CHAPTER-2

ORIGIN AND DEVELOPMENT OF HOMOSEXUALITY

2.1 INTRODUCTION

The origin & development of homosexuality is hard to be traced with complete accuracy, as it was a subdued affair for all ages. But the various anthropological, archaeological & literary evidences have confirmed existence of homosexuality in all primitive societies of the world.

Despite the fact that humans have never limited their sexual pleasure to what we now call heterosexual intercourse, the history of homosexuality is relatively short. The genital anatomy of one's partners—or what Freud calls one's "object choice"—did not become the definitive criterion for distinguishing homosexual and heterosexual selves until the last third of the nineteenth century. During the 1860's and 70's European public administrators began noticing that some people were organizing their lives not around family, household, and reproduction but around various forms of sexual pleasure. This was probably a recent phenomenon made possible by the forces of capitalism, which tended to draw people off the land into cities away from their parishes and families and to reduce the importance of arranged marriage. Alarmed, officials began studying these populations, whom they characterized as sexual deviants and grouped according to the particular practices they engaged in. One such class of deviant came to be called "homosexuals".

Homosexuality is cast as a corrupting, alien influence, imported from a decadent west. Genealogical analyses of the institutionalization of homophobia in many societies have rendered the communitarian credentials of these claim suspects.
This chapter is an attempt to locate the origin & trace the development of homosexuality in world.

2.2 HISTORY OF HOMOSEXUALITY IN WORLD

Homosexuality has been an issue since the time history can recall: ancient Greece, Rome, Egypt, China, all civilization has a peculiar belief on its identity. Attitude towards homosexuality varies depending upon type of society, culture, moral or political will of a nation.

In ancient Greece relationships between two men (or even between a man and a boy) were treated as the highest and most appreciated kind of love. For many centuries, after Roman Empire was eventually destroyed, Christianity took over Europe and strengthened status of ‘sodomy’ as pervasive and sinful.

In cultures influenced by Christianity & Islam, sodomy is established as a transgression against divine law or a crime against nature. Same belief is prevailing in general among countries which are influenced by Hinduism & Buddhism.

The first record of possible homosexual couples in history was of Khnumhotep and Niankhkhnum, an Egyptian male couple, who lived around the 2400 BCE. The pair is portrayed in a nose-kissing position, the most intimate pose in Egyptian art, surrounded by what appear to be their heirs.

Homosexual and transgender individuals were also common among other pre-conquest civilizations of Latin America, such as the Aztecs, Mayans, Quechuas, Moches, Zapotecs, and the Tupinambá or Brazil. The Spanish conquerors were horrified to discover that sodomy was openly practiced among native peoples.

Most men in ancient Greece and Rome engaged in at least occasional homosexual conduct. Homosexuality though not known by that name was not only tolerated but even celebrated in arts, theatre and cultural activities. Marc Epprecht has argued that while political homophobia in Zimbabwe does indeed have some roots in traditional African culture, it is enormously indebted to Christian missionary propaganda, Western Pseudo science, and the demonstration effect of white Rhodesian ‘cowboy’
culture. Even in Colonial India, homophobia spread under the influence of western discourse of law, medicine, and literature.

In contemporary Iraq, where a recent HRW report suggests, the humiliation of six years of occupation has engendered a crisis in Iraqi masculinity, which certain militants now seek to recover by hunting down men perceived to be gay, effeminate or otherwise subversive of established gender codes. Gay rights in US and Europe were pitted against the putative beliefs of the ‘Islamists’. Homophobia in most of the Muslim countries was confronted because of ignorance, superstition, barbarism and moral darkness.

### 2.2.1 HOMOSEXUALITY IN AFRICA

African culture also has a subdued and quiet history of homosexuality. In primitive societies of Africa, the pattern of homosexuality is often the same, as those seen in Greece and Rome. Adolescent male would often pair bond & engage in frequent homosexual relations, and exhibit love for each other until the time comes to become a husband. They would then make a choice, going with the wife (a female) abandoning their same sex partners.

Though often ignored or suppressed by European explorers and colonialis, homosexual expression in native Africa was also present and took a variety of forms. Anthropologists Stephen Murray & Will Roscoe reported that women in Lesotho engaged in socially sanctioned "long term, erotic relationships" called motsoalle. Evans-Pritchard also recorded that male Azande warriors in the northern Congo routinely took on young male lovers between the ages of twelve and twenty, who helped with household tasks and participated in sex with their older husbands. The practice had died out by the early 20th century, after Europeans had gained control of

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59 In May 2007 & February 2008, Iranian police have raided private parties in Esfahan and arrested a number of people on charges of ‘hamjendgarai’, (homosexual conduct). In its response to these incidents, HRW acknowledged that the individuals involved had been arrested on suspicion of homosexual activity, and called for the arrest and prosecution on that basis to end.” HUMAN RIGHTS WATCH 2009, (HRW), “they want us exterminated”: Murder, Torture, sexual orientation and gender in Iraq’, August 2009, available at www.hrw.org/node/85050.
Among African culture, people do have specific term for homosexual in their language, out of which ‘Yan Dauda’ is the most common term. Among African tribes, such pre-marriage activity is not even considered as a sexual activity, since it does not involve procreation potential.

2.2.2 HOMOSEXUALITY IN AMERICA

In the U.S, the history of homosexual culture and politics is pretty long than the other continents. It is believed that because of economic dislocations and farm crises in the first half of the 20th century, people migrated to large cities to find work and lived away from their families. Once there, they were often forced to live outside traditional family structures, many in same sex settings such as military and industrial barracks for prolonged periods. Those with homosexual inclinations found one another at the same time that they found the freedom to express themselves without ever-present familial and religious disapproval.

The first known homosexual political organization in the U.S. was the Mattachine Society, founded in November of 1950 in Los Angeles. This underground emancipation movement was the brainchild of Harry Hay, a young musicologist who had honed his organizing skills in the ranks of one of the most underground political movements in America in this century, the Communist Party. As Hay well knew, persecution of homosexuals was rampant. Police constantly entrapped and brutalized gay people. Public disclosure of homosexuality was enough to get most people fired from their jobs and ostracized from families and communities. By early 1953 under President Eisenhower, homosexuality became by executive order a necessary and sufficient reason in itself to fire any federal employee from his or her job. Most defense industries and others with government contracts followed suit, and the U.S. Postal Service aided these industries by putting tracers on suspected homosexuals' mail in order to gather enough evidence for dismissal and possibly arrest.
The Mattachine Society drew tremendous support after one of its founders, Dale Jennings, was arrested for "lewd and dissolute behavior" in February 1952. Jennings took the unheard course of acknowledging his homosexuality in court while pleading innocent to the charges against him, thus forcing authorities to draw a distinction between being homosexual and being guilty of illegal activity. The jury was deadlocked and a retrial ordered, but the DA's office dropped all charges. Publicizing this victory was not easy, however. There was a news blackout on all the information regarding homosexuality; no press releases were accepted by any newspapers, magazines, or radio stations. The Mattachine Society was forced to circulate information solely through postings and flyers distributed in areas where homosexuals were believed to congregate. Nevertheless, the event drew tremendous, if quiet, support, and membership in the Mattachine Society grew by several thousand in succeeding weeks.

The lesbian organization Daughters of Bilitis, founded in San Francisco in 1955, did not fare much better, although both groups managed to sustain publications with national circulation through the 1950's and 60's. By 1969, there were about fifty "homophile" organizations in the US, all fairly small.

The main reason for the lack of visibility in post-war America was persecution-religious persecution, discrimination in employment, violence, and police brutality. Non-celibate gay people were condemned by and unwelcome in most mainstream religious organizations not only as leaders but even simply as members. This led the Reverend Troy Perry, a Baptist, to found the Metropolitan Community Church in 1968. Today the MCC is the largest gay and lesbian religious organization in this country and by far the largest in the South.

'Discrimination in employment' probably ranked as the most threatening type of persecution gay people faced and still face-second only to physical assault in its violence but affecting far more people.
The main reason for the lack of visibility in post-war America was religious persecution, discrimination in employment, violence, and police brutality. Eisenhower's executive order stood from 1953 until 1993. There has never been any employment protection for gay people as there is now for straight white women, straight men, and women who belong to racial and ethnic minorities. Employers routinely refuse to hire gay people regardless of their qualifications and fire any who manage to be hired while closeted.

Still, the ugliest of all forms of discrimination was and is undoubtedly gay bashing, especially when carried out by public officials. Police harassment and brutality have been constant features of gay and lesbian life for decades. Lesbian and male drag queens through the 1950s and 1960s suffered frequent rapes and sexual assaults committed by police officers, sometimes inside police precincts. Moreover, police were certainly no help when beatings, rapes, and lesser indignities were visited upon gay and lesbian people by civilians. Indefinite detainment, beatings, and public humiliations are only the tip of the iceberg. All such practices were prevailing as the American government from early times has an anti-gay stand.

America introduced the policy of ‘no gay man in military’ absolutely. In the long history of American government, America has introduced a policy of racial integration in 1948 by not recruiting gays in military services. This policy was famous in the name of “Don’t ask & don’t tell”.

It was in this atmosphere of terror and brutality that patrons of the Stonewall Inn in New York’s Greenwich Village resisted a police raid in 1969. The Stonewall Inn was a working class gay and lesbian bar frequented by cross-dressers of both sexes. Police raids were common then and ugly. On the night of June 29, 1969 police attempted to raid the bar as usual, but the regulars were fed up. As the officers entered the building, patrons barricaded them inside and held them there. Thus began three days of rioting. At one point, it was estimated that the gays held eight square blocks of the city. Word of the riots spread quickly through homophile organizations around the country. It was
at that point that what had been since 1954 a rather quiet movement became rebellious.

1970s onwards, gay and lesbian communities pushed for anti-discrimination laws and they were successful in many cities of America. In December 1973, this movement achieved a major victory when pressure groups succeeded in forcing the American Psychiatric Association to remove homosexuality from its list of mental illnesses or disorders. This change eliminated the unjustified reason for firing homosexual employers & another biased reason for handling over custody of children to heterosexual rather than homosexual.

By 1977, California had its first openly gay elected official & Harvey Milk was elected San Francisco City Supervisor. Nevertheless, it was also in 1977 that Anita Bryant, an LGBT activist began her anti-gay campaign in Dade County, Florida.

Pushing the LGBT movement backwards, In 1978 California state Senator John Briggs introduced a move to prohibit homosexuals from teaching in California public schools. The initiative was defeated in November after a series of statewide debates between Briggs and Harvey Milk. It looked like gay rights would hold firm in California, but less than three weeks later Harvey Milk and pro-gay San Francisco mayor George Mascone were lay dead due to assassination by former city supervisor Dan White. An all straight jury subsequently gave White the lightest possible sentence on a charge of manslaughter. As a consequence, San Francisco's gay population was rioted, heyday of pro-gay politics was over in that city and anti-gay violence skyrocketed.

In 1986 in Bowers v. Hardwick the U.S. Supreme Court held that ‘states have a right to criminalize even private and consensual sexual behavior’. Specifically the court said Georgia had a right to punish Michael Hardwick for sodomy even though his act occurred in private. The police officer who over-heard and then witnessed Hardwick's act had entered the house in order to speak to one of Hardwick's housemates about a traffic violation. Officer Bowers placed Hardwick under arrest in his own bedroom.
The following year, 1987, the second March on Washington was held. It was one of the largest civil right demonstrations in this country's history, drawing more than 650,000 people. The next day, 5,000 demonstrators converged on the Supreme Court steps, and an organization new even to most lesbian and gay Americans, ACT-UP, made its first national appearance. Gay politics, like gay lives, had changed dramatically since Harry Hay founded the Mattachine Society only thirty-seven years before.

Later on due to interference of American courts & legalization of homosexuality in America in 1990’s, the LGBT Rights could again revive & the homosexuals were given due respect & acknowledgment, in spite of their sexual identity. In 2010, US Congress votes to end military gay ban.

In 2011, U.S President Barrack Obama hails emerging gay rights. He expressed his stand with profound recognition that homosexuals in America must be treated like any other American. He also pointed towards repealing the ban on gays serving in military, & instructing the justice department to stop defending in court a law defining marriage as between a man and a woman.

As a consequence of presidential support, two new York grandmothers Kitty Lambert 54, and Cheryl Rudd, 53 were married at Niagara falls state park’s Luna Island, near US –Canada border and have become the ‘first same-sex couples to be legally married in new York’.

Finally in 2012, US President Barack Obama took a bold stand by announcing the paradigm shift in his opinion on gay rights from evolving to supporting gay marriages. Prior to this announcement, he was not openly in favour of same sex marriage, though.

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60 “The US congress gave its final approval to President Barack Obama’s historic drive to let gays serve openly in US Military for the first time. As a consequence, the US Military policy of ‘don’t ask & don’t tell’ which requires soldiers to keep quiet about their sexual orientation or face dismissal was ruled out completely. ( Agency France press, Updated: December 19, 2010, 07:54 IST, Retrieved: 22 July, 2014 )


he made legal for homosexuals to work for US Military by getting rid of ‘don’t ask & don’t tell law’.63

2.2.3 HOMOSEXUALITY IN EUROPE

Despite the fact that humans have never limited their sexual pleasure to what we now call heterosexual intercourse, the history of homosexuality is relatively short in Europe. In Europe, Homosexuals quickly became the target of medical, psychiatric, legal and catholic intervention, and as early as the 1870, they came together in such places as Bavaria to fight criminalization of sodomy. Until the Nazis destroyed Magnus Hirschfeld's homosexual archives in Berlin and hundreds of thousands of homosexual people were sent to die in concentration camps, the homosexual movement in Germany was widespread and influential64.

With regard to male homosexuality such documents depict a world in which relationships with women and relationships with youths were the essential foundation of a normal man's love life. Same-sex relationships were a social institution variously constructed over time and from one city to another. The formal practice, an erotic yet often restrained relationship between a free adult male and a free adolescent, was valued for its pedagogic benefits and as a means of population control, though occasionally blamed for causing disorder.

In Ancient Rome the young male body remained a focus of male sexual attention, but relationships were between older free men and slaves or freed youths who took the receptive role in sex. All the emperors with the exception of Claudius took male lovers. The Hellenophile emperor Hadrian is renowned for his relationship with Antinous, but the Christian emperor Theodosius I decreed a law on August 6, 390.

63 “Obama supports gay marriage”, Pg. no. 18, Hindustan times, New Delhi, dated. May 11, 2012. (Friday)
64 German Historian Lothar Machtan in his 2001 book ‘Hitler’s secret: The double life of a dictator’ claimed that “Hitler was a homosexual first. Lothar further claimed in his book that Hitler never condemned homosexuality, but he allowed the persecution of gays in order to disguise his own true colours, “Although lothar’s claim was challenged by many historians, but he raised an eye-brow on Nazi’s stand on homosexuals in Germany.
condemning passive males to be burned at the stake. Justinian, towards the end of his reign, expanded the proscription to the active partner as well, warning that such conduct can lead to the destruction of cities through the "wrath of God". Notwithstanding these regulations, taxes on brothels of boys available for homosexual sex continued to be collected until the end his reign.

During the Renaissance, wealthy cities in northern Italy, Florence and Venice in particular, were renowned for their widespread practice of same-sex love, engaged in by a considerable part of the male population and constructed along the classical pattern of Greece and Rome. But even as many of the male population were engaging in same-sex relationships, the authorities, under the aegis of the Officers of the Night court, were prosecuting, fining, and imprisoning a good portion of that population. From the second half of the 13th century, death was the punishment for male homosexuality in most of Europe.

The relationships of socially prominent figures, such as King James I and the Duke of Buckingham, served to highlight the issue, including in anonymously authored street pamphlets: "The world is chang'd I know not how, For men Kiss Men, not Women now;...Of J. the First and Buckingham: He, true it is, his Wives Embraces fled, To slabber his lov'd Ganimede" (Mundus Foppensis, or The Fop Display'd, 1691).

Love Letters between a Certain Late Nobleman and the Famous Mr. Wilson was published in 1723 in England and was presumed by some modern scholars to be a novel. The 1749 edition of John Cleland's popular novel Fanny Hill includes a homosexual scene, but this was removed in its 1750 edition. Also in 1749, the earliest extended and serious defense of homosexuality in English, Ancient and Modern Pederasty Investigated and Exemplified, written by Thomas Cannon, was published, but was suppressed almost immediately.

Between 1864 and 1880 Karl Heinrich Ulrich’s published a series of twelve tracts, which he collectively titled Research on the Riddle of Man-Manly Love. In 1867, he became the first self-proclaimed homosexual person to speak out publicly in defense of homosexuality when he pleaded at the Congress of German Jurists in Munich for a
resolution urging the repeal of anti-homosexual laws. Sexual Inversion by Havelock Ellis, published in 1896, challenged theories that homosexuality is abnormal, as well as stereotypes, and insisted on the ubiquity of homosexuality and its association with intellectual and artistic achievement. Although medical texts like these (written partly in Latin to obscure the sexual details) were not widely read by the general public, they did lead to the rise of Magnus Hirschfeld’s Scientific Humanitarian Committee, which campaigned from 1897 to 1933 against anti-sodomy laws in Germany, as well as a much more informal, unpublicized movement among British intellectuals and writers, led by such figures as Edward Carpenter and John Addington Symonds. Beginning in 1894 with Homogenic Love, Socialist activist and poet Edward Carpenter wrote a string of pro-homosexual articles and pamphlets, and "came out" in 1916 in his book ‘My Days and Dreams’. In 1900, Elizar von Kupffer published an anthology of homosexual literature from antiquity to his own time. His aim was to broaden the public perspective of homosexuality beyond its being viewed simply as a medical or biological issue, but also as an ethical and cultural one.

2.2.4 HOMOSEXUALITY IN EAST ASIA

In East Asia, same-sex love has been referred to since the earliest recorded history. Homosexuality in China, known as the ‘pleasures of the bitten peach’, the ‘cut sleeve’, or the ‘southern custom’, has been recorded since approximately 600 BCE. These euphemistic terms were used to describe behaviors, not identities. Homosexuality was mentioned in early Chinese literature. The instances of same-sex affection and sexual interactions described in the classical novel ‘Dream of the Red Chamber’ seem as familiar to observers as equivalent stories of romances between heterosexual people during the same period.

Homosexuality in Japan, variously known as ‘shudo’ or ‘nanshoku’ has been documented for over one thousand years and was an integral part of Buddhist monastic life and the samurai tradition. This same-sex love culture gave rise to strong traditions of painting and literature documenting and celebrating such relationships.
Similarly, in Thailand, ‘Kathoey’ or ‘lady boys’ have been a feature of Thai society for many centuries, and Thai kings had male as well as female lovers. While ‘Kathoey’ may encompass simple effeminacy or transvetism, it is most commonly treated in Thai culture as a third gender. They are generally accepted by society, and Thailand has never had legal prohibitions against homosexuality or homosexual behavior.

Among many Middle Eastern Muslim cultures egalitarian or age-structured homosexual practices were, and remain widespread and thinly veiled. The prevailing pattern of same-sex relationships in the temperate and sub-tropical zone stretching from Northern India to the Western Sahara is one in which the relationships were and are either gender-structured or age-structured or both. In recent years, egalitarian relationships modeled on the western pattern have become more frequent, though they remain rare. Same-sex intercourse officially carries the death penalty in several Muslim nations, to name a few: Saudi Arabia, Iran, Mauritania, northern Nigeria, Sudan, and Yemen.

A tradition of art and literature sprang up constructing Middle Eastern homosexuality. Muslims, often Sufi poets in medieval Arab lands and in Persia wrote odes to the beautiful wine boys who served them in the Harems. In many areas the practice survived into modern times, as documented by Richard Francis Burton, André Gide, and others. There are a handful of accounts by Arab travelers to Europe during the mid-1800s. Two of these travelers, Rifai’ah al-Tahtawi and Muhammad-el-Saffar, show their surprise that the French sometimes deliberately mis-translated love poetry about a young boy, instead referring to a young female, to maintain their social norms and morals.

In Persia homosexuality and homoerotic expressions were tolerated in numerous public places, from monasteries and seminaries to taverns, military camps, bathhouses, and coffee houses. In the early Safavid era (1501–1723), male houses of prostitution (amrad khane) were legally recognized and paid taxes. Persian poets, such as Sa’di (d. 1291), Hafez (d. 1389), and Jami (d. 1492), wrote poems with homoerotic allusions.
Today, governments in the Middle East often ignore, deny the existence of, or criminalize homosexuality. Homosexuality is illegal in almost all Muslim countries.

One of the rescue narratives of the outlook of Muslim countries on homosexuality is quite relevant. On July 2005, two boys- Ayaz Marhoni and Mahmoud Asgari, reported to have been between 16 and 18 years of age, were hanged by the government of Iran in the city of Mashhad, for an alleged crime involving homosexual intercourse. Western activist were bitterly divided over how to respond. Some regarded the boys as having been hanged on account of their sexuality and fiercely denounced the government of Iran, demanding that western governments take punitive action. British activist Peter Tachell, whose group Outrage! First brought the story to the attention of western media, was quoted in a press release as saying: ‘this is just the latest barbarity by the Islamic-fascist in Iran...the entire country is a gigantic prison, with Islamic rule sustained by detention without trial, torture and state sanctioned murder’, before going on to claim that 4,000 lesbians and gay men had been executed by the government since the 1979 revolution. The linkage of Iran with fascism was reinforced by Doug Ireland, a journalist based in New York, who described the Ahmadinejad government as being engaged in ‘major anti- homosexual program targeting gay and gay sex’.

This incident of Iran has received wide condemnation by various Human rights bodies and LGBT organizations around the globe. The Human Rights Campaign, the largest civil right organization in the USD, called upon the then secretary of state, Condoleezza Rice, to ‘issue an ‘immediate and strong condemnation of Iran for its hanging of the teenagers who, it alleged, had been tortured and killed ‘simply for being caught having consensual sex’. It urged that ‘atrocities committed by foreign governments against all people must be condemned swiftly and forcefully by the world’s greatest democracy.

Iranian President Mahmoud Ahmadinejad, during his 2007 speech at Columbia University, asserted that there were no gay people in Iran. Gay people do live in Iran, but most keep their sexuality a secret for fear of government or due to sanction or rejection by their families.

2.3 ARCHAEOLOGICAL EVIDENCES SUPPORTING EXISTENCE OF HOMOSEXUALITY

In an interesting discovery of evidence, Historical traces are found of homosexual existence according to archeological survey of London. Archaeologists have unearthed what they believe are the remains of the first known Stone Age gay man who was buried like a woman some 5,000 years ago.

The skeleton, discovered during an excavation near Prague in Czech Republic and believed to date back to between 2900 and 2500 BC, was pointing eastwards and surrounded by domestic jugs — rituals only previously seen in female graves. According to the archaeologists, the way he was buried, it suggests that he was of a different sexual persuasion. During that period, men were traditionally buried lying on their right side with the head pointing towards the west; women on their left side with the head facing east. In this case, the researchers said, the man was on his left side with his head facing west. Also, the "gay caveman" was found buried with household jugs, and no weapons. The archaeologists said they don't think it was a mistake or coincidence given the importance attached to funerals during the period, known as the Corded Ware era because of the pottery it produced68.

2.4 TRACES OF HOMOSEXUALITY IN INDIAN ARCHAEOLOGY

68 “5,000-year-old mummy could be world's oldest gay”, PTI | Apr 8, 2011, 06.22 AM IST (Retrieved: 27 July, 2014)
This engrave picture on the walls of khajuraho depicting four women engaged in lesbian sex is an evidentiary fact that homosexuality exists from very ancient times in Indian history as well. The statements opposing homosexuality on the ground that it’s a western phenomenon is be well contested by supporters of LGBT movement in India.

The homoerotic carvings among the erotic carvings on the Hindu temples of khajuraho in konark and puri, and on the great Buddhist monuments at boraborudur in Indonesia are well known. The Kamasutra mentions a number of homosexual positions in chapter 8\textsuperscript{th} of part III\textsuperscript{69}.\textsuperscript{7ii}

2.5 LEGISLATIVE HISTORY OF HOMOSEXUALITY

Lesbian & gay people have for centuries struggled to be accepted as equal and treated humanely, fairly and with dignity. They have been oppressed, persecuted and killed due to prejudice, intolerance and indifference.

\textsuperscript{69} Narain, Renuka “Perspective on 377 from old Hindu law”, Pg. No.17, HT Think! Hindustan Times, 15 December, 2013. (Sunday)
LGBT communities have won political and legal battles in the west and have begun to get assimilated ever more deeply into the respective states, LGBT rights have become a marker of modernity, resulting in the creation of new hierarchies. States that fail to respect rights around sexual diversity are increasingly being characterized as backward and uncivilized, with the internationalization of LGBT Rights taking on the character of a modern day civilizing mission.

In being critical of global activism around sexual diversity, it is vital that we do not lose sight of the homophobia against which it is directed. In virtually all societies in which homosexuality is criminalized or socially stigmatised, claims to LGBT Rights are contested in a communitarian language that speaks to the preservation of a particular culture, religion, or ‘way of life’70.

The legislative history of homosexuality indicates that the first record of sodomy as a crime at common law in England was chronicled in the fleta, 1290, and later in the Britton, 1300. Both texts prescribed that sodomites should be burnt alive. Acts of sodomy later became penalized by hanging under the buggery Act of 1533, which was re enacted in 1563 by Queen Elizabeth I, after which it became the charter for the subsequent criminalization of sodomy in the British colonies. Oral genital sexual acts were later removed from the definition of buggery in 1817. And in 1861, the death penalty for buggery was formally abolished in England & Wales.

The doctrinal research has shown that in 1290, the common law of England has mentioned the term homosexuality. Further after 10 years in 1300, the Britton treatise prescribed that the people who commits act of sodomy should be burnt alive. In 1376, King Edward III was unsuccessfully petitioned to banish foreigners who were accused of the ‘too horrible vice which is not to be named’. Further in 1533, the Buggery Act was passed which made buggery punishable by hanging.

Law for homosexual people continued to be the same ‘punishable by hanging’ until 1861, whereby the Offences against the person Act abolished the death penalty for

buggery in England and Wales. In 1869, first published use of the word ‘homosexuality’ was initiated by a German-Hungarian campaigner. In 1870, world’s first attempt at publishing a gay periodical was made by Germany. The law and outlook of government of England also took a U-turn when in 1885, when the ‘Labouchere Amendment’ was passed which made homosexual acts illegal (even in private) and it become known as the ‘blackmailer’s Charter’. As a consequence, Oscar Wilde was sentenced to two years imprisonment with hard labour in 1895.

In 1897, the scientific humanitarian committee founded in Germany, the world’s first organization dedicated to the aim of ending the legal and social intolerance towards homosexuals was set up. Even the LGBT writers also got courage to openly express their opening resulting in first undisguised openly lesbian novel ‘the well of loneliness’ was published.

The road ahead for LGBT movement was not smooth as in 1933, the Nazi’s dissolved the scientific humanitarian committee founded in 1897 & also destroyed its library completely. Germany has further strengthened its anti-homosexual law. It has been reported that in 1938, Nazi’s have send thousands of homosexuals to the concentration camps and were worked to death. In the camps prisoners were made to wear coloured cloth triangle to denote their crime or origin.

In 1948, a renowned researcher of sexual studies, Alfred Kinsey published a report on 'Sexual Behavior in human males’. It quoted figures that 4% of men identified themselves as exclusively homosexuals and 37% had enjoyed homosexual activities at least once. In 1953, Alfred Kinsey has again published a researched report, this time on ‘Sexual behavior in human female’. It quoted figures that 2% of women identify themselves as exclusively homosexuals and 13% has enjoyed homosexuality at least once.

Following the Alfred report, the Wolfenden committee was appointed in 1954, to consider the law relating to homosexual offences. The Wolfenden committee published its report in 1957 with recommendations about legalization of homosexuality for consenting adults over 21 years in private. In 1958, the british homosexual law
reform society was founded which campaigned to introduce the recommendations of the Wolfenden report.

In 1968, a historical happening took place when ‘Illinois’ one of the U.S state first took a big step towards decriminalizing homosexuality. Further, the first gay rights demonstration took place in New York in 1963, particularly to protest against criminalization of homosexuals & refraining them from military services. In 1969, the Stonewell rebellion started in New York. It was a spontaneous reaction against police harassment after a gay bar was raided by police. The committee for sexual equality was formed in Britain. In 1970, the first lesbian & gay pride march took place in New York to commemorate the Stonewell rebellion. The London gay liberation against unequal age of consent (21 years) for gay men.

In 1972, first UK Gay newspaper, Gay News was founded. The first gay pride March carnival took place in London. One year after, first UK Gay helpline was made functional. Same year, first national gay rights conference was held in UK. Same year, USA also saw its first openly gay candidate elected to city council.

In 1974, the first international gay rights conference was held in Edinburgh. After a year, the lesbian gay Christian movement was founded. Tom Robinson, a singer wrote ‘Glad to be gay’.

In 1977, a bill introduced to reduce age of consent to 18 was defeated in house of lords. In 1980, male homosexuality was decriminalized in Scotland. One year after, the male homosexuality was decriminalized in Northern Ireland. Same year, the first black lesbian and gay group was founded. Also, the terrace Higgins trust was launched, named after the first man thought to have died with AIDS in UK. Soon after, the BBC Channel has broadcast its first TV documentary on AIDS. In 1984, the terrace Higgins trust held first national AIDS conference. In 1986, the AIDS was debated in house of commons, and a major national campaign was launched.

In 1988, section 28, preventing the ‘promotion’ of homosexuality by local authorities comes into force. One year after, the Stonewell group was set up in response to section 28. In 1989, Denmark became the first country in the world to give legal recognition
to same-sex partnerships. Soon after, the direct action group Outrage! was set up by Peter Thatchell after a west London queer bashing murder of actor Michael Bothe took place. In 1991, Stonewell gave EU grant to survey gay rights across the European community.

LGBT community further applauded the decision of House of Commons who have voted to reduce the age of consenting gay males from 21 to 18 now. In 1991, Gaytime TV was launched and one million tuned in every week. Rank outsiders and stonewell launched major campaign on gays in military. After two years, British general election saw out-gay men elected as MP’s Ben Bradshaw & Stephen Twigg. Also the regulations relating to employment of gays and lesbian were also channelized. In 1998, the house of common vote to set age of consent for gay men at 16, but the House of Lords defeated the clause to lower the age of consent, a year after the German government honored the lesbian and gay rights victim.

In the year 2000, British government lifts ban on gays in military. Also, the sexual offences (amendment) act lowers the age of consent to 16, in line with heterosexual age. Government has to use parliament act to force through legislation after lords rejected the bill. In 2002, equal rights are granted to lesbian and gay couples applying for adoption. Alan Duncan became first serving conservative MP to voluntarily come out as gay.

In 2003, UK introduced another law for discrimination on the grounds of sexual orientation made illegal by employment equality (sexual orientation) regulation 2003. A year after sexual offences Act, 2004 sweeps away the Victorian laws that were discriminatory against gay men. Also, homophobic assault was recognized as ‘hate crime’ because of gender recognition act.

In 2005, civil partnership Act was implemented during the year allowing same-sex partners to register their partnership. It also gave equal rights & legal status to same sex partners for benefits such as housing, inheritance, immigrations, pension, etc.

*Setback to LGBT Activist: Activism failed in Asian Sub- continent*
The case of Sri Lanka is a setback to LGBT Rights activist fighting for repeal of sodomy laws. Activist in Sri Lanka have been at the forefront of challenges to sodomy laws in the sub-continent and their attempts to undo section 365, the Sr Lankan sodomy law, through the legislature rebounded badly. Not only was the attempt an unsuccessful but, to make matters far worse, members of parliament voted to expand the scope of the law to include women and worsened the possible penalty. In an amendment to the sub-section 365-A, the language of ‘male persons’ was changed to ‘persons’, thereby expanding the scope of prosecution to include women.

Similar was the case of Malaysia, where the efforts to amend section 377, the Malaysian sodomy law resulted in the widened scope of the law and the explicit codification of consensual, anal and oral sex as illegal.

2.6 PRESENT STATUS OF HOMOSEXUALITY IN WORLD

Around 136 countries of the world recognize homosexuality in one or the other form. But today also, few countries like Uganda\(^7\), Nigeria continue to legislate negating the human rights of homosexuals. Otherwise, many countries have opened up giving wider rights to LGBT People. Marriage of gay/lesbian couple is permitted in Netherlands, Canada, & Belgium. Countries allowing registered partnership of gay/lesbian couple are Denmark, Greenland, Iceland, Norway, Sweden & US. Countries in which adoption by homosexuals is legal are Sweden, Denmark, Iceland, Holland, South Africa & 23 states of US. Country Laws recognizing gay/lesbian couple for immigration are Belgium, Denmark, Finland, France, Netherlands, Newzealand, Norway, South Africa, UK, US. The latest edition of nations favouring homosexuals is Nepal, which has recently given legal status to homosexuality & England which had its first Gay marriage in March 2014.

On the contrary, Countries penalizing homosexuality with death penalty are mostly the countries of Middle East, South & Central Asia, especially in Muslim nations like, Saudi Arabia, Iran, Afghanistan, Kazakhstan, Nigeria, Sudan & Yemen.

Latest in January 2014, Nigeria has passed a law that makes same-sex marriage illegal, along with public displays of same-sex relationships and belonging to homosexual groups. The law enshrined rules down punishments for those that violate it. This includes those in a same-sex marriage or civil union being sentenced to 14 years in prison and foreign partnerships being "void"; additionally those who register, operate or participate in gay clubs, societies and organizations or who directly or indirectly makes public display of affection as part of a same-sex relationship would be punished with up to 10 years in prison.\footnote{\url{http://www.aljazeera.com/news/africa/2014/01/nigeria-passes-law-banning-gay-marriage}}

On the other hand, in February, 2014 The Scottish Parliament approves same-sex marriage bill.\footnote{\url{http://in.reuters.com/article/2014/02/04/britain-scotland-gay-marriage-idINDEEA130EW20140204}}

In March, 2014 In England and Wales, same-sex marriages are performed under the Marriage (Same Sex Couples) Act 2013.

India officially recognizes a third gender after a Supreme Court ruling. It paves the way for access to welfare schemes along the lines of other minority groups in the country.\footnote{Supreme Court of India in April 2014 gave a historical verdict recognizing the ‘third gender’ in India. Due to this transgender community in India get recognition and can have a better claim and access to welfare schemes meant for minority community in India.} But on the adverse side, Supreme Court of India over turned the Delhi High Court Judgment legalizing consensual homosexuality\footnote{Suresh Kumar Kaushal v. Naz Foundation of India  AIR 2013 S.C.}.

\subsection*{2.7 CONCLUSION}

Thus it can be concluded that homosexuality is not a new phenomena, it exists way back in history; though in a hidden, secluded form. The LGBT activism is going both ways, succeeding at the front of Human rights issues because of liberal outlook of a nation\footnote{Suresh Kumar Kaushal v. Naz Foundation of India  AIR 2013 S.C.}; simultaneously it is encountering failure at the front of religion dominated
particular countries. Still the world at large has become acceptive of homosexuality as various world organizations such as United Nations, leaders of world’s most powerful nation like US, Britain, Institutions like Oxford University\textsuperscript{77} etc have showed signs of inclusiveness in their move toward accepting homosexuals in the world.

\textsuperscript{77} ‘Oxford University took a move to blend the gender, while encountering a campaign by the students union, which argued that transgender students could face punishment if they were ‘inappropriately dressed up’, the university took a decision which pleased the community by introducing a new academic dress code which allows men to wear skirts or stockings to exams and formal occasions or woman can wear white bows and ties.’ GENDER-BENDER-Ties for Women and skirts for Men, PTI NEWS, Pg. no. 13, Hindustan Times, New Delhi, 30\textsuperscript{th} July, 2012( Monday).