Papers of the United Nations European Consultative Group on Prevention of Crime and Treatment of Offenders: Fourth Session, Geneva, 11–21 August 1958," by United Nations Secretariat, UNOG TS, ST/SOA/SD/EUR/6 343.9(4) U 58 1958, 23–24 (§§ 80–88), 23 (§ 83).

¹²¹ "The Problem of Sex Offenders," 24 (§ 88).

¹²² Marc Ancel, "Social Defence and the Psychiatric Treatment of Delinquents," in "Seminar on the Psychiatric Treatment of Criminals and Delinquents, Copenhagen 1958," by WHO, Regional Office for Europe, WHO TS, EURO-145/7.

ever be discovered,” a number Goldenberg deemed beyond dispute.¹²³ “Other sources” clearly referred primarily to Kinsey’s report, which had made it possible for Gibbens and his allies to argue that the vast majority of undetected punishable sexual transgressions were being committed by mentally healthy people capable of concealing their offenses and that, inversely, the disproportional number of cases of pathological deviance or neurotic maladjustment among those caught was due to their inability to cover up for themselves. By consequence, the picture offered by convicted sex offenders was a woefully distorting one, and the lack of definitional discrimination between sexual crime, pathology, and deviance only made matters worse. What was sexual “deviance” anyway in light of the huge gap between sexual norms and people’s actual behavior, which Kinsey had laid bare? At the ECG’s fourth meeting, in 1958, Gibbens insisted that the statistics for England and Wales also demonstrated that even those sexual offenders who were caught and convicted still constituted a diverse group and that many among them were “by no means as dangerous as the public thinks.”¹²⁴ Homosexuals and exhibitionists amounted to two-thirds of known sex offenders and were “not dangerous” in his opinion, although he did not qualify this assertion, “and of the remaining third one-fifth are dangerous,” amounting to a total of no more than 6.7 percent of those who were. Goldenberg immediately added that Interpol’s recent inquiry into homosexuality and crime had clearly shown how “its influence on criminality is regarded as doubtful.”¹²⁵ Indeed, the way in which the criminality, the pathology, and even the very deviancy of homosexuality were being called into question was synecdochical for the much broader and shifting debate about the nature of sexual and social deviance. Homosexuality was key.

HOSEX-4731: TOWARD THE FRANCO-DANISH MODEL

When Goldenberg invoked the authority of Interpol’s report on homosexuality at the ECG during the summer of 1958, the responses to questionnaire HOSEX-4731 that had come in from forty different countries were still being collated. The information he nevertheless already had insider access to clearly did nothing to weaken his conviction that homosexuality was not some inherent form of psychopathology. Still at the ECG, Goldenberg asserted that “sex taboos, very potent in the different communities,” were what really “caused anyone to be regarded as abnormal.”¹²⁶ Other progressive voices among the group pointed out how a trend toward the

¹²³ “The Problem of Sex Offenders,” 11 (§ 38) and 12 (§ 40).

¹²⁴ United Nations Secretariat, “European Consultative Group on the Prevention of Crime and the Treatment of Offenders: Report on the Fourth Session: Geneva, 11–21 August 1958,” UNOG TS, ST/SOA/SD/EUR/6, 60 (§ 175).

¹²⁵ United Nations Secretariat, 60 (§ 174).

¹²⁶ United Nations Secretariat, 61 (§ 178).

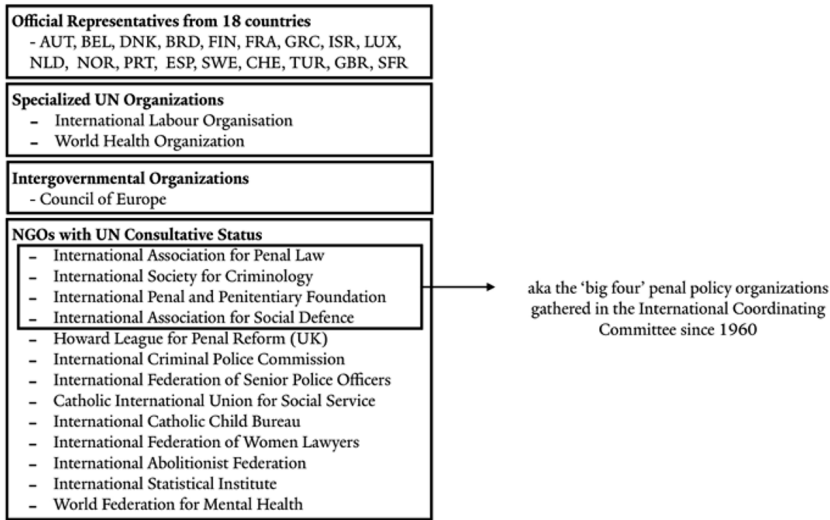


Figure 1. Organizations represented at the fourth session of the UN European Consultative Group on the Prevention of Crime and the Treatment of Offenders in 1958.

decriminalization of adultery and homosexuality proved his point that sexual abnormality was an unstable category subject to social and cultural change. Norway's recent attempt to abolish "obsolete penal provisions of this kind" had demonstrated as much, as had the recommendations made by the British Wolfenden Report, released in September 1957.¹²⁷ French and Swiss delegates raised strong objections to what they perceived as the inappropriate injection of moral relativism into the discussion. They balked more particularly at the suggestions that the consequences of sexual seduction for minors were commonly exaggerated and that young "victims" were often "consciously or unconsciously collaborating" in their own corruption.¹²⁸ Gibbens had to temper his tone in the face of indignant concerns

¹²⁷ United Nations Secretariat, 62–63 (§ 182). These voices were those of the Spanish expatriate Manuel López-Rey and the Belgian Séverin-Carlos Versele.

¹²⁸ United Nations Secretariat, 63–65 (§§ 184–86). The language they were resisting was that used in the summary of the informal consultations with experts on the treatment of sexual offenders at the recent WHO seminar in Copenhagen. See "Summary of Consultations with Experts, Submitted by the World Health Organization," 23–24 (§§ 80–88), specifically 24 (§ 85). That summary and those consultations in turn were based heavily on Gibbens's 1957 paper at Strasbourg. See "Working Paper No. 11." Gibbens may have been drawing on the work of the American psychiatrist Karl M. Bowman, who had made a similar claim about juvenile "complicity" in instances of alleged homosexual seduction. See Karl M. Bowman, "The Problem of the Sex Offender: Report to the California State Department of Mental Hygiene and to the State Legislature," 1951, 9, Kinsey Institute typescript.

about the “catastrophic moral danger” to which minors were exposed through seduction, particularly homosexual seduction, by clearly affirming that molestations of the young were indeed reprehensible and always merited prosecution and that legal proceedings should not be allowed to aggravate the trauma children experienced.¹²⁹ The pernicious effects of police interrogations in this regard had indeed been widely reported on in the preceding years.¹³⁰

Despite some pushback, however, the ECG’s very broadly formulated official conclusions were still marked by a liberalism that had major implications for the decriminalization of sexual crime and the depathologization of sexual deviance. They posited that “many” unspecified sex offenses were “relatively minor” and that sex offenders constituted a “heterogeneous group” that probably recidivated less than other types of offenders and were less likely to escalate to more serious crimes.¹³¹ The report warned that while these offenders were “apt to arouse great emotional reactions,” the public should not be confused into believing that sexual crimes were more frequent or serious than was actually the case.¹³² Arguably of greatest import, however, was the call to limiting the prosecution of sexual offenses to acts involving physical force, undue psychological pressure, or public indecency, whereby “much confusion between what is a crime and what is sinful could be avoided.”¹³³ While nothing in the conclusions referred specifically to homosexuality, it was in this regard that they were obviously most topical and consequential. Barely a month later, in September, the discussion of Interpol’s report on homosexuality and crime at the organization’s General Assembly in London served as further confirmation of a growing international consensus on the issue.¹³⁴

Interpol’s survey on homosexuality and crime was based on forty countries’ responses to questionnaire HOSEX-4731. It confirmed that homosexuality appeared to be becoming more prevalent in large cities and that

¹²⁹ United Nations Secretariat, “Report on the Fourth Session,” 64–65 (§ 186).

¹³⁰ In this regard, as an example of best practices, Goldenberg cited a June 1955 Israeli law that mandated the use of specially trained youth interrogators, which would minimize the trauma of child witnesses by replacing the need for them to testify in court. Florent É. Louwage, review of “Vernehmung von Kindern in Sittlichkeitsdelikten,” by K. Jüttner, *RIPC* 6, no. 49 (1951): 210; Louwage, review of “Zum Problem der Kinderaussagen über Sittlichkeitsverbrechen,” by R. O. F. Krüger-Thiemer, *RIPC* 8, no. 71 (1953): 286; Louwage, review of “Kinder und Jugendliche als Zeugen,” by R. O. F. Krüger-Thiemer, *RIPC* 9, no. 79 (1954): 192; Rüdiger Herren, “Le témoignage des enfants et des adolescents dans les délits sexuels,” *RIPC* 11, no. 96 (1956): 66–71; “Échos et nouvelles: Israël,” *RIPC* 13, no. 117 (1958): 124–25; Alexis Goldenberg, review of *Ueber die Glaubwürdigkeit kindlicher und jugendlicher Zeuginnen bei Sexualdelikten*, by Elisabeth Müller-Luckmann, *RIPC* 14, no. 126 (1959): 94.

¹³¹ United Nations Secretariat, “Report on the Fourth Session,” 103 (§ 60).

¹³² United Nations Secretariat, 103 (§ 62).

¹³³ United Nations Secretariat, 103 (§ 58).

¹³⁴ “Homosexuality and Crime,” *RIPC* 13, no. 120 (1958): 321–24.

homosexual prostitution was giving rise to instances of theft, swindling, blackmail, and violence in countries where homosexuality was, in various ways, still forbidden by law. However, the report observed that where homosexuality was not (or was no longer) illegal, it did not “at all” lead to crime more frequently than heterosexuality.¹³⁵ As many as twenty-nine countries had reported that no specific criminogenic effects were associated with homosexuality, while many others, including the United States and the UK, described such effects as very limited (with only West Germany, Cuba, and Spain claiming the contrary). Asked to comment on the laws in force, most national police forces had responded to questionnaire HOSEX-4731 by noting that they were satisfied with their countries’ existing legislation. This made those instances where change was envisaged or proposed all the more relevant. New Zealand, Ceylon, France, and Belgium were the only countries where an expansion of measures against homosexuality was being considered. By contrast, Israel reported growing support for abolishing the country’s sodomy statute. Denmark stated plainly that penalization did not solve anything, as did Pakistan, which added that measures beyond those to combat sexual violence, the seduction of minors, and public scandals were matters of morality and social opinion rather than criminal law. Significantly, Austria, with a tradition of legal action against homosexuality similar to that of Germany, reported that a parliamentary commission had recently tabled a bill to decriminalize homosexuality between consenting adults.¹³⁶ The US response did not mention the 1955 drafts of the Model Penal Code in favor of (partial) decriminalization, but it did mention that Americans increasingly perceived homosexuality as a medical rather than a criminal condition. British police, for their part, relayed that the Wolfenden Committee had proposed a partial decriminalization, even if the police did not concur with its findings.¹³⁷

Taken together, the Interpol report took these responses to indicate two major tendencies: that “the advocates of the decriminalization of homosexuality between consenting adults—in accordance with a liberal conception of individual liberty—[were] gaining ground” and that there was a trend toward raising “the age of penal protection against homosexual relations” among minors whose premature exposure to such relations was still deemed dangerous.¹³⁸ There was, in other words, an international tendency toward following the example of France, Denmark, the Netherlands, and Sweden, where consensual homosexual relations in private were legal but where the notion of homosexual seduction motivated a higher age of

¹³⁵ “Homosexualité: Législations pénales la concernant et ses incidences sur la criminalité,” 12, portfolio 135: Homosexualité I, Commissioner-General’s Office of the Criminal Investigation Department, Ministry of Justice, Belgian State Archives for Brussels at Anderlecht.

¹³⁶ Unlike Germany, though, Austria had explicitly criminalized female same-sex relations.

¹³⁷ “Homosexualité,” 17–21.

¹³⁸ “Homosexualité,” 21.

consent for same-sex relations than for heterosexual ones.¹³⁹ This middle course between criminalization and decriminalization had been pioneered in the Netherlands since 1911, but, for reasons left unexplained, Interpol referred to it as the Franco-Danish model. Adherence to this model, which seemed to be the direction that many countries were moving in, required legal shifts in opposite directions. Belgium, for example, had never previously criminalized homosexuality and would therefore have to enact a partial criminalization of homosexuality. The country's leading experts were already recommending as much, and the measure was quietly adopted in 1965.¹⁴⁰ In other countries, such as the UK, adherence to the guiding Franco-Danish model required a process of partial decriminalization, which was recommended by the internationally influential Wolfenden Report yet which took until 1967 to pass through Parliament.

There was, of course, resistance to the liberal current described and tacitly endorsed by the Interpol survey during its discussion at the London General Assembly, most notably from Max Fernet, the director of the forensic police in Paris, who saw urban homosexual subcultures as "hotbeds in which criminal viruses incubate."¹⁴¹ Police officials certainly had their reservations about any curtailment of their mandate to maintain public order. The Chilean delegate, for example, argued that it was the police's duty "to protect children and adolescents at any price."¹⁴² However, the Franco-Danish model did focus on the protection of children, and the decriminalization it envisaged was confined to acts in private between consenting adults. There as an observer for the International Society of Criminology, Gibbens praised attending police delegates who acknowledged the limited connection between homosexuality and crime. Although no resolution on homosexuality and crime was adopted in London, Interpol's report was nevertheless an effective endorsement of a wider shift in opinion among the leading forensic experts, whose strategic roles on international advisory boards gave them the power to shape policy from the multilateral level down. Gibbens and Goldenberg, for example, seized the opportunity to counter conservative discourses about sexuality and homosexuality, and they followed Louwage's example in deploying their transnational influence to counteract the anxieties about homosexuality that had haunted postwar societies.

¹³⁹ The age of consent for homosexual relations was fixed at twenty-one in both the Netherlands and France, while in 1929 it was established at eighteen or twenty-one in Denmark according to circumstances.

¹⁴⁰ The first two authoritative articles to appear on homosexuality in Belgium recommended the partial criminalization of homosexuality. See Ley and Marchal, "L'homosexualité"; Massion-Verniory and Charles, "Les aspects médico-psychologiques."

¹⁴¹ Fernet's dissenting and hyperbolic views were published as Max Fernet, "L'homosexualité et son influence sur la délinquance," *RIPC* 14, no. 124 (1959): 14–20, 20.

¹⁴² "Homosexuality and Crime," *ICPR* 13, no. 124 (1958): 321–24, 324.

JET SET LIBERALS: JOINING FORCES ACROSS THE ATLANTIC

The decriminalization of private, consensual homosexuality in Europe remained incomplete for many more years. In the short term, however, strong conceptual and legal distinctions between the dual need for protection of the private sphere and for a strict policing of the public sphere actually motivated a greater crackdown on prostitution, soliciting, and "indecentcy," homosexual or otherwise, in Western European cities. As the summary of parliamentary and police initiatives provided earlier in this article should make clear, the calls to suppress public forms of indecentcy, including homosexuality, seemed to peak during the late 1950s and the early 1960s. However, sympathy for the privatization of morality, which had come to dominate the debate about (homo)sexuality and criminal law in transnational criminological policy institutions, as enshrined in the ECG's 1958 conclusions, signaled a liberalizing trend at the Western European level that was taking on transatlantic proportions during the same period.

The primary effort to liberalize sexual criminal law in the United States in the course of the 1950s was the American Law Institute's (ALI) development of a Model Penal Code (MPC), which was meant to serve as a template for the entire country, where penal provisions varied widely between states. Several of the ALI's members working on the MPC's sex offenses section were also closely involved in state commissions proposing to curb the ineffective and abusive sex psychopath laws.¹⁴³ Paul Tappan, the mutual friend of both Gibbens and Kinsey mentioned previously, was one of them. So was Judge Morris Ploscowe, who taught law at New York University and who was an early advocate of homosexuality's decriminalization among consenting adults.¹⁴⁴ In an enthusiastic review of *Sexual Behavior in the Human Male* in 1948, Ploscowe had argued that Kinsey's "realistic evaluation of human sexual activity" ought to guide the processes of penal unification and reform.¹⁴⁵ He and Kinsey had corresponded amicably since 1943 and greatly appreciated each other's work.¹⁴⁶ Other key drafters of the MPC's language on sexual offenses also acknowledged "the extent of our indebtedness" to Kinsey's research.¹⁴⁷ Several among them, including Tappan and Ploscowe, gradually began to move in international criminological circles toward the end of the decade.

In the wake of the ECG's work two years earlier, the International Society of Criminology's fourth international conference, held in 1960,

¹⁴³ See George, "The Harmless Psychopath."

¹⁴⁴ See Morris Ploscowe, *Sex and the Law* (New York: Prentice-Hall, 1951), 213.

¹⁴⁵ Morris Ploscowe, "Kinsey and the Law," *National Lawyers Guild Review* 8, no. 2 (1948): 367–70, 370.

¹⁴⁶ Morris Ploscowe to Kinsey, January 11, 1944, Kinsey Correspondence.

¹⁴⁷ Schwartz to Kinsey, July 16, 1955, Kinsey Correspondence.

addressed the question of sexual offenses.¹⁴⁸ The plenary session devoted to these offenses was based on the general report written and presented by Tappan. Echoing Gibbens and referencing Kinsey, Tappan stressed that few sexual offenders were actually dangerous, and he concluded that “most sexually deviant behavior that is non-aggressive in character should be considered merely a matter of private morality rather than public law.”¹⁴⁹ Pointing to the fact that “private homosexual relations are not punishable in the Netherlands nor Belgium,” Tappan also cited the Wolfenden Report’s recommendations for Britain and recent changes in Scandinavian countries.¹⁵⁰ The Interpol delegate at the conference recalled that his organization did not oppose partial decriminalization, and despite some resistance, Tappan’s liberal recommendations were adopted in the form of official resolutions.¹⁵¹

US involvement in the transnational debate on the liberalization of sexual criminal law turned into US leadership when the newly founded American section of the International Association of Penal Law (IAPL) proposed that the organization should take up the matter at its Ninth International Conference on Penal Law, which was set to take place in The Hague in 1964.¹⁵² In preparation for the conference, the American section organized a working group at the Rockefeller Foundation’s Villa Serbelloni in Bellagio—now known as the Bellagio Center—on the shores of Italy’s Lake Como in September 1963. Under Ploscowe’s chairmanship and despite the presence of invitees from the Vatican, a sweepingly liberal series of resolutions was adopted at Bellagio that proposed to dramatically shrink the province of the criminal law over a number of sexual matters,

¹⁴⁸ Minutes, in *4^e congrès international de criminologie organisé par un comité néerlandais sous les auspices de la Société internationale de criminologie—4th International Criminological Congress Organized on Behalf of the International Society for Criminology by a Dutch Committee: La Haye 5–11 septembre 1960—The Hague September 5th–11th 1960* (The Hague: Prison Printing Shop, 1960), 186–213. For the conference papers, see Travaux préparatoires, Preparatory Works, in *4^e congrès*.

¹⁴⁹ Paul W. Tappan, “General Report II2: Sexual Offences,” in *Rapports-généraux*, General Reports, in *4^e congrès*, 1–19, 4. For Tappan’s previous writings on sexual crime and recidivism, see Paul W. Tappan, “Sentences for Sex Criminals,” *Journal of Criminal Law, Criminology and Police Science* 42, no. 3 (1951): 332–37.

¹⁵⁰ Tappan, “General Report II2,” 11.

¹⁵¹ Minutes, *4^e congrès*, 516–19.

¹⁵² The American section of the IAPL emerged out of the NYU School of Law’s Comparative Criminal Law Project, established in 1958, with which MPC cooperators, including Tappan, Ploscowe, Louis B. Schwartz, Herbert Wechsler, and Francis A. Allen, were all associated. On the American section’s maneuverings to place sexual criminal law on the IAPL’s agenda, see Association internationale de droit pénal, *Actes du VIII^{ème} congrès international de droit pénal: Lisbonne, 21–27 Septembre 1961* (Paris: Recueil Sirey, 1965). Also see “Eighth Quadrennial Congress of the International Association of Penal Law: Lisbon, September 21–27, 1961: Report to the American Council of Learned Societies,” portfolio 57: “International Association of Penal Law—Conference, Villa Serbelloni. 1962–1963,” box 8, series 100 (International), Record Group 1.2 (Projects), Rockefeller Foundation Archives.

including adultery, the advertisement of birth control measures, artificial insemination, abortion, and homosexuality.¹⁵³

When the IAPL addressed the issue of “offenses against the family and sexual morality” at The Hague the following year, speakers recalled how both the European Consultative Group and the International Society of Criminology had recently spoken out in favor of liberalization.¹⁵⁴ Once again Ploscowe led the discussions, which, despite some pushback against the liberalism of the Bellagio resolutions, proceeded smoothly. When it came to the decriminalization of homosexual relations between consenting adults, for example, the Belgian magistrate Séverin-Carlos Versele asked laconically: “What is the problem?”¹⁵⁵ Ploscowe admitted that he was both “surprised” and “delighted” at the ease with which the resolution on the subject was passed.¹⁵⁶ In the end, and with few amendments, the Bellagio resolutions were all adopted with huge majorities (150 in favor and only 23 against the decriminalization of consensual homosexuality in private).¹⁵⁷ The oldest, largest, most authoritative, and most international NGO concerned with criminal law now officially endorsed the legal liberalization of homosexual sex between consenting adults and prescribed the Franco-Danish model for countries to follow. By the mid-1960s a big step had been taken in the penal turn that accompanied the sexual revolution.¹⁵⁸

CONCLUSIONS

Countering the tendency to depict the long 1950s as an era of undiluted social and sexual conservatism, the evidence I have presented follows Joanne Meyerowitz’s analysis of American developments in finding that “the post-war years were not as conservative as sometimes stated.”¹⁵⁹ As they were

¹⁵³ See Morris Ploscowe, “Report to The Hague Suggested Revisions of Penal Law Relating to Sex Crimes and Crimes against the Family,” *Cornell Law Review* 50, no. 3 (1965): 425–45; Gerhard O. W. Mueller, “Les infractions contre la famille et la moralité sexuelle: Colloque préparatoire de l’Association internationale de droit pénal sur la II^e question à l’ordre du jour du IX^e Congrès international de droit pénal (La Haye, 23–30 août 1964) tenu à Bellagio (Italie), à la Villa Serbelloni, du 8 au 12 septembre 1963,” *Revue internationale de droit pénal—International Review of Penal Law* 35, no. 3–4 (1964): 1065–90.

¹⁵⁴ Actes, Proceedings, in *Neuvième congrès international de droit pénal: Organisé par un comité néerlandais sous les auspices de l’Association internationale de Droit pénal: La Haye, 24–30 août 1964—Ninth International Congress on Penal Law: Organized on Behalf of the International Association of Penal Law by a Dutch Committee: The Hague, August 24th–30th 1964* (The Hague, n.d.), 30 and 47.

¹⁵⁵ Actes, Proceedings, 215.

¹⁵⁶ Actes, Proceedings, 219.

¹⁵⁷ Actes, Proceedings, 425–27.

¹⁵⁸ It is a work in progress to establish the extent of the actual influence that these international bodies had on processes of decriminalization during the late 1960s and 1970s.

¹⁵⁹ Joanne Meyerowitz, “The Liberal 1950s? Reinterpreting Postwar American Sexual Culture,” in *Gender and the Long Postwar: The United States and the Two Germanys, 1945–1989*, ed. Karen Hagemann and Sonya Michel (Baltimore, MD: Johns Hopkins University

in the United States, European attitudes toward homosexuality presented an intriguing mixture of reactionary and reformist trends between the late 1940s and the early 1960s. The developments I have outlined clearly demonstrate that while a gnawing anxiety about sexual deviance and homosexuality did incite repressive responses from police and policy makers, calls for more tolerance and (homo)sexuality's dedramatization gained significant traction well before the late 1960s. Indeed, it was precisely this combination of severity and tolerance, rationalized with reference to the distinction between the public and private spheres, that typified the sexual politics of the long 1950s.

The concept of personal and sexual privacy referred to by Kinsey, Gibbens, the Wolfenden Report, and HOSEX-4731 was key to national and transnational debates about homosexuality in this period. Since sexual privacy was not constitutionally protected in the United States, sexual liberals looked overseas for arguments in favor of shielding the private sphere from the jurisdiction of criminal law. As David Minto has argued, they found them in the British Wolfenden Report, which informed the landmark *Grissold v. Connecticut* decision of 1965.¹⁶⁰ By then, I would add, British and American liberals alike were also inspired by the situation in substantial parts of Western Europe, where the legal concept of sexual privacy was quickly gaining general recognition. The 1957 Wolfenden Report pointed out that "in only very few European countries does the criminal law now take cognizance of homosexual behavior between consenting adults in private."¹⁶¹ Indeed, in all countries with a strong Napoleonic tradition in penal law, including France, Italy, the Netherlands, and Belgium, the principle of "murer la vie privée," which enshrined the principle of insulating private life from legal interference, had long been an inviolable cornerstone of juridical logic. As the first Belgian criminological article on homosexuality from 1955 stated matter-of-factly, Belgian legislators, like their counterparts in several other countries, "make a point out of being unconcerned with individual morality and do not want to intervene in the private lives of their citizens."¹⁶²

American and British observers referred more commonly to Scandinavian than to other Continental nations in making the case for change because Sweden had only recently decriminalized homosexuality among consenting adults while enacting a raised age of consent for homosexual relations. The

Press; Washington, DC: Woodrow Wilson Center, 2014), 295–317, 295. Also see Nick Thomas, "Will the Real 1950s Please Stand Up? Views of a Contradictory Decade," *Cultural and Social History* 5, no. 2 (2008): 227–35; and the contributions to Heiko Feldner, Claire Gorrara, and Kevin Passmore, eds., *The Lost Decade? The 1950s in European History, Politics, Society and Culture* (Newcastle upon Tyne: Cambridge Scholars, 2011).

¹⁶⁰ David Minto, "Perversion by Penumbras."

¹⁶¹ Home Office, Scottish Home Department, *Report of the Committee on Homosexual Offences and Prostitution* (London: Her Majesty's Stationery Office, 1957), 24. See also appendix 3 of this report for an overview of existing legislation in European countries.

¹⁶² Ley and Marchal, "L'homosexualité," 338.

country therefore offered a good example for the implementation of the so-called Franco-Danish model. Denmark had abolished the punishment of “unnatural fornication” in 1933 and had since become internationally influential by institutionalizing the treatment of (homo)sexual offenders as a medical condition rather than a criminal affair. That legally mandated castrations of sex offenders were carried out in Danish and Dutch asylums for the criminally insane makes clear enough that the transition away from a criminal model of homosexuality had a dark side.¹⁶³ Regardless, on his travels through Europe in 1955, Kinsey was deeply impressed by Scandinavians’ generally open attitude to sexuality, their legal (if not social) tolerance for homosexuality between consenting adults in private, and their comparatively lenient approach to police enforcement.¹⁶⁴ On the whole, the more liberal policies in much of Western Europe served as a model for Anglo-American reformers, including Kinsey.

As this article—part of a wider research project on postwar homophobia and the globalization of sexuality as a policy issue—has shown, transatlantic dialogue about (homo)sexuality and criminal law was synergistic rather than unidirectional. Europe did not simply import homophobia from the United States, nor did the United States import sexual liberalism from Europe. Louwage’s concern with sexual deviance reveals not only that international developments were important shapers of policy in individual countries but also that national and local developments did much to place the issue of homosexuality on the agenda of transnational organizations like Interpol. Gibbens’s contributions were examples of the enormous influence of the American sexual psychopathy debate and more particularly of the thinking and advocacy of Alfred Kinsey. By focusing on the actions of a handful of influential figures like Louwage and Gibbens, I have illustrated the historical importance of individual actors and their agency in an effort to counter narratives that attribute mentality shifts to anonymous structures, movements, and discourses, especially where international organizations are concerned.

¹⁶³ George Stürüp was the leading Danish authority on and proponent of castration “therapy.” See, for example, Georg K. Stürüp, “Les délinquants sexuels et leur traitement au Danemark et dans les autres pays scandinaves,” *International Review of Criminal Policy* 4 (1953): 1–19; and Stürüp, “Sex Offenses: The Scandinavian Experience,” *Law and Contemporary Problems* 25, no. 2 (1960): 361–75. Kinsey and Stürüp corresponded and visited each other, but Kinsey took a dim view of “therapeutic” castration, and there is clear evidence of tension in their relationship. See Stürüp to Kinsey, 4 March 1956, Kinsey Correspondence. See also folder 1: Notes on His European Trip of Late 1955 by Dr. Kinsey at Staff Meetings, 5–8, box 1, series 1, Kinsey Archival Collection. In the Netherlands some four hundred sex offenders were legally castrated between 1938 and 1968. See Theo van der Meer, “Voluntary and Therapeutic Castration of Sex Offenders in the Netherlands (1938–1968),” *International Journal of Law and Psychiatry* 37, no. 1 (2014): 50–62.

¹⁶⁴ Notes on His European Trip, 1–5. On Kinsey’s travels in Europe, also see Jonathan Gathorne-Hardy, *Sex the Measure of All Things: A Life of Alfred C. Kinsey* (Bloomington: Indiana University Press, 1998), 420–29; James H. Jones, *Alfred C. Kinsey: A Life*, 2nd ed. (New York: Norton, 2004), 753–58.

What emerges from this detailed investigation of specific actors is a clearer understanding of the influence wielded by relatively small groups of assertive advocates who enjoyed access to the prestigious multilateral policy bodies of the early postwar era, which had strongly overlapping memberships and which still often operated as an old boy network.

Despite my general insistence that the 1950s should not be characterized simply as an era of homophobia and sexual repression, it is nevertheless clear that the policy developments of this decade followed a discernible trajectory. As Louwage's writings demonstrate, the decisions of police officials and policy makers in the late 1940s and early 1950s were characterized by a fear of social disruption and a desire for moral restoration in which homosexual seduction and moral corruption of the young figured as both a real and imagined threat. By the mid-1950s, however, more liberal ideas had begun to circulate and dominate within transnational organizations like Interpol, leading to a significant moderation of the danger that was thought to emanate from sexual and particularly homosexual deviance. As Chris Waters has described for the British case, this change was facilitated by an increasingly sociological and less psychopathological approach to homosexuality (even though both continued to coexist).¹⁶⁵ This sociological discourse was far less alarmist in tone and sought to calm inflated fears about the sex offender threat. It motivated demands for sweeping liberal reform to sexual criminal law emanating from high-profile international institutions and law enforcement agencies like Interpol. This constituted a watershed moment insofar as it marked a turn toward arguments for decriminalization within an international community of experts, a turn that foreshadowed the wave of legislative actions undertaken at the national level some years later (of which the 1967 Sexual Offences Act in Britain offers a landmark example). At the same time, it should be noted that accepting decriminalization in the private sphere, at least in principle, was accompanied by a clampdown on all public and socially undesirable manifestations of indecency, including the supposed homosexual corruption of minors. The liberal triumph of the Franco-Danish model during the late 1950s and the early 1960s thus paradoxically went hand in hand with intense public and political reactions in Western Europe against a postwar culture of perceived profligacy and its moral corruption of the young. The long 1950s were indeed a cacophony of transformative dissonance.

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¹⁶⁵ Chris Waters, "The Homosexual as a Social Being in Britain, 1945–1968," *Journal of British Studies* 51, no. 3 (2012): 685–710.

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