

2008

Gender and Sexuality in Contemporary Portugal:

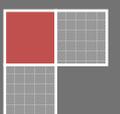
The case of same-sex marriage or
hopeful news from a silenced world

Keynote, Sixth Congress of the American Portuguese Studies
Association, Yale University, New Haven, CT, October 11.

Miguel Vale de Almeida

MIGUELVALEDEALMEIDA.NET

2008



American Portuguese Studies Association 2008 Conference.
Yale University, 9-11 October.
Keynote address.

Gender and sexuality in contemporary Portugal:
The case of same-sex marriage or hopeful news from a silenced world

Miguel VALE DE ALMEIDA
Dept of Anthropology, ISCTE-Lisboa
CRIA, Center for Research in Anthropology – Portugal
mvda@netcabo.pt

In 2005 Spain joined the so-far exclusive club of states that guarantee equal access to civil marriage and to adoption rights to gay and lesbian couples. After my fieldwork in Spain, during which I followed the public debate on the issue right before the passing of the law, I was always asked – by friends, journalists, colleagues – the same question: “But how could it have happened in such a Catholic country? How do you explain it?”. I guess the same question could have been asked about Portugal – and probably will be, probably sooner than later. As an anthropologist, I tend to dissect the question posed before attempting to answer it, thus triggering a whole new set of questions: “what do you mean by ‘Catholic?’”; “What pre-conceptions are implied in that question?”; “Instead of Catholic could you also have said Mediterranean, Southern European?”. And so on. The question reveals a specific positioning: that of members of Northern European and/or Protestant and/or Developed nations accustomed to systems of classification of “evolution” that typically focus on certain cultural and institutional traits as metonyms and condensers for a generalizing explanation of social and cultural difference – protestant ethic versus catholic hypocrisy, European prudence versus tropical sensuality, western masculinity versus oriental femininity, and so many other modes of easy (but unfortunately effective) categorization. We need to unpack those pre-conceptions, we need to submit them to scrutiny, and in order to do so we need to micro-analyse the movement of society as a complex and often contradictory one. It is

not just (but it is also) fact checking, as in the case that neither Spain nor Portugal are anymore “Catholic” countries, if by that we mean countries without true separation of Church and State, with religious teaching in schools, with high rates of church attendance or of obedience to church commands. Both have undergone massive de-christianization and saw the emergence of private and personal forms of belief, and disconnections between religious hierarchy, texts, ritual, church attendance and self-identification. We also need to inquire the meanings set forth by the practices of people: to be a Catholic is one thing for the person who asks the above mentioned question; it is quite another for the common Spaniard or Portuguese; and it becomes even more complicated when you consider class, gender, regional, age, sexual, and other variables that distinguish social types within the categories “Spaniard” or “Portuguese”.

Furthermore, we also have to take into account that the surprise (“gay marriage in such a Catholic country?!”) refers mostly to gender and sexuality in a way that doesn’t seem to happen when referring to, say, economic development or consumerism. Gender and sexuality are at both the core and the forefront of social change and reactions against it. Changes, challenges, innovations, or worries about gender and sexuality draw their incredible strength from the fact that they are a major hinge between, on the one hand, the embodied and sentient self, and social and political regulation and governance, on the other. Subjectivity is not just constituted through intersubjective relations that are in and of themselves gendered and sexed; it is constituted also through mechanisms of control, regulation and incitement that are activated by knowledge and power. This much we know from the now classical contributions of Feminist Theory and Foucaultian thought.

We also know, from a more anthropological and sociological point of view, that gender and sexuality are the core elements in the constitution of typically social and cultural institutions such as kinship and family. The aura of gender and sexuality derive from

the construction of their supposed naturalness, a naturalness that was either sacralized (as in “Natural Law”) or “epysthemized” – as in “The Laws of Nature”. Whereas in fact, much of what we say about “Nature” and especially much of what we say about what “Nature teaches us about how we should behave” is largely the product of a projection of our historically and culturally specific modes of creating gendered and sexed persons, gendered and sexed social relations, gendered and sexed institutions, gendered and sexed symbolic maps for the colonization of the world we live in.

One third point: it was same-sex marriage, much more so than divorce laws or abortion laws that triggered the question in contemporary society. In the present conditions of the West, sexuality and particularly homosexuality, challenge the conceptions of both a common-sense view of gender, family and so on, and the conceptions of earlier and now more established forms of a feminist thinking about gender equality. Following the 1970s work of feminist and lesbian anthropologist Gayle Rubin, I believe that gender is always already sexuality and that control, repression and incitement around sexual orientation are crucial for gender, kinship and family definitions.

I am interested in raising your curiosity and interest in the developments of the Portuguese sex and gender system (Rubin) and its gender order and regimes (Connell) using as a vantage point that most hidden of aspects when talking about Portugal: homosexuality. And same-sex marriage is here used as the focal point, the key, the hinge, that allows us to see the dynamics and the obstacles in this society and culture so far lightheartedly defined as “Catholic”, “Mediterranean”, “Southern European”, “male chauvinist”, “homophobic”, i.e., underdeveloped, conservative, backward. In sum, I believe that a process similar to what happened in Spain – albeit slower and more contradictory – is taking place in Portugal, and that desires and anxieties about same-sex marriage reveal the transformations of the gender and sexual landscape of

the country in the last decades. I won't be able to go into either an ethnographic case analysis or into an analysis of representations (literary, visual or performative) produced around the issue. I will stick to a narrative of events in the political sphere – that most interesting of theaters... -, events that had the quality of social and political dramas that condense and enlighten the terms of the collective debate in contemporary Portuguese society.

The 1974 revolution and the 1976 democratic constitution were mainly concerned with overcoming the undemocratic structures and *habitus* of a 48-year-long dictatorship. A concern with civil liberties was paramount, but the ideological struggle between several (internally competing) brands of Marxism, on the one hand, and the conservative sectors that had benefited from dictatorship and colonialism, on the other, took the forefront of political passions and performances. Little room was left for discussion of what today we call the politics of life, or gender and sexual politics. Full legal gender equality was nonetheless achieved, but homosexuality did not cease to be a crime before 1982, almost ten years after the revolution. Political passion was mainly focused on class politics, and other agendas were largely left behind. This may also have precluded the rise of new types of social movements, such as feminism or ecology, and seriously delayed the emergence of movements around immigrants' rights (when immigration started in the early nineties) or, of course, the LGBT movement, which was virtually non-existing throughout the seventies and eighties. The effervescent nature of the revolutionary period taxed people's energies and 'normalization' soon settled the country into consumption, upward social mobility, Europeanization, and the mass-media and entertainment culture. Even levels of trade-union mobilization have become rather low. One may even speculate that the Portuguese transition may have been a sudden leap from *ancien régime* authoritarianism to post-modern globalized capitalism, without the transition and change of mentalities that was witnessed in Northern Europe in the post-World War II period and in the 1960s.

After the reestablishment of political freedoms in 1974, and once the revolutionary turmoil was over, the Portuguese political establishment seems to have reorganized itself around subtle differences within the same 'neutral centre' position: the Social Democrats representing slightly more conservative positions (without any proclaimed Catholic roots), and the Socialists representing slightly more progressive positions (without any proclaimed Marxist or even labor roots). Common to both has been the consistent elision of issues concerning sexual politics, at least until the turn of the century when both European influence, the debate on abortion, and the emergence of a vocal LGBT movement pressed for a change in the status quo.

The dictatorship had established a rather specific brand of authoritarianism. Instead of avant-garde fascism and/or industrial modernization, it promoted values and laws related to the rural world, marianic Catholicism, the patriarchal family, submission of women, and a brand of nationalism that worshiped the past and praised colonialism. One aspect of this was the criminalization of homosexuality. It was stated in the Penal Code of 1852, which remained active throughout the dictatorial period and until 1982 in what regarded the criminalization of male homosexuality (since lesbianism was not even mentioned in the Code). The crime was punished with internment in institutions devised for the mentally insane, the homeless and beggars – such as the Mitra. Homosexuality was decriminalized in the Penal Code revision of 1982.

Although the post-democratic Constitution and laws have established a regime of equality regarding gender, civil marriage, divorce, or family law, two issues – as mentioned above – were not addressed without discomfort and hesitation by the democratic regime: abortion and full equality regarding sexual orientation. The right to choose regarding abortion has been a major source of contention and ideological division in the country in the democratic period. It was gender and sex social drama number 1 (I will refer to 4 other social dramas in the talk). It might even be accurate to say that social and political debates around abortion constituted the main issue of

gender and sexual politics in the 1974-2007 period – only to be replaced by same-sex marriage now. Proposals to decriminalize abortion were systematically turned down by parliamentary majorities of PS and PSD, in a show of widespread conservatism and, some say, submission to the Church's influence or a perception thereof. A referendum was held in 1998, due to the socialist prime-minister's hesitation in accepting the favorable parliamentary vote (and his party's) on the issue. The pro-life sector won the referendum and the law remained unchanged. Finally, a second referendum was held in early 2007, and abortion was decriminalized by a comfortable majority. The symbolic importance of this change cannot be downplayed: it seems to indicate some change in the social fabric of the society and clearly opened the way to debates on sexual politics.

In very broad terms, one can say that the LGBT movement in Portugal suffers the same problems of structural weakness that most social movements in the country do (with the possible exception of the trade unions). To this one should add the political fact that the main left-wing parties – most of all the governing Socialists – have not included LGBT issues in their agendas. This was a crucial element in Spain, for instance. In Portugal, the LGBT agenda has penetrated only minority political organizations. This actually points towards a dual form in Portugal: the political establishment tends to stay behind societal changes but does so because of a perceived fear of societal conservatism. This is odd, to say the least, but I think it points toward a divorce between the political nomenclatura and societal dynamics. *Not necessarily to a structural backwardness or conservatism of society.*

In 2001, and after much debate about the inclusion or not of homosexuals and of their right to adopt, a Civil Union Law was passed. In spite of its discrimination between same-sex and different-sex couples regarding adoption, it was a major breakthrough in LGBT rights in Portugal, because it actually established the plausibility of equality, that is, it made the issue of same-sex couples and families a real and visible political issue,

and introduced LGBT politics into party politics. It showed, however, the nature and mode of political debates in Portugal around LGBT issues: the hesitations amongst the Socialists; the use of the rhetoric of the need for slow change and the 'need for a change of mentalities' before any legislative steps are taken; the systematic introduction of a restriction or discriminatory clause (as in the adoption case); the political negotiation between more progressive and more conservative sectors within the same party; an ingrained homophobic prejudice that is hardly ever acknowledged and outspoken; and the different agendas between mainstream governmental politics and the party's youth groups and new political groups that emerges with the 1990s Europeanization and fast modernization.

The 21st century started with sex and gender in center stage. The abortion issue had not been resolved yet; gays and lesbians became visibly recognized by the state. But those were to be the years of dramatization of gender and sexual violence. 2002 was the year of gender and sex social drama number 2, the Casa Pia affair, a major sexual abuse case that made the word pedophilia a common one in Portuguese social discourse. It involved politicians and a state institution for orphans. Later, domestic violence became a much discussed issue until a new law established it as a public crime, i.e., one that any citizen can denounce. And the period was to finish with gender and sex social drama number 3, the murder of a Brazilian transsexual woman in Porto by young adolescents from yet another institution for underprivileged kids, managed by the church and supported by the state. Conceptions of what is a child, what is abuse, what is illicit and licit sex – and what is a man, a woman, a homosexual, a transsexual and so on – became central issues of dispute, challenging a “social contract” of silence and domestic privatization of behaviors and identities. Casa Pia certainly conditioned any discussion about adoption by gay couples, still today (but not in other countries) the biggest phantasmatic fear behind the discussions on same-sex marriage; conversely, the murder of Gisberta portrayed children and youth as potential chauvinistic and homophobic perpetrators – and connected all the dots in

societal transformation in the turn of the century: Gisberta was a pre-op transsexual woman, perceived by the murderers as a “fag” or “man with tits”, she was a Brazilian immigrant, she was a prostitute and at the time she was murdered she was homeless and addicted to drugs. This background of violence and media attention was parallel to sweeping changes in family and gender structures and dynamics. Single-parent households, children born out of wedlock, growing divorce rate, high rates of re-marriage and reconstituted families went hand in hand with one of the highest female task forces in Europe and female majority in universities, against a background of overwhelming de-ruralization and urbanization, and growing flexibility in the work force. These trends are of course full of contradictions: female work force and university population do not necessarily entail equal salaries or equal access to top jobs, for instance. But the gender order connections between labor, power and cathexis (Connell) no longer hold a conservative, patriarchal, and Catholic gender and family structure – although that seems to be still the perception not only by outsiders but also by Portuguese politicians.

But for the LGBT movement the most striking moment after the Civil Unions debate was the change introduced in article 13 of the Constitution. In 2004, thirty years after the April Revolution, ‘sexual orientation’ was included in article 13 (*Principle of Equality*). The article specifies the reasons according to which no one can be privileged or discriminated. The added specification had been a claim made by the movement since 1997. ‘Gender identity’ was also part of the claim but was not included in the article’s rewriting. Parliament members who voted against warned of the danger that same-sex marriage and adoption could be claimed in the future because of that constitutional rule. They couldn’t be more right. In 2003 Parliament approved a new Adoption Law. Bloco de Esquerda proposed the enfranchisement of same-sex couples but this was not accepted. The parliamentary debate of the time clearly demonstrated the amount of prejudice and homophobia: children have been systematically used in sexual politics debates as a symbol not just to submit women to forced reproduction

but also to justify the exclusion of homosexuals from equality in family, civil union and marriage laws, especially in a country that was marked, in the early 2000s, by a major 'pedophile' scandal that was treated by the media without very little concern for the needed separation between the categories of child abuse and homosexuality.

In 2005, the LGBT movement raised over 7000 signatures (the legal minimum being 4000) in a petition for same-sex marriage to be discussed in Parliament. The issue of same-sex marriage had entered the media and politics. In the electoral campaign for the legislative elections of February 2005, José Sócrates (currently the socialist prime-minister) did not include anything remotely related to this issue in his electoral program. However, some of his adversaries in the right started the rumor – quickly spread throughout the tabloid press – that he was gay and, following that lead, challenged him with the question of his stand on same-sex marriage. This, and the fact that he avoided answering in a clear fashion about sexual politics, indicates how difficult it is still in Portugal, at the political level, to have an honest debate on the issue and to regard it as fundamentally one of civil rights and equality.

But the issue, that so far had been an arena of political discussion or part of the LGBT movement agenda, was to finally become a human-interest story in the media with gender and sex social drama number 4. On February 1st 2006, two women, Teresa Pires e Helena Paixão, headed to the Civil Registry to start the legal procedures towards their civil marriage, knowing very well that they would be turned down. They were not activists, had no contact with the LGBT movement and in a way represent the very social type whose existence the political nomenclatura seems to ignore: "normal" people, from the lower middle classes, suburban, irregularly employed in precarious jobs, sometimes in unemployment, and very much in tune with the infotainment and pop culture of the media – the very sort of social character that is unfortunately under-represented in Portuguese fiction other than pop genres such as soap operas. The event had massive media coverage and in the same day Bloco de Esquerda presented a

Law Project towards a change in the Civil Code allowing for same-sex marriage. The Socialist Youth joined in and announced that it would do the same. The following day, the Civil Registry turned down Teresa and Helena's pretension and their lawyer filed an appeal to a superior court. This was to be turned down too – actually with a rather homophobic rationale – and the plaintiffs took the case to the Constitutional Court, where it awaits a decision at the time of writing. In the following year, 2007, the referendum on abortion brought a victory to the pro-choice sector. The general feeling following the results was that society had truly changed and that the Church's influence was no longer a real problem. It became clear that the next issue of contention in sexual politics would be same-sex marriage. Socialist leaders – never the secretary-general / prime-minister, though – have been known to hint at the possibility of discussing same-sex marriage in the next legislature, following the 2009 elections. No specification is made regarding whether it would be a proposal towards full equality as in Spain, or rather towards symbolic discrimination as in the case of the British registered partnerships or the French PaCS.

And suddenly, this paper becomes alive with gender and sex social drama number 5, fresh from reality! Yesterday, October 10th 2008 – as I was struggling with jet lag and feeling awkward, to say the least, for being away (while spending a fortune saying no to journalists' requests from Lisbon on my cell phone) the socialists voted against two proposals on same-sex marriage submitted by small left-wing parties, allegedly because this is not the right *opportunity*. The socialist government appeals to a "societal debate", claims that the issue creates a "fracture" in society and talks of the need for a change in "mentalities". The situation couldn't be stranger: yesterday's media was a festival of same-sex marriage coverage and yet government says that the issue is not a priority and is not in the society's agenda...

Portugal's party system has, on the whole, not welcomed LGBT issues; and the Law establishment pursues an extremely conservative worldview that has not changed

enough or expediently since dictatorship ended. As a matter of fact, society at large and some sectors of the media seem to have changed more and at a speedier pace – especially since the 1990s – than the institutions of the law and of democratic representation, the results of the 2007 Referendum on abortion being one recent and significant example. Yesterday's drama is just starting: in the following months it will become salient that there is a cultural divorce between "The Power" and society at large. Silence and invisibility regarding homosexuality have kept up appearances. It will no longer be so.

My claim is that in order to understand Portugal – or any society for that matter – one needs to consider that society restructures itself in manifold and contradictory ways, inaccessible if one relies only on the representations put forth by political elites and the camps that depend on them – such as state-dependent media or the state-sponsored cultural establishment. To characterize the Portuguese sex and gender system, its gender order and regimes, one needs to go much further than repeating the culturalist assumptions that are sponsored by those camps. Besides the much needed work of ethnography, that will certainly show the immense diversity, complexity and contradictions of social types, identities, discourses and practices, and the much needed representations (namely literary, cinematic and performative) of that complex reality, one needs to start, I think, by critically analyzing the political dynamics in the public sphere. Politics cannot stay outside the scrutiny of cultural interpreters, analysts and critics – such as yourselves or myself.

I should be cranky and pessimistic today. Instead, I call for a different attitude. Far from being simply a Catholic and Mediterranean macho backwater society or, conversely, a fully developed European liberal democracy, Portugal is a dynamic and complex space, in need of more detailed and nuanced analysis than the stereotypes we tend to reproduce. It is, at least, a kind of dual society, where the law and the political and cultural oligarchy "reads" the country as conservative and traditionalist,

against a growing social segment of the recently urbanized population that hungers for the symbolic and material changes of modernity. For instance, the so called need for a societal debate is part of the socialists's argument against voting same-sex marriage now. But the debate grew in the last few weeks to such an extent that acceptance of same-sex marriage grew in the polls from less than 20% to 42%. It's within the party apparatus and inside the dependent media camp that the debate is denied in order to create a self-fulfilling prophecy.

My argument is that there is a clear divorce or gap between a diverse and moving society, on the one hand, and the power elite, on the other. This gap is also a gap in perception and representation. Power interprets society as homophobic in much the same way that authorized readings of the culture say it is melancholy, conservative, "marialva", "catholic" and so on. Well, it has to. The spectre of homophobia incites silence and invisibility. And silence and invisibility are the very stuff of the perpetuation of homophobia. "The power" – here in this strict sense of political cum cultural power structures – tries to divert the discussion of same-sex marriage to issues of specific rights, to the pragmatics of "bettering civil unions" or proposing "registered partnerships" that will solve economic, inheritance and other problems. They refuse however to address the politics of the symbol – i.e., that marriage should be called marriage. They say they are afraid that "marriage" as we have it now will lose its characteristics. They are, amazingly, right: they know that in order to keep the gender system going, they need to incite specific configurations of desire and sex. The nation is represented as having a specific gender configuration (discourses on the gendered base of the Nation are well known; in an attempt at modernizing discourse, they now talk about the need to guarantee social security in the future and to increase demographics instead of talking about the nation...). Paralell to this "the power" will discourse on homosexuality, provided that it is the literary or cinematic expression of marginality or decadentism. The political and cultural elites simply love the character of gay men who refuse monogamy, domesticity, who indulge in an aesthetics of

damnation, and counter-culture. I guess it makes sense... The conservative, gender and sexually obedient meek Portuguese person is accepted; and so is the decadent and damned homosexual marginal. But not the gay or lesbian couple who wants to get married or start a family.

But Portugal is no longer just a country of sad Fado singing, excited and nationalistic Football fans, and Fatima worshipers. Or of Jean Genet like (or should I say Mário Cesariny?) countercultural homosexuals sitting around Brasileira's café tables. It is also something else – something that soon will trigger in many *Southernist* minds the question: “How was it possible in such a conservative, Catholic country?” In the developing small cities of the interior, in the suburbs of Lisbon and Porto, in the trains that people take every morning to work, there is a world of gay and lesbian people who do not write books, who do not participate in the parades, who are not part of a “community”, who do not participate in the social movements, who are probably plumbers and cleaning ladies and clerks and waitresses – and they may be part of the 42% who replied “yes” to this week's poll about same-sex marriage. They do not see themselves reflected on the mirror that The Power is holding up for them.

My message is actually quite simple: as scholars of things Portuguese, do not for one moment take that mirror for granted. Doubt it. Scrutinize it. Shatter it, if you can. Look for other authors, books, films, blogs, performances, people, who are changing their lives and who simply refuse to be like the Lusitanian character in Asterix who, faced by fierce competition in a kind of B.C. talent show among slaves from all corners of the Roman empire, couldn't find anything better to say than (in a humble tone of voice) “maybe I can read a poem?”. For the State and its dependents will go on portraying the Country and the Culture in a *Southernist* mode. They will make concessions, as in recent portrayals of the country as modernizing and modernized, when it comes to technology, to *economic* development. But they will not portray it as a liberal, diverse, progressive, inclusive and equal society. Even as it (the society) is changing, they will, if

need be (and as they did yesterday) not just vote against change in Parliament: they will argue that the time isn't right, that there hasn't been enough debate, that Portuguese society is conservative and fearful. That is, they will *vote* that society isn't changing.