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The Lavender Tide: LGBTQ Activism in Neoliberal Argentina

Andrew Shaffer
awshaffer@usfca.edu

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The Lavender Tide

LGBTQ Activism in Neoliberal Argentina

A Thesis Presented to
The Faculty of the College of Arts and Sciences

In Partial Fulfillment of the Requirements for the Degree
MASTERS OF ARTS
in
INTERNATIONAL STUDIES

By
Andrew Shaffer
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UNIVERSITY OF SAN FRANCISCO
Abstract:

Beginning with the legalization of same-sex marriage in 2010 and following up with the passage of the gender identity law of 2012, Argentina has quickly catapulted itself to the forefront of LGBTQ (lesbian, gay, bisexual, trans*, queer) rights in the world. This study sets out to answer a simple question: how did these vast legal changes come about in a country whose LGBTQ citizens are still met with hostility and discrimination? In order to answer this question I look at the ways LGBTQ activists have argued for the civil rights that they have achieved, and measure their success by analyzing hate crimes statistics and public opinion surveys that show how the LGBTQ community is perceived and treated in Argentina. I argue that the goals pursued by the country’s activists support an idea of equality and rights that results from neoliberal policies and the ‘tinting’ effect these policies have on identity politics. I label this generation of activists and political ideas the Lavender Tide, separating them from earlier generations that promoted an agenda that was both wider and more difficult to accomplish.
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To my friends and family, I want to apologize for disappearing in the weeks before this thesis was due. I promise I’ll stick around for a while now, at least until the next due date. To my MAIS family, thank you for your love and support, both inside and outside the classroom. I never could have survived the last year and a half without our Sunday morning coffee dates, passionate multilingual debates, 24 hour Starbucks runs, ‘Spanish’ group meetings, intercontinental Skype dates, ‘study’ parties and study ‘parties.’

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Chapter 1: Introduction

1. Introduction

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“En un mundo en el que coexisten la guerra y la poesía, en el que el espanto nuclear amenaza la subsistencia del hombre, debemos regenerarnos hasta el punto de rescatar todo lo que de humano hay en nosotros.

Algún día, que entreveo cada vez más cercano, aprenderemos que, por sobre todas nuestras diferencias, en el Planeta Tierra, sólo existen personas.”

“In a world in which war and poetry coexist, in which nuclear terror threatens man’s very existence, we should regenerate ourselves to the point of rescuing all that is human in us.

Some day, I see it coming ever closer, we will learn that, above all of our differences, on planet Earth, there are only individuals.”

- Carlos Jáuregui

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On July 14, 2010 I stood with thousands of protesters in front of Argentina’s National Congress to show support for the legalization of same-sex marriage. While we were outside chanting, dancing, and huddling together to protect each other from the bitter cold, inside their chambers, sixty Senators spent hour after hour debating the approval of a law that would make Argentina the first country in Latin America to legally recognize same-sex relationships on a national level. Although I was in the country researching an unrelated topic at the time, this protest piqued my interest in the development of LGBTQ rights in Argentina and caused me to question the imbalance between the country’s progressive laws and the homophobic, machista culture that still exists – an imbalance that this study was undertaken to address.²

To pass the time while we waited to hear the results I began to make notes of the various messages carried by those gathered, ranging from the blasphemous to the mundane. Many mocked the rhetoric used by religious groups, satirizing their logo (children declaring, “We want a mom and a dad”) with messages like “We want pedophile priests in our churches and accomplices to dictators giving mass” and “We want abusive fathers, mothers killed by clandestine abortions.”³ Others carried more positive messages, like one that said, “The same love, the same rights.” The image that commanded the most attention, however, was more of an art piece than a political sign. Leaning against the gates directly in front of the halls of Congress was a massive inflatable penis, one side asking, “I want to get married, don’t you?” while the other side bore a single word: “Chupala!!!” (“Suck it!!!”). This particular piece paraphrased an

² The acronym LGBTQ represents lesbian, gay, bisexual, trans* and queer or questioning individuals.
infamous insult hurled by soccer star Diego Maradona to members of the national media who had doubted his qualifications to lead Argentina’s team in the upcoming World Cup: “suck it…You know the way you treated me.” Maradona’s words do a good job of summarizing the attitude of many of those gathered at the protest and constitute a more vulgar version of a common refrain at LGBTQ events: We’re here, we’re queer, get used to it! On that particular night, we were fighting for same-sex marriage, but on a grander scale we were also demanding a space to exist and to be recognized; we were repudiating the ways that we have historically been treated, both in Argentina and in the world at large, and we were letting those who hate us know exactly what we thought of them.

On that night in July, we scored a rare victory in the long fight for recognition. After more than 14 hours of debate, Argentina gained access to the infuriatingly small group of countries that has offered relationship recognition to same-sex couples. Since then, Argentina has continued its push towards the forefront of LGBTQ rights, creating one of the friendliest legal systems in the world: same-sex couples in Argentina are legally able to marry and adopt children, homosexuality is decriminalized in the armed forces, and individuals can change their name and their gender before the state without undergoing surgery or hormone treatment. This progress is impressive by anyone’s standards, and the speed with which it has occurred has left many in awe.

The LGBTQ community has won some battles, however the struggle for sexual liberation is far from over: transvestite prostitutes are still routinely murdered in the streets of Buenos Aires, young gay kids are still disowned by homophobic families, and

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religious groups continue to preach messages of hate, including sponsoring conferences that claim to “cure” homosexuality. The passage of the 2010 marriage law offers a perfect example of the problems still facing the LGBTQ community. On July 14th, around 5,000 of us filled a corner of the Congressional plaza to show our support for the law; on July 13th, more than 50,000 people marched against the law in the same place, overflowing the plaza and oozing into the surrounding streets. Prejudice is still rampant in Argentina and the recent legal changes are in a precarious position until these underlying issues are dealt with.

In this study I ask a simple question – how did the vast legal changes that Argentina has undertaken come about in a country whose LGBTQ citizens are still met with regular hostility and discrimination? I argue that neoliberalism has tinted LGBTQ activism, producing a version of this movement that mimics the pink tide politics that has gained power in much of Latin America, creating a new type of LGBTQ politics that I call the lavender tide, changing the goals these organizations seek, the way they see the LGBTQ community, and the language they use, moving from a discourse of liberation and human rights to one of equality and civil rights. Building on the works of other scholars that have looked at activism in the neoliberal world, I see this change as

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7 I paint this wave of activism as lavender because of the historical use for the color in referring to homosexuals, specifically in its usage to dismiss gay man as weak. I draw on David Johnson who explains, “I label the hysteria over homosexuals in government the Lavender Scare to demonstrate its parallels with the second Red Scare. In 1950s culture, lavender was the color commonly associated with homosexuality, as evidenced in reference to ‘lavender lads’ in the State Department, whereas pink connoted fellow traveling and Communist sympathies.” David K. Johnson, The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government (Chicago: The University of Chicago Press, 2004), 216n1.
primarily responsible for producing Argentina’s civil rights progress while simultaneously allowing for an increase in human rights abuses.

**1.1 Rationale for the study**

I began thinking about this project in 2012 after spending a month in Buenos Aires researching a different topic. This was my second visit to Argentina and I was excited to return and see how things had changed since my initial visit. As I mentioned at the beginning of this chapter, I was lucky enough to be present in Buenos Aires as the Congress debated and ultimately passed the same-sex marriage law in July of 2010, one of the most memorable nights of my life. Since then I paid close attention to the news about the gender identity law of 2012, the massive Pride parades, and the small victories that seemed to be happening all over the country, wondering after each event how I could bring a little bit of this success back to my own country. When I returned to Argentina in 2012 I was very excited to see how much had changed for the country’s LGBTQ community, even though it had only been two years since I left.

What I found was that the country I had imagined while reading about these changes was not the country I landed in; Argentina was much less tolerant than its laws implied. I still heard homophobic and transphobic jokes nearly every time I left the house. I stood outside of gay dance clubs and watched as the patrons left, transforming from the happy, uninhibited young men I had danced with inside to the reserved, ‘straight-acting’ men that the streets required them to become. Most of my gay and lesbian friends told me that they saw no reason to come out of the closet, and of the few that had, most did so only after they were caught by their parents in compromising positions. These facts bothered me and I found myself becoming increasingly obsessed,
eventually abandoning my original research in order to focus on finding answers to the question: *How can a country that is so advanced also be so backwards?*

I scoured the library, I met with activists, and I talked to those around me, thinking that those who had lived through the changes should be able to at least provide some answers. In the end, I found that there were a variety of opinions, most backed up by a few carefully selected facts, hand-picked in order to support the individual’s desired conclusion. The scholarly literature is not much better as most scholars seem to be so impressed by the speed of legal change that they fail to ask how these changes have impacted the LGBTQ community, apparently unaware that the legal progress, impressive as it is, hasn’t erased deep seated bigotry. This is why I have carried out this study: I want to find out what has gone right in Argentina, what has gone wrong, and how LGBTQ activists throughout the world can learn from this example.

This study is divided into eight chapters: (1) Introduction, (2) Historical Background, (3) Literature Review, (4) Methodology, (5) Changes in LGBTQ Activism, (6) The Effects of the Change, (7) Discussion and (8) Conclusion. After the basic introduction in Chapter 1 and a discussion of how activism has changed in the neoliberal era, I briefly mention the language used in this study. In Chapter 2 I present some of the history of LGBTQ rights and repression in Argentina and demonstrate that homophobia, transphobia, and anti-LGBTQ violence have long been in the nation’s social fabric. In Chapter 3 I start by explaining what I mean when I use words like ‘violence’ and ‘human rights’ in the context of this study, then look at social movement theorists before returning to the discussion of how neoliberalism has impacted activism and how visibility impacts LGBTQ communities. I finish Chapter 3 by returning to a Latin American
context to study the work of local activists. In Chapter 4 I give details on how I found answers to the central questions of this project.

After establishing this groundwork I move into Chapters 5 and 6, in which I present the data that I have found. Chapter 5 looks at the founding documents and interviews with different LGBTQ activist groups, in order to demonstrate how their ideals have changed over time. Chapter 6 looks at hate crimes statistics and public opinion surveys to determine how LGBTQ people are treated and perceived by people from various parts of the country and a diverse set of backgrounds. In the final chapters, the discussion and conclusion, I compare the results of this research with the existing body of knowledge. I discuss the results of this study, connect them to bigger trends, both in Argentina and worldwide LGBTQ activism, and lay out what I see as the areas that require more research. In the end, my hope is that this project will be more than simply interesting – I’d like it to be useful. As someone who is personally affected by homophobia and who is disgusted by the levels of prejudice and hatred that are still tolerated worldwide, I use this final section to propose ideas for LGBTQ activism so that we can know how and where to target our efforts in order to produce the best results.

1.2 Activism in the neoliberal era

I argue that neoliberal politics have ‘tinted’ LGBTQ activism and in this section I explain a bit more about how this process occurs. I start by looking at what exactly neoliberalism is and how it achieves its goals. Next I examine the impact that neoliberal politics have had on leftist politics in Latin America and how they can impact social movements. I conclude by looking specifically at how this brand of politics is currently affecting international LGBTQ activism, a topic I return to in Chapter 3.
According to David Harvey, neoliberalism is “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills”.\(^8\) Under neoliberalism the state has a very limited role, primarily responsible for protecting “the sanctity of contracts and the individual right to freedom of action, expression, and choice”.\(^9\) These supposedly apolitical polices hide “under the assumption that ‘a rising tide lifts all boats’ or of ‘trickle down’” economics in order to carry out a “political project to re-establish the conditions for capital accumulation and to restore the power of economic elites”.\(^10\) In short, neoliberalism uses the language of equality to create and recreate hierarchies, concentrating wealth, power, and social benefits in the hands of an ever-shrinking elite.

Neoliberalism sets the stage for an expansion of power and privilege far beyond the economic sphere. British sociologist James Petras argues that neoliberal regimes have clear advantages over popular movements, since neoliberalism has “a vision of coherent, global change involving reorganization of the state, the economy, the class structure and personal values.”\(^11\) This vision allows the contagious rhetoric of neoliberalism – things like privatization and personal responsibility – to infect areas outside of economics.\(^12\) Petras argues that neoliberalism’s “cultural policy” emphasizes, “individual outlooks over collective; private problems over social; clientelistic relations over solidarity; mass spectacles over community organized cultural events. In summary,

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\(^9\) *Ibid.*, 64.  
class cohesion at the top, fragmentation in the middle, atomization at the bottom.”\textsuperscript{13}

These changes are especially pronounced when looking at the hierarchy that these changes produce, disproportionately placing the costs at the bottom and the benefits at the top. Petras goes on to explain further why the resistance to these goals is so often defeated: “when faced with the neoliberal attack, most popular movements have engaged in sector-by-sector resistance…and practically every time, the popular movements lose in this uneven struggle.”\textsuperscript{14} Destroying collective powers that exist outside of the state is fundamental to neoliberalism and here we can see why; by destroying bonds of solidarity, the neoliberal state removes its most fierce opposition. It accomplishes this through opposition and “clientelistic relations” in which certain groups are advantaged over others, replacing bonds of solidarity with trickle down privilege.

In Argentina, both civilian and military governments implemented these policies. While the military dictatorship that ruled Argentina from 1976 to 1983 is most often known for its disregard for human rights, a point I return to in the historical chapter, Argentina’s military “had an economic agenda as well”.\textsuperscript{15} Peña and Dudley point out that while it was the dictatorship that “began to implement neoliberal economic policies…the end of the military dictatorship did not bring an end to this process.”\textsuperscript{16} The civilian governments that held power after the end of the dictatorship kept these policies in place, even adding to them, especially former president Carlos Menem, who held power during the 1990s and is seen as “the person most responsible for privatizing

\textsuperscript{13} Petras, 118-119.
\textsuperscript{14} Ibid., 119.
\textsuperscript{16} Ibid., 154.
As a response to these kinds of policies, Latin American leftist politicians have changed both their message and their methods.

In 2005, following the election of Tabaré Vázquez in Uruguay, Larry Rohter of the New York Times noted that “Three-quarters of the region's 355 million people are now governed by left-leaning leaders, all of whom have emerged in the past six years to redefine what the left means today.” While this new generation of leaders is decidedly to the left of their more conservative predecessors, Rohter argued that they had little in common with previous generations of leftists, stating, “They are not so much a red tide as a pink one.” Pink tide politicians generally hold similar ideals and goals as their political ancestors, however they have traded in their fiery, revolutionary rhetoric in favor of pragmatism and political savvy. Unlike the ideologically driven revolutionaries of the past, those elected in the pink tide “have shown they are willing to play by the established rules of the game, even if it forces them to abandon cherished ideological goals.”

This change has not gone unnoticed by those who long for the more radical past. Rohter states, “To critics on the left, it reeks of a sellout. But others see it as maturing into the mainstream.” Portuguese scholar Boaventura de Sousa Santos has been an outspoken critic of this change towards “the politics of the possible.” In his estimation, the leftist groups that have come to power in Latin America “seem to be divided based on models of capitalism”, tacitly accepting that no other options exist, causing “a historic regression” from the gains won in previous decades. He makes a clear distinction between different kinds of lefts and argues that one has a more historically accurate

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19 Ibid.
understanding of the ‘growth’ opportunities being presented. According to de Sousa Santos, one group of leftists is so focused on economic growth that it has given up on the important issues like economic equality and environmental protection. He argues that this new model of growth, which presents itself as a “fight for the reduction of poverty”, is no more than a “joke to cover up the fact that it is a fight that doesn’t want to struggle against the concentration of wealth.” The problem, in other words, isn’t poverty – it’s wealth. As I show in Chapter 3, the same kind of problem plagues LGBTQ activism in the neoliberal era. The threat posed by the “myth of infinite growth”, an idea inherent in capitalism and one that was rejected by previous generations of leftists, is that “at the end of this cycle of extractivism, these countries could be poorer and more dependent than ever” unless their leaders utilize this opportunity to put in place a “policy of transition” which would allow them to move from “predatory extractivism” to a diverse economy in which extraction is no longer necessary for economic survival.  

Unfortunately, the pink tide leaders in Latin America are bound up in the “politics of the possible” and have largely been unwilling to challenge the underpinnings of capitalism that make bigger changes impossible. Ultimately, de Sousa Santos states “the issue is not having to choose between the politics of the possible and the impossible. It’s in knowing to always be to the left of the possible.” When the left works only within existing power structures it limits its own effectiveness. Even worse, when it uses the rhetoric that could be revolutionary to mean something more mundane it limits the potential of entire generations who learn to use words like equality and rights and

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21 Ibid.  
22 De Sousa Santos.
opportunity as nothing more than political buzzwords, devoid of the power that spurred previous generations to risk everything to create something better.

Lisa Duggan argues that neoliberal policies recreate “the everyday life of capitalism, in ways supportive of upward redistribution of a range of resources, and tolerant of widening inequalities of many kinds.”

This application of neoliberalism to the social sphere means that the concentration of wealth that drives economic policy begins to drive social policy as well. Duggan suggests that the final phase of “neoliberal hegemony” creates a “‘multicultural,’ neoliberal ‘equality’ politics – a stripped-down, nonredistributive form of ‘equality’ designed for global consumption during the twenty-first century, and compatible with continued upward redistribution of resources.”

This version of ‘equality’ makes the state blind to oppression and ‘neutral’ towards structural imbalances, in the hope that the oppressed will work out their oppression on their own.

Facing this new reality, practitioners of identity politics have had to adapt their methods and ideals. Duggan claims that this new version of politics “appeared out of the field of disintegrating social movements” pointing out that “single-group or single-issue organizations dedicated to lobbying, litigation, legislation, or public and media education had existed earlier as only one part of larger, shaping social movements.” These groups focused on civil rights instead of the broad spectrum of human rights, as “large portions of the organized efforts of social movements succumbed to liberalism’s paltry promise – engage the langue and institutional games of established liberal contests and achieve equality.”

Duggan suggests that the change in activism from confrontational to legislative doesn’t mark the maturation of these movements but their narrowing. Buying

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23 Duggan, The Twilight of Equality?, x-xi.
24 Ibid., xii.
25 Ibid., xviii. Italics in the original.
into neoliberal notions of equality, these activists line up underneath those in power, hoping that doing so will allow rights and privileges to trickle down onto them. As I demonstrate in Chapter 3, even when these movements are successful, the benefits are often concentrated among those who are already the most privileged.

Ultimately, neoliberal policies create hierarchies and inequalities that pink tide politicians and lavender tide activists treat as natural and unquestionable. The goal of this research is to call into question the effectiveness of this new brand of politics, to talk honestly about the hierarchies it creates, and to find out how Argentina, a country that is still unquestionably homophobic, has come to the forefront of LGBTQ rights in the world.

1.3 Terminology

LGBTQ The group of people which includes lesbian, gay, bisexual, trans* and queer or questioning individuals.

Trans* The group of people that identify as transgender, transgendered, transsexual, transvestite or travesti.

Cisgender A person whose gender identity matches their biological sex. The opposite of transgender.

ATTTA Asociación de Travestis, Transexuales, Transgéneros Argentinas (Argentinean Association of Travestis, Transsexuals and Transgendered Individuals)

CHA Comunidad Homosexual Argentina (Argentinean Homosexual Community)

FALGBT Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (Argentinean Federation of Lesbians, Gays, Bisexuals, and Trans)

FLH Frente de Liberación Homosexual (Homosexual Liberation Front)

INADI Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo (National Institute Against Discrimination, Xenophobia and Racism)

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26 Refer to the appendix for a more complete discussion of the terminology and language used in this study.
Chapter 2: Historical Background

2. Historical Background

2.1. 1600-1966: Conquest and repression

2.2. 1967-1976: Onganía’s dictatorship and early LGBTQ activism

2.3. 1976-1983: The military dictatorship

2.4. 1983-1990: The return to democracy

2.5. 1990-1999: The splintering of the activist community

2.6. 2000-2010: The beginnings of an alliance

2.7. 2010-2012: The legalization of same-sex marriage

2.8. Conclusion

“A repressive church, political forces uninterested in the question, ineffective and elusive authorities, repressive police, an accommodating society. All of these factors joined together, after the opening of democracy, to give birth to the organized homosexual liberation movement.”

-Carlos Jáuregui

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When Isabel Perón came into power in 1974 Argentina was on the verge of falling into the most brutal military dictatorship in its history. Perón, widow of populist leader Juan Perón and the country’s first female president, ordered the armed forces to round up and kill a variety of left-wing activists, ‘subversives,’ and militant revolutionaries. Among those targeted were the members of one of the country’s earliest and most militant LGBTQ activists groups, the FLH.\(^{28}\) Now, four decades later, Argentina’s second female president, Cristina Fernández de Kirchner, has signed same-sex marriage and gender identity bills into law and hosted LGBTQ activists and organizations at the Casa Rosada, the presidential palace. It is shocking to realize how quickly Argentina has moved from murdering gay and lesbian activists to having one of the most LGBTQ friendly legal systems in the world. In this chapter, I present some of this history, from the arrival of colonizers and homophobic Western religion more than five centuries ago to the arrival of pro-LGBTQ legislation. I conclude with a summary of the information gathered here and how this history sets up the data to be presented in the rest of this study.

2.1 1600-1966: Conquest and repression

The repression of sexuality reaches far back into Argentina’s history, present since Europeans first landed in the area. In his book on Argentinean history, pioneering gay rights activist Carlos Jáuregui demonstrates that both homophobia and violence against people that engaged in non-normative sexual practices have been present in what is now Argentina since Western colonizers and religious first arrived over five centuries, and “the result achieved was to cement a powerful self-repression in people”.\(^{29}\) By the

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28 Shawn Schulenberg, “The Construction and Enactment of Same-Sex Marriage in Argentina,” *Journal Of Human Rights* 11, no. 1 (January 2012): 108. Unfortunately, no precise statistics exist that would indicate how many FLH members, or LGBTQ activists in general, were targeted by the military.

29 Jáuregui, 159.
20th century “the repression of sexual freedom was no longer the sole property of the church, but had moved into the realm of the state.”\textsuperscript{30} From 1954-1955, Juan Perón’s populist government instituted a gay ‘witch hunt’ aimed at eliminating homosexuals from the streets under the pretext of protecting children from perversion. By the middle of the century, the repression that the church had first established centuries earlier had spread to the state apparatus and was deeply ingrained in the country’s social fabric. \textsuperscript{31}

\textbf{2.2 1967-1976: Onganía’s dictatorship and early LGBTQ activism}

The modern LGBTQ rights movement began in Argentina as a response to repression, at around the same time as it did in much of the Western world. From 1966 to 1970 Argentina was under Juan Carlos Onganía’s severely conservative military dictatorship, in which things like public displays of affection, long hair on men, and miniskirts on women were outlawed in Buenos Aires.\textsuperscript{32} Late in 1967, a group of activists bravely met and created the Grupo Nuestro Mundo (Our World Group). This group, the first gay political organization in Latin America, was led by Héctor Anabitarte, “a socialist activist, who was pushed out of the Communist party because of its strong homophobia.”\textsuperscript{33} The group was small and its primary political activity was the distribution of pamphlets concerning the repression that homosexuals faced. In 1971, members of this group, along with other students and activists joined together in order to create the radical and much more overtly political Frente de Liberación Homosexual.\textsuperscript{34}

\textsuperscript{30} Ibid., 161.
\textsuperscript{31} Ibid., 161-167.
\textsuperscript{32} Mala Htun, \textit{Sex and the State: Abortion, Divorce, and the Family Under Latin American Dictatorships and Democracies} (Cambridge: Cambridge University Press, 2003), 68.
\textsuperscript{34} Stephen Brown, “‘Con discriminación y represión no hay democracia’: The Lesbian Gay Movement in Argentina,” \textit{Latin American Perspectives} 29, no. 2 (2002): 120.
FLH members came from diverse political backgrounds, and advocated for a variety of rights, including women’s rights and rights for workers, among other causes. The group was run horizontally instead of hierarchically, allowing for factions to work semi-autonomously on their own projects and to reach out to other activists. Many of the group’s members held radical positions, declaring, “We don’t have to liberate the homosexual, we must liberate the homosexual in everyone.”35 Others were more interested in assimilation and “integration with heterosexual society and civil rights.”36

When Onganía’s rule came to an end in 1973, discourses of liberation and human rights abounded, allowing the FLH to temporarily flourish, however the liberalization wouldn’t last long. The return to democracy caused a brief stalemate in the fight between the conservative military and leftist activists, many of whom chose to work with the new democratic government for change. Progress was slow to come, however, and violence eventually resumed. The presidency passed quickly from Héctor Cámpora, elected in 1973, to Juan Perón, who was elected in September of the same year, following Cámpora’s resignation. In 1974 Perón, suffering from ill health, passed away and Isabel Perón, his wife and vice president, assumed the office. She was unable to bring the military under her control, and in 1976 the military once again took control with a program of ‘National Reorganization’ that promised to stabilize the country at any costs and to institute the reign of Western, Christian values once again.

2.3 1976-1983: The military dictatorship

The administration of Isabel Perón and the military government that followed it ushered in an “upsurge of right-wing paramilitary attacks on homosexuals” during which
“the number of FLH members fell from a hundred to a dozen” as FLH members were kidnapped, tortured, and killed by the military government and the few that were able to escape this repression either moved abroad or deep underground. By the middle of 1976, the FLH was gone, and with it, the promise of any sort of progress for gay and lesbian communities. The dictatorship’s relentlessness in hunting down homosexuals caused “political activism around homosexuality to come to a halt” and it would be unable to start up again until the final years of the military’s rule.

The military government attempted to eliminate all visible signs of homosexuality. Things like homosexuality, birth control, abortion rights and premarital sex became “forbidden topics on the media”. In 1977, the chief of the Morality Division, a special taskforce established by the Federal Police, set out “to scare homosexuals out of the streets so that they didn’t disturb the decent people.” When gay groups took to the streets, whether in defiance or simply to enjoy one another’s company, governmental forces were there to put an end to their gathering. In 1981, police in Buenos Aires broke up a street concert in the San Telmo plaza, a neighborhood which had traditionally been a gathering place for homosexuals, because “there were many immoral people [there], homosexuals and those sorts of people in the Plaza.”

The examples listed above illustrate a small portion of the vast number of atrocities committed against the homosexuals during this time, however they are unable to tell us about their treatment once the government captured them. While in the custody

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37 Brown, 121. Unfortunately, no records exist to indicate whether these activists were hunted because of their sexuality or because of their political stances. Given the ideology of those who carried out the attacks, either one would likely have been sufficient to earn them a death sentence.
38 Schulenberg, 107-108.
39 Jáuregui, 170.
41 Jáuregui, 170.
of the military, homosexuals were subjected to exceptionally cruel treatment which was “similar to that of the Jews that were disappeared: especially sadistic and violent,” and which regularly included rape.42 Those that were found by the police were detained while their families were notified that they were in prison for being gay, often ensuring that they would have no where to return to even if they were released from custody.

Aside from homosexuals, the police also targeted transvestites for regular abuse. According to Valeria Ramirez, a transvestite activist, homosexuals and transvestites “were constantly pursued by the police...they would come looking for us.” She went on to state, “I endured rape just to have access to food, or to go to the bathroom…I saw the torture and had to keep my mouth shut to continue. Our lives were worthless.”43 As I demonstrate later, the treatment of transvestites has hardly improved since the return to democracy as they are still targeted and exploited by the police who act with impunity.

By 1982 the military government was quickly losing support and it was becoming clear that the dictatorship could not last much longer. Unfortunately, despite the weakening of the military state, Argentina was still not a safe place for LGBTQ people, especially for gay men. Comando Cóndor, a right-wing fascist paramilitary group, declared its intent in 1982 to “’wipe out’ homosexuals” and from 1982-1983, at least 18 gay men were murdered, most of their cases going unsolved by the police.44 It is likely that most of these cases were never even considered worth solving. Nelson Corgo, chief of the Homicide Division of the Federal Police argued that murder was an inherent risk of the “superficial relationships” adopted by gay men: “I am sure that if you could revive

42 Ibid., 171.
44 Jáuregui, 170-172.
one of [the gay men] who died the other day and ask them, ‘Who killed you?’ he would say ‘I don’t know, some guy who I met just a half an hour ago.’” If gay men were murdered, he reasoned, it was the natural consequence of their immoral behavior and the police would not waste their resources on protecting and avenging ‘perverts.’

Despite its blatantly homophobic policies, the military government and its allies continued to eliminate evidence of its violence against homosexuals. In 1983, Werner Schroeter, a German filmmaker, was expelled from Argentina while he was in the process of making a documentary about the country’s treatment of homosexuals. Even after the dictatorship ended, the plight of gay men and lesbians during the military’s rule is still impossible to ascertain. Jáuregui notes that, “it’s very difficult to determine if someone disappeared because they were homosexual. There isn’t information, nor – unfortunately – will there ever be. As we know, the assassins were careful to erase as many traces as possible.” Official statistics on the number of homosexuals that were disappeared by the military simply don’t exist, however Jáuregui reasons that there must have been hundreds of homosexuals who were disappeared, either for being activists of simply for existing in a manner that displeased the military. He states,

> The statistic isn’t official, it isn’t included in the Report of the National Commission on the Disappearance of Persons [CONADEP], Nunca más [Never Again], but one of the members of CONADEP affirms the presence of, at a minimum, 400 homosexuals on the list of [the disappeared]...We don’t know who they were, we will never know who they were. They are simply four hundred of the thirty thousand cries of justice that beat in our heart.

Despite the rampant violence against the LGBTQ community during the dictatorship, the official reports that should have mentioned these crimes remain silent. Lacking an official statement, it’s difficult to ascertain exactly why these groups were
excluded from the report, however years after its publication, Jáuregui claimed that human rights promoter Rabbi Marshall Mayer “admitted to him that this scandalous omission was due to pressure from the catholic wing of the Asamblea Permante por los Derechos Humanos [Permanent Assembly for Human Rights].” While this isn’t exactly damning proof of their involvement, it would hardly be uncharacteristic for the Catholic Church to participate in covering up the human rights abuses committed by the dictatorship. Whatever the reason, for the victims, this meant that being disappeared by the military dictatorship wasn’t the end of discrimination for these men and women; their persecution was erased from history by democratic governments as well.

2.4 1983-1990: The return to democracy

Sadly, the repression of the LGBTQ community continued after the dictatorship fell out of power in 1983 as “gay bars were still frequently raided and patrons arrested.” Most of the laws that had been used to repress homosexuals and transvestites during the dictatorship remained in place and few political parties considered them worth commenting on. Italo A. Luder, the presidential candidate put forward by the Justicialist party in 1983 – the party of both the Perón’s and the Kirchner’s – stated in 1986 “I don’t think there has been repression [against homosexuals].” Luder’s claim to ignorance demonstrates the same unwillingness to become aware of homophobia that was present in Nunca Más when it failed to mention any of the dictatorship’s homosexual victims.

49 “Dictadura argentina y homosexualidad: ¡Nunca mas!”
50 In another example, in 1979 when the Inter-American Commission on Human Rights investigated the ESMA, one of the dictatorship’s most active concentration camps, the church assisted the Navy in temporarily hiding the prisoners on a private, church owned island retreat which was named, rather appropriately El Silencio (Silence). Horacio Verbitsky, El Silencio: de Paulo VI a Bergoglio: las relaciones secretas de la Iglesia con la ESMA (Buenos Aires: Sudamericana, 2005).
51 Schulenberg, 108.
Despite this violence and marginalization, the activist community continued to fight back. Days after a particularly violent raid at a gay club in 1984 ended with around 200 people in police custody, 150 people gathered to form the CHA.\footnote{Despite its name, the group works on issues concerning the LGBTQ community in general, and not just on those relevant to gay men and lesbians.} In this meeting, 14 brave men publicly signed their names to the charter of the organization, dedicating themselves to the “fight against repression and the police policies inherited from the military dictatorship”, considering these their “primary and urgent objectives.”\footnote{“28 años de la CHA,” Comunidad Homosexual Argentina, \url{http://cha.org.ar/nosotros/27-anos-de-la-cha/} (accessed September 21, 2012).}

The CHA began work immediately, focusing on improving the visibility of LGBTQ individuals and the repression they faced. Within weeks after its founding in early 1984, two of its members appeared on the cover of the magazine \textit{Siete días}, the first time that an openly gay individual had willingly shown their face in a major media publication. The accompanying article, “The risks of being homosexual in Argentina” helped to bring the plight of the gay and lesbian communities to the public’s attention and began CHA’s decades long campaign for visibility and fair representation of LGBTQ people in popular media. The CHA also took out an advertisement one of Argentina’s most read newspapers that declared, “With discrimination and repression there is no democracy.” The ad implored readers to realize that “true democracy will never exist if society permits the existence of marginalized sectors and of the diverse methods of repression still in force” and reminded them that the LGBTQ community had “journeyed with all of you through the hard years of the dictatorship.”\footnote{The ad is reproduced in Jáuregui, 225.} The discourses of human rights and democracy were prevalent in the post-dictatorship years and appealing to these rights helped to humanize the LGBTQ community and connect them to other activists.
Aside from the efforts of the CHA, the outbreak of HIV/AIDS in the 1980s further contributed to the visibility of homosexuality and the LGBTQ community in general. Argentinean scholar Mario Pecheny suggests that the homosexual community began to “emerge from its social invisibility” in the 1980s as AIDS first arrived in Argentina, forcing “the government and society to publicly discuss the topics of homosexuality and sexuality in general.”

Before the 1980s, Pecheny argues, “a genuine ‘homosexual world’ had developed, especially in Buenos Aires, yet that world existed in ‘historic invisibility’” and it was the outbreak of AIDS that “destabilized the place in our social order that homosexuality [had] traditionally been assigned,” removing the quiet tolerance that had previously been afforded homosexuality “only as long as it remain[ed] invisible: confined to privacy, without being able to express itself publicly.”

With the arrival of AIDS, homosexuality could no longer be hidden and those who had gone to great lengths to erase homosexuality were forced to confront the growing health crisis.

Unfortunately, the increasing visibility of the LGBTQ community brought along its own problems. In August of 1984, five months after the CHA began its publicity campaign, Buenos Aires television station Canal 13 aired a program concerning sexuality in which Dr. René Favaloro, one of the most respected and well-known physicians in Argentinean history, spoke about “the problem of sexual deviations, which constitute a real problem, a true tragedy in our time” which, in more developed countries had already “constituted an absolute plague.” He didn’t understand how these social movements that were providing “apologies for homosexuality” when it was something that he found

57 Ibid., 257.
58 Quoted in Jáuregui, 71.
“scary” and unnatural. That same year, the Interior Minister justified police brutality by saying, “homosexuality is an illness and we intend to treat it as one. If the police have acted it’s because there were exhibitions or attitudes that publicly jeopardize what could be called the rules of the game of a society that wants to be kept away from that sort of display.”

The LGBTQ community had few friends in the national media and political spheres, although some human rights groups began to support the CHA’s agenda.

2.5 1990-1999: The splintering of the activist community

The conservative administration of Carlos Menem that held power in Argentina for most of the 1990s was no ally to the LGBTQ community. The CHA’s effectiveness was hampered by Menem’s unwillingness to recognize the organization as a *personería jurídica* (a legal entity) preventing it from raising funds for its work and lobbying the government on state matters. For this reason, achieving official recognition became a major part of the CHA’s agenda. During a diplomatic trip that he took to the U.S. in 1991, seven years after the CHA was formed, Menem was repeatedly bombarded with questions from U.S. based activist groups working in conjunction with the CHA, including ACTUP, asking when he would recognize the group. When he returned to Argentina, Menem’s administration finally offered the CHA formal recognition, making it the first LGBTQ activist group to achieve this status in the country’s history.

Having fulfilled its most pressing objective, the achievement of legal recognition, the CHA began to suffer something of an “identity crisis over what its goals and strategy

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60 Those that supported the CHA included Familiares de desaparecidos y detenidos por razones políticas (Family Members of People Detained/Disappeared for Political Reasons) and the Abuelas de Plaza de Mayo (Grandmothers of Plaza de Mayo). Jáuregui, 230-33.
61 Brown, 125.
should be”, and the group began to splinter. The breaking up of the country’s largest LGBTQ activist group allowed for the field of activism to diversify, as the CHA and its predecessors had been composed primarily of gay men. Many of those that had been active in the CHA went on to found new organizations, from assimilationist groups to research institutions, as well as the country’s first trans* group, Transexuales por el Derecho a la Vida y la Identidad (Transsexuals for the Right to Life and Identity) and the biggest lesbian group to date, the Convocatoria Lesbiana (Lesbian Gathering).

Unfortunately, this splintering also caused an increase in the divisions between these groups and an unwillingness to work together.

In the 1990s, numerous activist groups sprang up, engaging in activism, political demonstrations, and volunteer work and in 1992 Argentina hosted its first Pride march. Although it has been steadily growing since the return to democracy, activist groups are still small compared to the overall size of the LGBTQ community. Brown cites a member of the CHA who points out that, despite having Pride events that are “among the largest in Latin America,” when it comes to activists, “the movement is far from able…to fill the Plaza de Mayo – the measure of success of Argentinean social movements since the days of General Perón.”

Activism, after all, requires visibility and in a country still rife with homophobia, visibility can still have very negative consequences.

Within the LGBQT community, there was division between the various subgroups over who would be prominently visible and whose needs would be promoted. According to Soledad Cutuli,

the problem of ‘visibility’ turned out to be central in shaping the relations between the pioneer travesti groups and groups of gays and lesbians and even today remains a cause of conflict among

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62 Ibid., 122
63 Ibid., 122.
the various organisations in the movement…Since the emergence of the first *travesti* associations, visibility has been constructed on the basis of a paradox. On one hand, to be a *travesti* meant that one’s presence was qualified as striking and disruptive; one was the most visible part of the movement: without a closet in which to hide. On the other hand however, *travestis* believed that their demands were given lower priority than those of gays and lesbians, making them invisible behind the general slogans of the movement.  

Because *travestis* had not historically been included within homosexual groups, attempts to incorporate them into these pre-existing movements proved to be problematic. These groups now work together, however many non-activist gay men and lesbians with whom I spoke during fieldwork used transphobic language and mocked the *travesti* prostitutes that line the streets in certain areas of Buenos Aires.

While the community was highly divided in the 1990s, activists were able to score two significant victories. The first was the adoption of a national law designed to fight against AIDS and protect the confidentiality and bodily integrity of AIDS patients. Unfortunately, according to Pecheny, this law “came too late and halfheartedly” and AIDS patients are still regularly discriminated against, since “Legal rights are difficult to exercise if such acts entail revealing a *socially* stigmatized trait of one’s identity. In these cases, beyond the matter of HIV itself, there is also the possible fear of revealing stigmatized practices, such as homosexuality.” The second victory occurred when the city of Buenos Aires adjusted its anti-discrimination law in 1996 to include sexual orientation, making it the first city in Latin America to adopt a law of this kind. Despite this victory, even today “lesbians and gay men face overt governmental and employment discrimination… and *de facto* discrimination in the work place is still common.”

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65 Pecheny, 265-266, 254. Italics in the original.
66 Encarnación, 109.
During my fieldwork in Buenos Aires, the majority of the gay men and lesbians with whom I spoke told me that they were still in the closet at work, including many that were out of the closet with their friends and families, because they feared they would be terminated if they were found out. These changes demonstrate that legal changes must be met with equally strong social changes that allow the laws to function. After all, a law is only as strong as the people who enforce it, and with a homophobic police force and pervasive cultural homophobia and transphobia, the consensus among the people with whom I spoke was that these laws were unable to adequately protect them.

2.6 2000-2010: The beginning of an alliance

Lacking a strong political presence, the LGBTQ community was unable to make real progress on issues like discrimination and police repression in the 1990s and early 2000s. As late as 2002, “police [would] often raid bars and clubs and use various legal provisions to harass and detain lesbians and gay men without necessarily charging them with any crime” and “thousands of transgendered people [were] arrested every year” on dubious charges and the police routinely abuse them while they are in custody.68 There has been some progress, however, as the increasing visibility of the LGBTQ community and the liberalization of society in general have combined to slowly chip away at the country’s political bigotry. Adrianna Piatti-Crocker cites leaders of the CHA and FALGBT who suggest that “since the 1990s cultural changes in the Argentine society have tended to endorse gay and lesbian issues” and that it has since become “politically correct to support gay and lesbian issues in Argentina.”69 In 2002, Brown noted that a few “leftist political parties [had] on occasion spoken in favor of lesbian and gay rights

68 Brown, 123.
69 Piatti-Crocker, 58.
and fielded openly lesbian and gay candidates,” however he also points out that none of these candidates had been elected up to that point and “prejudice and/or fear of losing popular support have prevented much of the left from allying itself with gay politics.”

Stephen Brown argues that in the early 2000s, the activist community narrowed its earlier “human-rights-based” approach to a “civil-rights approach” which favors “legal reform, political access, visibility, and legitimation over the long-term goals of cultural acceptance, social transformation, understanding, and liberation.” The Argentinean community is not alone in narrowing its focus. U.S. based activist Urvashi Vaid argues, “Civil rights can be won without displacing the moral and sexual hierarchy that enforces antigay stigmatization: you do not have to recognize the fundamental humanity of gay people in order to agree that they should be treated equally and fairly under the law.”

Looking at the rights the Argentinean activist community has won, it appears that Vaid’s hypothesis is true. As I demonstrate in Chapter 6, around 50% of Argentineans support same-sex marriage yet more hold views that range from mildly to violently homophobic.

The FALGBT, the most successful and prominent of the organizations that has adopted a “civil-rights-based” approach, formed in 2006 to coordinate the efforts of the community. Like the FLH before it, FALGBT members and member organizations each have their platforms and opinions, but they come together to support the issues that they have in common. Unlike any organization that has come before it, the FALGBT has been able to quickly enact much of its agenda, and its leaders have received unprecedented support from those in power. In the six years since it was founded, the

70 Brown, 124.
71 Ibid., 130.
FALGBT, along with its diverse members and other affiliated groups, has had a significant amount of success in promoting its agenda. Two of the FALGBT’s primary goals have been accomplished already, with the passage of the marriage and gender identity laws and LGBTQ individuals in Argentina are now more legally equal to their heterosexual neighbors than are those in almost any other country in the world. However, even as late as 2010, “the relationship between lesbians and gays and the state, particularly the police, has been filled with conflict. The brutality used by law enforcement officers against gays and lesbians is still pervasive…”, and the abuse and extortion of transvestite prostitutes by the police is still rampant. Much has been done but there is still much left to do.

2.7 2010-2012: The legalization of same-sex marriage

In 2010, the efforts of the FALGBT and other civil-rights focused groups paid off as Argentina became the first country in Latin America to legalize same-sex marriage on a national level. These activists didn’t act alone, however, nor did they act in a vacuum. The law that the Argentinean legislature passed was closely modeled on a similar same-sex marriage law that passed in Spain in 2005. Elisabeth Friedman argues that “Spain’s support was essential to the Argentine law’s shape and passage” and that Spanish activists have acted as “norm entrepreneurs”, exporting their methods to Latin America. Corrales and Pecheny, writing for Americas Quarterly, give six factors that they feel helped Argentina take this massive leap:

First, Catholics don’t go to Church and Evangelicals are (still) small in number…Low church attendance and low Evangelicalism helps predict pro-LGBT legislation because it reveals the extent of societal secularism as well as the mobilizational weakness of the churches…

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73 Piatti-Crocker, 58.
Second, separation of church and party…Although the church’s officialdom is powerful in Argentina, the country has not had a strong confessional party for the past 100 years…

Third, transnational legalism…Argentina’s pro-LGBT forces were quite comfortable emulating norms from abroad, even borrowing verbatim wording and arguments for actors fighting elsewhere to approve LGBT rights…

Fourth, domestic legal resources…The issue was framed as a question of equality before the law, the domestic law…

Fifth, democracy, yes; referendum democracy, no. Enemies of Argentina’s gay marriage legislation, including the Catholic Church, offered a populist compromise – submit the issue to a popular vote…but LGBT groups and its allies in Argentina were smart to recognize the problems with this form of populism. Submitting to a majority vote questions of minority rights is inherently a biased process – against the minority groups, naturally…

Sixth, and lastly, the president presides. Ultimately, what made the law possible was the President’s decision to take the risk of backing the bill…

It is surprising how little these authors focus on the LGBTQ community, giving more attention to the situation in which activists and lawmakers found themselves.

Shawn Schulenberg likewise places much of the importance on the political system in which LGBTQ activists worked, arguing that in 2010 Argentina’s Supreme Court,

essentially threatened the other two branches to act: If the legislature did not quickly pass a same-sex marriage bill, the high court would rule in one of its many incidental cases that Articles 172 and 188 of the Civil Code [the articles which restricted marriage to one man and one woman] were unconstitutional, effectively legalizing same-sex marriage throughout the country.

The political forces weren’t operating in a vacuum however but were pushed by activists who, for years, had been attempting to push marriage changes through the country’s legal system. They had some success when, in December of 2009, the province of Tierra del Fuego issued a marriage license to FALGBT members Alejandro Freyre and Jose Maria Di Bello after the province’s gay-friendly governor, Fabiana Rios, intervened in the case. Unfortunately, this lasted only until April of the following year when a judged nullified the union because it failed to meet the local legal requirements for a marriage.


78 Ibid., 115.
The support of the governing coalition, led by Cristina Fernández de Kirchner was also important, however some see her support as more pragmatic than ideological. Omar Encarnación notes that, although she is now being portrayed as a “gay-rights crusader” Fernández did nothing to advocate for LGBTQ rights until very recently, after “her governing coalition lost its majorities in Congress and her popularity with urban voters took a dive.”79 Corrales and Pecheny argue that her support may have been driven by the fact that her “government needed to recover lost ground among the young and the urbanites, who had abandoned her.”80 Schulenberg likewise argues that, although the Kirchners “did not play a significant role in introducing the legislation, their strong (and, in many ways, very passionate) support in the end is probably what carried the bill across the finish line.”81 In 2007, while she was campaigning for the presidency, Fernández stubbornly refused to give an opinion on same-sex marriage, stating, “it is in the free will of all men and women in Argentina to choose their sexuality,” and that she did not feel as though it was “an issue on which [she had] to express [herself].”82 During the first three years of her term in office, she remained silent on the issue, however, shortly before the marriage law was set to be voted on in 2010, Fernández announced her full support and waged “a public war of words against the still-powerful Catholic establishment.”83 It is undeniable that Fernández helped to ensure the passage of the marriage law, and she may even have been the deciding factor in its passage, but the timing of her support, as well as the lack of significant progress on other fronts, had many of those with whom I spoke during fieldwork doubting the sincerity of her position.

79 Encarnación, 113.
80 Corrales and Pecheny.
81 Schulenberg, 118.
82 Piatti-Crocker, 58.
83 Encarnación, 114.
Looking at the legalization of same-sex marriage reveals that its success relied on a willing political class as much as it did on a strong activist class. Schulenberg sums up this fact by stating succinctly, “We would not have seen same-sex marriage in Argentina unless the LGBT rights community was asking for it and had an organized political structure to pursue its interests.”

This has a very real impact on the future of LGBTQ rights as the weakening of either of these groups could stall or even reverse their progress. If anti-LGBTQ politicians come into power or if the political tide changes, the activists aren’t likely to be strong enough to push for further changes on their own. Luckily, the trend in many areas is moving towards greater rights, and this may be enough to keep these advances and to help to gain more.

2.8 Conclusion

The current government in Argentina has rightly been congratulated for taking bold stances in support of human rights, but it should not be assumed that the country has turned into a haven for all LGBTQ people. Homophobia is still rampant, even amongst the people who support LGBTQ rights. Progress has been slow coming, and has gone at varying paces for different groups and in different areas. While some urban areas have included sexual orientation and/or gender identity in their anti-discrimination laws, the majority of the country is still lacking this protection. The rights granted tend to favor a certain type of person – one that seeks the ‘respectability’ of marriage, for example – while ignoring other groups of people – such as travesti prostitutes whose work puts them in daily contact with danger and allows the police to harass, extort, and violate them.

84 Schulenberg, 122.
Writing before the passage of the marriage and gender identity laws, sexual rights activist Alejandra Sardá warned Argentina’s LGBTQ activists to be ever suspicious of an administration which supports them but which also threatens to “co-opt them” and turn them into a cog in a political party’s machinery. 86 If my own experiences with the activist community are any indication, however, these activists are savvy political players and many in the community at large are at least aware of the dangers of assimilation.

After the military dictatorship finally fell in 1983, Carlos Jáuregui realized that it had been built on the long held prejudices and insecurities of the nation and that it would take more than an injection of democracy to fix 500 years of repression. He asked, “How do you ‘democratize’ an authoritarian, prejudiced society, whose mentalities – individual and collective – marginalize the ‘other’, a society in which sex, sexuality, pleasure, have been, as a rule, terribly bastardized?” 87 There is no easy solution to this problem, and there never has been – overcoming religious bigotry and prejudices concerning sex has been a problem throughout the western world. Jáuregui’s insight, which can clearly be seen in the CHA’s campaigns, was that whatever path they took would have to begin with visibility – “For something to stop being feared, rejected, repressed or hated, it must, first, be known.” 88 The last thirty years of Argentinean history have correlated with an increasing level of awareness of LGBTQ individuals and issues and we are finally beginning to see some legal progress. In the coming chapters I look more into this progress and seek out some of the areas that have been left behind.

86 Sardá, 42.
87 Jáuregui, 175.
88 Ibid., 14.
Chapter 3: Literature Review

3. Literature Review
   3.1. Violence and human rights
   3.2. Social movement theories
   3.3. LGBTQ politics in the neoliberal era
   3.4. Impact of visibility and legal changes on LGBTQ individuals
   3.5. Latin America trends
      3.5.1. Methods of change
      3.5.2. Political vs. social change
   3.6. Conclusion

“Justice pinches the oppressed, simply because it is tailored for the oppressors.”\textsuperscript{89}

-Laud Humphreys

In this study I ask how Argentina has improved the legal treatment of its LGBTQ citizens without also significantly changing the treatment of this community in society. I argue that that the activists that fought for these legal changes have focused narrowly on civil rights issues, in contrast to previous generations of activists that fought for a wider range of human rights. In this chapter I look at some other authors in order to provide a backdrop to the data that I have discovered and the ideas they have produced. I begin this chapter by looking at violence and discourses on human rights, both in Argentina and the world at large. This section sets the stage for later discussions on the narrowing of human rights as well as the legacy of violence. In the second and third sections I discuss social movement theories and how LGBTQ activists have been impacted by neoliberal politics. In the fourth section of this chapter I lay out research done on the psychological and social effects that civil rights struggles have had on LGBTQ communities. In the final section I examine some trends in Latin American LGBTQ communities, such as the rise in both visibility and violence. Most of these pieces have previously been argued by other scholars, however they haven’t been brought together to look specifically at the Argentinean case, an example of change that is, in many ways, unique in the world.

3.1 Violence and human rights

In March of 1977, Rodolfo Walsh, a well-known writer and journalist, wrote an open letter criticizing the Argentinean military government. He listed the human rights abuses they had carried out, including disappearances, assassinations, and unlawful detention. Halfway through the letter he took a surprising turn and stated, “shocking as these facts may be to the conscience of the civilized world, they are not however the
worst that the Argentine people have been made to suffer.”

In Walsh’s opinion, the greatest abuse was the “government’s economic policy” in which could be found “not only the explanation of these crimes, but also a greater atrocity which afflicts millions of human beings with planned misery.” Walsh was killed by the military but his words lived on and predicted even greater misery that was to come. In 1974, two years before the military government came into power, Argentina “had a distribution of wealth similar to many developed countries”; by 2003, following the fall of the military dictatorship and a series of economic crises, the gap between the rich and the poor was “fifty times greater” than in 1974, making it one of the most economically unequal countries in Latin America. The result of this inequality was the transfer of the equivalent of some 15 billion US dollars annually from the lower and middle classes to those at the top. In addition to the 30,000 people forcibly disappeared by the military regime, civilian governments were now engaging in “economic disappearance” on a broader scale.

Argentina’s history of political violence is well known, however the same cannot be said for the economic, structural, and social violence under which the country’s inhabitants have suffered. Scheper-Hughes and Bourgois note that this is not unique to Argentina, but typical in much of the world: “Structural violence is generally invisible because it is part of the routine grounds of everyday life and transformed into expressions of moral worth.” Underneath exists yet another layer of “everyday violence” which includes “the implicit, legitimate, and routinized forms of violence inherent in particular

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93 The Lavaca Collective, 22.
social, economic, and political formations”, that tend to become naturalized, as the oppressed are adopted into the “category of the unworthy living”.95

Once we acknowledge the wide variety of ‘violences’ that exist, they become apparent in nearly every aspect of life. Pioneering psychologist Derald Wing Sue argues that marginalized groups often experience “microaggressions”, which he defines as “the brief and commonplace daily verbal, behavioral, and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial, gender, sexual-orientation, and religious slights and insults to the target person or group.”96 According to Sue, these “microassaults”, “microinsults” and “microinvalidations” are made all the more powerful by their invisibility and apparent ‘naturalness’ yet they “can result in extreme emotional distress and turmoil”, a clear example of the ‘everyday’ violence discussed by Schep-Hughes and Bourgois.97

Just as awareness of violence has broadened from purely physical to structural, social and even micro-levels, so have ideas about human rights broadened from individual rights to community and social rights. Vasak suggests that the human rights promoted by the United Nations and in the international community at large since World War II can be divided into three generations. The first generation is composed of “civil and political rights” which are “negative” in the sense that they require the state not to act; the second generation involves “economic, social and cultural rights”, positive rights that must be actively protected by state action; and the third generation are “rights of solidarity” and include “the right to development, the right to a healthy and ecologically

95 Ibid., 21.
96 Derald Wing Sue, Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation (New Jersey: John Wiley & Sons Inc., 2010), 5.
97 Ibid., 191.
balanced environment, the right to peace, and the right to ownership of the common heritage of mankind”, rights which “can only be implemented by the combined efforts of everyone: individuals, states and other bodies, as well as public and private institutions.”

Rights, like violence, can be found in every area of life. These rights are so woven together that, according to the UNHCR, “the deprivation of one right adversely affects the others” since they “are indivisible, interrelated and interdependent.”

The invisible, everyday ‘micro-violences’ previously discussed cause a severe violation of rights in the same way that macro-level discriminatory laws do. Later in this study I make the case that the focus of Argentinean LGBTQ activist groups has moved from a broad understanding of human rights, narrowing down to focus primarily on ‘first generation’ civil rights to the exclusion of all others. I am not arguing that these rights are unimportant – they absolutely are, and fighting for them is undeniably worthwhile. What I’m arguing is that by focusing on the winnable battles, activists turn a blind eye to the everyday violence – the violations of rights that have been denied for so long that they’ve now become forgotten – and that in doing so, they have failed to address some of the most pressing issues that face Argentina’s LGBTQ community. Having access to marriage and properly gendered identification is important but when activists portray these areas as the last bastions of discrimination or repression, they contribute to the erasure of other kinds of violence, allowing the underlying bigotry that put these policies in place to go unquestioned. In the next section I adopt a theoretical perspective to examine the question of how activists have organized and fought for these rights.

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3.2 Social movement theories

In this section I look at theories on how social movements can create changes and impact those in positions of power. I use the political process model (PPM) of social movement theory, which is composed of two parts:

The first section isolates three critical variables necessary for movement emergence: changing opportunity structure, pre-existing organizations to exploit this opportunity, and some type of cognitive liberation which promotes positive collective identity and legitimizes mass participation … In the second part, the interest groups spawned by the movement interact with political institutions to produce outcomes that can either support or hinder the movement’s agenda.\(^\text{100}\)

Some specific theoretical points are explored in the next few pages, but by referencing the history from the last chapter, it is already possible to see how this model can help to understand the success of the LGBTQ rights movement. Schulenberg pointed out that the recent legalization of same-sex marriage required the willingness of the political elite and the ability of LGBTQ activists to take advantage of changing political tides, while Brown demonstrated the ‘cognitive liberation’ work that had been taking place since the 1960s and which helped the formation of a coherent LGBTQ community in Argentina.\(^\text{101}\)

According to Charles Tilly’s model of PPM, underneath a state’s jurisdiction there exists a “polity” which includes the government and other “well-established” elite groups.\(^\text{102}\) Outside of the polity exist challenger groups that “must resort to collective action” in order to get their agenda heard. Because challenger groups are generally small and powerless, they “often seek coalitions or alliances with established polity members” to further their agenda. Challengers will also “embark on a more ambitious campaign that is not geared to a specific grievance but rather to gaining entry into the polity.”


Much of the work of LGBTQ activists in Argentina has been aimed at building awareness and less targeted towards specific goals. Even today, simply reminding the government and the population as a whole that the community exists and has needs requires a large amount of effort. Activists have been helped in this regard by the alliances they have built, not only with other activist groups but also with politicians and those that have access to seats of power, a topic I return to in Chapter 5.

In Doug McAdam’s clarification of this model, he notes that a social movement’s ability to promote its agenda can improve according to changing political tides:

First, [political opportunities] reduce the power discrepancy between challengers and elites so that a mobilization that may have appeared merely fanciful before becomes newly feasible. Second, when new opportunities improve the bargaining position of any particular contender, the costs to elites of trying to repress them goes up significantly.  

This can help to explain the changes in the approach and success of LGBTQ activists. Because of the rise of LGBTQ rights discourse in the world, this community is now taken seriously in Argentina and it is becoming more difficult to dismiss its needs. I return to this idea in Chapter 5 when discussing the role of political alliances in LGBTQ rights.

Judith Adler Hellman suggests that the only future for social movements – even if they succeed – is co-optation, either by the state, a party, or by their own success. She points out, however that all co-optations are not equal and that there is a real difference between co-optation by a charismatic political leader and “the kind of political learning and growth of consciousness that may occur when a neighborhood group articulating narrow, limited goals is drawn into a broader struggle.”  

Some fear that the Kirchner administrations have attempted to co-opt Argentina’s LGBTQ activists, however many

103 Buechler, 134.
within the community at large are aware of this possibility and are fiercely against the Kirchner governments. Instead, the biggest threat is likely to be the narrowing of the agenda of these groups as they achieve some success, continually prioritizing the ‘winnable’ battles over the deeper issues that require longer, more drawn out struggles.

Pioneering social movement theorist Alain Touraine likewise notes that all social movements must, at some point, come to an end, noting that while each movement has a unique history, “they are all born and they all die.” He further suggests that many movements, especially those that are successful, meet a similar end since “once relations become institutionalized, social movements degenerate into political pressure.” Touraine is speaking specifically about class based movements and class relations, however the mechanism generally works the same regardless of how the movement organizes itself. Once it ‘matures’ into a political player, some part of it becomes joined to political structures, perhaps even becoming part of the structure that it previously fought against.

These theorists can help to understand how movements rise and fall, but it is more important for this study to understand how they create the changes they seek. According to Colombian anthropologist Arturo Escobar, “Because of the historical weight of liberalism, the State is more equipped to control or govern, rather than release, the energies of social movements.” The modern state is designed to channel the power of social movements in ways that improve the legitimacy of the state. It is much more likely that a social movement will change to adapt the goals of the state rather than the

105 Alejandra Sardá, “Resisting Kirchner’s Recipe (sometimes): ‘LGBTQTTI’ Organizing in Argentina,” *NACLA Report on the Americas* 40, no. 2 (2007): 42. Sardá is writing specifically about the earlier attempts made by Néstor Kirchner, however her argument is perhaps increasingly relevant under Cristina’s administration.
state changing to promote the goals of social movements, especially when these
movements require a questioning of fundamental assumptions or the dismantling of
systems of privilege and oppression. This fact is often at work in LGBTQ politics, as
activists adjust their goals according to the environment in which they find themselves
instead of pushing for a change in the way that these politics are done.

These are the difficulties that Argentina’s LGBTQ activists face. Not only do they work in a community whose repression is largely invisible and naturalized, but they are also forced to work both inside and outside of the neoliberal political structures that repress them in order to make any kind of progress. In the sections that follow, I move briefly away from Argentina to look at how some LGBTQ activists in other parts of the world have changed as a response both to limited early successes and the difficulties faced in the neoliberal world. Following this I examine the effect these changes have had on the LGBTQ community in the areas where these activists operate.

3.3 LGBTQ politics in the neoliberal era

Political scientist Stephen Engel suggests that during the 1990s, the U.S. based
LGBTQ movement began to fall “victim to a misguided notion of its success”, facing
“the peculiar situation at this historical juncture of a disconnect between cultural and
political achievements.”108 The growing acceptance of some, especially “white middle-
class gay [men] or [lesbians] with a secure job and home” meant that “inequalities somehow [did] not seem as readily apparent as they once were” and this had a
tremendous impact on the politics and functioning of the LGBTQ community in the

U.S. Because of the historical importance and prevalence of the community in the United States, changes that take place in the States often predict trends that are picked up in the rest of the world, making it worthwhile to discuss this change at some length.

The limited success of the 1990s allowed new, more conservative voices to claim to speak on behalf of the ‘silent majority’ of gay men and lesbians who felt no affinity with the radical politics of the past. Lisa Duggan describes the ideology of this new wing of the “gay movement” as the “New Homonormativity”, a movement that has adopted and perverted the meanings of the mobilizing language of LGBTQ history:

“equality” becomes narrow, formal access to a few conservatizing institutions, “freedom” becomes impunity for bigotry and vast inequalities in commercial life and civil society, the “right to privacy” becomes domestic confinement, and democratic politics itself becomes something to be escaped.

Duggan connects this new line of gay politics with neoliberal ideology, arguing that “the new neoliberal sexual politics…does not contest dominant heteronormative assumptions and institutions but upholds and sustains them while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption.” The proponents of this ideology sought to neuter the political efficacy of the community and transform it into a consumption community.

One major proponent of this new ideology, Bruce Bawer, argued that gay men and lesbians should stop aligning themselves “with workers and other victim groups against the capitalist oppressor,” since “much of gay America’s hope resides not in working-class revolt but in its exact opposite – a trickling down of gay-positive

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109 Ibid., xviii.
110 Lisa Duggan, “The New Homonormativity: The Sexual Politics of Neoliberalism,” in Materializing Democracy: Toward a Revitalized Cultural Politics, ed. Russ Castronovo and Dana D. Nelson (Durham, NC: Duke University Press, 2002), 190. The phrase “gay movement” is used intentionally here, as many of these thinkers speak only on behalf of gay men and (sometimes) lesbians, excluding the rest of the LGBTQ community from consideration.
111 Ibid., 179.
sentiments from elite corporate boardrooms into shops, farms, and factories.”\textsuperscript{112} Bawer unashamedly uses the language of neoliberal politics to argue that the homosexual community should willingly insert itself into a neoliberal hierarchy of privileges. Unlike previous generations of activists and thinkers, who saw that the struggle for sexual liberation is part of a larger struggle for liberation from all kinds of hegemonic oppression, Bawer suggests that we stop critiquing those who benefit from these systems of oppression and privilege, and instead ask them politely to allow some of their rights to leak out onto us. As with the economic policy from which he borrows his terminology, this policy is unlikely to bring about equality for the entire LGBTQ community and instead to confine its benefits to those at the ‘top’ – the white, middle class, cis-gendered gay men and lesbians who are already the most privileged within the community.

This new brand of U.S. gay and lesbian politics assumed that all that was needed for gay men and lesbians to achieve equality was to change the legal codes and allow homosexuals access to the same rights and institutions as heterosexuals. Andrew Sullivan, who Duggan points out “is probably the single most influential writer among the neoliberal gang of gays”\textsuperscript{113} argues that the changes requested by this ‘new politics’, namely the legalization of same-sex marriage and the lifting of the ban on homosexuals in the military, “are simple, direct, and require no change in heterosexual behavior and no sacrifice from heterosexuals.”\textsuperscript{114} This neoliberal sexual politics ignores the link between oppression and privilege in the same way that the new leftists discussed at the beginning of this study ignore the inherent connections between poverty and wealth. Sullivan

\textsuperscript{113} Duggan, “The New Homonormativity,” 189.
claimed that these changes would somehow both “[tackle] the heart of prejudice against homosexuals” while simultaneously “leaving bigots their freedom.” Sullivan sees the rights of bigots as unassailable and sees no need to “legislate private tolerance” – a position that would make good, conservative sense in a world without bigotry, but borders on insane in a world in which unchecked bigotry and intolerance lead directly to depression, deprivation, discrimination and, disturbingly often, death.

Herein lies the fundamental flaw in this paradigm. Sullivan and his cohort suggest that the state should exist as essentially neutral and fundamentally blind, unable to differentiate between, and therefore discriminate against, groups of people. In a perfect, non-discriminatory world, this would be an ideal political situation. In the real world, however, in which important differences do exist, in which discrimination is a daily fact of life for many groups, in which laws and norms are tailored to fit a homogenous minority and haphazardly applied to a heterogeneous totality, there is no neutral position for the state to adopt. By standing in the middle and applying equal pressure to all sides of a lopsided system of rights and privileges, the state implicitly supports the privilege of the privileged and the oppression of the oppressed. *Neutrality can’t exist as long as privilege does.* By focusing only on the legal aspects of discrimination and attempting to move the state to a ‘neutral’ position that neither discriminates against nor advocates for the LGBTQ community, these neoliberal ideologues offer allegiance to the discriminatory status quo and impede the progress of change that attempts to right the fundamental imbalances that give birth to discriminatory legislation.

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Suzanne Lenon connects this homonormative politics with the neoliberal ideals of personal “autonomy and entrepreneurship,” in which individuals are separated “away from more social understandings of the world”, each person becoming the “proprietor of her/his differences (such as race, gender, religion, nationality, sexuality), experiencing them as attributes one ‘owns’ and exercises rights over.” 117 She goes on to explain that this ideology recreates individuals as “neoliberal citizen[s]” who are “intimately tied to notions of privacy, property, autonomy, and freedom of choice.” 118 According to this neoliberal idea of the self, fundamental identities become nothing more than attributes that a person can manipulate and manage as they please – in other words, if systematic oppression, sexism, racism, homophobia and xenophobia exist (a supposition that neoliberals are likely to question outright) they are to be surmounted by individuals, not by societies. Sullivan argues against legislating tolerance and Lenon shows the natural consequence of his argument – each oppressed person must overcome their own oppression. This is where neoliberal economic and social policies align. Neoliberal economics leave the poor to fend for themselves by ignoring the political and social realities that produce poverty just as neoliberal social policies leave the oppressed to fend for themselves by ignoring the political and social realities that lead to their oppression. By choosing ‘neutrality’ and offering neoliberal notions of ‘equality’ the state sides with the oppressor and often increases the oppression of the already oppressed.

This notion is incredibly important in understanding the apparent paradox between LGBTQ rights advances and the persistence of homophobia. By changing the question from ‘Should homosexuals be allowed to get married?’ to ‘Should good citizens

117 Suzanne Lenon, “‘Why is our love an issue?’: same-sex marriage and the racial politics of the ordinary,” Social Identities 17, no. 3 (May 2011): 358-359.
118 Ibid, 368.
be excluded from marriage?’ LGBTQ activists challenge legal discrimination and leave the underlying homophobia unchallenged.\textsuperscript{119} Homophobes are still able to find a target for their hate (by aiming it towards what Michael Warner refers to as the “Bad Queer, the kind who has sex, who talks about it, and who builds with other queers a way of life that ordinary folk do not understand or control”\textsuperscript{120}), assimilationist homosexuals earn the respectability of marriage (a designation that further distances them from the ‘radical queers’ and the ‘degenerates’ who refuse to give up the fight for sexual liberation), and progressive politicians are able to point at their work as a sign of their open-mindedness and tolerance (regardless of why they supported the legislation or how bigoted they had been or still are). Everybody wins. Everybody, that is, except for the ‘bad queers’ who are unwilling or unable to divorce sexuality from identity. They are excluded from progress and, as a result, their oppression is often increased as a “hierarchy of respectability” is reinforced that benefits those who are the most privileged.\textsuperscript{121} It is too early to tell what the long-term effects of Argentina’s two-year old marriage law or one-year old gender identity law will be, but from these authors we can begin to get an idea of what consequences could be coming, and in the next section I look at some of the limited research that is available on this subject.\textsuperscript{122} Because the underlying bigotry that validate

\textsuperscript{119} For more on this subject, see, Rosemary Auchmuty, “Same-Sex Marriage Revived: Feminist Critique and Legal Strategy,” \textit{Feminism & Psychology} 14, no. 101 (2004): 111.

\textsuperscript{120} Michael Warner, \textit{The Trouble with NORMAL: Sex, Politics, and the Ethics of Queer Life} (New York: The Free Press, 1999), 40.

\textsuperscript{121} \textit{Ibid.}, 49.

\textsuperscript{122} As of right now, there is very little research done on the impact of the legalization of same-sex marriage or other advances in LGBTQ rights on the LGBTQ community. What little research does exist tends to focus on the impact on heterosexuals and heterosexual institutions, presumably to dismiss fears about the corrupting influence of opening up these institutions to homosexuals (see, for example, M. V. Lee Badgett, \textit{When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage} (New York: New York University Press, 2009). The research done on the affects to the LGBTQ community itself is incredibly small: Tracy Ross-Perkins, “The impact of same-sex marriage legitimation in Massachusetts on the lives of lesbian women” (dissertation, Brandeis University, 2009); Beccy Shipman and Carol Smart, “‘It’s Made a Huge Difference’: Recognition Rights and Personal Significance of Civil Partnership,” \textit{Sociological Research Online} 12, no. 1 (February 2007). Some research that looks at the effects of rights campaigns is discussed in the next section.
discriminatory policies and practices are sidestepped in neoliberal sexual politics, we can expect to see a continuation of bigotry and hatred into the future.

3.4 Impact of visibility and legal changes on LGBTQ individuals

Anyone who has lived in an area that has debated LGBTQ rights is aware of the hateful reactions that often accompany these campaigns. There are obvious benefits produced by struggles for LGBTQ rights, however there are also minority stressors and negative outcomes that accompany these fights. In this section, I discuss the effects that the process of change itself has on LGBTQ individuals, in order to better understand the pressures and stresses that are involved in the push for rights. Fingerhut, Riggle and Rostosky offer a review of the current literature concerning the psychological and social impacts that same sex marriage debates have on LGB individuals, communities and their allies. Their findings show two important trends: 1) regardless of outcome, same-sex marriage campaigns have a strong impact on LGB communities and allies, and 2) even in areas that have legalized same-sex marriage, these couples still face discrimination and feel that their relationships are not valued as highly as heterosexual couples. In summarizing their findings, the authors state, “whether allowed or explicitly denied, there are profound consequences for the social and psychological wellbeing of LGB individuals, same-sex couples, and their allies.” LGB individuals in U.S. states that were debating the legalization of same sex marriage were bombarded by “negative messages about gay men and lesbians” and reported “significantly more stress” and “poorer psychological well-being” than those in states that were not considering these.

123 For this section, since the research only discusses same sex marriage, I will be using the acronym LGB (Lesbian, Gay, Bisexual) as these are the groups directly impacted by the results of the proposed legal changes.
125 Ibid., 238.
laws. These negative messages came both from media sources and from conversations that were taking place concerning the impending legislation.

The second important point discussed by the authors of this review is that homosexual relationships are still often perceived and treated as inferior to heterosexual ones, even after the legalization of same-sex marriage, and that discrimination continues, unabated by these legal changes. Their results show that even after relationship recognition rights are granted, “LGB individuals, to a significantly greater degree than heterosexual individuals, perceive that their intimate relationships are devalued and that there are barriers to attaining their intimate relationship goals”. That’s not to say that there is no change; the authors point out that there is evidence that demonstrates “the positive effects of social inclusion, or validation of their relationships by others as a result of becoming ‘married.’” These results are not consistent, however, throughout the entire LGB community, as some groups are better able to enjoy the benefits of marriage.

Looking particularly at the legalization of same-sex marriage in Massachusetts, they note, couples in civil marriages felt more accepted and experienced more support from their families. These positive impacts were experienced to a greater degree when accompanied by privileged statuses, such as being male, being White, and having a higher income…state civil marriages, while offering some benefits, do not automatically bring an end to prejudice and stigma.

This is an important point and one that is often forgotten in the push to legalize same-sex marriage. While access to the relationship recognition is an important goal and it is a shame that we’re still fighting a battle that should have been settled decades ago, this single change won’t eliminate homophobia, it won’t ensure equality, and it won’t erase centuries of bigotry. Additionally, the benefits of same-sex marriage don’t apply equally to all members of the LGBTQ community and these marriages won’t be ‘equal’ to

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126 Ibid., 232-233.
127 Ibid., 233
128 Ibid., 234.
opposite-sex marriages until the homophobia that exclude homosexuals from much of society are erased. Omar Encarnación notes, “gay rights on the books…will mean nothing if gay people are being killed in the streets simply for being gay.”\footnote{Encarnación, 117.} This concern is far from theoretical – it affects the daily lives of most of the LGBTQ community and it is one that I return to in Chapter 6, when discussing my fieldwork in Argentina. Having laid out some theoretical ideas, in the next section I return to Latin American activists.

### 3.5 Latin American trends

As many countries in Latin America emerged from military rule in the last decades of the 20\textsuperscript{th} century, dealing with the legacies of these conservative and often brutal dictatorships has become a priority for activists throughout the region. Too often, the democratic governments that have gained power have been paralyzed by crises or the threat of a return to military rule and have been unwilling to push for minority rights or changes on a grand scale. According to Eckstein and Wickham-Crowley, “the electoral democracies that restored political and civil rights…have done little to reduce inequalities between the poor and laboring classes, women, and sexual, racial, and ethnic minorities on the one hand, and dominant classes and privileged groups on the other hand.”\footnote{Susana Eva Eckstein and Timothy P. Wickham-Crowley, “Struggles for Social Rights in Latin America: Claims in the Arenas of Subsistence, Labor, Gender, and Ethnicity,” in Struggles for Social Rights in Latin America, eds. Susana Eva Eckstein and Timothy P. Wickham-Crowley (New York: Routledge, 2003), 2.} As demonstrated in the introduction, the neoliberal state is crafted to see only these rights and to be blind to all other rights and repression.

Encarnación reminds us that “Homophobia within political organizations in Latin America has hardly been limited to the right; the mere suspicion of being gay has
historically been grounds for expulsion from leftist groups, due to the perception that homosexuality was ‘alien’ and ‘suspect.’ Argentina is no different, with genocidal violence against LGBTQ people coming from the political right for most of the 20th century, and the political left removing gay and lesbian members and refusing to advocate for their rights until very recently. Given the lack of attention paid to social rights by political parties and the new democratic governments of the post-dictatorship era, activists throughout the region have created a wide array of methods for pushing their agendas with varying levels of success. In this section I look first at some of the methods pursued by LGBTQ activists and end with an overview of how effective these changes have been at producing social and political changes.

3.5.1 Methods of change

Current LGBTQ activist groups throughout Latin America have focused on gaining political victories and creating friendlier legal systems and, in some cases, they have been tremendously successful. According to Encarnación, there are many factors that came together to create this success, however it is the political savvy of the activists that allowed them to seize opportunities and turn them to their favor:

In the end, what mattered most to the gay-rights revolution in Latin America was an innovative and effective campaign by gay activists that belies the institutional weakness of the regions’ gay-liberation movement. This activism had exquisite timing, benefitting from several domestic and international trends, including the rebirth of civil society that followed the end of authoritarian rule, the example set by the gay-liberation movement in the United States and Western Europe, the rise of human-rights discourses in international bodies and nongovernmental organizations, and a regionwide leftward turn in governance during the 2000s that has given rise to unprecedented gay-left political alliances.

The trends that Encarnación sees in Latin America are both promising and problematic for other areas that seek to follow the models developed in the region. He states that “the

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131 Encarnación, 112-113
132 Encarnación, 105.
primacy of politics in the making of the Latin American gay-rights revolution suggests that civil society activism and strategizing can make a significant difference in incorporating gay rights into any nation’s legal fabric” a fact which “is heartening for gay activists in other parts of the developing world who hope to emulate the Latin American example” even if these political changes don’t lead to greater social change.\(^\text{133}\) By working within the legal system, Latin American activists have established a model that has had some success in accomplishing change, however it has so far been unable to show progress on the broader battles for sexual liberation and social acceptance.

Javier Corrales also notices the “innovative political strategies” used by LGBTQ activists that have allowed this “tiny and often invisible minority…to introduce major changes in a region where homophobia – at home, at school, at work, and at church – is so entrenched”.\(^\text{134}\) He concludes, “because they are ideologically on the left and yet their responses to these challenges depart from traditional leftist responses, LGBT groups could very well be considered the first post-left leftists of the twenty-first century.” LGBTQ activists are clearly creating new, innovative ways of doing politics throughout Latin America and these strategies are producing changes that previous generations couldn’t. These new movements owe much of their success to the more liberal governments that are beginning to see LGBTQ rights as important. Corrales points out that activists have had to change some of their goals to match these changing tides, however in doing so they have been able to produce real results. In the next section I discuss the kinds of results they are producing.

3.5.2 Political vs. social change

\(^\text{133}\) Ibid., 105-106.

Many of the authors writing about the rise in LGBTQ rights tend to agree on one thing – the changes are surprising. Corrales sums up the reasons for this surprise among academics: “what is remarkable is not that change has happened, but that it has happened against such formidable odds” since “Latin America is still homophobia-land.”

Despite the civil rights changes, social acceptance of LGBTQ people has lagged far behind. Political scientists Seligson and Moreno attempt to gauge acceptance of homosexuality throughout the Americas, using data from a 2010 survey and their data can be used to inform the ‘gay rights revolution’ that Encarnación discusses. They measure responses to a single question: “How strongly do you approve or disapprove of homosexuals being permitted to run for public office?” While this might seem an odd question on which to center their research, the authors explain their choice by suggesting that “accepting an individuals’ right to run for public office is a crucial aspect of tolerance: by accepting this right, a person is implicitly accepting that even someone whose sexual preference is disliked has the right to govern, indeed to rule.”

The authors’ broad focus makes it difficult to perceive the nuances that occur in a single country and the lack of longitudinal data makes it impossible to tell what kind of change has happened over time, however their results are worth considering nonetheless.

Argentina comes in first in terms of overall acceptance in Latin America and second in the Americas, trailing Canada by about 10% and leading Uruguay, in third place, by about 4%. Latin America overall, however, is highly intolerant and, of the categories studied, two correlate the most strongly with acceptance of homosexuals:

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135 Ibid.
136 Mitchell A. Seligson and Daniel E. Moreno, “Gays in the Americas,” Americas Quarterly 4, no. 1 (Winter 2010): 37. On the next page, the authors clarify that “the question was asked using a one to 10 response scale. Responses 7 and higher represent ‘high tolerance;’ responses ranging from 4 through 6 represent ‘medium tolerance;’ and responses 3 and lower represent ‘low tolerance.”
137 Ibid., 38.
education and religion. While tolerance for homosexuals in the region is less than 25% among those with only a primary education, it is higher than 50% for those with university training. In terms of religion, Latin American non-Catholic Christians “are significantly less tolerant than are Catholics” and both groups are less tolerant than those with no religion.\textsuperscript{138} Additionally, they find that although in Latin America overall “based on age alone, intolerance toward gays is likely to persist in many countries in the region”, tolerance is higher among younger generations in much of South America.\textsuperscript{139}

In an article about this supposed “gay rights revolution” happening in Latin America, Encarnación argues that the kind of progress seen in recent years may be unsustainable, stating “the gay-rights revolution in Latin America represents more of a political victory than a social transformation…a situation that raises doubts about the long-term viability of these rights” since “gay rights have been attained in most parts of Latin America without broad popular acceptance of homosexuality”.\textsuperscript{140} Some activists “take the sanguine view that the recent surge in legal protections for gays will serve as a catalyst for engendering more positive views about homosexuality within the general public” however their optimism may be misplaced.\textsuperscript{141} Encarnación notes that,

\begin{quote}
As long as hostility towards homosexuals remains widespread, gay rights will stay vulnerable to a backlash or a reversal, and might even bring about unintended consequences that could harm the very lives these rights are intended to benefit. This explains the paradoxical trend in Latin America in recent years: rising anti-gay violence in the midst of a gay-rights boom.\textsuperscript{142}
\end{quote}

If activists are unable to translate their political gains into greater social acceptance of LGBTQ people, whatever rights they earn will always be in a precarious position. Laws

\textsuperscript{138} Ibid., 40.
\textsuperscript{139} Ibid., 41.
\textsuperscript{140} Encarnación, 105-106. The author mentions specifically the recognition of same-sex relationships in Argentina, Mexico and Uruguay, the decriminalization of these homosexual sex in Brazil, Nicaragua and Panama and discrimination laws in Brazil, Ecuador and Peru.
\textsuperscript{141} Ibid., 115.
\textsuperscript{142} Ibid., 106. In terms of backlash, Encarnación mentions laws in Ecuador, the Dominican Republic and Honduras that limit the possibility of same-sex marriages and the rise in homophobic violence in Brazil and Mexico.
can be changed and they are only as strong as those charged with enforcing them. Given the incredible levels of discrimination and violence perpetrated by Argentinean police, legal protections may not go very far towards the goal of a world free of discrimination.

Elisabeth Friedman is likewise wary of the position in which rights movements find themselves after achieving limited success. Because much of the progress in LGBTQ rights has been supported and, in many cases, driven by strong executives, she fears that these changes “could fall prey to a common fate of policy in such systems: when an executive loses interest, action and resources are easily removed.”¹⁴³ In other words, progress that relies on appealing to strong leaders can just as easily be reversed by an equally strong but less friendly leader. This is a real problem, as there are still many who seek to impede change or reverse the changes that have already taken place.

Friedman admits that the new leftist governments in Latin America “have improved the well-being of many, opened new opportunities for activist influence, and increased representation” but larger changes, such as the “transformation of gender and sexual power relations” have been “impeded by entrenched opposition, institutional roadblocks and inconsistent commitment on the part of leftwing executives.”¹⁴⁴ The maintenance of these changes requires activists to continue applying pressure to those in power while simultaneously chipping away at both the conservative bloc that seeks to undo them and the cultural and social ideologies that allow this bloc to function.

While the LGBTQ community in Latin America has been able to achieve some rights advances, these gains have not come without costs. Encarnación notes that there is “rising violence against gays” in Latin America, “a counterbalancing trend to the

¹⁴³ Elisabeth Jay Freidman, “Gender, Sexuality and the Latin American Left: testing the transformation,” Third World Quarterly 30, no. 2 (2009), 430.
¹⁴⁴ Ibid., 415.
explosion of gay rights.”\textsuperscript{145} While he admits that “the source of anti-gay violence in Latin America is hotly disputed” he argues that “it is also apparent that anti-gay violence – often a response to gay-right advances – is fanned by opponents of the gay community” pointing out that “in Brazil especially, an emerging religious right anchored in a thriving evangelical-fundamentalist movement espouses a virulent anti-gay agenda.”\textsuperscript{146} As the LGBTQ community advances, those who hate us become even more violent in their opposition and rhetoric, a fact supported by the data presented in chapter six of this study.

3.6 Conclusion

Neoliberal sexual politics, like the economic policies that shape it, forces a false sense of neutrality onto the state, with the goal of promoting a historically implausible sense of ‘equality’. The effect, again mimicking neoliberal economic policies, is the concentration of benefits in one group of LGBTQs and the masking of the oppression of all other groups concerned. For some within the LGBTQ community, the lack of relationship recognition is the last visible sign of their oppression, however this is not the case for everyone and, given the psychological impact of fighting for same sex marriage, these battles may produce short-term harm for some in the community. Those that exist outside of privilege are told that the promotion of the rights of the privileged will ‘trickle down’, but no evidence exists to support this idea. Activists in Latin America are creating new and innovative ways of accomplishing their goals, however the ‘new homonormativity’ that Duggan warned about is creeping into the internal politics of these movements. In the chapters that follow I look into the methods of Argentina’s new LGBTQ activists and find the places in which the roots of this ideology are taking hold.

\textsuperscript{145} Encarnación, 116. The author mentions specifically the violence occurring in Brazil and Mexico.

\textsuperscript{146} Ibid., 116. There are undoubtedly regional variations in Brazil, however the author fails to mention any.
Chapter 4: Methodology

4. Methodology
   4.1. Interviews with activist groups
   4.2. Hate crimes statistics
   4.3. Public opinion surveys
   4.4. Informal survey responses

“Gay rights are human rights, and human rights are gay rights... When any part of humanity is sidelined, the rest of us cannot sit on the sidelines. Every time a barrier to progress has fallen, it has taken a cooperative effort from those on both sides of the barrier.”\(^{147}\)

-Hillary Clinton

In this chapter I detail the methods I used to gather and present each strand of data, following the same order that is used in the chapters that outline the results of this data. I have chosen to focus on three groups, the FLH, the CHA, and the FALGBT. During the 1970s, the FLH was the most visible activist group in Argentina. The CHA began as the last military dictatorship was coming to a close and it was the leader in LGBTQ activism until the late 1990s, when it began to lose prominence. In 2006, the FALGBT started as an association of activist groups and since then it has expanded to include more than 90% of the LGBTQ groups currently active in Argentina. For each group I present information about their founding, including their original membership and what their primary goals were.

4.1 Interviews with activist groups

To get a more detailed look at the agendas of these organizations I conducted interviews with both the FALGBT and the CHA (due to the effectiveness of the military dictatorship’s campaigns, the FLH no longer exists). In order to find participants I did preliminary research to determine which groups were active. Once I had established that the CHA and FALGBT were the most important groups I emailed them and asked for interviews. I spoke with Esteban Paulón, president of the FALGBT, and Paul Caballero, press secretary of the CHA, both gay men.

The interviews I conducted were held on August 15th and 16th, 2012 in Buenos Aires. During and after the interviews I took notes on things that the recorder didn’t

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capture, such as body language, intonation, facial expressions and the things that were happening around us. These notes helped to contextualize the content of the interviews and to clear up ambiguous language. There was significant background noise in both interviews, making transcription difficult. I was able to piece together most of what was said, however at times it was impossible. Phrases that don’t translate well into English are explained in the footnotes. The translations have been minimally edited to minimize filler words, repetitions and false starts and to add punctuation and structure.

I prepared for the interviews by researching the organizations and the men I would interview and preparing a list of topics for discussion that included:

- The processes that led up to the legal changes.
- How their organization worked with other groups
- The influence of international groups and trends on Argentinean activism.
- The presence of homophobia and transphobia in Argentina.

In both interviews I allowed the interviewee to bring up any topics they wanted to discuss. The result was that the interviews covered a wide variety of topics, from official stances taken by the organizations to personal opinions and stories. I have looked for quotes that discuss or speak to the four topics:

- **Ideology.** Including the ideology of the interviewee and the organization, how it was established, and how they use it to promote their agendas. To find these sections I looked for mentions of their agenda, their mission, or how they felt on various issues.
- **Language.** Language is a tricky subject to analyze, but I searched to find areas where the interviewees mentioned the use of specific kinds of language as well as sections in which they used language that revealed a position or ideology.
- **Political alliances.** This section was fairly straightforward as I simply looked for mentions of working with other groups. Special attention was paid to how they spoke of these other groups, as I was more interested in discovering how and why these alliances were made than in creating a map of alliances.
- **Organization.** To get a better sense of how these groups saw themselves within the community I looked for information on how they were run, how input was gathered from those inside and outside of the organization, and how they talked about other groups that were members of the LGBTQ community but not of their organization.

Given the small sample size of interviews, a quantitative analysis would have been much less useful than a qualitative one, so in selecting quotes I looked to identify
trends within groups. I have given quotes some context, however I have not included the question to which they are responding as our conversations tended to drift over a range of topics that were only tangentially related to the original prompt. Following the first quotation from each of the interviews I give a full citation in the footnote. Subsequent citations are made in the body of the text by clarifying which speaker is talking.

4.2 Hate crimes statistics

The hate crimes statistics presented in the results chapter are drawn from reports issued by the CHA.151 These semi-annual reports present data on a variety of topics, including hate crimes, hate speech, police brutality, legislative successes and recommendations for action. In this study I look only at the information that deals with deaths attributable to hate crimes. The reports are incomplete, however they offer the best look at the situation of hate crimes committed against the LGBTQ community that I have been able to find. The reports cover the years 1982-1983, 1991-1994, 1996-2002, and 2011. Reports for other years may or may not exist; my repeated efforts to locate them have turned up nothing. In the report which covers the years 1982-1998, the CHA discussed it’s criteria for including specific crimes: “Considering that, according to the police investigations, all of the crimes previously enumerated were not motivated by robbery, it is assumed that pure homophobia was the motivation”, which suggests that the

crimes covered were taken from police files. The reports for years 1999-2002 give no indication of how their data was collected, however the content suggests that they were also prepared based on police reports. The 2011 report states that “the Legal Area of the CHA receives an average of 1500 complaints annually concerning discrimination based on sexual orientation or gender identity” however the only cases included in the report were those made public in the media.

To create statistics from the reports, I coded each event according to date, gender/sexuality, age, location and province, according to the information available. Most of the cases indicated the gender and sexuality of the victim, however in the few where it wasn’t mentioned, I categorized the victim as either gay or lesbian according to their gender. While this raises the potential for bisexual erasure, this information simply wasn’t available. Trans* individuals were always listed as travestis and the language used in the reports indicates that all of the victims recorded were born male bodied and identified as female, so this category has been preserved in the statistics presented. The statistics are divided into three gender/sexuality categories: gay, lesbian and travesti.

Another category that needed to be interpreted was the location in which the crime was committed. In many cases, the reports list the location as happening in the victim’s home, apartment or business. In these cases, the crime was labeled as occurring at “home.” The other label that I use for this category, “street” is a bit more complex. Some cases clearly state that the crime happened in the streets, some say that the body was found in the streets, and some that the crime occurred in public. While this dichotomy between “home” and “street” is not perfect, it is useful to demonstrate later

152 “Informe Anual Sobre Violaciones a los Derechos Humanos y Civiles en la Republica Argentina Basadas en la Orientación Sexual de las Personas y de las Personas que viven con VIH/SIDA,” 11.
153 “Crímenes de Odio: Informe 2011, 3.”
where the danger lies for different groups. Additionally, geographical locations were listed for the majority of the hate crimes and these were coded into province. Although the city and the province of Buenos Aires are distinct, I grouped them together in the analysis, as some of the reports were unclear in which area the crime occurred.

4.3 Public opinion surveys

In this section I rely on data provided by the Chilean Latinobarómetro Corporation.\footnote{The “Latinobarómetro Corporation is a private non-profit organization, based in Santiago, Chile, that is responsible for carrying out the Latinobarómetro survey and for distributing the data.” Its International Advisory Board “is formed by academics who become involved in the survey through their experience of empirical studies, their activities as social scientists of international standing, and their interest in promoting and supporting the creation of regional indicators.” “Latinobarómetro Corporation 2012,” http://www.latinobarometro.org/latino/LATCorporacion.jsp (accessed October 1, 2012).} Data from 15 years of Latinobarómetro surveys are accessible online through the company’s website, making this an ideal source for information.\footnote{The data can be found at http://www.latinobarometro.org/latino/LATanalize.jsp.} The company’s website also hosts documents detailing their methodology, which explain that the total number of annual participants in Argentina, Chile and Uruguay is 1,200 and that there is a +/- 2.8% sample error, giving the surveys a 95% confidence interval. For Brazil, the sample size is 1,204 with the same confidence interval.\footnote{Information taken from “METHODOLOGICAL REPORT LATINOBAROMETRO 2006,” Latinobarómetro, http://www.latinobarometro.org/latino/LATContenidos.jsp.} Since the Latinobarómetro data is already coded, I did no further coding or categorization. I created the graphs that are presented, however the data, categories, and translations (from Spanish and Portuguese to English) came directly from the Latinobarómetro website.

4.5 Informal survey responses

To get more qualitative data, I sent out a survey on perceptions of LGBTQ rights and activism. I received assistance in improving the questions and the language used in the survey by Tomás Santiago Val, a friend from Argentina, and Kuwary Torréns, a colleague at the University of San Francisco. I received 20 responses, primarily from
people I met during fieldwork in Argentina with others coming from a link to the survey that I posted on the Argentinean section of Reddit, a popular crowd-sourced news site.\footnote{The Argentinean section or “subreddit” can be found at www.reddit.com/r/argentina.}

The sample I ended up with is fairly diverse, however many respondents made up a single bloc. Only 5% of identified as right or center-right while 40% identified as left or center-left. Another 30% of respondents placed themselves in the political center and the final 25% chose other, with results including anarchists, pacifists and greens. Most respondents, a full 60%, lived in the capital, Buenos Aires and a further 25% were from the province of Buenos Aires. There was also 5% participation from Córdoba, Salta, and San Isidro, a town just outside of Buenos Aires. Respondents also skewed young; the median age was 28, the youngest participant was 21 and the oldest was 56.

I had hoped to get responses primarily from members of the LGBTQ community but in the end heterosexuals made up 50% of the respondents and, of the rest, 30% were homosexual, 10% were bisexual, 5% were pansexual, and 5% identified as “all of the above.” A full 65% identified as cisgender men, and 25% identified as cisgender women. The remaining 10% was evenly split between men who wrote in their gender as “men” instead of selecting the option for “Cis-man (non-transgender man)” and trans-women.

When selecting quotes for inclusion I have prioritized variety over representativeness as the sample I’m drawing from lends itself more to diversity than overall accuracy. Quotes should be read only as the opinion of the individual speaker and not necessarily representative of any group. Each participant was assigned a pseudonym for use in this study.
Chapter 5: Changes in LGBTQ Activism

5. Changes in LGBTQ Activism

5.1. Founding memberships

5.2. Founding goals

5.3. Interviews with activists
   5.3.1. Ideology
   5.3.2. Language
   5.3.3. Political alliances
   5.3.4. Organization

5.4. Conclusion

“It is crucial to make our claims for autonomy, our claims for rights of association, and our claims on reality, all the more active and vigilant…Reality is being made and remade during these times in dramatic and consequential ways. And for those who know what it is to be treated as unreal, it is all the more important that the unreal speak, in reality’s name, if only to disrupt and to compel its reshaping in another direction.”

-Judith Butler

In this study I argue that neoliberal politics have produced changes not only in economy and society, but also in sexual politics. Having discussed how these trends work in Chapter 3, I now present evidence for their congruence in Argentinean activism. In this chapter I present documents that demonstrated how Argentinean LGBTQ activism has changed, mimicking the way in which leftist politics have been impacted by neoliberal policies. In the next chapter I present information on the second part of my argument which states that this shift in politics has not challenged underlying bigotry, allowing it to continue unabated.

In this chapter I look at three different sets of documents relating to three different LGBTQ organizations that, when read together, can provide an idea of how activism has changed over time. The organizations examined here are the FLH, the CHA and the FALGBT. These groups were chosen because of their importance – they each held the top position in LGBTQ activism in Argentina at various points in the last 40 years – so they should be able to demonstrate trends in the activist community overall. For each of these organizations I look at the individuals and groups that made up their initial membership, their primary goals at their founding, and the words of the activists who work on behalf of each group. There are various trends in lavender tide politics that are distinct and demonstrably different than the politics used by the activists and revolutionaries that preceded them. From looking at these changes, I have developed a sort of blueprint for how to engage in this kind of politics which organizes chapter:

1. **Ideology:** be more pragmatic than ideological.
   a. Set concrete, realizable goals and avoid lofty, ideologically driven ideals.
   b. Allow the group’s agenda to be set, in part, by the political and social climate.
   c. When they come into conflict, sacrifice ideology in favor of results.
2. **Language:** use the language of liberation to speak the message of assimilation.
   a. Adopt the symbols and language of the older, more revolutionary activists to talk about the less revolutionary actions of today.
   b. Drop the angry rhetoric and instead use milder, happier language that is less likely to offend.
c. Promote organizational goals as universal goals, frame rights issues as human rights issues.

3. Political alliances: work with, not against, those in power.
   a. Work with any group to further the organization’s agenda, even groups that have been or are hostile to the broader goals of the movement.
   b. Create alliances with those in power – both politically and economically.
   c. See the mechanisms of the state as tools that can be used to bring rights, not as methods of oppression.

4. Organization: transform a messy, disorganized community into a streamlined movement.
   a. Abandon novel forms of democratic rule in favor of hierarchy.
   b. Create channels for popular input but avoid structures of popular control.
   c. Minimize the voices of opposition within the movement and present a unified position despite the complex reality.

5.1 Founding memberships

The FLH, unlike the organizations that came after it, had to fight not only against “the stigmas and embedded prejudices in civil society” but also against “the homophobia and censorship of a military dictatorship.” 159 The group that would become the FLH began with “a group of working class homosexuals”, most of whom, came from unionist tradition, led by the communist Héctor Anabitarte, who was expelled from the Communist Party for being gay. At that time they create Nuestro Mundo (Our World), which was considered the first sexual-political homosexual group in South America. Its militant members performed various tasks of underground propaganda, literature and art. In 1971, Nuestro Mundo joined with other middle class intellectual groups and, while still maintaining its autonomy, gave rise to the Frente de Liberación Homosexual. 160

The FLH was an alliance of organizations and activists, including “Safo, a lesbian group; Nuestro Mundo, a unionist group, Bandera Negra [Black Flag] anarchists; and Eros, an organization of intellectual, professional and militant Catholic sectors.” 161 Like the FALGBT that came after it, the FLH was an association that coordinated their work yet allowed each group to work autonomously on their own projects.

Unlike the FLH and the FALGBT, the CHA is not an association but a single group composed of individual activists. The CHA began in 1984 “in an assembly that

159 Bárbara Soledad Bilbao, “Frente de Liberación Homosexual (1971-1976): prácticas comunicacionales de resistencia y resignificaciones en la historia reciente,” *Questión* 1, 33 (2012): 23. As demonstrated in the introduction, because of the effectiveness of the military government’s campaign, the FLH no longer exists and there is little primary evidence to put together a solid understanding of its work and ideals.
160 Ibid., 24.
161 Ibid., 24.
was attended by around 150 people. In this assembly they also established the fight against repression and the police edicts inherited from the military dictatorship as their “primary and urgent objectives.”\textsuperscript{162} The CHA’s objectives were more defined than these basic points suggest, as will be seen shortly, however their goals have always been targeted less on specific legal changes and more on broader changes in society.

The FALGBT was founded more than two decades after the CHA and it benefits from the years of work put in by previous generations of activists. At its founding, the Federation was composed of five previously established LGBTQ activist groups:

The ATTTA (Asociacion de Travestis Trangéneros y Transexuales de Argentina [Association of Transvestites, Transgender and Transsexuals of Argentina]), a national organization with affiliates in various provinces; La Fulana, an organization of lesbian and bisexual women from Buenos Aires; Nexo Asociación Civil [Nexus Civil Association], a gay organization from Buenos Aires founded in 1992 and with an important work in the area of health; VOX Asociación Civil [VOX Civil Association], the first LGBT organization in the province of Santa Fé, founded in 1998; and the Fundación Buenos Aires Sida [The Buenos Aires AIDS Foundation], an HIV prevention advocate group founded in 1989.\textsuperscript{163}

Since then, the FALGBT has increased dramatically in size, and it is now undoubtedly the largest bloc in the movement, even including some non-LGBTQ groups.

The original makeup of these groups demonstrates the change from \textit{oppositional} to \textit{identity} politics. The FLH included anarchists, militant Catholics and radical intellectuals – people who were used to thinking about ways to work outside of official channels of power and who proposed broad structural changes. The individuals that make up the CHA and the groups that makeup the FALGBT, on the other hand, are united by single identities – their concerns lie primarily in promoting the rights of a particular group, be it a regional, sexual, or gender minority. Here we see the fragmentary effect of neoliberal politics at work. Unlike previous generations of activists


who fought on behalf of the broad category of ‘the oppressed,’ the groups that make up
the FALGBT struggle on behalf of a single group. Also of note is the fact that the groups
that made up the FLH were much more radical and militant than the groups that founded
the FALGBT, especially in their relation to the state, with some FLH member groups
interested in replacing the state while FALGBT member groups and goals require the
presence of the state in order to achieve their goals. These facts help to understand the
differences between these group platforms, which are explored later.

5.2 Founding goals

Having discussed their original membership we can now look at the foundational
goals of these organizations. By looking at the basic aims of these organizations we can
begin to see how they positioned themselves in relation to the state, what they based their
claims on, and how they saw their goals being accomplished. This section is divided
according to organization at the end I compare these documents and discuss how they fit
within the framework of neoliberal politics established at the beginning of this paper.

According to the Argentinean historian Guido Vespucci, the FLH was founded as
an “opinion group” however in 1972, “the entry of dozens of university students
imprinted an agitated tone on the Frente that would continue until its dissolution”.

This organization’s motivations and goals can be seen in its very first flier which was
distributed throughout Buenos Aires in 1971:

To the homosexuals of Buenos Aires: we inform you of the existence of the Frente de Liberación Homosexual. We emerge as response to the situation of marginalization and oppression that we are facing. We place ourselves, among other objectives, in the fight for the repeal of the police edicts that penalize homosexuality. This call is meant to serve as an invitation to make a decision

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about the oppression that is exercised around us and that makes it necessary to organize. Frente de Liberación Homosexual.\textsuperscript{165}

Founded nearly a decade and a half after the FLH, the CHA nonetheless had strikingly similar goals. Its basic goals are spelled out in depth by Carlos Jáuregui, the organization’s first president:

1. To promote a decent life for homosexuals.
2. To claim, for homosexuals, their inherent rights as human beings and as citizens, guaranteed by the National Constitution.
3. To develop a community spirit, incentivizing solidarity and unity among homosexuals.
4. To struggle so that homosexuality will not be a motive for family, social, legal, moral, religious, workplace, or any other type of discrimination.
5. To generate an environment of reflection and multidisciplinary studies about homosexual issues and distribute them.\textsuperscript{166}

These organizations attempted to change the way society viewed and treated the LGBTQ community, but the FALGBT was launched as a political tool aimed at promoting the civil rights of the LGBTQ community. According to Esteban Paulón, the Federation’s current president, “Those of us in the five organizations that originally founded the Federation understood that it would be a political tool.” Like the CHA before it, the FALGBT listed five goals that it sent out to accomplish:

1. That Congress pass a law that guarantees the rights of families formed by partners of the same sex in absolute equality with the conditions of those formed by heterosexual partners, permitting marriage and adoption.
2. That Congress pass a law that guarantees the right to identity for trans people: to legally use their name and to use their bodies with freedom.
3. That Congress modifies the current anti-discriminatory law to include protection against discrimination for sexual orientation and gender identity.
4. That the content of sexual education in schools include the concept of sexual diversity and the rejection of homophobia, lesbophobia and transphobia.
5. That the repressive and unconstitutional provincial legal codes that criminalize sexual orientations and gender identities and allow police to persecute and harass gays, lesbians, bisexuals and trans people be repealed. Similarly, that all national or provincial rules that discriminate on the basis of sexual orientation and/or gender identity be repealed.\textsuperscript{167}

\textsuperscript{165} Reproduced in Osvaldo Bazán, \textit{Historia de la homosexualidad en la Argentina: De la Conquista de América al siglo XXI}, Nueva edición actualizada (Buenos Aires: Marea Editorial, 2010), 608.
\textsuperscript{166} Jáuregui, 203.
It is fascinating to see how the language used by these organizations shifts over time. In the FLH’s flier, they use words like “marginalization” and “oppression” and make it clear that their aims are not purely political or legislative – they are repudiating the situation of oppression in which they have been placed, not only the acts of discrimination that they face. The CHA takes up the same general cause, however the language it uses is already milder than that used by the FLH. Whereas the FLH spoke in negative terms – stating what it was against – the CHA spoke in positive terms, mimicking the change in the generations of human rights discussed in Chapter 3. The FALGBT uses words like “rights” and “equality”, words that the FLH noticeably avoids and the CHA uses only once. The FALGBT’s charter moves even further from the oppositional politics of the FLH or CHA, instead discussing what it supports and calling on Congress to take action on them as well.

All three organizations demand the removal of discriminatory police edicts, however they use very different language to make this claim. The FLH and the CHA clearly state that they are willing to “fight” against these edicts whereas the FALGBT asks that the state repeal them. The CHA specifically mentions that it will struggle against “family, social, legal, moral, religious, workplace, or any other type of discrimination” whereas the FALGBT seeks to bring in the state to modify anti-discriminatory laws “to include protection against discrimination for sexual orientation and gender identity”, demonstrating the shift from a broader human rights approach to a more narrow civil rights focus. Ultimately the desired results are similar but the FALGBT’s language takes the focus off of the activists who are fighting for the change and puts it onto the politicians who can enact changes. This illustrates the fact that its
focus is not society as a whole, as it was for the FLH or CHA, but instead on policymakers, targeting them with clear, well-argued positions for them to adopt. Here again, we see that the FALGBT is more pragmatic than ideological, creating goals that can be accomplished rather than goals that should be accomplished.

Referring back to the blueprint of lavender tide politics discussed in the beginning of this chapter, we can see how these factors are influencing the ways activists enact and perceive their work. In terms of ideology, LGBTQ rights groups have gone from opposing broad social problems to establishing concrete, succinct goals that legislators can easily adopt. The language used has narrowed from a human rights to a civil rights discourse. In terms of political alliances, the FALGBT’s goals presume a working relationship between the state and LGBTQ activists, a position that has historically been impossible in Argentina (and much of the rest of the world) but which has recently become a possibility. The FLH worked outside of and against the state, and was eventually destroyed by it. The CHA has worked largely in civil society and primarily with local governments, whereas the FALGBT has taken the fight for the expansion of rights directly to the national government.

5.3 Interviews with activists

The most prominent LGBTQ organization currently working in Argentina is the FALGBT, an umbrella organization that has been behind all of the recent legal advances and which has incorporated most of the smaller groups working in the country. This section focuses primarily on this organization because of its prominence, however the CHA is also referenced as a counterpoint to the FALGBT because of its historic importance and the fact that it has refused to join the Federation.
5.3.1 Ideology: be more pragmatic than ideological

During my exchanges with Esteban Paulón, President of the FALGBT, we began by talking about the group’s beginning and early progress. He stated that when the Federation began, “there hadn’t been any experience of working together amongst the organizations that there were in the country” however “following the passage of the marriage equality law in Spain, the idea, the possibility began to emerge to begin to organize to shoot for a similar law” and it was this possibility that prompted the original members of the Federation to join together. Unlike previous organizations that had attempted to change the way society views the LGBTQ community, the Federation was launched as a political tool aimed at promoting the civil rights of the community. In this regard, it has had an impressive amount of success.

The Federation began with five primary goals, of which, Paulón noted, “The only thing that remains is the issue of the antidiscrimination law, which is currently advancing through the Congress.” The FALGBT is frustrated with the lack of progress on the anti-discrimination law, however “The progress of parliament has its rate of change” and “other fights got overwritten by the debates for marriage or for gender identity.” Paulón rhetorically asks, “how many laws for the diversity in one year, no?” a question that suggests that while the FALGBT isn’t pleased with the lack of an anti-discrimination law, it understands that this is the way the political system works. Returning to the subject of the marriage law, Paulón explained, “When the Federation began, we pushed for marriage equality because, fundamentally, marriage was the thing that most separated the community from society.” When the Federation proposed this idea, many within the LGBTQ community were outraged and “many parts of the community tried to shut us up”

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and refused to work with the FALGBT. One of the most prominent groups opposed to the marriage law proposed by the FALGBT was the CHA. Paul Caballero of the CHA agrees that the “big laws, like the marriage equality law, the gender identity law” are important but what is most pressing is the “antidiscrimination law – which they say is coming this year.” Caballero’s tone suggested skepticism that the law would pass and, so far, he appears to be right; the national anti-discrimination law still has not passed.

Paulón went on to explain in more detail how the points of this original agenda were chosen, specifically with regards to the inclusion of same-sex marriage as part of its foundational platform. He stated that,

> We saw that the strategy in the majority of countries was to push for marriage first because it’s a law that is much easier to understand socially… in the case of the gender identity law, there was much more educational work to do, no?… So we defined a strategy that was to advance with the marriage equality law, which we understood as the key that would open the door for other rights.

In these excerpts we can see some important points. First, the Federation’s agenda was set in response to the agenda that was being pursued in other countries and that which seemed possible. Second, the paths pursued by the FALGBT are largely disconnected from the work done by earlier generations of activists. Third, not only was this push not in line with the desire of many within the community, it was actually contrary to their wishes. Instead of pursuing the historical goals of the movement or fighting the harder but arguably more important battle for an anti-discrimination law, the FALGBT pursued the ‘politics of the possible’, changing its goals to align with what could be accomplished instead of what should be accomplished.

5.3.2 Language: Use the language of liberation to speak the message of assimilation

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169 Paul Caballero, interview with author, August 16, 2012.
In the literature review I discussed some of the ways that neoliberal politics change the meanings of words and ideas, taking big, revolutionary words like ‘equality’ and ‘liberty’ and using them to refer to small, discrete changes. In the beginning of this section I laid out how the language used by LGBTQ rights groups has mellowed and changed from oppositional to supportive. In this section I present a few more examples that demonstrate this linguistic shift. When I talked to Esteban Paulón, he told me that:

until that moment [when the Federation began] it had been very difficult for the diversity movement to connect with society. It was very defensive, “we’re victims of human rights violations, poor us…” And, well, the Federation’s quantum leap in this regard was to begin with a discourse of integration, of inclusion, of equality…

Vilma Ibarra, who was one of the authors of the [marriage] law, said “we need to explain why we stick with the pretty words” she said “we talk about love, we talk about solidarity, we talk about family, we talking about companionship, we talk about rights, we talk about equality.” Others wanted to talk about discrimination, they talked about hate, they talked about perversion, they talked about words that society didn’t want…So we are a movement for liberty and equality.

Here, Paulón demonstrates that the FALGBT was aware of this shift and actively promoted it. Instead of talking about oppression and discrimination, topics that require an audience to examine their own complicity, the FALGBT moved to talking about liberty and equality, subjects that are more positive and which anyone can support. Paulón justifies this shift by demonstrating that it opened up the LGBTQ community to more political and social alliances, a topic that I return to in the next section.

Aside from opening up the FALGBT to possible alliances, this linguistic shift also allowed the group to incorporate new, younger people who Paulón felt were less familiar with overt discrimination and repression. Paulón told me that many young people are from a “generation that suffered discrimination differently, that haven’t seen it as much in their own bodies, that haven’t been victims of political violence, police violence…well, the trans group is still victim to violence, but it’s not widespread…” The FALGBT is aware that this shift in language can minimize the suffering of some marginal groups,
however it also helps to increase the overall visibility and acceptance of the most accepted and ‘integrated’ groups. The fact is, violence and oppression still exist and by placing the fight for ‘equality’ over the fight to end repression, LGBTQ activists have prioritized the needs of those who are already the most integrated into society.

5.3.3. Political alliances: work with, not against, those in power.

Speaking about a 1973 demonstration in Argentina repudiating Pinochet’s coup in Chile, Néstor Perlongher of the FLH recalls “the leftist groups ran away from where they were in the demonstration to avoid being close to the gays.”\(^{170}\) Regardless of who LGBTQ activists wanted to work with, they were severely limited in their options. The FLH was able to work with a few other niche groups, especially with feminist groups, who came together to form the Grupo Política Sexual (Sexual Politics Group), a group that would gather regularly to talk about things like the “roots of oppression” and through which gay men and feminists were able to learn about each others struggles.\(^{171}\)

Today, the LGBTQ rights movement has many allies, from human rights groups to politicians.\(^{172}\) This has been accomplished in part by the shifts in ideology and language previously discussed. Paulón suggests that these were important, because then an agenda of diversity was able to be included in the agendas of other movements. Suddenly the traditional human rights movements, those most linked with the causes of memory, truth and justice, assumed an agenda of diversity – the women’s movement and the progressive political parties also began to incorporate questions of diversity in their agendas.

Despite Paulón’s claims to the contrary, human rights groups have long supported the expansion of LGBTQ rights, however it is true that there was very little political support


for LGBTQ rights in Argentina before the FALGBT began its campaigns. The FALGBT, in contrast to the earlier organizations, was founded as a civil-rights organization and it has been much more explicit in its search for political allies to further its agenda. The FALGBT is aware that a small minority, especially such a hated minority, can have very little success on its own, so it has opened itself up to make as many alliances as possible:

Because the reality is that the diversity is a minority – this is an objective reality – and so our allies that are not part of the community are fundamental when it comes to think about the advancement of our rights, in a place where we don’t have either the majority of the political offices or the majority of the seats in congress held by people from the community – we are a minority on every side.

The LGBTQ community needs allies and has had to promote its goals as part of a broader change that would help everyone. According to Paulón, “we had to include our agenda in these other agendas, so that it would feel like a social agenda – for all of society – to be able to advance.” He continues that the FALGBT had to demonstrate that the advancement of the diversity community is the advancement of all society and that the advancement of our human rights advances everybody human rights. That the United States, that Argentina will be better countries because they are going to have citizens with more rights.

Here we can see some of the same ideas as discussed in the literature review. Sullivan argued that LGBTQ rights issues, especially same-sex marriage, should be framed in a way that doesn’t challenge heterosexist ideals but instead reinforces the structures established to promote them. This language removes the complicity in repression of those that participate in discriminatory structures and allows them to declare their allegiance to LGBTQ rights, with the hope that doing so will bring about a decrease in discrimination. This has helped the FALGBT to gain alliances however these alone are not enough to enact the legislative changes that the organization set out to accomplish.

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173 Carlos Jáuregui, *La Homosexualidad en la Argentina* (Buenos Aires: Ediciones Tarso S.A, 1987), 230-234. Jáuregui presents letters received by the CHA from organizations such as the Abuelas de Plaza de Mayo (Grandmothers of Plaza de Mayo) in support of its campaigns for the removal of discriminatory police edicts.
In order to further its agenda, the FALGBT has had to work closely with politicians from a variety of backgrounds and ideologies, many of whom likely have no interested in promoting LGBTQ rights aside from the political advantages it can bring them. For example, the FALGBT willingly accepted Cristina Fernández de Kirchner’s support in helping to promote its legislative agenda, however it is well aware that she has not historically been an ally of the community. Unlike some of the scholars discussed earlier who saw Cristina’s support for these legal changes as more of a cynical political calculation, Paulón suggests that perhaps her support is part of a broader trend towards acceptance, noting that “Cristina is also part of this society that, perhaps at first didn’t understand, but later has come to understand.” Paulón believes that the passage of the marriage law caused an increase in the social acceptance of homosexuals and the LGBTQ community overall, and the long years of struggle for this law finally convinced Cristina, and many others, to come around.

5.3.4 Organization: transform a messy, disorganized community into a streamlined movement.

Before the FALGBT came into existence, the LGBTQ community in Argentina was in a state of disorganization. The CHA had lost its prominence and the community had split into various factions, each focusing on their own work and coming together basically only once a year, during Pride events. According to Paulón, while there had been activism for decades, “it didn’t heat up until the 2000s” when the Federation was founded. With the rise of the FALGBT, the LGBTQ community has undergone a ‘restructuring’ that has allowed it to consolidate its political power and make real changes. In this section I discuss how these groups organize themselves, both internally and with respect to other organizations and individuals within the community.
The FALGBT is a federation of various local activist groups. It is organized under a central executive office that works in Buenos Aires in which the President and the various secretaries work. Underneath this office, each group sets its own priorities, however the agenda of LGBTQ community as a whole is set by the executive office.

Paulón discussed the FALGBT’s structure, saying:

There is an executive organ that takes, that gets together once a month and makes the decisions. And we try to do periodic meetings. At least twice per year we all get together to draw up the broad strokes of action. Understanding, of course, that the Federation creates, absorbs and promotes a national agenda and that later each organization in each province has total autonomy to develop its own agenda. In other words, we have a general agenda that has to do with impacting the national government where we have a clear vision of two or three priorities: employment, health, and others, like education.

While the Federation’s bi-annual meetings are held in order to get feedback and ideas from its member organizations, the executive office alone sets the movement’s national goals. Paulón is aware of the problems with this power structure but believes that most members of the Federation find it satisfactory, stating, “there is also a sort of confidence from the group to the executive, an understanding that we share a ‘common flu’ and that we share the same general objectives.” The Federation was first brought together to promote these common goals, however in concentrating the decision making power for an entire community in the hands of just a few people, the Federation claims to be more representative than it really is; the agenda it establishes may not represent the community as a whole. The Federation aims for inclusion, requiring each of its top three positions (president, vice-president and general secretary) to have different gender and sexual identities (one gay man, one lesbian, and one trans* individual). Doing so means that these groups aren’t excluded from the decision making process, however it can’t ensure their fair representation.
Perhaps as a result of the distance this kind of power structure puts between the community and the leaders, Paulón admits that activist often aren’t viewed kindly within the LGBTQ community.\(^{174}\) He states that these groups,

haven’t had a very good image. The community saw us as a group of people that sought after personal, economic, political interests, even sentimental interests – to look for boyfriends, to find someone to fuck, to be on television. Things that people fantasized about the movement.

Regardless of personal motivations, the fact that a few members of the FALGBT’s executive office are able to set an agenda that is supposed to represent the entire LGBTQ community, it is not at all surprising that some of those whose issues have been excluded from the Federation’s agenda doubt the sincerity of the organization’s commitment to the entire community over personal ambition.

Another factor that contributes to the disconnection between the FALGBT and the LGBTQ community overall is the power that the Federation has been able to achieve relative to the rest of the community. The FALGBT was created, in part, out of a disagreement within the community over same-sex marriage. Paulón and the other founding members of the Federation felt that “that this was the agenda that was coming.” However others wanted to push for other advances first, or different rights altogether.

Paulón told me that when these groups began to mobilize for same-sex marriage,

The Federation’s agenda was so strong in the media that, in reality, there was not place for internal opposition…So because of the weight that the Federation had during the debate for the marriage law and the very small impact that the other organizations had, realistically, we could say, there wasn’t much space left to show there the split in the movement.\(^{175}\)

Here we see the final point in the blueprint of lavender tide politics. In order to present a united front and accomplish its agenda, the FALGBT has had to minimize the voices of

\(^{174}\) Dismissing or questioning the motives of activists is not exclusive to LGBTQ activism. The mental health and honesty of even the Mothers of the Plaza de Mayo are still sometimes questioned. Susana Kaiser, *Postmemories of Terror: A New Generation Copes with the Legacy of the “Dirty War”*, (New York: Palgrave Macmillan, 2005), 183-188.

\(^{175}\) The CHA helped to legalize civil unions (open to both same-sex and opposite-sex partners) in Buenos Aires in 2002 and preferred this type of relationship recognition as it carries less of the negative baggage that marriage brings along, including religious authority and implicit heteronormativity.
those within the community that oppose its work or whose presence in the community could discredit and derail their efforts, even when the opposition comes from important and historic groups like the CHA. Paulón told me that it is sometimes difficult to work with activists and individuals from outside of the Federation, especially older activists, those that have suffered discrimination and exclusion, they have very valid input, I mean we really value their input, but the reality is that often they are very defensive, really marked by their history, and it’s hard for them to dialogue, to ‘take off the backpack’, as we say.176

The Federation takes the view that “if another person discriminates against me, perhaps it’s not just because they hate me, but maybe it’s because they haven’t received any education and they don’t understand the issue.” Therefore, reactionary language would only push this person farther away, which is why the Federation suggests to dialogue with them, to try to turn them into an ally.

As time has progressed, the FALGBT believes that it has been able to overcome some of the negative reactions to its appearance within the LGBTQ community. Paulón suggests that, when the Federation first appeared, there was some embarrassment within the community about the tactics and goals of the organization. However,

There was an attitude of embarrassment on the part of the community that, luckily, has lessened as society has begun to understand the agenda that we put forth. The community has also begun to understand it and this attitude has begun to change. Today, in reality, there is a new, very positive consideration of activism – with its successes, its mistakes, its similarities and its differences.

Since the Federation has been able to produce results, the opinions of the community has begun to change, at least according to Paulón. During my fieldwork I asked a wide variety of LGBTQ individuals what they thought about the activist community and I received mixed results, however the overall feeling seemed to be of disinterest. I doubt that my results are representative of the feeling of the LGBTQ community as a whole,

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176 “Sacarse la mochila” or “drop the backpack” is slang that means to drop painful baggage and move on.
however I did find it surprising that very few people with whom I spoke seemed interested in the organizations that claimed to be fighting on their behalf.

5.4 Conclusion

In this chapter I presented data concerning the changes in LGBTQ activists activism. Activists have narrowed from broad human rights discourses, opting for discussions of civil rights instead. Additionally, the FALGBT (and the CHA to a lesser extent) has begun to set goals based on international trends, aiming to accomplish the ‘politics of the possible.’ Changing its language has allowed the FALGBT to build political alliances and accomplish its goals. These alliances are maintained by presenting a homogenous image of the LGBTQ community, reducing a vast array of demands to a few goals that can be easily and succinctly presented to its allies in power.

The reduction from a heterogeneous community to an organized movement creates a hierarchy ensuring that the battles won provide the most benefit to the most privileged within the community. This hierarchy mimics the “hierarchy of respectability” that positions middle class gay men and lesbians at the top and everyone else on steps that grow increasingly despised on the way down and is clearly seen in the FALGBT’s agenda, in which the legalization of same-sex marriage was placed at the forefront, ahead of an anti-discrimination law (which still hasn’t passed) and the gender identity law (which was able to pass). Paulón is right; without changing its tactics the LGBTQ community probably wouldn’t have been achieved the successes it has, however in doing so it has neglected other problems and glossed over all manner of violence. In the next chapter I demonstrate this continuation of bigotry and discrimination.

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Chapter 6: The Effects of the Change

6. The Effects of the Change
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      6.1.1. Hate crimes and major events
      6.1.2. Hate crime victims
   6.2. Public opinion surveys
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“We don’t want to be chased, or exposed, or discriminated against, or killed, or cured, or analyzed, or explained, or tolerated, or even understood: what we want is to be wanted.”

-Néstor Perlongher

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In this study I argue that lavender tide politics has produced changes in the civil rights but not the other areas of human rights for Argentina’s LGBTQ community. In this chapter I support this argument by looking first at statistics on hate crimes committed in recent years and how they have changed over time in connection with political and social events that have happened in Argentina. In the second portion of this chapter I examine some survey data that show how public opinions have changed. In the final section I present the results of informal surveys that can add a more qualitative and interesting interpretation of the data presented in the rest of the chapter. Each section is concluded with a short summary of the data presented and how it can enlighten the central questions of this study.

6.1 Hate Crimes Statistics

One of the most concrete ways to measure the way that LGBTQ individuals are treated is to look at the crimes committed against them. In this section I present hate crimes statistics and discuss trends in the context of the political and social situations in Argentina, followed by a section that looks more closely at the victims of these crimes. These statistics are limited, since the reports used draw from police investigations and it would appear that the only cases that get investigated are those that end in death. Victims that survive hate crimes either report them to the police and they go uninvestigated, or they fail to report them to the police. Whatever the case may be, it is likely that the situations presented here represent only a fraction of the total number of hate crimes committed in Argentina, however they can still be useful for mapping trends.

6.1.1 Hate crimes and major events
Graph 1 below shows the total number of hate crimes for all groups in all locations from 1991 to 2011, although it is missing data from 2003-2010. At first look these numbers appear rather erratic, however when read in the context of what was happening at the time, they begin to reveal a disturbing trend. The early nineties showed a fairly low number of deaths from reported hate crimes, however there was a big jump in 1996 and in every year in the second half of the decade there were as many or more hate crimes reported as were reported for any year in the first half of the decade. Additionally, there were more hate crimes reported in 2011 than in any previous year for which data exists except for 1996. By looking at what was happening in the country we can get a clearer idea of what may have contributed to these increases in hate crimes.

**Graph 1: Total hate crimes (1991-2011)**

Two important things happened in Buenos Aires in August of 1996. The first was the amendment of the city’s anti-discrimination law to include sexual orientation, making Buenos Aires the first city in Latin America to do so. The second important event happened when the federal police entered a gay club, identified and listed everyone present, and left without detaining anyone, an event that the CHA describes as a “strange and unusual procedure”. This was a strange enough occurrence on its own but it became
sinister when, within ten days after the raid, at least two people from the list prepared by
the police were found stabbed to death in their homes; both of these murders happened
just prior to the passage of the anti-discrimination law. The CHA’s report concludes,
“the motive for the crime wasn’t thievery, since the apartment[s] were found in perfect
order.” Given the strange actions by the police and the fact that theft wasn’t the
motivation, it is likely that these crimes were meant as intimidation or retaliation. As seen
in Graph 2, which looks specifically at Buenos Aires in 1996, there was a rise in hate
crimes reported in July and August, and August was the second deadliest month of 1996.

**Graph 2: Hate crimes in Buenos Aires by month (1996)**

The other major jump in the number of reported deaths from hate crimes
happened in 2011. Without data for the surrounding years it is difficult to know how
much of a change this was in context, however the fact remains that the number of
reported deaths from hate crimes in 2011 was higher than in any other year except for
1996. In 2011, Argentina was in the middle of its ‘gay rights revolution’ having passed
Latin America’s first national same-sex marriage legislation in 2010 and the Senate was
gearing up to unanimously pass the gender identity law in 2012. During this time,

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179 “Informe Anual Sobre Violaciones a los Derechos Humanos y Civiles en la Republica Argentina Basadas en la Orientación Sexual de las Personas y de las Personas que viven con VIH/SIDA.”
LGBTQ rights were a regular topic of discussion in the media and there were protests throughout the country both in support of and opposition to these changes. The epicenter of protest, as it often is in Argentina, was in Buenos Aires. Graphs 3 and 4 show that the majority of hate crime related deaths took place in Buenos Aires and that nearly two-thirds happened openly in the streets. This suggests two important things: 1) that the police were unwilling or unable to ensure the public safety of the LGBTQ community and 2) that the people responsible for these crimes had little problem committing them in public. These facts are disturbing and speak to a massive problem – while LGBTQ individuals are slowly gaining acceptance, bigotry is still widely accepted.

Graph 3: Hate crimes by province (2011)

Graph 4: Hate crimes by location (2011)

While these graphs do not necessarily prove a causal link they nonetheless suggest that there is a connection between the visibility of LGBTQ issues and violence.

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180 During fieldwork in both 2010 and 2012, I saw innumerable examples of homophobic, lesbophobic and transphobic graffiti and occasionally organized protests against LGBTQ rights and communities. Those I asked about it assured me that this was not the case previously and that public manifestations of hate had increased in recent years. Unfortunately, it appears that this has so far escaped academic attention.
against the community. Given the rhetoric and passion that is stirred up when these discussions take place it is unsurprising that there are high numbers of hate crimes when LGBTQ rights are discussed in the public sphere. This means that, in addition to the previously shown increases in social and mental stress that LGB individuals suffer when their rights are debated, they also have greater reason to be concerned for their physical safety. While these factors are not enough to stop pushing for greater rights they should serve as warnings to activists to consider these problems and find ways of ameliorating the negative consequences that so often accompany increases in LGBTQ visibility.

6.1.2 Hate crime victims

Until now I have grouped all of the hate crimes together and ignored specifics in favor of broader trends. Now it’s time to look a little more closely into the data to find out who the victims of hate crimes are. To begin, as Graph 5 shows, the vast majority of the reported hate crimes were targeted at gay men, although a full quarter targeted travestis. Additionally, travestis and lesbians are generally killed at a much earlier age than gay men according to Graph 6. Many of the reports implicitly or explicitly state that travesti victims were killed while working as prostitutes, which can help to explain part of this disparity but there is much more to uncover by looking deeper into the data.

Graph 5: Hate crimes by category (1982-2011)

Graph 6: Average age of hate crime victims by group (1982-2011)
While there is some correlation between the numbers of deaths from hate crimes amongst all three groups, Graph 7 shows that they haven’t always followed the same trends. In 1996, when the anti-discrimination law was changed, there was a sharp rise in the number of hate crimes committed against gay men and a smaller one in crimes committed against lesbians. *Travestis* seem to have been the least affected by this increase in violence. This lends further support to the idea that this violence was linked to the anti-discrimination law, as it protected only sexual orientation, not gender identity, meaning that public discussions of the change would have focused on the former.

**Graph 7: Hate crimes by group (1991-2011)**

In Graph 7 we see that there were two noticeable increases in hate crimes committed against *travestis*, happening from 1997 to 1999 and again in 2011. Both of these spikes in violence were preceded by important moments in trans* activism. In the second half of the 1990s, *travesti* activists became much more visible and protested.

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181 It is difficult to see in the graph, however for 2011 the number of deaths from hate crimes was the same for *travestis* and gay men.
regularly against police violence and assassinations. In 2011, LGBTQ activists were pushing strongly for the gender identity law that finally passed in 2012. As with the increases in violence against homosexuals in 1996 and 2011, the increases in visibility and political activism of the trans* community were met with increases in violence.

**Graph 8: Hate crimes against homosexuals by location (1991-2011)**

![Graph 8: Hate crimes against homosexuals by location (1991-2011)](image)

**Graph 9: Hate crimes against travestis by location (1991-2011)**

![Graph 9: Hate crimes against travestis by location (1991-2011)](image)

Finally, the statistics show another interesting trend in terms of where hate crimes take place. Graphs 8 and 9 show how the location of hate crimes committed against different groups has changed over time. Overall, gay men and lesbians were targeted in

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their homes almost twice as often as they were in public, suggesting that they are often killed by people they know well enough to let into their homes. *Travestis*, on the other hand, are rarely killed in their homes, being more than five times more likely overall to meet a violent end in the street than in their homes. This trend holds true for both of the prominent jumps in hate crimes that we saw previously, with 1998 and 2011 being the most dangerous years for *travestis* to walk through the streets.

Like the previously discussed age difference between gay and *travesti* hate crime victims, this likely has to do with the fact that many of the *travesti* victims worked in prostitution. I point this out not to blame the victims or to suggest that they in any way deserved the ends they met, but instead to suggest that it is a failure of public policy and policing that results in these deaths. As I have demonstrated repeatedly throughout this study, the police are often hostile to the LGBTQ community. The reports from the CHA indicate that the police illegally or unnecessarily detained more than 1900 people from 1993 to 2001, that they routinely harass and extort LGBTQ individuals in the streets, and that they threaten, rape and torture LGBTQ individuals when they fall into police custody.\(^\text{183}\) Additionally, four different reports indicate, “every night, more than 30 *travestis* are detained and imprisoned by the police in in the city of Buenos Aires.”\(^\text{184}\) This complicates the situations in which the LGBTQ community finds itself, as the people who are charged with enforcing and upholding the law are often its chief violators. Any changes that fail to take into account the problems of asking a homophobic and transphobic police force to enforce them are not likely to produce their intended effects.

\(^{183}\) “Casos Documentados de Discriminación por Orientación Sexual e Identidad de Género Durante 2002.” All of the reports documented abuses by the police, however they were listed only as trends that victims saw, making a numerical analysis impossible.

\(^{184}\) “Casos Documentados de Discriminación por Orientación Sexual e Identidad de Género Durante 1999.” This information is also listed in the reports for the years 2000, 2001 and 2002.
Summary

In this section I analyzed hate crime reports from the CHA. While these reports are incomplete, they nonetheless reveal trends concerning the treatment of the LGBTQ community in Argentina. The first is that increased visibility has continually been accompanied by increased violence. Activist groups need to recognize this problem and work to prevent these violent backlashes. Secondly, while the majority of hate crimes target gay men, most hate crimes that occur in the streets or in public target travestis. Thus the streets are the most dangerous place to be for the people that are most likely to find themselves there.

6.2 Public opinion surveys

While looking at hate crimes data can give an idea of how LGBTQ people are treated, public opinion surveys can show how this community is perceived. In this section I look at some questions concerning perceptions of homosexuals and homosexual rights. In four of its annual surveys between 2002 and 2009, the Latinobarómetro group asked interviewees to respond to this prompt: “Please tell me for the following statement whether you think it can always be justified, never be justified, or something in between. Where 1 is ‘never justified’ and 10 is ‘always justified’: homosexuality.” While the question itself is offensive, the multiple years of study make this an invaluable resource for measuring changes in homophobia. Another question that deals specifically with homosexuality asks: “Do you strongly agree, agree, disagree, or strongly disagree with

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185 The total number of deaths from hate crimes committed in the streets is 22 for travestis and 21 for gay men. There were no reports of hate crimes committed against lesbians in the streets.

186 Spanish: “Por favor usando esta tarjeta, digame para la siguiente afirmación si usted cree que siempre puede justificarse o nunca puede justificarse o si su opinión está en algún punto intermedio. Donde 1 es ‘nunca se justifica’ y 10 es ‘siempre se justifica’: Homosexualidad.” Translations are taken from the Latinobarómetro website, which includes an English version of the questions.
the following statements I am going to read?: Homosexual marriage.” Unfortunately, this question was asked only in 2010, however it was asked throughout Latin America, making it possible to draw international comparisons. After looking at these, I present one final graph that is demonstrates change in how these groups are perceived. These data will show whether Argentina, which has undoubtedly had the most rapid legal changes in the area, has also accomplished a more rapid social change than its neighbors. This section deals only with perceptions of homosexuality, meaning that any trends that are found here are not necessarily relevant to the LGBTQ community overall. This limitation notwithstanding, the data presented here can provide insight into the changing realities faced by some LGBTQ individuals in Argentina.

6.2.1 Justifiability of homosexuality

Beginning with Graph 10, we can look at the responses given in Argentina as a whole, and see that there has been clear improvement in this category. The number of people that find homosexuality ‘always justifiable’ increased by about 10% from 2002 to 2009, and the number of people that answered that homosexuality is “never justifiable” dropped by more than 25%, undeniable signs of progress. Interestingly, the number of people that place themselves in the middle rose as well, although the rise was not as drastic as it was on the extreme positions, and the numbers rose in every category from 2002 to 2009 except for “Never justified.” These results suggest a major change in the way homosexual individuals are perceived and treated in Argentina.

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187 Spanish: “¿Está Ud. muy de acuerdo (1), de acuerdo (2), en desacuerdo (3) o muy en desacuerdo (4) con cada una de las siguientes afirmaciones?: El matrimonio entre homosexuales.”
Most of the change in opinion occurred before 2008 and between 2008 and 2009, the number of people who answered “Always justified” increased by just under 5%, however the number of people who answered that homosexuality was “Never justified” also increased by nearly the same amount. The percentages of people at both ends of the spectrum remained nearly equivalent from 2008 to 2009, with responses at the lower half of the scale increasing by a half of a percent and those at the top decreasing by about the same amount. Also of interest is the fact that the middle of the graph lost 3.5% between 2008 and 2009. This could indicate that, as the visibility of gay men and lesbians has
increased, it hasn’t necessarily improved the way in which they are perceived by most Argentineans, instead chipping away at those who were ‘neutral’ on homosexual rights issues. This isn’t negative *per se*, but it is certainly less positive than a non-contextualized look at the data.

**Graph 11: "How justifiable is homosexuality?" (Argentina, 2002-2009)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Unjustifiable (1-5)</th>
<th>Justifiable (6-10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>69.60%</td>
<td>30.40%</td>
</tr>
<tr>
<td>2004</td>
<td>62.60%</td>
<td>37.40%</td>
</tr>
<tr>
<td>2008</td>
<td>49.00%</td>
<td>50.90%</td>
</tr>
<tr>
<td>2009</td>
<td>49.50%</td>
<td>50.60%</td>
</tr>
</tbody>
</table>

The lack of change after 2008 is illustrated even more clearly Graph 11 which shows the convergence between those on the top and bottom halves of the scale. In this graph it becomes clear that, although there was significant change from 2002 to 2008, the ratio of those who find homosexuality ‘justifiable’ to those who find it ‘unjustifiable’ remained steady thereafter. Data about more recent years doesn’t yet exist to show how these numbers might have changed after the legislative success of 2010, however there are important trends that can be developed from the years presented. While the perception of homosexuals in the country overall improved from 2002 to 2009, this was not the case throughout the country. In the provinces of Buenos Aires, Corrientes,
Formosa, Mendoza, and Tucumán, there were sharp increases in the number of people who felt that homosexuality was never justifiable. While progress has been made in some areas, others are slipping quickly backwards.

**Graph 12: Respondents selecting "Always justifiable" by country (2002-2009)**

To put these changes into an even broader context, we can step back and look at the countries surrounding Argentina, which have seen less progress in terms of LGBTQ rights. Graph 12 shows that between 2002 and 2009, Argentina, Uruguay and Brazil have all seen increases in the number of people that find homosexuality “Always Justifiable.” Chile is the only country that became less tolerant, dropping about 5% from 2002 to 2009. Uruguay saw the most progress, with Argentina trailing it by about 5% in 2009.

Looking internationally is important for multiple reasons. First, because many authors, including some discussed in Chapter 3, see much of Latin America as progressing together towards greater LGBTQ rights and it is important to put this idea to the test. Based on this graph, we can see that there are large differences in the kinds of progress being made in these four South American countries. Second, comparing Argentina to the surrounding area enables us to test the notion that the activists or
advances at work in Argentina have produced a massive change in the popular acceptance of homosexuality. This graph demonstrates the improbability of this claim, as Argentina, Chile and Uruguay all started at about the same place in 2002, yet Uruguay led Argentina by 7% in 2009, and Chile fell far behind, joining Brazil which it had previously lead by more than 10%. Argentina has accomplished more than some of its neighbors, however it is far from an outlier.

**Graph 13: "How justifiable is homosexuality?" (Uruguay, 2002-2009)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Unjustifiable (1-5)</th>
<th>Justifiable (6-10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>72.90%</td>
<td>27.30%</td>
</tr>
<tr>
<td>2004</td>
<td>47.60%</td>
<td>52.40%</td>
</tr>
<tr>
<td>2008</td>
<td>44.00%</td>
<td>55.90%</td>
</tr>
<tr>
<td>2009</td>
<td>46.60%</td>
<td>53.30%</td>
</tr>
</tbody>
</table>

Graph 13 makes it even clearer that Uruguay, which has lagged behind Argentina in terms of civil rights advances, has exceeded its southern neighbor in popular acceptance of homosexuality. In 2008 and 2009 Argentina was barely able to eek past the halfway mark, with just over 50% of respondents finding homosexuality justifiable. Uruguay, on the other hand, comfortably passed halfway in 2004 and has stayed above it, and above the numbers for Argentina, in every year since for which data is available.

While Argentina’s legal code has become increasingly friendly, Uruguay appears to be the least homophobic country in Latin American. Because of the multiple years over which this question was asked, it has been useful in looking at how acceptance of homosexuality has changed over time. To get a more recent look at acceptance of
homosexuality, however, we can look at the other question asked by Latinobarómetro that concerns homosexuality.

6.2.2 Support for same-sex marriage

In 2010, the same year that the Argentina became the first country in Latin America to legalize same-sex marriages nation wide, Latinobarómetro gauged support for similar legislation throughout Latin America. The variety of data gathered by Latinobarómetro in this survey allows for a complex analysis of who supports same-sex marriage and in this section, I look more at these demographics and what they mean for the future of homosexual acceptance in Argentina.

**Graph 14: Support for same-sex marriage by age (Argentina, 2010)**

Looking first at the breakdown by age in Graph 14 we can see that there is a clear generational shift in support for same-sex marriage in Argentina. Of those under 40, more than 50% are supportive and another 14-16% strongly support marriage legislation. Taken together, this means that the ratio of supporters to those against is nearly 2:1 for people under 40. Moving up the chart, however, the number of supporters plummets, with less than 1 in 3 people over the age of 61 supportive of same-sex marriage. Some of
these people may change their minds about homosexuality, however in a few decades their opinions simply won’t matter anymore as they are replaced by younger, more open-minded generations. In Chapter 3, Seligson and Moreno suggested that there was little generational shift in acceptance of homosexuality in Latin America overall, however this data suggests that, at least in Argentina, younger people are increasingly tolerant.

**Graph 15: Support for same-sex marriage according to religiosity (Argentina, 2010)**

<table>
<thead>
<tr>
<th></th>
<th>Highly observant</th>
<th>Moderately observant</th>
<th>Not very observant</th>
<th>Non-observant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly support</td>
<td>9.10%</td>
<td>5.70%</td>
<td>6.60%</td>
<td>15.30%</td>
</tr>
<tr>
<td>Support</td>
<td>22.00%</td>
<td>35.80%</td>
<td>49.00%</td>
<td>45.80%</td>
</tr>
<tr>
<td>Against</td>
<td>33.60%</td>
<td>28.70%</td>
<td>25.80%</td>
<td>22.50%</td>
</tr>
<tr>
<td>Strongly Against</td>
<td>35.30%</td>
<td>29.70%</td>
<td>18.60%</td>
<td>16.40%</td>
</tr>
</tbody>
</table>

In the literature review we saw that the people most hostile to homosexuals were the highly religious. This holds true in Argentina as well, as demonstrated in Graph 15 above. While nearly 7 out of 10 highly observant respondents opposed same-sex marriage, less than 3 out of 10 non-observant respondents were in the same category. This graph becomes more encouraging when read in the context of how religious Argentina is. In 2010, about 33% of Argentineans identified themselves as moderately or highly observant and another 33% stated that they were not very observant. The largest group was composed of those that identified as non-observant, making up 34% of total respondents. This marks a 10% increase in the non-observant group over the last 15
years, up from just under 25% in 1995. Argentina has long been less religious than many other Latin American countries and according to these survey results, the non-religious and the nominally religious now make up a clear majority in Argentina. This bodes well for the future of the LGBTQ community, as religious groups are often the primary opposition, and sometimes the only opposition, to the expansion of their rights.

**Graph 16: Support for same-sex marriage by province (Argentina, 2010)**

So far the metrics examined indicate that the public acceptance of homosexuality will only increase in the future, as both religious groups and the homophobic elderly continue to lose members, however this change is likely to happen at different paces in various parts of the country. The results presented in Graph 16 mimic the data discussed earlier concerning tolerance of homosexuality throughout the country. While some areas advance and become more accepting, other areas remain homophobic and may even
become more so. Lacking data covering multiple years, it is impossible to know how these trends will develop, however it is worth noting that in many provinces, a majority of the population was vehemently opposed to the marriage law that passed in 2010.

The feeling of the country overall is somewhat more difficult to gauge. In the Latinobarómetro survey, 45% of national respondents were against the legalization of same-sex marriage, while 55% supported the measure. Another survey done in the same year has the majority on the other side, with 60% against allowing same-sex couples to get married, 35% for and 5% unsure. It is difficult to determine where the majority lies, however given these conflicting results, perhaps the truth lies somewhere in the middle.

**Graph 17: Support for same-sex marriage by country (2010)**

![Graph 17: Support for same-sex marriage by country (2010)](image)

To bring this discussion of same-sex marriage to a close, I pull back to an international vantage point in order to see how Argentina compares to its peers. Graph 17 shows that Brazil had the highest percentage of people who strongly supported same-sex marriage.

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marriage, however Uruguay’s total support was the highest of the countries presented here, with more than 60% in favor of a marriage law. Support in Argentina was higher than in neighboring Brazil or Chile and it was nearly tied with Uruguay in terms of strong support for same-sex marriage. Of the countries listed here, Argentina is the only one that has legalized same-sex marriage, although Uruguay legalized same-sex civil unions in 2008 and a marriage law has been proposed but not yet fully ratified, however it is expected to pass in 2013.

6.2.3 Awareness of discrimination

Before leaving this section, I present a final graph that looks at the awareness of discrimination towards various groups in Argentina. In both 2001 and 2008 Latinobarómetro asked respondents: “From what you know or have heard, who do you think are the people or groups of people who are the most discriminated against in Argentina, or do you think there aren’t groups or people discriminated against in Argentina?” In both years the poor were believed to be the most discriminated against, with immigrants coming in a distant second. Although most of the categories showed little change, more than six times as many people selected homosexuals as the most discriminated against group in 2008 as did in 2001. This suggests that many more people became aware of the constancy and severity of discrimination that homosexuals suffer in Argentina. While this doesn’t indicate how people felt about this discrimination (whether or not it was deserved) the fact that it is becoming more visible is encouraging – the campaigns to raise awareness of the discrimination suffered by homosexuals and the LGBTQ community in general appear to be producing results.

189 Spanish: “Por lo que Ud. sabe o ha oído, ¿cuál cree Ud. que son las personas o grupos de personas más discriminadas que hay en Argentina o cree Ud. que no hay grupos o personas discriminadas en Argentina?”
Summary

When looking at the charts detailing responses about the ‘justifiability of homosexuality’ we see that Argentina is still an overwhelmingly homophobic country. The only non-homophobic response to this question is “10 – Always justifiable” and even as late as 2009, barely a quarter of all respondents selected this option. There has been progress, however there is still much to do. Second, these graphs confirm that it is possible to achieve legal progress without or before social change, since the same-sex marriage law passed at a time when the country was still fairly evenly divided on the issue and one in five Argentineans was vehemently opposed to it. By using their political savvy and playing into the needs of the ruling party, LGBTQ activists were able to build a consensus in support of this and the gender identity law in spite of fierce opposition.

The graphs presented here also demonstrate that, due to demographic changes, Argentina is likely to become increasingly tolerant as the country become less religious.
and as new, more accepting Argentineans take the place of older generations. These graphs only discuss homosexuality, making it difficult to apply these trends to the entire LGBTQ community, however they can at least give a preliminary idea of how things are changing. In the next section I move from quantitative to qualitative in order to make more sense of these results and to see how some people perceive them.

6.3 Informal survey responses

During my fieldwork I conducted a very informal poll to gauge the opinions of the people around me and to get a better picture of how Argentineans see the changes that have happened in their country. I included in the survey both closed and open-ended questions, intending to use it to get a general sense for what important changes had occurred and how they were perceived. In the end, I was unable to get enough responses to justify a quantitative analysis of the data, so I have instead chosen to explore the answers to a single question that had to do with the changes that had taken place in the last decade. Referencing the treatment of LGBTQ individuals, I asked, “Can you describe how you think society has changed or not changed in the last 10 years? What things are better, what are worse, and what hasn’t changed?” This question received some of the most interesting and diverse responses of any question that I asked during my research and in this section I discuss some of these responses and draw connections between the answers I received and the results presented in previous sections. I begin by looking at the broad spectrum of responses before examining some of the issues that respondents brought up, including the problem of discriminatory language, the pace of change, and the alliance between parts of the LGBTQ community and the government.
This question elicited responses that ranged from unequivocally negative to absolutely positive. Chanfle from Salta (one of the most conservative and homophobic provinces in the country) answered simply “I find the people of this country repugnant.” He followed up by saying that “Argentinean society is one big shit” and that he saw no change in hate crimes, in popular acceptance of homosexuality, or in the quality of LGBTQ representations in media. On the other end of the spectrum, Maria from the city of Buenos Aires believes that “Society has changed favorably, thanks to the support of the media and the famous people that have freely expressed themselves” and Ignacio from the province of Buenos Aires felt that there had been big change in the country, but it had mostly occurred in the 1990s. Beholder, also from the city of Buenos Aires saw this increasing acceptance as well, but pointed out that it is being applied not only to previously discriminated groups but also to all sorts of groups that had traditionally been repudiated. He answered, “Better: there is more tolerance towards human diversity – of all kinds – and there is less moral finger pointing, less moralizing. Worse: there is also more tolerance for the negative – for corruption, hurting others, which results in habituation and moral nihilism.” It’s difficult to draw a trend from such diverse opinions, however the fact that there is such a variety of opinions is telling. As discussed previously, some areas and groups have been able to see more progress than others and these areas are likely to mention more positive changes.

The responses above give a sense of the variety received, but some respondents brought up issues that other surveys and studies have failed to capture. Three respondents felt that despite whatever legal progress had been made, homophobic language was still a major problem throughout the country. Jorge, a 29 year old heterosexual man from the
province of Buenos Aires took exception with this “naturalized homophobia” explaining that these “jokes, comments, and homophobic insults pass as normal when they should cause a scandal.” Ilenka, a 21 year old heterosexual woman from the province of Córdoba, acknowledged that “laws advanced faster than society and culture, which means that you still see lots of acts of casual discrimination” however she was optimistic as she saw the legal advances as “laying out the groundwork for change.” Although none of the activists with whom I spoke explicitly stated this position, the tone of the conversations I had with them and the ideas they presented suggest that they feel the same way. They are likely aware that promoting civil rights cannot eliminate the deeply ingrained cultures of homophobia and transphobia, however by pushing these rights they aim to erase some of the visible signs of discrimination.

There were also diverse opinions on the work and effectiveness of the Argentinean LGBTQ community. Alejandro, a heterosexual man from the city of Buenos Aires, believed “the LGBT population feels more represented, respected and present” however he was conflicted as he also felt that “in terms of the relation between them [the LGBTQ community] and the ‘rest of society’ the change has been almost nil.” Whatever progress did come, he felt, was owed to the alliance that the community had developed with the government:

In any case, the change has happened because part of the LGBT community has joined politically with the government to consider it exclusively responsible for the expansion of their rights. This adhesion was, nonetheless, very sudden. Until the passage of the marriage equality law, there were no indications or actions that promoted their “judicial” integration.

Pepe from San Isidro also believed that the alliance with the government was responsible for the change in the legal situation of the LGBTQ community and he expounded on this sudden and surprising alliance that that Alejandro briefly mentioned. Pepe felt that,
Society hasn’t changed at all. Ten years ago, in 2002, we lived in the same state of economic crisis and social violence. The government of the Kirchner’s utilized the legalization of gay marriage to divert attention away from other political situations and, in doing so, hoped to count on the gay community to join in their party’s activism. This didn’t happen like they hoped. All of my gay friends and I are against this government, which utilizes the poor without helping their situation or offering them a horizon of better education or jobs. I think that the way the legalization of gay marriage was treated has been painful. Further, I’m not interested in getting married in a country where I can’t leave my house at night because I don’t know if I’ll come home alive.

These responses encompass most of the ideas that I’ve spent the entirety of this study investigating. The shocking and sudden promotion of LGBTQ rights by a government and a party that had previously refused even to comment on these issues raises questions about the sincerity of their support and the consequences of these changes. Pepe notes the painfulness of the marriage debate, an idea that I touched on in Chapter 5 and again in the first part of this chapter. He also raises an important point about the priorities of LGBTQ activists and the politicians who help them: legal same-sex marriages may be long overdue, but dealing with discrimination and repression is even further overdue. Both Pepe and Alejandro hint at the problem of integration – what will happen to the LGBTQ rights movement if it allows itself to integrate into a political party, becoming nothing more than a political pawn? Pepe’s experience led him to believe that this will not happen, however given the alternative options, Argentinean LGBTQs could do far worse than the ruling Justicialist party. Many of the people with whom I spoke seemed to be aware of this fact and so they offered half-hearted support to the government, feeling that even if it wasn’t the best choice, it was certainly the least bad option. It’s difficult to tell how widespread this feeling is, however the party’s support for LGBTQ rights has not guaranteed it the support of the entire community. The President’s support was clearly instrumental in the passage of the marriage law, however out of all of the LGBTQ people with whom I spoke during my research, the only people
that were consistently pro-government were the representatives of Putos Peronistas, an LGBTQ activist group that is part of the Justicialist Party to which the President belongs.

This raises the question of what the LGBTQ community should be fighting for. It has, for the first time in the country’s history, finally been accepted and championed by some in the political establishment. This is progress, but is it progress that produces the kinds of changes that the community needs or is it progress that serves the interests of the political sponsors first and the community second? According to Peach, a young woman from the city of Buenos Aires, “What’s needed is a generational change so that having a homosexual child isn’t something horrifying for the parents.” She echoes the data presented in the previous section, showing that tolerance of homosexuality is much higher among young people than it is among older Argentineans. Civil rights changes are important and it is absolutely shameful that these kinds of changes are still so hard fought in the 21st century, however they aren’t enough to end problems that were present in Argentina long before discriminatory legal systems ever came about.

Summary

In this chapter I laid out three different sets of data that, taken together, can give an understanding of how the public acceptance of the LGBTQ community in Argentina has changed over time and in relation to its neighbors. The section on hate crimes demonstrated that increases in visibility are linked with increases in anti-LGBTQ violence. In the second half of the chapter I showed that, despite the country’s legal changes, it is not much more accepting of the LGBTQ community than its neighbors and that there are still many areas of the country that are incredibly hostile. In the final section I included some voices that helped to personalize the quantitative data presented
in the previous sections. In the next chapter I review the topics presented in this study and connect them all back to the questions that have driven this research.
Chapter 7: Discussion

7. Discussion
   7.1. Summary of findings
   7.2. LGBTQ activism
   7.3. Recommendations
       7.3.1. Researchers
       7.3.2. Activists

"Once and for all we affirm that a society is racist or is not. As long as this evidence has not been grasped, a great many problems will have been overlooked. To say, for instance that France is the least racist country in the world, is characteristic of people incapable of thinking properly... We are sorry, but we would like all those who undertake to describe colonization to remember one thing: it is utopian to try to differentiate one kind of inhuman behavior from another."

- Frantz Fanon

In the quote that begins this chapter Frantz Fanon makes an important point about the uselessness of gauging minor differences in oppression. He argues that racism is a fundamental part of colonial societies and that comparing the relative ‘tolerance’ of some areas against other less ‘enlightened’ areas is madness. Doing so only serves to limit the visibility of the very real oppression that exists in these supposedly ‘tolerant’ areas. I could likewise argue that it makes little sense to discern between degrees of homophobia in a society, judging it to be simply homophobic or not. Could one honestly tell a closeted lesbian in Denmark or Canada that her self-loathing is fundamentally different from that experienced by her counterpart in murderously homophobic countries like Honduras, Uganda, or parts of Argentina?

This business of counting offenses does seem odd, especially when it is used as a comparison: what does it mean, for example, to say that one society is ‘more homophobic’ or ‘less homophobic’ than another? Is it measured by civil rights? Is it measured in hate crimes – acts which universally go under- and misreported, and which are rarely investigated or punished? In all honesty, it is impossible to definitively say that a society is becoming more or less homophobic, or more or less accepting of LGBTQ people in

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191 Frantz Fanon was no friend to the LGBTQ community of his time, and he seems to have held particular disdain for gay men. In one of the multiple passages that show dismissal or disgust for homosexuals he states, “I have a confession to make: I could never bear hearing a man say of another man ‘How sensual he is!’ without feeling nauseated.” (178, italics in the original) Despite the occasional outburst of homophobia, as I read Black Skin, White Masks for the first time, I could not help but identify with what he was saying. He talks about “[making] people ashamed of their existence” (59) and describes the cloud of invisibility that still hovers over much of the queer community – “A feeling of inferiority? No, a feeling of not existing.” (118) He laments the heaviness of difference – “The black man is unaware of it as long as he lives among his own people; but at the first white gaze, he feels the weight of his melanin.” (128) He recognizes both the fetishization of black men as the embodiment of the “genital power” that threatens the virility and the propriety of the white world as well as the neurosis that pits “black” against “morality” and under which the “black man... is constantly struggling against his own image.” (154) These ideas resonate deeply within the queer community, as we are often portrayed as predatory or dangerous. Many passages can speak directly to a queer audience; at a certain point while reading his book, I began to realize that, read in the right light, Black Skin, White Masks would appear to be one of the most insightful books of queer theorization written. Fanon was able to clearly articulate ideas and feelings that we in the queer community are still having trouble enunciating. For this reason, his ideas are worth discussing. We cannot forgive his homophobia, but we can acknowledge that it was, sadly, standard ideology for revolutionaries of his time from all corners of the globe.
general. We can hypothesize using the available data, but it is clear that any answers produced are, at best, educated guesses. However, given the need to establish a society in which we are truly treated as equals – in which homophobia and transphobia are not tolerated as remnants of the bigoted past, but are removed like the cancerous tumors that they are – we must do our best to determine how we can get there, and measuring the relative success of various attempts, no matter how faulty our tools, is an essential part of this process. Fanon is right – societies are simply racist or not, homophobic or not – and a discussion concerning degrees of difference is indicative of a lack of clear thinking. Given the urgent need for progress, however, perhaps this irrationality can be forgiven and seen as a necessary insanity for progress to take place.

I have tried to keep Fanon’s words in mind as I decided which data to gather, present and analyze in this study. In this chapter I summarize the findings of the data presented in the previous chapters, and discuss what they mean for Argentina’s LGBTQ community. Next I ask what the lessons learned in Argentina mean for LGBTQ rights struggles throughout the world. I conclude by laying out the areas that still need to be researched and offering recommendations for future researchers.

7.1 Summary of findings

There are some obvious conclusions that follow from the data presented in the previous chapters. First, LGBTQ activists have shifted from referring to a variety of human rights to arguing for a small subset of these rights, namely civil rights like relationship recognition and gender recognition by the state. Second, this shift in priorities has caused many in the LGBTQ community to feel that their needs are not being addressed, a fact that activists are well aware of. Third, the increasing visibility of
the LGBTQ community brought about by the advancement of this platform has regularly been met with increases in violence. Fourth, although Argentina has granted more civil rights to its LGBTQ citizens than any other country in Latin America, creating one of the friendliest legal systems in the world, it remains highly homophobic and is on par with its neighbors in terms of overall tolerance.

These findings address the imbalance between advanced legal changes and strong social homophobia and transphobia that prompted this research. The shift in the goals of Argentina’s leading LGBTQ activists has promoted a discourse of civil rights which forced the state to recognize and remove discriminatory laws. While this has been effective in promoting relationship recognition rights, it has not had the same success in challenging the state to tackle discrimination itself. In order to pass an anti-discrimination law, the state would have to move from promoting civil and political rights (negative rights that require the state to stop discriminating) to promoting social and cultural rights (positive rights that require the state to start protecting them). If activists continue to use the language of civil rights, it is unlikely that the anti-discrimination law will come soon and bigotry will likely continue.

7.2 LGBTQ activism

Many of the scholars previously discussed suggested that it would be possible to gain legal recognition of the civil rights of LGBTQ individuals without first achieving tolerance of the community overall. The data I’ve presented here clearly support this conclusion, as the Argentinean LGBTQ community has gained civil rights without also becoming fully accepted and tolerated into society. Unfortunately, as demonstrated in Chapters 3 and 6, the increasing visibility of the LGBTQ community that comes from
these gains is usually accompanied by a decrease in the social and psychological well-being of the LGBTQ community and an increase in hate crimes. This is an interesting problem for activists, in Argentina and the world: *focusing on the winnable battles is a good political strategy but may be a bad community strategy*. These battles need to be fought, however their negative effects need to be addressed and ameliorated. Civil rights are incredibly important, however they should be a part of the strategy of LGBTQ activists, and not the entirety of their agenda. Success in this one area of rights won’t bring about equality and perhaps nothing short of a radical change can, however the imbalance created by these battles can at least be corrected.

7.3 Recommendations

As mentioned in the introduction, my goal in this study is not just to create something interesting, but to create something useful. I am not an unbiased observer to these changes; I am as affected by these battles in my own country as are activists in Argentina. For this reason, I offer recommendations both to researchers and activists.

7.3.1 Researchers

There is still much research to be done if we want to fully understand the impact of LGBTQ rights struggles in the world. As mentioned in Chapter 3, much of the research that has been done on these struggles looks at their affects on heterosexual lives and institutions. It is time now to ask how these changes affect the people who push for them; it is important that we know exactly how these changes impact individuals from all areas of the community. Additionally, when researching LGBTQ rights, it is important to always keep in mind the diversity of the community. Often, LGBTQ research is excused from making class or race analyses since it is already looking at one oppressed
community, however as some groups become integrated into society, it is time to look at how class, race and gender intersect with sexuality. By avoiding these areas of analysis we contribute to the invisibility of these groups and cause additional harm.

7.3.2 Activists

As a community we are finally beginning to see success in various parts of the world, but we must avoid falling “victim to a misguided notion of [our] success” and take great care with the language and ideas we propagate. Most people are probably aware that changing a few laws will not erase deep-seated bigotry, however the language we use when fighting for these changes – especially words like ‘marriage equality’ – give the impression that equality is a legally attainable goal. Instead, we need to be honest about what we are fighting for and who benefits. The FALGBT portrays itself as fighting for the rights of all people and, in a very abstract way, it is. However the people who benefit most from its success are the people within the LGBTQ community who are already the most privileged and who face the least amount of discrimination. There is nothing wrong with fighting for civil rights, and we ought to devote ourselves to this battle, however we cannot forget that this is only a single battle in a much larger war, the goal of which is not equality before the law, but the kind of equality that means that “having a homosexual child isn’t something horrifying for the parents” as Peach so clearly pointed out in Chapter 6. We can focus on the civil rights for now, but we can’t forget what, in the end, we’re fighting for.

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Chapter 8: Conclusion

"The homosexual is thus locked in his present position. If he does not rise up and demand his rights, he will never get them, but unless he gets those rights, he cannot be expected to expose himself to the martyrdom that would come if he should rise up and demand them. It is a vicious circle, and what the homosexual is seeking, first and foremost, is an answer to this dilemma."\(^\text{193}\)

-Donald Webster Cory

\(^{193}\) Donald Webster Cory, “The Society We Envisage” in The Homosexual in America: A Subjective Approach (1951) in *We are Everywhere* eds. Mark Blasius and Shane Phelan (New York: Routledge, 1997), 277.
I began this study with a simple question: how did the vast legal changes that Argentina has undertaken come about in a country whose LGBTQ citizens are still met with daily hostility and discrimination? I argue that this change happened because the Argentinean activist community has narrowed its efforts to focus primarily on civil rights instead of a broader array of human rights. I attribute this shift to the effects of neoliberal politics, in which the state is understood as the protector only of civil rights. This shift leaves those that face other types of inequality to overcome them on their own, creating a hierarchy of benefits that promotes the needs of the most privileged first and the most oppressed last.

In supporting this argument I presented documents and interviews relating to LGBTQ activists, showing how these neoliberal ideas have worked their way into the activist community. I showed how activists have been led by international trends instead of the needs of Argentina’s LGBTQ community, how they have shifted from using discourses of human rights to civil rights, and how a small group of activists have spoken for a diverse community. To show the effects of these changes, I then presented various reports on how the perception and treatment of the LGBTQ community has changed in Argentina. I demonstrated that increases in visibility are routinely met with increases in violence and that, while activists have been very successful in promoting the civil rights of the community, Argentina is still highly homophobic and it is on par with many of its neighbors in terms of acceptance of LGBTQ individuals.

Drawing on this data, I suggest that changes produced contribute to the “hierarchy of respectability” that positions middle class cisgender gay men and lesbians at the top and everyone else on steps that grow increasingly despised on the way down. As Paulón
noted in Chapter 5, the only thing holding some gay men and lesbians back from complete integration into society was the lack of civil rights, such as marriage recognition, which they have now been granted. These rights are worth fighting for, however, the focus on the rights of the most privileged within the LGBTQ community has meant that the most oppressed – the *travesti* prostitutes who are routinely abused and murdered by the police, those who can’t come out of the closet for fear of being made homeless, and the people who face violence and discrimination every day, from microaggressions to hate crimes – get pushed down this hierarchy as the community overall becomes more visible and the discrimination against them increases.

Here we see how these effects align with neoliberal policies. Neoliberal economics concentrate wealth and power in the hands of an increasingly small elite, creating a growing distance between the ‘haves’ and the ‘have-nots’, and the same principle is at work in neoliberal sexual politics. They promote notions of ‘equality’ that primarily benefit those who are already the most privileged, while avoiding any deeper changes that would improve the quality of life of all LGBTQ individuals. This seems to be the direction that Argentina’s activists are going, however it is too soon to tell exactly where they will end up. My experiences during fieldwork led me to believe that the activists who claim to speak on behalf of the LGBTQ community are not representative or generally accepted within the community overall because of the priorities they pursue. I hope, however, that I am wrong. I hope that the FALGBT and its members will be successful in promoting all of the rights of the LGBTQ community and will be able to make Argentina into the country that its progressive laws suggest it can become.
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Appendix 1: Timeline of Important Events


1971 – The Frente de Liberación Homosexual (Homosexual Liberation Front, FLH) is founded by members of the Grupo Nuestro Mundo and other activist groups.

1973 – Héctor Cámpora, Juan Perón’s delegate is elected as president in March and assumes the office in May, bringing an end to military rule. He stays in power for only a few months, resigning in order to allow Perón, recently returned from exile, to run for the presidency.

1973 – Juan Perón is elected President of Argentina in September, serving his third and final term as president until his death in July of 1974.

1974 – Isabel Perón, wife and vice-president of Juan Perón, is sworn in as President upon her husband’s death. Her presidency is marked by a resurgence of left-wing militant activism and increasing violence from the military against activists.

1976 – A group of conservative military leaders stage a coup and seize power in March, beginning the ‘Process of National Reorganization,’ which resulted in the kidnapping, torture, disappearance and murder of tens of thousands of activists and ‘undesirables’ at the hands of the military and its allies.

1976 – As a result of the military government’s repression, the FLH is disbanded in June.

1982 – The Coordinadora de Grupos Gays (Gay Coordinating Committee) is founded to connect the disparate pockets of gay and lesbians activists that had survived the dictatorship’s repression.

1982 – The military dictatorship launches a failed campaign to regain control of the Islas Malvinas (Falkland Islands) from the UK.

1983 – The dictatorship finally comes to an end. Elections are held in October and a new president, Raul Alfonsín is sworn in on December 10th.

1984 – The Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons, CONADEP) releases its report, Nunca Más, which details the atrocities of the military government. The crimes committed against homosexuals are notably absent.

1984 – The Comunidad Homosexual Argentina (Argentinean Homosexual Community, CHA) is founded in April after police raid a popular gay club.

1984 – Carlos Jáuregui, president of the CHA, appears on the cover of Siete días in April the first time an openly gay person appeared in a major news publication.
1984 – The CHA takes out an advertisement in *Clarín*, a major Argentinean newspaper that declares, “With Discrimination and Repression There Is No Democracy.”

1987 – The CHA begins to focus on HIV/AIDS prevention and awareness, with a campaign called Stop Sida (Stop AIDS), becoming the first NGO to focus on the disease in Argentina.

1989 – Carlos Menem is sworn into power as Argentina’s second post-dictatorship president. His first term included a large economic boom, but Argentina’s economy would be in a crisis by the time he left office a decade later in 1999.

1990 – Las Lunas y Las Otras (The Moons and the Others), a lesbian feminist group, is founded in July.

1991 – The CHA is recognized as a *personería juridica* (legal entity) by the conservative government of Carlos Menem, allowing it to raise funds and register opinions with the government.

1991 – The CHA, having achieved its most pressing goal of being recognized by the government, struggles to unite its members behind a new common cause, resulting in splintering and the formation of a plethora of differing LGBTQ activist and community oriented groups.

1992 – Argentina’s first gay and lesbian Pride parade occurs in Buenos Aires in July.

1996 – Buenos Aires amends its municipal constitution to prohibit discrimination based on sexual orientation.

1996 – The annual Pride march expands to include the trans* community.

1999 – Fernando de la Rúa takes over from Carlos Menem and attempts to halt the growing economic crisis.

2000 – The CHA begins a campaign aimed at allowing men who have sex with men to donate blood. So far, it has been unsuccessful.

2001 – The CHA begins to petition the city of Buenos Aires to grant civil unions to same-sex couples.

2001 – In December, the economic crisis reaches a crescendo as thousands of people take to the streets to protest the draconian measures taken by La Rúa in an attempt to stop the economic free fall. La Rúa declares a state of siege on December 19th and resigns on the 20th after a failed attempt to stop the protests and looting. Within two weeks, three different men are sworn in as president as each one fails to bring the situation back under control.

2003 – Same-sex civil unions are granted in Buenos Aires, the first of which goes to two activists from the CHA.

2007 – The International Gay World Cup is held in Buenos Aires. Argentina wins.

2006 – The Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (The Argentine Federation of Lesbians, Gays, Bisexuals, and Trans, FALGBT) is founded to unite the diverse LGBTQ organizations and fight for their common causes.

2008 – César Cigliutti and Marcelo Suntheim, the leaders of the CHA, are married in Spain and petition the Argentinean government to recognize their marriage.

2008 – The CHA begins the Salí del Closet (Come out of the Closet) project and notebook, aimed at LGBT youth who need help coming out their peers and families, and at schools, families, and organizations to show them how to make a welcoming environment.¹⁹⁴

2009 – In February, Argentina’s National Congress passed a bill allowing gay men and lesbians to serve openly in the military and banning discrimination on the basis of sexual orientation in the armed forces.

2009 – More than 60 same-sex couples petition Civil Registry offices for marriage licenses. When they are denied, they challenge the policies in court.

2009 – In April, the Buenos Aires city legislature declares Salí del Closet of educational interest and encourages the formation of workshops for students, teachers, parents and administrators using the materials developed by the CHA.

2009 – A municipal judge ruled that the laws preventing two members of the FALGBT, Alejandro Freyre and Jose Maria Di Bello, from marriage were unconstitutional, initiating a series of legal battles that would last into the next year.

2010 – The CHA begins to work with the FALGBT to advocate the passage of a marriage equality law, despite the CHA’s earlier preference for civil unions.

2010 – On May 5, the lower house of Argentina’s National Congress approves a marriage equality law, followed by approval in the Senate on July 15. President Cristina Fernandez de Kirchner signs the bill into law on July 22, making Argentina the first country in Latin America to extend the same legal recognition to same-sex and opposite-sex couples.

2012 – In May, Argentina adopts a new gender identity law which allows individuals to legally change their gender without the intervention of medical or psychiatric intervention and forcing medical practitioners to provide hormone therapy and surgery for those that request it.

¹⁹⁴ In the Argentinean Spanish dialect, salí is the imperative form of the verb salir (to leave or to come out), and not the preterit form as it is in other varieties.
Appendix 2: Terminology (this section contains potentially triggering language)

In Argentina, the acronym glttbi (gay, lesbian, transsexual, transgender, transvestite, bisexual, intersex) is a popular umbrella term used by organizations and activists however many people with whom I spoke, even those within the community, seemed confused by or unfamiliar with this acronym. This is in contrast to the shorter acronyms most often used in the Western world, LGBT or LGBTQ, which exclude intersex individuals altogether and group transgender, transsexual, and transvestite individuals into a single, easily and often overlooked letter. A variety of similar acronyms are used by communities all over the world, some of which aim for inclusion by grouping, such as GSM (gender and sexual minorities) and others that offer each group its own letter, such as FABGLITTER (fetish, allies/poly-amorous, bisexual, gay, lesbian, intersex, transgender, transsexual engendering revolution/inter-racial).

Some Argentinean activists speak of *la comunidad de diversidad sexual* (the community of sexual diversity) instead of using acronyms or shorthand to refer to this diverse community. I was unable to determine how common this is amongst activists, however I never once heard any non-activist member of the community use this phrase. Many people reacted negatively to the usage of word queer, even more so than in the U.S., or so it appeared to me. Some words that I expected to be offensive were reclaimed and used positively, such as *puto* (a slur often used against gay men), *maricón* (faggot), *torta* (slang for lesbian, also a pie, cake or sandwich), and *trava* (tranny).

In order to be as inclusive and accurate as possible without being overly wordy or needlessly offensive, I use the acronym LGBTQ when speaking about the group which

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195 Triggering language includes words or topics that may provoke a traumatic response in those that have suffered abuse. In this section I use words that may trigger gay men, lesbians, and trans* individuals.
includes lesbian, gay, bisexual, trans* and queer or questioning individuals, and more precise language when discussing particular subgroups. I don’t use the word gay as an umbrella term to speak of the entire community, as it can contribute to the erasure of other groups, especially lesbians. Instead, the word gay refers only to homosexual men, and is often paired with the word lesbian to ensure their inclusion, and the word homosexual will refer to gay men and lesbians together. The word trans* is used when referencing the group of people that identify as transgender, transgendered, transsexual, transvestite or travesti.196 The word queer doesn’t always translate well, between languages or between communities, and it doesn’t seem to be a widely used term in Argentinean LGBTQ politics, so I avoid using it except to refer to queer theory, although I find the term to be both useful and empowering.

Another important distinction to clarify is my usage of the phrase ‘same-sex marriage’ instead of the increasingly common ‘marriage equality’ which is used to refer to the legalization of same-sex marriages on the same level as opposite-sex unions. Here I draw on prominent queer theorist Michael Warner who notes that,

> Marriage sanctifies some couples at the expense of others. It is selective legitimacy. This is a necessary implication of the institution…To a couple that gets married, marriage just looks ennobling…Stand outside it for a second and you see the implication: if you don’t have it, you and your relations are less worthy. Without this corollary effect, marriage would not be able to endow anybody’s life with significance. The ennobling and the demeaning go together. Marriage does one only by virtue of the other. Marriage, in short, discriminates.197

It would take much more than the legalization of same-sex marriage to make marriage equal. In addition to Warner’s critique, I would add that marriage institutions in many areas that retain the notion of marriage as a property transfer (the wife being the property,

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196 Unlike its English counterpart “transvestite,” the word “travesti” is used to denote drag queens as well as pre-op or non-op transsexuals, with “transsexual” generally being reserved for those who have undergone gender confirmation surgery.

her father and groom being the parties to the transfer), such as the taking of the husband’s last name and the father of the bride giving her away at the wedding, demonstrate that marriage has rather a long way to go before we can consider it anywhere near equal. In order to avoid dismissing the inequalities inherent in the political and cultural status of marriage, I speak only of same-sex marriage except when quoting from others who use the phrase marriage equality.