



# **EVOLUTION OF LGBT LAW & NATURE OF UNNATURAL OFFENCES**

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## **ABSTRACT**

The word "lesbian" is the one that is used the most often in the English language to denote a sexual or romantic desire that exists between two or more females. Either as a noun, to refer to women who identify themselves or who are characterised by others as having the primary attribute of female homosexuality, or as an adjective, to describe characteristics of an object or activity related to female same-sex desire, the word can be used either way. As a noun, it can refer to women who identify themselves or who are characterised by others as having the primary attribute of female homosexuality.

Lesbian is a construct of the 20th century that is used to distinguish between various types of women who have the same sexual orientation. Through the course of history, women have not had the same level of autonomy or freedom as men have when it comes to pursuing gay relationships, but they have also not been subjected to the same level of severe punishment in many communities as homosexual males. Lesbian relationships, on the other hand, have often been considered as harmless and incomparable to heterosexual ones, unless the partners in the lesbian relationship sought to exert rights that have historically been enjoyed by males.

Women who were involved in gay relationships reacted to this term in one of two ways: either they concealed their personal life or they accepted the label of pariah and formed a subculture and identity that emerged in countries like the United States and Europe.

## **INTRODUCTION**

After the end of World War II, during a time of social repression in which governments aggressively punished homosexuals, women formed networks to connect with and educate each other. These networks were primarily focused on the lesbian community. Women have steadily gained the ability to decide the kind of relationships and families they may have as a direct result of increased economic and social independence. In the 20th century, second wave feminism and an increase in study in women's history and sexuality led to a broader definition of lesbian, which sparked a dispute regarding whether or not sexual desire is the most important factor in determining someone is considered a lesbian.

Women, on average, have a stronger capacity for sexual flexibility than males do, and they find it more simpler to develop a physical and emotional intimacy with someone of the same sex as compared to men. Some women who participate in homosexual conduct may completely reject the lesbian identity and refuse to identify themselves as lesbian or bisexual. This is also possible for women who engage in homosexual behaviour. It's possible that some other women may identify as lesbians for political reasons. Lesbians may be identified by their sexual conduct, their sexual desires, or their sexual identities thanks to advances in sexuality research that have led to the formulation of these three criteria.

The way that lesbians are portrayed in the media gives the impression that Western society as a whole has been fascinated and appalled by women who challenge traditional gender roles for women, and that they have also been fascinated and appalled by women who are romantically involved with other women. Women who choose a lesbian identity share experiences that build a worldview that is comparable to that of an ethnic identity. As homosexuals, they are united by the persecution and probable rejection they confront from their families, friends, and other people. They deal with issues that are distinct from those faced by men due to their gender. It's possible that lesbians will have their own unique set of mental and physical health issues. The development of lesbian families and partnerships is also influenced by the political climate and the views of society.

Lesbians, in particular those living in Western societies, have a tendency to self-identify as possessing an identity that identifies both their unique sexuality and their participation in a group that has a number of characteristics in common 2. Women have had sexual connections with other women throughout many different cultures throughout history. However, women were seldom classified as members of a particular group of people on the basis of who they had sexual relations with in the past. In Western civilizations, women have traditionally held positions of political marginalisation; as a result, the addition of

homosexuality as a diagnosable medical condition has contributed to the formation of a distinct subcultural identity.

Some women, upon realising that they had engaged in actions or relationships that could be categorised as lesbian, chose to deny or conceal the fact. One such woman was a professor at Mount Holyoke College named Jeannette Augustus Marks, who hid the fact that she had lived with the college president, Mary Woolley, for the majority of their 36-year relationship. Marks counselled young women to avoid having "abnormal" friendships and argued that a woman's happiness could only be achieved via a romantic partnership with a man. Other women, on the other hand, welcomed the difference and capitalised on their individuality in order to differentiate themselves from heterosexual women and homosexual men<sup>4</sup>. Natalie Clifford Barney, an heiress from the United States, hosted a weekly salon in Paris from the 1890s until the 1930s, during which time it was centred on lesbian-related issues and prominent creative figures were invited to attend.

A thriving homosexual culture existed in Berlin during the 1920s, as evidenced by the city's approximately 50 clubs that catered to lesbians, the publication of a magazine for women titled "Die Freundin" (The Girlfriend) between 1924 and 1933, and another publication titled "Garconne" that catered specifically to male transvestites and lesbians<sup>5</sup>. Ruth Margarite Rollig's publication of a book in 1928 titled "The Lesbians of Berlin" contributed to Berlin's growing notoriety as a hub for lesbian-oriented pursuits in the German city. The clubs ranged from enormous places that were so well known that they became destinations for tourists to little neighbourhood cafés where only local women went to meet other local ladies. The song "Das Lila Lied," also known as "The Lavender Song," became the unofficial anthem of Berlin's lesbian community. Although homosexuality was outlawed in Germany, it was sometimes permitted because the police would occasionally let homosexuals to attend certain parties. During these occasions, the police would use the opportunity to record the names of homosexuals for future reference. 6. Magnus Hirschfeld's Scientific-Humanitarian Committee, which advocated tolerance for homosexuals in Germany, allowed lesbian involvement. As a result, there was a boom of lesbian-themed literature and political engagement in the German feminist movement during this time.

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The book "The Well of Loneliness" was written by Radclyffe Hall and was published in 1928. Stephen Gordon, a woman who comes to terms with her sexual orientation as an invert after reading Krafft-Psychopathia Sexualis Ebing's and who lives amid the gay milieu of Paris, is the protagonist of this story. The book, which had a prologue written by Havelock Ellis, was written with the intention of promoting tolerance for inverters by bringing attention to the challenges and challenges that come with being born inverted<sup>8</sup>. Hall was a supporter of the ideas proposed by Ellis and Krafft-Ebing, but he disagreed with Freud's contention that same-sex desire was the result of early trauma and could be treated. The novel was tried for obscenity in London, a spectacularly scandalous event that was described as "the crystallising moment in the construction of a visible modern English lesbian subculture" by professor Laura Doan<sup>9</sup>. This resulted in the publicity that Hall received, but it was not the publicity that Hall intended to receive. Newspaper articles openly disclosed that the book's content contains "sexual interactions between lesbian women," and images of Hall often accompanied facts about lesbians in the vast majority of major print sources during the course of a range of six months<sup>10</sup>. The image of a "mannish" lady in the 1920s was characterised by short trimmed hair, fitted clothes (sometimes including trousers), and a monocle, which became so ubiquitous that it was considered a "uniform." Hall replicated this style. As a result of the participation of British women in World War I, they gained experience with traditionally male styles of attire and were seen as patriotic for donning uniforms and trousers. On the other hand, the postwar trend toward the masculinization of women's attire became linked with lesbians.

In the 1920s, there was a lot of social experimentation going on in the United States, notably in terms of sexuality. The works of Sigmund Freud, who claimed that sexual desire would be sated automatically, despite an individual's effort to ignore it, had a significant impact on this. This was a major factor in the development of this idea. Freud's ideas were much more widely accepted in the United States than they were in Europe. Because of the widely disseminated idea that sexual activities were an integral element of lesbianism as well as their relationships, a large number of people engaged in sexual exploration. Large cities that offered a vibrant nightlife were very popular, and at the same time, women started looking for sexual excitement. Bisexuality became trendy, notably in the first homosexual communities to emerge in the United States. Harlem, which is a largely African American district of New York City, saw more tourists than any other destination because of the opportunities that it offered for gay nightlife. White "Slummers" were known for their love of jazz music, nightclubs, and anything else their hearts desired. Blues singers Ma Rainey, Bessie Smith, Ethel Waters, and Gladys Bentley performed songs about having relationships with other women for guests including Tallulah Bankhead, Beatrice Lillie, and the soon-to-

be-named Joan Crawford<sup>13</sup>. Comparisons between the newly acknowledged minority status of homosexuals and the minority status of African Americans started to emerge at this time. Lesbian partnerships were widespread among the African American inhabitants of Harlem and were accepted, but they were not openly welcomed by this population. Some women organised extravagant wedding ceremonies, going so far as to file licences with New York City<sup>15</sup> under names more typical of males. However, the vast majority of women were married to men and routinely had sexual encounters with other women; the concept of bisexuality was more universally accepted than that of lesbianism.

Both Harlem and Greenwich Village provided furnished rooms for single men and women, which was a major factor in the development of both neighbourhoods as centres for homosexual communities<sup>17</sup>. Greenwich Village was located on the opposite side of the city from Harlem, and it also saw a growing homosexual community. However, the tone of the conversation was different in Greenwich Village compared to Harlem. The Village became a gathering place for bohemians, or intellectuals who rejected the values of the Victorian era. In the past, the majority of homosexuals were males; but, several notable personalities, such as the poet Edna St. Vincent Millay and the social host Mabel Dodge, were recognized for having sexual relationships with women and promoting tolerance for homosexuality<sup>18</sup>. In the 1920s, women in the United States who previously were not allowed to go to Harlem or reside in Greenwich Village were finally authorised to enter saloons without being labelled as prostitutes. This was a significant social change. According to historian Lillian Faderman, the provision of a public place for lesbian women to congregate and socialise, namely at bars that were well-known for catering to lesbians, "became the single most significant public expression of the subculture for many decades.".

The beginning of World War II precipitated a significant shift in people's lives as a result of the unprecedented mobilisation of men into the military. Women were also allowed to serve in the armed forces via the Women's Army Corps (WACs) of the United States and the Women Accepted for Volunteer Emergency Service programme of the United States Navy (WAVES). Unlike the processes that had been in place to screen out male homosexuals ever since the creation of the American military, there were no methods to identify or screen for lesbians until gradually during World War II. These processes had been in place to screen out male homosexuals since the beginning of the American military. In spite of the prevalent views of women's traditional duties that were prevalent in the 1930s, the military in the 1940s actively sought for self-reliant and manly women to directly recruit, while weakness was discouraged.

Some women were able to go into the recruitment station dressed as males, claim they had never been in love with another woman, and be readily accepted into the military. Others were able to lie about their romantic history. Sexual activity, on the other hand, was strictly prohibited, and one was nearly likely to have blue discharge if they self-identified as a lesbian. As more and more women discovered one other, they started to create close-knit groups on the base, mingle at service clubs, and communicate using secret phrases. Allan Berube, a historian, found that gays serving in the military either intentionally or unconsciously hesitated to identify themselves as homosexual or lesbian, and they also never commented about the orientation of others.

Although they were not always numerous, the most masculine women were noticeable, and as a result, they tended to attract women who were interested in discovering other lesbians. Women had to approach the topic of their attraction to other women with caution, and it may take them many days to arrive at a consensus on how to proceed without directly questioning anybody else about their feelings or declaring what they think. Women who did not join the military were strongly encouraged to fill the industrial occupations vacated by males in order to maintain national output. This was done in an effort to keep women from joining the military. Lesbian networks and environments were further shaped as a result of the increased mobility, sophistication, and independence that many women gained during and after the war. This made it possible for women to live without husbands, which is something that would not have been feasible under different economic and social circumstances.

As social movements to better the status of African Americans, the poor, women, and LGBT all came to the forefront during this time period, there was a pushback against the social conservatism that prevailed throughout the 1950s and early 1960s. After a violent encounter that took place in New York City in 1969 during the Stonewall riots, the homosexual rights movement and the feminist movement united. Both of these movements were founded in the 1960s. Following this, a movement emerged, which was marked by a surge of homosexual activity as well as feminist awareness, which further changed the concept of lesbian.

The sexual revolution of the 1970s brought forth the concept of distinguishing a woman's identity from her sexual activity for the first time. A great number of women took advantage of the newfound independence in their social lives to explore new avenues. Even though many of them continued to identify as heterosexual, women who had previously classified as straight attempted having sexual relationships

with other women. Lesbianism, on the other hand, emerged as a political identity with the beginning of the second wave of feminism. This identification expanded to characterise a social philosophy among women, often overshadowing sexual desire as a distinguishing characteristic of lesbians. The radical lesbian group known as Radica produced a manifesto in 1970 titled "The Woman-Identified Woman" in which they made the statement, "A lesbian is the wrath of all women distilled to the point of explosion."

## DISCUSSION

Lesbian feminism was a huge transition, however not all lesbians agreed with it. This is despite the fact that lesbian feminism was a shift. Lesbian-feminism was a youth-oriented movement: its members were primarily college educated, with experience in New Left and radical causes; however, they had not seen any success in convincing radical organisations to take up women's issues. Lesbian-feminism was a movement that aimed to empower lesbian women.<sup>30</sup> A significant number of older lesbians who came out of the closet during more traditional eras believed that it was more suitable to keep their coping mechanisms the same in an environment that was homophobic. In 1970, the daughters of Bilitis disbanded because they couldn't decide whether to prioritise feminism or lesbian rights problems as their primary cause.

The unequal distribution of roles between men and women, or between butch and femme, was considered patriarchal by lesbian feminists since equality was their top objective. Lesbian feminists rejected the gender role play that was common in bars, as well as the chauvinism that was seen to be prevalent among homosexual men; many lesbian feminists refused to collaborate with gay men or take up their concerns. However, lesbians who held a more essentialist view that they had been born homosexual and who used the descriptor "lesbian" to define sexual attraction frequently considered the separatist and angry opinions of lesbian-feminists to be detrimental to the cause of gay rights. These lesbians used the term "lesbian" to define sexual attraction.

Lesbian chic and popular culture Since the early 1980s, there has been a slow but steady decline in the invisibility of lesbians. This is in part attributable to prominent personalities in the public eye who have been the subject of conjecture and commentary in the media about their sexual orientation and lesbianism in general. Martina Navratilova was the primary figure who earned this attention, and she served as tabloid fodder for years as a result of the fact that she denied being a lesbian, admitted to being bisexual, had very public relationships with Rita Mae Brown and Judy Nelson, and acquired as much press about her

sexuality as she did about her athletic achievements. Scholar Diane Hamer referred to the "continuous obsession" that Navratilova caused in the media with locating the origin of same-sex attraction. This interest was sparked by Navratilova.

Other popular individuals have come out as gay or bisexual, such artists K.D. Lang and Melissa Etheridge, as well as Madonna, who pushes the bounds of sexuality in her performances and publications. In 1993, Lang and the self-professed heterosexual super model Cindy Crawford collaborated on a daring photo shoot for the cover of *Vanity Fair*. The photo depicted Crawford shaving Lang's face as Lang sat in a barber chair wearing a pinstripe suit. According to Hamer<sup>85</sup>, the picture "became a worldwide known icon of the concept of lesbian chic." 1994 was the year that saw an increase in the visibility of lesbians, which was especially attractive to women who presented themselves as feminine. *Mademoiselle*, *Vogue*, *Cosmopolitan*, *Glamour*, *Newsweek*, and *New York* were just few of the publications that published articles about women who confessed having sexual history with other women during the years 1992 and 1994.

In the late 1980s and early 1990s, the homoerotic subtexts that were commonly used in gay male subculture were considered to have reached their limits because of AIDS. At the same time, a distant memory of lesbians as they appeared in the 1970s—unattractive and militant—also played a role in the resurgence of lesbian chic, according to the reasoning of one observer. In a nutshell, when lesbians gave up their political beliefs, they became more appealing to mainstream audiences. The trend led to an increase in the amount of lesbian content in pornography aimed at men, which culture analyst Rodger Streitmatter characterizes as an unrealistic image of lesbians packaged by heterosexual men. All of the attention on feminine and glamorous women created what culture analyst Rodger Streitmatter describes as an unrealistic image of lesbians.

## CONCLUSION

In 2009, there was an uptick in the visibility of lesbians and a greater acceptance of sexual fluidity. This was evidenced by celebrities like Cynthia Nixon and Lindsay Lohan making public statements about their relationships with other women, and by reality television addressing same-sex relationships. Psychiatrists and feminist philosophers write that the rise in the number of women acknowledging same-sex relationships is due to growing social acceptance. However, they also concede that "only a certain kind of lesbian slim and elegant or butch in just the right androgynous way is acceptable to mainstream culture."

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