

A HISTORY OF REPUDIATING METAPHORS IN AUSTRALIAN PARLIAMENTARY DEBATES CONCERNING THE DECRIMINALISATION OF HOMOSEXUALITY

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Drawing on various State and Commonwealth parliamentary debates concerning the decriminalisation of homosexual offences in Australia between 1954 and 1990, this article will reveal how metaphoric tropes were deployed to produce legal knowledge of homosexuality. Parliamentary discourse contributed to the stigmatisation of gay male subjectivity by recourse to three competing metaphoric pathological models: *disease*, *addiction*, and *habit*. The article will conclude by arguing that homosexuality was derided and rendered abject, even in those debates where homosexuality was released from the purview of the criminal law.

This article is dedicated to the memory of Adelaide Law School lecturer Dr George Duncan who was thrown into the Torrens River and drowned on the 10th May 1972. Public outrage over his unsolved murder stimulated homosexual law reform which culminated in South Australia becoming the first Australian State to decriminalise homosexuality.

I INTRODUCTION

The 40th anniversary of the decriminalisation of homosexuality in South Australia in 2015 (with other respective State and Territory Anniversaries to follow in the coming decade) presents a timely

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opportunity to reflect on the period of history that saw the criminal status of homosexuality debated in parliaments across Australia. During her keynote address at the 2014 *Homosexual Histories Conference*, the Honourable Susan Ryan spoke of the risk posed by ‘homosexuality being narrowly remembered as a crime and a sickness’.¹ This article implicates parliamentary discourse as being partly responsible for pathologising homosexuality as, variously, a disease, an addiction, and a habit. To the extent that homosexuality runs the risk of being remembered by recourse to such a negative and narrow frame, my intention in this article is to cast some light on the culpability of parliamentary discourse for providing the very frame of understanding (of homosexuality as a crime and a sickness) that Susan Ryan lamented the existence of in her address.

II WHY IS PARLIAMENTARY DISCOURSE WORTH SCRUTINISING TO FATHOM HOW HOMOSEXUAL SUBJECTIVITY IS UNDERSTOOD?

Henderson argues that parliamentary debates are important and effective forms of social education where competing ‘truth claims’ about subjects are disseminated.² Following McGhee, I take parliamentary debates to be ‘events’ of legal significance.³ In this article I seek to investigate the processes through which parliamentarians contributed to the construction of knowledge about homosexuality as something inherently abject, dangerous and threatening, and thus needing to be subject to continued regulation by the criminal law. This objective will be accomplished by exploring how particular metaphoric models and tropes are harnessed as

¹ Susan Ryan, ‘Keynote Address’ (Speech delivered at the Australian Homosexual Histories Conference, University of Technology Sydney, 28 November 2014).

² Emma Henderson, ‘Of Signifiers and Sodomy: Privacy, Public Morality and Sex in the Decriminalisation Debates’ (1996) 20 *Melbourne University Law Review* 1023.

³ Derek McGhee, ‘Wolfenden and the Fear of “Homosexual Spread”’: Permeable Boundaries and Legal Defences’ (2000) 21 *Studies in Law, Politics and Society* 78.

explanations of homosexual deviance in various Australian parliamentary debates. These juridical occasions — though temporally and geographically isolated — shared a common theme. They all took place in contexts where particular parliaments were considering divesting specific homosexual acts (those of consenting adults in private) of their status as criminal offences.

My intention is not to examine the debates to chart the various changes in criminal status accorded to homosexual acts in Australia, as this has been accomplished elsewhere.⁴ Rather, my interest is held by the metaphors and tropes deployed in the debates and what they reveal about the law's imagination of homosexual (gay) desire in Australia. Undisguised or thinly veiled homophobic sentiment informs these recorded utterances, and Hansard preserves these instances of repudiation. These volumes are archives of disavowal; they provide a unique historical insight into the thinking that informed legal regulation of male same-sex behaviour in Australia during the homosexual decriminalisation era.⁵

III THE ROLE OF METAPHOR IN UNDERSTANDING SEXUALITY

Plummer argues that 'human beings have devised a myriad of metaphors to talk about, think about, write about and perform human sexualities'.⁶ Similarly, in his cultural history of homosexuality, Edelman notes the historical investiture of sexuality with metaphoric

⁴ See Graham Carbery, *Towards Homosexual Equality in Australian Criminal Law: A Brief History* (Australian Lesbian and Gay Archives, 2nd ed, 2010); Melissa Bull, Susan Pinto and Paul R Wilson, *Homosexual Law Reform in Australia* (Australian Institute of Criminology, 1991).

⁵ Tasmania was the last state to decriminalise homosexuality as heralded by the *Toonen* case (a landmark human rights complaint brought before the United Nations Human Rights Committee) which effectively forced Tasmania to decriminalise homosexuality. See Anna Funder, 'The Toonen Case' (1994) 5 *Public Law Review* 156.

⁶ Kenneth Plummer, 'Foreword: Symbols of Change' in William Simon (ed) *Postmodern Sexualities* (Routledge, 2003).

significance.⁷ It is tempting to regard metaphor as a mere linguistic flourish; to dismiss its power as a way of shaping perceptions. However, metaphor can no longer be regarded as mere linguistic flourish. Lakoff and Johnson stress that metaphor is a structure of thought.⁸ Brown argues that metaphors are symptomatic of culture, that studying them provides an insight into culture and what is avowed and disavowed.⁹ Furthermore, writing in the context of construction of notions of deviance, Young advocates that metaphor always entails a choice which, in turn, implies value-judgment.¹⁰ Phelan also emphasises that ‘metaphor makes value, perhaps nowhere more meaningfully than sexual difference’.¹¹ Lakoff and Johnson have also observed that values are deeply embedded in metaphor.¹² All these authors implicate social values as being communicated through metaphor. In subsequent analysis it will become evident that the negative metaphoric tropes deployed to imagine homosexuality in parliamentary discourse frame homosexual men and their supposed ‘lifestyle’ as unworthy of value or respect.

IV METAPHOR: LAW’S EXPLANATORY ALLY

Many legal theorists and criminologists have explored the role metaphor plays in legal thought and writing. Murphy argues that the figurative use of tropes found in legal texts is worthy of study.¹³ Indeed the fate of marginalised groups in law, like those of gay men, often hinges on the language used to construct such groups and

⁷ Lee Edelman, *Homographesis: Essays in Gay Literary and Cultural Theory* (Routledge, 1994).

⁸ George Lakoff and Mark Johnson, *Metaphors We Live By* (University of Chicago, 1980) 6.

⁹ Michael P Brown, *Closet Space: Geographies of Metaphor From the Body to the Globe* (Routledge, 2000) 13.

¹⁰ Alison Young, *Femininity in Dissent* (Routledge, 1990) 94.

¹¹ Peggy Phelan, *Unmarked: The Politics of Performance* (Routledge 1993) 24.

¹² Lakoff and Johnson, above n 8, 22.

¹³ Tim Murphy, ‘As If: Camera Juridica’ in Costas Douzinas, Peter Goodrich and Yifat Hachamovitch (eds), *Politics, Postmodernity and Critical Legal Studies* (Routledge, 1994).

attribute meaning to their behaviour. In his groundbreaking book *Bodies of Law*, Hyde illuminates the fundamental importance of metaphor to the law in imagining human subjectivity.¹⁴ Similarly, Gill notes that as a system of deduction that relies upon analogy, law's posture is dependent on metaphor.¹⁵ Writing in the context of the law's treatment of homosexuality, Moran notes that 'the representation of the body in law is a matter of signs {of metaphor}'.¹⁶ In discussing metaphor, Young explains how certain properties of one thing are 'carried over, passed on to, imposed on, another object'.¹⁷ For metaphor is a form of condensed explanation. This article's interest lies in uncovering how various qualities and attributes associated with *other* things — diseases and addictions — are transposed onto how homosexual acts and identities are imagined. Lakoff and Johnson argue that '[a] metaphor may be a guide for future action. Such actions will, of course, fit the metaphor ... In this sense metaphors can be self-fulfilling prophecies'.¹⁸ This article will explore how metaphors that medicalise homosexuality as a disease-like state, give rise to solutions that adhere to the original pathological trope of disease.

V EXPLORING HOMOSEXUAL METAPHORS: SOME METHODOLOGICAL CONSIDERATIONS

In order to explore how particular metaphoric tropes have been deployed in parliamentary debates to problematise homosexuality in Australia, an exhaustive survey of State and Commonwealth parliamentary debates was undertaken. The decriminalisation of consensual homosexual acts in private figured as the principal subject under discussion in a particular Bill between 1959, the first instance where decriminalisation was contemplated, and 1990. The debates were read with a view to identify and categorise metaphoric tropes deployed to describe homosexuality. Metaphors that recurred

¹⁴ Allan Hyde, *Bodies of Law* (Princeton University Press, 1997).

¹⁵ Jerry Gill, *Wittgenstein and Metaphor* (Humanities Press, 1996) 129.

¹⁶ Leslie J Moran, *The Homosexual(ity) of Law* (Routledge, 1996) 198.

¹⁷ Young, above n 10, 90.

¹⁸ Lakoff and Johnson, above n 8, 156.

were tracked and tabled under headings (eg ‘Disease’, ‘Addiction’, ‘Habit’, ‘Contamination’, etc). These metaphoric tropes were then subject to Critical Discourse Analysis, for within this tradition: ‘language, including metaphor, is seen as an instrument of politics’.¹⁹ In examining the metaphors, Brown’s concept of the *tenor* of metaphor — ‘the general drift or underlying idea being communicated’ — was adhered to.²⁰ The focus on *tenor* is important because it reveals the core logic underlying the deployment of particular metaphors.²¹ The analysis was also informed by two key questions. Firstly, how does metaphorisation contribute to the legal understanding of homosexual subjectivity in Australia when decriminalisation was under consideration? Secondly, to what extent do these metaphors distort gay desire and delimit other (more tolerant) understandings of it?

The remarks from the politicians are presented unobtrusively in this article with the details (name of parliamentarian, location, name of Bill, date, page number) being demoted to footnotes. This is a deliberate strategy to allow the analysis to proceed as seamlessly as possible, uncluttered by such details. Whilst this approach dehistoricises the individual debate comments (divesting them of the social, party-political, and jurisdictional contexts in which the remarks were made) it is the metaphors themselves that are of chief concern to this study, and so this approach ensures the primacy of a focus on them. Readers of this article wishing to avail themselves of a nuanced understanding of political, social, and cultural contexts in which homosexual law reform took place in Australia should canvass literature that deals with the period of history where homosexual law reform was occurring. This literature deals with gay and lesbian activism,²² South Australia’s pioneering law reform in relation to

¹⁹ Dag Stenvoll, ‘Metaphors in Sexual Politics’ (Paper presented at the ECPR Joint Session Workshops, Grenada, 19 April 2005) <<http://eis.bris.ac.uk/~potfc/Granada/Papers/Stenvoll.pdf>>.

²⁰ Brown, above n 9, 12.

²¹ The term *tenor* is derived from the Latin ‘*tenere*’ — to hold. The term thus also connotes that in carrying over meaning, metaphors ‘hold onto’ ideas.

²² Graham Willett, *Living Out Loud: A History of Gay and Lesbian Activism in Australia* (Allen & Unwin, 2000).

decriminalising homosexuality,²³ and the aftermath of law reform in two Australian states.²⁴ As interesting as these histories are, they have a distinct focus on the prevailing levels of hostility to homosexuality during the decriminalisation era. They do not deal in any detail whatsoever with the language deployed in the parliamentary debates; rather they chart social change brought about by law reform. This article fills this lacuna by devoting attention to this neglected aspect of law reform in relation to homosexuality in Australia: a distinct focus on metaphoric language.

This methodology has its limitations. Presenting the metaphors thematically means that temporal differences (eg changes in metaphors deployed over time) are not canvassed in the analysis. When the research was conducted, charting the disparity in metaphors used over time proved problematic; some were ubiquitous and others much less frequently invoked, rendering a temporal comparison unfeasible. A second omission relates to positive (eg non-repudiating) metaphoric tropes. As a matter of balance, the research did set out to identify and canvass metaphors used to support decriminalisation. Despite certain sympathetic sentiments recurring in the debates (eg gay men described as ‘normal’, ‘just like us’, and ‘part of society’), there were no common pro-homosexuality metaphoric models deployed. This is somewhat surprising and one can only speculate why this was the case. In any event, this lack of well-defined examples rendered a comparison of pro-decriminalisation metaphors unfeasible.

²³ Dino Hodge, ‘The Okayness of Gayness: Don Dunstan’s Record in Homosexual Law Reform’ in Yorick Smaal and Graham Willett (eds) *Out Here: Gay and Lesbian Perspectives IV* (Monash University Publishing, 2011).

²⁴ Ken Sinclair and Michael W Ross, ‘Consequences of Decriminalisation of Homosexuality: A Study of Two Australian States’ (1986) 12(1) *Journal of Homosexuality* 119.

VI HOMOSEXUALITY AS DISEASE: SOME GENERAL CONCEPTS

From late 19th century German sexological writings, to the French gay liberationist movement of the late 20th century, many writers have identified that homosexuality is often associated with disease. In terms of language, Lupton notes ‘disease metaphors are most commonly used to describe disorder’.²⁵ Similarly, Highwater²⁶ and Douglas²⁷ explore how disease is read as a sign of social disorder. The notion that ‘homosexuality’ can be passed on to others (emulating the transfer of disease) has long held currency in cultural constructions of homosexuality.²⁸ Criminological writings dating back to the turn of the century expound such beliefs. Krafft-Ebing laid out the foundation of a theory that held that various sexual aberrations, particularly homosexuality, are acquired through a genetic predisposition that manifests at some time during the life of an adult.²⁹ The ‘morbid’ influences held to precipitate such a manifestation include contact with other homosexuals which bring out the ‘deep rooted contrary sexual sentiments’.³⁰ Ellis explores the idea of ‘a currency of homosexuality’, coined by Freud, that could lay dormant and ‘flourish’ if certain conditions were put into place.³¹ Such a formulation affirms Hocquenghem’s assertion that ‘homosexuality is not just a delinquent category, it is a pathological one’.³² Thus the pathologisation of homosexuality as a congenital condition long held sway in medico-legal discourse, until the American Psychiatric Association removed homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM) in

²⁵ Deborah Lupton, *Medicine as Culture: Illness, Disease and the Body in Western Society* (Sage, 1994) 55.

²⁶ Jamake Highwater, *The Mythology of Transgression: Homosexuality as Metaphor* (Oxford University Press, 1997).

²⁷ Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (Routledge, 1996).

²⁸ Peter L Allen, *The Wages of Sin: Sex and Disease, Past and Present* (University of Chicago Press, 2000).

²⁹ Richard von Krafft-Ebing, *Aberrations of Sexual Life: The Psychopathia Sexualis* (Panther Books, 1959).

³⁰ *Ibid* 315.

³¹ Havelock Ellis, *Psychology of Sex* (Pan Piper, 1967) 220.

³² Guy Hocquenghem, *Homosexual Desire* (Allison & Busby, 1978) 55.

1973.³³ Despite this removal, associations between homosexuality and disease had prevailed for so long that they continued to hold currency in social and legal discourse.

The framing of homosexuality as a diseased sexuality was a recurring metaphorical theme in parliamentary debates.³⁴ Henderson argues that ‘an obsession with disease’ and notions of loss of control dominate the decriminalisation debates.³⁵ Excerpts from these debates read as though they have been culled from discussions directly relating to matters of public health rather than criminal offences. The tropes deployed decree that decriminalisation will facilitate the spread of homosexual practices: ‘it is proposed not to stamp out this practice but to encourage its spread’.³⁶ It is suggested that if the law is changed ‘those people will be helped to further the trends and traces of homosexual practices within our society’.³⁷ This quotation exemplifies an attitude which prevails throughout the debates; the homosexual is framed as embodying a threat of escalation. Legal historian Leslie Moran argues that ‘[o]therness demands sensationalism’.³⁸ In this example the homosexual *other* (‘those people’) is aligned with disease that threatens the society to which they do not belong (‘our society’). But just how is this ‘disease’ of homosexuality spread? The debates decree that homosexuality is spread by ‘contact’ of the most promiscuous sexual type. Hocquenghem has referred to this process as a ‘parallel

³³ Michael Kirby, ‘The 1973 Deletion of Homosexuality as a Psychiatric Disorder: 30 Years On’ (2003) 37(6) *Australian and New Zealand Journal of Psychiatry* 674.

³⁴ It should be noted that metaphors equating homosexuality with disease and addiction are not restricted to Australian political discourse. On the use of pathologising tropes in New Zealand political discourse see Timmothy McCreanor, ‘Why Strengthen the City Wall When the Enemy Has Poisoned the Well? An Essay of Anti-Homosexual Discourse in New Zealand’ (1996) 31(4) *Journal of Homosexuality* 75.

³⁵ Henderson, above n 2.

³⁶ Victoria, *Parliamentary Debates*, Legislative Council, 4 December 1980, 4275 (H M Hamilton).

³⁷ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5035 (Mr McGrath).

³⁸ Leslie J Moran, ‘Illness: A More Onerous Citizenship?’ (1998) 51 *The Modern Law Review* 343.

advance'; the homosexual transmits disease as he transmits 'homosexuality'.³⁹ Homosexual relationships are reduced to the status of 'contacts' and are variously described as 'short associations, fleeting meetings ... and then the people are off looking for new partners'.⁴⁰

This emphasis on the relationships lasting for a short duration is significant, for it implies that the process of infection is aided by multiple contacts. A vampiric model of homosexuality is deployed here; attached to the idea that homosexuals infect haphazardly with each 'contact' they make.⁴¹ Phelan notes that the promiscuous homosexual is represented as eschewing monogamy and long-term relations,⁴² which is also reflected in parliamentary debates: '[h]omosexuals tend to have many partners, they are constantly changing partners, and they are unstable';⁴³ and 'a large number of homosexuals have at least 1000 partners in their lifetimes'.⁴⁴

Gay men are believed to possess an explosive potential, to 'spread activities and become rampant'.⁴⁵ Such a fear of escalating disease prompted one politician to ask: '[I]et us know how deep this cancer goes into our society'.⁴⁶ The use of the term 'deep' bespeaks the fear that homosexuals not only penetrate other male bodies but the social body itself. The metaphors relating to fear of infection have another dimension; the fear of not knowing that one has been infected. As a

³⁹ Hocquenghem, above n 32, 56.

⁴⁰ Victoria, *Parliamentary Debates*, Legislative Council, 3 December 1980, 4120 (H M Hamilton).

⁴¹ Derek Dalton, 'Surveying Deviance, Figuring Disgust: Locating the Homosexual Body in Time and Space' (2006) 15(2) *Social & Legal Studies* 277.

⁴² Phelan, above n 11, 44.

⁴³ New South Wales, *Parliamentary Debates*, Legislative Council, 17 May 1984, 976 (R B Rowland Smith).

⁴⁴ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5061 (Mr Williams).

⁴⁵ Victoria, *Parliamentary Debates*, Legislative Council, 3 December 1980, 4102 (W R Baxter).

⁴⁶ New South Wales, *Parliamentary Debates*, Legislative Assembly, 24 March 1955, 3293 (Dr Parr).

politician frames it: '[m]any homosexuals do not know that they are homosexual because the tendency is completely latent ... yet many people could become homosexual at any time'.⁴⁷

Such is the fear generated by exposure to gay sexuality that a politician (a medical doctor) described his reactions upon encountering gay men in the following terms in two separate debates (five years apart):

I am immediately on the defensive and face my adversary. My defence mechanism starts to work and I say to him "Okay, as long as you stay on that side of the table and I will stay on this side" ... and I never turn my back on them.⁴⁸

When I first met a homosexual I put my bottom to the wall and put my anus into spasm so that no-one would get near me.⁴⁹

These responses illustrate how deeply embedded the belief is that coming into close proximity with gay men is risky and entails the need to maintain a barrier. The distrust and paranoia implicit in these remarks frames gay men as untrustworthy and unable or unwilling to control their desire. The logic underpinning these comments is that gay men are sneaky and duplicitous, they come from 'behind'. And as Theweleit has documented, the 'behind' is constructed as a 'despicable anal zone', associated with impurity and dirt.⁵⁰ Gay men are imagined as inhabiting such a dirty space from where they mount a rearward attack on unsuspecting heterosexual men.

⁴⁷ Western Australia, *Parliamentary Debates*, Legislative Assembly, 5 December 1973, 5844 (Dr Dadour).

⁴⁸ Ibid 5845.

⁴⁹ Western Australia, *Parliamentary Debates*, Legislative Assembly, 15 November 1977, 3574 (Dr Dadour).

⁵⁰ Klaus Theweleit, *Male Fantasies: Women, Floods, Bodies, History* (University of Minnesota Press, 1987) 395-6.

A *The Seductive Homosexual: Desire as Contamination*

Watney stresses that in mid-twentieth century legal discourse, homosexuality was often theorised as a relation between predatory seducers and innocent victims.⁵¹ Homosexuality is often constructed in parliamentary discourse as possessing the potential to contaminate other men. Contamination is imagined as effected by means of seduction, as these two excerpts reveal:

I have heard and seen evidence that in the universities and other places where they have access to young people, homosexuals use very persuasive methods to seduce young males to their way of life. After such persons are seduced, an almost Mafia like procedure is used for preventing them from escaping.⁵²

[H]omosexuals have a language of their own, a kind of freemasonry of their own, from which it is not at all easy to escape.⁵³

To this end, homosexuals are often framed as ‘victims’ in the sense that they ‘come to know this way of life because they were seduced or induced into this horrible lifestyle’.⁵⁴ One particular story in a debate tells of a ‘normal, heterosexual person’ who, through no fault of his own, was induced to adopt certain homosexual behaviours.⁵⁵

The trope of disease as contamination pivots on the view that a man infected by homosexuality is not responsible for his plight. That the ‘infected’ man may have initiated or even desired homosexual contact is never considered in the debates. The metaphoric logic of contamination is more potent if one projects a passive and innocent quality onto the contaminated person. The debates imagine

⁵¹ Simon Watney, *Policing Desire: Pornography, AIDS and the Media* (Methuen, 1987).

⁵² South Australia, *Parliamentary Debates*, Legislative Council, 10 September 1975, 628 (J C Burdet).

⁵³ South Australia, *Parliamentary Debates*, Legislative Council, 2 August 1972, 467 (C M Hill).

⁵⁴ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5077 (Mr Williams).

⁵⁵ Victoria, *Parliamentary Debates*, Legislative Council, 3 December 1980, 4131 (N F Stacey).

homosexuals as able to contaminate sequentially, with catastrophic results. One parliamentarian details this process and names it as a ‘network of contagion’, explaining the process whereby a 21-year-old man seduces a 16-year-old boy, who in turn seduces a 14-year-old boy, who then seduces a 12-year-old boy.⁵⁶ This ‘atomic chain reaction model’⁵⁷ forms the basis for many of the ideas deployed about homosexuality spreading into society. Such logic complements the tropes associating homosexuality as being synonymous with contagion.

One particular debate gives expression to the paranoid fear that homosexuality might be so attractive that it embodies a threat of sequential contamination — that it might be spread further in society. Such a fear informs the worry that people on the ‘borderline’ (potential practitioners of gay sex) could be swung over to the ‘wrong side’.⁵⁸ In another debate anxiety is expressed that:

If this legislation is passed, homosexuality will become so attractive to normal heterosexual people that they will be anxious to indulge in it to a greater degree than they do today.⁵⁹

In imaging homosexuality as having the potential to escalate via contamination, the debates are laden with an array of metaphoric tropes that express extreme anxiety that decriminalisation will lead to a rapid expansion in homosexual practices. Many of the metaphors are aligned with notions of safety, danger, and risk. Decriminalisation will ‘open the floodgates’,⁶⁰ give homosexuals the

⁵⁶ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5064 (Mr Hahn).

⁵⁷ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5065 (Mr MacLellan).

⁵⁸ South Australia, *Parliamentary Debates*, Legislative Council, 13 September 1972, 1254 (M Dawkins).

⁵⁹ Western Australia, *Parliamentary Debates*, Legislative Assembly, 5 December 1973, 5856 (R L Young).

⁶⁰ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5514 (Mr Elliot).

‘green light’,⁶¹ let loose a ‘wave of deviant behavior’,⁶² be the ‘tip of the iceberg’,⁶³ and the ‘thin end of the wedge’.⁶⁴ Each of these five tropes is deployed so frequently in the debates as to be ubiquitous. Furthermore, all five tropes share a common logic that underpins their deployment; that gay sexuality is an unruly and ungovernable form of desire. In fact, these five tropes fit the structure of the ‘slippery slope’ metaphor type of argument as mapped by Schauer.⁶⁵ The single argumentative claim supported by ‘slippery slope’ metaphors is that a particular act, seemingly innocuous when taken in isolation, may lead to increasingly pernicious events.⁶⁶ Tropes of icebergs, tidal waves, and floodgates failing, bespeak fear of disastrous occurrences. Homosexuality is imagined as the embodiment of calamity. The ‘thin end of the wedge’ and ‘tip of the iceberg’ tropes are particularly alarming. They suggest that gay men will militate and seek more legal rights once homosexual acts in private are decriminalised.

Part of such fear resides in the potent image of an iceberg whose tip conceals a large mass hidden below the surface. This trope is inextricably linked to notions of visibility. In one form, this is expressed in terms of goods being displayed for sale. A Victorian politician speaks of escalation in such terms, pronouncing that homosexuals will ‘flout [sic] their wares in public’.⁶⁷ Parliamentary discourse imagines that legal proscriptions keep gay sexuality partially concealed from sight. Decriminalisation is imagined as a process that will literally raise the iceberg of contagious gay sexuality out of the water. The spectacle of the hidden mass of

⁶¹ Commonwealth, *Parliamentary Debates*, House of Representatives, 18 October 1973, 2332 (Sir John Cramer).

⁶² New South Wales, *Parliamentary Debates*, Legislative Assembly, 23 March 1955, 3230 (Mr Sheahan).

⁶³ New South Wales, *Parliamentary Debates*, Legislative Council, 17 May 1984, 1017 (Reverend F J Nile).

⁶⁴ Tasmania, *Parliamentary Debates*, Legislative Council, 2 July 1991, 1246 (George Brookes).

⁶⁵ Frederick Schauer, ‘Slippery Slopes’ (1985) 99 *Harvard Law Review* 369.

⁶⁶ *Ibid* 362.

⁶⁷ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5072 (Mr Burgin).

homosexuality being revealed is framed as offensive and intolerable to society.

The metaphorisation of homosexuality as a disease constructs heterosexuals as particularly susceptible to the ravages of homosexuality. In a Victorian debate, a politician decrees that, if decriminalisation occurs, militant homosexuals: ‘would spell the doom of the species in a span of two generations — a startling reminder that the homosexual pursues his craft at the expense of the heterosexual’.⁶⁸ Homosexuality is framed in the debates as a disease attacking a particularly cherished social institution — ‘The Family’. Gay men who marry are represented as destroying the family unit from within: ‘they drag others, spouses and maybe children, into the morass of their personal problem’.⁶⁹ Theweleit demonstrates how women’s bodies are constructed as holes, swamps, and pits of muck that engulf.⁷⁰ Here the gay body shares an affinity with these engulfing female bodies. Mothers and children, framed as innocent, are dragged down, subsumed by homosexuality. Married gay men are portrayed as leading clandestine double lives ‘of guilt and shame’ where ‘discovery is an ever-present dread’.⁷¹ Marriage is thus deployed as a veneer of normality that conceals the disease of homosexuality. Furthermore, the institution of marriage is represented as debased and sullied by those homosexuals who, whilst seeking sanctuary within its confines, engage in ‘highly impersonal encounters’.⁷²

Families are taken to represent the means by which the future of society is secured. One particular debate states that the very ‘survival’ of society is dependant on continuation of heterosexual

⁶⁸ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5021 (Mr McArthur).

⁶⁹ Western Australia, *Parliamentary Debates*, Legislative Council, 7 September 1977, 1126 (Grace Vaughan).

⁷⁰ Theweleit, above n 50, xiii.

⁷¹ Western Australia, *Parliamentary Debates*, Legislative Council, 7 September 1977, 1127 (Grace Vaughan).

⁷² *Ibid.*

relationships.⁷³ Homosexual desire is framed as threatening to break down the healthy ‘tissue’ of what is imagined as the heterosexual social fabric. The debates are laden with references to: ‘protection’, ‘destruction’, ‘breakdown’, ‘disintegration’, and ‘erosion’ in relation to the homosexuals’ ability to damage or undermine the strength of the family unit. This process of destruction is imagined as one of gradual deterioration; like a body afflicted by the ravages of disease: ‘[t]he deterioration of society is present; it is slow and inevitable’.⁷⁴

The parliamentary discourse wants what it imagines as the ‘disease’ of homosexuality to proliferate below the surface, kept invisible, and held in check by legislation. It is the display of the physical signs of affliction — the symptoms of the homosexual disease as it were — that is intolerable. These symptoms can be read in the public display of affection and sexual attraction by gay men. Goodrich remarks that in relation to the visibility of homosexual displays of affection, the law is concerned with: ‘the demand for ordinariness or predictable and routine behaviour in public, the legal demand for good manners’.⁷⁵ This concern shapes the metaphors expressing alarm that by decriminalising homosexual acts in private, public order will be threatened. The debates reflect such a fear by fixing displays of affection by homosexuals in the street as outrageous and indecent gestures that flout the law’s rules governing public behaviour:

Let us put out of our minds what is sometimes in mine — the thought of people walking hand in hand down the street or with their arms around each other or in other ways acting in ways which we find objectionable?⁷⁶

I believe there is a danger that the decriminalisation of homosexual acts will lead to a greater degree of public behaviour ... I am referring to the

⁷³ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5017 (Mr Hahn).

⁷⁴ New South Wales, *Parliamentary Debates*, Legislative Assembly, 15 May 1984, 727 (Mr Rozzoli).

⁷⁵ Peter Goodrich, *Languages of Law* (Weidensfeld, 1990) 238.

⁷⁶ Commonwealth, *Parliamentary Debates*, House of Representatives, 18 October 1973, 2329 (Mr Gorton).

caressing and holding of hands which we are accustomed to see in a heterosexual partnership.⁷⁷

I would find it abhorrent to see homosexual males kissing and holding hands while walking down the street ... that will remain offensive behaviour.⁷⁸

A Western Australian politician bespeaks a similar anxiety, fearing that if decriminalisation takes place the public 'could see something which is an anathema to me ... public displays of homosexuality. We will see a couple of men walking down the street, holding hands, giving each other a cuddle and a kiss'.⁷⁹ Similarly, a Queensland politician voiced his fear that if decriminalisation occurs people 'are going to be confronted in the street or down the coast by people flaunting their homosexuality'.⁸⁰

Writing on the complexities related to the visibility of diseases, Sontag has noted that conventions of concealment are common.⁸¹ In part this is related to a wish to conceal the visible presence of disease because of the stigma of shame attached to illness. A similar desire to keep homosexuality out of sight and relegated to a contained private realm is expressed in the debates. The prospect of decriminalisation leading to a spread of unruly homosexuality (from the 'private' to the 'public' realm, and conversely from the 'concealed' to the 'visible') is feared by many politicians.

⁷⁷ Western Australia, *Parliamentary Debates*, Legislative Council, 13 December 1973, 6279 (G C McKinnon).

⁷⁸ Western Australia, *Parliamentary Debates*, Legislative Assembly, 15 November 1977, 3574 (Dr Dadour).

⁷⁹ Western Australia, *Parliamentary Debates*, Legislative Assembly, 15 November 1977, 3562-4 (Mr Clarko).

⁸⁰ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5513 (Mr Elliot).

⁸¹ Susan Sontag, *Illness as Metaphor* (Allen Lane, 1978) 7.

B *Legislation as Quarantine: Containing the Disease of Homosexuality*

Young has argued that quarantine is a disciplinary mechanism which marks out a deviant identity.⁸² The metaphoric tropes deployed in the debates betray a desire to quarantine gay men as deviant, diseased sexual outlaws. In so far as the debates decree that homosexuality is a disease-like state, it is apparent that the suggested course of action to deal with the problem fits the original metaphor. Various ameliorative tropes emerge in the parliamentary discourse. To this end, legislation functions as a literal and symbolic quarantine responsible for managing the ‘disease’ of homosexuality through containment. Young notes that in contexts where diseases are managed, law is imagined as an instrument of social defence.⁸³ This is evident in the parliamentary discourse imagining law as a *cordon sanitaire*. Accordingly, this section will now explore the role the debates assign the law in relation to containing the ‘disease’ of homosexuality. A medical doctor and parliamentarian speaking on the floor of the New South Wales parliament remarked:

Parliament must look beyond the confines of legislative action in order to diminish the intensity and to narrow the confines of this disease. Will gaol be such a punishment as to force its portals to close, or is it more deeply rooted, drawing its motivating and continuing force from some abnormal yet dynamic urge, born out of an abnormal generic womb or abnormal association early in life.⁸⁴

By blocking the possibility of decriminalising homosexual acts it is envisaged that the ‘diseased’ homosexual body would be starved of potential hosts, and hence wither. One debate anticipates a time in which it might be possible to see proof that the homosexual disease is in remission: ‘[h]ow important it would be if ... in a year’s time one could say that there had been a diminution in the rate of homosexuality in the community.’⁸⁵ Containment of homosexuality is

⁸² Alison Young, *Imagining Crime: Textual Outlaws and Criminal Conversations* (Sage, 1996) 201.

⁸³ *Ibid* 195.

⁸⁴ New South Wales, *Parliamentary Debates*, Legislative Assembly, 24 March 1955, 3291 (Dr Parr).

⁸⁵ *Ibid* 3292.

often framed as the explicit aim of the particular decriminalisation Bill being debated: '[t]he way to solve the problem is to reduce homosexuality or at least to try to prevent it from expanding'.⁸⁶

In imagining homosexuality as 'expanding', the debates pathologise homosexuality as a 'festering sore on the community' that should be exposed.⁸⁷ A Tasmanian politician states that 'to give up on homosexuals is the height of cruelty'.⁸⁸ The ameliorative agenda advocated is that of deflecting men from a homosexual lifestyle which may result in disease and death, a 'medical misery'.⁸⁹

In so far as the debates represent law as fulfilling the role of a surgeon excising the diseased homosexual *tissue* from the social *body*, they grapple with the question of whether such a treatment will work. Some debates express not only a view that the law must take on such a role, but a faith that the law will triumph: '[i]f the behaviour is a disease, Parliament must give a lead to the method by which it will be ameliorated'.⁹⁰ Preventing the spread of homosexuality is construed as being achieved by continuing to retain legal proscriptions against the commission of homosexual acts in private. In conjunction with the prevailing illegality of homosexual acts in public, this would effectively allow no space for homosexual acts to be conducted. Such a move ensconces homosexual activity in a non-place; a void in which the expression of male to male desire is imagined as unconductable. For if gay men are denied the provision of a space (place) to function sexually, they are disallowed a conduit in which their sexuality can flourish. The debates aspire to render gay men sexless or asexual in accordance with what Sedgwick argues is a 'hygienic Western fantasy of a world without any more

⁸⁶ Western Australia, *Parliamentary Debates*, Legislative Assembly, 7 December 1989, 6364 (Mr Clarko).

⁸⁷ New South Wales, *Parliamentary Debates*, Legislative Assembly, 24 March 1955, 3293 (Dr Parr).

⁸⁸ Tasmania, *Parliamentary Debates*, Legislative Assembly, 19 December 1990, 6122-3 (Ron Cornish).

⁸⁹ *Ibid.*

⁹⁰ New South Wales, *Parliamentary Debates*, Legislative Assembly 24 March 1955, 3291 (Dr Parr).

homosexuals in it'.⁹¹ The logic of gay sexuality as disease dictates that asexual (or sexless) subjects are disinfected of their 'homosexuality'. This accords with the preventative role of the criminal law as invoked by a South Australian politician: '[t]he preventative aspect of the criminal law has always been as important as has the preventative aspect of medicine'.⁹²

The role legislation is imagined as playing in quarantining homosexuality is prominent in Queensland and Tasmanian decriminalisation political discourse. Unlike the other major state decriminalisation debates (which either pre-date the advent of HIV/AIDS or are silent on the subject), these parliamentary discourses make explicit comparisons to homosexuality and HIV/AIDS. Numerous academic articles have explored how metaphors have been employed to provide social templates for the public to understand the HIV/AIDS epidemic, particularly in the context where the infected person is constructed as a member of a deviant population.⁹³ Extending Sontag's view that 'cancer is the disease of the Other', HIV/AIDS is represented in discourse as the disease of the homosexual 'Other'.⁹⁴ The tropes and metaphors deployed in these debates are similar to those deployed in antecedent debates. However, in these debates analogies to cancer or unspecified diseases give way to explicit references to HIV/AIDS, which is variously described as 'a homosexual disease';⁹⁵ 'a fatal disease brought here and transmitted by those people',⁹⁶ and 'a disease

⁹¹ Eve K Sedgwick, *The Epistemology of the Closet* (Penguin, 1990) 42.

⁹² South Australia, *Parliamentary Debates*, Legislative Council, 17 September 1975, 813 (J C Burdet).

⁹³ See especially Michael C Clatts and Kevin M Mutchler, 'AIDS and the Dangerous Other: Metaphors of Sex and Deviance in the Representation of Disease' (1989) 10(2-3) *Medical Anthropology* 105; Allan M Brandt, 'AIDS and Metaphor: Toward the Social Meaning of Epidemic Disease' (1988) 55(3) *Social Research* 413.

⁹⁴ Susan Sontag, *Illness as Metaphor; Aids, and its Metaphors* (Penguin, 1991).

⁹⁵ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5502 (Mr Perrett).

⁹⁶ Tasmania, *Parliamentary Debates*, Legislative Assembly, 19 December 1990, 6111 (Mr Bill Bonde).

spread by homosexual activity'.⁹⁷ These anxious assertions exemplify Young's observation that 'within the criminal justice system, HIV infection makes visible and explicit the hidden and implicit links between conceptions of criminality and fears of disease'.⁹⁸

In the parliamentary discourse, homosexuality is metonymically linked to the practice of anal sex and the acquisition of HIV/AIDS. Sexual practices are conflated with sexual identities such that HIV infection becomes solely a matter of homosexuality. Invoking scientific research conducted in America, gay men are described by a politician as 'veritable Typhoid Marys'⁹⁹ who, in pursuing and being pursued by other gay men, spread both homosexuality and HIV/AIDS.¹⁰⁰ Herein lies the paradox upon which the logic of these debates pivot. Despite the entrenched belief that gays are an 'octopus of infection stretching across the world',¹⁰¹ whose actions are 'both filthy and a threat to the health of the community',¹⁰² decriminalisation is heralded as the measure that will control the spread of both homosexuality and HIV/AIDS. As then Premier Beattie asserted, the 'illegality of male homosexuality has impeded some of the public health efforts to monitor, prevent and manage the HIV/AIDS epidemic'.¹⁰³ In keeping homosexuality illegal, gay men were discouraged from seeking treatment.

Thus, by decriminalising homosexuality, legislation is imagined as removing the 'stigma of criminality'¹⁰⁴ that effectively ties many

⁹⁷ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5493 (Mr W A M Gunn).

⁹⁸ Young, above n 82, 180.

⁹⁹ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5504 (Mr Perrett).

¹⁰⁰ Moran, above n 38, 344.

¹⁰¹ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5504 (Mr Perrett).

¹⁰² *Ibid.*

¹⁰³ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5504 (Mr Beattie).

¹⁰⁴ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5508 (Mrs Edmond).

gay men to a life of secrecy and invisibility. The paradox here is that in emancipating gay men from the purview of the criminal law, a counter logic prevails — that decriminalisation will *spread* the disease of homosexuality. The supposition in the later discourse is that the disease of homosexuality (HIV/AIDS) is *prevented* from spreading through legislative change. Rendering the gay body visible will facilitate medicine's access to these bodies such that they can be read for signs of disease, abating the spread of HIV/AIDS. Thus legislation operates as quarantine according to two competing and contradictory models. Homosexuality as a *general* (non-specified) disease is imagined as being held in check by measures to retain its criminal status. In contrast, what is imagined as *the* homosexual disease — HIV/AIDS — is imagined as being contained by decriminalisation. Indeed, in naming a 1990 Bill the HIV/AIDS Preventative Measures Bill, the Tasmanian government paired the need for decriminalisation with matters relating to public health.¹⁰⁵

C *Insatiable Appetite Metaphors: Homosexuality as Addiction and Habit*

In her exhaustive history of the emergence of homosexuality, Sedgwick has noted that the emergence of 'the addict' identity and 'the homosexual' identity have closely coincided both structurally and temporally since the nineteenth century.¹⁰⁶ 'The drug addict' and 'the homosexual' are often represented in cultural texts as people placed at the mercy of unnatural cravings or appetites. Central to the notion of appetites for drugs or sex is the idea that they can never be satiated. In the political discourse, gay desire accords with what Dollimore has termed 'the helpless self-destructiveness of desire'.¹⁰⁷ Similarly, Sedgwick has shown that addicted drug users and

¹⁰⁵ For an exhaustive and meticulously assembled account of how 'carrier laws' mythologise AIDS as disease intrinsically related to homosexual promiscuity (both in Australia and the United States) see Raymond Donovan, 'The Plaguing of a Faggot, the Leperising of a Whore: Criminally Cultured AIDS Bodies, and Carrier Laws' (1995) 43 *Journal of Australian Studies* 110.

¹⁰⁶ Eve K Sedgwick, 'Epidemics of the Will' in Jonathan Crary and Sanford Kwinter (eds) *Incorporations* (Zone Books, 1992).

¹⁰⁷ Jonathan Dollimore, *Death, Desire and Loss in Western Culture* (Routledge, 1998) 301.

homosexuals are subjected to the same discourses of will.¹⁰⁸ They are both presented as subjects governed by habits and appetites. As Jones observes, gays and addicts are represented as subjects ‘who are not in control of their desires or do not allow their desires to be controlled, and this makes them perverse and threatening agents of pathology’.¹⁰⁹ Succumbing to the habit of ‘homosexuality’, gay men are presented as victims who further lose control as they feed their habit: ‘[t]he habit of homosexual practices is one which grows and develops as it [is] practiced. In fact, the victim is feeding on his habit and as he does it increases his appetite’.¹¹⁰

In deploying metaphoric tropes related to addiction and habit, the debates construct homosexuals as being impelled to behave in a manner which they cannot control. Desire for homosexual contact is presented as a terrible compulsion that causes a spiraling effect. The more one practices homosexuality, the more deeply one craves the continuation of such sexual practices. Homosexuals do not love: ‘they feed on the practice of their own habit, much in the same way as drug addiction grows’.¹¹¹ Such a metaphorical construction is accompanied by logic of helplessness; the homosexual is trapped in an endless quest for fulfillment that only serves to strengthen the hold of his addictive desire. Stychin notes that this addictive hold is aligned with compulsion and lustful depravity that escalates and ultimately leads to self-destruction.¹¹² In part this creates an opportunity to pity the homosexual for being held firmly in the clutches of addiction, but it also provides a sinister motive. It allows for the imposition of a view divorcing will and agency from the expression of homosexual desire.

¹⁰⁸ Sedgwick, above n 106.

¹⁰⁹ James W Jones, ‘Discourses on and of AIDS in West Germany, 1986-90’ (1992) 2(3) *Journal of the History of Sexuality* 439 in Carl F Stychin, *Law’s Desire: Sexuality and the Limits of Justice* (Routledge, 1995) 129.

¹¹⁰ Victoria, *Parliamentary Debates*, Legislative Council, 4 December 1980, 4274 (H M Hamilton).

¹¹¹ *Ibid.* This politician refers to the opinion of a psychiatrist to validate his comment to the house.

¹¹² Carl F Stychin, *Law’s Desire: Sexuality and the Limits of Justice* (Routledge, 1995) 129.

Parliamentary discourse frames homosexuality as a habit or addiction by recourse to two exemplars, drug addiction and alcoholism. However, it is the drug addiction metaphor that is more pervasive in the debates. Consider the following excerpts:

Just as our drug laws are framed to prevent drug abuse by recruitment, so must the laws discourage homosexuality.¹¹³

We must wipe out these addicts, we have to catch it, wipe it out the same way that we catch murderers — track them down.¹¹⁴

Containment is thus presented as imperative, the fear being that decriminalisation will lead to proselytising and an escalation in homosexual acts. Other debates talk of homosexuals ‘kicking the habit’¹¹⁵ and the need to protect men from being ‘persuaded to drift into this noxious habit’.¹¹⁶ In one debate a story is told of a young man wishing to be free of the homosexual vice. The story states that he was pursued by his English partner and so was ‘brought back into the practice’.¹¹⁷ Another young man described as ‘half wishing to be free of his habit’ was being ‘introduced to fresh partners’ when he moved from the provinces to London.¹¹⁸ These stories (culled from England’s *Wolfenden Report* and reinvigorated in Australian political discourse) metaphorise homosexual attraction as a powerful drive akin to the insatiable cravings experienced by addicts. And like the addict, the homosexual is framed as possessing an ambivalent attitude to his cravings. He wishes to be free and yet at the same time derives pleasure from being held in the clutches of his vice. The political discourse represents homosexuals as enjoying feeding their voracious appetites, indeed such indulgence is often presented as

¹¹³ Victoria, *Parliamentary Debates*, Legislative Assembly, 11 December 1980, 5037 (Mr McInnes).

¹¹⁴ Tasmania, *Parliamentary Debates*, Legislative Council, 3 July 1991, 1260 (Dick Archer).

¹¹⁵ New South Wales, *Parliamentary Debates*, Legislative Assembly, 15 May 1984, 747 (Mr Schipp).

¹¹⁶ Commonwealth, *Parliamentary Debates*, House of Representatives, 18 October 1973, 2332 (Sir John Cramer).

¹¹⁷ South Australia, *Parliamentary Debates*, Legislative Assembly, 18 October 1972, 2195 (Dr Tonkin).

¹¹⁸ *Ibid.*

justification for legal intervention. As a politician remarks: ‘I want to ensure that people who engage in those activities for the purpose of arousing or satisfying their sexual appetites are covered in the Bill’.¹¹⁹

The second exemplar of addiction at play in the debates compares alcoholism and homosexual activity with reference to the unsuitability of punishment. This chiefly takes the form of presenting the law with a dilemma. For in sending homosexuals to prison, the law is effectively banishing them to an unsuitable place. Two reasons are deployed in framing prison as an unsuitable place to contain homosexuality. Firstly, prison is framed as a place in which the vice of homosexuality will incubate and breed. Secondly, the addiction of homosexuality is imagined as difficult to treat in prison because of the ready supply of male bodies available for consumption by homosexuals. The remarks of two politicians bespeak this logic:

Sending homosexuals to prison is as foolish — and self-defeating — as sentencing drunks to a brewery.¹²⁰

To send homosexuals to an all-male gaol is like locking up a sex fiend in a seraglio [harem].¹²¹

The assertion that prison is to gay men what a brewery is to an alcoholic has several effects. It serves to frame prison as a type of homosexual paradise in which men are afforded seemingly endless opportunities to satiate their desire for homosexual sex. That gay men may be raped in prison and subjected to other non-consensual sexual activity is a violent reality such a trope conceals. The second reason why prison is an unsuitable place to send homosexuals is related to the law’s quest to ‘cure’ homosexuals:

¹¹⁹ Victoria, *Parliamentary Debates*, Legislative Council, 4 December 1980, 4260 (W A Landeryou).

¹²⁰ Victoria, *Parliamentary Debates*, Legislative Council, 23 March 1977, 6642 (J W Galbally).

¹²¹ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1990, 5507 (Mrs Edmond).

The Lancet said that imprisonment is futile from the point of view of treatment as to hope to rehabilitate a chronic alcoholic by giving him occupational therapy in a brewery.¹²²

Such metaphors assert that the ‘addiction’ of homosexuality is difficult to cure. Cravings for alcohol and homosexual sex are framed as similarly addictive and, importantly, such a positing locates blame in the intrinsic nature of the substance itself. That is, homosexual sex acts are the contaminants that can lure men into temptation, and ultimately despair, if they succumb to this weakness. Prison is thus presented as a place in which the rehabilitation of the homosexual is rendered impossible by conditions that ‘do nothing whatsoever to cure his [the homosexual’s] tendencies’.¹²³

VII CONCLUSION: CATACHRESIS

The metaphoric tropes in this article have not been analysed by reference to whether their deployment in a particular debate culminated in a change to the law. It would be profoundly simplistic to isolate metaphoric language as the sole factor on which the ultimate success or failure of each Bill pivoted. Clearly political power (eg the numbers to carry Bill) and other cultural and social factors are at play in this dynamic. This article was primarily concerned with documenting the variety of metaphoric tropes typically deployed to construct homosexuality as problematic in Australian parliamentary discourse. Political discourse that admonishes homosexuality through metaphor conjoins with similar metaphors at work in culture in general, leading to catachresis. Young instructs us that ‘[t]his term describes what has happened when metaphor finally loses its unusual, distinctive or surprising, quality, and is transformed into *knowledge*’.¹²⁴ That catachresis takes place allows metaphor to pass, unnoticed, as a facet of culture. It

¹²² Western Australia, *Parliamentary Debates*, Legislative Assembly, 29 November 1973, 5609 (Mr T D Evans).

¹²³ South Australia, *Parliamentary Debates*, Legislative Council, 23 August 1972, 940 (A M Whyte).

¹²⁴ Young, above n 10, 103 (emphasis in original).

bears stressing that the metaphors deployed in the debates blend unobtrusively in the Hansard reports as knowledge of homosexuality. It should not be forgotten that their deployment (both spoken and recorded as text) is much more seamless than their isolation in this analysis suggests. Such, as Plummer argues, is the artifice and triumph of metaphor:

The narratives of our sexuality feed directly from and into wider frames of metaphorical miasma. Yet though our sexual lives are locked in an extensive metaphorical world, most of it has become so tired, so repeated, so “dead” that we no longer see them as in any way metaphorical: they have “become” our sex.¹²⁵

Plummer alerts us to the paradox of catachresis. For despite the fact that metaphors become tired, repeated, dead, and even cliché; this does not erode their efficacy nor prevent them from becoming embedded and reproduced as knowledge about homosexuality. Thus metaphor is the linguistic device through which gay sexuality is imbued with negative properties and qualities. Whilst conceding that the transformation of metaphor into knowledge takes place in many cultural domains, this article draws to a conclusion by apportioning some of the blame for distorting homosexual desire — as an addiction, disease, habit, and appetite — on parliamentary discourse.

Gay men are imagined in the debates as insidious subjects. Parliamentary discourse choreographs homosexual relationships as furtive, loveless couplings that spread disease and infect other male bodies. Gay desire is also framed as an insatiable appetite: an ‘addiction’ or a ‘habit’. Stigmatising and repudiating gay sexuality leads to social ostracism. Such ostracism is implicated in discrimination, harassment, and hate speech. Indeed, Lakoff and Johnson remind us: ‘a metaphor ... by virtue of what it hides, can lead to human degradation’.¹²⁶ The deployment of distorted metaphors contributed to the range and depth of personal traumas experienced by those men whose desire was misrepresented as a

¹²⁵ Plummer, above n 6, xi.

¹²⁶ Lakoff and Johnson, above n 8, 236.

diseased condition or an addiction. Self-hatred, mental illness, and suicide are the end point of such traumas.

In freeing gay men from the purview of the criminal law by decriminalising homosexuality (or considering such a relinquishment), the parliamentary discourse did not do so by employing tropes of respect, tolerance, and acceptance of human sexual difference. The shameful legacy of these debates is that the gay male subject was pathologised, derided, and rendered abject through the metaphoric tropes employed to imagine homosexuality.