

***Victim: a Study of the Place of British Cinema in Social
and Legal Reform***

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Statement of originality

This is to certify that, to the best of my knowledge, the content of this thesis is my own work, and I have acknowledged all sources. This thesis has not been submitted for any degree or other purposes.

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Abstract

During the 1960s, Britain underwent seismic cultural, social, and legal change. This change was reflected in British cinema of the “Swinging Sixties” and beyond, but I believe its origins are evident in the cinema of Britain after World War 2 and throughout the 1950s. This thesis examines the links between the cultural, social, and legal changes of the 1950s and 60s, and certain British films of the era that relate to them. It focuses on one particular issue: homosexual law reform, and a number of relevant films, the key one being *Victim* (1961, Dearden).

Contents

Statement of Originality	2
Abstract	3
Contents	4
Chapter 1: Introduction: Staring into a Void?	6
Structure and Methodology.....	8
Perceptions of the 1950s.....	9
A Similar View of British Cinema?.....	12
The “Golden Age” of the 40s and the “Swinging” 60s.....	15
A Society under Review.....	20
Conclusion.....	23
Chapter 2: Britain in the 1950s: from Queuetopia to Utopia?	24
The Social and Political Legacy of the Second World War.....	25
A Better Future?.....	30
Implementing Beveridge.....	32
Employment.....	35
The National Health Service.....	36
Housing.....	39
Education.....	42
The New Jerusalem.....	45
The End of Rationing.....	46
The Festival of Britain and the Coronation.....	48
Emerging Social Issues.....	49
Background to Homosexuality and the Criminal Law in Britain.....	51
Homosexuality in Britain in the 1950s.....	54
Summary.....	59
Chapter 3: <i>Victim</i> and Homosexual Law Reform	62
The “Social Problem” Films.....	63
Homosexuality and the <i>Wolfenden Report</i>	67
Homosexuality in British Cinema from the 1950s to the Early 1960s.....	74
<i>Victim</i>	83
<i>Victim</i> ’s Impact.....	94
Homosexual Law Reform and the <i>Sexual Offences Act 1967</i>	99
Conclusion.....	103
Chapter 4: Conclusion	104
Film and Social Change.....	105

References:

Bibliography	110
Filmography	119

Chapter 1: Introduction:

Staring into a Void?

*... staring at British cinema in the 50s is like staring into a void.*¹

This harsh assessment of an entire decade of British film production was made by Geoff Brown, author, and film critic for the *Times*. It represents a reasonably common view of British cinema of the 50s, which persisted at least until the 1990s, when film scholars began to reassess the period.² Among these revisionists are Sue Harper and Vincent Porter, who, writing in 2003, made the point that British cinema of the 1950s has been “neglected,” because the decade itself is “widely perceived as being a ‘dull’ period.”³ As evidence, they quote the British critic and filmmaker Lindsay Anderson, who called the decade “a ‘hack’ period... a long period of marking time,”⁴ and they note that the editors of the British journal *Movie* regarded the 1950s as “dead.”⁵ But Harper and Porter disagree. They see the 1950s as “essentially a period of transition for the British film industry.”⁶ In their survey of the British film industry in the 1950s, they seek to show that the 1950s was a period of struggle between older and newer artistic forms, and a time when class distinctions were becoming less significant and the aristocracy lost much of its potency as a symbolic force in cinema: hence the subtitle of their book *British Cinema of the 1950s* is *The Decline of Deference*.⁷

¹ Geoff Brown, “Paradise Found and Lost: The Course of British Realism” in Robert Murphy, ed., *The British Cinema Book*, 1st ed. (London: British Film Institute, 1997), 193. The quotation is slightly altered in the current, 3rd, edition (London: British Film Institute, 2009), 32, to read “... staring at *much* British cinema in the 50s is *indeed* like staring into a void,” (my emphases). All other references to Murphy, *The British Cinema Book*, are to the 3rd edition.

² Including, notably, Ian MacKillop, and Neil Sinyard, eds., *British Cinema of the 1950s: A Celebration* (Manchester: Manchester University Press, 2003); Christine Geraghty, *British Cinema in the Fifties: Gender, Genre and the ‘New Look’* (London and New York: Routledge, 2000); and Sue Harper and Vincent Porter, *British Cinema of the 1950s: The Decline of Deference* (Oxford: Oxford University Press, 2007).

³ Harper and Porter, *British Cinema of the 1950s*, 1.

⁴ Quoting Brian McFarlane, *An Autobiography of British Cinema* (London: Methuen, 1997), 9.

⁵ V.F. Perkins (on behalf of the editorial board), “The British Cinema”, *Movie* 1 (June 1962): 3, quoted in Harper and Porter, *British Cinema of the 1950s*, 1.

⁶ Harper and Porter, *British Cinema of the 1950s*, 1.

⁷ *Ibid.*

For this thesis, I have chosen the same starting-point as Harper and Porter, but I am not concerned with the breakdown of “the old patterns of social deference.”⁸ I am more concerned with the social and political changes that followed the 1950s, which resulted in significant law reform. I seek to examine the impact of cinema on the British social and political issues of the 1950s, and the changes that followed in the 1960s. I do that by focussing on the developing area of homosexual law reform, and its connection to the film *Victim* (1961, Dearden).⁹ I seek to add another argument to the rebuttal of claims that films of the 1950s are unimportant, insignificant, and represent a void in the history of British cinema. I argue that films such as *Victim* have great importance, not only as works of cinematic merit, but also, through their engagement with social issues of the time, that they made a contribution to the reform of unjust laws. I argue that by engaging with the cinemagoing public, and highlighting the injustice of the laws which criminalised homosexual acts and facilitated blackmail, *Victim* is entitled to recognition as a possible agent of law reform.

In this thesis, I look outside the strict confines of a ten-year decade, and include the last few years of the 1940s and the first few of the 1960s. In doing this I am following the lead of scholars such as Geraghty who, in her book *British Cinema in the Fifties: Gender, Genre and the 'New Look,'* takes the 1950s to include the period from the war's end in 1945 to the early 1960s. For Geraghty,

... it is crucial to take into account the post-war settlement, which continued to shape ideas, understandings and attitudes well into the 1950s; in the cinema too, the impact of the stars, genres and narrative forms of the 1940s can still be felt. Similarly, by extending 'the fifties' for my purposes up to about 1963, I am seeking to pursue some of the themes and issues that arise in the early and mid-1950s even when they persist into the early 1960s.¹⁰

This time frame is especially relevant to the main issue of concern in this thesis: social and political change concerning homosexuality and the laws which made homosexual relations a crime. The film *Victim* opened to the public at the Odeon, Leicester Square, London on 31

⁸ Ibid.

⁹ All film years specified are the copyright year of the film unless otherwise noted.

¹⁰ Geraghty, *British Cinema in the Fifties*, xiv. This approach was also taken in Alison Platt, “Boys, Ballet and Begonias: *The Spanish Gardener* and its Analogues” (see note 1) in MacKillop and Sinyard, *British Cinema of the 1950s*, 109.

August 1961,¹¹ and it marked a turning-point in the process of change. Legal reform would not follow until 1967, but the process of social change had begun much earlier.

Structure and Methodology

For the balance of chapter 1, I look more closely at the erroneous perception that British cinema of the 1950s was lacking in merit or importance, and that this was emblematic of a dull and boring society, in which nothing worthwhile happened. In chapter 2, I take a step back, to look at British society as it emerged from the perils of World War 2, and subsequent events, including the development and advent of the new “Welfare State,” which began a process of improvement of the British way of life. There I examine a broad selection of the significant historical and cultural events of the decade in order to ground my argument that it was not mere coincidence that certain films examining various social issues – and *Victim* in particular – came to be made when they were. My argument is that British society was changing, and with that change came a public consciousness which involved a willingness to pause and consider social issues and legal reform. This provided the opportunity for certain socially-conscious filmmakers to present to the public the injustice of the issues which concerned them, and through the mass-medium of cinema, influence public thinking and debate about those matters.

In chapter 3, I examine a group of films (known as the “social problem films”) which dealt with issues of concern to the British at the time. Some of these issues would eventually involve reform of the existing laws. I focus on one area which would undergo significant legal reform – homosexual law reform – culminating in the eventual “decriminalisation” of homosexual acts between consenting adults. I describe the effect of the relevant laws at the end of World War 2 (laws which had not been reviewed for a century). I then examine the events which led to the government in 1954 appointing a departmental committee – the Wolfenden Committee – to report on the possibilities for law reform. I describe how the government, despite having the Wolfenden Committee’s report by 1957, was still reluctant to legislate to reform the law prohibiting homosexual acts. This delay would continue for another ten years, until the passing of the *Sexual Offences Act 1967*. Then, I consider a small group of films which emerged during this crucial period of hiatus: films which dealt with homosexuality or portrayed homosexual characters, including most notably the film *Victim*. I

¹¹ John Coldstream, *Victim* (BFI Film Classics series) (London: Palgrave Macmillan, 2011), 89, 91.

have selected *Victim* as the crucial film to study in this thesis because of its importance as a one of the earliest films to deal seriously with issues of homosexuality, and because there is evidence that *Victim* may have played a role in achieving the reform of the law. After presenting this evidence, and offering an analysis of the style and structure of *Victim* as it relates to the aims and intentions of the filmmakers (including the significance of the casting of its star, Dirk Bogarde), I describe the impact that *Victim* had on audiences and critics, both contemporary and subsequent. Finally, chapter 3 considers the reactions of the public and the legislators, the moves towards law reform, and the eventual passing of the *Sexual Offences Act 1967*. I conclude my thesis, in chapter 4, by asking the question: is it possible to measure the effect of cinema on social and legal reform?

In this thesis, I intend to show that the 1950s in Britain was a time of critical social, cultural, and political change, and that this change was reflected in the cinema of the period. Far from being a time during which nothing happened, I intend to show that the origins of change can be located in certain developments in the 1950s, and that the social revolution, and the sense of liberation and freedom that are now synonymous with the 1960s, can be traced back to the events of the 1950s. Importantly, I argue that certain films produced in Britain in the later 1950s and early 1960s not only prefigure the social change and legal reforms that were to come to fruition in the late 1960s, but that they may have provided a crucial impetus for those changes.

To bring those social and legal changes into high relief, it is essential to start from an accurate historical perspective, which I seek to do in chapter 2. However, by way of introduction, I have selected some of the common recollections of the era by prominent persons. These are individual accounts and impressions, to be sure, but what they share points to what I argue is a common impression, indeed a misperception, of the 1950s.

Perceptions of the 1950s

The 1950s have often been regarded as dull and drab – as a time when nothing had really changed from the pre-war days. Jonathan Miller observed that: “England was stuck in the thirties until the sixties.”¹² Bob Morris, a senior civil servant in the Home Office, described

¹² Interviewed in 1999 by Joan Bakewell for her *My Generation* series broadcast on BBC2, 4,11, and 18 June 2000. Quoted in Peter Hennessy, *Having it So Good, Britain in the Fifties*, (London: Allen Lane, 2006), xiii.

early-fifties Britain as, “a right, tight, screwed-down society walled in in every way.”¹³

According to Frederick Prokosch, Hannah Arendt, the German political theorist, detested the world of the 1950s. In *Voices, a Memoir*, Prokosch records having a conversation with Arendt one autumn evening in New York City, after she had given a lecture on the 19th century. He asks her what she thinks of the 20th century, and then what she thinks of W.H. Auden. She links her dislike of the decade to her reservations about Auden’s poetry during this period, remarking: “These are the Fifties, you know. The disgusting, posturing fifties. His poems have lost their truth in the very process of announcing the truth.”¹⁴

To her criticism of the decade generally, Arendt added her specific criticism of England in the 1950s. In 1952, while visiting London, she wrote to her husband:

... England: the most *civilised* country on earth, but also the most boring! A dull blanket of fear lies over the country, which is softened, though, by the fact that they’ve been eating too little for such a long time that they barely notice the difference anymore. And yet it’s almost unbelievable. Not just what the shops look like – groceries and so on, everything scarce, everything of bad quality (which is quite new for this country) – but also this genius to make life uncomfortable. Everything is set up as if expressedly to make life difficult, or at least to challenge you to muster so much cheerfulness that everything can be overcome.¹⁵

In 2000, the playwright David Hare, remembering his youth in the 50s said: “Nobody could imagine how dull things were and how respectful people were and how dead they were from the neck up.”¹⁶ In saying this, he may have been making an unconscious reference to some dialogue from the British “New Wave” film *Saturday Night and Sunday Morning* (1960, Reisiz), in which the anti-hero, Arthur Seaton, says of his parents: “They’ve got a television set and a packet of fags but they’re both dead from the neck up.”¹⁷ In 2004, Hare continued this theme: “For most of us,” he said, returning to the 1950s “would represent a return only to repression,

¹³ Addressing the “Hidden Wiring” seminar of the *Master of Arts in Twentieth Century History* program at Queen Mary University of London, 22 Mar. 2006. Quoted in Hennessy, *Having it So Good*, 5.

¹⁴ Frederick Prokosch, *Voices: A Memoir* (New York: Farrar, Straus, Giroux, 1983), 295. Prokosch does not record the date of the conversation.

¹⁵ Lotte Kohler, ed., *Within Four Walls: The Correspondence between Hannah Arendt and Heinrich Blucher 1936-1968* (New York: Harcourt Inc, 1996), 195.

¹⁶ *Times*, 9 Sept. 2000, quoted in David Kynaston, *Family Britain 1951-57* (London: Bloomsbury, 2009), 530.

¹⁷ The book *Saturday Night and Sunday Morning* by Alan Sillitoe was first published in 1958 (London, W.H. Allen, 1958).

to hypocrisy and to a kind of willed, pervasive dullness which is the negation of life.”¹⁸ Similarly, the journalist and author Lynn Barber called the 1950s “the worst of times,” nominating “the most exciting event of the Fifties” as “the advent of the Birds Eye Beef Frozen Dinner for One.”¹⁹

These are personal perceptions which do not present a complete view of the decade, and there is a marked distinction between a contemporary account and a scholarly reappraisal. Nevertheless, even in the more objective accounts, as the historian Peter Hennessy points out, one’s view of the past will often depend on one’s point of comparison:

Fifties Britain tends to be viewed through early-twenty-first-century eyes as stuffy and staid, but for [Prime Minister Harold] MacMillan’s and [Archbishop Geoffrey] Fisher’s generation, their standard of a tranquil, self-ordering society was that of pre-1914 England. Or, in Macmillan’s case, Scotland.²⁰

The novelist and historian Peter Vansittart makes this point too, in his memoir of life in Britain in the 1950s, written in 1995. He describes his account as neither autobiography nor academic survey, “but rather an impression of how life seemed to me in the fifties, somewhat influenced by how it seems to me now.”²¹ He writes:

As the Fifties recede, I realize how subjective my view is. As I write, Sir Peter Hall, on television, is castigating ‘the miserable Fifties,’ dominated by class and public school, the Theatre still wilting under censorship, society oppressed by sexual obscurantism, all primed for the joyous liberations of the Sixties.²²

But Vansittart presents a view of the decade that differs from the personal recollections quoted earlier. He emphasises – as the title of his chapter 7 indicates – the decade’s mix of “Optimism and Nostalgia,” whilst always remaining conscious of the potential for impressions to be corrupted by personal perspectives. By presenting a personal memoir of the events and characters of the decade, he seeks to refute the view that the 1950s were a featureless decade,

¹⁸ *Guardian*, 30 Oct. 2004, quoted in Kynaston, *Family Britain*, 530.

¹⁹ *Independent on Sunday*, 28 Feb. 1993, quoted in Kynaston, *Family Britain*, 531.

²⁰ Hennessy, *Having it So Good*, 517.

²¹ Peter Vansittart, *In the Fifties* (London: J. Murray, 1995), 1.

²² *Ibid.*, 200.

“often dismissed as a mere prelude to the Sixties.”²³ His book is a less a general recollection of the times, and more a recitation of specific incidents and individuals, all of which amount to a portrait of a decade marked not only by optimism, but also by a “Revolution of Rising Expectations.”²⁴ Similarly, in this thesis I seek to present an alternative view of the decade, as one of transition, in which circumstances arose that allowed British society to begin to address certain social issues, eventually leading to significant social change.

Because personal recollections can vary, whether diluted by the effluxion of time, or skewed by personal circumstances, it is important to look in detail at the actual events of the decade, to develop a cultural and social context for the era, which I attempt to do in chapter 2. There, as mentioned earlier, I examine certain aspects of 1950s society and politics, commencing with a consideration of the legacy of World War 2, and continuing through the implementation of various key elements of the Welfare State, including employment, the National Health Service, housing, and education, in order to provide support for my argument that circumstances prevailing in the 1950s provided the precise conditions for British society to be susceptible to ideas of, and proposals for, social change, and eventually legal reform.

A Similar View of British Cinema?

If this perception of the decade itself is accurate, even to some degree, is there a similar general view of the cinema of the time? I began by quoting Geoff Brown’s view that British cinema of the 1950s was a void. He was not alone in taking a negative view of British film production of the period. Perhaps the most famous criticisms of British cinema in general were made in the late 1950s and early 1960s, when both Jean-Luc Godard²⁵ and François Truffaut questioned the very existence of British cinema. Truffaut even suggested (in his famous 1962 interview with Alfred Hitchcock) that the words “British” and “cinema” were simply incompatible. He continued: “I get the feeling that there are national characteristics - the English countryside, the subdued way of life, the stolid routine - that are antidramatic in a sense. The weather itself is anticinematic.”²⁶ And Truffaut ended his review of the 1956

²³ Ibid., 1.

²⁴ Ibid., 99.

²⁵ Various criticisms from Godard are quoted in Michael Witt, *Jean-Luc Godard, Cinema Historian* (Bloomington, Indiana: Indiana University Press, 2013), 142-144.

²⁶ François Truffaut, *Hitchcock* (London: Secker & Warburg, 1968), 100.

Venice Film Festival by writing: "No British films have been accepted because British cinema is dead."²⁷

However, the French deprecation of British cinema of the times was possibly even exceeded by British critics. MacKillop and Sinyard, in the introduction to their book *British Cinema of the 1950s: A Celebration*, describe the 1950s as "perhaps the most derided decade in British film history." They cite prominent film critic-turned-film-maker of the time, Lindsay Anderson, as saying:

To counterbalance the rather tepid humanism of our cinema, it might also be said that it is snobbish, anti-intelligent, emotionally inhibited, wilfully blind to the conditions and problems of the present, dedicated to an out of date, exhausted national idea.²⁸

They also record that Roy Stafford collected the following representative reactions to British cinema, published in the *Journal of Popular British Cinema*: "'timid,' 'complacent,' 'safe,' 'dim,' 'anodyne' ... 'the doldrums era'."²⁹

According to MacKillop and Sinyard, British cinema of the 1950s "is commonly characterised as the era in which the national cinema retreated into quaintly comic evocations of community or into nostalgic recollections of the war,"³⁰ with its films being generally "stigmatised as conservative and dull."³¹ Yet Harper and Porter insist that the 1950s "... was not a dull period, in which only war or comedy films were made."³² There is no doubt that those two genres were extremely popular in the 1950s, whether financed by the United States or domestically. Ryall notes that: "many of the US-financed films were large budget historical spectacles while the dominant domestic genres during the period were comedies such as the high-profile Ealing titles and a number of combat films."³³ He points out that though many of the Ealing Studios films have subsequently garnered wider critical attention, other films were more successful at the box office. Home-grown comedy films such as *Genevieve* (1953,

²⁷ Truffaut, writing in the weekly journal *Arts-Lettres-Spectacles* (Paris: 1956), 583, quoted in Leila Wimmer, *Cross-Channel Perceptions: The French Reception of British Cinema* (Bern: Peter Lang, 2009), 129.

²⁸ MacKillop and Sinyard, *British Cinema of the 1950s*, 1-2.

²⁹ Roy Stafford, "'What's Showing at the Gaumont?': Rethinking the Study of British Cinema of the 1950s," *Journal of Popular British Cinema* 4 (2001): 95-111.

³⁰ MacKillop and Sinyard, *British Cinema of the 1950s*, 2.

³¹ *Ibid.*

³² Harper and Porter, *British Cinema of the 1950s*, 2.

³³ Tom Ryall, "The British Cinema: Eras of Film," in Martin Conboy and John Steel, eds., *The Routledge Companion to British Media History* (Hoboken: Taylor and Francis, 2014), 399.

Cornelius)³⁴ and the *Doctor* series, beginning with *Doctor in the House* (1954, Thomas), achieved significant box office receipts. Depending on the source of figures, *Genevieve* was either the third or fourth top-grossing picture at the British box-office in 1953.³⁵ *Doctor in the House* was either the first or second most popular film in Britain in 1954, and the other films in the series were either as popular or almost as popular.³⁶ Films recalling World War 2, such as *The Cruel Sea* (1952, Frennd) and *The Dam Busters* (1955, Michael Anderson) were also very successful at the box office.³⁷ Given the great popularity of these films, it is only logical that the common perception of this decade of cinema seems to be that it involved only a proliferation of historical romps, stiff-upper-lip World War 2 dramas, and frivolous comedies such as the *Doctor* series, interspersed with a few of the now more critically-appreciated Ealing comedies, such as *The Man in the White Suit* (1951, Mackendrick), *The Lavender Hill Mob* (1951, Crichton), and *The Ladykillers* (1955, Mackendrick).

Moreover, British cinema of the 50s has been particularly harshly judged in comparison with the decades that came before and after it. As Harper and Porter have pointed out: "...it is widely perceived as being a dull period – an interregnum sandwiched between the inventive 1940s and the exciting 1960s."³⁸ Is this an accurate picture of the decade? Are the British films of the 1950s dull, drab, silly, unremarkable, or insignificant, especially when compared to the so-called "Golden Age" of British cinema in the 1940s, and the fresh and vital realism of the "British New Wave" films of the late 1950s and early 1960s?

Two films made by J. Arthur Rank, Britain's principal film producer and chief cinema owner during the 1940s and 50s, provide a basis for the widely-held view of the British cinema of the era as "'timid', 'complacent', 'safe', 'dim', 'anodyne.'"³⁹ *Genevieve* (1953, Cornelius) and *As Long As They're Happy* (1955, Thompson) are both comedies that were considered charming, funny, and well-crafted, and were very popular at the time. As noted earlier, *Genevieve* was either the third or fourth top-grossing picture at the British box-office in 1953.⁴⁰ *As Long As They're*

³⁴ The date of each film referred to in this thesis is its copyright date, unless otherwise indicated.

³⁵ John Howard Reid, *Top-Grossing Pictures at the British Box Office, Film Index No 32* (Woyong, Australia: John Howard Reid, 1997?), 26 (*Genevieve* listed at no. 3 in terms of "box office receipts"); Harper and Porter, *British Cinema of the 1950s*, 249 (*Genevieve* listed at no. 4 in terms of "box office popularity" based on information from *Kinematograph Weekly*, 17 Dec. 1953).

³⁶ Reid, *Top-Grossing Pictures*, 27, 28, 30, 33; Harper and Porter, *British Cinema of the 1950s*, 249.

³⁷ Ryall, "The British Cinema: Eras of Film," 399; Reid, *Top-Grossing Pictures*, 26, 28; Harper and Porter, *British Cinema of the 1950s*, 249.

³⁸ Harper and Porter, *British Cinema of the 1950s*, 1.

³⁹ Stafford, "'What's Showing at the Gaumont?,'" 95-111.

⁴⁰ Reid, *Top-Grossing Pictures*, 26; Harper and Porter, *British Cinema of the 1950s*, 249.

Happy did not do as well as *Genevieve* at the box-office (it was outside the top twelve films based on box-office receipts for 1955),⁴¹ but it had been adapted from a popular London stage play, and it was one of the many popular British films of 1955: according to the annual survey of box-office done by *Kinematograph Weekly*, twenty out of the fifty-one best performing films based on ticket sales in 1955 were British.⁴² Both films have top-quality casts and feature attractive musical scores or songs. *Genevieve* is probably the best-remembered today, most likely because its star was a vintage car: a 1904 Darracq. Both films are replete with nostalgia, and in the case of *As Long As They're Happy*, in-jokes and name-checks of the time. But neither could be described as particularly exciting or important. They are, as author and film critic Keith Howes has remarked about Rank's output in the 50s: "Middle class, complaisant,⁴³ unquestioning... summed up in the title *As Long As They're Happy*."⁴⁴

These anodyne qualities, it seems, were intentional. Both films are emblematic of what the Rank Organization was trying to achieve at the time. As the new manager of Rank's film business, John Davis, remarked in a 1958 paper for the National Provincial Bank Review: "The aim is to make films of high entertainment value, of good technical standards, in good taste, and with sound moral standards."⁴⁵ J. Arthur Rank himself was a devout Methodist. He had always promoted family (and British) values in his films, and his aim had always been to: "...offer through the medium of cinema theatres, healthy entertainment under ideal conditions for all members of the family."⁴⁶

The "Golden Age" of the 40s and the "Swinging" 60s

The 1940s are often referred to as the "Golden Age" of British cinema. In his survey of the various eras of British film-making for *The Routledge Companion to British Media History*, Ryall suggests why:

The paradigmatic 'era' in British film history is the 1940s, a decade with a widely perceived coherence deriving from the historical event of the Second World War and its

⁴¹ Reid, *Top-Grossing Pictures*, 28.

⁴² "Profitable Films. British Successes," *Times*, 15 Dec. 1955, 5, Times Digital Archive. Web. 13 Apr. 2017.

⁴³ In the sense of "willing to please."

⁴⁴ Email from Keith Howes to Michèle Asprey, 8 Oct. 2015.

⁴⁵ Quoted in Vincent Porter, "Methodism versus the Marketplace: The Rank Organisation and British Cinema," in Murphy, *The British Cinema Book*, 270.

⁴⁶ *Odeon Theatres, Annual Report to 23 June 1951*, p 6, quoted *ibid.*, 269.

aftermath, together with a high degree of critical enthusiasm for the films of the period among both contemporary critics and subsequent commentators.⁴⁷

Ryall also mentions other factors: that many of the key films were made by well-established playwrights such as Anthony Asquith and Noel Coward, and that the Rank Organization had swallowed up smaller production companies to form an efficient Hollywood-style “conglomerate.”

The 1940s were the time of the early Ealing comedies, such as *My Learned Friend* (1943, Dearden and Hay), *Hue and Cry* (1946, Crichton), and the decade ended with the celebrated trio of Ealing Studios films from 1949: *Kind Hearts and Coronets* (Hamer), *Passport to Pimlico* (Cornelius) and *Whiskey Galore!* (Mackendrick), films which could be said to mark the beginning of the most renowned era of Ealing comedies. According to Duguid, this trio of films served to “define the studio’s new direction.”⁴⁸

The 1940s also marked the most successful and influential period of Michael Powell and Emeric Pressburger, who produced an extraordinary series of films that included the instant classic *The Red Shoes* (1948), but also *49th Parallel* (1941), *...One of Our Aircraft is Missing* (1942), *The Life and Death of Colonel Blimp* (1943), *A Canterbury Tale* (1944), *I Know Where I’m Going!* (1945), *A Matter of Life and Death* (1946),⁴⁹ *Black Narcissus* (1947), and *The Small Back Room* (1949).⁵⁰ In fact, some make the case for the “Golden Age” of British cinema to be confined to the years 1944-1949.⁵¹ Those years also produced masterpieces such as David Lean’s *Brief Encounter* (1945), *Great Expectations* (1946) and *Oliver Twist* (1948) and the great British films noirs *Brighton Rock* (1947, Boulting)⁵² and *The Third Man* (1949, Reed). The case for the brilliance of British film making in the 40s is easy to make. Arguably, it would be difficult for any decade to exceed the cinematic achievements of the 1940s in Britain. But that is not to imply that British cinema of the 1950s was without significance. In general terms, it may have largely lacked the broad cinematic vision of filmmakers such as Powell and Pressburger throughout their most fruitful period during and immediately after the war years

⁴⁷ Ryall, “The British Cinema: Eras of Film,” 397.

⁴⁸ Mark Duguid, “Ealing Comedy,” *BFI Screenonline*, accessed 9 May 2017 3:23 p.m., <http://www.screenonline.org.uk/film/id/445526/>.

⁴⁹ Known in the USA as *Stairway to Heaven*.

⁵⁰ Known in the USA as *Hour of Glory*.

⁵¹ For example, Rob White, “The Third Man,” *BFI Screenonline*, accessed 8 Oct. 2015 3:28 p.m., <http://www.screenonline.org.uk/film/id/441258/>.

⁵² Known in the USA as *Young Scarface*.

(though the pair continued to make films together until 1957, and David Lean continued to make films in the 1950s). But I argue that the 1950s are distinguished by a different aspect of cinema: its capacity to explore social issues and raise the possibility of social change.

By the time the 1950s were drawing to a close, British society had undergone many changes during that decade (as will be seen in chapter 2). In addition, a new type of cinema was beginning to emerge. There was a new style of documentary film being made, beginning as early as 1952, as exemplified by the “Free Cinema” movement led by Lindsay Anderson. He, together with fellow directors Lorenza Mazzetti, Karel Reisz and Tony Richardson, issued a statement to accompany the first Free Cinema program: “These films were not made together; nor with the idea of showing them together. But when they came together, we felt they had an attitude in common. Implicit in this attitude is a belief in freedom, in the importance of people and in the significance of the everyday.”⁵³ It is worth noting that this statement comes three to four years after the three influential articles written by the Italian neo-realist theoretician and screenwriter, Cesare Zavattini, from 1952 - 1953, in which he stressed the importance of filming the everyday, avoiding illusion, and advocated “the most elementary, even banal storylines... and ... the need to focus upon the actual ‘duration’ of real time.”⁵⁴ In 1953, the British journal *Sight and Sound* had reproduced an edited version of a recorded interview given by Zavattini in 1952, in an article titled “Some ideas on the Cinema,”⁵⁵ so British filmmakers would likely have been aware of his ideas.

People queued for these new films. All the screenings of the first “Free Cinema” program of short documentaries at the National Film Theatre (the series ran from February 1956 - March 1959) were sold out.⁵⁶ As the *Evening News* reported on 9 February 1956:

Every beard and duffle coat in London, every urchin-cut and pair of jeans seemed to converge on the National Film Theatre on South Bank last night. Queues of cinema enthusiasts, even longer than during the Festival of Britain, stood in the drizzle for hours

⁵³ Free Cinema, *Manifesto*, Feb. 1956, reproduced in Lindsay Anderson, “Free Cinema 1,” in *Free Cinema* – notes to the BFI DVD compilation: *Free Cinema (1952-1963)* (London: British Film Institute, 2006) (unpaginated), 7.

⁵⁴ Peter Bondanella, *Italian Cinema from Neorealism to the Present*, 3rd ed. (New York and London: Continuum, 2001), 32.

⁵⁵ Cesare Zavattini, “Some Ideas on the Cinema,” *Sight and Sound* 23, no 2 (Oct. - Dec. 1953): 64-69.

⁵⁶ *Ibid.*, 1.

in the hope of seeing three short films [that] in four days have become the talk of the town.⁵⁷

Free Cinema is now recognised by film historians as a precursor to the British “New Wave” films of the late 1950s and early 1960s,⁵⁸ and so is more properly grouped with that movement. Several of the Free Cinema filmmakers (including Anderson, Reisz, Richardson, and cinematographer Walter Lassally) went on to make New Wave films. These films also have their roots in the “Kitchen Sink” dramas and the “Angry Young Man” phenomenon, which emerged in the second half of the 1950s in the form of plays and novels by writers such as John Osborne, Alan Sillitoe and Shelagh Delaney. New young filmmakers such as Anderson, Reisz and Richardson made these fresh and different literary works into films. New Wave films such as *Room at the Top* (1958, Clayton), *Look Back in Anger* (1958, Richardson), and *Saturday Night and Sunday Morning* (1960, Reisz) immediately attracted public and press attention. As Nina Hibben points out:

When *Room at the Top* hit the screens in 1959, it signalled the beginning of one of the most exhilarating bursts of creativity in the history of British cinema. During the following five or six years new film-makers with fresh ideas brought to the screen a sense of immediacy and social awareness that had people queuing again after nearly a decade of decline.⁵⁹

Saturday Night and Sunday Morning grossed more than £100,000 in three weeks – the first film to reach that benchmark.⁶⁰ *Room at The Top* was the third most popular film at the British box-office in 1959.⁶¹ *Look Back in Anger*, with its “X” certificate, and its opening during a heatwave in Britain when people did not want to go to the cinema, was not as popular at first as the other two films, and may even have not made a profit.⁶² But it was nominated for four

⁵⁷ Ibid., 13.

⁵⁸ For example, Christophe Dupin, “Free Cinema,” *BFI Screenonline*, accessed 10 May 2015 5:16 p.m., <http://www.screenonline.org.uk/film/id/444789/>.

⁵⁹ Nina Hibben, “The British ‘New Wave,’” in *Movie 57* (1981), quoted in John Hill, “Working Class Realism and Sexual Reaction: Some Theses on the British ‘New Wave’” in James Curran and Vincent Porter, eds., *British Cinema History*, (London: Weidenfeld and Nicolson, 1983), 303.

⁶⁰ Robert Murphy, *Sixties British Cinema* (London: British Film Institute, 1992), 21.

⁶¹ “Year of Profitable British Films,” *Times* 1 Jan. 1960, 13. *Times Digital Archive*. Web. 13 Oct. 2015.

⁶² Tim Adler, *The House of Redgrave* (London: Aurum, 2012), 70.

British Academy (BAFTA) awards in 1960,⁶³ which was a particularly strong year for British film.

However, as great an impression as these films made at the time, in the end they had to contend with the “collapse” of the British film industry in the 1960s. There had been a vast increase in television ownership in the 1950s, and commercial TV broadcasting began in Britain on 22 September 1955, with the new station ITV. Television began to tackle the genre of social realist drama, with the long-running series *Coronation Street* beginning in 1960, and landmark television plays such as *Up the Junction* (1965, Loach) and *Cathy Come Home* (1966, Loach).⁶⁴

Sandwiched between the glorious 1940s and the experimental 1960s, the 1950s are very much a period of transition in terms of cinema. By way of illustration, Harper and Porter compare the most popular film in British cinemas in 1950 (1st at the box office), *The Blue Lamp* (1949, Dearden), with the most popular British film of 1961 (3rd at the box office), *Saturday Night and Sunday Morning* (1960, Reisz).⁶⁵ They account for the difference in the following way:

The former reassuringly affirms the solidarity of the established social order, and works by marginalizing the young thug who challenges it. The latter gives a sympathetic account of a dissentient youth and his leisure time, and chronicles his uneasy settlement with marriage and consumerism.⁶⁶

As noted earlier, the quotidian concerns of ordinary (and young) people had already been taken up by Italian neo-realists such as Zavattini. They were also being reflected in the films of the French New Wave from around 1958, beginning with *Handsome Serge/ Le Beau Serge* (1958, Chabrol), and notably in *The 400 Blows/ Les Quatre Cents Coups* (1959, Truffaut), which was released in Britain in November 1959,⁶⁷ just a few months before *Saturday Night and Sunday Morning* was completed in 1960.

⁶³ The nominations were for the awards of Best Film, Best British Film, Best British Actor (Richard Burton) and Best British Screenplay (Nigel Kneale).

⁶⁴ Some of the reasons for the “collapse” are outlined in Samantha Lay, *British Social Realism* (London: Wallflower Press, 2002), 68, and Allen Eyles, “Exhibition and the Cinemagoing Experience,” in Murphy, *The British Cinema Book*, 81-82.

⁶⁵ Harper and Porter, *British Cinema of the 1950s*, 249.

⁶⁶ *Ibid.*, 1.

⁶⁷ *The 400 Blows* (1959) *IMDB*: Release Info, accessed 29 May 2017 4:40 p.m., <http://www.imdb.com/title/tt0053198/releaseinfo>.

I have referred several times to the social changes that were fomenting in the 1950s. Chapter 2 explores the historical background to those changes. As an introduction, what follows is a short overview of the various areas that were “under review” by the British Government after World War 2 in order to support my assertion that the 1950s was a period of transition, a period when the conditions – or preconditions – were such that British society could begin the process of social change, to which cinema would contribute.

A Society under Review

Arguably the most important source of social change of the 1950s was the advent of the new “Welfare State.” The Welfare State, discussed in detail in chapter 2, had its origins in a report to government, the *Beveridge Report*, published in 1942.⁶⁸ The *Beveridge Report* is a “Command Paper,” being a Parliamentary Paper which has been “presented to the United Kingdom Parliament, nominally by command of the Sovereign, but in practice by a Government Minister.”⁶⁹ The purpose of these papers is to convey “information or decisions which the Government think should be drawn to the attention of one or both Houses of Parliament.”⁷⁰ During the eighteenth century, papers were presented in order to obtain permission for spending, to dispose of Crown property, or to change the law.⁷¹ In more recent times, Governments began to present papers to Parliament as and when issues arose which needed to be dealt with by Parliament.⁷² Command Papers can thus lead to particular issues being discussed, decided, or legislated on by Parliament, and sometimes all three. Many of the landmark reports of the post-war years up until 1959 resulted in significant legislation in the years to follow.

A search of the ProQuest database of United Kingdom Parliamentary Papers reveals that during the years 1946 to 1959, a total of 1,070 Command Papers (being Reports of Commissioners and External Committees) were presented to Parliament.⁷³ Among the subjects covered by these Command Papers were law and order (144 papers), industry (114), health and social services (95), Empire and Commonwealth (93), science and technology (69),

⁶⁸ William Beveridge, *Social Insurance and Allied Services - Report by Sir William Beveridge*, Cmd. 6404 (London: HMSO, 1942).

⁶⁹ House of Commons Information Office, “Command Papers”, *Factsheet P13 Procedure Series*, Oct. 2009, 2, accessed 9 May 2017 2:40 p.m., <http://www.parliament.uk/documents/commons-information-office/p13.pdf>.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Accessed 9 May 2017 1:30 p.m., <http://parlipapers.proquest.com>.

education (68), communications and mass media (67), employment (65), social security (61), and many more. Of the 144 Command Papers in the law and order category, there were reports into subjects such as legal aid (report presented to Parliament in the term 1959-60), indecency with children (1958-59), children and young persons (1959-60), grants for marriage guidance (1948-49), the law of defamation (1948), procedure in matrimonial causes (1946-47), youth service in England and Wales (1959-60), marriage and divorce (1955-56), capital punishment (1952-53), the (wrongful) conviction for murder of Timothy John Evans (1952-53, two reports), and – crucially for this thesis – homosexual offences and prostitution (1955-57). The reform of the law on homosexual offences and prostitution was considered by the Committee on Homosexual Offences and Prostitution, in its *Report on Homosexual Offences and Prostitution* (the *Wolfenden Report*),⁷⁴ delivered in September, 1957. That report and its legislative consequences are considered in detail in chapters 2 and 3.

The following examples indicate some of the Reports from 1945 to 1959 which led directly to legal reforms being implemented. The *Report of the Committee on Legal Aid and Legal Advice in England and Wales* (May 1945)⁷⁵ (the *Rushcliff Report*) resulted in the creation of the modern system of legal aid in Britain, with the passing of the *Legal Aid and Advice Act 1949*. The *Report of the Departmental Committee on Children and the Cinema* (May 1950)⁷⁶ (the *Wheare Report*), examined film censorship in Britain, and resulted in a reform of the system of categorisation of films, with the introduction in 1951 of the 'X' certificate to denote adults-only films. The *Report of the Royal Commission on Capital Punishment 1949-1953* (September 1953) (the *Gowers Report*), though constrained by its narrow terms of reference, still managed to suggest that "the real issue is now whether capital punishment should be retained or abolished."⁷⁷ After some delay, the Parliament finally passed the *Homicide Act 1957*, which implemented some of the Gowers Commission's recommendations. There was a British film which was arguably influential in the movement to abolish capital punishment: J. Lee Thompson's film, *Yield to the Night* (1956). That film had at least one special screening for Members of Parliament, at the National Film Theatre, on 10 July 1956.⁷⁸ According to J. Lee

⁷⁴ Cmnd. 247, Sept. 1957 (London: HMSO, 1957).

⁷⁵ Cmnd. 6641, May 1945 (London: HMSO, 1945).

⁷⁶ Cmnd. 7945, May 1950 (London: HMSO, 1950).

⁷⁷ Cmd. 8932 (London: HMSO, 1953), par. 611, 214.

⁷⁸ "Six peers go to see Diana Dors," *News Chronicle*, 20 July 1956 (BFI Library Collection, press cuttings, ref. 52227).

Thompson himself, there were several such screenings.⁷⁹ In an interview with Steve Chibnall, Lee Thompson said of the film: “I like to think that it had some small part in removing the death penalty.”⁸⁰

There were, of course, some significant areas of social change that managed to be legislated into effect during the 1960s *without* the intervention of a Command Paper, and they include the areas of race relations and abortion. The question of legalising abortion had been considered by the Inter-departmental Committee for Abortion (Home Office and the Ministry of Health) in 1939 (the Birkett Committee), but World War 2 intervened and no legislative action was taken. The only grounds for termination of pregnancy until 1967 was if “the health of the mother was seriously at risk.”⁸¹ It was not until the passing of the *Abortion Act 1967*, which began as a private member’s bill, that abortion was allowed on “social grounds, or because of threat of abnormality in the foetus, up to twenty-eight weeks after conception.”⁸² Race relations law reform did not place itself firmly on the public agenda until after the “Notting Hill Race Riots”, which began in May 1958 and peaked in August and September 1958. In the wake of those events, the Labour Party – still in opposition in 1958 – committed itself publicly to support anti-discrimination laws.⁸³ Several British films of the 1950s dealt with racial issues, including two films made by director Basil Dearden and producer Michel Relph, (the team behind *Victim*): *Pool of London* (1950) and *Sapphire* (1959). As with J. Lee Thompson and his film *Yield to the Night*, these two films involved an attempt by the filmmakers to influence the public’s view of social issues and achieve social change. In an interview with Brian McFarlane in October 1989, producer Relph said:

We were always looking for themes that had some social significance. It was a conscious policy to tackle important social issues in the framework of an entertainment film.⁸⁴

⁷⁹ J. Lee Thompson interviewed by Steve Chibnall, in Steve Chibnall, *J. Lee Thompson* (Manchester: Manchester University Press, 2000), 97.

⁸⁰ Ibid.

⁸¹ Addison, *No Turning Back: The Peacetime Revolutions of Wartime Britain* (Oxford: Oxford University Press, 2010), 79.

⁸² Ibid., 207.

⁸³ Anthony Lester and Geoffrey Bindman, *Race and Law* (London: Longman, 1972), 109.

⁸⁴ McFarlane, Brian, *Sixty Voices: Celebrities Recall the Golden Age of British Cinema* (London: British Film Institute, 1992), 191.

Conclusion

The purpose of this overview of the issues that were under consideration for reform in the 1950s has been to underpin my argument that the 1950s was a period when Britain's engagement with various social issues – necessarily suspended during World War 2 – began once again, and British society could begin to consider what could or should be done by way of future reform. In chapter 2, I examine this process in more detail, tracing the British people's passage from the privation and pessimism of war towards what the press would christen a new "Elizabethan Age."⁸⁵

⁸⁵ Kenneth O. Morgan, *Britain Since 1945: The People's Peace*, 3rd ed. (Oxford: Oxford University Press, 2001), 126.

Chapter 2: Britain in the 1950s: from Queueutopia⁸⁶ to Utopia?

*The Fifties are the crucial decade. For the first time you could feel things changing.*⁸⁷

This chapter considers what was happening in Britain after the Second World War, and into the 1950s. It describes the progress of Britain and its people from living under the threat of annihilation, and enduring wartime deprivation and austerity, to their relative affluence in the 1950s: progress from “Queueutopia” to “Utopia.” My argument is that the security and optimism which the British people came to find in the new Welfare State allowed them to contemplate a different future – one which would encompass significant law reform in many areas of social significance, including the laws that regulated private sexual relationships. For that reason, this chapter describes in some detail the social conditions, government policies, and disposition of the people, which, I argue, combined in this period to lay the foundations for the social change and legal reform of the next decade. This chapter ends by introducing certain emerging social issues which were of concern to the British public at the time, and which would soon be addressed by British filmmakers. It then focuses on one of those issues which would be subject to significant legal reform by the end of the 1950s and during the 1960s: homosexuality as crime. This chapter presents an expansive overview of the movement of the British people from war footing to Welfare State, from pessimism to optimism, in order to show that the social and cultural change that occurred in Britain during the 1950s was so fundamental as to support far-ranging – even radical – legal reforms, most particularly homosexual law reform. It is only against the wider social and political background described in chapter 2 that chapter 3 can explore how certain filmmakers of the period were able to capture the attention of filmgoers, and present important and developing social issues to the public at such a crucial time, and how a small group of films and a few individual filmmakers were able to begin to explore the once-taboo issue of homosexuality, some with the stated aim of actually changing the law.

⁸⁶ A term coined by Winston Churchill, speaking at Woodford, Essex on 28 January 1950. He asserted that, under Labour, queues for goods and services had become “a permanent, continuous feature of our life.” Reported by *Sydney Morning Herald* Monday, 30 Jan. 1950, p 3. See also *Trove* website, accessed 2 Feb. 2016 3:27 p.m., <http://trove.nla.gov.au/ndp/del/article/27582269>.

⁸⁷ Conversation between historians Eric Hobsbawm and Peter Hennessy, 22 May 2002, quoted in Peter Hennessy, *Having It So Good: Britain in the Fifties* (London: Allen Lane, 2006), 491.

The Social and Political Legacy of the Second World War

At the war's end, Britain was victorious. The historian Peter Hennessy points out that the memory of the British people's bravery during the war sustained the British through the privations, crises and humiliations of the 1940s and 1950s. Britain "... had taken 'the applause of the world' as the only combatant nation fighting the Second World War from its first day til its last."⁸⁸ This status was cherished by the British people, a fact vividly evoked by historian Mark Connelly who describes memories of this time as standing "like a rock in a sea of mediocrity" well into the 1960s.⁸⁹

When the war in Europe ended on 7 and 8 May 1945,⁹⁰ Churchill was still in power at the head of a wartime Coalition government. In 1940, when Churchill succeeded Neville Chamberlain as Prime Minister, his first act had been to invite the leaders of each major political party to become part of a coalition government for the duration of the war.⁹¹ Confident that he and the Conservatives would win government in their own right, and wanting to stay on in power until Japan was defeated, Churchill offered the head of the Labour Party, Clement Attlee, a choice: an immediate election or an election after victory in the Pacific. The Labour Party chose an immediate election.⁹²

On 26 July 1945, the results of the 1945 General Election were announced: it was a landslide for Labour, and one of the biggest electoral swings experienced in 20th century Britain. Winston Churchill's Conservatives had been comprehensively defeated. Labour won 393 seats in the House of Commons (with 47.7% of the vote), to the Conservatives' 210 seats (39.7% of the vote). The Liberal party won only 12

⁸⁸ Hennessy, *Having It So Good*, 3. Words in single quotation marks are taken from Mark Connelly, *We Can Take It! Britain and the Memory of the Second World War*, 1st ed. (New York: Pearson Longman, 2004), 2.

⁸⁹ Connelly, *We Can Take It!*, 296.

⁹⁰ The formal act of surrender was signed on 7 May in France and on 8 May in Germany.

⁹¹ Paul Addison, "Why Churchill Lost in 1945," 17 Feb 2011, *BBC History* website, accessed 26 Oct. 2015 2:08 p.m., www.bbc.co.uk/history/worldwars/wwtwo/election_01.shtml. Addison was the co-founder and director of the Centre for Second World War Studies at Edinburgh University.

⁹² Paul Adelman, "The British General Election, 1945," *History Review*, Issue 40, Sept 2001: 32. Digital ed., accessed 26 Oct. 2015 2:14 p.m., www.historytoday.com/paul-adelman/british-general-election-1945.

seats (9% of the vote).⁹³ Churchill immediately resigned and Labour's Clement Attlee became the new Prime Minister.

The very fact that Churchill – possibly the most popular of all British Prime Ministers – and his Conservatives lost the 1945 election so decisively offers a crucial insight into the mindset of the British in the late 1940s and early 1950s. One theory, advanced by Addison, is that Churchill had “succeeded in completing the almost superhuman task he had taken on in 1940, and in a way this made him redundant.”⁹⁴

The Conservative campaign had stressed the role of Churchill as the man who had saved Britain and won the war.⁹⁵ After the war ended in Europe, Churchill and the Conservatives continued to be absorbed by international affairs. Churchill repeatedly emphasised the need to finish the war against Japan, suggesting that he was overly interested in war in the Pacific, well after the end of the European war. There were even rumours in the East End that he was planning another war in Russia.⁹⁶ However, by this stage the British people were less interested in foreign affairs. The war was over for them, and they were more concerned about improving the quality of their future lives, and the work that needed to be done to achieve that (known as “Reconstruction”). The Conservatives seemed to have completely misread the zeitgeist.⁹⁷

On the opposite side of politics, the Labour Party was arguably more in tune with the mood of the British voter of the time. According to Adelman, the Labour Party had “always seen the war as a struggle not only against Germany, but in favour of a better post-war Britain.”⁹⁸ The Labour Manifesto, *Let Us Face the Future*, and

⁹³ Kenneth O. Morgan, *Britain Since 1945: The People's Peace*, 3rd ed. (Oxford: Oxford University Press, 2001), 27, 63. See also Derek Brown, “1945-51: Labour and the Creation of the Welfare State,” 15 Mar. 2001, *Guardian* website Australian ed.: 2, accessed 30 Oct. 2015 11.48 a.m., <http://www.theguardian.com/politics/2001/mar/14/past.education>. This article is based on archival material from the *Guardian*.

⁹⁴ Addison, “Why Churchill Lost in 1945,” 1.

⁹⁵ Adelman, “British General Election, 1945,” 5.

⁹⁶ *Ibid.*, 4.

⁹⁷ See, for example, Adelman, “British General Election, 1945,” 3; Janet Roebuck, *The Making of Modern English Society from 1850* (London: Routledge and Kegan Paul, 1973), 151; and Robert Blake, *The Decline of Power 1915-1964 (The Paladin History of England)* (London: Grenada, 1985), 309.

⁹⁸ Adelman, “British General Election, 1945,” 3.

subtitled *Victory in War Must be Followed by a Prosperous Peace*,⁹⁹ was sensible and practical and did not focus on the personal. It focused on social reform, following on from the work done by Sir William Beveridge, published in 1942 in what became known as the *Beveridge Report*.¹⁰⁰ The Report proposed a comprehensive program for social reform, including a plan to achieve full employment, a much fairer system of social security, and a revolutionary National Health Service. It proposed a system of social insurance that would cover all people, no matter their income or assets, from birth to death. There were other government documents (“White Papers”) published towards the end of the war, including on Employment Policy. And there was the Butler *Education Act* in 1944, which provided the basis for a completely new education system. These, together with the *Beveridge Report*, would form the basis of the post-war legislation that produced the so-called British “Welfare State.”¹⁰¹ In effect, the *Beveridge Report* set “a much more ambitious agenda for social security than had generally been accepted before.”¹⁰² And, as this chapter will indicate, the post-war British populace proved ready to accept a wide range of reforms.

The Labour Party was strongly in favour of Beveridge’s proposals, but the Conservatives’ attitude was “lukewarm.”¹⁰³ To add credence to Labour’s ability to accomplish these reforms, several Labour politicians had been Ministers in the wartime Coalition government, and so had a proven track record. These included Clement Attlee as Deputy Prime Minister, responsible for home affairs, Herbert Morrison as Home Secretary and Ernest Bevin as Minister of Labour and National Service. In the minds of many voters, Labour had proved it could be trusted to

⁹⁹ Labour Party National Executive Committee (Great Britain), *Let Us Face The Future: A Declaration of Labour Policy for the Consideration of the Nation* (London: The Labour Party, 1945). Available online at: <http://www.politicsresources.net/area/uk/man/lab45.htm>; and (abbreviated) at Fordham University’s *Modern History Sourcebook*, <https://legacy.fordham.edu/halsall/mod/1945labour-letsusface.html>.

¹⁰⁰ William Beveridge, *Social Insurance and Allied Services - Report by Sir William Beveridge*, Cmd. 6404 (London: HMSO, 1942).

¹⁰¹ This phrase was not yet in use when the *Beveridge Report* was published, and William Beveridge detested the phrase as it implied the system of insurance would be a ‘soft touch’. See David Kynaston, *Austerity Britain 1945-51*, (London: Bloomsbury Publishing, 2007), 26.

¹⁰² Brian Abel-Smith, “The Beveridge Report: Its Origins and Outcomes,” *International Social Security Review* 45 nos. 1-2 (Jan 1992): 5.

¹⁰³ Adelman, “British General Election, 1945,” 4.

govern, and the voters were not confident that the Conservatives would continue the reforms began by the Coalition government.¹⁰⁴

As Roebuck says of the election of 1945:

The major issues were reform, social welfare, jobs and housing. Both Conservative and Labour parties offered similar programmes, but Labour seemed a more 'natural' planning party, and its rather drab solemnity and determination to get on with the job fitted well with the national mood.¹⁰⁵

During the war, the entire nation had pulled together for the war effort, and this brought about a significant change in the mindset of the population that, it can be argued, lingered throughout the late 1940s and well into the 50s. Roebuck points out that the British people had become used to the government's wartime controls, the rationing, and the emphasis on planning and equal opportunity¹⁰⁶ (ideas which, in retrospect, can be seen as socialist in nature, as Roebuck also notes). These ideas were supported by writers and intellectuals such as J.B. Priestley (in his Sunday evening radio broadcasts), George Orwell and Michael Foot.¹⁰⁷ Both Addison and Adelman, too, argue that the public view of socialism, the planned economy and "equality" had been shifting to the left since 1940.¹⁰⁸

This "war-footing" background was to prove crucial in the building of the British Welfare State. As Geraghty has pointed out,¹⁰⁹ the population was not only used to government planning and control, but also to the large organisations that carried out government policy during the war. So when the Labour government began to nationalise industries, reform health, and micro-manage the economy, these reforms were simply giving the population more of what they had come to expect.

¹⁰⁴ See, for example, Adelman, "British General Election, 1945," 7.

¹⁰⁵ Roebuck, *Making of Modern English Society*, 151.

¹⁰⁶ Ibid.

¹⁰⁷ Adelman, "British General Election, 1945," 3.

¹⁰⁸ Ibid., quoting Paul Addison, *The Road to 1945: British Politics and the Second World War* (London: Cape, 1985 (sic – actually 1975)), 17. There is a revised paperback edition (London: Pimlico, 1994) with a new epilogue, but the basic text is unchanged.

¹⁰⁹ Christine Geraghty, *British Cinema in the Fifties: Gender, Genre and the 'New Look'* (London and New York: Routledge, 2000), 26.

Although these “socialist” ideas had historically appealed to the industrial working class, for Labour to win convincingly it needed the support of the middle class as well as the working class. In the general election of 1945 it got that support, in part for reasons described by Roebuck:

The old middle-class had suffered severe setbacks in the First World War and the interwar years, the new middle-class had never been as prosperous and confident as the old and had no overwhelming aversion for socialist policies, especially ones which promised continuing material progress and security. Therefore many middle- as well as working-class voters were willing to vote for a party which promised a better future, rather than for one which boasted of its proud past.¹¹⁰

Moreover, as Addison indicates, these reformist ideas were sympathetically received by the leader-writers of several influential media organs, including the *Times*, the *Manchester Guardian* and the *Economist*.¹¹¹ The Tory historian Robert Blake also rated this influence highly. He considered that Labour’s election victory was caused by “the conversion of the opinion-formers to collectivism and Keynesianism which dominated British politics for a quarter of a century after the end of the war.”¹¹²

The middle-class defection to Labour is confirmed by the election figures, as described by Adelman:

Labour won a majority of seats (139 Labour to 100 Conservative) in southern England, the heartland of Conservative power, something that had never happened before, and which was not to be seen again until the general election of 1997. It was Labour’s support among all the classes that helped to produce its great victory in the general election of 1945.¹¹³

¹¹⁰ Roebuck, *Making of Modern English Society*, 151.

¹¹¹ Paul Addison, *No Turning Back: The Peacetime Revolutions of Wartime Britain* (Oxford: Oxford University Press, 2010), 11.

¹¹² Blake, *Decline of Power*, 309, quoted in Adelman, “British General Election, 1945,” 7.

¹¹³ Adelman, “British General Election, 1945,” 7.

A Better Future?

The ability of the British population to turn their minds away from post-war privation and pessimism towards the desire for a better future underpins the argument that, by the 1950s, the British public had become more receptive to, and more able to engage with, the serious, challenging, and topical themes of a significant number of films of the period. In chapter 3 it will be seen that several important, but often overlooked or under-appreciated British films of the 1950s – and their filmmakers – helped set the agenda for, and advance the debate about, the social and legal changes that were to follow in that “better” future.

This change in the outlook of the British people has been observed by a number of British historians. Weight argues that the Second World War “had more influence on British national identity than any other event in history.” The threat of invasion “brought ages, classes and sexes closer together because it was a total war involving the entire population and therefore required more social cooperation...” This in turn “led to the creation of the welfare state and an attempt to improve the fabric of national culture.” Moreover, Weight says, the threat of invasion by Germany “made Britons think more intensely about their way of life and what they stood to lose if Hitler won, from freedom of speech to more mundane things like village fetes and football matches.”¹¹⁴ According to Hopkins: “The impact of war, like electric convulsion therapy for the mentally confused, had wiped the slate, provided a new start.”¹¹⁵

By the early 1950s, says Booker, England and other countries in Europe were engaged in an “awakening”:

As the war receded, there were increasing signs that the easier times which lay ahead would not just be a return to the prosperity and standards remembered from pre-war days but, thanks to technology, a quite different age... By the middle of the decade, in short, as prosperity went on increasing, people were beginning to forget the past and turn their imaginations, with ever rising expectation, to the future.¹¹⁶

¹¹⁴ Richard Weight, *Patriots: National Identity in Britain 1940-2000* (London: Macmillan, 2002), 116. This fear is vividly depicted in the film *Went the Day Well?* (1942, Cavalcanti), in which an English village is infiltrated by a platoon of what turns out to be German troops.

¹¹⁵ Harry Hopkins, *The New Look: A Social History of the Forties and Fifties in Britain* (London: Secker & Warburg, 1963), 271.

¹¹⁶ Christopher Booker, *The Neophiliacs: A Study of the Revolution in English Life in the Fifties and Sixties*, (London: Collins, 1969), 38-39.

Evidence of this desire for a better future can be found in various places: even, for example, in the *Beveridge Report*. In 1942, the British had been delivered a blueprint for social reform in the form of the *Beveridge Report*, mentioned earlier. There was unprecedented public interest in the detail of the Report: 635,000 copies of it were sold during the war.¹¹⁷ The language of the Report was up-beat and aspirational about the future of Britain after the war, as can be seen in these two excerpts:

The object of government in peace and in war is not the glory of rulers or of races, but the happiness of the common man.¹¹⁸

The purpose of victory is to live into a better world than the old world.¹¹⁹

Returned soldiers shared this desire for a new society. According to Derek Brown, writing in the *Guardian*: “They, more than any other sector of the electorate, yearned for change and a better civilian life. The military vote was overwhelmingly pro-Labour.”¹²⁰ George MacDonald Fraser, the author of historical novels such as the *Flashman* series, and various non-fiction books, was an infantryman in Burma during World War 2. In his memoir of that campaign, he writes of the hopes of his fellow infantrymen who voted in 1945: “They wanted jobs, and security, and a better future for their children than they had had - and they got that, and were thankful for it.”¹²¹

The short documentary film *A Diary for Timothy* (1946,¹²² Jennings, 39 mins) takes the form of a diary written for a baby boy born on 3 September 1944 into relative comfort in middle-class Oxford. The film looks at the lives of those who are caught up in the war from the end of 1944 to 1945 when the tide of the war was turning in favour of the Allies. Even though the end of the war has not yet come, the film is

¹¹⁷ Adelman, “British General Election, 1945,” 7.

¹¹⁸ Beveridge, *Social Insurance and Allied Services*, 171.

¹¹⁹ Ibid.

¹²⁰ Brown, “1945-51: Labour and the Creation of the Welfare State,” 2.

¹²¹ George MacDonald Fraser, *Quartered Safe Out Here: A Recollection of the War in Burma with a New Epilogue: Fifty Years On* (London: HarperCollins, 2000), 264-265, quoted in Addison, *No Turning Back*, 129.

¹²² Year of release.

infused with optimism. There are themes of renewal and growth, of reconstruction and healing. At the end of the film the narrator (Michael Redgrave, reading a script written by the novelist E.M. Forster) refers to the negative cycle of past events and the possible future – of “unemployment after the war, and then another war, and then more unemployment.” Then the narrator asks the baby these rhetorical questions:

Are you going to have greed for money and power ousting decency from the world as they have in the past, or are you going to make the world a different place, you and the other babies?

The post-war civil service, too, had great expectations for the future. As Hennessy has pointed out, the members of the defence forces who returned to Britain and took the “reconstruction competitions” (which were developed to provide an open competition for post-war “reconstruction candidates” wanting to enter the upper echelons of the civil service, and involved three days of tests and interviews at the Civil Service Selection Board and the Final Selection Board), were optimistic about the future. Hennessy quotes Ian Bancroft, returned soldier (rifleman) and later Head of the Civil Home Service, as saying that this was a generation who “began their official lives believing that everything was achievable.”¹²³

This belief would be tested, as Britain moved towards the Welfare State.

Implementing Beveridge

Although the *Beveridge Report* was published in 1942 and attracted intense public interest and great acclaim by the press at that time, it did not meet with commensurate enthusiasm from the Churchill wartime Coalition government. Churchill thought that nothing should be done about it until after the war and the next general election.¹²⁴ But, according to Brian Abel-Smith of the London School of Economics, Churchill and many of his ministers failed to realise that public opinion had moved far ahead of them during the war. Abel-Smith has listed some of the

¹²³ Hennessy, *Having It So Good*, 26-27, quoting Lord Bancroft, “The Art of Management,” in “Three Cantor Lectures, II, Whitehall and Management: A Retrospect,” *Journal of the Royal Society of the Arts* 132, no. 5334 (May 1984): 368 (lecture delivered 30 Jan. 1984).

¹²⁴ Jose Harris, *William Beveridge: A Biography*, 2nd ed. (Oxford: Clarendon, 1997), 423.

factors mobilising public opinion: first, high taxes to fund the war, and full employment and rationing during the war, had tended to equalise income. Next, the social classes had mingled during the war, through evacuations, billets, sharing air raid shelters, and the like. A huge number (about eight million) had worked together during the war in either the armed forces, the Home Guard, or Civil Defence, and there was unity in patriotism, which made sharing and sacrifice more palatable.¹²⁵

One way to delay the decision to act on the *Beveridge Report* was to set up a committee to review it. And indeed, Churchill's wartime coalition government did establish a committee of permanent civil servants, headed by Sir Thomas Phillips, Permanent Secretary at the Ministry of Labour, to review the Report on behalf of Whitehall's social policy departments. The committee, which reported in 1943,¹²⁶ made fairly minor suggestions for change to Beveridge's conclusions, but (grudgingly, it appears) generally accepted most of the Report's substantive reforms.¹²⁷ There was a further multi-departmental committee set up under Thomas Sheepshanks, and that committee drew up a set of White Papers¹²⁸ on social insurance, family allowances and national health.¹²⁹ Eventually Cabinet, following the advice of these committees, decided to reject one of the *Beveridge Report's* key components: the raising of flat-rate employment insurance benefits to "subsistence" level (which was a level that would have allowed the unemployed recipient to actually live on those benefits). It also decided not to legislate at that time to implement any of the review committee's recommendations. But again, the Cabinet had misread the zeitgeist, even in the government's own ranks. In Parliament, 121 Members voted against the government and many abstained, and there was a real prospect that the wartime Coalition government would split. The

¹²⁵ Abel-Smith, "Beveridge Report," 12.

¹²⁶ PRO, PIN 8/85, *Report of the Official Committee on the Beveridge Report*, 1943 (Kew: The National Archives, Public Records Office). These are records created or inherited by the Ministry of Pensions and National Insurance, and of related, predecessor and successor bodies.

¹²⁷ Peter Clarke and Clive Trebilcock, eds., *Understanding Decline: Perceptions and Realities of British Economic Performance* (Cambridge: Cambridge University Press, 1987), 176-177; and John Macnicol, *The Politics of Retirement in Britain* (Cambridge: Cambridge University Press, 2002), 390.

¹²⁸ See note 184 for an explanation of "White Papers."

¹²⁹ Clarke and Trebilcock, *Understanding Decline*, 177.

government was forced to reverse its position and agree that legislation could be envisaged during the war.¹³⁰

In the end, it was the Labour government of Clement Attlee that implemented the Report after the general election of 1945. The four great legislative pillars of the new British Welfare State were the *National Insurance Act 1946*, the *National Insurance (Industrial Injuries) Act 1946*, the *National Assistance Act 1948*, and the *National Health Service Act 1946*. All came into effect on 5 July 1948.

The *National Insurance Act* provided benefits that were payable to the unemployed, the sick, and on maternity, retirement and death. It was social security that applied to all British people from “cradle to grave.” However, there were many significant changes from the *Beveridge Report*’s recommendations, even under Labour. For example, Beveridge had recommended certain rates for benefits and pensions based on 1938 prices. The government claimed to have introduced rates that were slightly *higher* than the benefits proposed by the Coalition government. But it appears that both governments had manipulated the indices that set the rates, and, as Abel-Smith points out, “By the time the full scheme was introduced in 1948, wages had risen by 76 per cent and prices had in fact risen by 72 per cent, which meant that the benefit rates were nearly a third below what Beveridge had recommended as necessary for subsistence.”¹³¹ Nevertheless, Beveridge’s flat-rate insurance contributions (which lasted for thirteen years) and his flat-rate benefits introduced a new kind of egalitarianism into British social security, with a vision that was, as Abel-Smith puts it, a “bold, comprehensive and integrated strategy.”¹³²

Two further elements of Beveridge’s vision, outlined in his Report, were vital to his aim of achieving a fairer system of social security in order to abolish poverty: the need to achieve full employment, and the need to establish a taxpayer-funded National Health Service, which would be largely free to users. In addition, there was the pressing issue of housing, and the question of the future of education.

¹³⁰ Abel-Smith, “Beveridge Report,” 13-14.

¹³¹ *Ibid.*, 14.

¹³² *Ibid.*, 16.

Employment

Employment was a crucial issue for the Labour Party, and especially during the period from 1945-1951. As Addison notes: "The most important single objective of Labour policy was full employment. Fortunately for Attlee and his colleagues, this had already been achieved as a result of the war, though it would not have been possible to maintain it without the economic life-lines provided by the United States."¹³³ Without full employment, Beveridge admitted his plans for a universal system of social security would not be sustainable. Beveridge had defined "full employment" in 1944 as a rate of unemployment of 3% or less,¹³⁴ and this level of full employment continued after the war, throughout the 1950s and into the 1960s. By July 1957, unemployment was at 1.2% for the whole of Great Britain. Scotland had unemployment at 2.3%, Wales at 2%. North West England at 1.4% and North England at 1.4%.¹³⁵

As a direct result of full employment, the working class began to prosper. Working class incomes were on the rise, and British industry was booming. Exports were recovering from the slump during the war, and the rest of the world wanted British goods once more.¹³⁶ British heavy industry took the lead: in 1953 Britain built 36.6% of the world's ships (by tonnage).¹³⁷ Even before this, in September 1948, a Pathé news commentator was able to report that "more than half of the world's merchant fleets are being built in this country."¹³⁸

"Employers were hungry for labour," Addison writes. "Workers and their trade unions took advantage of their enhanced bargaining power."¹³⁹ The five-day week was brought in within a couple of years after the war, and that meant an end to Saturday as a working day for many. This was a significant enhancement to the lives of workers, adding to their leisure time:

Its popularity with the work people is great: the opportunities it gives to women to shop on Saturday morning when all the best foodstuffs are displayed in the shops, the

¹³³ Addison, *No Turning Back*, 27.

¹³⁴ William Beveridge, *Full Employment in a Free Society: A Summary* (London: The New Statesman and Nation and Reynolds News, 1944), 12.

¹³⁵ Labour Party Research Department (Great Britain), *Twelve Wasted Years*, (London: Labour Party, 1963), 34-37. Figures there quoted from "government sources," as noted in Addison *No Turning Back*, 45.

¹³⁶ Addison, *No Turning Back*, 61.

¹³⁷ Correlli Barnett, *The Verdict of Peace: Britain Between Her Yesterday and the Future* (London: Macmillan, 2002), 224.

¹³⁸ British Pathé News film, *The Clyde Demands More Steel*, 2 Sept. 1948, Film ID 1436.19 (B&W, 1:38:00) (London: Associated British Pathé, 1948). Available at British Pathé archive, accessed 4 Apr. 2016 11:18 a.m., <http://www.britishpathe.com/video/the-clyde-demands-more-steel-1/query/Clyde+demands+more+steel>. But the report also notes that production could be severely curtailed by a lack of steel supplies.

¹³⁹ Addison, *No Turning Back*, 61.

freedom for men and boys to attend sports meetings, even at a distance, or to follow other spare-time occupations, and the long break from work each week, combine to make it the most valued advance of modern times.¹⁴⁰

Working class income was rising too, due to full employment. Steady work, fewer working hours and better pay combined to increase security and living standards, which in turn enabled workers to spend more on leisure activities, especially mass sports like football, cricket and boxing, speedway racing, the *palais de danse* and (importantly for the argument made in this thesis) the cinema.¹⁴¹ These factors, combined with the welfare benefits now available under the post-Beveridge social security system meant that poverty in general terms was considerably lessened from the 1940s onwards.¹⁴² Even the unemployed and the unemployable were more secure, since poverty had “fallen sharply”¹⁴³ since before the war, and no longer meant what it had meant before then: now there was help for the sick and hope for the future for the underprivileged.¹⁴⁴

The National Health Service

A National Health Service (“NHS”) had first been promised to the British people by the wartime Coalition government, the idea being that “all medical, dental and ophthalmic services would be available, free of charge at point of delivery, to the whole population.”¹⁴⁵ The *National Health Act* was passed in 1946, but did not become operational until 1948. There had been major problems in getting the agreement of the medical profession and local authorities to the regime, but in the end, after two years of fighting with the British Medical Association, Aneurin Bevan, Minister for Health in the Attlee Labour government, was able to resolve these concerns¹⁴⁶ as well as – for the time being – the significant concerns of the Treasury over costs.¹⁴⁷

¹⁴⁰ Ministry of Labour and National Service, *Annual Report of the Chief Inspector of Factories for 1947*, Cmd. 7621 (London: HMSO, 1949), quoted in Addison, *No Turning Back*, 61.

¹⁴¹ Morgan, *Britain Since 1945*, 80.

¹⁴² Addison, *No Turning Back*, 64-65, quoting Timothy J. Hatton, and Roy E. Bailey, “Seebom Rowntree and the Postwar Poverty Puzzle,” *Economic History Review* 53, no. 3 (Aug. 2000): 517-543.

¹⁴³ Addison, *No Turning Back*, 65.

¹⁴⁴ Roebuck, *Making of Modern English Society*, 161, 166-170.

¹⁴⁵ Addison, *No Turning Back*, 35.

¹⁴⁶ Kynaston, *Austerity Britain*, 279.

¹⁴⁷ Addison, *No Turning Back*, 37; Kynaston, *Austerity Britain*, 538.

As Addison explains, before the NHS was introduced, around 43% of the population was covered by National Health Insurance: employed workers up to a certain level of income were entitled to receive the services of a general practitioner, but the system did not cover hospital or specialist fees, and their dependents were not covered. The poor were treated for free in certain “voluntary hospitals,” and some doctors reduced their fees for the underprivileged. Effectively this meant that the upper- and middle- classes, who were not part of the National Insurance Scheme, had to pay in full for all medical treatment. But at midnight on 5 July 1948 this all changed. Medical, dental and optical services were now free.¹⁴⁸

In the lead-up to the “Appointed Day” of 5 July 1948, the government bombarded the public with information about the NHS and the other elements of the new social security regime. Kynaston notes: “...there was a torrent of government propaganda – cartoon films, lectures, leaflets and pamphlets, travelling exhibitions, advertisements, broadcasts – explaining and justifying the new welfare arrangements.”¹⁴⁹ There were short public information films (known as “fillers”) including *Doctor’s Dilemma* (Central Office of Information, 1948,¹⁵⁰ 1 min) in which specific instructions were given as to how to obtain and fill in an NHS registration form for each family member; audiences were exhorted to “Choose your doctor now.” There were longer short films, such as *Here’s Health* (Donald Alexander, 1948, 24 mins), produced by DATA films and the Central Office of Information for the Ministry of Health, which showed the problems of a family when the mother breaks her ankle, and she is unable to get appropriate care. The family is concerned about the expense of it all, and are split up for Christmas. An alternative scenario in the film shows in some detail how much better things would be for them – and for everyone – under the soon-to-be introduced NHS. The rather more factual *Hospitals for All* (Tait, 1948, 21 mins), produced for the Department of Health for Scotland, showed the audience the work being done in three Scottish Hospitals, and explained how they – and all hospitals – fit within the new NHS.

¹⁴⁸ Addison, *No Turning Back*, 36-37.

¹⁴⁹ Kynaston, *Austerity Britain*, 280.

¹⁵⁰ Year of release.

With the introduction of the NHS, there were suddenly queues outside doctors' offices.¹⁵¹ "No greater blessing was ever bestowed on the British people by statute," writes Addison, "but even so it had its limitations."¹⁵² The quality of the service was variable, but Addison notes that in the early days of the NHS the public was "fairly uncritical" of that service.¹⁵³

When the Conservatives regained power in the general election of 1951, they did not dismantle the NHS (or the rest of the Welfare State, for that matter), although they were keen to cut costs. In 1952, when Treasury began a new assault on the NHS, the Cabinet set up an independent inquiry into NHS costs, headed by Claude Guillebaud, a Cambridge economist. The Committee was slow and thorough, and this allowed the Minister to resist the attempts of the Treasury to cut expenditure.¹⁵⁴ The Committee's report in January 1956 concluded that *no* economies were possible, *no* additional charges were desirable, and in fact *more* needed to be spent. The Committee concluded that the NHS was neither extravagant nor wasteful. Thus, the NHS became "protected by a broad consensus, embracing all social classes, both political parties, all but an eccentric fringe of the medical profession, and all others employed in the service."¹⁵⁵

In summary, as Addison concludes:

The National Health Service was from the beginning the most popular element in the welfare state. With approval ratings of around 80 per cent it was as firmly established as the monarchy and in one sense above party politics: no party dared to propose radical changes. The popularity of the NHS was, however, no guarantee that it was working as efficiently as it should be, or delivering services to the highest possible standard. Like the BBC in the days when it still retained a monopoly of broadcasting, there was nothing to compare it with.¹⁵⁶

¹⁵¹ Addison, *No Turning Back*, 37.

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Addison, *No Turning Back*, 46.

¹⁵⁵ Charles Webster, *The Health Services Since the War* (London: HMSO, 1988), 204-11, 389-90, quoted in Addison, *No Turning Back*, 46. Webster was the official historian of the NHS.

¹⁵⁶ Addison, *No Turning Back* 166.

The NHS was the product of considerable post-war optimism, as Roebuck notes:

The construction and operation of such a wide-ranging, complex and, above all, costly, health scheme at a time of national economic distress and continued shortages is evidence that the reconstruction years, though drab, were far from being devoid of vision, optimism, and social consequences.¹⁵⁷

Housing

Housing was another area of critical shortage at the end of the war. In 1945, opinion polls rated it the most important issue for voters.¹⁵⁸ Buildings damaged during the war by bombing and other hazards needed to be replaced. About a half a million homes had been destroyed and a quarter of a million badly damaged.¹⁵⁹ Returning servicemen were starting new families and they needed to be housed. Slums needed to be cleared (slum clearance – begun in the 1930s – had been halted during the war) and their residents provided with new homes. The war had slowed down the building industry: during and after the war there were shortages of building materials, and construction costs shot up.¹⁶⁰ It was common for more than one family to occupy the one dwelling, and overcrowding was a serious problem.¹⁶¹ Kynaston reports that the 1951 Census revealed that out of a total of 12.4 million dwellings in England and Wales, 1.9 million had three rooms or fewer, 4.8 million had no fixed bath, and 2.8 million did not have exclusive use of a lavatory. Almost 4.7 million dwellings (38%) had been built before 1891, and 2.5 million were probably built before 1851. “Although the official government estimate was that the shortage was around 700,00 dwellings,” Kynaston writes, “the most authoritative subsequent working of the data would produce a figure about double that.”¹⁶²

Housing remained a long-term issue for voters: according to a survey done in London by Mass-Observation (a British social research organisation that operated

¹⁵⁷ Roebuck, *Making of Modern English Society*, 154.

¹⁵⁸ Addison, *No Turning Back*, 32.

¹⁵⁹ Ibid.

¹⁶⁰ Roebuck, *Making of Modern English Society*, 153.

¹⁶¹ Kynaston, *Austerity Britain*, 592-597.

¹⁶² Ibid., 592.

from 1937 to the mid-1960s¹⁶³) housing was easily the top election issue for London voters in the 1950 general election, which was the first general election ever held after a Labour government had served a full term in Britain. The issue of housing was “followed by shortages, wages and taxation, nationalisation and the cost of living”¹⁶⁴ as priorities in the minds of those surveyed. Labour won that election by a very slim majority of 5 seats.

In 1944, Churchill and the Conservatives had promised to build 500,000 new temporary, prefabricated homes, but by 1949, only 156,623 of these bungalows had been completed.¹⁶⁵ The Labour government of Clement Attlee, elected in 1945, had encouraged local authorities to build permanent dwellings and, between 1945 and 1951, local authorities had built 807,000 permanent dwellings, whereas only 180,000 were built by the private sector. By 1951, 18% of housing was owned by local authorities.¹⁶⁶ This was primarily public housing designed for those on low incomes. The idea of the Labour government was that it should be let at a reasonably affordable rent, yet be of high enough quality that the middle class would, in time, also be interested in renting these properties. This was entrenched in the *Housing Act* of 1949 (overseen by Minister of Health with responsibility for housing, Aneurin Bevan).¹⁶⁷ That Act removed what Cullingworth calls the “‘ridiculous inhibition’ restricting local authorities to the provision of houses for the working class.”¹⁶⁸

Still, progress was slow, as Addison points out:

Bevan believed that the working classes deserved the same quality of life as the middle classes, and that only the state could provide it.... The main problem with Bevan’s housing problem was the snail’s pace at which it moved. Not only were building materials and labour in short supply, but the

¹⁶³ One of its founders was the distinguished British documentary filmmaker, Humphrey Jennings.

¹⁶⁴ Kynaston, *Austerity Britain*, 385.

¹⁶⁵ Ibid., 102.

¹⁶⁶ Ibid., 597.

¹⁶⁷ Ibid., 597-598.

¹⁶⁸ J.B. Cullingworth, ed., *British Planning: 50 years of Urban and Regional Policy*, (London: The Athlone Press, 1999), 16.

procedures involved were highly bureaucratic, involving a number of Whitehall departments as well as a multitude of local authorities.¹⁶⁹

Labour's slow progress was eventually eclipsed by the succeeding government. The Conservatives under Churchill won the 1951 election (which Labour had called just 20 months after their slim electoral victory in 1950), and promised at their 1950 annual party conference to build 300,000 houses a year.¹⁷⁰ Harold Macmillan, as the new Housing Minister, was charged with this responsibility. He was able to concentrate all his energies on the task, given he did not have the additional portfolio of Health (as had Bevan), and, according to Macmillan's biographer Nigel Fisher, he achieved the target of 300,000 dwellings a year by 1953, a year ahead of schedule.¹⁷¹

The question of the post-war housing shortage, the general background of rubble and the task of rebuilding London and the other blitzed towns of Britain appears in countless British films of the 1950s – to the extent that it almost exists as a character in its own right. *The Happy Family* (1952, Box)¹⁷² is set during the lead-up to the 1951 Festival of Britain and directly concerns the consequent demolition of houses to make way for the exhibition site. In later films like *The Boys* (1962, Furie), which deals with juvenile crime, one of the eponymous boys lives in a house without a wall (presumably bombed during the Blitz, but this is never even remarked on by the characters) and the general area where the boys live is still surrounded by piles of rubble.

But the contemporary cinema also reflected signs of improvement in housing. A short documentary film, *Faces of Harlow* (1964,¹⁷³ Knight, 29mins), pays tribute to the "New Towns." These were the result of another piece of post-war legislation: the *New Towns Act, 1946*, which enshrined an extremely ambitious urban planning

¹⁶⁹ Addison, *No Turning Back*, 33-34.

¹⁷⁰ Ibid., 35.

¹⁷¹ Nigel Fisher, *Harold Macmillan: a Biography* (London: Weidenfeld and Nicolson, 1982), 139. See also Cullingworth, *British Planning*, 16.

¹⁷² Known in the USA as *Mr Lord Says No*.

¹⁷³ Year of release.

project that has been called “utopian.”¹⁷⁴ When Labour lost power in 1951, Harold MacMillan had to complete the enormous task begun by Labour: building eight “New Towns” to house 300,000 people.¹⁷⁵ Macmillan managed to obtain the funding from Treasury to complete the New Towns, which developed and grew throughout the 1950s, reflecting in a tangible way the post-war consensus between the Conservative and Labour governments.¹⁷⁶ In the late 1950s and early 1960s the tower blocks on the new housing estates, built using prefabricated concrete slabs, were seen as “prestigious civic achievements,”¹⁷⁷ rehousing slum dwellers in new, modern buildings.¹⁷⁸

Education

The wartime Coalition government had passed the “Butler” *Education Act* in 1944: “the first of the great legal makers of the classic welfare state to reach the statute book, and the only one to be closely associated with a Conservative politician,” as Hennessy has it.¹⁷⁹ The name “Butler” refers to Richard Austen Butler, who was made President of the Board of Education by Churchill in 1941. He was an ambitious young Conservative politician who realised that education was an area that was ripe for government reform. There was already in existence a “Green Book,” written by a group of civil servants from the Board of Education who had been evacuated to Bournemouth during the London Blitz.¹⁸⁰ In October 1940, they had met to discuss how education could contribute to the vision of Churchill to “establish a state of society where the advantages and privileges which hitherto have been enjoyed only by the few, shall be far more widely shared by the men and youth of the nation as a whole.”¹⁸¹

It was this document that contained the basis for the structure of the new education system that would be implemented, first by Labour, and later by the Conservatives, throughout the late 1940s and 1950s. Before the war, most children left school at fourteen and few completed

¹⁷⁴ Bert Hogenkamp, “Faces of Harlow,” *Shadows of Progress: Documentary Film in Post-War Britain 1951-1977*, notes to the 4-DVD box set, (London: British Film Institute, 2010), 18.

¹⁷⁵ Addison, *No Turning Back*, 29.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid., 165.

¹⁷⁸ Ibid., 164-165.

¹⁷⁹ Hennessy, *Having It So Good*, 70.

¹⁸⁰ Michael Barber, “Rab Butler’s 1944 act brings free secondary education for all,” *BBC School Report*, 17 Jan. 2014, accessed 8 Mar. 2016 2:12 p.m., www.bbc.co.uk/schoolreport/25751787. Sir Michael Barber is a former British government education advisor.

¹⁸¹ Winston S. Churchill, “The Old School,” a speech to the boys of Harrow School, 18 Dec. 1940, reprinted in Winston S. Churchill, *The Unrelenting Struggle: War Speeches by the Right Hon. Winston S Churchill*, (London: Cassell & Co, 1942), 19-21.

secondary schooling.¹⁸² The “Green Book” (title: *Education After the War*), was published to a limited audience in June 1941,¹⁸³ and this document became the first “Green Paper” in British history.¹⁸⁴ It proposed three types of secondary schooling, depending on the talents and intelligence of the individual child: children judged able to achieve academically would go to “grammar schools,” those destined to be manual workers would go to “technical schools,” and the balance would attend “secondary modern schools.”¹⁸⁵ The original intention was that this classification would be made with reference to school records and the wishes of parents.¹⁸⁶ In practice, though, a simple intelligence test, known as the “11-plus” became the means of making that assessment.¹⁸⁷ The provision of secondary education was to be the responsibility of local education authorities, and it was to be provided free of cost.¹⁸⁸

It was Butler who took the Green Paper, with some refinements and adjustments, through to “White Paper” stage in 1943 (title: *Educational Reconstruction*), and finally to Bill stage. The Board of Education was replaced by the Ministry of Education, and it was the Minister’s duty “to secure the effective execution by the local authorities, under his control and direction, of the national policy for providing a varied and comprehensive education service in every area.”¹⁸⁹ In addition, education would be compulsory until the age of fifteen. (This was controversial: there was Cabinet opposition¹⁹⁰ and some parents – especially from the working class – expected their children to leave school as soon as possible and get jobs.¹⁹¹ The change did not actually happen until 1 April 1947).¹⁹² It was envisaged that the school-leaving

¹⁸² Roy Blatchford, 2014, “What is the Legacy of the Education Act, 70 years on?” *Guardian*, 22 Apr. 2014, accessed 8 Mar. 2016 2:10 p.m., <http://www.theguardian.com/education/2014/apr/22/1944-education-act-butler-policy-today>, republished in Roy Blatchford, *The Teachers' Standards in the Classroom*, (London: Sage Publications Ltd, 2015), 98-99.

¹⁸³ Derek Gillard, “Chapter 5: 1944-1951 Post-war reconstruction” in *Education in England: a brief history*, 2011, 2, accessed 14 Mar. 2016 4:18 p.m., www.educationengland.org.uk/history/chapter05.html, 2.

¹⁸⁴ Barber, “Rab Butler’s 1944 act,” 2. In Britain and various Commonwealth countries, legislation passes through several stages, including Green Paper, White Paper, Bill and finally, once passed, the law is an Act. A Green Paper is a government report that is intended to provoke discussion of an area where legislation may be required. A White Paper is developed from a Green Paper, and usually contains specific legislative proposals. A Bill is the proposal for the text of the new law itself, and must be passed by both Houses of Parliament before it becomes law as an Act.

¹⁸⁵ *Ibid.*, 7.

¹⁸⁶ Kynaston, *Austerity Britain*, 28-29.

¹⁸⁷ Barber, “Rab Butler’s 1944 act,” 7; and Kynaston, *Austerity Britain*, 564.

¹⁸⁸ Gillard, “Chapter 5: 1944-1951 Post-war reconstruction,” 2.

¹⁸⁹ *Education Act, 1944*, section 1(1).

¹⁹⁰ Kynaston, *Austerity Britain*, 150.

¹⁹¹ Blatchford, *Teachers' Standards in the Classroom*, 99.

¹⁹² Addison, *No Turning Back*, 39.

age of fifteen could be raised in the future to sixteen.¹⁹³ State school students would not pay fees, and church schools became part of the national education scheme.¹⁹⁴ Thus the framework for all post-war education in England and Wales was set by the *Butler Act*. Similar Education Acts were passed for Scotland and Northern Ireland in 1945 and 1947 respectively.¹⁹⁵ Churchill, whom Butler had consulted while preparing the *Education Bill*, was pleased with the outcome. He described the *Education Act* as “the greatest scheme of improved education that has ever been attempted by a responsible government.”¹⁹⁶

The *Education Act 1944* as implemented by the Labour government did have its shortcomings, though. One of the more serious ones involved technical education. Largely because of budget constraints, very few technical schools were actually set up. This has been described as “the greatest gap in post-Butler provision,”¹⁹⁷ and it was not really addressed until late 1955 when David Eccles, Minister of Education in the Conservative Eden government, circulated a cabinet paper, titled *Technical Education*, which became a White Paper in 1956.

Nevertheless, a sampling of contemporary commentators indicates approval of the effects of the 1944 reforms. Roy Blatchford, Director of the National Education Trust, and former school inspector and head teacher, writes: “So the 1944 *Education Act* provided real chances of social mobility, something educationalists ever since have tried to build on.”¹⁹⁸ Charmley suggests that Britain’s school system “... would prove to be the greatest engine of social mobility of modern times, and those grubby children with their uneasy and shifting accents would mature into the people who would help usher in a more liberal and more affluent Britain.”¹⁹⁹ In other words, as Hennessy puts it, the *Education Act 1944* was one of the “fuses lit beneath the enduring old social orders”²⁰⁰ of pre-war Britain.

¹⁹³ This did not happen until 1962. See UK Parliament website, accessed 8 Mar. 2016 2:12 p.m., www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/educationact1944/; and Barber, “Rab Butler’s 1944 act,” 7.

¹⁹⁴ Blatchford, “Legacy of the Education Act?,” 1.

¹⁹⁵ Gillard, “Chapter 5: 1944-1951 Post-war reconstruction,” 2.

¹⁹⁶ In a radio broadcast by Churchill to the nation on Sunday 26 Mar. 1944, quoted in Blatchford, *Teachers’ Standards in the Classroom*, 98; and in Michael Barber, *The Making of the 1944 Education Act*, (London: Cassell, 1994), 92.

¹⁹⁷ Hennessy, *Having It So Good*, 364.

¹⁹⁸ Blatchford, “Legacy of the Education Act?,” 1.

¹⁹⁹ John Charmley, “All Human Life is Here,” *Guardian*, Saturday 19 May 2007, accessed 14 Mar. 2016 4:42 p.m., <http://www.theguardian.com/books/2007/may/19/featuresreviews.guardianreview11>.

²⁰⁰ Hennessy, *Having It So Good*, 8.

By the 1950s, the first of the children who had received an education under the new regime were – in unprecedented numbers – demanding entry into universities.²⁰¹ During the war the number of university students had dropped from 50,000 at the beginning of the war to 38,000 at the end. By 1950 there were 90,000 full-time students enrolled at British universities. Ex-servicemen, too, swelled the numbers graduating from university, and there were other contributing factors, as Roebuck explains:

The number of university students increased in the late 1940s as ex-servicemen resumed their civilian studies. The numbers fell slightly in 1950-1 as this 'bulge' moved out, but in 1952-3 the number of students increased again to over 81,000. This represented an increase of about 30,000 (about 60 per cent) over the number of students in 1938-9. The increase was produced by the operation of the Act, university expansion, increased emphasis on higher education by business and industry, and the higher level of prosperity which gave parents the necessary income to allow their children a prolonged education and the opportunity to benefit from the upward social mobility.²⁰²

The New Jerusalem

The account I have offered establishes the main elements of the Welfare State of post-war Britain: Beveridge's plan for a new, all-inclusive social security system, full employment, a new National Health System, an intensive re-housing program, and education reform. These, together with Labour's policy of nationalisation of several of the key industries (notably coal, gas, electricity, the railways, the Bank of England, and – in part – the iron and steel industries)²⁰³ made up the "New Jerusalem" that Prime Minister Clement Attlee evoked in his Leader's Speech given at Scarborough in 1951 to introduce Labour's Manifesto for the 1951 general election. It ended thus:

The fact is that a remarkable job has been done under great difficulties. You see our new towns, you see our smiling countryside. I am proud of our achievement. There is an immense amount more to do. Remember that we are a great crusading body, armed with

²⁰¹ Roebuck, *Making of Modern English Society*, 159.

²⁰² *Ibid.*, 159-160.

²⁰³ The iron and steel industries were de-nationalised in 1953.

a fervent spirit for the reign of righteousness on earth. Let us go forward in the spirit of William Blake:

I will not cease from my mental strife,
Nor shall my sword sleep in my hand
Till we have built Jerusalem
In England's green and pleasant land.²⁰⁴

Ironically (as we have seen), despite the stirring rhetoric, it was an election that Labour would lose,²⁰⁵ and the New Jerusalem would be handed over to the Conservatives to administer. As Addison describes it, Labour:

... fell from office with the New Jerusalem still under construction, but enough of it in place to serve as the foundation of a new political settlement.... a settlement revised by the Conservatives. Although they were pragmatic enough to accept much of Labour's welfare state and mixed economy, they also changed the mix by giving more scope to market forces. The ultimate outcome of Labour's victory in 1945 was therefore one that Attlee and his party had never intended: a makeshift social democracy based on expediency rather than principle.²⁰⁶

The End of Rationing

Despite the prospect of a New Jerusalem, much of life in Britain as it proceeded into the 1950s still bore the hallmarks of austerity, including food and commodity rationing, severe housing shortage and strict government controls. One significant factor in lifting the pall of austerity from British society was the gradual abolition of rationing, which finally ended in 1954.

Rationing had been introduced when the war began in 1939, in order to cope with the fact that many of the basics of British life – including basic foodstuffs, some clothing and furniture, and petrol – were suddenly difficult to obtain due to the

²⁰⁴ Clement Attlee, "Leader's Speech, Scarborough 1951," *British Political Speech: Speech Archive*, accessed 15 Mar. 2016 9.20 a.m., <http://www.britishpoliticalspeech.org/speech-archive.htm?speech=161>.

²⁰⁵ Labour won the popular vote, but the Conservatives won the most seats and formed government with a majority of 16.

²⁰⁶ Addison, *No Turning Back*, 9.

worldwide shortages caused by the war. Rationing also operated, after the war, as a kind of insurance policy against inflation. Because it generally operated on the same basis for all the social classes and incomes (leaving black market trading aside for the moment), it was an efficient system, largely respected by the British public during the war at least.²⁰⁷ However, that is not to imply that they accepted it with grace. As Kynaston points out, after the war: “a significant part – perhaps even the majority – of the respectable middle class, and indeed of the respectable working class, simultaneously condemned *and* used the black market, without which they would have been hard pressed to maintain an even barely recognizable quality of life.”²⁰⁸

As Addison points out about rationing in general: “the most sensitive area, because it affected virtually the whole population every day of the week, was food rationing.”²⁰⁹ Bacon, meat, butter, margarine, cooking fat, and cheese were not taken off ration until mid-1954. Most of those items had been rationed since 1940;²¹⁰ that is an astonishing thirteen to fourteen years of limited availability. Naturally, rationing was very wearying, particularly for women, whose task it generally was somehow to produce nutritious and tasty meals every day from the limited choice of ingredients available in the shops, and using ration books.²¹¹ Addison quotes a Liverpool housewife during this period as complaining: “we are under-fed, under-washed, and over-controlled.”²¹² The British Housewives League was formed on 18 July 1945 as a direct reaction to the privations of rationing, various commodity shortages, and queuing.²¹³

In 1954, the last rationing of a food commodity was lifted,²¹⁴ and this can be characterised as one of the markers of the end of the era of post-war austerity. It freed women – and it was mostly women – from the time-consuming drudgery of queueing for food and other household items. As Morgan points out, for them this

²⁰⁷ Roebuck, *Making of Modern English Society*, 142; and Addison, *No Turning Back*, 20.

²⁰⁸ Kynaston, *Austerity Britain*, 111.

²⁰⁹ Addison, *No Turning Back*, 20.

²¹⁰ Hennessy, *Having It So Good*, 9.

²¹¹ Addison *No Turning Back*, 52, 71-73.

²¹² *Ibid.*, 20.

²¹³ *Ibid.*, 73.

²¹⁴ Petrol rationing came back in 1956 during the Suez Crisis and coal rationing continued until 1958: Addison, *No Turning Back*, 43-44.

meant “less constrained domestic circumstances and greater leisure opportunities.”²¹⁵ For many women, that would include more time spent at the cinema. But in a wider sense, once working- and middle-class incomes began to rise, the ready availability of food, clothing and other commodities in the later 1950s would open the door to the tantalising possibility, in the future, of a mass-consumption society.

The Festival of Britain and the Coronation

Along with the end of most rationing in 1954, at least two other two significant social events occurred during the first half of 1950s, which gave the British people a chance to forget their worries, to celebrate their survival of the war, and to revel in Britain’s achievements and past glories.

The first of these, the Festival of Britain, was proposed by the (Labour) Deputy Prime Minister Herbert Morrison in the depths of 1940s post-war austerity. Perhaps encouraged by the success of the London Olympic Games of 1948, and certainly inspired by the Great Exhibition of 1851 (of which it marked the centennial), Morrison wanted to “provide encouragement to the industrial designers, planners, and artists of the nation, and offer a conspicuous platform for Britain’s technical and scientific achievements as well.... The Festival should embody state-sponsored gaiety, not only in the main site on London’s South Bank, a derelict stretch of the waterfront, but also in local initiatives of popular festivity.”²¹⁶

Morgan points out that at first there was a great deal of scepticism and even ridicule, and concern about the expense of such an enterprise.²¹⁷ It opened, he notes, in April 1951 “amidst a mood of political and economic crisis.... Yet, in spite of it all, it opened on time and was a triumphant success.... A people curbed by years of total war and half-crushed by austerity and gloom, showed that it had not lost the capacity for enjoying itself.”²¹⁸ According to Morgan, the Festival was a spectacular showpiece for science and technology. Harrison describes how the Festival “united a spirited, forward-looking, science-based outlook with modernistic architectural evangelism and a belief in adult education through

²¹⁵ Morgan, *Britain Since 1945*, 124.

²¹⁶ *Ibid.*, 75-76.

²¹⁷ *Ibid.*, 76.

²¹⁸ *Ibid.*, 110.

recreation.”²¹⁹ However, beyond the surface success and the boost in morale – which was considerable, if attendance numbers are any guide,²²⁰ it may well be, as Morgan suggests, that the Festival of Britain left no real lasting legacy, and had no measurable impact on exports.²²¹ Harrison, too, agrees that the Festival “also looked backwards.”²²² But whether it succeeded in the long run, there is no doubt of its lofty intentions. As Addison puts it, the Festival of Britain “sought to show that the British had now recovered from the war and were now once more ready to lead the world in the arts of peace.”²²³

The Coronation of young Queen Elizabeth II followed two years later, in 1953. This was another opportunity to celebrate the grandeur of British history and the glories of the monarchy. Addison describes it as “a quasi-religious celebration of the unity of the nation.”²²⁴ The sociologists Michael Young and Edward Shils wrote an article describing (perhaps too breathlessly) the Coronation as “the ceremonial occasion for the affirmation of the moral values by which society lives. It was an act of national communion.”²²⁵ Following Elizabeth’s accession to the throne in 1952 and her Coronation in 1953 there was, as Morgan notes, “much talk in the press of a ‘new Elizabethan age.’”²²⁶

Emerging Social Issues

Having outlined in some detail the prevailing historical, social and economic conditions of Britain from the end of World War 2 to the early 1950s, in the remainder of this chapter the focus narrows to highlight one discrete area of social issues which was of concern to the British people in this period, which was reflected in some significant British films of the 1950s, and which would be the subject of legal reform towards the end of the decade, and during the next. That area is crime, and, in particular, the “crime” of homosexuality. The broader area of crime and punishment was of great public concern to the British during the 1950s, and several key films of the 1950s and early 1960s touched on various aspects of

²¹⁹ Brian Harrison, *Seeking a Role: The United Kingdom, 1951-1970*, (Oxford: Oxford University Press, 2011), xvii.

²²⁰ By the time they closed in September and October respectively, the Southbank site and the Festival Gardens had each attracted nearly 8,500,000 visitors. See Harrison, *Seeking a Role*, xvi-xvii.

²²¹ Morgan, *Britain Since 1945*, 109-110.

²²² Harrison, *Seeking a Role*, xvii.

²²³ Addison, *No Turning Back*, 112.

²²⁴ *Ibid.*, 113.

²²⁵ Edward Shils and Michael Young, “The Meaning of the Coronation,” *The Sociological Review*, 1 no. 2 (Dec. 1953): 67, 76, quoted in Addison, *No Turning Back*, 113.

²²⁶ Morgan, *Britain Since 1945*, 126.

crime in interesting, and arguably influential, ways. For example, *I Believe in You* (1951, Dearden), *Violent Playground* (1958, Dearden), and, as noted earlier, *The Boys* (1962, Furie) all dealt with crime and juvenile delinquency. *Yield to the Night* (1956, Thompson) specifically explored the validity and humanity of the law imposing capital punishment for murder. Legal reform would follow later in the decade, with the *Homicide Act 1957* limiting the circumstances in which capital punishment could be imposed, and the *Murder (Abolition of Death Penalty) Act 1965* completely abolishing it. Similarly, the question of race hatred and immigration control was considered in films such as *Pool of London* (1950, Dearden) and *Sapphire* (1959, Dearden). *Sapphire* was released only one year after the “race riots” known as the “Notting Hill Race Riots,” which began in May 1958 and reached a peak in August and September 1958.²²⁷ Legal reform of race discrimination would eventually begin in the 1960s with the *Race Relations Act 1965*, and further legal reforms followed. These films – many directed by Basil Dearden – are part of a group of films that have been called the “social problem” films. The “social problem” films did not just cover issues of crime, but ranged through issues from consumerism and debt, to the problems of women, returned servicemen, and abused children. These films are discussed further in chapter 3.²²⁸

Ironically, given the move from post-war austerity to relative affluence in Britain, crime was on the increase in the 1950s. The crime rate had risen sharply during World War 2: between 1939 and 1945 the number of indictable offences and the number of convictions for them increased by 50%.²²⁹ This was a matter of “grave concern”²³⁰ to those advising the government, given the situation of full employment and the newly-minted Welfare State. The 1959 Report of the Secretary of State for the Home Department to Parliament, *Penal Practice in a Changing Society: Aspects of Future Development (England and Wales)* began by recognising that concern:

²²⁷ Ibid., 203.

²²⁸ See chapter 3 page 63.

²²⁹ Home Office (Great Britain), *Penal Practice in a Changing Society: Aspects of Future Development (England and Wales)*, Cmnd. 645, Feb. 1959 (London: HMSO, 1959), 1.

²³⁰ Ibid., 1.

It is a disquieting feature of our society that, in the years since the war, rising standards in material prosperity, education and social welfare have brought no decrease in the high rate of crime reached during the war; on the contrary, crime has increased and is still increasing.²³¹

The man responsible for that report was Secretary of State R.A. Butler. He was not alone in noting that “disquieting feature.” The incongruity of prosperity and high rates of crime was also remarked on by criminal historian Terence Morris. He noted that from at least the nineteenth century it had been acknowledged that poverty was “almost certainly a cause of crime.”²³² Butler’s *Penal Practice Report* also draws attention to “two disturbing features” of the growth of crime since the war: first, the increase in crimes of violence and sexual offences since the end of the war, and secondly the “startling increase” in convictions of young men from about sixteen to twenty-one years of age.²³³ One area in which these two features – sexual offences and convictions of young men – intersected in Britain during this period, is in the area of homosexual offences. In chapter 3, I examine homosexual law reform in more detail, setting up the specific context for a discussion of the films that touched on or dealt with homosexuality, and their significance in terms of law reform. By way of introduction to that discussion, in the following section I present a brief overview of how homosexual acts between men were historically treated as a public threat, and indeed a crime, in Britain.

Background to Homosexuality and the Criminal Law in Britain

As Weeks has pointed out, “there is a long tradition in the Christian West of hostility towards homosexuality, but “this usually took the form of the formal regulation of male homosexual activity rather than of lesbian.”²³⁴ Jeffery-Poulter notes that “the roots of this widespread fear and ignorance lay deep in the Western Christian tradition.”²³⁵ He refers to the warnings in the Hebrew Old Testament, including the destruction of Sodom and Gomorrah, all of which was “interpreted as a warning to anyone guilty of this terrible sin of the awful punishment which

²³¹ Ibid.

²³² Terence Morris, *Crime and Criminal Justice since 1945* (Oxford: Basil Blackwell, 1989), 93.

²³³ Home Office, *Penal Practice in a Changing Society*, 1-2.

²³⁴ Jeffrey Weeks, *Sex, Politics and Society* (London: Longman, 1989), 99.

²³⁵ Stephen Jeffery-Poulter, *Peers, Queers and Commons: The Struggle for Gay Law Reform from 1950 to the Present* (London: Routledge, 1991), 9.

would be visited on them by a vengeful God.”²³⁶ In the Middle Ages in England, Jeffrey-Poulter notes, the Ecclesiastical Courts had jurisdiction over the Church’s moral rules, and anal intercourse (usually described as “buggery” or “sodomy”) was dealt with by the Ecclesiastical Courts, which handed the “guilty” over to the civil authorities to be punished.²³⁷ But as part of the reformation of the Church under Henry VIII, the State took jurisdiction over these “crimes,” and in 1533, “the abominable Vice of Buggery committed with mankind or beast’ became a criminal offence punishable by the State, and one which carried the death penalty.”²³⁸ The death penalty remained in place until 1861, when the *Offences Against the Person Act* (section 61) abolished the death penalty for anal intercourse and replaced it with life imprisonment, with ten years imprisonment as the maximum penalty for an attempt to commit the crime.²³⁹ As Higgins argues, despite this small gesture of liberalism, British law would continue for more than a century to be “... out-of-step with much of the rest of Europe. Only Nazi Germany and the Soviet Union enacted laws similar to those in Britain in the 1930s, breaking with the tradition of European tolerance.”²⁴⁰

The 1533 statute continued to be the basis for all convictions for homosexual crimes in England and Wales until 1885.²⁴¹ Then, as described in chapter 3, the *Criminal Law Amendment Act 1885* extended the reach of the law to cover acts of “gross indecency” between male persons. This amendment was known as the “Labouchère Amendment” after Henry Labouchère, who introduced it to Parliament.²⁴² Jeffery-Poulter has pointed out that this amendment meant that, “for the first time, all forms of sexual activity between men, whether committed in public or in private” became a criminal offence.²⁴³ Ten years later, in 1895, it was the Labouchère Amendment that was used to prosecute Oscar Wilde. The Labouchère Amendment is discussed further in Chapter 3, as it has particular relevance to the film *Victim*.

In fact, Oscar Wilde was involved in three trials in 1895. In the first, Wilde sued the Marquess of Queensberry for criminal libel, and in the second and third, which followed soon after the first, Wilde was prosecuted by the Crown on the criminal charge of “gross indecency” under

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Patrick Higgins, *Heterosexual Dictatorship: Male Homosexuality in Postwar Britain* (London: Fourth Estate, 1996), 3.

²⁴¹ Weeks, *Sex, Politics and Society*, 99.

²⁴² *Criminal Law Amendment Act, 1885*, section 11.

²⁴³ Jeffery-Poulter, *Peers, Queers and Commons*, 9.

section 11 of the 1885 Act. For the second trial, Wilde was charged on the same indictment as a companion, Alfred Taylor, and they were tried together. They both pled not guilty.²⁴⁴ The jury in this second trial was unable to reach a verdict on those charges which remained after some had been struck out by the judge and others had been withdrawn by the prosecution. The jury was discharged and Wilde and Taylor were retried.²⁴⁵ Again, they pled not guilty. This time, the jury found the co-accused guilty, and Wilde and Taylor were both sentenced to two years' imprisonment, with hard labour.²⁴⁶ The judge, Mr Justice Willis, pronounced it: "... the worst case I have ever tried." He passed "the severest sentence that the law allows," and added, "In my judgment it is totally inadequate for such a case as this."²⁴⁷

As Foldy describes it, the three trials took place in a climate that was "'homophobic' and 'heterosexist.'"²⁴⁸ He notes that the trials were unusual because "they provided a single forum and a single frame of reference for all of these otherwise disparate concepts: 'decadence,' 'degeneration,' and 'same-sex passion.'"²⁴⁹ He describes the intense press coverage of the trials, which not only contained accounts of sexual acts, but also mixed in accounts of Wilde's artistic and philosophical notions. These accounts, he says, "were continually framed by the issues of criminality, decadence, degeneration, male effeminacy, and same-sex passion."²⁵⁰ Foldy argues that the "'homophobic' moral panic that followed the Wilde trials can be seen to have represented a host of fears which incorporated the various threats ostensibly posed by a 'new,' dangerous, and suddenly very visible category of persons (which would gradually be referred to as 'homosexuals')."²⁵¹ This, he says, was a threat to a society which "perceived itself as struggling for its own survival in an increasingly hostile and unpredictable world."²⁵² Similarly, Weeks considers Wilde's downfall significant, "for it created a public image for the 'homosexual', a term by now coming into use, and a terrifying moral tale of the dangers that trailed closely behind deviant behaviour."²⁵³

²⁴⁴ H. Montgomery Hyde, *Oscar Wilde* (London: Eyre Methuen, 1976), 234.

²⁴⁵ *Ibid.*, 267.

²⁴⁶ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.2, 04 Apr. 2017), May 1895, trial of Oscar Fingal O'Flahartie Wills Wilde (40) Alfred Waterhouse Somerset Taylor (33) (tl 8950520-425). Also H. Montgomery Hyde, ed., *The Trials of Oscar Wilde*, Notable British Trials Series (London, Glasgow, and Edinburgh: William Hodge and Company, Limited, 1948), 339.

²⁴⁷ Hyde, *The Trials of Oscar Wilde*, 339.

²⁴⁸ Michael S. Foldy, *The Trials of Oscar Wilde: Deviance, Morality and Late-Victorian Society* (New Haven and London: Yale University Press, 1997), 67.

²⁴⁹ *Ibid.*, 70.

²⁵⁰ *Ibid.*

²⁵¹ *Ibid.*

²⁵² *Ibid.*

²⁵³ Weeks, *Sex, Politics and Society*, 103.

Homosexuality in Britain in the 1950s

Until 1967, homosexuality in Britain continued to be regulated under the same statute that resulted in Oscar Wilde's conviction. As Addison points out, in the morally-conservative society that was Britain in the 1950s:

Homosexuality – by which contemporaries almost always meant *male* homosexuality – was at best lamented as a type of psychological illness, at worst condemned as a wicked perversion. All homosexual acts were criminal offences punishable by a prison sentence. Whatever might have happened during the war, peacetime Britain was a morally conservative society in which both men and women were under pressure to conform...²⁵⁴

Despite the fact that an unpublished survey completed in 1949 of the sex-lives of 450 people (done by the social research organisation Mass-Observation), reported that “one in five had experienced homosexual relations,”²⁵⁵ at this time in Britain it was still a shameful thing to be homosexual man. Lesbianism was not a crime and, according to Addison, during this period there seems to have been “little awareness that they existed.”²⁵⁶ No prominent homosexual man could admit publicly to his homosexuality, and men such as the novelist E.M. Forster, the playwright Noel Coward, and the economist J.M. Keynes, had to keep the matter intensely private.

The traditional public conservatism about homosexuality was still manifested in public policy and law enforcement post-war and into the 1950s. Sir Theobald Mathew, the Director of Public Prosecutions from 1944, and Sir David Maxwell-Fyfe, the Home Secretary from 1951-55, were “particularly zealous” in upholding the laws that criminalised homosexual behaviour. As an alternative to prosecution under the *Criminal Law Amendment Act 1885*, homosexuals could be charged with committing a variety of other offences, including “indecent assault.” The number of “indecent assault” cases rose dramatically from 822 in 1938 to 3305 in 1953.²⁵⁷ The

²⁵⁴ Addison, *No Turning Back*, 77.

²⁵⁵ *Ibid.*, 95.

²⁵⁶ *Ibid.*, 99.

²⁵⁷ *Ibid.*, 99.

figures for gross indecency (convictions recorded under the Labouchère Amendment) increased from 316 in 1938 to 2,322 in 1955.²⁵⁸

Three notable homosexual men whose sexuality became a criminal matter in the 1950s were Alan Turing, the mathematician and code breaker, who was convicted in March 1952 of “gross indecency” and two years later was found dead (a presumed suicide), the actor Sir John Gielgud, convicted and fined for “opportuning” in October 1953, and the Conservative M.P. Ian Harvey, who was arrested in 1958 and lost his career.²⁵⁹ Others who suffered criminal or other penalties for homosexual acts included the Lancashire comedian George Williams, who was convicted and imprisoned for two years, ruining his career, and Michael Calvert, a war hero, who was court-martialled and discharged from the army for “gross indecency with male persons.”²⁶⁰ Historian David Kynaston has pointed out that the establishment had been “badly rattled” by the cases of the spies Guy Burgess and Donald MacLean who had escaped to Russia in 1951. Both were homosexual. Kynaston links those cases to the new-found zeal (noted earlier) of the Home Secretary, Sir David Maxwell-Fyfe, in prosecuting homosexuals.²⁶¹ In December 1953, Maxwell-Fyfe told the House of Commons: “Homosexuals, in general, are exhibitionists and proselytizers and a danger to others, especially the young. So long as I hold the office of Home Secretary I shall give no countenance to the view that they should not be prevented from being such a danger.”²⁶²

Two other prominent cases seem to have created “such unease”²⁶³ that they may have led the government down a path of law reform, via a government enquiry. One was that of the writer Rupert Croft-Cooke, who, in 1953, was imprisoned for nine months, having been found guilty of committing acts of “gross indecency” with two sailors.²⁶⁴ According to David Kynaston, the evidence against Croft-Cooke “had been secured by the police in the most dubious way.”²⁶⁵ The other was the 1954 case of

²⁵⁸ Committee on Homosexual Offences and Prostitution (Great Britain), *Report of the Committee on Homosexual Offences and Prostitution*, Cmnd. 247, Sept. 1957 (London: HMSO, 1957), Appendix I, table 1, 130.

²⁵⁹ Addison, *No Turning Back*, 99.

²⁶⁰ David Kynaston, *Family Britain 1951-57* (London: Bloomsbury, 2009), 98.

²⁶¹ *Ibid.*, 97-98.

²⁶² Quoted *ibid.*, 332.

²⁶³ Addison, *No Turning Back*, 100.

²⁶⁴ Higgins, *Heterosexual Dictatorship*, 66-67.

²⁶⁵ Kynaston, *Family Britain*, 332.

Peter Wildeblood (the diplomatic correspondent of the Daily Mail) and Lord Montagu of Beaulieu. Both were convicted of gross indecency and sent to prison, largely on the evidence of men who were obvious willing participants, but still gave evidence against the accused.²⁶⁶ Again the circumstances were unsatisfactory and difficult. According to Higgins, “because of the social prominence of the accused, and the nature of the accusations, the Montagu trials [of 1953 and 1954] received more press coverage than any other trial for homosexual offences since Oscar Wilde’s in 1895.”²⁶⁷

It is unlikely that there had been a sudden increase in homosexual activity in Britain at this time. The more likely explanation for the sudden increase in homosexual convictions – including those of so many prominent men – was increased policing of homosexual “crimes.” There were reports in the press of a police “crackdown” on “male vice.” These reports even reached Australia, as Peter Wildeblood reports in his memoir.²⁶⁸ On 2 October 1953, special London correspondent Donald Horne reported that “the sensational charges this week against Lord Montagu of Beaulieu and actor Sir John Gielgud are the result of a Scotland Yard plan to smash homosexuality in London.”²⁶⁹ According to Horne’s article, “The plan originated under strong United States advice to Britain to weed out homosexuals – as hopeless security risks – from important government jobs.” Horne goes on to report that “the plan was extended as a war on all vice when Sir John Nott-Bower took over as the new Commissioner of Scotland Yard in August.” He also states that: “The Special Branch began compiling a ‘Black Book’ of known perverts in influential government jobs after the disappearance of the diplomats Donald Maclean and Guy Burgess, who are known to have pervert associates.”

It is apparent from his memoirs that Wildeblood took this report as gospel truth, but doubt has since been cast on both the report and its implication of a conspiracy by police against homosexuals. Higgins calls Horne’s story “an extremely sensational account” and points out a

²⁶⁶ Ibid.

²⁶⁷ Higgins, *Heterosexual Dictatorship*, 231. Earlier charges had been laid against Lord Montagu in 1953, involving allegations by two boy scouts.

²⁶⁸ Peter Wildeblood, *Against the Law*, new ed. (London: Phoenix, 2000), 45-46. (1st ed., London: Weidenfeld & Nicholson, 1955). Page references are from the new, paperback edition.

²⁶⁹ “Big names involved in London clean-up of male vice,” *Sunday Telegraph* (Sydney), 25 Oct. 1953, 11. The article actually refers to earlier charges laid against Lord Montagu involving allegations by two boy scouts. This trial commenced on 14 December 1953. (Wildeblood mistakenly refers to the “Sydney Morning Telegraph” in Wildeblood, *Against the Law*, 45).

number of errors and inconsistencies in the article.²⁷⁰ He suggests that Horne had been “fed” the information by Scotland Yard²⁷¹ and South London M.P. Colonel Marcus Lipton,²⁷² both of whom were mentioned in the article. Higgins concludes that the occurrence of the article in the press just three days after the Gielgud conviction, after which the British press had published “an extraordinary number of articles about the ‘homosexual menace’” suggests that “Scotland Yard were reacting to that concern by showing that they were taking action in dealing with this ‘problem.’”²⁷³

Press attention to the issue continued: on 1 November 1953, articles appeared in both the *Sunday Times* and the *News of the World* reporting on the “increasing number of cases of indecency between men.”²⁷⁴ According Jeffery-Poulter, “It is unlikely that it was pure coincidence that the issue of homosexual law reform was raised openly for the first time in the House of Commons on 3 December 1953 by Conservative M.P., Sir Robert Boothby, and Labour’s Desmond Donnelly.”²⁷⁵ Following a question by Mr Shepherd, M.P. to Home Secretary Sir David Maxwell-Fyfe about the number of cases involving “male perversion” in 1938 and 1952, both Boothby and Donnelly asked Maxwell-Fyfe whether the government would recommend that a Royal Commission be set up to examine the existing laws about sexual offences, and in particular, homosexuality. Maxwell-Fyfe replied: “The general question of the law relating to sexual offences and of the treatment of sexual offenders is engaging my attention, but I am not yet in a position to make any statement.”²⁷⁶

Higgins also makes this point about the government finally being moved to address the question of homosexual law reform after a period of intense press interest. He notes that, “incredibly,” there had been no public call for reform of the laws prohibiting homosexual acts in Britain, until the (northern) autumn of 1953, when, “in a six-month period beginning in October 1953, more space was devoted to homosexuality in the British press than at any period since the trials and conviction of Oscar Wilde.”²⁷⁷ Significantly, he continues, “Most of the reports, letters, and

²⁷⁰ Higgins, *Heterosexual Dictatorship*, 256.

²⁷¹ *Ibid.*, 259.

²⁷² *Ibid.*, 262.

²⁷³ *Ibid.*, 262.

²⁷⁴ Jeffery-Poulter, *Peers, Queers & Commons*, 14-15.

²⁷⁵ HC Deb, 3 Dec 1953, vol 521, cc1294-9; Jeffery-Poulter, *Peers, Queers & Commons*, 15.

²⁷⁶ HC Deb, 3 Dec 1953, vol 521, cc1297-8.

²⁷⁷ Higgins, *Heterosexual Dictatorship*, 3.

articles were hostile to reform.”²⁷⁸ However, Higgins states, “the élite newspapers and journals” of the time were suggesting that Britain look to the laws of Italy and France governing homosexual behavior as a guide to possible law reform.²⁷⁹ The *Sunday Times*, not known at this time (according to Kynaston)²⁸⁰ for social liberalism, called directly for law reform: “The case for a reform of the law as to acts committed in private between adults is very strong. The case for authoritative enquiry into it is overwhelming.”²⁸¹

The Home Office, however, was more concerned in the first instance to deal with the problem of female prostitution, particularly involving solicitation in public. According to Higgins, the number of prostitutes appearing in court in London “had increased from 2,966 in 1938 to 9,756 in 1952.”²⁸² At this time, prostitution itself was not a crime, but women could be prosecuted if their solicitation annoyed other citizens.²⁸³ A Home Office official, Philip Allen, and a senior police officer, Commander Ernest Cole, were dispatched to the United States to study the way police handled prostitution in the major cities there. Their report recommended legislation to control female prostitution. But a difficulty remained: the Home Office was against any legislation that punished the male clients of female prostitutes. For this reason, the idea of a Royal Commission “to investigate the problem and to propose a solution” was floated,²⁸⁴ with the suggestion of a Royal Commission into prostitution and homosexual offences being first put to Cabinet by Home Secretary Maxwell-Fyfe at the Cabinet meeting held on 24 February 1954, by his memorandum dated 17 February 1954.²⁸⁵

In the event, it was not a Royal Commission but a “departmental enquiry” that was set up, and that enquiry indeed covered not only “the law and practice relating to offences against the criminal law in connection with prostitution and solicitation

²⁷⁸ Ibid.

²⁷⁹ Ibid., 3-4.

²⁸⁰ Kynaston, *Family Britain*, 374.

²⁸¹ “Law and Hypocrisy,” *Sunday Times*, 28 Mar. 1954, 6. Accessed 11 Apr. 2017, *Sunday Times Digital Archive*. Gale Document No. GALE | FP1800335247.

²⁸² Higgins, *Heterosexual Dictatorship*, 4.

²⁸³ Ibid.

²⁸⁴ Ibid., 4-5.

²⁸⁵ Cabinet Conclusion 12, Sexual Offences, 24 Feb. 1954: CC (54) 11th Conclusions, Minute 12, CAB 128/27; Memorandum by the Secretary of State for the Home Department and Minister for Welsh Affairs, C. (54) 60, 17 Feb. 1954, CAB/129/66.

for immoral purposes,” but also “the law and practice relating to homosexual offences and the treatment of persons convicted of such offences by the courts.” The government’s committee of enquiry, appointed by Home Secretary Maxwell-Fyfe on 24 August 1954,²⁸⁶ was chaired by Sir John Wolfenden. His report, delivered in September 1957, was known as the *Wolfenden Report* – one of the more significant and influential government Reports of the period. The *Wolfenden Report* and its aftermath in terms of homosexual law reform are considered in more detail in chapter 3. Homosexual acts between consenting adults would remain a crime until the passing of the *Sexual Offences Act 1967*, as will also be seen in chapter 3.

Summary

Britain after World War 2 was a country undergoing tremendous change. After the privations before and during the war, Britain was emerging in the early- to mid-1950s as a country with a reasonable degree of prosperity and a great deal of optimism. It had a new social security system and a National Health System that had survived transition from their Labour Party origins to administration and management under the Conservatives. The crucial housing problem was being addressed. Rationing was ending, and consumerism was on the horizon. The normally cautious and sober magazine, the *Economist*, famously ran an article on 3 July 1954 that announced: “The miracle has happened – full employment without inflation, and this despite the heavy burden of defence, and some reduction in taxation.”

The argument can therefore be fairly made that financial security and optimism enabled the British people to turn their thoughts away from the imperatives that had to be addressed during the war and its aftermath, and towards a desire for a better future, a better life and a better world. There were still many improvements to be made, and much work remained to be done. There were new social problems emerging, one of them being the rising crime rate. The area of sexual offences was one area of criminal law that was overdue for reform, especially homosexual offences, which had not been reviewed for nearly a century. A series of high-profile prosecutions of homosexuals, coupled with intense press interest and increased police attention, eventually forced the government to address the issue. However, the government opted for more delay, and in 1954 it ordered the Wolfenden Committee to

²⁸⁶ Committee on Homosexual Offences, *Report on Homosexual Offences and Prostitution*, paragraph 1.

conduct a departmental enquiry into those matters. The Committee did not report until 1957, and law reform did not come until 1967, as will be seen in chapter 3.

In this chapter, my aim has been to show that, although law reform did not come in many areas until later in the 1960s, British society had changed since World War 2 in such a way to make possible the reforms that would occur in the next decade. Issues such as the possibility of homosexual law reform came to a head in the 1950s, with public discussion in the press, in Parliament, and elsewhere. This issue, which had previously been taboo, and which had remained legally stagnant for a century, was now in the public consciousness. The British people had not yet been convinced that such change was *necessary*, much less of what form it should take, but at last the question was before them. The 1950s had laid the foundations for this and other changes, because they provided the conditions of stability and security that enabled the British people to contemplate a new and better future.

In 1953, the *Economist* foreshadowed the possibility of a new era of greatness for the British people:

For forty years, the British people, more than almost any other in the world, have lived in constant crisis and under constant strain... But nothing vital has been lost and if for a generation they could be granted a surcease of alarm, there could be a great resurgence of spirit from a people still basically at one, still rich, still proud and still free.²⁸⁷

There was, as Morgan notes, a “tranquillity” about Britain from 1951 until around 1956. “In general,” he writes, “the years of Tory rule after 1951 were a time of social balance, with a recovery of morale after the war and post-war austerity.”²⁸⁸ Better times were on the horizon: Morgan quotes economist Anthony Crosland who had written in 1956: “We stand on the threshold of mass abundance.”²⁸⁹ Morgan continues:

²⁸⁷ The *Economist*, 30 May 1953, quoted in Stuart Laing, *Representations of Working-Class Life 1957-1964* (Houndmills, Basingstoke, Hampshire: Macmillan, 1986), 9.

²⁸⁸ Morgan, *Britain Since 1945*, 156.

²⁸⁹ Anthony Crosland, *The Future of Socialism* (London: Jonathan Cape, 1956), 515. There is now a 50th revised edition (London: Constable & Robinson, 2013).

An aura of comfort and contentment, of rising expectations and diminishing concern prevailed. People could now turn to 'the arts of life'²⁹⁰ rather than the strategy of survival.²⁹¹

And it is to one of "the arts of life" – the cinema – that chapter 3 now turns. There I explore the role of cinema, and a small group of films, including the 1961 film, *Victim*, in continuing the process of homosexual law reform.

²⁹⁰ Crosland, *Future of Socialism*, 1st ed., 528-529.

²⁹¹ Morgan, *Britain Since 1945*, 157.

Chapter 3: *Victim* and Homosexual Law Reform

Let's be frank about it; most of our people have never had it so good. Go around the country, go to the industrial towns, go to the farms, and you will see a state of prosperity such as we have never had in my lifetime – nor indeed ever in the history of this country. What is beginning to worry some of us is, "Is it too good to be true?" or perhaps I should say, "Is it too good to last?"

– Harold Macmillan, speech at Bedford football ground, 20 July 1957.²⁹²

The salient part of this often-quoted statement by Prime Minister Macmillan – “...our people have never had it so good...” – is very often read as indicating congratulatory complacency on Macmillan’s part. The supposition is that Macmillan saw the 1950s as an affluent decade in which the British all enjoyed prosperity and peace within a stable welfare state.²⁹³ But that is not what Macmillan said. He used “most” in the phrase “*most* of our people”; and he went on to say: “What is beginning to worry some of us is, ‘Is it too good to be true?’ or perhaps I should say, ‘Is it too good to last?’”²⁹⁴

This chapter takes up the first of those two qualifications, and focuses on one of the social issues affecting a section of British society that was not “having it so good.” These issues had existed before the War, and had not been banished by the War. Prosecuting the War had taken precedence, or had at least diverted attention from them. Now that the War was behind Britain, the British people were in a position to consider what might make a better future. Certain social issues would begin to command more attention from Parliamentarians, as well as special interest groups, and of course, the affected people themselves.

This chapter explores one of those issues: the “crime” of homosexuality, and examines the film *Victim* (1961, Dearden), along with some of the other films of the time which dealt with or

²⁹² Harold Macmillan, *Riding the Storm, 1956-1959* (London: Macmillan, 1971), 350.

²⁹³ See, for example, Paul Addison, *No Turning Back: The Peacetime Revolutions of Post-War Britain* (Oxford: Oxford University Press, 2010), 168.

²⁹⁴ Here Macmillan was alluding to the risk that the then-thriving British economy could be heading towards inflation: *ibid.*, 168.

commented on that issue. Those films are part of a neglected group of films of the period,²⁹⁵ sometimes referred to as the “social problem” or “social realist” films.²⁹⁶ I have selected *Victim* as the key film to study in this thesis because it is generally regarded as the most important film of the time dealing with homosexuality, and because, as I will demonstrate, there is evidence to suggest that this film may have played a significant role in actually changing the law. Certainly, *Victim* was one of the first films to deal in a serious way with homosexuality and the related inequities of British law. Further, I would argue that of all the social problems being experienced in the Britain during this period, and of all the films which dealt with those problems, *Victim* has the most direct connection with the amendment of an unjust law.

The “Social Problem” Films

Certain filmmakers are particularly associated with this genre of British films of the 1950s:²⁹⁷ most notably the duo of Basil Dearden (usually as director) and Michael Relph (often as producer). These two had been together at Ealing Studios, where they had made a series of “social problem” films, including such early works as *Frieda* (1947), which dealt with the aftermath of the War and the relationship of the British people with the defeated Germans, and *The Blue Lamp* (1949) and *I Believe in You* (1951), which both dealt with crime, justice and juvenile delinquency. The pair tackled the problem of disaffected youth again in *Violent Playground* (1958). In *Sapphire* (1959) for Rank, they considered the question of racial prejudice and hatred – in fact, they had already touched on racial issues much earlier in *Pool of London* (1950) back at Ealing. In the early 1960s they helped to found the Allied Film Makers collective. There, working as independent filmmakers but still as a director-producer team, they continued to make films which explored social issues.²⁹⁸ For Allied they produced

²⁹⁵ Late 1940s to early 1960s – see chapter 1 page 7. Also noting this flexible approach to defining the decade is Robert Murphy, who refers to the “throwbacks, contradictions, overlaps” and the “strays into the 60s” that occur in the writing about British cinema of this period. See Murphy, Robert, *Sixties British Cinema* (London: British Film Institute, 1992), 36.

²⁹⁶ For example, in Samantha Lay, *British Social Realism from Documentary to Brit Grit* (London: Wallflower Press, 2002); Alan Burton and Tim O’Sullivan, *The Cinema of Basil Dearden and Michael Relph* (Edinburgh: Edinburgh University Press, 2009); Alan Burton, Tim O’Sullivan, and Paul Wells, eds., *Liberal Directions: Basil Dearden and Postwar British Film Culture* (Trowbridge: Flicks Books, 1997); John Hill, *Sex, Class and Realism: British Cinema 1956-1963* (London: British Film Institute, 1986); Barry Forshaw, *British Crime Film: Subverting the Social Order* (Basingstoke, Hampshire: Palgrave Macmillan, 2012); and Christine Geraghty, *British Cinema in the Fifties: Gender, Genre and the ‘New Look’* (London: Routledge, 2000).

²⁹⁷ As noted earlier, for the purposes of this thesis, this expression includes films from the late 1940s to the early 1960s.

²⁹⁸ See Burton and O’Sullivan, *Cinema of Dearden and Relph*, 8. For Allied Film Makers, Dearden and Relph also made *The League of Gentlemen* (1960) and *Man in the Moon* (1960).

four films, including *Victim* in 1961, on homosexuality, and *Life for Ruth* in 1962, which looked at the problem of religious intolerance.²⁹⁹

Another filmmaker of this era who had a particular interest in social issues was J. Lee Thompson, who would later achieve some fame in the United States for films like *The Guns of Navarone* (1961) and *Cape Fear* (1962). But in the 1950s he had a special interest in social issues affecting women, especially women and crime. One of his most important films dealt with the issue of capital punishment, and was in effect an attempt to change the law: *Yield to the Night* (1956).³⁰⁰ Other films he directed that concerned women's issues include *The Weak and the Wicked* (1954) (women in prison and their return to the outside world),³⁰¹ *Woman in a Dressing Gown* (1957) (domestic duties, infidelity, desertion and many other fascinating issues),³⁰² and *No Trees in the Street* (1958) (the limited options available to women living in poverty). He also made *The Yellow Balloon* (1952), a tense thriller dealing with post-war crime and the abuse of a child (the second British film to receive an X-rating),³⁰³ and *Tiger Bay* (1959), another thriller with some similar themes.

Alexander Mackendrick, too, made films dealing with social issues during this period. In 1951 for Ealing Studios he made *The Man in the White Suit*, an early comedic look at consumerism and British industry. In 1952, also for Ealing, he made *Mandy*,³⁰⁴ which explores a family's attempts to deal with the problems of having a deaf child.

The "social problem" films of the 1950s have been considered by scholars such as Alan Burton, Tim O'Sullivan and Paul Wells,³⁰⁵ who, since the 1990s, have been concerned to reassess and endorse the cinema of Basil Dearden and Michael Relph, especially given the criticism of their

²⁹⁹ Known in the USA as *Walk in the Shadow*.

³⁰⁰ Known, more sensationally, in the USA as *Blonde Sinner*.

³⁰¹ Known in the USA as *Young and Willing*.

³⁰² See Melanie Williams, "Housewife's Choice: Woman in a Dressing Gown," in *British Cinema of the 50s: a Celebration*, ed. Ian Mackillop and Neil Sinyard (Manchester: Manchester University Press, 2003), 143-154.

³⁰³ Certificate granted on 20 April 1953. The first was *Women of Twilight* (1952, Parry), which concerned baby farming, on 23 Feb 1953 and the third was *Cosh Boy* (1952, Gilbert), which involved juvenile delinquency (certificate granted on 4 May 1953): Neville March Hunnings, *Film Censors and the Law* (London: George Allen & Unwin, 1967), 404. See also Sue Harper and Vincent Porter, *British Cinema of the 1950s: The Decline of Deference* (Oxford: Oxford University Press, 2007), 221.

³⁰⁴ Known in the USA as *Crash of Silence*.

³⁰⁵ See Burton and O'Sullivan, *The Cinema of Dearden and Relph*; Burton, O'Sullivan, and Wells, *Liberal Directions*; and Alan Burton, "Victim (1961): Text and Context," *AAA – Arbeiten aus Anglistik und Amerikanistik* 35, no. 1 (2010), Gunter Narr Verlag, Tübingen, Germany: 75-100.

films during the 1970s and 80s by scholars such as Richard Dyer,³⁰⁶ Andy Medhurst³⁰⁷ and John Hill;³⁰⁸ I address this conflict of views later in this chapter, specifically in the context of Dearden and Relph's film, *Victim*. Raymond Durgnat also took a sympathetic view of the achievements of Dearden and Relph and the other British social realists, writing specifically about Dearden and Relph as early as 1966,³⁰⁹ and later making a more general survey of their work in his book *A Mirror for England*, first published in 1970.³¹⁰ Charles Barr's classic study, *Ealing Studios*, examines social realism at Ealing and in some of the early films Basil Dearden and Michael Relph made there.³¹¹ Ian McKillop and Neil Sinyard's collection of essays, *British Cinema of the 1950s: a Celebration* is a wide-ranging survey of the decade which includes studies of some of the key social realist films, ranging from better-known ones such as Thompson's *Yield to the Night* and *Woman in a Dressing Gown* (just mentioned), to lesser-known works such as *Women of Twilight* (1952, Parry) and *Serious Charge* (1959, Young). It seeks to reignite interest in this period of British filmmaking. Both Marcia Landy³¹² and Carrie Tarr³¹³ have offered criticisms of the social realist films from a feminist point of view, concentrating notably on *Sapphire* (Dearden, 1959). Sue Harper and Vincent Porter have also written about British cinema of the 1950s. By examining the production industry and the individual studios that produced the films, they have sought to examine the role that British cinema played in the culture and society of the period.³¹⁴ Murphy's book *Sixties British Cinema*, though concentrating on the films of the 1960s, traces the development of realism in British cinema from World War 2, by way of the "social problem" films and "kitchen sink" realism, through to the mid-1960s and the films of Val Guest. Murphy also takes issue with Hill's critical assessment of the social problem films, noting instead their significance and fascination for contemporary students of cinema.³¹⁵

³⁰⁶ Richard Dyer, *The Matter of Images: Essays on Representations*, 2nd ed. (London: Routledge, 2002), 85. The essay "Victim: hegemonic project" was first published in 1977 in *Film Forum* 2, Newcastle.

³⁰⁷ Andy Medhurst, "Victim: Text as Context," first published in *Screen* 25, no. 4-5 (July-Oct. 1984): 22-35; later revised and published in Andrew Higson, ed., *Dissolving Views: Key Writings on British Cinema* (London: Cassell, 2002), 131.

³⁰⁸ Hill, *Sex, Class and Realism*.

³⁰⁹ Raymond Durgnat, "Dearden and Relph: Two on a Tandem," *Films and Filming* (July 1966): 26-33.

³¹⁰ Raymond Durgnat, *A Mirror for England*, 2nd ed. (Basingstoke, Hampshire: Palgrave Macmillan, 2011).

³¹¹ Charles Barr, *Ealing Studios*, 3rd ed. (Moffatt, Scotland: Cameron & Hollis, 1998).

³¹² Marcia Landy, *British Genres* (Princeton: Princeton University Press, 1991), chapter 10, 432-482.

³¹³ Carrie Tarr, "'Sapphire,' 'Darling' and the Boundaries of Permitted Pleasure," *Screen* 26, no. 1 (Jan.-Feb.1985): 50-65.

³¹⁴ Harper and Porter, *British Cinema of the 1950s*.

³¹⁵ Murphy, *Sixties British Cinema*, 57, and chapter 2 generally, 43-57.

The origins of the social realism of the 1950s have been traced by Lay, back to the “British Documentary Movement,” which flourished from the late 1920s to the mid-1940s.³¹⁶ Lay describes how the realist tradition of the documentary developed after World War 2, into: “two distinct social realist strands: the social problem film, most associated with producers Michael Balcon³¹⁷ and Michael Relph, and director Basil Dearden, and the poetic realism of the British New Wave directors – particularly Tony Richardson, Lindsay Anderson, and Karel Reisz. Both strands can be seen as having been directly influenced by the documentary realist project, in different ways.”³¹⁸ Further, Lay points to the links of this second strand of films – the British New Wave in feature films, and the “Free Cinema” movement mainly in the documentary format – to the French New Wave, “largely because of their fascination with the details and minute rituals of everyday life, the interest in ordinary people and their dialects, and their use of location shooting.”³¹⁹ But Lay identifies the greatest influence on the British New Wave and Free Cinema films as being the Italian neo-realist films, with the “liberal, left-wing humanism evident in their sympathetic treatment of working people and their problems within the wider context of the impact of large-scale societal events.”³²⁰ However, though both social realist strands have similar origins, this thesis is concerned with the *first* strand of British social realism in the 1950s, as exemplified by the films of Michael Relph and Basil Dearden, among others: filmmakers who usually chose to focus on only one social issue in each film they made, rather than mounting a more general critique of British society.

One important issue addressed by the “social problem” films of this period was the relatively newly-identified problem of juvenile delinquency. An early film of the era dealing with this question was *Boys in Brown* (1949, Tully), a story of delinquent juveniles and the Borstal system. Lewis Gilbert’s *Cosh Boy* (1952),³²¹ the third film ever to receive an “X” certificate, also dealt with juvenile delinquency and its causes, but it did so in what might be seen today as a simplistic manner.

Other social issues covered by films of this era included the role of women in general, the question of abortion, mental and other health issues, the housing crisis, the Irish “troubles”

³¹⁶ Lay, *British Social Realism*, 40.

³¹⁷ Balcon was Director and Production Chief of Ealing Studios, later founding the independent production company Bryanston Films. He also held many other significant positions in the British film industry.

³¹⁸ Lay, *British Social Realism*, 55.

³¹⁹ *Ibid.*, 60.

³²⁰ *Ibid.*

³²¹ Known in the USA as *The Slasher*.

and (later in the decade), the nuclear bomb. Several of these social issues would be the subject of legislative reform in due course, and one of the aims of this thesis is to place the various films of the 1950s which dealt with those issues into that context. My larger contention is that, by ventilating certain social issues, those films and filmmakers contributed to the developing agenda for the social and legal reform that followed in the late 1950s and 1960s.

However, this thesis focuses on one area of reform: homosexual law reform, namely, the reform of the laws of the time that made homosexual acts between men a crime in Britain. In order to examine the relationship between the films and the changes in the law, I have used the following methodology and procedure. First, I set out the legal context as it was at the beginning of the 1950s. Then I discuss several pertinent films which were released both before and after *Victim*, and consider their place in the changing social context. Next, I offer a reading of the film *Victim*, focusing on the methods which the filmmakers used to deliver their message about the need for social and legal reform in the matter of homosexuality. Then I consider the impact of *Victim* and the consequent reactions of the critics, the public and the legislators. Finally, I outline when and how the relevant legal reforms occurred.

Homosexuality and the *Wolfenden Report*

At the end of World War 2 in Britain, it was still against the law for men to engage in homosexual acts. As noted in chapter 2, in earlier times, anal intercourse (known as “buggery” or “sodomy”) had been a crime punishable by death. In the Victorian era, the criminal law was reformed and consolidated and in 1861 the *Offences Against the Person Act* (section 61) abolished the death penalty for anal intercourse and replaced it with life imprisonment. However, within 25 years, the *Criminal Law Amendment Act 1885*, though it had been intended as a law to “make further provision for the protection of women and girls, the suppression of brothels and other purposes,” actually introduced a much more wide-ranging set of sanctions for homosexual acts by men. It introduced the concept of “gross indecency” in addition to “sodomy.” By what became known as the “Labouchère Amendment,” Henry Labouchère, a Liberal Party backbencher, introduced a clause which provided that:

Any male person who, in public or private, commits or is a party to the commission of, or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person, shall be guilty of a misdemeanour.³²²

This amendment was accepted without close examination by the Parliament. Once it was enacted and the press became aware of it, the prospect of its use by blackmailers became apparent. The press of the time christened it “The Blackmailers’ Charter,”³²³ and that epithet endured: it was mentioned both in the departmental committee report to government that was to become known as the *Wolfenden Report* in 1957,³²⁴ and, significantly for this thesis, in the film *Victim* in 1961. Lord Wolfenden, in his memoir *Turning Points*, referred to the Labouchère Amendment as “an extraordinary legislative accident.”³²⁵

As Lord Wolfenden also pointed out in his memoir, Britain had never had any legislation specifically about homosexual behaviour between women, although there were some sexual offences that applied whether “homosexually or heterosexually conducted.”³²⁶ As Weeks points out, lesbians had been “ignored by the criminal codes.”³²⁷ There had been an attempt to legislate against lesbian behaviour in 1921, but it failed to pass Parliament. Lord Desart, who was the Director of Public Prosecutions responsible for the indictment of Oscar Wilde, opposed the law on the rather remarkable basis that:

You are going to tell the world that there is such an offence, to bring it to the notice of women who have never heard of it, never thought of it, never dreamt of it. I think it is a very great mischief.³²⁸

³²² Section 11, *Criminal Law Amendment Act 1885*. This was the law used to prosecute both Oscar Wilde and Alan Turing.

³²³ Stephen Jeffery-Poulter, *Peers, Queers and Commons: The Struggle for Gay Law Reform from 1950 to the Present* (London: Routledge, 1991), 9-10. According to McLaren, the term was popularised by the writers Edward Carpenter and Havelock Ellis: Angus McLaren, *Sexual Blackmail: A Modern History* (Cambridge, Massachusetts: Harvard University Press, 2002), 27.

³²⁴ Committee on Homosexual Offences and Prostitution (Great Britain), *Report of the Committee on Homosexual Offences and Prostitution*, Cmnd. 247, Sept. 1957 (London: HMSO, 1957), paragraph 109. However, the Report pointed out that the existing laws criminalising homosexual acts provided “ample scope for the blackmailer” before the Labouchère Amendment (paragraph 109), and although “blackmail takes place in connection with homosexual acts,” police figures from 1950-1953 indicated that there were only an average of eight cases a year, and “they suggest that the amount of blackmail which takes place has been considerably exaggerated in the public mind.” (Paragraph 110).

³²⁵ John Wolfenden, *Turning Points* (London: The Bodley Head, 1976), 131.

³²⁶ Ibid.

³²⁷ Jeffrey Weeks, *Sex, Politics and Society* (London: Longman, 1989), 105.

³²⁸ Ibid.

Weeks makes the point that this does not deny the existence of lesbianism: it simply sees male homosexuality as a greater social evil.³²⁹

According to the memoir of Lord Wolfenden, at the time he was approached in early 1954 by the Home Secretary, Sir David Maxwell Fyfe, to head a departmental committee of enquiry into whether the laws should be changed in the two areas of prostitution and homosexual offences, there was “increasing public concern at what was regarded as the growing shamelessness of prostitutes in the streets of London and some other big cities.”³³⁰ But as to homosexual offences, the position was murkier. Wolfenden noted that “there was an impression that it was increasing; and there was a feeling that if it was it ought to be curbed,” but that “nobody had any idea how much of it there was, because it was, for obvious reasons, normally conducted in private.”³³¹ Wolfenden states that the Home Secretary approached him after “two cases which had attracted considerable public notice.”³³² Wolfenden does not specify which these were, but it is most likely that one was the case involving Peter Wildeblood, Lord Montague and Michael Pitt-Rivers, and that the other was the case involving the writer Rupert Croft-Cooke, both of which are mentioned in chapter 2.

After delaying the decision over several meetings, the Cabinet finally agreed on 15 April 1954 “that a Departmental Committee should be appointed to enquire into the law relating to prostitution and homosexual offences.” The Home Secretary was to consult with the Prime Minister (Churchill) about the Committee’s membership.³³³ But by this stage Sir John Wolfenden had already been approached. The Committee was formally appointed on 24 August 1954.³³⁴

In the end, the Wolfenden Committee (reporting three years later, in September 1957) did not conclude that there had been any marked increase in or increased danger from homosexual behaviour. In their report, they recognised that public interest in these matters had increased, and that consequently the newspapers were reporting these crimes more regularly and that there was increased discussion in magazines and in “general literature.” As a result, the Report noted, there was “much greater public awareness of the phenomenon and its

³²⁹ Ibid., 106.

³³⁰ Wolfenden, *Turning Points*, 130.

³³¹ Ibid., 131.

³³² Ibid.

³³³ Cabinet Conclusion 5, Sexual Offences, 15 April 1954: CC (54) 29th Conclusions, Minute 5, CAB/128/27.

³³⁴ Committee on Homosexual Offences, *Report on Homosexual Offences and Prostitution*, paragraph 1.

manifestations. But it does not necessarily follow that the behaviour which is so discussed is more widespread than it was before.”³³⁵

The Report set out the Committee’s approach to “the problem”:

It is not, in our view, the function of the law to intervene in the private lives of citizens, or to seek to enforce any particular pattern of behaviour, further than is necessary to carry out the purposes we have outlined. It follows that we do not believe it to be a function of the law to attempt to cover all the fields of sexual behaviour.³³⁶

One curious aspect of the *Wolfenden Report* is that by applying the same set of logic to two problems – prostitution and homosexual offences – it managed to come to what might appear to be diametrically-opposed recommendations. It recommended strengthening the law as it applied to prostitution, and increasing penalties for “street offences,” and yet it recommended that homosexual acts between consenting adults be no longer a crime. On the one hand it regulated, and on the other it deregulated. As Weeks puts it: “The unifying element was the belief that by ceasing to be the guardian of *private* morality, the law would more effectively become the protector of public decency and order.”³³⁷

The most crucial of the *Wolfenden Report* recommendations were:

- i. That homosexual behaviour between consenting adults in private be no longer a criminal offence.
- ii. That questions relating to “consent” and “in private” be decided by the same criteria as apply in the case of heterosexual act between adults.
- iii. That the age of “adulthood” for the purposes of the proposed change in the law be fixed at twenty-one.
- iv. That no proceedings be taken in respect of any homosexual act (other than an indecent assault) committed in private by a person under twenty-one, except by the Director of Public Prosecutions or with the sanction of the Attorney-General.

³³⁵ Ibid., paragraph 42.

³³⁶ Ibid., paragraph 14.

³³⁷ Weeks, *Sex, Politics and Society*, 243.

After some other rather technical recommendations, including one that recommended revised penalties for the revised offences, the Report continued with two recommendations particularly aimed at blackmail:

- ix. That except for some grave reason, proceedings not be instituted in respect of homosexual offences incidentally revealed in the course of investigating allegations of blackmail.
- x. That section 29(3) of the Larceny Act 1916, be extended so as to apply to all homosexual offences.³³⁸

Recommendation (ix) was designed to counter the problem of men who complained to the police of blackmail for being homosexual, being then charged with committing homosexual acts. Recommendation (x) was designed to eliminate the anomaly in the present law, which applied a greater penalty for extortion relating to an accusation of buggery, over that of any other homosexual act. The Report concluded with some recommendations about medical and psychiatric treatment and research, including voluntary oestrogen treatment for prisoners, if considered beneficial by the prison medical officer.³³⁹

The *Wolfenden Report*, like the *Beveridge Report*, was a best-seller. According to the BBC, the original print run of 5,000 copies was sold within hours of publication.³⁴⁰ In his memoirs, Wolfenden writes that by three months after publication, it had sold fifteen thousand copies.³⁴¹ Despite this extraordinary interest in the Report by the public, it would take nearly another ten years before any of the Wolfenden recommendations on homosexuality would be enacted by Parliament. In the meantime, however, the press, social reformers – and importantly, filmmakers – kept the issue alive in the minds of the public.

One of these filmmakers was a screenwriter named Janet Green. A mere month after the *Wolfenden Report* was published, Green proposed to the Rank Organisation several new ideas

³³⁸ Committee on Homosexual Offences, *Report on Homosexual Offences and Prostitution*, paragraph 355 (using the Report's Roman paragraph numerals).

³³⁹ Ibid., recommendations (xv)-(xvii), paragraph 355.

³⁴⁰ BBC News, *On this Day*, 4 September 1957, accessed 23 Aug. 2016 6:45 p.m., http://news.bbc.co.uk/onthisday/hi/dates/stories/september/4/newsid_3007000/3007686.stm.

³⁴¹ Wolfenden, *Turning Points*, 140. Newspaper reports from the *Evening Standard* on 4 Sept. 1957; from the *Daily Express*, the *Daily Telegraph* (Editorial, "Public and Private Morality," 8); and the *Daily Mail* on 5 Sept. 1957, though the exact quote from the *Daily Mail* should be: "proposals *consenting* to legalised degradation in our midst" (my emphases), *Daily Mail* Historical Archive. Web. 24 Aug. 2016.

for film screenplays, as John Coldstream points out in his book *Victim*.³⁴² Green was an experienced screenwriter with four of her screenplays recently made into films, and a dozen realised screenplays for TV and cinema. One of Green's ideas, Coldstream suggests, became the screenplay for *Victim*,³⁴³ a film which deals with issues of homosexuality – specifically homosexual-related blackmail – and contains at its core a plea for the reform of the laws that made homosexuality a crime, thus endorsing the conclusions of the *Wolfenden Report*.

During the four years which passed between the release of the *Wolfenden Report* and the release of the film *Victim*, the issue remained both current and controversial. In the absence of early Government action on homosexual law reform, others stepped into the public arena to take the issue on. Two months after the release of the Report, the Oxford Union held a debate in November 1957 on whether homosexuality should be legalised, and the Union voted in favour of reform by one of the largest majorities in its history.³⁴⁴ On the other hand, the British Federation of Psychologists did not agree that the law should be changed.³⁴⁵ The eminent jurist Lord Denning took a conservative line, disagreeing with the Committee's view that "morals are not the law's business."³⁴⁶ However, the Archbishop of York, Dr A.M. Ramsey, was publically in favour of legislation to give effect to the main recommendations of the *Wolfenden Report*.³⁴⁷

The Homosexual Law Reform Society (HLRS) was formed in May 1958. It "pledged to campaign for the implementation of the Wolfenden proposals."³⁴⁸ The HLRS had grown out of a letter to the *Times*, published on 7 March 1958 and co-signed by 33 distinguished individuals, including, as Jeffery-Poulter notes, Isaiah Berlin, Robert Boothby M.P., Julian Huxley, J.B. Priestly and Bertrand Russell.³⁴⁹ Initiated by the university lecturer and literary critic A.E. (Tony) Dyson, the letter "expressed our general agreement with the recommendation of the *Wolfenden Report* that homosexual acts committed in private between

³⁴² John Coldstream, *Victim* (BFI Film Classics series) (London: Palgrave Macmillan, 2011), 11.

³⁴³ Ibid.

³⁴⁴ Coldstream, *Victim*, 15.

³⁴⁵ Ibid., citing *Times*, 7 Oct 1957.

³⁴⁶ Same work, p 15, citing *Times*, 27 Sept. 1957. He was speaking at a Law Society conference: Lord Alfred Denning, "The Right Standards of Conduct," address given to Law Society conference, Harrogate, 26 Sept. 1957, reported in *Times*, 27 Sept. 1957, p 7, *Times Digital Archive*. Web. 24 Aug. 2016; reprinted in Lord Alfred Denning, "The Right Standards of Conduct" (1957) *Law Society's Gazette* 609.

³⁴⁷ "Dr Ramsey Supports Report on Vice," *Times*, 27 Sept. 1957, 7, *Times Digital Archive*. Web. 24 Aug. 2016.

³⁴⁸ Jeffery-Poulter, *Peers, Queers and Commons*, 38.

³⁴⁹ Ibid.

consenting adults should no longer be an offence” and asked the Government to “introduce legislation to give effect to the proposed reform at an early date.”³⁵⁰

However, the Government continued to stall any legislation. The *Daily Mail* and the *Daily Express* both continued to maintain that the general populace opposed change. The *Daily Express* said: “Ordinary people have been bewildered and horrified at the persisting propaganda in favour of this change in the law. Eminent persons, including bishops of the established Anglican Church, have been drawn into it! Does a wide body of opinion favour this change? It does not!”³⁵¹ According to the *Daily Mail*: “This proposal has been approved by some sections of our society. But it is still regarded askance by the great mass of the British public, and in our opinion, rightly so.”³⁵²

In 1959, the debate about decriminalising homosexuality continued in the press and elsewhere, notably through the Hart/ Devlin debate. The Hart/ Devlin debate was an influential public exchange of views on law and morality between Lord Patrick Devlin, the eminent judge, and Herbert Hart, Professor of Jurisprudence at Oxford University. In 1959, Devlin delivered the Maccabaeon Lecture to the British Academy. His argument was that criminal law had as its object the protection of society, that society cannot live without morals, and that laws must be based on morality: an absolutist view of the law.³⁵³ Hart countered that argument, first in a radio broadcast, next in a published version of that program in the *Listener* magazine, and then, in 1962, in three lectures delivered at Stanford University, published the following year as *Law, Liberty and Morality*.³⁵⁴ Hart took the John Stuart Mill view, arguing what is known as the “harm principle.”³⁵⁵ This debate has been called “one of the most important jurisprudential debates of the second half of the 20th-century.”³⁵⁶ It is still studied and discussed in law schools today.

³⁵⁰ *Times*, Friday 7 Mar. 1958, 11, *Times Digital Archive*. Web. 24 Aug. 2016.

³⁵¹ *Daily Express*, 28 Nov. 1958, quoted in Adrian Bingham, *Family Newspapers? Sex, Private Life, and the British Popular Press 1918-1978* (Oxford: Oxford University Press, 2009), 191.

³⁵² “Vice and the Law,” *Daily Mail*, 24 Nov. 1958, p 1, *Daily Mail Historical Archive*. Web. 25 Aug. 2016; quoted (in part) in Bingham, *Family Newspapers?*, 191.

³⁵³ Patrick Devlin, “The Enforcement of Morals,” *Proceedings of the British Academy*, XLV (1959): 129-151.

³⁵⁴ H. L. A. Hart, *Law, Liberty and Morality* (Oxford: Oxford University Press, 1963).

³⁵⁵ As expressed in *On Liberty*: “The only purpose for which power can rightfully be exercised over any member of a civilized community against his will is to prevent harm to others”: Gertrude Himmelfarb, ed., *On Liberty/ John Stuart Mill* (Harmondsworth: Penguin Books, 1974), 68.

³⁵⁶ Peter Cane, “Taking Law Seriously: Starting Points of the Hart/Devlin Debate,” *The Journal of Ethics* 10, no. 1/2 (Jan. 2006): 22.

In 1958, there had been a development which provides critical context for the atmosphere of social reform that had arguably been developing through widespread public debate. British censorship was relaxing, at least in the world of theatre. In 1958 Lord Scarborough, the Lord Chamberlain,³⁵⁷ announced that the policy governing homosexuality as it appeared on stage would change. The *Times* reported on 7 November 1958 that Lord Scarborough had written to Mr Killick, Chair of the Theatre's National Committee, advising him that censorship policy had changed on the subject of homosexuality, since:

The subject is now so widely debated, written about and talked of that its complete exclusion from the stage can no longer be regarded as justifiable. In future, therefore, plays on this subject which are sincere and serious will be admitted, as will references to the subject which are necessary to the plot and dialogue, and which are not salacious or offensive.³⁵⁸

Then, in the same year, Britain's chief film censor, John Trevelyan (who was the Secretary of the British Board of Film Censors (BBFC)³⁵⁹ from 1958-1971 – in effect the BBFC's Chief Executive Officer) followed the lead of the Lord Chamberlain. In what Mathews has called “a decision which probably marks the high point of moral courage in Britain's film censorship,” Trevelyan announced that homosexual themes would not be banned if the topic was treated “responsibly.” Mathews sees this as “a code word for ‘consultation.’”³⁶⁰ And as Coldstream points out, Trevelyan did have considerable influence over the script of *Victim*, and subsequently the finished product.³⁶¹

Homosexuality in British Cinema from the 1950s to the Early 1960s

I contend that *Victim* is the key film of the era when one examines the question of the “crime” of homosexuality in Britain in the 1950s. But it was not the first film of this era to deal with the topic of homosexuality. Before *Victim*, British cinema had touched on homosexual themes, but generally either in a covert manner, or, as one British M.P. put it “as a fit subject for music hall humour.”³⁶² Film historian Stephen Bourne has written what is arguably the most comprehensive review of British films with lesbian and gay themes, directors, actors or

³⁵⁷ The Lord Chamberlain had power to prohibit the performance of plays under the *Theatres Act 1843*.

³⁵⁸ *Times*, Friday 7 Nov. 1958, 4, *Times Digital Archive*. Web. 26 Aug. 2016.

³⁵⁹ Now the British Board of Film Classification.

³⁶⁰ Tom Dewe Mathews, *Censored: The Story of Film Censorship in Britain* (London: Chatto & Windus, 1994), 155.

³⁶¹ Coldstream, *Victim*, 22-30 and 87-88.

³⁶² Brigadier Medlicott in the House of Commons, HC Deb 3 Dec. 1953 vol 521 cc1295-9.

characters. His book deals with the years 1930-1971, covering films from the camp to the tragic.³⁶³ In his survey of films of the 1950s, he ranges from comedic films such as the *Carry On* series,³⁶⁴ to films with more serious literary origins, such as *I am a Camera* (1955, Cornelius). *I am a Camera* has gay themes that were discernible, but perhaps then only by the cognoscenti. It is the film version of the John Van Druten play, itself based on the short stories of Christopher Isherwood, "Mr Norris Changes Trains" and "Goodbye to Berlin" (collectively "The Berlin Stories"). Isherwood was homosexual, and his stories explored some gay themes against a background of Berlin between the World Wars.

Bourne explains how, in John Collier's screenplay for *I am a Camera*, the "overt gay sexuality of Isherwood's stories is toned down but, though submerged, it does not become completely invisible."³⁶⁵ For example, the character of Christopher introduces himself as "a novelist. Comfortably off. Set in my ways. A confirmed bachelor." As Bourne notes, that is sufficient to imply that he is gay.³⁶⁶ This is apparent, of course, to an audience of today, but Bourne is indicating that the subtext of the dialogue would also have been apparent to those in the audience of the era who had a knowledge of homosexuality.

Aldgate details the many changes to the play the BBFC required, and indicates how, in the end, (although the film received an "X" certificate, with cuts),³⁶⁷ it had been hopelessly sanitised, the significance of its setting in decadent 1930s Berlin when Nazism was on the rise was watered-down, and "the whole theme is treated in a spirit of light comedy."³⁶⁸ *I am a Camera* is emblematic of the British films of the era in which gay characters and themes were either diluted or overlooked by the censors. It is a useful example by which to assess the change in the process of British film censorship that took place before and after John Trevelyan became chief film censor in 1958, ushering in a new era, and making way for the release of *Victim*, and the other films of the era that would deal more frankly and realistically with sexuality.

³⁶³ Stephen Bourne, *Brief Encounters: Lesbians and Gays in British Cinema 1930-1971* (London: Cassell, 1996).

³⁶⁴ Starting with *Carry On Sergeant* (1958, Thomas), the series continued until *Carry On Columbus* (1992, Thomas).

³⁶⁵ Bourne, *Brief Encounters*, 120.

³⁶⁶ Ibid.

³⁶⁷ *I am a Camera*, BBFC website, accessed 26 Oct. 2016 10.59 p.m., <http://www.bbfc.co.uk/releases/i-am-camera-1955>.

³⁶⁸ Anthony Aldgate, "I am a Camera: Film and Theatre Censorship in 1950s Britain," *Contemporary European History* 8, no. 3 (Theme Issue: European Popular Culture, 1945-1960) (Nov. 1999): 437.

*Serious Charge*³⁶⁹ (1959, Young) is another early, but more realistic, cinematic representation of homosexual issues. In the film, a vicar is accused of indecently assaulting a teenaged boy, a gang-leader who is causing problems in the village community.³⁷⁰ After much negotiation, *Serious Charge* received an “X” certificate from the BBFC, despite the BBFC’s reluctance to allow homosexuality to be shown in films. The film was able to allude to a homosexual assault “because homosexuality was merely employed as a device to further a plot concerning a vicar (Anthony Quayle) falsely accused of abusing a teenage boy.”³⁷¹ So in *Serious Charge*, the topic could now be broached, as long as the script was not too specific, and the homosexuality was not real, but merely *alleged*.

Still, Bourne considers that *Serious Charge* marks a significant breakthrough. He writes: “... in spite of the restrictions imposed by the BBFC, *Serious Charge* can lay claim to be a landmark in British cinema. It was the first British film with a contemporary setting to even touch upon the theme of homosexuality, albeit timidly.”³⁷²

After *Serious Charge*, in 1960, two British films were released about Oscar Wilde and his homosexual relationship with Lord Alfred Douglas. The first to appear (preceding the second film by just five days)³⁷³ was *Oscar Wilde* (1960, Ratoff), starring Robert Morley as Wilde, and based on the celebrated stage play by Leslie and Sewell Stokes, in which Morley had starred in the late 1930s. The play was based on a book by Christopher Millard, *Oscar Wilde: Three Times Tried*, which purported to be a “verbatim account” of Wilde’s trials.³⁷⁴ The second was the more opulent *The Trials of Oscar Wilde* (1960, Hughes),³⁷⁵ starring Peter Finch as Wilde. The director Ken Hughes wrote the script for that film, basing it on a 1948 book written by H. Montgomery Hyde, also called *The Trials of Oscar Wilde*, and on a John Funnell play, *The Stringed Lute*.

The emergence of the two films at the same time was no mere co-incidence. Joseph Eisinger, the writer of the script for *Oscar Wilde*, had developed the idea for a film about Wilde. Eisinger was originally in discussions with the producers of *The Trials of Oscar Wilde*, but the

³⁶⁹ Also known in the USA as *A Touch of Hell* and *Immoral Charge*.

³⁷⁰ Bourne, *Brief Encounters*, 136.

³⁷¹ Mathews, *Censored: Film Censorship in Britain*, 155; and see Bourne, *Brief Encounters*, 136-137.

³⁷² Bourne, *Brief Encounters*, 137.

³⁷³ Ibid., 142; Leslie J. Moran et al., eds., *Law’s Moving Image* (London: The GlassHouse Press, 2004), 80.

³⁷⁴ Moran et al., *Law’s Moving Image*, 81.

³⁷⁵ Also known as *The Green Carnation* or *The Man with the Green Carnation*.

producers (Warwick Film Productions Limited) broke off negotiations with Eisinger and took up the idea of an Oscar Wilde film themselves, asserting that they had purchased the copyright. They even went so far as to seek an urgent court injunction against Eisinger, his director (Gregory Ratoff), Vantage Films Limited (the production company of *Oscar Wilde*), and the distributor (20th Century Fox) on the basis of breach of copyright,³⁷⁶ but ultimately failed.³⁷⁷ Both productions went ahead.

Dilys Powell had written in her contemporary review of *Victim* that “to make a film about a famous, martyred, historical figure isn’t quite the same as a making a film which... criticises the existing law.”³⁷⁸ This seems to be the basis on which the two *Oscar Wilde* films had a relatively smooth ride through the censor’s office in Britain. *Oscar Wilde* and *The Trials of Oscar Wilde* both received an “X” certificate on 20 May 1960. It appears from BBFC records that *Oscar Wilde* had been cut by the censor, but *The Trials of Oscar Wilde* had not.³⁷⁹ Both Coldstream and Aldgate record (to differing extents) what chief censor John Trevelyan had to say about the two *Oscar Wilde* films, confirming what Dilys Powell later wrote about Wilde being a figure from history. Writing to Janet Green, the co-author of *Victim*, on 1 July 1960, Trevelyan began with what Aldgate describes as a “somewhat disingenuous” statement about the BBFC’s attitude to homosexuality on screen, and then went on to discuss the two *Oscar Wilde* films:

We have never banned the subject of homosexuality from the screen, but we have not until recently had very much trouble with it, partly because the American film producers were prevented from dealing with the subject... Recently the situation has changed in this country due on the one hand to the Wolfenden Report, which was followed up by a good deal of free discussion in the press and on radio and television, and on the other hand to the Lord Chamberlain making a public announcement in the press that he was now willing to accept homosexuality as a theme for stage plays. As far as the film is

³⁷⁶ Moran et al., *Law’s Moving Image*, 80.

³⁷⁷ *Warwick Film Productions Ltd v Eisinger* [1969] 1 Ch. 508.

³⁷⁸ Dilys Powell, “A Blessing to Blackmailers,” *Sunday Times*, 3 Sept. 1961, 35.

³⁷⁹ *Oscar Wilde*: BBFC website, accessed 21 Sept. 2016 11.41 a.m., <<http://www.bbfc.co.uk/releases/oscar-wilde-1960>>; *The Trials of Oscar Wilde*: BBFC website, accessed 21 Sept. 2016 11.47 a.m., <http://www.bbfc.co.uk/releases/trials-oscar-wilde-1970>. Note that Hunnings, *Film Censors and the Law*, 406, has the date for the “X” certificate for *The Trials of Oscar Wilde* as 30 May 1960, but this may be an error as critic reviews indicate that the film had screened for critics in London on 23 May 1960, though no date for a London release had been set at that time. *Variety* reports the film as showing in the West End from Sunday 12 June 196: *Variety (Archive: 1905-2000)* Los Angeles 219.3 (15 June 1960), 62. Web. 13 Feb. 2017.

concerned, we have only so far only had the problem as presented in two films about Oscar Wilde. These films dealt with something that was *historical fact about a real person and the real details relating to homosexuality appeared very largely in the clinical atmosphere of the Court*. When we passed these films we had no idea what the reaction of the critics and the public would be.

Trevelyan went on to say that he was pleased to see that there was a lack of criticism of the decision to release the two films with an “X” certificate, and that both films had had good box office response.³⁸⁰

Murphy has suggested another reason for the relative ease with which *The Trials of Oscar Wilde* (and, by extension, *Oscar Wilde*) passed the censors. He refers to “a rather hysterical fixation on Wilde’s renowned verbal wit” which, he asserts, “takes the place of explicit acknowledgement of his sexuality.”³⁸¹ Mathews has suggested that the reasons that neither *Oscar Wilde*, nor *The Trials of Oscar Wilde* “posed a censorship problem for the Board...” were “... because sex between men was only referred to within the clinical confines of a courtroom” and that because the scripts of each film had been submitted to the BBFC by the films’ producers in advance, the censors considered the subject had been treated “responsibly.”³⁸² In an earlier book, Murphy asserts that in *The Trials of Oscar Wilde*: “Nothing is admitted – indeed the whole film is built around Wilde’s attempt to clear his name from Queensberry’s insinuations....”³⁸³ But he goes on to state that the film shows “a startlingly vivid picture of the perils and attractions of love between men.”³⁸⁴

Indeed, the trial sequences in each film are quite explicit. Both films contain slightly different versions of the cross-examination of Wilde by Sir Edward Carson about his relationships with a string of young male servants and working-class men, referring specifically to a kiss, which Wilde denies, but in such a flippant manner as to indicate he is lying. In each film, this is a critical moment, for both the trial and the drama.

³⁸⁰ Anthony Aldgate, *Censorship and the Permissive Society: British Cinema and Theatre 1955-1965* (Oxford: Clarendon Press, 1995), 135-136 (my emphasis in the quotation); also Coldstream, *Victim*, 25-26.

³⁸¹ Robert Murphy, ed., *The British Cinema Book*, 3rd ed. (London Palgrave Macmillan, 2009), 134. I would suggest that the expression “hysterical fixation” rather exaggerates the emphasis given in each *Oscar Wilde* film to Mr Wilde’s entertaining witticisms.

³⁸² Mathews, *Censored: Film Censorship in Britain*, 155.

³⁸³ Murphy, *Sixties British Cinema*, 38.

³⁸⁴ *Ibid.*

Oscar Wilde was a modest production, with a low budget, made in black and white. *The Trials of Oscar Wilde* was more lavish, as Bourne notes. It was: “a beautifully crafted film shot in glorious Technicolour and widescreen, and containing a magnificent performance by Peter Finch.” Bourne has stressed the importance of the quality of the production of *The Trials of Oscar Wilde*, and the fact that it had a much larger budget, which he believes would have led to it having a significant impact on audience attitudes. He has also stressed the importance of the recognition given to Peter Finch’s portrayal of Oscar Wilde. He writes: “Finch’s British Academy Award is significant because his portrayal of a known gay man received a seal of approval from the British film ‘establishment.’”³⁸⁵ Finch also won the Best Actor award at the 1961 Moscow Film Festival, and in the United States, *The Trials of Oscar Wilde* won the 1960 Golden Globe award for Best English-Language Foreign Film.³⁸⁶

Contemporary reviews of both films generally refer only obliquely to the controversial nature of the subject matter. The *Guardian*’s critic mentions the “tragic and scandalous tale” and the observation that Ken Hughes directed with “sensitive discretion.”³⁸⁷ The same critic, reviewing *Oscar Wilde* the week before, remarked on the “plainness” of the film, the excellence of the standard of acting, and the strange lack of “a sense of pathos” in the film. As to the issue of the depiction of homosexuality, there is only a reference to the curious fact that it is only now that “a biography of such ‘public interest’ should have reached the screen.” Later, there is another reference to “the pathos of Oscar Wilde.”³⁸⁸ A subsequent review in the *Guardian*, written on the two films’ opening in Manchester, mentions only that “Wilde is still – for all the whiffs of scandal – the darling of Edwardian society.”³⁸⁹ C. A. Lejeune, writing in the *Observer*, has high praise for the courtroom scenes in *Oscar Wilde*, and does refer specifically to the Marquess of Queensberry’s libel of Wilde as “posing as sodomite.”³⁹⁰ The following week, in a review that compares *Oscar Wilde* to *The Trials of Oscar Wilde*, Lejeune’s only mention of the

³⁸⁵ Email correspondence between the author and Stephen Bourne, 25 Sept. 2016.

³⁸⁶ Bourne, *Brief Encounters*, 144.

³⁸⁷ “Orpheus and Oscar Again,” *Guardian*, 28 May 1960, 5, *ProQuest Historical Newspapers: Guardian and Observer*, accessed 27 Sept. 2016 4:41 p.m.

³⁸⁸ “Truth without Tragedy,” *Guardian*, 21 May 1960, 5, *ProQuest Historical Newspapers: Guardian and Observer*, accessed 27 Sept. 2016 4:58 p.m.

³⁸⁹ “Tennessee Williams strains after the symbols,” *Guardian*, 9 June 1960, 17, *ProQuest Historical Newspapers: Guardian and Observer*, accessed 27 Sept. 2016 5:31 p.m.

³⁹⁰ Sic: the real card on which the libellous note was written misspelled “sodomite” as “somdomite.” An image is available at <https://commons.wikimedia.org/wiki/File:Somdomite.jpg>, accessed 6 Oct. 2016 2:01 p.m.; C. A. Lejeune, “Cocteau’s Farewell to Orpheus,” *Observer*, 22 May 1960, 23, *ProQuest Historical Newspapers: Guardian and Observer*, accessed 27 Sept. 2016 5:16 p.m.

issue of homosexuality is her mention of Wilde's "besotted love for Lord Alfred Douglas."³⁹¹ In the *Times*, the film critic reviewing *Oscar Wilde* wrote mostly about the performances and, summarising, noted that "the spirit of the film as a whole is compassionate."³⁹² A few days later the review of *The Trials of Oscar Wilde* compares the two films, and refers only to the "insatiable... demands" made on Wilde by Lord Alfred Douglas, and to "the tragic story."³⁹³

The other ground-breaking film of the era concerning homosexuality was *A Taste of Honey* (1961, Richardson). Based on the play by Shelagh Delaney, it featured a character, Geoffrey, who was homosexual.³⁹⁴ Unlike *Victim* (which had been released in Britain a mere two weeks prior)³⁹⁵ *A Taste of Honey* was not a direct plea for acceptance of homosexuality, but it was notable, nevertheless, for its inclusion of a homosexual character whose sexuality was patent and important to the plot. Moreover it is significant, as Murphy points out, that Geoffrey's relationship with the pregnant Jo (Rita Tushingham) "results in sadness and compromise but not tragedy."³⁹⁶

Delaney and Richardson lodged their screenplay with the BBFC in May 1960, just a few days before the script for *Victim* was submitted. May 1960 proved a pivotal month for the BBFC in terms of the depiction of homosexuality in British film: it had those two scripts to consider and the release of the two *Oscar Wilde* films,³⁹⁷ which, as mentioned, both received their "X" certificates on 20 May 1960. Aldgate has described the deliberations at the BBFC over the script and film of *A Taste of Honey*. It was controversial for several reasons: not only as a realistic and contemporary portrayal of an effeminate homosexual man, but also as a depiction of an inter-racial love affair, resulting in an unmarried pregnancy. There was also the question of "unseemly" language: the words "bitch," "whore," "Christ," ten "bloody"s, and various other colourful phrases.³⁹⁸ Chief censor Trevelyan asked that the screenplay be cut in

³⁹¹ C. A. Lejeune, "The Second Trial of Oscar Wilde," *Observer*, 29 May 1960, 17, *ProQuest Historical Newspapers: Guardian and Observer*, accessed 27 Sept. 2016 5:12 p.m.

³⁹² "Robert Morley's *Oscar Wilde*. Film of Compassion," *Times*, 20 May 1960, 18. *Times Digital Archive*. Web. 27 Sept. 2016.

³⁹³ "Another Film about Wilde. Mr Peter Finch's Turn," *Times*, 24 May 1960, 16. *Times Digital Archive*. Web. 27 Sept. 2016.

³⁹⁴ Coldstream, *Victim*, 16-17.

³⁹⁵ *Victim* opened in London on 31 Aug. 1961: "Intelligent film on homosexuality," *Times*, 30 Aug. 1961, 11, *Times Digital Archive*. Web. 7 Feb. 2017 and Coldstream, *Victim*, 89. *A Taste of Honey* opened in London on 14 Sept. 1961: "Film Virtues in A Taste of Honey," *Times*, 13 Sept. 1961, 14, *Times Digital Archive*. Web. 7 Feb. 2017.

³⁹⁶ Murphy, *Sixties British Cinema*, 23.

³⁹⁷ Aldgate, *Censorship and the Permissive Society*, 129.

³⁹⁸ *Ibid.*, 131-132.

certain ways, despite having already been passed by the theatre censors, and explained his reasoning thus:

You may think that I have made too much of a point about Geoffrey's homosexuality. I think it would be in your interest to take this into account, not only because of the position in the USA, but also because there is some evidence that the cinemagoing public here is not attracted by homosexuals on the screen. I am told that films dealing with homosexuals have not been a great success commercially. We have never had any ban on homosexuality on the screen but, bearing in mind that the cinemagoing public is in the main very different from the theatre audiences, we usually suggest that where it is not a main theme but is incidental, it should be suggested rather than directly shown.³⁹⁹

Trevelyan was proved wrong in his assessment of the British public's reaction to films with homosexual themes. *Kinematograph Weekly* reported that *A Taste of Honey* "had not done as well as *Saturday Night and Sunday Morning* but was still 'no mean hit.'"⁴⁰⁰ And the critics approved: it won British Film Academy Awards for "Best British Film," "Best British Screenplay," "Best British Actress" (Dora Bryan), and "Most Promising Newcomer" (Rita Tushingham). In the *Sunday Times*, film reviewer Dilys Powell wrote that she hoped "soon to feel the moment has come to stop congratulating the British cinema on its ability to mention homosexuality."⁴⁰¹

After *Victim* and *A Taste of Honey* in 1961, the portrayal of homosexuality on British screens would begin to change, as can be seen in both *The L-Shaped Room* (1962, Forbes) and *The Leather Boys* (1963, Furie). *The L-Shaped Room* broke new ground by including both a lesbian, the gentle Mavis (Cicely Courteneidge), and another character who is both homosexual *and* black. Brock Peters played Johnny, a gay jazz musician and aspiring writer who had come to Britain from the Caribbean. Neither was a caricature. In correspondence with Bourne in 1995, Forbes revealed that he had deliberately made the character of Johnny more realistic: "... I tried to people that house with a variety of people I knew existed at that time and in those

³⁹⁹ Ibid., 138-139, quoting the BBFC file on *A Taste of Honey*: Trevelyan to Holden, Woodfall Productions Ltd, 2 Mar. 1961.

⁴⁰⁰ Aldgate, *Censorship and the Permissive Society*, 141.

⁴⁰¹ Ibid., 139.

circumstances, but it was never a conscious effort on my part to be 'different' – just, I suspect, an awareness that the public's perception was changing."⁴⁰²

The Leather Boys followed in 1963. Its plot involves a couple who are married very young. However, the wife, Dot (Rita Tushingham) quickly tires of sex, and the couple soon splits up. The husband, Reggie (Colin Campbell) seeks solace in his friendship with fellow biker Pete (Dudley Sutton). It is clear to today's audiences that Pete is homosexual, but – even though he shares a bed with Pete at one stage – Reggie does not realise this until the notorious near-last scene set in a dock-side pub, where Reggie meets Pete's gay friends, and runs away, horrified, presumably back into the arms of his wife.

In an interview, Dudley Sutton revealed his thoughts on portraying "a different kind of gay man" on screen:

When I came to do *The Leather Boys* in 1963, I was interested in homosexual law reform. Growing up in Britain, I found myself surrounded by men who were being victimized, or who lived their lives in fear, and I hate fear. So in *The Leather Boys* my whole purpose as an actor was to play a lover, not a wrist-flapping, camp stereotype. I thought that if I played Pete as a lover, with emotions, feelings and depth, and I concerned myself with nothing else, I could offer something honest and true.⁴⁰³

Though the treatment of homosexuality in *The Leather Boys* is more frank than in earlier British films, and the portrayal of the homosexual man, Pete, is strikingly realistic, the film is still guarded, and the ending, in which Reggie rejects Pete, seems unsatisfactory today. Dudley Sutton considers this scene "the only false note in the film."⁴⁰⁴ Nevertheless, British cinema now had another sympathetic portrayal of a contemporary gay person in a film: Pete in *The Leather Boys*, to go along with Melville Farr in *Victim*, Geoffrey Ingham in *A Taste of Honey*, and Mavis and Johnny in *The L-Shaped Room*. Moreover, after *Victim*, as film critic Mark Finch has written, the "sour cynicism" of *The Leather Boys*, "worked as a sharp antidote to the juvenile optimism of *Carry On* movies and other British farces," which had preceded them.⁴⁰⁵

⁴⁰² Bryan Forbes, letter to Stephen Bourne, 29 Aug 1995, quoted in Stephen Bourne, *Black in the British Frame: The Black Experience in British Film and Television* (London: Continuum, 2001), 154.

⁴⁰³ Bourne, *Brief Encounters*, 178.

⁴⁰⁴ *Ibid.*, 179.

⁴⁰⁵ Mark Finch, "Victim Victorious?," *City Limits* (15-21 Nov. 1985): 14.

I have offered a survey of films that preceded and succeeded *Victim* in order to throw into sharper relief the impact and significance of *Victim*, and to demonstrate the variety of approaches that were taken in the late 1950s and early 1960s to broaching this once-taboo subject. Each film marks a step away from the attitude of earlier British films, which had either approached the question covertly, or portrayed homosexuality in terms of “music hall humour.” But *Victim* is the key film to examine in the context of homosexual law reform in Britain. I have already proposed it as a landmark film and suggested that it was remarkable as a commercial film which argued the case for homosexual law reform. I have suggested that this happened as a result of a direct intervention by the filmmakers. I now propose to examine the ways in which the film *Victim* achieved those distinctions. To do that, I have analysed aspects of the film itself, and then considered its impact both on contemporary audiences, and on viewers since *Victim*’s 1961 release.

Victim

As I have shown, *Victim* was not the first British film to deal with homosexuality. But it was the first mainstream British film to take homosexuality as its main theme,⁴⁰⁶ and it was the first English language film to use the word “homosexual.”⁴⁰⁷ Crucially, it was also “the first commercial film in Britain to deal openly with the need for legal reform concerning homosexuality.”⁴⁰⁸ It may even have changed the law that made homosexual acts a crime. Film writer Philip Kemp wrote that *Victim* – and Dirk Bogarde – “helped change the law on gay sex,” in an article titled “I Wanted Him: Revival: *Victim*,” which he wrote in 2005 on the occasion of the film’s re-release.⁴⁰⁹ Although conclusively proving a direct connection is beyond the scope of this thesis, here I want to show that *Victim*, and to a lesser extent a group of other films that touched on the subject of homosexuality, played an appreciable role in the reform of those laws, by bringing that subject to the attention of the film-going audience, and by reflecting the mood of social change in the Britain of that period, and that this was a deliberate intervention by the filmmakers.

⁴⁰⁶ Thomas Wiseman, *Evening Standard*, 23 Jan. 1961 and 17 Feb. 1961, quoted in Coldstream, *Victim*, 86.

Wiseman wrote that it was: “typical of the British genius for compromise that the first film to deal specifically with the subject of homosexuality should turn up in the shape of a thriller...”

⁴⁰⁷ Coldstream, *Victim*, 52; Philip Kemp, “I Wanted Him: Revival: *Victim*,” *Sight and Sound* 15, no. 8 (Aug. 2005): 10.

⁴⁰⁸ Burton, “*Victim* (1961): Text and Context,” 75.

⁴⁰⁹ Kemp, “I Wanted Him,” 10.

This connection has been adverted to by Coldstream, who has written: “that *Victim* helped, even in a small way, to ease [the new law’s] turbulent trajectory is beyond any doubt.”⁴¹⁰

Coldstream also writes that Professor Richard Dyer of King’s College London told him that he had had in mind teaching a course on “movies that had changed the world” and that, although there were not many candidates for this category, when he gave it further thought, “*Victim* seemed to be the only other contender.”⁴¹¹

We know that Dearden and Relph intended *Victim* to contribute to the debate about the need to change the law, because there is direct evidence from Relph. In an interview with Bourne, Relph explained his aims, and those of the screenwriters, Green and McCormick:

Homosexuality was something we accepted completely and it seemed to us absolutely preposterous that the law was the way it was. So when we were thinking of a social problem we could deal with after *Sapphire*, this seemed a natural one because the Wolfenden report had just been published and it was very much in the news, and topical. Because we were all part of the theatrical world, everybody knew gay men, so the script didn’t need a lot of research. I had worked with John McCormick in the theatre when he was a very prominent stage manager and then he married Janet. She was a well-known detective story writer and the three of us always wanted to collaborate, especially on films concerning social problems. We decided to contain them within a thriller structure, for which we were attacked quite a lot because it was felt we belittled the subjects we dealt with. But as far as reaching a wider audience was concerned, I think it was really necessary to use the thriller form... Though it may look a bit tame today, we were encouraged that gay men all over the country identified with *Victim*, and I am certain it contributed to the debate on homosexuality which eventually led to a change in the law. Certainly it kept the subject before the public.⁴¹²

Films and Filming had *Victim* as its “Film of the Month” in September 1961. Under the heading “A Plea for a Minority” it acknowledged the aspirations of the filmmakers:

⁴¹⁰ Coldstream, *Victim*, 8.

⁴¹¹ Ibid. Others on the list were: *The Birth of a Nation* (1915 (year of release), Griffith), *Triumph of the Will* (1934, Riefenstahl), and the made-for-TV play *Cathy Come Home* (1966, Loach).

⁴¹² Relph, interviewed by Bourne, quoted in Bourne, *Brief Encounters*, 158.

Under British law an unknown number of homosexuals live in fear of blackmail. Several years ago the Wolfenden Committee recommended a change in the law; but nothing has been done. Now producer Michael Relph and director Basil Dearden have made a film about the 'crime' of being different.⁴¹³

Writing in the same issue, Relph explained his larger view of the role of cinema in society in an article called "My Idea of Freedom":

I believe, however, that the Cinema is genuinely a mass medium and that it has social and educative responsibilities as well as artistic ones. It has a place to fill in the national life which it cannot do unless it works within the commercial structure which can give the artist the best tools to work with and allow his work to reach the widest possible audience. I believe this the most courageous course to take and one which can result from time to time in films of the highest artistic merit and integrity which, nevertheless, have wide popular appeal and commercial success.⁴¹⁴

Significantly (as Relph pointed out to Bourne), *Victim* takes the form of a thriller, and is presented for the most part in a realistic style. At first, it appears that a prosperous and successful barrister, Melville Farr (Dirk Bogarde), is being blackmailed, but for some time we do not know the reason. It is later revealed that Jack "Boy" Barrett (Peter McEnery), a young man whom Farr knew, was the one being blackmailed, and that he had hanged himself in a police cell to protect Farr from exposure as a homosexual. The film deals with these potentially sensational issues in a notably "unsensational" manner.⁴¹⁵ Nevertheless, compared to the British films discussed earlier, the frankness of the subject-matter is striking. Andy Medhurst, writing in 1995, described how he never expected "that the film would seem just as relevant and compelling a decade later."⁴¹⁶

The film culminates in a scene in which Farr admits to his wife Laura (Sylvia Syms), that he had been attracted to Barrett, but stopped seeing him "because I wanted him." That scene is of great significance, not only because of the power of Bogarde's performance (to which I will

⁴¹³ "Film of the Month: A Plea for a Minority," *Films and Filming* (Sept. 1961): 25.

⁴¹⁴ Michael Relph, "My Idea of Freedom," *Films and Filming* (Sept. 1961): 24. Also quoted in Burton and O'Sullivan, *Cinema of Dearden and Relph*, in preliminary material before title page.

⁴¹⁵ Forshaw, *British Crime Film*, 130.

⁴¹⁶ Medhurst, "Victim: Text as Context," 131.

return shortly), but also because Bogarde claimed to have written that scene himself. The truth of this claim can be seen by reference to Bogarde's own annotations to his copy of the shooting script.⁴¹⁷ As Coldstream notes, "the additional dialogue, with its repetitive emphases, applied devastating extra force"⁴¹⁸ and, I would add, authenticity, born of Bogarde's experience as a secretly-gay man in a public position.⁴¹⁹ Laura then discloses that this is not the first young man in Farr's life to have killed himself. She tells Farr that she must leave him because "this boy is still in your heart, and I can't share you with him." Coldstream describes this whole sequence as "taboo-breaking in its candour... It shocks to this day."⁴²⁰

Surrounding these pivotal scenes are the elements of a stylish thriller and police procedural, with several red herrings and a dramatic ending in which Farr jeopardises his promising career as a Q.C. or even in future as a judge, by co-operating with the police to uncover the blackmailers.

Coming as it does in 1961, *Victim* is situated between the end of the "classical" era of British cinema, and the beginning of the British New Wave with its "kitchen sink" realism. It is a "cross-over" film, exhibiting elements of both styles. For example, the opening sequence is strikingly modern, and appears influenced by early films of the British New Wave.⁴²¹ The film opens on a London building site. In the distance, we see the familiar sight (for films of this era): post-war rubble still evident 15 years after the Blitz, and a huge development site indicating a partially-reconstructed London. An ascending camera is mimicked by the music: repetitive ascending piano arpeggios (music by Philip Green) indicating that something very dramatic is afoot.⁴²² As a police car pulls up below, Barrett takes off in alarm. To the accompaniment of more, but different, rapid-fire piano arpeggios, Barrett descends quickly in the open construction lift. He dashes out of the lift as a pair of cymbals clash. The modernity of this opening sequence, both in terms of its setting in a London in transition, rebuilding after the War, and by virtue of its modern jazz score, suggests a break with the old ways of wartime- and post-war-Britain, and signals the possibility of a new way of life, and consequent social reform.

⁴¹⁷ The relevant pages are reproduced in Coldstream, *Victim*, 66-69.

⁴¹⁸ *Ibid.*, 65.

⁴¹⁹ See pages 90-92 of this chapter for more on this topic.

⁴²⁰ Coldstream, *Victim*, 70.

⁴²¹ See, for example, Brian McFarlane, "Surviving After Ealing: The Later Careers of Basil Dearden and Michael Relph," *Quarterly Review of Film and Video* 24, no. 1: 70.

⁴²² Burton and O'Sullivan refer to *Victim*'s "jazz-tinged, atonal music": Burton and O'Sullivan, *Cinema of Dearden and Relph*, 233.

After this somewhat-experimental opening, the film settles into the more conventional style of a Basil Dearden-Michael Relph production, similar to their earlier thriller *Sapphire* (1959), but with a few strikingly modern elements. The location shooting – though used sparingly – gives *Victim* a gritty realism, which I contend amplifies the intent of the filmmakers to take the issue beyond the cinema and into the real world. The clothing of the time – particularly the women’s costumes – was moving out of the drab 1950s towards the “Swinging Sixties” and this too gives the film a fresh, modern look. Burton and O’Sullivan refer specifically to the contributions to *Victim* by lighting cameraman Otto Heller, and art director Alex Vetchinsky, who both “... provided the monochrome atmosphere and realism.”⁴²³ Murphy, too, singles out the importance of the contributions of Heller and Vetchinsky, writing that their lighting and production design in *Victim* “focus attention, point to detail, create atmosphere and help the film to penetrate to a deeper level of realism than mere surface reflection.”⁴²⁴ Notably there is a sequence outside the Farris’ home (actually Morton House, Chiswick Mall, Chiswick)⁴²⁵ beside the river, when Laura and Farr talk about their future together or apart, and both the setting and the dialogue ring true in terms of a keenly-observed realism more often associated with the films of the just-arrived British New Wave.⁴²⁶ The filmmakers also filmed the “Chequers” pub sequences in the famous gay pub of the time, the Salisbury,⁴²⁷ adding another touch of authenticity and realism.

Special attention should be given to the character of Boy Barrett himself. He is arguably the first modern gay man on screen, and he was recognised as such by gay men at the time. This is evidenced by several of the “*Victim* letters” collected by Bourne, and notably those of Douglas Brown, John Hawker, and David J. Sherlock.⁴²⁸ These men write movingly about the shock of recognition of someone like themselves on the screen. Peter McEnery, who played Barrett, was fresh to the cinema. That his performance proved convincing to so many gay men only bolsters the argument that *Victim* was a persuasive and realistic film, and a breakthrough in

⁴²³ Ibid., at note 51, 247.

⁴²⁴ Murphy, *Sixties British Cinema*, 42.

⁴²⁵ *Victim* (1961) *IMDB*: Filming Locations, accessed 6 Sept. 2016 5:45 p.m., <http://www.imdb.com/title/tt0055597/locations>.

⁴²⁶ This style is common to *Sapphire* as well as *Victim*: see for example the discussion of the modernity of both films in Durgnat, “Two ‘Social Problem’ Films: *Sapphire* and *Victim*,” in Burton, O’Sullivan, and Wells, *Liberal Directions*, 85.

⁴²⁷ The Salisbury Pub, St Martin’s Lane, Covent Garden, London: *Victim* (1961) *IMDB*: Filming Locations, accessed 6 Sept. 2016 5:45 p.m., <http://www.imdb.com/title/tt0055597/locations>. See also Dyer, *The Matter of Images*, 85.

⁴²⁸ Bourne, *Brief Encounters*, 240, 245, 253.

terms of the portrayal of a homosexual man on screen.

The significance of *Victim*'s thriller structure is that it positions itself as a "commercial" film, and therefore a film that should be seen by a large audience. *Victim* did in fact have considerable success commercially: Rank reported that after a week, *Victim* had "shattered" box office records for a normal-seat-price-film showing at its prestige theatre, the Odeon, with takings of £9,851.⁴²⁹ By October 1961, it was the number one film on general release in terms of box office takings.⁴³⁰ Coldstream reports that overall, it made "a decent, but unspectacular profit," and that by 1971, at the end of its international theatrical run, it had made a profit of £51,762.⁴³¹ Producer Michael Relph acknowledged on several occasions his logic for the decision to craft *Victim* as a commercial film, admitting as well to a negative consequence of that decision:

We got attacked on both sides. On the one hand for propagandising and on the other for treating a serious subject without due weight. Our feeling was that by sugaring the pill, so to speak, we reached a much wider audience and therefore the 'propagandist' element reached far more people.⁴³²

In an interview published in 1997, Michael Relph was asked why his films made with Dearden hadn't been "validated" in Britain. Relph replied:

I think I know why it is. We "sugared the pill", too commercially. Take a film like *Victim*, for example... We reckoned that rather than make an esoteric film which would reach only a limited number of people, that we should wrap up the homosexual issue in a really watertight thriller format, which would have the capacity to reach out to a general film-going public. A lot of people thought that was cheapening the idea too much, and that by wrapping it up in this commercial sugar coating, we were commercialising the themes and not treating them with sufficient seriousness.⁴³³

⁴²⁹ Coldstream, *Victim*, 91.

⁴³⁰ Ibid., 97, quoting *Kinematograph Weekly*.

⁴³¹ Coldstream, *Victim*, 103.

⁴³² Quoted in Finch, "Victim Victorious?," 13.

⁴³³ Burton, O'Sullivan, and Wells, *Liberal Directions*, 244.

But regardless of such criticism, my point is that the filmmaking team of Relph and Dearden intended *Victim* as a mainstream commercial film, and one that would be able to reach a broad audience of cinemagoers to influence the societal mood concerning homosexual law reform. Along with an audience, it also managed to attract a significant amount of prestige, including officially representing Britain at the Venice Film Festival.⁴³⁴

Within the commercial thriller structure, Dearden and Relph were able to make arguments about the need for homosexual acts to be decriminalised. In a letter published in the May 1961 issue of the journal *Films and Filming*, Relph spelled out the film's "point of view" and referred to one specific aspect of the depiction of homosexual men in *Victim*:

The film puts forward the same point of view as the Wolfenden Committee, that the law should be changed. Contrary to suggesting homosexuals "exist only among a low-life criminal group", the film shows that homosexuality may be found in otherwise completely responsible citizens in every strata of society.⁴³⁵

This is a reference to one of the powerful messages of the filmmakers conveyed in a specific manner: there are many and various homosexual "types" portrayed in the film, and they come from every stratum of society, and all classes. In fact, there are many signifiers of social and cultural class throughout *Victim*. For example, on the Farrs' mantelpiece, there is a collection of antique model soldiers and a cannon, establishing Farr's upper-class background. The car salesman, Phip, is upper-class but in reduced circumstances, having to work in commerce. The lower-middle-class is represented by Harold Doe the bookseller, and Henry the hairdresser. In the middle-to-upper class there is Mandrake the photographer and Calloway the actor, who mix easily with Farr's totally upper-class friend Lord Fullbrook. Then there are the (upper) working-class characters of Eddy Stone, who is working on the London tube, and Boy Barrett, who is a clerk on a building site. By using this method of portraying "types" who become characters in the story, *Victim* (as Raymond Durgnat has pointed out) "very efficiently counters most of the popular misconceptions about homosexuality. 'Queers are only upper class' ... 'queers are effeminate' ... 'you can tell queers at a glance' ... 'queers are sapping the nation's moral fibre' ... 'a married man can't be a queer.'" These myths are challenged by the

⁴³⁴ Coldstream, *Victim*, 89.

⁴³⁵ Michael Relph, Letter, *Films and Filming* (May 1961): 3.

filmmakers' use of various characters in *Victim*.⁴³⁶ As McFarlane puts it: "despite what may now look like a series of gay stereotypes, there is a remarkably eloquent and sympathetic evocation of a beleaguered community."⁴³⁷

As they had done before in *Sapphire* with the black community, in *Victim*, Dearden and Relph introduce the audience to their queer characters deliberately and gradually. Murphy, who refers to Dearden and Relph's interest in how "closed communities work,"⁴³⁸ describes this process: "As in *Sapphire*, we are introduced to a section of society, hitherto ignored by the cinema, against which prejudice is shown to be unreasonable."⁴³⁹ Durnat, too, has referred to this process: "Relph and Dearden deftly use the detective story to lure us on a Cook's Tour round homosexual London."⁴⁴⁰ Note the use of the term "lure": it seems Durnat would agree that by using the thriller form the filmmakers were able to "smuggle" a message across to the audience – the message being a "convincingly 'tough' plea for tolerance."⁴⁴¹ Or, to adapt Relph's own words quoted earlier, to "sugar the pill."

A further aspect of *Victim* which evidences the intent of the filmmakers to maximise its social impact is the degree to which the filmmakers were prepared to take a risk to make a statement, not only in the choice of subject-matter in *Victim*, but also in the casting of its star, Dirk Bogarde. David Thomson, in his *New Biographical Dictionary of Film*, suggests that Dearden (and Relph) were hardly risk-takers, referring particularly to Dearden's reputation for efficiency, castigating him for completing his films "at 5:30 on the proper day with the due number of tea breaks," and calling the team of Dearden and Relph "a fair representative of the British preference for bureaucratic cinema."⁴⁴² Yet, as Burton points out in his article "*Victim*: Text and Context," Dearden and Relph were no strangers to risk-taking. He cites Michael Relph's article "My Idea of Freedom,"⁴⁴³ which describes the "potentially tortuous path to production for a contentious film subject" and the difficulties in "bringing a progressive outlook to the British cinema screen."⁴⁴⁴ For Burton:

⁴³⁶ Durnat, "Dearden and Relph: Two on a Tandem," 32.

⁴³⁷ McFarlane, "Surviving After Ealing," 69.

⁴³⁸ In films such as *Sapphire*, and *The Captive Heart* (1946): Murphy, *Sixties British Cinema*, 52.

⁴³⁹ *Ibid.*, 41.

⁴⁴⁰ Durnat, *A Mirror for England*, 238.

⁴⁴¹ *Ibid.*

⁴⁴² David Thomson, *The New Biographical Dictionary of Film*, 6th ed. (New York: Knopf, 2014), 261.

⁴⁴³ Relph, "My Idea of Freedom," 24.

⁴⁴⁴ Burton, "*Victim* (1961): Text and Context," 87.

An examination of the production and reception of *Victim* also reveals much about the process of negotiation in commercial filmmaking, confirms the boldness and daring of Dearden, Relph and others in preparing this film, and the limits to what could be portrayed in a British film dealing with homosexuality in 1961. Actor Dirk Bogarde later recalled that accepting the part of Melville Farr “was the wisest decision I ever made in my cinematic life”; however, as is widely appreciated, it was a brave move for a film star with a strong female following.⁴⁴⁵ As Bogarde added: “It is extraordinary, in this over-permissive age, to believe that this modest film could ever have been considered courageous, daring or dangerous to make. It was, in its time, all three.”⁴⁴⁶

In the obituary of Dirk Bogarde written for the *Independent*, novelist and writer Philip Hensher made this point about bravery too:

What Bogarde did, and did with all the bravery one can reasonably expect, was present gay men with versions of their lives and their desires; not necessarily realistic versions, but fantasies through which they could explore what they actually wanted. He was, certainly, a bit of a missing link. But we couldn’t have done it without him.⁴⁴⁷

It is now understood that Bogarde, one of most popular British stars of the 1950s, was a “closeted” homosexual man. Although he lived with his partner and manager Anthony Forwood for nearly 40 years from 1948 until Forwood’s death in 1988, Bogarde never admitted that they were lovers. Coldstream, who was also Bogarde’s biographer, has written: “Whatever their situation, it was not even a topic of conversation. Everyone simply accepted that with Dirk came Tony.”⁴⁴⁸ Bogarde’s personal relationship with the movement to decriminalise homosexuality is thus somewhat problematic. But whatever one makes of his personal life, there is no doubting that by taking on such a controversial role at the peak of his success as a matinée idol (knowing as he did that the film was “courageous,” “daring,” and “dangerous”),⁴⁴⁹ and by performing the role to great acclaim, he made a crucial contribution

⁴⁴⁵ Burton’s footnote here states: “The director Ralph Thomas, for example, was convinced the role would ruin Bogarde’s career, and the film critic Alexander Walker noted in his diary that the detractors were in “bad odour” with the actor (Coldstream 2005: 348).”

⁴⁴⁶ Burton’s footnote here states: “At the time he was making the film, Bogarde told the press: “You can’t leave all the adult, intelligent films to the French, Italians and Swedes” (*Daily Mail*, 19 Aug. 1961): Burton, “*Victim* (1961): Text and Context,” 87, quoting Dirk Bogarde, *Snakes and Ladders* (St. Albans: Triad/Panther, 1979), 241.

⁴⁴⁷ Philip Hensher, “In the Closet, but Still a Brave Man,” *Independent*, 10 May 1999, 4.

⁴⁴⁸ John Coldstream, *Dirk Bogarde: The Authorised Biography* (London: Wiedenfeld & Nicolson, 2004), 201.

⁴⁴⁹ Bogarde, *Snakes and Ladders*, 241.

to the success of *Victim*. At the same time, by bringing his considerable “star power” to the role, he increased the visibility of homosexual men on the cinema screen, introducing his fans to a segment of society that had hitherto been clandestine, of necessity, by virtue of legal sanctions. The casting risk taken by Dearden and Relph achieved their ends. The stature of a “star” such as Bogarde can only have increased the reach of the film, and the strength of his performance increased its gravamen.⁴⁵⁰ And after *Victim*, Bogarde went on to create other portrayals of homosexual men, as well as men of dark and complex sexuality, in films such as *The Servant* (1963, Losey), *Death in Venice/ Morte a Venezia* (1971, Visconti), and *The Night Porter/ Il Portiere di Notte* (1973, Cavani).

Turning to *Victim*’s screenplay, I wish to draw attention to a particular approach used by its writers, Janet Green and John McCormick, which evidences a serious intention to persuade viewers of the film of the need for the law to be changed. It is significant that the idea for *Victim* was initially floated a week after the *Wolfenden Report* was published, and that the development of the script occurred amid public and parliamentary debate on homosexual law reform. For Green and McCormick, it was a deliberate intervention in the debate, as Green’s letters clearly show. On 7 April 1961, she wrote to Malcolm Feuerstein, a freelance publicist, making their position perfectly clear:

We feel strongly that this is a matter upon which the public are ill-informed and know only one point of view. In the main, the bigoted one. In this advancing world, we felt that it was time they had placed before them through film, which we consider the most effective medium, this social problem of the homosexual and the small protection the present law allows him.

They had studied the issue, not only in Britain, but in America and Europe too, and they felt it was vital that:

...the public should develop tolerance, understanding and a clear acceptance of what exists and is. Then give help and above all, remove these human beings from the fear of blackmail under which they live, and the stigma of oddity... In our opinion, if the existing

⁴⁵⁰ Contemporary reviews “centred on Bogarde’s performance and his bravery in taking on the role”: Burton, “*Victim* (1961): Text and Context,” 90. See Ibid., 94 for the review of Alexander Walker in *Evening Standard* on 31 Aug. 1961, in which Walker refers to Bogarde’s “brave, sensitive picture of an unhappy, terribly bewildered man,” something that will “win him and this film a far wider audience.”

law against homosexuals is not modified, then we might as well go back to the scarlet letter 'X' for the unmarried mother.⁴⁵¹

Negotiations between the filmmakers and chief censor Trevelyan required rewrites to the script, and one section in particular worried screenwriter Green. It was the scene in which Detective Inspector Harris and Sergeant Bridie discuss their views on homosexuals. This scene mirrors one Green had written for Dearden and Relph's previous film, *Sapphire*. Green was concerned that this was too self-referential: that the "pattern" of the argument was the same: "one on each side of the fence."⁴⁵² But Dearden reassured her: "... if the Police scenes are strengthened by a conflict between the two men on the question of homosexuality, I wouldn't hesitate to use it."⁴⁵³ In the completed film, these scenes are an effective and deliberate exposition of the arguments for and against law reform, and moreover they display a certain wit, though with an undeniable liberal slant.

There are several other "expository" (or some may argue "propagandist") scenes like this in *Victim*, all of which help to ventilate pertinent issues, rehearse the debate, or simply familiarise viewers with homosexuality in various forms. For example, there is a scene in the pub when the otherwise-likeable barman suddenly displays a venomous hatred of homosexuals; there is a scene in the (gay) photographer's studio when Farr and three other gay men (all "victims") discuss what is to be done about the blackmail racket; and there is a scene when Farr's brother-in-law, Scott, asks his sister Laura: "Is Mel queer, as they say?," and then goes on to ask about the state of her marriage to Farr, to outline the risks Farr is taking in covering up blackmail, and finally to question Farr's influence over Scott's son, Ronald. He says: "I'm not going to have Ronnie hero-worshipping Mel, knowing what I do."

Despite Green's misgivings, not only was this method used in *Victim* after *Sapphire*, it would be used again by the same producer/director/writer team in *Life for Ruth* (1962, Dearden), to ventilate the arguments for and against religious freedom in the context of a father who refuses a blood transfusion to his dying daughter on religious grounds. I argue that the use of expository dialogue used in *Victim* is an effective and persuasive method which was designed

⁴⁵¹ Janet Green to Malcolm Feuerstein, 7 April 1961, quoted in Coldstream, *Victim*, 18-19.

⁴⁵² Green to Dearden, undated, quoted in Coldstream, *Victim*, 28.

⁴⁵³ Dearden to Green, undated, quoted in Coldstream, *Victim*, 28.

to help the audience consider various aspects of the issues surrounding homosexual law reform, by means of an even-handed exploration of a contemporary social injustice.

It will be recalled that the *Wolfenden Report* contained two recommendations particularly aimed at stamping out blackmail relating to homosexual offences.⁴⁵⁴ The blackmail theme of *Victim* was specifically targeted in the publicity build-up to the film's opening, with special press screenings and publicity materials made available to exhibitors. As Coldstream points out, one of the strategies suggested to stimulate interest in the film was to involve the police in the promotion of the film.⁴⁵⁵ Rank's film distribution arm published this advice to theatre owners and operators:

Emphasising the blackmail theme, 'Victim' is a picture that will interest police officials and all law enforcement agencies. They can be helpful in many ways, particularly by commenting in public on the picture, and by disclosing the terrors that blackmail can hold.... Make a point of publicising the exhibition by inviting every off-duty policeman to see the film as your guest.⁴⁵⁶

The material tended to stress the crime and blackmail elements of the film, but although Coldstream says "One looked in vain to find the words homosexual or homosexuality,"⁴⁵⁷ it is easy to locate those words in both the "Publicity Services" material and the "Press Information" material issued at the time of the film's release for the overseas market. That Press Information begins with a specific reference to the *Wolfenden Report*, explaining that persons convicted of committing a homosexual act can be sent to prison, and are consequently vulnerable to blackmail "... and it is with this aspect of the problem that 'VICTIM' deals."⁴⁵⁸

Victim's Impact

The effect of this publicity on the local radio and television stations may have initially been to focus attention on the crime-thriller aspect of *Victim*, rather than stressing the topic of

⁴⁵⁴ Committee on Homosexual Offences, *Report on Homosexual Offences and Prostitution*, paragraph 355 (recommendations ix and x).

⁴⁵⁵ Coldstream, *Victim*, 89.

⁴⁵⁶ Rank Overseas Film Distributors Limited, *Publicity Services*, on *Victim*: Blu-Ray, released 28 July 2014 (London: Network, 2014), additional material: Victim-Publicity Services.pdf, 3.

⁴⁵⁷ Coldstream, *Victim*, 89.

⁴⁵⁸ Rank Overseas Film Distributors Limited, *Publicity Services*, 3.

homosexuality. However, the print media was not as reticent. Howes notes that, although at 13 he was too young to see *Victim* on its first release: "I knew all about it. You almost couldn't avoid doing so. A major production, the film received coverage (always discreetly avoiding the actual reason for the blackmail) on radio and television. Every major newspaper carried (much franker) reviews, and there were print interviews with the man my Mum rapturously called 'my Dirk'." ⁴⁵⁹

Coldstream describes the press reaction to the film as "respectful," and notes that the *Times* and the *Daily Telegraph* both gave *Victim* priority and extra attention, printing their reviews immediately, instead of publishing them on the usual day for film reviews.⁴⁶⁰ Jeffery-Poulter points out that "even" the *News of the World* (which had, certainly at that time, a reputation for titillation and sensationalism)⁴⁶¹ took a favourable view of the film's treatment of homosexuality:

Soberly, intelligently and unobtrusively the film presents and argues the problems of these men and illustrates the agonies of mind some must suffer. It pulls no punches, yet it is not sensational. Nor is it offensive.⁴⁶²

Not all the critics favoured *Victim* as an effective thriller, but very few were opposed to its discussion of homosexuality. James Breen, writing in the *Observer*, thought it not hard-hitting enough. Responding to Dirk Bogarde's statement in a TV interview that "two or three years ago no one in this country would have dared make it," Breen wrote:

...with a few plot changes, (none of them vital), the film could have been made at any time during the past fifteen years – for it is not primarily about homosexuality at all, but about blackmail, and it is shaped not as a social study, either compassionate or critical, but as a mild thriller... the film would have gained in dramatic guts if he [Bogarde] had been more seriously implicated.⁴⁶³

But Dilys Powell, writing for the *Sunday Times*, had higher praise:

⁴⁵⁹ Bourne, *Brief Encounters*, foreword, x.

⁴⁶⁰ Coldstream, *Victim*, 91.

⁴⁶¹ For example, see Bingham, *Family Newspapers?*, 128-130.

⁴⁶² *News of the World*, 3 Sept. 1961, quoted in Jeffery-Poulter, *Peers, Queers and Commons*, 63.

⁴⁶³ James Breen, "Ten Letter Word," *Observer*, 3 Sept. 1961, 22.

...it takes a stand, has a point of view, says something. And what it says is that English law on homosexuality offers special opportunities to blackmailers... Yet it is a thriller (and a good one) with characters which could not have been shown on a subject which would have excited horror or ribaldry up to a few years ago. To treat the theme as a thriller may not be particularly bold, but to treat it at all was brave. I know that the way has been paved by Ken Hughes's 'The Trials of Oscar Wilde'; but to make a film about a famous, martyred, historical figure isn't quite the same as a making a film which, implying that London clubs and pubs today are full of practising homosexuals, uses the Wolfenden Report phrase about consenting adults and directly criticises the existing law.⁴⁶⁴

Bourne concludes that "on the whole" the British film critics' response to *Victim* was "favourable." He refers to the October 1961 review by Peter G. Baker, editor of *Films and Filming*, which begins tellingly with the declaration: "*Victim*, as everyone knows by now, is about queers." The review goes on to mildly criticise the film for not having enough "emotional involvement." But it ends with an endorsement and a prediction:

Victim, for all its faults, is a landmark in British cinema. The British have stopped being hypocrites (sic) and the censor has indicated that no subject, responsibly treated, is taboo. And when, as inevitably will happen, the law is changed and a man is no longer penalized for expressing his senses and sensibility as he will, *Victim* will have made its contribution to that understanding. And we'll have to find a new name for 'queer'.⁴⁶⁵

During the 1970s and 1980s *Victim* received criticism from three influential sources: from Richard Dyer, in his 1977 article "Victim: hegemonic project,"⁴⁶⁶ from a 1984 article by Medhurst titled "*Victim*: Text as Context,"⁴⁶⁷ and in John Hill's 1986 book *Sex, Class and Realism: British Cinema 1956-1963*. But this criticism has more recently been countered by Alan Burton, who points out that Dyer, Medhurst and Hill were writing "from the agenda of

⁴⁶⁴ Dilys Powell, "A Blessing to Blackmailers," *Sunday Times*, 3 Sept. 1961, 35. Coldstream provides a survey of newspaper and magazine reviews of *Victim* both in Britain and overseas: Coldstream, *Victim*, 90-99.

⁴⁶⁵ Peter Baker, "Victim," *Films and Filming* (Oct. 1961): 26, 28, also quoted (in part) in Bourne, *Brief Encounters*, 160.

⁴⁶⁶ First published in *Film Forum* 2, Newcastle; later published in Dyer, *The Matter of Images*, 71.

⁴⁶⁷ First published in *Screen* 25 no. 4-5 (July-Oct.1984): 22-35; later revised and published in Higson, *Dissolving Views*, 117.

gay radicalism and the post-Marxism of the New Left.” Burton thought that their critiques of *Victim*, and even of the genre of the “social problem film” were flawed, to the extent that they were “historically insensitive and suffer from a normative ‘reading backwards’ onto the texts, a retrospective imposition of values onto the films that had little or no relevance at the time of their release.”⁴⁶⁸ Burton’s article goes on to respond to their criticism by making “an attempt to understand the film’s liberal humanism historically and not critically, and to accept the limits imposed by commercial film production and public opinion.”⁴⁶⁹

Further, it is ironic for Dearden and Relph to be attacked by Dyer for ignoring class struggle.⁴⁷⁰ In his 1997 interview referred to earlier, Relph was asked about the “middle-classness” of his films, particularly those made while he was at Ealing. He said that although they may have presented a “romanticised vision” of the working classes:

We did try. We were both left-wing. I was a Communist and so we tried to tackle working-class subjects but I don’t think that we were quite as happy with them as we were with the middle class, because we were middle class people.⁴⁷¹

Murphy, too, has defended the social problem films, including *Victim*, against the criticisms of Hill and others, noting that the films have become even more fascinating as time passes. He writes: “Time having exposed their ideological assumptions and prejudices, their fictions become less important than the reality of the attitudes they embody, turning them into cultural artefacts... it is the aura of social significance, the glimpse they offer into a past society, which makes them valuable.”⁴⁷² Congruently, I argue that *Victim* gives us a glimpse of a society on the verge of significant social and legal change, that it was intended as a statement of support for that change, that the film was presented to an audience that was receptive to the possibility of change, and that it deserves a prominent place in the timeline of events leading to the decriminalisation of homosexuality in Britain.

⁴⁶⁸ Burton, “*Victim* (1961): Text and Context,” 77.

⁴⁶⁹ Ibid.

⁴⁷⁰ Dyer, *The Matter of Images*, 79-80.

⁴⁷¹ Burton, O’Sullivan, and Wells, *Liberal Directions*, 247-248.

⁴⁷² Murphy, *Sixties British Cinema*, 57.

With the relaxation in 1958 of the “bans” on homosexual themes being shown in the theatre and in the cinema,⁴⁷³ and the release of the various plays and films mentioned earlier, including *Victim*, the subject of homosexuality (as Jeffery-Poulter points out), “was no longer taboo.”⁴⁷⁴ As noted earlier, within weeks of its release, *Victim* was the number one film on general release in terms of box office takings.⁴⁷⁵ Television also aired several programs with homosexual themes or characters – in fictional, documentary, and discussion programs, beginning in August 1960 with yet another Oscar Wilde trial.⁴⁷⁶ Fiction and non-fiction books also explored the subject, including, in 1961, both the book on which the film *The Leather Boys* was based,⁴⁷⁷ and the book of the film *Victim*.⁴⁷⁸ In 1960 there were also biographies published such as Lionel Fielden’s *The Natural Bent*⁴⁷⁹ and John Morris’s *Hired to Kill*.⁴⁸⁰ Studies based on research were published: Gordon Westwood’s *A Minority* in 1960⁴⁸¹ and Richard Hauser’s *The Homosexual Society* in 1962, which was commissioned by the Home Office.⁴⁸² Thus, homosexuality continued to be a subject for discussion and study in the late 1950s and early 1960s.

The reaction to the various films and books suddenly dealing with homosexuality resulted in “an explosion of media coverage,” according to Jeffery-Poulter.⁴⁸³ Yet by 1963, it appears from polling that public opinion had not yet been swayed in favour of reform.⁴⁸⁴ Nevertheless, change was on the horizon: by 1965, as will be seen shortly, polling showed that public opinion had swung in favour of reform. In the meantime, the next move would be up to the Parliamentarians.

⁴⁷³ See page 74 of this chapter.

⁴⁷⁴ Jeffery-Poulter, *Peers, Queers and Commons*, 63.

⁴⁷⁵ Coldstream, *Victim*, 97, quoting *Kinematograph Weekly*.

⁴⁷⁶ *Oscar Wilde*, an episode in the 5-part *On Trial* series broadcast on Granada Television on 5 Aug. 1960. The subsequent listed works are part of a list compiled by Jeffery-Poulter, *Peers, Queers and Commons*, 63-64.

⁴⁷⁷ Eliot George (Gillian Freeman), *The Leather Boys* (London: Blond & Briggs, 1961).

⁴⁷⁸ William Drummond (Arthur Calder-Marshall), *Victim* (London: Corgi Books, 1961).

⁴⁷⁹ Lionel Fielden, *The Natural Bent* (London: André Deutsch, 1960).

⁴⁸⁰ John Morris, *Hired to Kill* (London: Rupert Hart-Davis/ Cresset Press, 1960).

⁴⁸¹ Gordon Westwood, *A Minority – a Report on the Life of the Male Homosexual in Great Britain* (London: Longmans, Green & Co, 1960).

⁴⁸² Richard Hauser, *The Homosexual Society* (London: The Bodley Head, 1962).

⁴⁸³ Jeffery-Poulter, *Peers, Queers and Commons*, 65.

⁴⁸⁴ *Ibid.* In 1963, there were two surveys on the question (asking somewhat different questions). The first showed that 67% of a sample of 2,500 people were opposed to decriminalisation of homosexual acts by consenting adults in private, with only 16% in favour. In the second survey, 59% of those responding thought that legal restraints on homosexuality were “unavoidable,” although a sizeable 39% did not agree. The first survey was by the Albany Trust (the fundraising arm of the Homosexual Law Reform Society), which commissioned market research by the British Market Research Bureau, and the second was by the weekly social enquiry magazine *New Society*.

Homosexual Law Reform and the *Sexual Offences Act 1967*

In March 1962, a Private Member's Bill was introduced by Labour M.P. Leo Abse. It proposed "to give effect to some of the less contentious recommendations of the Wolfenden Committee without making homosexual behaviour between consenting adults legal."⁴⁸⁵ Conservative Party Members saw this as an attempt to bring in a "watered down" version of Wolfenden.⁴⁸⁶ But the time allocated for debate ran out, there was no vote, and the motion lapsed.⁴⁸⁷ A motion tabled on 16 April 1964 by a Conservative Party M.P., Sir Thomas Moore, calling on the Government to implement the Wolfenden recommendations on homosexual law, did not attract support from either side.⁴⁸⁸

Nevertheless, on 16 July 1964, the Director of Public Prosecutions announced that: "in order to achieve greater uniformity of enforcement of the law regarding homosexuality in private," that, at least as a matter of practice, his Chief Constables should "seek his advice before bringing proceedings."⁴⁸⁹ This was, in effect, an adoption of recommendation (iv) of the *Wolfenden Report*. But the major recommendations had still not made their way into Parliament.

The Labour Party was returned to office after the General Election of 1964 for the first time in thirteen years. But Labour's majority was only four seats, which Prime Minister Wilson eventually found to be practically unworkable. He was forced to call a snap election in 1966. Labour's 1964 manifesto was entitled "The New Britain." While this document listed a wide range of reforms, there was nothing specific about law reform, much less the prospect of the implementation of the Wolfenden reforms.

Ultimately it was not a Labour M.P. who brought the issue back to Parliament. Lord Arran, a Liberal peer, wrote to over 200 peers asking for their support, which he duly received. In a letter to the *Times* published on 11 May 1965, five bishops and three peers announced that they were in favour of the Wolfenden reforms.⁴⁹⁰ In an astonishing turn-around, one of the peers who signed the letter was Lord Devlin, who had delivered the Maccabaeian lecture on

⁴⁸⁵ Jeffery-Poulter, *Peers, Queers and Commons*, 53.

⁴⁸⁶ *Ibid.*, 54.

⁴⁸⁷ Abse moved for a second reading on 9 Mar. 1962: HC Deb 9 Mar. 1962 vol 655 cc 843-60.

⁴⁸⁸ Jeffery-Poulter, *Peers, Queers and Commons*, 68.

⁴⁸⁹ Home Office Statement, 16 July 1964, quoted in Jeffery-Poulter, *Peers, Queers and Commons*, 69. Also quoted in Michael McManus, *Tory Pride and Prejudice: The Conservative Party and Homosexual Law Reform*, electronic book (London: Biteback Publishing Ltd, 2011), loc 1155/ 9120.

⁴⁹⁰ Letter, "Law on Homosexuals," *Times*, 11 May 1965, 13.

“The Enforcement of Morals,” arguing that laws must be based on morality, the opposite of the Wolfenden position.⁴⁹¹

The following day, on 12 May 1965, Lord Arran moved his now-famous motion in the House of Lords: “To call attention to the recommendations of the Wolfenden Committee on homosexual offences; and to move for papers.” The support he anticipated was there: 17 of 22 speakers in the debate were in favour of the motion.⁴⁹² There was no vote on that occasion, but on 24 May the House of Lords voted in favour of Lord Arran’s *Sexual Offences Bill*, by a majority of 94 to 49: a margin the *Guardian* called “a splendid palindrome.”⁴⁹³ The Bill itself was simple and consisted of one clause: “A homosexual act in private shall not be an offence provided that the parties consent thereto and have attained the age of 21 years.”⁴⁹⁴

A National Opinion Poll was commissioned in 1965 by *The Daily Mail* to find out the level of support for Lord Arran’s reform Bill. The poll was conducted from 19-25 October 1965, and showed – for the first time – that a clear majority (63%) favoured decriminalising homosexual acts between consenting adults in private.⁴⁹⁵ This was a major change from the 1963 poll results referred to in chapter 3, where 67% and 59% in effect opposed decriminalisation.⁴⁹⁶ Jeffery-Poulter concludes that “the result of this poll undoubtedly helped the Bill to pass its Third Reading [in the House of Lords]... after 27 hours of debate.”⁴⁹⁷ It did so on 28 October 1965 by a decisive 96 votes to 31.⁴⁹⁸ Lord Arran also referred during his speech to the House of Lords on 28 October to a second poll – a Gallup Poll – conducted within two months of the first poll, which showed a similar result. He concluded: “Put simply, they indicate that, by a majority of five to three, the people of this country no longer regard homosexual practices by consenting adults in public as criminal.”⁴⁹⁹

With those two polls in 1965, the British people had given the best indication yet to Parliament that they were ready to change the law, and Parliament had at last indicated that it

⁴⁹¹ See page 73 of this chapter.

⁴⁹² Jeffery-Poulter, *Peers, Queers and Commons*, 70. Motion of Lord Arran: HL Deb 12 May 1965 vol 266 cc71-172.

⁴⁹³ Jeffery-Poulter, *Peers, Queers and Commons*, 71, quoting Lord Arran’s 1972 account reprinted in the *Gay News* special edition, “10 Years After Arran”: “A Curious Instrument,” *Gay News*, no. 124 (July 28-Aug. 10 1977), 13; HL Deb 24 May 1965 vol 266 cc654-712.

⁴⁹⁴ *Sexual Offences Bill 1965*: HL Deb 24 May 1965 vol 266 cc631-52.

⁴⁹⁵ Jeffery-Poulter, *Peers, Queers and Commons*, 73.

⁴⁹⁶ See note 484 for details.

⁴⁹⁷ Jeffery-Poulter, *Peers, Queers and Commons*, 73.

⁴⁹⁸ HL Deb 28 Oct. 1965 vol 269 cc677-730.

⁴⁹⁹ HL Deb 28 Oct. 1965 vol 269 cc677-730.

was prepared to listen and act. But the progress of the Bill was slow over the next two years. The Government attitude throughout this period was one of “neutrality,” as evidenced by the official Conclusions of Cabinet meetings held on 6 May 1965 and 27 October 1966.⁵⁰⁰ The Government held this attitude of neutrality over the 17 months since Lord Arran’s original motion to recognise the Wolfenden recommendations in the House of Lords, even though Cabinet acknowledged that “a majority in both Houses had been shown to favour the implementation of the Wolfenden Committee’s recommendation in this respect.”⁵⁰¹

Lord Arran’s Bill finally had its second reading at a late night sitting of the House of Commons on 19 December 1966. Opponents of the Bill proposed a series of amendments and managed to delay the Bill’s passage again.⁵⁰² To resolve this seemingly endless series of amendments the Home Secretary, Roy Jenkins, allowed a late-night session on 3 July 1967. There were yet more amendments, and “filibuster tactics.”⁵⁰³ Leo Abse handled each amendment, and managed to steer the Bill to a final vote shortly after 5.44 a.m. on 4 July, at which time the *Sexual Offences (No 2) Bill* was read a third time and passed by the Commons. The House voted: Ayes 99, Noes 14.⁵⁰⁴

The Bill then proceeded to the House of Lords where, on 21 July 1967, Lord Arran moved that the Bill “do now pass.”⁵⁰⁵ As Jeffery-Poulter notes, he quoted Oscar Wilde, who wrote, on his release from Reading Gaol: “Yes, we shall win in the end; but the road will be long and red with monstrous martyrdoms.” Lord Arran continued: “My Lords, Mr. Wilde was right: the road has been long and the martyrdoms many, monstrous and bloody. Today, please God! sees the end of that road.” It was.

Lord Arran’s Bill, as shepherded by Leo Abse, received Royal Assent on 27 July 1967, when it finally became law, as the *Sexual Offences Act 1967*. It was longer than the original one clause: Clause 1(1) still stated that “...a homosexual act in private shall not be an offence provided the parties consent thereto and have attained the age of twenty-one years.” But there were various exceptions and provisos, such as Clause 1(2), which provided that an act was not “in

⁵⁰⁰ Cabinet Conclusion 5, The Law Relating to Homosexual Offences, 6 May 1965: CC (65) 28th Conclusions, Minute 5, CAB/128/39.

⁵⁰¹ Ibid.

⁵⁰² HC Deb 23 June 1967 vol 748 cc2115-55; Jeffery-Poulter, *Peers, Queers and Commons*, 79.

⁵⁰³ Jeffery-Poulter, *Peers, Queers and Commons*, 79.

⁵⁰⁴ HC Deb 03 July 1967 vol 749 cc1491-525; McManus, *Tory Pride and Prejudice*, loc 1770/ 9120.

⁵⁰⁵ HL Deb 21 July 1967 vol 285 cc522-6.

private” if there were more than two persons present, or if it took place in a public lavatory. Clause 2 provided that certain homosexual acts on merchant ships continued to be an offence. There were other offences provided for in the Act, including procuring others to commit homosexual acts, and living on the earnings of male prostitution. And the Act did not extend to Scotland and Northern Ireland. But the law had finally been reformed.

In a handwritten letter dated 5 June 1968, Lord Arran wrote from the House of Lords to *Victim*’s lead actor, Dirk Bogarde, and specifically acknowledged Bogarde’s role in the reform of the law:

Dear Mr Bogarde

I have just seen “Victim” for the first time (on telly), and I write to say how much I admire your courage in undertaking this difficult and potentially damaging part. As you may know, I was responsible for introducing the Sexual Offences Bill – now Act – and the swing in popular opinion as shown by the Polls (from 48% to 63% in favour of reform) was largely due to your two films “The Servant”⁵⁰⁶ and “Victim”, or so I believe.

It is comforting to think that perhaps a million men are no longer living in fear.

Yours sincerely,

Arran.⁵⁰⁷

The letter from Lord Arran to Bogarde was used by Coldstream to make the point that, even though it took nearly ten years for the main *Wolfenden Report* recommendations to be enacted in the *Sexual Offences Act 1967*, “that *Victim* helped, even in a small way, to ease its turbulent trajectory is beyond any doubt.”⁵⁰⁸

⁵⁰⁶ This is an odd remark, given the malevolence of Bogarde’s role in *The Servant* (1963, Losey).

⁵⁰⁷ Handwritten letter reproduced at <http://dirkbogarde.co.uk/icon/victim-discreet-reformer/9>, accessed 2 Sept. 2016 5:54 p.m.

⁵⁰⁸ Coldstream, *Victim*, 8.

Lord Arran remained extremely proud of his achievement in reforming the law. In an article he wrote for the British literary magazine *Encounter* in 1972, he recalled receiving an anonymous letter which read: "For twenty years I have been meeting a man on Westminster Bridge on the first of the month and giving him £100 which I cannot afford and which I must conceal from my wife. Today, for the first time, thanks to your Bill, I shall not be keeping my appointment."⁵⁰⁹ And this story of blackmail is not the only echo of the film *Victim* in Lord Arran's experience. In the same article, he recounts how, in November 1966, the walls of his company's office had been daubed with the words "Arran Homo."⁵¹⁰ A similar scene appears in *Victim*, when Farr's garage door is whitewashed with the words "FARR IS QUEER."

Conclusion

In this chapter, I have described how the law in Britain in the 1950s made homosexual acts between men a crime, and how the *Wolfenden Report* in 1957 pointed the way to the necessary social and legal reforms. I have described how Parliament was slow to take up the Wolfenden recommendations, and argued that a small group of films – most especially *Victim* – brought the topic of homosexuality to the notice of a broad, mainstream audience at a crucial time, paving the way for future law reform. I have examined the methods the filmmakers of *Victim* used to familiarise its audience with homosexual men in the community, the issues surrounding homosexuality, and the need for law reform. I have argued that *Victim* was intended by the filmmakers as a specific intervention to help to change the law, specifically incorporating aspects of the *Wolfenden Report*, and aspects of the experience of gay men in Britain. I have examined the impact of *Victim*, including the reactions of the critics, the public and the legislators. And I have described how the law reforms evolved, culminating in the *Sexual Offences Act 1967*.

In the next chapter, to conclude my thesis, I consider whether it might be possible to go further, and actually measure the degree of *Victim's* impact.

⁵⁰⁹ Arran, "The Sexual Offences Act: A Personal Memoir," *Encounter* (March 1972), 5.

⁵¹⁰ Ibid.

Chapter 4: Conclusion

...perhaps a million men are no longer living in fear.

– Lord Arran, letter to Dirk Bogarde, 5 June 1968.⁵¹¹

In chapter 2 of this thesis, I showed how British society in the 1950s became more receptive to social and legal change than it had been since before World War 2, and I argued that the security which the British people found in the new “Welfare State” allowed them to contemplate with optimism a different and better future. I outlined the significant areas in which social and legal reforms were proposed or begun in the years following the War, including a comprehensive system of social welfare (as proposed by the *Beveridge Report*),⁵¹² the implementation of the National Health Service, addressing the housing shortage, education reforms and the end of rationing. I referred to several emerging and pressing social issues of the period, including the growing concern over issues of crime and punishment. I focussed on the “crime” of homosexuality, noted the increasing attention which the press, the public and the law enforcement agencies were giving to the activities of homosexual men and the commission of what were then homosexual offences, and referred to some high-profile cases which attracted such a level of press and public attention that the government was moved to set up an enquiry into both homosexual offences, and prostitution. This enquiry produced the landmark *Wolfenden Report*⁵¹³ in 1957, which would be the genesis of significant legal reform both as to prostitution and, most importantly for this thesis, as to homosexual offences. My contention in chapter 2 was that the financial security, social balance and optimism engendered by the end of post-War austerity and the relative success of the Welfare State had enabled the people of Britain to turn their minds towards “the arts of life”⁵¹⁴

⁵¹¹ Text of letter reproduced in chapter 3, page 102.

⁵¹² William Beveridge, *Social Insurance and Allied Services - Report by Sir William Beveridge*, Cmd. 6404 (London: HMSO, 1942).

⁵¹³ Committee on Homosexual Offences and Prostitution (Great Britain), *Report of the Committee on Homosexual Offences and Prostitution*, Cmnd. 247, Sept. 1957 (London: HMSO, 1957).

⁵¹⁴ Anthony Crosland, *The Future of Socialism* (London: Jonathan Cape, 1956), 528-529.

rather than the “strategies of survival,”⁵¹⁵ allowing them to contemplate a different future, and thus laying the foundations for the social and legal changes to come.

In chapter 3, I showed how the *Wolfenden Report* proposed a set of legal reforms that would begin to transform social attitudes to, and the legal treatment of, homosexuality in this “new” Britain. I described how, in the period before Parliament took up the Wolfenden recommendations and finally amended the law, a small group of films (along with some plays and works of fiction and non-fiction) began to bring the topic of homosexuality to the notice of a broad, mainstream audience and, in effect, paved the way for future law reform. I have argued that *Victim* was the key film in this process of social and legal reform. Thus, I have demonstrated the crucial role that *Victim*, and a number of other British films of the 1950s and 60s, played in the homosexual law reform achieved in 1967, and the attendant change in social attitudes to homosexuality.

But is it possible to go further and measure the degree of *Victim*’s impact? Is it possible to measure with accuracy the impact of film as an agent of social and legal change?

Film and Social Change

Experts agree that the creative arts can play a role in achieving social change. Concerning the literary work of Charles Dickens, Cunningham observes: “Many have credited him with creating the climate of opinion that facilitated the reforms in education, public health, and criminal law that helped make Britain a safer and less strife-ridden society.”⁵¹⁶

Can the same be said of the makers of cinematic works? Shortland notes that with film there is a complex relationship between what happens on the screen in a cinema and what happens in society outside, but: “nevertheless, there are occasions when a film does seem to have exerted enough influence of a social and political character to

⁵¹⁵ Kenneth O. Morgan, *Britain Since 1945: The People's Peace*, 3rd ed. (Oxford: Oxford University Press, 2001), 157.

⁵¹⁶ Hugh Cunningham, “Dickens as a Reformer,” in David Paroissien, ed., *A Companion to Charles Dickens* (Malden, Massachusetts, Oxford, and Carlton: Blackwell Publishing, 2008), 159. See also Ivan Brown, “Dickens as Social Reformer” in Harold Maltz and Miriam Maltz, eds., *Charles Dickens* (San Diego: Greenhaven Press, 2003); and Joachim Frenk and Lena Steveker, eds., *Charles Dickens as an Agent of Social Change* (New York: AMS Press, 2015).

warrant us seeing it as causing an impact, rather than participating in a broader network of relations.”⁵¹⁷

However, the tools for measuring the real social impact of motion pictures are still developing, as Karlin and Johnson observe: “Film has been studied extensively as entertainment, as narrative, and as cultural event, but the study of film as an agent of social change is still in its infancy.”⁵¹⁸ Further, Karlin and Johnson point out that legislative change generally lags behind social change: “Legislative change typically takes place beyond the social movement stage, when there is enough support to pressure legislators to change or create policy.”⁵¹⁹ The process of homosexual law reform in Britain, as described in chapter 3, is an apt example of this sort of time lag.

Some of the current investigation of the effect of mass media on social change is being conducted at the University of Southern California’s Norman Lear Center. One project from 2014 involved the study of the social impact of the feature film *Contagion* (2011, Soderbergh),⁵²⁰ particularly in relation to public health issues and preparedness to deal with a viral pandemic. The film’s production company, Participant Media, whose goal is “to make films that change society,” makes films “that deal with serious social issues in entertaining and engaging ways.”⁵²¹ Participant Media asked the Lear Center to help them find out “whether their films were having the impact they had hoped for.”⁵²² The question they asked was: “did the *Contagion* viewer change somehow, due to exposure to this film?”⁵²³ The study involved administering a survey through internet sites, social media, and an email list, and employed modern statistical techniques such as

⁵¹⁷ Michael Shortland, “Screen Memories: Towards a History of Psychiatry and Psychoanalysis in the Movies,” *The British Journal for the History of Science*, 20, no. 4 (Oct. 1987): 424.

⁵¹⁸ Beth Karlin, and John S. Johnson, “Measuring Impact: The Importance of Evaluation for Documentary Film Campaigns,” *M/C Journal*, 14, no. 6 (Dec. 2011): 1, accessed 20 Feb. 2017 3:01 p.m., <http://journal.media-culture.org.au/index.php/mcjournal/article/view/444>.

⁵¹⁹ *Ibid.*, 3.

⁵²⁰ Johanna Blakely and Heeung Shin, “Going Viral: Measuring the Impact of *Contagion*,” *USC Annenberg Norman Lear Centre Media Impact Project*, 2014, accessed 21 Feb. 2017 12.35 p.m., http://www.mediaimpactproject.org/uploads/5/1/2/7/5127770/contagion_report_final.pdf.

⁵²¹ *Ibid.*, *Introduction*, 3.

⁵²² *Ibid.*

⁵²³ *Ibid.*, 14.

“propensity score matching,” to adjust for the bias that may exist in surveying filmgoers who choose to view a film based on their own personal tastes and interests.⁵²⁴

Unfortunately, because the methods used to collect data in the Lear Center study rely on survey results, and because it would be virtually impossible to access the audience who viewed *Victim* due to the passage of so much time, these methods could not readily be applied now to reliably measure the impact of *Victim*, and the other “social problem” films of the 1950s and early 60s. However, there are possible alternatives.

In a paper written for “The Fledgling Fund,” a private foundation which funds the making of films and other media projects that involve social issues affecting the vulnerable,⁵²⁵ Barratt and Leddy describe a framework they use to “measure the impact of their work” and to “assess the various projects that we fund.”⁵²⁶ The framework is labelled “Dimensions of Impact,” and is illustrated by a diagram depicting a series of concentric circles radiating outwards. The circles represent the ripples made when a stone is thrown into a pond. Each circle has a label. The first is labelled “Compelling Story.” The next circle out is labelled “Awareness.” After that the circles are called “Engagement,” then “Stronger Movement,” and the outer circle is labelled “Social Change.” These are the stages that the Fund looks for when trying to judge the effectiveness of a project in achieving social change.⁵²⁷

This framework can be applied to judge the social and legal change that *Victim* may have made. I have already shown that there is a “Compelling Story” in *Victim* (a prominent barrister is forced to reveal his homosexuality and risk his career, in order to expose a ring of blackmailers), which resulted in public “Engagement” (the popularity of the film and the considerable audiences who saw it). I have shown the “Stronger Movement” (the swing in public opinion), and finally the “Social Change” (the amendment of the law) that occurred after the release of *Victim*. Applying those standards only further

⁵²⁴ Ibid., 13.

⁵²⁵ See their website, accessed 20 Feb. 2017 5:44 p.m., <http://www.thefledglingfund.org/who-we-are/>.

⁵²⁶ Diana Barratt and Sheila Leddy, “Assessing Creative Media’s Social Impact,” *The Fledgling Fund*, 2008, accessed 20 Feb. 2017 6.00 p.m., <http://www.thefledglingfund.org/wp-content/uploads/2015/10/Impact-Paper.pdf>, 15.

⁵²⁷ Ibid.

strengthens the argument that *Victim* played a significant role in the changing of the law.

Moreover, the “ripples in the pond” started by *Victim* continued to spread, even after 1967, and are still apparent many years later. In 1999, the House of Commons had before it the *Sexual Offences (Amendment) Bill*. This was the Bill that proposed lowering the age of consent for male homosexuals from eighteen to sixteen, to bring it in line with the age of consent for heterosexuals.⁵²⁸ Dr Julian Lewis, a Conservative M.P., speaking in favour of reform, said:

I must say for the record that I can well remember being deeply impressed many years ago by a film called, "Victim", which starred Dirk Bogarde and which showed how outrageous, monstrous and unfair it is for people to be open to blackmail, public humiliation and the destruction of their professional career because they happen to be homosexual.⁵²⁹

The process of homosexual law reform continues to this day. The *Policing and Crimes Act 2017* received Royal Assent on 31 January 2017. Under that Act, the British Parliament pardoned persons who had been convicted of, or cautioned for, committing certain homosexual offences which have now been abolished. The Act, dubbed the “Turing Law,” pardons approximately 50,000 deceased gay men, including Alan Turing and Oscar Wilde, both of whom had been convicted of homosexual crimes that no longer exist.⁵³⁰

The team who made *Victim*, director Basil Dearden and producer Michael Relph, writers Janet Green and John McCormick, lead actor Dirk Bogarde, and the other actors and technicians who worked on the film are entitled to a portion of credit for these reforms. Due in significant measure to their efforts in producing a compelling film with an

⁵²⁸ *Criminal Justice and Public Order Act, 1994* c.33, Part XI. Under the *Sexual Offences Act 1967*, the age of consent was 21. It had been lowered to 18 in 1994.

⁵²⁹ HC Deb 25 Jan. 1999 vol 324 cc20-114 at 89.

⁵³⁰ Section 164. The figure of 50,000 men was provided by the Ministry of Justice: Kate McCann, “Turing's Law: Oscar Wilde among 50,000 convicted gay men granted posthumous pardons,” *Telegraph*, 31 Jan. 2017, accessed 21 Feb. 2017 1:01 p.m., <http://www.telegraph.co.uk/news/2017/01/31/turings-law-thousands-convicted-gay-bisexual-men-receive-posthumous/>.

important social purpose, social attitudes changed, a set of unjust laws were abolished, thousands of gay men have been pardoned for committing crimes that no longer exist and should never have existed, and, arguably, millions of gay men no longer live in fear.

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⁵³¹ The date of each film in this thesis is its copyright date, unless otherwise indicated. All films are from Britain unless otherwise indicated.

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- . *Whiskey Galore!*. Ealing Studios, 1949.

⁵³² Year of release.

⁵³³ Year of release.

⁵³⁴ Year of release. The film credits state: "Made in the years 1944-5 by the Crown Film Unit."

⁵³⁵ Year of release.

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----- *I Know Where I'm Going!*. Archers Film Productions/ Independent Producers/ J. Arthur Rank Film Productions, 1945.

----- *The Life and Death of Colonel Blimp*. Archers Film Productions/ Independent Producers, 1943.

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⁵³⁶ Date of first release (2 Oct. 1992).

- . *Woman in a Dressing Gown*. Associated British Picture Corporation/ Godwin-Willis Productions, 1957.
- . *The Yellow Balloon*. Associated British Picture Corporation/ Marble Arch Productions, 1952.
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