Homosexuality has been a feature of human culture since earliest history. Generally, and most famously in ancient Greece, erotic attraction and sexual pleasure between males was an ingrained, accepted part of the cultural norm.

The lives of many historical figures including Socrates, Alexander the Great, Hadrian, and Julius Caesar included or were centered upon love and sexual relationships with people of their own sex.

The earliest Western documents concerning same-sex relationships are derived from ancient Greece. They 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 academic benefits and as a means of population control.

Homer's *Iliad* is considered to have the love between two men as its central feature, a view held since antiquity. Plato's *Symposium* also gives readers commentary on the subject, at one point putting forth the claim that male homosexual love is superior to heterosexual love.

The Sacred Band of Thebes was a troop of picked soldiers, numbering 150 age-structured pairs which formed the elite force of the Theban army in the 4th century BC. It was organized by the Theban commander Gorgidas in 378 BC. The Sacred Band originally was formed of men in couples, selected from the ranks of the existing Theban citizen-army.

Plutarch reports that the Sacred Band consisted of homosexual couples and the reason was that lovers would fight more fiercely and more cohesively at each other's sides than would strangers with no ardent bonds.

They became, in effect, the “crack” force of Greek soldiery, and the forty years of their known existence (378 – 338 BC) marked the pre-eminence of Thebes as a military and political power in late-classical Greece. They were responsible for the victory of Leuctra in 371 BC, which established Theban independence from Spartan rule.

According to Plutarch in his *Life of Pelopidas*, the inspiration for the Band's formation came from Plato’s *Symposium*, wherein the character Phaedrus remarks:

And if there were only some way of contriving that a state or an army should be made up of lovers and their loves, they would be the very best governors of their own city, abstaining from all dishonor, and emulating one another in honor; and
when fighting at each other's side, although a mere handful, they would overcome the world. For what lover would not choose rather to be seen by all mankind than by his beloved, either when abandoning his post or throwing away his arms? He would be ready to die a thousand deaths rather than endure this. Or who would desert his beloved or fail him in the hour of danger?

In Ancient Rome the situation was reversed. Though the young male body remained a focus of male sexual attention, free boys were off limits as sexual partners, while the carnal aspect of relations with slaves or freed youths took the place of pedagogy. 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 in 390, condemning passive males to be burned at the stake. Notwithstanding these regulations, taxes on brothels of boys available for homosexual sex continued to be collected until the end of the reign of Anastasius I in 518.

After officially adopting Christianity, the European countries pointed to the destruction of the biblical city of Sodom in order to distance themselves from the permissiveness of the gods and spirits of the ancients. Sodomy became a crime no less heinous than blasphemy or heresy.

By the Middle Ages these decrees of the Christian Church were incorporated into the early civil codes. In 1532, Holy Roman Emperor Charles V proclaimed the *Constitutio Criminalis Carolina*, the first comprehensive criminal code of the Holy Roman Empire, which became law for all of western Europe. Article 116 states that those who engage in “impure intercourse with beast, man with man or woman with woman shall be burnt.”

But during the Renaissance, rich 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.

The European tradition of homoeroticism was continued in the works of artists and writers such as Leonardo da Vinci, Donatello, Michelangelo, William Shakespeare, and Christopher Marlowe. Since the Renaissance, both male and female homoeroticism has remained a common, if subtle and hidden, theme in the visual arts of the West.

French philosophers of the Enlightenment argued that no one should be punished for sexual relations with the same sex. This was considered an area of personal responsibility. Along with Voltaire, French physician and philosopher Julien de La Mettrie was an outspoken critic of the harsh laws against homosexuality. Mettrie was banished from France for his views, but went on to the royal court of Prussia’s Frederick II. Mettrie argued that, like all love, pedastry exists only to provide pleasure to man and is a question of “personal taste.”

Prussian King Frederick II (the Great), though, was not in favor of all of these ideas, and abolished the death penalty for crimes of bestiality, but not for homosexual acts.
The criminal code introduced by Emperor Joseph II in 1787 made Austria the first European country to abolish the death penalty for sodomy. Revolutionary France followed in 1791 and Prussia in 1794; England did not follow suit until 1861.

But at the beginning of the 19th century, doctors took the place of clerics and judges as the new “experts” on homosexuality. They measured the physiognomy (the general appearance of a person), genitals, and buttocks of their human specimens and labeled them as creatures outside the normal range. At the insistence of doctors, countless homosexuals were treated as mentally ill and confined to lunatic asylums.

As a result of the doctors’ research, the earlier enlightened view of homosexuality as part of the diversity of humankind now deteriorated into a perception of homosexuals as sick individuals who needed help.

The Early Freedom Fighters

In 1836, Swiss writer Heinrich Hossli published *Eros, Male Love in Ancient Greece*, a treatise in which he urged that nobody should be punished for intercourse with the same sex. He was the first author to declare that society’s condemnation and criminal persecution of male love was based, like persecution of witches, on superstition and prejudice. Only enlightenment and knowledge, he stressed, would restore to love among males the degree of emancipation and social status enjoyed in the day of the “divine Plato.”

But what led to a much broader struggle for gay liberation was the pioneering work of German lawyer and writer Karl Heinrich Ulrichs in the 19th century. He not only developed a unified theory of homosexual emancipation but was also the first to dare to publicize the fact of his own homosexuality. He explained such love as natural and biological. On August 29, 1867, Ulrichs became the first homosexual 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.

Ulrich's "Araxes: a Call to Free the Nature of the Urning from Penal Law," published in 1870, was his most out-spoken work on "Urnings," his term for a male who desires men.

*The Urning, too, is a person. He, too, therefore, has inalienable rights. His sexual orientation is a right established by nature. Legislators have no right to veto nature; no right to persecute nature in the course of its work; no right to torture living creatures who are subject to those drives nature gave them.*

*The Urning is also a citizen. He, too, has civil rights; and according to these rights, the state has certain duties to fulfill as well. The state does not have the right to act on whimsy or for the sheer love of persecution. The state is not authorized, as in the past, to treat Urnings as outside the pale of the law.*
The prohibition of the expression of the sex drive, i.e., between consenting adults in private, lies outside the legal sphere. All grounds for legal prosecution are lacking in this case. Legislators are hindered from doing this by human rights and the principle of the constitutional state. The legislator is hindered by the laws of justice, which forbid applying a double standard. As long as the Urning respects guidelines (a), (b), and (c) above, the legislator may not prohibit him from following the rightful law of nature to which he is subject.

Within these guidelines Uranian love is in any instance no real crime. All indications of such are lacking. It is not even shameful, decadent or wicked, simply because it is the fulfillment of a law of nature. It is reckoned as one of the many imagined crimes that have defaced Europe's law books to the shame of civilized people. To criminalize it appears, therefore, to be an injustice officially perpetrated.

Legislators should give up hope at the beginning of uprooting the Uranian sexual drive at any time. Even the fiery pyres upon which they burned Urnings in earlier centuries could not accomplish this. Even to gag and tie them up was useless. The battle against nature is a hopeless one. Even the most powerful government, with all the means of coercion it can bring to bear, is too weak against nature. On the other hand, the government is capable of controlling the battle. The reasoning and consciousness of the Urning's own sense of morality offer the government wholehearted cooperation toward this goal.

Ulrichs was forced to discontinue his work in the civil service after being denounced for “unnatural vices,” but from the 1870s the subject of sexual orientation began to be widely discussed.

Much like the Dreyfus Affair led to a European-wide discussion on Jews and anti-Semitism, the trial and sentencing of Karl von Zastrow did the same for homosexual rights. Zastrow, a retired lieutenant in the Prussian army, was sentenced to 15 years’ imprisonment for homosexual acts in 1869. During his trial, Zastrow adopted a line of self-defense in line with Ulrichs maxim.

“We should and indeed must present ourselves as Uranians. Only then...will we be able to gain a foothold in human society.” Zastrow’s public avowal of his homosexuality was unprecedented: “I was born with and grew up with a preference for beautiful male forms... And it too has its justification in nature.”

Asia

In East Asia same-sex love has been referred to since the earliest recorded history. Early European travelers were taken aback by its widespread acceptance and open display.
None of the East Asian countries today have specific legal prohibitions against homosexuality or homosexual behavior.

Homosexuality has been acknowledged in China since ancient times. Scholar Pan Guangdan said that nearly every emperor in the Han Dynasty had one or more male sex partners. It is believed homosexuality was popular in the Song, Ming and Qing dynasties, too.

In Japan, several Heian diaries contain references to homosexual acts exist as well. Some of these also contain references to emperors involved in homosexual relationships and to "handsome boys retained for sexual purposes."

**Latin America**

Homosexual and transgender individuals were also common among other pre-conquest civilizations in Latin America, such as the Aztecs, Mayans, and Zapotecs.

The Spanish conquerors were horrified to discover "sodomy" openly practiced among native peoples, and attempted to crush it out by subjecting the *berdaches* (as the Spanish called them) under their rule to severe penalties, including public execution and burning. In a famous example of cruelty against homosexuals, in 1513 the conquistador Vasco Nunez de Balboa,

> discovered that the village of Quarequa [in modern-day Panama] was stained by the foulest vice. The king’s brother and a number of other courtiers were dressed as women, and according to the accounts of the neighbors shared the same passion. Vasco ordered forty of them to be torn to pieces by dogs. The Spaniards commonly used their dogs in fighting against these naked people, and the dogs threw themselves upon them as though they were wild boars on timid deer.