‘In the old days, there were no gays’ – democracy, social change and media representation of sexual diversity

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
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
between men and women, and between colonizers and local people regardless of gender, offering one of the most striking illustrations of the obliteration of historical facts in favour of a nationalist cultural fantasy. The notion of tolerance is a key principle if we are to understand how the cleansing of history operates to fulfil the needs of a new narrative about the nation. The principle of tolerance is often enunciated in the public sphere, particularly in political parties and government rhetoric, but also by other agents in the attempt to reject accusations of homophobia or other discriminatory behaviour. This imaginary is reinforced by the belief that Portuguese people are not racist, a common-sense suggestion that has been rightly dismantled by academic work (Araújo and Rodríguez Maeso 2012, 2015).

These examples highlight how the idea of the modern Portuguese nation was constructed both in sharp contrast to a story that Portuguese people no longer wish to embrace as theirs, and through imagining others who were chosen to remain conveniently crystallized as evil. The projection of the nation as tolerant and free – in accordance with the values advanced by the democratic regime after 1974 – is dependent upon its demons, which are therefore identified and actively reconstructed, performed and reinforced according to current needs.

Such deeply entrenched cultural images – of tolerant Portuguese in contrast with external cruelty imposed on others by others – are a constitutive element of the dominant narrative that fails to acknowledge the existence of sexual dissidents (and of homophobic and transphobic violence) before the emergence of the LGBT movement in the 1990s. Broader social visibility from the 1990s onwards is misinterpreted as evidence that in the old days there were no gays. According to this cultural discourse, heterosexuality is a crucial part of the Portuguese identity and being gay is presented as something contemporary (Santos 2013a), a sign of the times, a lifestyle, a result of modernity, which must be tolerated, but not encouraged or embraced. The apparent acceptance of sexual diversity is supported by the impressive legal achievements that started to be prepared in the 1990s and were effectively enacted in the early 2000s. However, this legal impact has not generated a corresponding social impact when it comes to sexual citizenship. This article revisits the recent history of LGBT issues in Portugal, comparing and contrasting legal and social achievements. Social impact will be discussed through media representation of LGBT demands and events, between 1995 and 2010. Arguably, the juridification of sexual citizenship generated a misleading interpretation about the current situation of LGBT people in Portugal. To recognize this mismatch is a crucial step in identifying measures that successfully tackle increasing rates of officially recorded homophobic and transphobic violence, amongst other issues of discrimination and invisibility.

Despite the focus on the twentieth century, the analysis stretches until 2010, to facilitate the understanding of historical impact in the fields of LGBT rights, cultural representation and public visibility.

1. POLITICAL REVOLUTION, SEXUAL LIBERALIZATION AND THE EU RAINBOW POT

After the approval of the new Constitution of the Republic in April 1976, democratic institutions became increasingly consolidated. Running parallel with political developments, demographic changes began to take shape.
2. The popular magazine Maria and the radio show O Passagero da Noite, between 1981 and 1982, are two examples of intimate and sexual issues being debated in the media at that time.

3. As reported by the magazine Opção, no. 44, February 1977.

4. The last feminist organization had been disbanded by the dictatorship regime in 1968 and it was the National Council of Portuguese Women. There had been women-oriented organizations established by the Estado Novo regime, with a very conservative, Catholic outlook and remit against which feminist organizations positioned themselves (Pimentel 2003, 2007).

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. 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’. Family planning started to be addressed in the late 1970s. The first feminist organizations in decades emerged during this period, 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
In the early 2000s two major topics stirred the debate on LGBT issues: partnering rights and protection from hate crime and other forms of violence. Both issues were triggered by dramatic and/or controversial events that contributed to legal changes – in 2007 revisions in the Penal Code established homophobic motivation as an aggravating factor and in 2010 Portugal became the eighth country worldwide to grant nationwide same-sex marriage.
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’. 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). 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 parties9 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).
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 setbacks, 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,
the construction of bodies as commodities for consumption is also a reality.
In TV news, for instance, the LGBT march was often used as a sound bite, with images of semi-naked bodies and drag queens, throughout the news programme in order to keep the viewers interested, when in fact there would not be more than a two to three minutes report shown at the end of the news programme. When asked about Portuguese media coverage of the annual march since its first occurrence in 2000, several activists made reference to what they labelled as the ‘media circus’, namely the representation of the LGBT body as exotic, exuberant, and extravagant (Santos 2013b).

Another way in which the media contribute to the maintenance of the status quo is by rejecting versions of a story which are told by non-mainstream sources, i.e., by giving voice exclusively to those within the ‘hierarchy of credibility’ (Hall et al. 1978). Carter et al. mention that ‘journalists tend to rely primarily upon white, middle-class, middle-aged, professional males as sources, particularly when ‘expert’ opinions are being assessed’ (1998: 5).
McLeod and Detenber further elaborate on the reasons underpinning the use of some sources, while disregarding others: ‘Journalists rely heavily on official sources and official definitions of situations. […] They use official sources to add prestige to a story, to increase the efficiency of news production, and to maintain the illusion of objectivity’ (1999: 6). This is what I called the **reliable source frame** and it has a great impact on the way the media represents social movements worldwide. In their study of the news coverage of the US women’s movement, Barakso and Schaffner (2006) highlight the additional difficulties social movements face when seeking to be newsworthy. This is because the media traditionally relies on beat reporting, i.e., conventional news sources such as the Parliament or the Supreme Court. In Portugal, the conventions of the reliable source frame mean that, historically, journalists have not considered LGBT activists as credible sources of information. Even when what was being reported was LGBT-related, activists had little political voice, and most news reports would rather focus on particular stories. The reliable source frame results in partial accounts of the reality being reported, namely accounts that do not grasp the political dimensions of LGBT demonstration. This is not to say that this frame is exclusive to LGBT-related events.

In fact, due partly to the recent history of democracy in Portugal, most social movements struggle with sending their message out through the media. However, there are important differences to consider when comparing the media coverage of the LGBT movement to other social movements. These differences are based on homophobic and transphobic prejudice, which leads us to the last frame identified in this article.

In previous empirically based work (Santos 2005, 2013b), I have gathered several accounts from activists describing the media as being ignorant, manipulative, prejudiced, disrespectful and even rude. Such a style of reporting configures what can be designated as the **homophobic/transphobic frame**. Despite the possibility of reports sometimes being unintentionally incorrect, mistakes that are repeatedly published or aired add to the suspicion about such intentionality. Examples brought up by activists interviewed in the early 2000s focused especially on transgender-related events, accusing journalists of professional negligence, indicated by, for example, the use of incorrect terminology (e.g. speaking of sexual ‘option’ instead of sexual orientation) and inappropriate pronouns when referring to transgender people.

The three frames identified – ‘entertainment’, ‘reliable source’ and ‘homophobic/transphobic’ – offer an overview that enables understanding of how
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

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 Army Case, in which several celebrities were accused of engaging in sexual activities with minors in a bar called Army in Seville. Just as in the Army 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. 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?
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 misrepresen-
ting – 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 rep-
resents 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
About the construction of worthy and unworthy victims in the media, see Herman and Chomsky (1994).

About the indignation of LGBT activists in relation to the court’s decision, see Diário Digital, 2 August 2006.

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

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.20

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.
The first part of the article outlined political and legal and social changes, starting with the constraints imposed by the fascist regime ruling Portugal throughout much of the twentieth century. As was explained, the transition to a democratic regime encouraged significant adjustments that were often accelerated by EU demands. In this context, there are tensions and contradictions that are particularly visible in the sphere of sexual citizenship.

After decades of restrictive laws and the denial of several fundamental rights by dictatorial regimes, the ‘rights discourse’ (Stychin 1995) has become a central feature shared by different Southern European social movements as well as other institutions, following the democratic transition. In Portugal, the post of Ombudsman – or the Justice Provider – was created in 1975, based on a tradition of the Scandinavian countries (equivalent to Citizens’ Protector or People’s Defender). The centrality of rights discourse is obvious in the Constitution, stressing that everyone is entitled to have access to court in order to defend their rights, and that justice cannot be denied based on insufficient financial resources (Article 20). It is also present in the electoral manifestos of political parties and Government manifestos, particularly since 1995, when the need to guarantee access to justice to every citizen became a political priority (Permanent Observatory of Portuguese Justice [OPJ] 2002: 555 ff.).

Within LGBT activism, the centrality of the rights discourse is striking. The expectation is that law and social policies will be inclusive and equal, especially in the realm of employment and protection from violence. But when it comes to family law, the pace of change has been different. The context of the home – the primary headquarters of partnering and parenting – was for a long time largely absent from the scrutiny of inclusion and equality cultural demands. And even today, same-sex parenthood is not permitted under the Portuguese legal system, despite de facto same-sex parenting not being prohibited or subject to prosecution.20

We also recognize important social transformation in the field of sexual citizenship in Portugal in recent decades. One of the areas in which these changes are reflected – and, simultaneously, influential – is social values concerning discrimination, particularly in the 2000s. For instance, according to 2007 Eurobarometer, 67% of Portuguese respondents hold the view that discrimination on the basis of sexual orientation is widespread in their country and 45% believe that current discrimination based on sexual orientation is more widespread than it was five years ago. This apparently positive response is somewhat nuanced when it comes to same-sex relationships and parenthood: according to 2006 Eurobarometer, only 29% of the Portuguese respondents agreed with same-sex marriage and 19% with adoption, against the EU average of 44% and 32%, respectively (2006).

Contradictions between legal and social impact were explored in the last sections of the article, based on the analysis of media reports of LGBT events throughout the 1990s and early 2000s. I have argued that there are three main frames deployed by the Portuguese media when reporting LGBT-related events: the entertainment frame, the reliable source frame, and the homophobic/transphobic frame. Throughout the years, some media outlets revised their standard frames of reporting, while others have resisted any major change. This accounts for the mixed evaluations activists have made of the ways in which the media in Portugal deals with LGBT themes: inside the same LGBT organization there were people I interviewed who held different opinions about the role of the media in advancing, or compromising, LGBT rights.

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
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.

REFERENCES


In the old days, there were no gays – democracy, social ...

Ana Cristina Santos


**SUGGESTED CITATION**

Santos, A. C. (2016), ““In the old days, there were no gays” – democracy, social change and media representation of sexual diversity’, *International Journal of Iberian Studies*, 29: 2, pp. 157–172, doi: 10.1386/ijis.29.2.157_1

**CONTRIBUTOR DETAILS**

Ana Cristina Santos is a Sociologist. She holds a Ph.D. in Gender Studies, University of Leeds, UK. She is a Senior Researcher at the Centre for Social Studies, University of Coimbra, and Honorary Research Fellow at the Birkbeck Institute for Social Research, University of London. She has been involved in a number of research projects exploring issues of gender, sexual and reproductive rights, citizenship, body and human rights. In 2013 she was awarded a five-year Research Grant by the European Research Council. Between 2014 and 2019 she is the PI on INTIMATE – Citizenship, Care and Choice: The micropolitics of intimacy in Southern Europe (www.ces.uc.pt/intimate). Coordinator of the International Ph.D. Program Human Rights in Contemporary Societies and Vice-chair of the Sexuality Research Network of the European Sociological Association (2012–2016), Cristina is also an activist in the LGBT/queer and feminist movements in Portugal. Significant publications include: *Social Movements and Sexual Citizenship in Southern Europe* (Palgrave Macmillan, 2013), *Coveti um Crime? Representações sobre (i)legalidade do aborto* (Afrontamento, 2010), *Bound and Unbound: Interdisciplinary Approaches to Genders and Sexualities* (Cambridge Scholars Publishing, 2008), *Estudos Queer: Identidades, Contextos e Ação Colectiva* (Revista Crítica de Ciências Sociais, 76, 2006) and *A Lei do Desejo: Direitos Humanos e Minorias Sexuais em Portugal* (Afrontamento, 2005).

Contact: Centre for Social Studies, Colegio S. Jeronimo, University of Coimbra, Apartado 3087, 3000-995 Coimbra, Portugal.

E-mail: cristina@ces.uc.pt

Ana Cristina Santos has asserted her right under the Copyright, Designs and Patents Act, 1988, to be identified as the author of this work in the format that was submitted to Intellect Ltd.