



A PROBLEM IN MODERN ETHICS

JOHN ADDINGTON SYMONDS

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A PROBLEM IN MODERN ETHICS

BEING AN INQUIRY INTO THE PHENOMENON OF
SEXUAL INVERSION ADDRESSED ESPECIALLY TO
MEDICAL PSYCHOLOGISTS AND JURISTS

BY
JOHN ADDINGTON SYMONDS

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XIV.

The points suggested for consideration are whether England is still justified in restricting the freedom of adult persons, and rendering certain abnormal forms of sexuality criminal, by any real dangers to society: after it has been shown (1) that abnormal inclinations are congenital, natural, and ineradicable in a large percentage of individuals; (2) that we tolerate sterile intercourse of various types between the two sexes; (3) that our legislation has not suppressed the immorality in question; (4) that the operation of the Code Napoleon for nearly a century has not increased this immorality in France; (5) that Italy, with the experience of the Code Napoleon to guide her, adopted its principles in 1889; (6) that the English penalties are rarely inflicted to their full extent; (7) that their existence encourages blackmailing, and their non-enforcement gives occasion for base political agitation; (8) that our higher education is in open contradiction to the spirit of our laws.⁷⁹

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⁷⁹ It may not be superfluous to recapitulate the main points of English legislation on this topic. (1) Sodomy is a felony, defined as the carnal knowledge (per anum) of any man or of any woman by a male person; punishable with penal servitude for life as a maximum, for ten years as a minimum. (2) The attempt to commit sodomy is punishable with ten years' penal servitude as a maximum. (3) The commission, in public or private, by any male person with another male person, of "any act of gross indecency," is punishable with two years' imprisonment and hard labour."