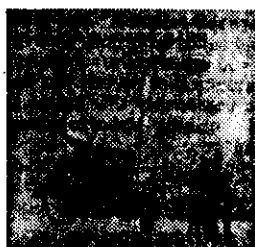


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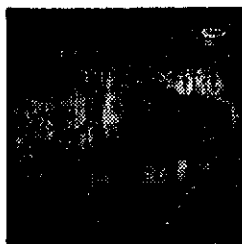
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Sex Outside the Law

THE Report of the Committee on Homosexual Offences and Prostitution, known as the Wolfenden Report, had a lively reception in England last year. Its recommendations on homosexuality aroused most interest and criticism. Public opinion polls indicated that more than half the people were against the major change proposed. The Committee had recommended that the criminal law should not be applied to offences between consenting adults of either sex when performed in private. It was a proposal too far in advance of public opinion. Yet the approving minority, which included churchmen and intellectual leaders of all kinds, was surprisingly large. There can be little doubt that the Report, a liberal and courageous document, is the beginning of a new campaign against the law's confusions.

In New Zealand, where public attitudes are at least as severe as in England, the Wolfenden Report made little impression. Extracts and summaries were cabled to the newspapers, but were received generally without comment. In legal and academic circles, no doubt, it is being studied. Yet the present need is for more than that: the ideas embodied in the report should pass into wider discussion. The emotional climate in New Zealand cannot be said to favour such an enterprise. So many inhibitions have grown up around the whole subject of sex that rational treatment is rare and difficult. Yet the plain truth is that there can be no advance in social thinking until we are all a little clearer in our minds about the facts beyond our attitudes. We may turn away from homosexuality with repugnance, or deplore it as a perversion. But how many of us know what it really is, or what it may mean in lives different from our own?

Special problems raised by the Report are examined in a small but valuable book* which carries a blessing from Sir John Wolfenden himself. There is much in it—as in the Report also—which may shock unprepared minds. "Every human being," says the author, "is

born, not only with a propensity to homosexuality, but to all sexual perversions as well as to incest, murder and suicide." These tendencies are strongest in infancy, and become weaker as we grow older. "The raw material of the infantile mind is worked over by training and environment and the finished product should be an adult whose behaviour is acceptable to the kind of society to which he belongs." But sometimes the balance fails: a propensity with a strong backing from heredity may produce a man or woman whose conduct, "natural" to themselves, is condemned by normal people. These cases have occurred since the world began. If they endanger other people, and especially the young, society must intervene; but in fact the law makes no distinction, and certain actions are harshly punished. The Wolfenden Report takes the view—endorsed by eminent churchmen—that crime and sin are not necessarily synonymous.

It is not easy to put aside the repugnance caused by even the mildest forms of homosexuality. We see them as an offence against nature—our nature, that is—and are unwilling to look too closely at an uncomfortable subject. The Wolfenden Committee successfully overcame these instinctive reactions. It worked throughout with a utilitarian motive. "If it could be proved that the behaviour of an individual was socially injurious, he or she must be restrained." Beyond this area of necessary restraint the Committee found conduct that brings many thousands of people to shame and misery—not because it harms any living creature, but because for society as a whole it is "unnatural," and therefore wicked. It may be a long time before Britain accepts some of the recommendations in the Wolfenden Report (though in doing so it will merely come into line with some entirely respectable countries in Europe), and longer still before the law is humanely reformed in New Zealand. But even that distant prospect will elude us until we put aside our fears and hates and listen with open minds to the evidence on sexual experience.

—M.H.H.

N.Z. LISTENER, JULY 25, 1958.

* *LIVE AND LET LIVE, the Moral of the Wolfenden Report*, by Eustace Chessier; Heinemann, N.Z. price 3/6.