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LGBTQI+ in democratic Portugal: An overview essay

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Abstract:
Written in a reflexive, autoethnographic and essayistic mode, this article aims to provide an overview of the developments of LGBTQI+ rights in democratic Portugal and to identify the main frictions that affected and continue to affect them, while also providing glimpses of possible routes – in broad strokes – for making effective the changes in the life politics of LGBTQI+ people that are guaranteed in law.

Keywords:
sexual orientation; gender; rights; social movements; politics; legislation

Introduction

What follows should be considered as an essay that attempts to provide an overview of almost half a century of LGBTQI+ struggles in Portugal. As an essay it does intend to provide data and facts on events, groups, legislation and so forth (all of which can be found in other materials, listed in the bibliography that is intended to provide resources for further research and knowledge). It does not intend to engage in an argument with opinions or analyses expressed in the specialized bibliography. Rather, it starts from a positional stand inspired by feminist and queer sensibilities in the social sciences, sensibilities that highlight the need for autoethnographic writing, especially when the author's positionality is one of engagement in the issue under discussion. As an anthropologist, I have published profusely on gender and sexuality issues (Vale de Almeida 1995, 2006, 2009); as an activist I have participated in the main struggles for LGBTQI+ rights and transformations; as a citizen I have been involved in political parties and electoral platforms where the issue was at stake, including two years as a member of parliament involved in passing the first marriage equality and gender identity laws. It is this conjunction of experiences and overlapping of positionalities that help make sense of my choice for the type of voice that I wish to resort to in this overview essay.

'Whores' and 'Faggots'

Following the military coup on 25 April 1974 that ended almost 50 years of an ultra-conservative, colonial and authoritarian regime, a revolutionary process was unleashed and lasted until its demise during the so-called normalization process – which closed with the passing of the 1976

Constitution (valid still today, albeit after several amendments and revisions). The coup was motivated by young military officers' revolt against the wars between the regime and the liberation movements in the Portuguese colonies in Africa.

It was explicit in its intention to establish a democratic regime. Opposition to the dictatorship had been mainly in the hands of the clandestine activity of the Portuguese Communist Party. Exiles from the Socialist/Social-Democratic camp had also been active in the last years of the regime and a so-called liberal faction of the regime accepted its demise and was to adapt to the post-coup political conditions. The main line of fracture in the political debates and struggles after April 1974 was between proponents of a liberal democracy and proponents of a socialist revolution. Furthermore, inside the revolutionary camp, different sectarian positions and international alignments were strong factors of mobilization for political action. In the following two years a strong politicization of society occurred, involving all social segments and generations, but it was characterized by a hegemonic focus on issues of political economy and class struggle. Although fundamental civil rights were immediately re-established, including basic tenets of gender equality, neither feminist nor LGBTQI+ concerns were taken into consideration. The revolutionary process ended with yet another military intervention in November 1975 that established the supremacy of sectors defending a liberal democratic regime and the project of accession to the then European Economic Community (EEC). Paramount among them was the Socialist Party (member of the Socialist International) and the Popular Democratic Party (later to be renamed Social Democratic Party), a liberal, right-of-centre party, which were to be the main governing parties ever since. Elections to a Constitutional Assembly were held on 25 April 1976, and in the same year the present constitution was approved.

Throughout the 1974–76 period, there was no political space for, or acceptance of, non-normative gender and sexual issues and neither were they expressed in civil society in any organized and audible form. Extremely small groups of politically conscious gays and lesbians did occasionally posit LGBTQI+ issues in the printed media but with no significant social consequences or debate. Portuguese society and progressive political forces were focused on issues concerning the form of political regime, decolonization, class struggle and socio-economic development. There was a strong notion, which is still prevalent today, that other lines of fracture in society – racial, gender, sexual and others – were 'secondary' or that their consideration depended on the previous solution of socio-economic problems. This notion cut across ideological lines and it was prevalent in the left. Naturally, it was more clearly expressed in reactionary form by the right. Reacting to an article in a newspaper by one of the small groups of LGBTQI+ awareness mentioned above, a conservative general involved in the *junta* that took power in the weeks following the 1974 coup said that '25 April was not made for whores and faggots'. He was to become an anti-revolutionary activist, but it is not farfetched to imagine that the content of his statement was shared by other actors in the revolutionary events.

The 1980s and 1990s

The 1980s was characterized by cultural transformations in the main urban centres. They were most visible in the areas of cultural production (music and the arts), media innovation (new newspapers, magazines, new authors of opinion articles), higher education (with the growth of university institutions and democratization of university access) and the collective effect of the

project of joining the EEC (which happened in 1986). For someone from my generation, all of this was compounded in the 'politics of life' – forms of subjectivity changed and promoted by horizontal social relations around friendship, love, sex, entertainment, nightlife, fashion, dance, music, drugs, questioning of the narratives of the national history and growing exposure to international and cosmopolitan influences. I usually like to refer to the 1980s generation as simultaneously anti-fascist and pro-25 April *and* tired of the polarization and the passions around political parties that characterized the revolutionary process. Hedonism could be a good describer for the urge that this generation was feeling. Not an escapist brand of hedonism, however, but rather one that was hungry for the politicization of life. Small but audible political organizations, such as the Trotskyite Socialist Revolutionary Party, promoted cosmopolitan agendas that were cherished by middle-class urban youths and were among the first to include what was then called a gay agenda. But it was not through political organizations or through civic associations around the topic that a sense of LGBTQI+ visibility, spaces and socialities started. It was through the above-mentioned politics of life.

The 1980s were the period of the Bairro Alto phenomenon. The Bairro Alto underwent a transformation from a seedy neighbourhood of ill repute, according to bourgeois standards (characterized by prostitution, Fado houses, lumpen-proletariat and the elements commonly associated with the marginality of port cities), to a place for bars and clubs that catered to those hungry for cosmopolitan, international hedonism and lifestyle experiments. It was from the onset what later would be called an 'LGBT friendly' environment. It was not an LGBT neighbourhood, the bars and clubs were not specifically LGBT, and that is an important point about the Portuguese specificity. Although a few streets down from Bairro Alto, the neighbourhood of Principe Real hosted a handful of gay and lesbian venues – still behind closed doors, clients having to ring a bell in order to be admitted – the sexualization of spaces in Lisbon never followed standards found in other European cities (even in neighbouring Spain) of the creation of sexual geographies. In 1982, homosexuality was decriminalized, Bairro Alto icon and singer António Variações died in 1986 as the most famous AIDS victim and music gay icon. In the absence of an organized gay and lesbian (as then it would have been called) movement, in the absence of a political concern for gender and sexual issues, the opening of conditions of possibility for a LGBTQI+ awareness was the work of two opposed phenomena: the cosmopolitan hedonism of the 1980s, and the tragedy of the AIDS epidemic.

Although 1991 saw the emergence of the first organized group, Grupo de Trabalho Homossexual (inspired by the British Gay Left), this was a political organization inside a political organization (the above-mentioned Socialist Revolutionary Party). It was important in reflecting politically and ideologically about the need for LGBTQI+ variables in the politics of the left, but naturally it did not reflect a wider civil society demand and autonomous mobilization. In the same year, a lesbian publication emerged, *Organa*. Again, the fact that it was a magazine, not a movement, was a backdoor strategy in the absence of an organized movement. Another backdoor strategy was to prove successful, albeit due to tragic reasons and the feeling of emergency: the creation of Associação Abraço in 1992 established the mobilization against AIDS as a recognizable and recognized fact. Founded, among others, by a woman who had been an iconic character in the main alternative club from the Bairro Alto phenomenon, Abraço, as well as other AIDS organizations, not only accomplished a much-needed support role in the struggle against the epidemic, but they also acted as unwitting ventriloquists for LGBTQI+ identities, especially for gay men. Mobilizations against AIDS looked like embryonic LGBT meetings; people

got to know each other and fight for a common cause without having to come out sexually – but also envisaging the possibility of coming out together. Identity-building was inevitable. In 1995, what is still today the main LGBTQI+ organization, ILGA-Portugal, was founded by people coming out of the anti-AIDS movement. Support from the social and political connections of Abraço and others were important, and in 1997 the association was given a venue by the socialist mayor of Lisbon, thus establishing the first ever gay and lesbian community centre. LGBTQI+ politics was out of the closet.

These developments took place, of course, in a wider geopolitical context, marked by the accession to the EEC in 1986. European laws and influence had created, so to speak, the ecological conditions. But the specific national variety was marked by plural, rather unorganized moments, events and cases that generated a growing media interest on issues of 'homosexuality': TV shows and debates; court cases such as João Mouta in 1994 (related to parental rights and accusations of homosexuality as an hindrance to parenting) that led to European court appeals; the mentioned foundation of ILGA-Portugal; AIDS marches or the effect of the Treaty of Amsterdam stating the need to abolish discrimination. But it was not until 1997 that the budding LGBT movement chose to engage in true politics. It happened with the 'Não faças do 13 um 31' campaign launched by ILGA-Portugal,[1] demanding that in the Constitutional revision Article 13 should include, among other principles of non-discrimination, the issue of sexual orientation. Aware of the need for community and identity-building as a form of visibility and mobilization, ILGA-Portugal and smaller organizations that had emerged in the meanwhile held the first Pride in Príncipe Real square (thus also symbolically marking that part of town as connoted with LGBT lives) as well as the first gay and lesbian film festival (still existing today, but now called Queer Lisboa).

The other important element of context was the feminist movement, which had felt the same difficulties as the gay and lesbian movement in the years following the revolution and prior to EEC accession. It was now focused on a political battle that brought to the fore issues of gender that were not contemplated in civic and political rights equality: abortion. The first referendum on abortion was held in 1998,[2] following the pact between the two main political parties that decided to call a referendum instead of accepting the vote in parliament, which was favourable to the decriminalization of abortion. It was not conclusive, since the voting quorum was not achieved, and the law did not pass. In 1999, following the initiative of progressive sectors of the Socialist Party, and with the support and growing demand of ILGA-Portugal, a civil union law was passed in the parliament but not including same-sex couples. The 1990s was a decade of politicization of the feminist and LGBT movements, of the discovery of the need to change laws and to demand the commitment of political parties and representatives. Also, in the late 1990s, a new party emerged: the Left Bloc, of which the Socialist Revolutionary Party was one of the founding members, emerged as a coalition of the New Left and with a stated concern with feminist and LGBT issues. It was the first time a political organization actively called for the contribution of these movements. Its success exerted pressure on other left parties to consider these issues too, albeit that was to happen slowly and not without resistance.

[1] Literally 'Don't turn 13 into a 31'. It refers to Article 13 of the constitution, which establishes grounds for non-discrimination, and it plays with the Portuguese idiom 'um 31' (a 31), meaning 'trouble', 'mess'.

[2] Technically, and in Portuguese political parlance, 'Interrupção Voluntária da Gravidez' (IVG) or 'Voluntary Pregnancy Interruption'.

The main struggles – abortion and civil unions that included same-sex couples – were not immediately victorious. But they brought to the fore, as societal issues, the demands on feminist and LGBTQI+ issues. And that demonstrated a Portuguese peculiarity: the absence of a period of sexual liberation and creation of culture and community, as had happened in central countries during the 1960s and 1970s, as well as the absence of a women's liberation movement. When feminist and LGBT movements emerged in Portugal, they did so directly as politicized movements, as post-AIDS crisis movements, which in central countries corresponded to a second phase. That marked feminist and LGBT movements in Portugal as movements without community and as movements that emerged politically in the fight for changes in legislation and specifically on reproductive, conjugal and family rights.

Twenty-first Century

The twenty-first century has so far been the century of integration and institutionalization of feminist and LGBTQI+ politics in Portugal. An extraordinary succession of rights was achieved in the law: sexual orientation in Article 13 of the constitution; civil unions for same-sex couples; free legal abortion in the public health system; gender quotas in politics; same-sex marriage; adoption and co-adoption by and in same-sex couples; gender identity laws; assisted reproduction for single women and lesbian couples, besides major changes in the labour codes and other sections of legislation. The country climbed to the European and world top positions in rights' recognition. The movement engaged in standard and ongoing forms of community mobilization and visibility – regular LGBT parade, regular LGBT Pride and regular film festival. However, it remains as a society with low levels of coming out and with social representations and perceptions that evidence homophobia, lesbophobia, biphobia and transphobia. In the following paragraphs, this contradiction will be addressed.

The struggle for civil unions/partnerships and marriage was the main political focus of the LGBT movement, following developments mainly in the United States and in neighbouring Spain. It is interesting to see what the main points of contention were. First, there was a conflict between the movement's preference for civil unions and the more influential left-wing political parties for forms of *economia comum* (informally recognized partnerships). This opposition meant political parties hesitated to acknowledge the emotional and sexual nature of same-sex conjugality, instead focusing on the solution of supposedly 'practical' issues, such as income and housing. Second, when law projects were finally passed, they conceded on the figure of civil union/ partnership but did not allow for adoption by same-sex couples, only opposite-sex ones. This opposition demonstrated deep-seated homophobic fears focused on children as potential victims of what was certainly seen (albeit not acknowledged) as perversion. Third, the struggle for same-sex marriage, started in 2004 by ILGA-Portugal, was marked by the passing of the same law in Spain in 2005 and started a national debate that placed LGBT rights at the centre of the political agenda. Besides the expected homophobic and fundamentalist reactions on the right, confusing civil and religious marriage and marking the gendered nature of the institution ('a man and a woman'), and once it became clear that soon same-sex marriage would exist, the debate revolved around the name of the institution. Conservative sectors demanded a different name in order to distinguish same-sex from different-sex conjugality. The other demand was for the exclusion of adoption rights by same-sex couples. The negotiations of the law proposals and different positions within the main government party, the Socialists (which encompasses both conservative and progressive factions), led to the 2010 law on equal marriage that did not allow

access to adoption by same-sex couples. Furthermore, it should be noted that the political climate for the same-sex marriage debate and the pursuit of the law was marked by the decriminalization of abortion in 2007, following a second referendum. The victory of the feminist cause was crucial in proving that society was not conducted by the precepts of the Catholic Church. Issues of adoption, parenting and reproduction regarding gays and lesbians and same-sex couples remained a contentious issue. It was not until 2016 that an innovative coalition of left parties in power (a socialist government with the parliamentary support of the Communists and Left Bloc that was humorously called the *geringonça*, 'the contraption') finally established full equality, including adoption rights and parenting rights for same-sex couples, whether in civil unions or married.

But throughout the democratic period, issues of gender have been an important point of contention. Issues affecting lesbians were overlooked for too long, subsumed in a generic notion of LGBT that, in fact, sees the gay man/men as the representative of a universal LGBT identity. The struggle for assisted reproduction rights for single women and for lesbian couples was also only achieved in the big 2016 changes of the *geringonça*. Transgender issues were subaltern within the LGBT movement that started in organized, political form in the mid-1990s. The shock with the murder of transwoman and migrant Gilberta Salce Junior in 2006 marked a symbolic moment of emergence of trans issues in the public sphere. In 2011, one year after the passing of the 2010 same-sex marriage law, a first gender identity law was passed. However, it did retain elements of pathologizing. The struggle for changing those elements became central in a growing trans movement which, besides interest groups within LGBTQI+ associations, included Amplos, an association of parents of trans. Trans issues gained prominence in the LGBTQI+ movement once the fundamental advances in laws and rights were achieved. Following the 2016 political changes, a new gender identity law was passed in 2018, now excluding elements of pathologizing and guaranteeing self-determination of gender, as well as expression and protection of sexual characteristics of persons (regarding intersex rights).

Therefore, as of 2018, a complete set of laws were in place in Portugal, covering all issues in the growing agenda on LGBTQI+ rights. Two phenomena, however, seem to have happened. One is the perception that laws do not necessarily mean effective change, especially when there is no state investment in assuring their implementation, no vigilance against discrimination and no investment in education in institutions, workplaces or schools. A secretary of state is in charge of equality and citizenship issues, but resources and capacity for action seem to be scant. The other is the dwindling strength and visibility of the LGBTQI+ movement once all the rights and laws were guaranteed. A third phenomenon is the cultural change towards queer sensibilities, non-binarism, a general trend towards surpassing identity politics and a radical questioning of gender as a category itself, a trend that has echoes in the academic production that tends, and rightly so, to go to the root of issues, but is probably overlooking the analysis of the role of identity politics in the implementation of real change in LGBTQI+ lives.

The characteristics of Portuguese society and of its democratic process, as well as of the LGBTQI+ movements, and the inclusion of its issues in mainstream politics have been dealt with. But what seem to be the main lines of friction in LGBTQI+ issues throughout and especially today?

Lines of Friction

The first line of friction is between form and substance, meaning the distance that separates progressive and advanced legislation, on the one hand, and the actual practice and implementation, on the other. One can hear similar complaints about other areas of social life, making it a wider political problem in the country. It happens especially in respect of issues of discrimination, minorities, human rights or workers' protection. Once legislation is passed, follow-up mechanisms do not seem to be implemented. This is visible in several practical areas. One is accountability, in the sense that state institutions do not regularly and systematically evaluate progress in the issue or social problem that the legislation was intended to address. Another is lack of funding, human resources and continuity beyond government changes, and this regarding state agencies that nonetheless were created for the regulation of minority and discrimination issues. A third is the visible lack of ongoing education and consciousness-raising in the school system, state institutions and the private sector. Finally, there is a lack of social policies addressing concrete issues affecting the population at stake, from affirmative action to support mechanisms targeted at LGBTQI+, from victims of violence to associations, from student counselling to integration of LGBTQI+ older adults in retirement homes, among many others. This generates a situation in which the political system and the law is clearly outside the closet, but society is not, dependent as it is in supposedly universal but in fact heteronormative and cisnormative procedures and expectations, increasingly precarious work situations or non-inclusive health systems. Therefore, the focus of activism and political efforts should be directed now at accountability, law implementation and proactive policies.

Regarding attempts at explaining the peculiarities of the Portuguese situation, it is common to hear two types of explanatory hypotheses. The first stresses the influence of European integration and European laws, placing the Portuguese state and its politicians in a position of reluctant obedience or, in the best scenarios, of eager desire for the status of a liberal, progressive nation, in an argument reminiscent of the theories on homonationalism. The second interprets Portuguese society and social structures as very unequal and with a strong separation between the elites and the people. As middle- and upper-class, urban, cosmopolitan, secular and Europe-bound, politicians would be more sensitive to appeals from a civil society that, regarding LGBTQI+ rights, share the same sociological characteristics. The outcome would be laws by a few for a few, along with obliviousness to them and the continuation of 'traditional' values by the majority. There may be some truth in both, but the former hypothesis is contradictory with the extent to which Portuguese progress went when compared with many other EU countries; and the second, albeit more realistic, contains overtones of homophobic representations of LGBTQI+ people as elitist themselves, a representation based on the higher capital for visibility that middle-class, White, urban gay men have, thus confusing this segment with the whole.

Debates on same-sex marriage that led to the 2010 law were not only between politically conservative and progressive sectors, religious and secular, the 'elites' and the 'people', but they were also debates within the LGBTQI+ movements and activists and their allies in the media and academia. Those debates revolved around a critique of integrationism by the more radical sectors and of fundamentalism or maximalism by the more mainstream sectors. More encompassing and mainstream groups, such as ILGA-Portugal, were the protagonists of the demand for same-sex marriage and engaged in a politics of convincing and in strategic negotiations with the left-to-centre parties, without whose support the law probably would never have seen the light of day. More radical groups, inspired by the then bourgeoning trend

of queer approaches, engaged in a more radical critique of gender, sexuality and identities, regarding marriage in itself as a patriarchal institution (and monogamy as well). This is not a Portuguese characteristic, but a global one. LGBTQI+ movements everywhere are undergoing processes of internal conflict and segmentation, not only anymore in terms of the challenges of radical critical theories but also in terms of the politics of life of concrete people, particularly the youth. Queer identifications, non-binary identifications, gender-fluid life experiences, attacks on the so-called trans-exclusionary feminists and a myriad of other phenomena are shattering the politics of identity as a strategic form of political negotiation. The above-mentioned calls for proactive actions against discrimination will be challenged by these developments, since target issues and groups for intervention will be more difficult to identify and other agendas will need to be added.

Intersectionalities within the LGBTQI+ population and between it and other subaltern groups (namely women in general, racialized groups and subaltern classes) have been too absent from both movements and politics, with the possible exception of articulations between feminism and LGBTQI+. Following wider structures in society at large, LGBTQI+ movements, visibility, protagonism and societal expectations are usually male-centred, White-centred, cis-centred and middle-class centred (and the gender aspect of this can even happen among the transgender segment, due to the early gender socialization characteristics of some transwomen). On the other hand, a politics of alliance or coalition with feminist, workers or the anti-racist, African-descendant and Roma movements is much needed, as well as political and legislative initiatives that put together different and intersecting phenomena of discrimination in an overarching anti-discrimination policy. Although these considerations are regularly mentioned by protagonists, they do not seem to become real in practice and reflect spheres of life and social experience that are strongly separate and separated.

Finally, recent strategies of backlash promoted and reproduced by new political movements and the new power of the social media are leading everywhere to a dangerous unspoken alliance between the neo-liberal phase of capitalism and new forms of unashamed calls for tradition and persecution of human rights' agendas. 'Gender ideology', 'cultural Marxism' or attacks on a so-called cancel culture or on a wrongly perceived 'political correctness' are becoming all-too-familiar expressions, constituting a major shift in public discourse, leading to accusations of national and societal divisionism and totalitarian tendencies in emancipatory movements – a process of blaming the victim. The stakes are higher when the landscape of political discussion shifts – or sinks – to this level. Among others, LGBTQI+ movements, politics, citizens and scholars need to rally around very fundamental and unsophisticated defences of liberal democracy and civil and human rights, a position which, given its defensive nature, lacks the potential for positive collective mobilization.

Conclusion: A Take on the Politics of Life and Autoethnography

I came out as a gay man on the day I arrived in the United States as a Fulbright scholar starting my master's degree in New York. In 1984, being away from Portugal and in an environment where gay identities were out on the clear, in a university campus with an active and visible gay alliance, meant a world of difference (pun intended). The fact that my family of origin was and is quite liberal, progressive and secular, still had not been enough to create a comfort zone for coming out, especially in the absence of social and communitarian spaces, as well as public political discourse on sexuality. Upon my return to Portugal, being out, especially while starting

my academic career, was something of an oddity. In the late 1980s, I published my first academic piece – on homosexuality and in Portuguese and based on a paper I had written for a class in the master's programme. In 1990, I started my doctoral research in Portugal on the social construction of masculinity and also began writing a weekly opinion column in one of Portugal's most important daily newspapers. In one of those articles I came out publicly as an act of political intervention, and henceforth started regular interventions in the media and, eventually, in social and political movements. I participated in the foundation of the Left Bloc, the first political party to include LGBT issues in its platform, and simultaneously started activism, especially with ILGA-Portugal. In the following years I focused on the struggle for same-sex marriage. As an act not only of love but also as a statement on the impossibility of getting married, my then partner and I held a commitment ceremony and party in 2002. In 2009, I was challenged to go into politics and was elected as a member of parliament on the Socialist Party ticket (albeit as an independent candidate) and drafted the first law on marriage equality (2010) and the first law on gender identity (2011). After leaving parliament and returning to university, my attention was focused on the rights of adoption and co-adoption. In 2010, my then partner and I became fathers – 'fathers of the heart' – in a co-parenting venture with a couple of lesbian friends, but with no legal rights or legal recognition of parenthood whatsoever, since the law would not change until 2016.

In issues of sexual orientation or gender identity, the personal and the political are intertwined, and identity needs to be stated in order to exist and in order to, then, fight for its recognition. That has been also the itinerary of democratic Portugal, which I have witnessed as anthropologist and citizen.

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