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# 'In the old days, there were no gays' – democracy, social change and media representation of sexual diversity[1]

## ABSTRACT

The notion of 'gay' has been interpreted by popular culture in Portugal to stem from a liberalization of individual practices and beliefs in the realm of sexual culture in general. As such, sexual orientation is commonly conflated with a cultural trend linked to modernity, in opposition to recognizing it as a constitutive element of sexual citizenship and the related set of rights it entails. This often unnoticed conflation obliterates significant socio-historical changes and the role played by an array of institutions and agents that contributed to those changes. In this article, the political and social history of homosexuality throughout the twentieth century will be the departure point to examine issues of impact and change in relation to the cultural representation of lesbians and gay men in the public sphere. Media reports of LGBT events throughout the 1990s and early 2000s will be considered a key indicator of cultural representation of sexual diversity. From criminalization to same-sex marriage, the article critically interrogates the extent to which formal change has translated into more inclusive notions of sexual justice regardless of sexual orientation.

## KEYWORDS

sexual citizenship
LGBT movement
media representation
cultural impact
social change
Portugal

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## INTRODUCTION – SETTING THE SCENE

Portugal experienced the longest dictatorship in Western Europe – 48 years, between 1926 and 1974. The face and brain behind the right-wing regime was Prime Minister Salazar. He was a very conservative man with strong religious convictions and a general dislike for anything resembling progress or social change (Pimentel 2001). His dislike of modernity influenced politics at the time, particularly in terms of family models, norms and sexuality. In respect to these, censorship was practised with vigilance and words such as 'divorce', 'menopause', 'contraceptive pill' or 'homosexuality' were often prohibited in the media (Pimentel 2007; Príncipe 1979).

The constraints imposed on the vast majority of the population, with women and sexual dissidents amongst the victims of state violence, has been well documented in the literature (Almeida 2010; Cascais 2004, 2006; Pimentel 2001, 2007). Behaviour interpreted as homoerotic was criminalized, following a law dating from 1912, which punished sex workers, homeless and gay people (Bastos 1997). This law was not a mere symbolic reminder of the dominant moral paradigm – it was applied on many occasions, including police raids and forced labour camps. In 1936, the regime established the so called *Mitras*, places in which homosexuals were taken and tortured after being arrested. Alternatively, they were confined in institutions of forced labour (Bastos 1997). Despite the illegality of some of the measures used to restrict homosexuality, police raids conducted by *arrebentas* were common. *Arrebentas* – or demolishers – as these police officers became known, were feared amongst lesbians and gay men, following their raiding of places often used for same-sex encounters (e.g., public toilets, parks or beaches) in order to extort money from identified suspects in exchange for not being charged with a crime and arrested (Bastos 1997). There are also reports of police raids in houses, from which lesbians and gay men were taken, imprisoned and tortured (Correia 1997). The Penal Code of 1966 stipulated a maximum two-year sentence 'to whomsoever frequently makes an indecent assault on someone of the same sex' (Article 253).

Democracy was achieved through a revolution in 1974, but the legacy of symbolic and physical abuse during dictatorship caused a strong impact on the dominant culture which, even today, retains many of the homophobic traits that humiliated lesbian, gay, bisexual and transgender people. Homosexuality continued to be a crime until 1982, eight years after dictatorship was overturned. The cultural pressure for keeping love private, that is, for hiding any same-sex behaviour from the public sphere, is part and parcel of this legacy. This divide between public and private is in accordance with additional myths about the Portuguese people, stemming from long-standing nationalist tales. One of them draws on the colonialist imagination constructed in the late nineteenth and early twentieth centuries on the basis of the public memory of the Crusades and revamped after the previous colonies gained their political independence in the 1970s. It can be described as othering the cruel.

Othering the cruel describes the idea that evil resides elsewhere. In relation to the colonial historical past, othering the cruel implies suggesting that the Portuguese were not as violent as other colonizers, particularly the Spanish. Evidence suggests otherwise, but popular lore maintains that Portuguese colonizers married local women, hence diluting the distance between oppressors and oppressed. Needless to say, this tale disregards power asymmetry

1.    between men and women, and between colonizers and local people regard-
2.    less of gender, offering one of the most striking illustrations of the obliteration
3.    of historical facts in favour of a nationalist cultural fantasy. The notion of toler-
4.    ance is a key principle if we are to understand how the cleansing of history
5.    operates to fulfil the needs of a new narrative about the nation. The principle
6.    of tolerance is often enunciated in the public sphere, particularly in politi-
7.    cal parties and government rhetoric, but also by other agents in the attempt
8.    to reject accusations of homophobia or other discriminatory behaviour. This
9.    imaginary is reinforced by the belief that Portuguese people are not racist,
10.   a common-sense suggestion that has been rightly dismantled by academic
11.   work (Araújo and Rodríguez Maeso 2012, 2015).
12.       These examples highlight how the idea of the modern Portuguese nation
13.   was constructed both in sharp contrast to a story that Portuguese people no
14.   longer wish to embrace as theirs, and through imagining others who were
15.   chosen to remain conveniently crystalized as evil. The projection of the nation
16.   as tolerant and free – in accordance with the values advanced by the demo-
17.   cratic regime after 1974 – is dependent upon its demons, which are therefore
18.   identified and actively reconstructed, performed and reinforced according to
19.   current needs.
20.       Such deeply entrenched cultural images – of tolerant Portuguese in
21.   contrast with external cruelty imposed on others by others – are a consti-
22.   tutive element of the dominant narrative that fails to acknowledge the
23.   existence of sexual dissidents (and of homophobic and transphobic violence)
24.   before the emergence of the LGBT movement in the 1990s. Broader social
25.   visibility from the 1990s onwards is misinterpreted as evidence that in the
26.   old days there were no gays. According to this cultural discourse, heter-
27.   osexuality is a crucial part of the Portuguese identity and being gay is
28.   presented as something contemporary (Santos 2013a), a sign of the times,
29.   a lifestyle, a result of modernity, which must be tolerated, but not encour-
30.   aged or embraced. The apparent acceptance of sexual diversity is supported
31.   by the impressive legal achievements that started to be prepared in the
32.   1990s and were effectively enacted in the early 2000s. However, this legal
33.   impact has not generated a corresponding social impact when it comes to
34.   sexual citizenship. This article revisits the recent history of LGBT issues in
35.   Portugal, comparing and contrasting legal and social achievements. Social
36.   impact will be discussed through media representation of LGBT demands
37.   and events, between 1995 and 2010. Arguably, the juridification of sexual
38.   citizenship generated a misleading interpretation about the current situa-
39.   tion of LGBT people in Portugal. To recognize this mismatch is a crucial
40.   step in identifying measures that successfully tackle increasing rates of offi-
41.   cially recorded homophobic and transphobic violence, amongst other issues
42.   of discrimination and invisibility.
43.       Despite the focus on the twentieth century, the analysis stretches until
44.   2010, to facilitate the understanding of historical impact in the fields of LGBT
45.   rights, cultural representation and public visibility.
46.
47. **1. POLITICAL REVOLUTION, SEXUAL LIBERALIZATION AND THE EU**
48. **RAINBOW POT**
49.
50. After the approval of the new Constitution of the Republic in April 1976,
51. democratic institutions became increasingly consolidated. Running paral-
52. lel with political developments, demographic changes began to take shape

Ana Cristina Santos

during this period. With the end of the Portuguese empire, more than 600,000 people returned from the ex-colonies, bringing with them new needs, habits and values (Barreto and Preto 1996). All of these changes impacted significantly on moral standards, attitudes and behaviours, throughout the 1980s and beyond. In the sphere of intimacy and sexuality, changes were impressive during this time. Pornography and eroticism erupted in a previously silenced society, and sexual and intimate issues were often discussed in the media.[2] It was also during this time that transgender entertainers gained nationwide visibility, with several clubs hosting shows with Portuguese drag queens and some media coverage of what was referred to as 'the Lisbon transvestites'.[3] Family planning started to be addressed in the late 1970s. The first feminist organizations in decades emerged during this period,[4] addressing issues of sexual citizenship such as free contraception, sexual harassment and the right to abortion (Tavares 2010).

In 1982, eight years after the revolution, the Portuguese Penal Code was revised, seeking to implement changes that were more in line with the rest of Western Europe. Asserting the principle of freedom of self-determination, rather than control of sexual morality, the new penal code decriminalized sexual acts practised by consenting adults in private. These included adultery, incest, prostitution and homosexuality, which had figured in previous penal codes (including the reform project of 1966) as 'crimes against decency' or 'crimes against custom'. However, rape, indecent assault, public offence to modesty or the assault of minors remained punishable, as well as homosexual acts involving children under 16 (Article 207).

In 1986, Portugal joined the European Economic Community (EEC). Becoming a member of the EEC/EU was crucial in many respects because it gave the state a sense of responsibility and duty to behave according to standards shared by member states. Drawing on EU policies, the language of human rights and equality gradually became part of the political ideology that tried to make Portugal a modern state in the eyes of its counterparts. Signing the Amsterdam Treaty in June 1997, Portugal became symbolically obliged to enforce the principle of non-discrimination, which was mainly targeted at gender equality. As a result, the Portuguese government became invested in preparing experts in the field of equality and non-discrimination between women and men, namely by subsidizing publications and advanced training programmes.

Parallel to gender equality, the gradual recognition of LGBT rights was another field in which entering the EU played a role. EU recommendations advancing LGBT rights date back to the Squarcialupi Report, in 1984, which constituted a first declaration of intentions on the part of the European Parliament (EP) regarding non-discrimination based on sexual orientation (Bell 1998). During the 1990s and early 2000s, several other documents addressed the issue, but very few were binding and were largely ignored by Southern European states. Amongst those which were binding, the most important one concerning LGBT rights was Directive 2000/78/CE, regarding discrimination at work, which needed to be included into national legislation by every member-state within three years. As a result, in 2003 the new Labour Code came into force in Portugal, responding to the EU demand. Clearly stating that no employee should be discriminated against based on sexual orientation, the Labour Code became the first piece of Portuguese legislation mentioning 'sexual orientation'.

Joining the EEC/EU also endorsed the creation and development of social movements in Portugal. Despite the existence of only a few binding

1. decisions, these EU documents contributed to a growing awareness of the
2. importance and legitimacy of anti-discrimination, thus encouraging local
3. LGBT groups to mobilize and make demands. Moreover, the EU also offered
4. an international forum where discrimination could be denounced and lobby-
5. ing could take place. It also provided the legal expertise of a supranational
6. court – the European Court of Justice – whose rulings had the power to
7. overturn decisions by national courts. The EU also established the respect
8. for the rights of lesbians and gay men as a necessary condition for accession
9. of new countries to the EU. Finally, because some documents mentioned
10. specific countries in relation to laws discriminating against LGBT citizens,
11. it became difficult to ignore the fact that this form of discrimination was
12. no longer found acceptable by most European counterparts. For instance, in
13. September 2003 the EP approved a resolution about fundamental rights in
14. the EU, which called for the abolishment of all forms of discrimination based
15. on sexual orientation, and specifically addressed Portugal with respect to
16. different ages of consent, which were only made equal regardless of sexual
17. orientation in 2007.
18. All of these different factors were very empowering for the LGBT move-
19. ment, and transformed the EU into a potential resource in the eyes of activists
20. who soon started to make use of the language of human rights and the
21. European imaginary in discourses and actions (Santos 2004, 2005, 2013b).
22.
23.
24.

## 2. THE EARLY DAYS OF THE LGBT MOVEMENT

25. The 1990s witnessed the emergence of the first LGBT organizations. In the
26. early days of the LGBT movement, some activists came from AIDS organiza-
27. tions. However, with the exception of the marches in memory and solidarity
28. of people with HIV/AIDS, which occurred in Lisbon from 1997 to 2002,
29. co-organized initiatives were not common or systematically held. Hence the
30. HIV/AIDS organizations in Portugal, rather than being constant partners of
31. the LGBT movement, were more of a home movement in which gay activ-
32. ists developed political awareness and skills and from which they gradually
33. departed in order to join the LGBT movement (Cascais 1997, 2006). It was
34. also during the 1990s that the first parliamentary debates addressing sexual
35. orientation occurred, namely the discussions about de facto unions in 1997,
36. which triggered several initiatives on the part of the movement and a grow-
37. ing interest of the media about the topic. The organization of events such as
38. the Lisbon Pride Party or the Lisbon Gay and Lesbian Film Festival, as well
39. as the first signs of political acknowledgement of the movement – of which
40. the Lesbian and Gay Community Centre, in a house provided by the Lisbon
41. city hall and launched by the Mayor in 1997, is a good example – signalled a
42. change in the visibility of the LGBT activism in the public sphere. The most
43. important collective event took place in 2000, in Lisbon, where the first LGBT
44. march in Portugal gathered around 500 people. Other cities followed organ-
45. izing their national LGBT marches, including Porto (since 2006), Coimbra
46. (since 2010) and Braga (since 2013).
47. In the early 2000s two major topics stirred the debate on LGBT issues:
48. partnering rights and protection from hate crime and other forms of violence.
49. Both issues were triggered by dramatic and/or controversial events that
50. contributed to legal changes – in 2007 revisions in the Penal Code established
51. homophobic motivation as an aggravating factor and in 2010 Portugal became
52. the eighth country worldwide to grant nationwide same-sex marriage.

5. This 'kiss-in' took place on the 6 February 2000, in front of the 6th Civil Registration Office, in Lisbon.

6. This occurred on the 15 March2001. Yet it should be noted that this law does not include the same rights ascribed to different-sex couples such as adopting children. According to the Census, between 1991 and 2001 there was a major increase in people cohabiting from 194,000 in 1991 to 381,000 in 2001. However, because this law included both same-sex and different-sex couples, there is no specific information about same-sex cohabitation.

7. Interview published in *Público* (Anon. 2005).

8. Costa declared that the municipality should respect and cherish all forms of constructing a family, with no discrimination, and that it was important that families could enjoy freedom and diversity (18 June 2007) (http://www.casamentocivil.org/casamentocivil/news.asp?uid=180607A, accessed 3 July 2015.

9. In a series of interviews published in the newspaper *Público* in March 2006.

## 2.1. Partnering rights and relationship recognition

Portuguese LGBT claims relating to relationship recognition initially focused on the recognition of same-sex cohabitation, particularly after 1997. However, the first law-governing cohabitation in Portugal was approved in 1999 and related exclusively to heterosexual de facto unions (Law n. 135/99).

The exclusion of same-sex couples from the 1999 de facto union law generated enormous protest from the LGBT movement, which intensified after the government suggested creating another law – the 'shared economy law' – which would apply to several situations, including cohabiting same-sex couples, but also siblings or friends. Faced with that possibility, the LGBT movement mobilized and organized the first 'kiss-in' in Portugal in 2000, in front of a civil registration office, with banners saying 'This is not a shared economy'.[5] This event obtained wide media coverage and put pressure upon MPs to introduce an inclusive de facto union law. This was also the theme of the first LGBT March in Portugal, in 2000, which demanded on its front banner, 'De facto unions, right now'.

As a result of the pressure put forward by the movement, Parliament passed two laws on the same day – the shared economy law (Law n. 6/2001) and an inclusive de facto union law regardless of sexual orientation (Law n. 7/2001).[6] This event illustrates how activism was able to bring about the repeal of a discriminatory law (which had been approved in Parliament only two years before) and have it replaced by an inclusive one. Furthermore, it also had an important discursive impact, as it was the first time the words 'sexual orientation' were included in a law.

Same-sex marriage is another key topic regarding relationship recognition. In 2005, the Spanish parliament passed Law 13/2005, which enabled access to civil marriage regardless of sexual orientation. Since the approval of the Spanish law in 2005, the major banner of the LGBT movement in Portugal was the right to same-sex civil marriage. The movement organized different thematic initiatives, ranging from press releases and Manifestos, to petitions to Parliament, academic seminars and lobbying. The Spanish law was mentioned on several occasions in documents issued by the movement. For instance, in a letter to all parliamentary groups dated July 2004, an appeal was made 'In order to guarantee the stability of same-sex couples, grant them access to civil marriage (just as is taking place in Spain right now)' (Santos 2013b, my translation).

In February 2006, two women, Teresa and Helena challenged the Portuguese Civil Code claiming that the heteronormative definition of marriage was in contradiction of the Constitution, which prohibited discrimination based on sexual orientation (Principle of Equality, Article 13). They went to the Civil Registry Office and got much attention from the media and the LGBT movement, which supported this initiative (Almeida 2009). After that the Socialist Government's announcement that they would deal with the issue of same-sex marriage during the next term of office, in 2009, there were increasing statements of support from politicians and celebrities throughout 2009 and 2010. These included the then State Secretary of the Presidency of the Ministers Council, Jorge Lacão,[7] the City Mayor of Lisbon, António Costa,[8] leaders of the youth sections of the three major political parties[9] as well as celebrities who came out of the closet after years of rumours and silence.

Finally, in January 2010, the parliament voted favourably to a gender-neutral marriage law, which provides equal access to marriage, whilst

including an exceptional clause regarding adoption, from which same-sex couples remain excluded, even if legally married.[10]

### 2.2. Hate crimes and domestic violence

Between 2005 and 2006 there was a surge in high-profile homophobic and transphobic violence in Portugal, including death threats and the beating of gays in public toilets in the northern rural city of Viseu and the murder of the transgender woman Gisberta. These events mobilized the movement to organize a major petition against violence, which called for a provision of legal support to victims, denounced the attacks in the media, and organized debates and demonstrations in the streets.

The first demonstration against homophobic violence took place in May 2005 in Viseu. It was called 'Stop Homophobia' and it attracted many participants, not only members of the LGBT movement, but also people from other organizations, namely anti-racism groups and political parties. This event received wide media coverage and forced some politicians to be more forward about their views on homophobia. It was also the first event to use the word 'homophobia', both in an effort to introduce it into everyday language, and also to demand public acknowledgement of the International Day Against Homophobia.

This aim of forcing a new word into the public lexicon was accomplished in only two years, when a politician used the word homophobia in Portuguese parliament for the first time in May 2007.[11] This discursive impact exemplifies what Melucci refers to as the 'power of naming', consisting of the participation of social movements in the construction of codes shared in the public discourse (1996). And, as recent as 2015, the Portuguese Parliament approved the 17th of May as the National Day Against Homophobia and Transphobia.

In 2006, following the murder of Gisberta, a transgendered woman killed by a group of boys and young men in February, the LGBT movement became very active, organizing demonstrations, international lobbying, press releases and manifestos.[12] One important demand of the movement was an anti-discrimination law that included a clause about hate crimes based on sexual orientation and gender identity. Although there were no party proposals for such a change in the law, in September 2007 the Penal Code was revised to include hate crimes based on sexual orientation among the grounds for aggravation in the case of murder, alongside hatred based on race, religion, politics, ethnic or national origin and gender (Article 132).

Furthermore, this revision of the Penal Code also criminalized any promotion of discrimination based on sexual orientation (Article 240) and addressed the issue of same-sex domestic violence. In Article 152, the revised Penal Code included among potential victims of domestic violence a person – either of the same or different sex –, with whom the aggressor has, or has had, a relationship similar to that of married partners, regardless of whether it was a cohabiting one or not.

An additional spin off of the Gisberta case – and of the collective action that it generated – was Law n. 7/2011, facilitating changing the name and gender in identification documents for a transgender person. Approved by the Portuguese Parliament in 2011, the law on 'gender identity', as it became rapidly known, was advertised as amongst the most enlightened worldwide, as it does not require surgery prior to – or even after – the civil registration procedure.[13]

10. The vote in the Parliament was as follows: 126 votes in favour, 97 against and seven abstentions.

11. The Socialist Youth MP Pedro Nuno Santos focused his intervention around the International Day Against Homophobia, 17 May 2007.

12. I will return to this dramatic event later on in the article.

13. One year after the Law was enacted, 78 people had made use of it and there were complaints about the Portuguese Medical Association, which allegedly prevented access to any transgender person whose doctor was not included in a very short list issued by the Association. This has raised increasing concerns about the application of this law. Most recent data provided by the Ministry of Justice identify a total of 287 beneficiaries of the law between 2011 and 2015 (Anon. 2016).

14. This legal gap is expected to change fairly soon. At the moment of writing (January 2016) a final decision regarding adoption by same-sex couples is expected to be made in Parliament, after a series of obstacles and set-backs, including a recent presidential veto to a former approval of an inclusive law by the majority of MPs. After the veto, Parliament needs to confirm its former decision to approve the law, which will then be enacted.

To reiterate, much has changed in relation to sexuality over the past 30 years – issues are increasingly discussed in the public sphere, laws now acknowledge sexual diversity and anti-discrimination, and words such as homophobia have entered the average lexicon. It is important to note that in Portugal there were no legal changes concerning LGBT issues for nineteen years – from decriminalization in 1982 to 2001, when the de facto union law passed in Parliament. After 2001 these legal changes began and, when compared to the previous period, they occurred at a fast pace. The rapid legal changes were partially influenced by the emergence of an affirmative social movement (Carneiro and Menezes 2007), which strategically used EU recommendations as a tool to press for change (Santos 2013b).

Despite the acceleration of legal change, there are still contradictions and ambiguity in respect of sexual citizenship, with parenthood remaining a major gap in the formal recognition of rights.[14] But resistance to change is particularly strong when it comes to social visibility. Laws may have changed, but the dominant culture still pays tribute to the legacy of the days in which homosexuality was criminalized. The refusal to address sexual diversity as a positive aspect of human existence is daily experienced by students who have reported episodes of bullying and other types of abuse to LGBT organizations. One way to monitor the social impact of non-discriminatory laws and social policy is to consider media reports on LGBT events throughout time. The role of the media and its relationship to the LGBT movement will be the focus of the next section.

## 3. MEDIA FRAMES OR FRAMED BY THE MEDIA? CULTURAL REPRESENTATION OF SEXUAL DIVERSITY IN THE PUBLIC SPHERE

The news is as much about practice and discourse, as it is about representation and dominant values. In order to cover a story, journalists use standard frames through which events are interpreted and reported. Gamson and Modigliani define a media frame as 'a central organizing idea or story line that provides meaning to an unfolding strip of events. […] The frame suggests what the controversy is about, the essence of the issue' (1987: 143). According to Entman 'To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation' (Entman and Rojecki 1993: 52). Following the same line, Scheufele concludes that 'The framing and presentation of events and news in the mass media can thus systematically affect how recipients of the news come to understand these events' (1999: 106).

Examining media frames becomes even more vital when we consider that they do not only impact on journalists, but on audiences as well. The risk of uncritically reproducing (personal and/or institutional) values when reporting – as long as they are part of the standard way of framing certain events – is entrenched in the modus operandi of the newsroom itself. Among the factors to bear in mind when considering the culture of the newsroom and its effect on reports about LGBT activism are what I am calling the *entertainment frame*, the *reliable source frame* and the *homophobic/transphobic frame*.

The *entertainment frame* offers portrayals of bodies as commodified parody. When one considers the Page Three girl of *The Sun* or the coverage often given to the LGBT March in Portuguese news, what is at stake, from the point of view of the mass media, is the commodity value of bodies as spectacle (Holland 1998). In the case of media coverage of LGBT events,

1.    the construction of bodies as commodities for consumption is also a reality.
2.    In TV news, for instance, the LGBT march was often used as a sound bite,
3.    with images of semi-naked bodies and drag queens, throughout the news
4.    programme in order to keep the viewers interested, when in fact there would
5.    not be more than a two to three minutes report shown at the end of the news
6.    programme. When asked about Portuguese media coverage of the annual
7.    march since its first occurrence in 2000, several activists made reference to
8.    what they labelled as the 'media circus', namely the representation of the
9.    LGBT body as exotic, exuberant, and extravagant (Santos 2013b).
10.    Another way in which the media contribute to the maintenance of the
11.    status quo is by rejecting versions of a story which are told by non-mainstream
12.    sources, i.e., by giving voice exclusively to those within the 'hierarchy of
13.    credibility' (Hall et al. 1978). Carter et al. mention that 'journalists tend to
14.    rely primarily upon white, middle-class, middle-aged, professional males as
15.    sources, particularly when 'expert' opinions are being assessed' (1998: 5).
16.    McLeod and Detenber further elaborate on the reasons underpinning the use
17.    of some sources, while disregarding others: 'Journalists rely heavily on official
18.    sources and official definitions of situations. […] They use official sources to
19.    add prestige to a story, to increase the efficiency of news production, and to
20.    maintain the illusion of objectivity' (1999: 6). This is what I called the *reli-*
21.    *able source frame* and it has a great impact on the way the media represents
22.    social movements worldwide. In their study of the news coverage of the US
23.    women's movement, Barakso and Schaffner (2006) highlight the additional
24.    difficulties social movements face when seeking to be newsworthy. This is
25.    because the media traditionally relies on beat reporting, i.e., conventional
26.    news sources such as the Parliament or the Supreme Court. In Portugal, the
27.    conventions of the reliable source frame mean that, historically, journalists
28.    have not considered LGBT activists as credible sources of information. Even
29.    when what was being reported was LGBT-related, activists had little political
30.    voice, and most news reports would rather focus on particular stories. The
31.    reliable source frame results in partial accounts of the reality being reported,
32.    namely accounts that do not grasp the political dimensions of LGBT demon-
33.    strations. This is not to say that this frame is exclusive to LGBT-related events.
34.    In fact, due partly to the recent history of democracy in Portugal, most social
35.    movements struggle with sending their message out through the media.
36.    However, there are important differences to consider when comparing the
37.    media coverage of the LGBT movement to other social movements. These
38.    differences are based on homophobic and transphobic prejudice, which leads
39.    us to the last frame identified in this article.
40.    In previous empirically based work (Santos 2005, 2013b), I have gath-
41.    ered several accounts from activists describing the media as being ignorant,
42.    manipulative, prejudiced, disrespectful and even rude. Such a style of report-
43.    ing configures what can be designated as the *homophobic/transphobic frame*.
44.    Despite the possibility of reports sometimes being unintentionally incorrect,
45.    mistakes that are repeatedly published or aired add to the suspicion about
46.    such intentionality. Examples brought up by activists interviewed in the early
47.    2000s focused especially on transgender-related events, accusing journalists of
48.    professional negligence, indicated by, for example, the use of incorrect termi-
49.    nology (e.g. speaking of sexual 'option' instead of sexual orientation) and
50.    inappropriate pronouns when referring to transgender people.
51.    The three frames identified – 'entertainment', 'reliable source' and 'homo-
52.    phobic/transphobic' – offer an overview that enables understanding of how

Ana Cristina Santos

LGBT activism has been represented by the Portuguese media in the 1990s and early 2000s. During this time there were two cases which reveal the impact of these media frames on reports about LGBT-related events: the Casa Pia scandal and Gisberta's case. The final section of this article looks into these in detail.

## 4. FRAMES IN PRACTICE – TWO STORIES ABOUT NAMING, OTHERING AND MISREPRESENTATION[15]

In Portugal there were two cases of clashing, competing versions of events, presented in the media and in activists' self-representations, which led to long media campaigns by the LGBT movement. The first one started in 2002, when the Casa Pia scandal erupted. Casa Pia is a charity institution for children and youth at risk. Due to the fact that the incident involved prominent male figures from the circles of media, entertainment, and politics being accused of sexually abusing vulnerable children who were raised through Casa Pia's charity, and with the connivance of workers at the institution, the case received a lot of media attention. This case bears similarity to what happened in the mid-1990s in Spain, regarding the so-called Arny Case, in which several celebrities were accused of engaging in sexual activities with minors in a bar called Arny in Seville. Just as in the Arny Case, in Portugal media reports were often interchanging the words 'homosexual' and 'paedophile', contributing to a general sense of a witch-hunt against gay people (Contreras 1996). The media also often mentioned that this was a case of *homosexual* paedophilia, thus emphasizing the sexual orientation of the offender.

It was after the Casa Pia case that the Portuguese LGBT movement began monitoring the media. In most cases, LGBT organizations would directly contact journalists or issue press releases condemning what was seen as media homophobia, at the same time as showing solidarity with the victims of the sexual abuse, regardless of the sexual orientation of the perpetrator. The efforts of the LGBT movement in relation to the media coverage of sexual abuse eventually resulted in media reports moving away from this early conflation of the terms 'paedophilia', 'sexual abuse' and 'homosexuality'.

Then, in February 2006, Gisberta was found dead. Gisberta was a transgendered woman who was tortured and severely beaten by a group of boys and young men, aged between 10 and 17 years old, living in a Catholic institution for youth at risk. The violent attack lasted for three days. When the perpetrators thought she was dead, they threw her body into a ditch. The autopsy later revealed that Gisberta was not dead, but that she drowned later in the ditch water.[16] Several features of this case are particularly interesting for an analysis of news reports that focus on LGBT issues in Portugal.

First, let us consider the *process of naming*. There was repeated confusion about the victim's gender identity in the media. Initially, Gisberta was referred to as a homeless transvestite man called Gisberto. Then she was labelled as the transsexual man, Gisberto. It took many press releases and a number of personal contacts between LGBT activists and journalists before the news discourse gradually began to change, abandoning the initial transphobia frame and referring to her as a transgender woman called Gisberta.

Second, for several weeks there were no pictures of Gisberta in the news, despite the fact that she had been a well-known performance artist in the previous decade. The LGBT movement contacted Gisberta's family and friends asking for pictures that could be sent out to newspapers and posted on websites and weblogs, so that her face could become known. This process was

by no means of little importance. In fact, the lack of a recognizable face and body belonging to Gisberta contributed further to the public denial both of the woman she was and, moreover, of the human being behind the descriptions of the crime. Thus, the absence of pictures contributed to a *process of other-ing*, reinforcing the symbolic distance between the victim and the assumed heterosexual reader and/or viewer. The significance of this process is even more striking if we think of the entertainment frame through which (often transgender) bodies of drag queens are captured and broadcast as the main image of LGBT events such as the March.

Third, there was a *process of misrepresentation*. Rather than looking at the events from the perspective of transphobia, hate crime, or the lack of legal protection of transgender people in the country, the news discourse focused on the young boys, living in a Catholic institution, who had committed the crime. It asked, could they be held legally accountable despite being legal minors? What type of support was available for them in the institution? What are their families like? How many children live in similar institutions?[17] The LGBT movement, conversely, emphasized the need for political meas-ures combating discrimination based on gender identity and sexual orienta-tion. Therefore, the news discourse and the activists' discourse were clearly at odds with each other, generating a tension between what was reported, public representations, and the ways in which the people involved were expe-riencing the event. More precisely, the news discourse privileged the concerns surrounding the attackers rather than the victim.

The three processes described above – naming, othering and misrepresent-ing – are thoroughly discussed in the literature. The politics of naming (Clark 1992; Alat 2006) suggests that naming is an ideological tool that reveals more about the one who names than about the one who is named. Kate Clark (1992), examining how *The Sun* represents women in stories about sexual violence, states: 'Different names for an object represent different ways of perceiving it. […] Different connotations of legitimacy and approval are carried out by these labels' (1992: 209). Zeynep Alat (2006), analysing how the Turkish press repre-sents violence against women, carries on the same argument:

> If the media does not approve of a violent act, it employs names such as fiend, monster, beast, or ripper, and so on. But if the media wants to create sympathy for the attacker, it avoids these names, and instead includes the full name of the attacker and attaches an excuse for his [*sic*] behaviour next to his [*sic*] name.
>
> (2006: 301)

In Gisberta's case, the media's attempt to excuse the attackers' behaviour was not done through publishing their names, as the law protects the privacy of minors. However, the news insisted on outlining specific facts about the attackers that contributed to justifying what had happened. There was a strong emphasis on their young age and on the fact that they were troubled children living in an institution for youth at risk.

Closely linked to the process of naming is the process of othering. Analysing the reports in *The Sun* about victims of sexual violence, Clark (1992) notes: 'Almost always details are given not so as to individualize the victim but to label her' (1992: 210). Clark continues 'When victims are portrayed as roles, rather than as individuals, it is difficult fully to imagine and sympathize with their experiences' (1992: 222). And Alat concludes: 'Thus, the victim's

17. See for example *Público,* 25 February 2006.

story becomes irrelevant and is not given any place. Hence, just as in cartoons or video games, the reader is exposed to a 'fictional' victim who never dies or gets hurt in spite of the physical injuries' (2006: 302). The above quotations might have been written about the Gisberta case. Indeed, by ascribing various exclusionary characteristics to Gisberta – homeless, illegal immigrant, HIV positive, drug addict and transgender or transvestite – Gisberta became a set of roles, rather than a person. Moreover, the constant confusion about her gender identity and her name led to further detachment of public opinion in relation to this set of roles. Furthermore, the absence of pictures of Gisberta added to this detachment. So, not only did Gisberta lack a commonly agreed-upon name and gender, but she lacked a visible face and body as well.

Finally, the process of misrepresentation in Gisberta's case can also be found in the literature. The next excerpt from Clark's study is particularly important: '*The Sun* has several strategies for not blaming an attacker. One of the most common is to lessen the awareness of a man's guilt by making him invisible. Sometimes, this non-blaming will be masked by blaming someone else' (1992: 213). The author then gives the example of a headline in *The Sun* published on 20 December 1986, which reads 'Girl 7 murdered while mum drank at the pub'. In Gisberta's case, the media focus on the attackers portrayed as young and socially excluded boys – as victims themselves – disregarded the LGBT movement's demand for a law against discrimination, based on the murder of a transgender woman. Instead, the debate revolved around the social implications of youths at risk and the quality of the services provided at religious institutions. Therefore, it was not so much about blaming someone else, as in the example given by Clark, but rather about finding another victim to worry about, a worthy one, effacing Gisberta's human characteristics, and portraying her, to a great extent, as a victim undeserving of pity or justice.[18]

The invisibility of Gisberta was a product of media processes of naming, othering and misrepresentation, which were only countered by the strong and immediate intervention of the LGBT movement, culminating in changes in the media discourse, as well as in the legal arena, as discussed previously. Thus, the media contributed to furthering the unfair treatment of victims of crimes: 'The attitude of blame towards victims displayed by the media finds its reflections in the medical and judicial system' (Alat 2006: 310). In fact, much to the disbelief and indignation of the LGBT movement, the court decided on the 1 August 2006 that Gisberta had not died as a result of the repeated attacks, but rather because she had drowned in the ditch into which she had been thrown afterwards.[19]

## CONCLUSION

The notion of 'gay' has been interpreted by popular culture in Portugal to stem from a liberalization of individual practices and beliefs in the realm of sexual culture in general. As such, sexual orientation is commonly conflated with a cultural trend linked to a modern lifestyle, in opposition to recognizing it as a constitutive element of sexual citizenship and the related set of rights it entails. This often unnoticed conflation obliterates significant socio-historical changes and the role played by an array of institutions and agents that contributed to those changes.

In this article, the political and social history of homosexuality throughout the twentieth century was the departure point for examining issues of impact and change in relation to the cultural representation of lesbians and gay men in the public sphere.

1.     The first part of the article outlined political and legal and social changes,
2.     starting with the constraints imposed by the fascist regime ruling Portugal
3.     throughout much of the twentieth century. As was explained, the transition to
4.     a democratic regime encouraged significant adjustments that were often accel-
5.     erated by EU demands. In this context, there are tensions and contradictions
6.     that are particularly visible in the sphere of sexual citizenship.
7.     After decades of restrictive laws and the denial of several fundamental
8.     rights by dictatorial regimes, the 'rights discourse' (Stychin 1995) has become
9.     a central feature shared by different Southern European social movements as
10.    well as other institutions, following the democratic transition. In Portugal, the
11.    post of Ombudsman – or the Justice Provider – was created in 1975, based
12.    on a tradition of the Scandinavian countries (equivalent to Citizens' Protector
13.    or People's Defender). The centrality of rights discourse is obvious in the
14.    Constitution, stressing that everyone is entitled to have access to court in
15.    order to defend their rights, and that justice cannot be denied based on insuf-
16.    ficient financial resources (Article 20). It is also present in the electoral mani-
17.    festos of political parties and Government manifestos, particularly since 1995,
18.    when the need to guarantee access to justice to every citizen became a politi-
19.    cal priority (Permanent Observatory of Portuguese Justice [OPJ] 2002: 555 ff.).
20.    Within LGBT activism, the centrality of the rights discourse is striking. The
21.    expectation is that law and social policies will be inclusive and equal, espe-
22.    cially in the realm of employment and protection from violence. But when
23.    it comes to family law, the pace of change has been different. The context of
24.    the home – the primary headquarters of partnering and parenting – was for
25.    a long time largely absent from the scrutiny of inclusion and equality cultural
26.    demands. And even today, same-sex parenthood is not permitted under
27.    the Portuguese legal system, despite de facto same-sex parenting not being
28.    prohibited or subject to prosecution.[20]
29.    We also recognize important social transformation in the field of sexual
30.    citizenship in Portugal in recent decades. One of the areas in which these
31.    changes are reflected – and, simultaneously, influential – is social values
32.    concerning discrimination, particularly in the 2000s. For instance, accord-
33.    ing to 2007 Eurobarometer, 67% of Portuguese respondents hold the view
34.    that discrimination on the basis of sexual orientation is widespread in their
35.    country and 45% believe that current discrimination based on sexual orienta-
36.    tion is more widespread than it was five years ago. This apparently positive
37.    response is somewhat nuanced when it comes to same-sex relationships and
38.    parenthood: according to 2006 Eurobarometer, only 29% of the Portuguese
39.    respondents agreed with same-sex marriage and 19% with adoption, against
40.    the EU average of 44% and 32%, respectively (2006).
41.    Contradictions between legal and social impact were explored in the last
42.    sections of the article, based on the analysis of media reports of LGBT events
43.    throughout the 1990s and early 2000s. I have argued that there are three main
44.    frames deployed by the Portuguese media when reporting LGBT-related events:
45.    the entertainment frame, the reliable source frame, and the homophobic/
46.    transphobic frame. Throughout the years, some media outlets revised their
47.    standard frames of reporting, while others have resisted any major change.
48.    This accounts for the mixed evaluations activists have made of the ways in
49.    which the media in Portugal deals with LGBT themes: inside the same LGBT
50.    organization there were people I interviewed who held different opinions
51.    about the role of the media in advancing, or compromising, LGBT rights.
52.    Similar to media frames, social movements also operate through certain
lenses, i.e., narratives that are recurrently used to tell a story of a particular

20. As previously mentioned, at the moment of writing (January 2016) a final parliamentary decision enabling adoption by same-sex couples is expected to take place soon.

collective struggle, or demand in order to obtain support. And indeed the LGBT movement in Portugal has strategically targeted the media in an attempt to counter mainstream (i.e. heteronormative) media frames (Santos 2013b).

From criminalization to same-sex marriage, the article also critically interrogates the extent to which formal change has translated into more inclusive notions of sexual justice regardless of sexual orientation. In a time and space where the private is becoming increasingly political, and with the emergence of communication technologies and alternative media, the appeal of the public sphere to social movements, including the LGBT movement, is undeniable. The media now has a vital influence on the way LGBT organizations plan certain events, influencing the place where they take place, when and how, which signals the importance of strategic planning and framing in the LGBT movement. That, however, does not mean that the relationship between the media and LGBT activism is one-sided or deterministic. The premise is that there are gains to be won for both sides – the media wants to sell the news, and the movement wants cultural change.

Finally, a comment about the impact of media change on the LGBT movement as a whole needs to be made. One change in the way that the media portrays LGBT-related events in Portugal is the replacement of more flamboyant images with more normalized ones, with less focus on drag queens. However much this change may be praised in some of the participants' accounts, it also raises important questions about LGBT politics. In a social movement that is made up of many different people inside each of the categories within the L, the G, the B and the T (and beyond), we might ask what gets to be considered as representative and 'worthy'? The process of selective LGBT 'mainstreaming' in the media may signal a logic of exclusion and labelling reproduced within the movement itself, generating other forms of naming the 'other' and replicating exclusion from within, through the internal distinction between 'good' and 'bad' queers. In fact, where the space for queer is in the media and beyond, according to LGBT activists, is yet to be seen.

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