

Are we there yet? Queer sexual encounters, legal recognition and homonormativity

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In 2010, Portugal became the eighth country worldwide to approve same-sex civil marriage. Such legal change is a recent addition to the achievements that have put Portugal at the forefront of sexual citizenship rights for lesbian, gay, bisexual, and transgender (LGBT) people in Europe. This article investigates the political path of LGBT rights in this Southern European, majority Catholic, and post-dictatorship country, exploring the role of the Portuguese LGBT movement in contributing to change. This research highlights how the state is willing to compensate – via legal recognition – queer sexual encounters to the extent that they willingly embrace the dominant values of respectability and normalcy. In this respect, the approval of same-sex marriage offers the opportunity to discuss issues of agency, citizenship, recognition, and normativity.

The paper begins by contextualizing sexual citizenship in democratic Portugal, providing an analytical account of the LGBT movement. In the second section, I suggest that a ‘politics of containment’ has characterized much of recent public discussion about sexual and reproductive rights, and I provide some examples. In the last section, I discuss the political and cultural implications of same-sex marriage law, with a particular focus on issues of normalization and homonationalism – that is how the state can actively contribute to the creation of the acceptable ‘normal gay’ with the compliance of LGBT activism.

Keywords: same-sex marriage; LGBT activism; individual claims; relational claims; legal change; homonationalism

1. LGBT rights and Portuguese democracy: a brief contextualization

Portugal is a Southern European, majority Catholic, and post-dictatorship country that, somewhat surprisingly, has responded rapidly and radically to lesbian and gay movements’ demands, as well as to EU policies on discrimination (Cascais 2006, Santos 2008, Carneiro 2009, Santos 2012a),

Democracy came in 1974, following 48 years of the longest dictatorship in Western Europe. The post-revolutionary period was an intensely active time for the construction of the Portuguese democratic regime. Running parallel with political developments, significant demographic change occurred during this period; for instance, the flow of emigration diminished rapidly after the revolution.¹ Moreover, with the end of the Portuguese empire, more than 600,000 people returned from the ex-colonies, bringing

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with them new needs, habits, and values (Barreto and Preto 1996). Struggling with the high rates of illiteracy inherited from the dictatorship,² education was considered one of the main priorities of the new democratic regime.

In the sphere of intimacy and sexuality much changed after 1974. As Ferreira points out, 'what was a taboo in the past, was no longer a taboo' (2001, p. 135, my translation). Pornography and eroticism erupted in a previously silenced society, and sexual and intimate issues were discussed in the media.³ It was also during this time that transgender entertainers gained nation-wide visibility, with several clubs hosting shows with Portuguese drag queens and some media coverage of what was referred to as 'the Lisbon transvestites'.⁴ Family planning started to be addressed in the late 1970s.⁵ The first feminist organizations in decades⁶ emerged during this period, addressing issues of sexual citizenship such as free contraception, the right to be free of sexual harassment, and the right to abortion (Magalhães 1998, 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'. This legal change overturned a law dating back to 1912 that targeted homosexuals, prostitutes, and vagrants (Bastos 1997, Almeida 2010). 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).⁷ Becoming a member of the EEC/EU was crucial in many respects because it gave the Portuguese state a sense of responsibility and duty to behave according to standards shared by member states. This was particularly important in areas such as women's rights and anti-discrimination policy, especially following the Amsterdam Treaty in 1997. Joining the EEC/EU also endorsed the creation and development of social movements in Portugal.

In the aftermath of EU accession, the lesbian, gay, bisexual, and transgender (LGBT) movement made its slow emergence, facing many legal, political, and cultural obstacles.⁸ Attempts to restrain sexual emancipation targeted both women and LGBT people and were mostly advanced by conservative sectors in civil society, supported by the Catholic Church and right-wing political parties. Legalizing abortion on request and recognizing the partnering and parenting rights of lesbians and gay men have been the most contentious issues in the sphere of sexual and reproductive politics. Nevertheless, a vibrant new LGBT movement, increasingly allied with the women's movement and anchored in EU anti-discrimination policy, has secured public attention and legal recognition in relation to many of its long-standing demands.

The first legal breakthrough after decriminalization of homosexuality, in 1982, was the parliamentary approval of a law on *de facto* unions,⁹ in 2001, that recognized cohabitation regardless of sexual orientation. This was considered a major victory by LGBT activists who had been campaigning for the legal recognition of cohabiting relationships since 1997. The *de facto* union law set precedence for other remarkable legal changes to follow. In some respects, Portugal led the way for LGBT rights in Europe. For instance, Portugal was the first European country, and the fourth worldwide, to include in its Constitution the prohibition of discrimination based on sexual orientation, which was added in 2004.¹⁰ Other changes included anti-discrimination clauses in the Labour Code (in 2003), aggravation of

penalties in the case of hate crimes and same-sex domestic violence (in 2007), same-sex civil marriage (in 2010) and gender identity provisions (in 2011).

The claims of the movement can be clustered into what I term ‘individual claims’ and ‘relational claims’ (Santos 2008, 2012a, 2012b). While the former focus on individual rights (such as employment law, protection from violence, etc.), the latter address rights stemming from relationships (parenting and partnering, amongst others). The LGBT movement has played a crucial role in influencing legal change in respect of individual claims. However, the legal strategy of this movement presents several limitations regarding relational claims. I suggest that this is because the LGBT movement has struggled to remove the centrality of the value-discourse¹¹ of ‘the family’ – the heterosexual married couple with children – amongst politicians, despite being invested in contesting it (Santos 2012a, 2012b). In this context, LGBT rights face a situation of legal ambiguity – on the one hand, the Portuguese Constitution provides protection against (individual) discrimination; on the other hand, specific laws mirror the heteronormative value-discourses of the law-maker, preserving the law as a site of (relational) discrimination.

2. Reproduction, sexuality, and the ‘politics of containment’

During the Portuguese general election campaign of 2005, there were two pressing issues on the agenda – abortion and same-sex marriage. ‘Are you going to liberalize abortion?’ and ‘Are you in favour or against same-sex marriage?’ – these were two of the most repeated questions posed by journalists to political candidates, and they both illustrate the inauguration of what I call a politics of containment. Before I explain this notion further, a brief discussion of the abortion campaigns in Portugal may provide a useful contextualization.

The decriminalization of abortion was included in the programme when the Socialist Party was elected to form a government in 2005. They had set clear rules as to how the government was to proceed in this regard – the abortion law would only change if the results of a referendum indicated that the will of the people was to have less restrictive abortion laws. Abortion upon request had been the central demand of the Portuguese women’s movement for over 30 years (Tavares 2003, 2010, Peniche 2007, Oliveira 2009, Roseneil *et al.* 2010, Santos *et al.*, 2010). The Socialist Party was determined to achieve this but, despite having the powers to do so, did not change the law before its campaign and consequent referendum (this was the second referendum about this topic in less than 10 years). The referendum campaign in 2007 was based on the premise of consensus – instead of emotive slogans and banners, the campaign focused on the effects of illegal abortion on women’s health and the negative effects of criminalizing women who sought out abortion. Therefore, the official campaign was not particularly invested in promoting women’s rights per se – through emphasizing the notions of self-determination, autonomy, and pleasure – but instead was a rather hesitant campaign, looking at women as health patients and women as the criminally accused. However mild this campaign may have been – particularly when compared to previous direct action initiatives such as the *Women on Waves* campaign in 2004 (Whitten 2008, Santos *et al.*, 2010) – the result of the referendum was in favour of legal change. Following the 2007 referendum, abortion upon request up to the tenth week of pregnancy became legal and available under the national health system.¹²

In spite of the positive legal result, the long-term cultural impacts of this campaign from a feminist point of view remain to be addressed. In terms of its political impact, I want to suggest that the abortion campaign started a period characterized by what could be called a politics of containment, whereby controversial issues are negotiated amongst

liberal and conservative sectors of society. The aim is to achieve a wider consensus through the suspension of radical strategies or arguments.

Arguably, the process that led to the approval of same-sex civil marriage in 2010 is another example of these politics of containment.

'Congratulations, congratulations, congratulations!' – these were the final words of the political statement voiced by the organization ILGA¹³ Portugal's spokesperson, Sara Martinho, during the 2010 annual LGBT parade in Lisbon. The celebratory tone, linked to the approval of the same-sex marriage law a few weeks earlier, was in sharp contrast with the precautionary alert issued by the organization Panteras Rosa [Pink Panthers]¹⁴ on the same occasion. In the words of their representative, Sérgio Vitorino:

Get married and go quiet? ... We will not go quiet because violence, discrimination and prejudice have not gone quiet. ... Whether to get married or not is up to each individual. What concerns us all is the right to live as we want, the struggle for other, long expected rights and the demand for a sexual and social transformation that goes way beyond the one advanced by state laws ... We did not get this far by taking small steps. We will not go away taking small steps. ... Let's leave the 'small steps' policy to the political parties. Let those who simply wanted to get married and to be integrated to go quiet. We all have different ways to search for happiness. We want change.¹⁵

These two contrasting statements illustrate different ways of interpreting the advancement of LGBT citizenship claims. In the midst of excitement triggered by the approval of the same-sex marriage law in May 2010, it is perhaps tempting to eschew the complex aspects of this struggle within the LGBT movement. However, I want to retain this tension, in order to critically analyse the cultural and political implications of the same-sex marriage legal act.

On the one hand, the approval of same-sex marriage law mirrored the ability of collective actors to generate legal change. Same-sex marriage had been a central demand of the LGBT movement for a number of years, especially after the approval of a similar – though more encompassing¹⁶ – law in Spain in 2005 (Santos 2008, Almeida 2009, Santos 2012a).

On the other hand, this demand had always been permeated with internal dissent in relation to the degree of importance and prioritization it should be ascribed in a context in which other demands remained largely unaddressed. Competing claims included same-sex parenting rights (assisted conception, shared custody, adoption, co-adoption) and transgender rights. The decision to have same-sex marriage as the central motto of the 2005 LGBT March was not consensual, and dissent was signalled amongst different participants. Nevertheless, as I have argued extensively elsewhere (Santos 2008, 2012a), the focus on simultaneous targets, instead of a constrictive loyalty to ideological principles, enabled a multilayered collective struggle, creating what I term 'syncretic activism'.¹⁷ The syncretic character of much of LGBT activism in Portugal has contributed to the speedy response granted by the state regarding individual claims and, to a lesser extent, relational claims.

Despite their general involvement in campaigns that were in favour of same-sex marriage, the ways in which LGBT organizations differ in their specific commitment to this objective offers a poignant example of the impact of normalization of queer sexual encounters under the law.

Together with the 2007 campaign for the decriminalization of abortion, the political efforts towards same-sex marriage illustrate a strategic shift whereby sexual and intimate citizenship is constructed as inextricably dependent upon social consensus. And in order to foster consensus, it is argued that radical politics must be replaced by containment – or, one might feel tempted to think, (hetero)normative compliance.

3. 'We get marriage [...], then we go home and cook dinner, forever'¹⁸

The approval of same-sex marriage has coincided with a period of sharper divisions between activists who held marriage as the most significant step in LGBT politics and those who perceived it as compliance with heteronormative normalization. Therefore, the foremost impact of normalizing queer sexual encounters was to aggravate dissent within the LGBT movement. In Portugal such dissent had been growing since same-sex marriage became central to the movements' demands (particularly after a gender-neutral marriage law was approved in Spain in 2005). An example of such division in the realm of queer sexual encounters is the resistance against polyamory groups being part of the organizing committee of the 2008 LGBT March in Lisbon. Reasons for this ranged from the alleged lack of LGBT specificity within polyamorous demands to the fear of being perceived as promiscuous where endorsement was perceived as being dependent upon a successful politics of containment. In other words, at this particular moment of LGBT activism, marriage was held to be more valuable than sexual diversity. It is even more striking that the context of such a decision was not a conservative anti-choice religious group but an LGBT committee organizing an LGBT march which, one would have thought, would hold the principle of diversity as non-negotiable.

The works of Lisa Duggan (2002) and Jaspir K. Puar (2007) are useful here in their acute critique of processes of homonormativities. Duggan describes what she interprets as a political mainstream portrayed to be 'reasonable, centrist and pragmatic' (2002, p. 176). This political mainstream is aligned with neo-liberalism, that is; 'a way of being reasonable and of promoting universally desirable forms of economic expansion and democratic government globally' (2002, p. 177). Exploring Andrew Sullivan's perspectives on sexual politics and, more specifically, his support for same-sex marriage (Sullivan 1995, 1997), Duggan intimates that, for conservative people such as Sullivan, 'marriage is a strategy for privatizing gay politics and culture for the new neoliberal world order' (Duggan 2002, p. 188). For Duggan, supporting same-sex marriage in Sullivan's terms represents an insidious political sedative. She further argues:

There is no vision of a collective, democratic public culture or of an ongoing engagement with contentious, cantankerous queer politics. Instead we have been administered a kind of a political sedative – we get marriage and the military, then we go home and cook dinner, forever. (Duggan 2002, p. 189)

Denouncing the perils of a culture in which 'sexual dissidence is rejected in favor of the naturalized variation of a fixed minority arrayed around a state-endorsed heterosexual primacy and prestige' (2002, p. 190), Duggan ends her essay with a description of what this new homonormativity entails:

This New Homonormativity comes equipped with a rhetorical recoding of key terms in the history of gay politics: 'equality' becomes narrow, formal access to a few conservatizing institutions, 'freedom' becomes impunity for bigotry and vast inequalities in commercial life and civil society, the 'right to privacy' becomes domestic confinement, and democratic politics itself becomes something to be escaped. (Duggan 2002, p. 190)

Puar argues along the same lines as Duggan when she defines what she calls 'homonationalism'. As she explains:

National recognition and inclusion, here signalled as the annexation of homosexual jargon, is contingent upon the segregation and disqualification of racial and sexual others from the national imaginary. At work in this dynamic is a form of sexual exceptionalism – the emergence of nation homosexuality, what I term 'homonationalism'. (Puar 2007, p. 2)

According to Puar, lesbian and gay people are not inherently invested in the struggle against discrimination. Conversely, it is often the case that LGBT rights become aligned with aspirations of joining the realm of historically white, male privilege:

Homosexuality can be read as a formation complicit with and invited into the biopolitical valorization of life in its inhabitation and reproduction of heteronormative norms. . . . Gay marriage, for example, is not simply a demand for equality with heterosexual norms, but more importantly a demand for reinstatement of white privileges and rights – rights of property and inheritance in particular. (Puar 2007, pp. 9, 29)

These arguments echo Michael Warner's earlier writings (2000) about shame, dignity, and sexual politics. He contends that the LGBT movement is trying to 'clean' itself and that cleanliness in this sense is equivalent to desexualising politics in order to transform it into something that 'you could take home to Mom' (2000, p. 42).

Drawing on Warner's work, Richardson (2004) argues that there is a shift in the cultural meanings attached to being lesbian or gay, which is 'increasingly constructed as a social rather than a sexual category' (2004, p. 397). This shift translates itself into a normative focus on the 'desirability and necessity of marital-style sexual coupledom' (2004, p. 393). In other words, the 'normative emphasis is on the loving lesbian/gay couple living together in marital-style relationships, rather than the rights of the individual sexual actor' (2004, p. 397). These changes, Richardson suggests, contribute to the creation and recognition of the 'normal gay', who, according to Seidman, is '[e]xpected to be gender conventional, link sex to love and a marriage-like relationship, defend family values, personify economic individualism, and display national pride' (Seidman 2002, p. 133). Bell and Binnie (2000) also refer to the construction of 'good' and 'bad' homosexualities in Britain, under Thatcherism, whereby the 'good' homosexual was construed as 'the innocent victim of militant queer activism' (2000, p. 44) and the figure of the gay conservative emerged as 'a closeted, self-hating and anti-militant homosexuality' (2000, p. 44).

In the Portuguese case, however, until very recently this notion of the 'normal gay' had been far from prevalent in political discourses concerning LGBT issues, despite the increased investment of the LGBT movement in relational claims. Instead, amongst politicians the dominant normativity was coincident with heteronormativity, and normalcy was largely the notion being used to sustain a narrow definition of 'the family', rendering most LGBT family arrangements outcasts.

This scenario is nuanced by the recent approval of same-sex marriage which introduced a new tone of political acceptance of lesbian and gay relationships that decide to be 'as normal as' heterosexual married couples. The political and legal rewards for heteronormative behaviours that contained same-sex relationships became apparent during the parliamentary debate on same-sex marriage in January 2010. The proposed draft-law was presented by Prime Minister Socrates who defended the law as follows:

Today's debate will certainly mark Portuguese parliamentary history. By approving this law, the Parliament will make a decisive step against discrimination, enabling civil marriage between same-sex people. . . . This is only a small legal change, but an important and symbolic step towards the full accomplishment of values that are essential pillars of democratic, open and tolerant societies: the values of freedom, equality and non-discrimination. This law aims to unite Portuguese society, rather than to divide it. This is a law of agreement and social harmony. . . . This law will constitute everyone's victory, because that is what happens with laws of freedom and humanist laws. . . . What is properly expected from a humanist is to feel humiliated with the humiliation of others; to feel excluded with the exclusion of others. . . . That is why, when we pass a law that will make more people happy, it is our own happiness that we are taking care of.¹⁹

The call for unity under a shared national mission – characterizing ‘democratic, open and tolerant societies’ – is obvious in this excerpt. We are told that this is not just any law; this particular law on same-sex marriage will create history, and every citizen, represented by their MP, is invited to participate in order to protect happiness, ‘our own happiness’. Sara Ahmed’s work on happiness becomes fundamental in this regard. She cautions against the ‘promise of happiness’ that creates unhappy others who must be put away in order to fulfil the happiness of those who set the standard for normalcy:

Happiness for some involves persecution for others: it is not simply that this happiness produces a social wrong; it might even depend on it. . . . An affective geography of happiness takes shape. Unhappiness is pushed to the margins, which means certain bodies are pushed to the margins, in order that the unhappiness that is assumed to reside within these bodies does not threaten the happiness that has been given. . . . Happiness tends to come with rather straight conditions. (Ahmed 2010, pp. 96–100)

As previously explained, the exclusion of polyamory activists from the organizing committee of the 2008 LGBT march offers a clear example of the ways in which normalization must produce its ‘others’. Here, as in other situations, othering involves creating a hierarchy of worth, according to which being ‘normal’ is equivalent to being satisfactorily integrated into a heterosexual, heteronormative, and heterosexist society (the dominant (normative) model). Lesbian and gay relationships who entered this agreement accept that they are the ‘recipient of measures of benevolence’ (Puar 2007, p. 32). These relationships are given legal and cultural recognition at the same time that other relationships are distinguished as those of sexual dissidents who are construed as unworthy, illegitimate, and improper. The heterosexual underpinnings of law and social policy remain largely untouched, despite the welcoming invitation of lesbian and gay families into the ‘law’s families’ (Diduck 2003). In this regard, Warner’s remark can only persuade the reader further:

People who are defined by a variant set of norms commit a kind of social suicide when they begin to measure the worth of their relations and their way of life by the yardstick of normalcy. The history of the movement should have taught us to ask: whose norms? (Warner 2000, p. 59)

Prime Minister Socrates proceeded in his defence of same-sex marriage making use of notions of tradition, honour, and nobleness. The following excerpt is notable in this respect:

Our children are startled and amazed when we tell them that until 1982 we had the absurd and revolting situation of considering homosexuality a crime punishable under the Penal Code. Therefore, it is time to give our children a good reason for taking pride in our generation, a generation who will be proud to fix the injustice against homosexuals and to build a society with more equality, more respect for people’s dignity and more consideration for individual freedom. . . . This is a law that will honour the best tradition of tolerance and mutual respect, which are ethical foundations of plural democracies such as the Portuguese democracy. . . . That’s why I ask you, MPs, to approve this draft-law. . . . I do it in the name of the open and humanist society that we intend to become and that takes upon itself the noble and everlasting ambition of refusing to give up on becoming a better society.²⁰

This speech is remarkable for two major reasons. First, it marks a shift in Portuguese politics, as it was the first time same-sex issues were passionately argued for by a Prime Minister. Second, it signals a new turn in the language of homonationalism, making use of conservative yardsticks of the next generation (‘our children’), tradition, and honour in order to transform the electorate into progressive tools of tolerance, freedom, and equality designed to improve the nation under the eyes of its future citizens. The underlining

message is that if Portugal wants to be/become an open and humanist society, aligned with its 'best tradition of tolerance and mutual respect', then it must stop embarrassing and deceiving younger generations and make civil marriage accessible to all. Marriage, in this sense, is presented as the only union which elicits respect and dignity, representing the missing piece in this otherwise pro-gay nation.

4. Concluding remarks

It is not my argument in this paper that demanding same-sex marriage necessarily leads to, or stems from, processes of political normalization. That is an on-going debate that has ignited passionate accounts on both sides of the barricade.²¹ Instead, what I do want to suggest is that queer sexual encounters have only been recognized under the law in so far as they accept being categorized as 'normal', as something that will unite – and not divide – society in accordance with shared traditions of 'tolerance and mutual respect', to use Prime Minister Socrates' words.

That this example of a politics of containment underlines co-optation or assimilationism, on the one hand, or ultimate subversion, on the other, has not been the central analytical focus of this paper since activism was not considered as a stand-alone category. Instead, of key importance here is the account we take of the relationship between the state and LGBT rights across time; what becomes apparent is the state's enduring loyalty to normativity, even when such loyalty becomes multilayered and more complex with the recognition of rights of different groups of people. Such investment in normativity is enacted through what I have called a politics of containment, already visible during the 2007 referendum on abortion rights.

As the approval of same-sex marriage in Portugal demonstrates, the state has pushed its normative boundaries in order to accommodate and contain new subjects willing to be read as 'normal'. This investment in new 'respectable' citizens, however apparently radical, destabilizes power relations within previously oppressed groups, contributing to further processes of exclusionary othering.

In an era of a 'new neo-liberal sexual politics' (Duggan 2002) it is no longer enough to claim equality (whose equality?) and celebrate legal changes in the name of inclusive justice (whose inclusion? whose exclusion? whose justice?). Instead, it is fundamental to explore how processes of legal transformation take place and what they say about the set of principles being advanced. If relational claims can only be achieved to the extent that they emulate the dominant respectable heterosexual couple, there is a limit to the diversity that is valued and a lack of acknowledgment of the complex ways in which people live their intimate and sexual lives.

In addition, the excessive juridification of LGBT politics – giving utmost priority to legal change at the cost of cultural investment at grassroots level – seems to assume that legal frameworks can deliver fairness and justice per se. Nicholas Bamforth explains how such an investment is inefficient:

In short, blandly asserting that the creation or existence of law is capable of 'educating' people – in the sense of altering their beliefs – is a serious underestimation of the variety and the independence of human responses to the law. People's conceptions of moral right and wrong seem frequently to be shaped not by present law, but by their assumptions about what one is socially and morally entitled to do – something which turns on their background theory of justice rather than the wording of law itself. (Bamforth 1997, p. 280)

If legal change is an essential aspect of LGBT demands, then the processes that involve negotiating and decision-making must be informed by the principles of sexual and

intimate diversity that have inspired LGBT collective action from its outset. In other words, although legal change is of key importance, it is not enough to guarantee the respect and recognition sought by LGBT intimate and sexual citizens. Without such a commitment to diversity, rather than to (hetero)normativity, the LGBT movement risks losing its specificity in the name of a rather compulsory and alienating, even if supposedly happy, citizenry.

Acknowledgements

I would like to thank the generous and insightful comments provided by colleagues to an earlier version of this paper which was presented at the Centre for Interdisciplinary Gender Studies Seminar Series held in September 2011, at the University of Leeds, UK. I would also like to acknowledge the important suggestions offered by two anonymous reviewers of the *Journal of Gender Studies*.

Notes

1. Between 1974 and 1988, there were 15,000 people on average emigrating per year, in contrast with 82,000 annual emigrants between 1956 and 1974 (Arroteia 2001).
2. The percentages of people unable to write or read in the country changed as follows: 1920, 70.8%; 1930, 67.8%; 1940, 59.3%; 1950, 48.7%; 1960, 40.3% (Carreira 1996, p. 11). In 1970, 53.3% of people over 60 years old could not read or write (Ferreira 2001, p. 137).
3. The popular magazine *Maria* and the radio show *O Passageiro da Noite*, between 1981 and 1982, would be two examples of intimate and sexual issues being debated in the media at that time.
4. As reported by the magazine *Opção*, n. 44, February 1977.
5. In March 1976, the Health Secretary issued a document establishing a system of family planning medical appointments. The fertility index that year was of 2.6 children per woman, and abortion was the third cause of maternal death in the country, often covered under labels such as 'general infection' (Vilar 1994). In 1980, one year after the creation of the National Health System, the National Fertility Survey demonstrated that only 33% of married women ranging from 15 to 49 years old were using effective contraceptives.
6. The dictatorship regime disbanded the last feminist organization (The National Council of Portuguese Women) in 1948.
7. Portugal's application dated back to March 1977. The accession occurred during a centre-right government constituted by the Democrat Social Party (PSD) and headed by the economist Prime Minister Cavaco Silva, who ruled from 1985 to 1995, the same man who was elected the nineteenth President of the Portuguese Republic in January 2006.
8. For a contextual reading of the historical development of the Portuguese LGBT movement see Santos 2004, 2005, 2012a, Cascais 2006, Carneiro and Menezes 2007.
9. A legal equivalent to the civil partnerships law in the UK, yet including both same-sex and different-sex partners.
10. Other European countries had already outlawed discrimination based on sexual orientation, but not in their most important legal document, i.e. the Constitution. The Swedish hate speech provision, for instance, has been part of the Swedish Penal Code since 2002.
11. This term was coined by Roseneil and Williams 2004.
12. Abortion after the tenth week is still unavailable upon request, being criminalized except in case of rape, malformation of the foetus, or serious health risk of the woman. Pro-choice campaigners have cautioned against this deadline, which is still considered too strict considering the decision-making process, as well as the bureaucratic procedures under the Portuguese National Health System (Sousa Santos *et al.*, 2010).
13. ILGA Portugal stands for Lesbian, Gay, Bisexual, and Transgender Intervention. ILGA Portugal was created in 1995 in Lisbon. It runs the only Lesbian and Gay Community Centre, a space that was provided by the Lisbon Municipality in 1997. ILGA Portugal has organized the Annual Lisbon Pride Party since 1997 and has co-organized the LGBT March in Lisbon since 2000. It is reported to be the biggest LGBT organization in Portugal, with nearly one thousand members registered (according to information published by the magazine *Com' OUT*, August 2008).

14. Panteras Rosa is an LGBT organization created in 2004 in Lisbon. It has co-organized the LGBT March in Lisbon since 2004, as well as the LGBT March in Porto, since 2006. It has focused on direct action initiatives and media campaigning.
15. Available from: http://panterasrosa.blogspot.com/2010_06_01_archive.html [accessed 12 July 2010].
16. Contrary to Portuguese law, Spanish law offers equal rights to heterosexual or lesbian and gay spouses in the field of parenting.
17. My notion of 'syncretic activism' points to the simultaneous deployment of discourse and action strategies which the literature has considered incompatibly assimilationist and radical (Santos 2008, 2012a).
18. Duggan 2002, p. 189.
19. Parliamentary debate, 8 January 2010. Available from: <http://debates.parlamento.pt/page.aspx?cid=r3.dar> [accessed 12 August 2010].
20. Parliamentary debate, 8 January 2010. Available from <http://debates.parlamento.pt/page.aspx?cid=r3.dar> [accessed 12 August 2010].
21. See, amongst others, Saalfeld 1993, Sullivan 1997, Warner 2000. For a more nuanced, empirically driven perspective on this debate, see Weeks *et al.*, 2001.

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References

- Ahmed, S., 2010. *The promise of happiness*. Durham: Duke University Press.
- Almeida, M.V., 2009. *A Chave do Armário. Homossexualidade, Casamento, Família*. Lisboa: Imprensa de Ciências Sociais.
- Almeida, S.J., 2010. *Homossexuais no Estado Novo*. Porto: Sextante Editora.
- Arroteia, J.C., 2001. Aspectos da emigração portuguesa. *Scripta Nova. Revista Electrónica de Geografía y Ciencias Sociales*, 94 (30). Available from: <http://www.ub.es/geocrit/sn-94-30.htm> [Accessed 4 December 2006].
- Bamforth, N., 1997. *Sexuality, morals and justice. A theory of lesbian and gay rights law*. London: Cassel.
- Barreto, A. and Preto, C.V., 1996. *Portugal 1960/1995: Indicadores Sociais*. Lisbon: ICS/Cadernos do Público.
- Bastos, S.P., 1997. *O Estado Novo e os Seus Vadios. Contribuição para o Estudo das Identidades Marginais e da sua Repressão*. Lisbon: Publicações D. Quixote.
- Bell, D. and Binnie, J., 2000. *The sexual citizen. Queer politics and beyond*. Cambridge: Polity Press.
- Carneiro, N.S., 2009. *Homossexualidades: Uma Psicologia Entre Ser, Pertencer e Participar*. Porto: Livpsic.
- Carneiro, N.S. and Menezes, I., 2007. From an oppressed citizenship to affirmative identities: lesbian and gay political participation in Portugal. *Journal of Homosexuality*, 53 (3), 65–82.
- Carreira, M., 1996. *O Estado e a Educação*. Lisbon: ICS/Cadernos do Público.
- Cascais, A.F., 2006. Diferentes como só nós. O associativismo GLBT português em três andamentos. In: A.C. Santos, ed. *Estudos queer: Identidades, contextos e ação colectiva*. Thematic issue of Revista Crítica de Ciências Sociais. 76, 109–126.
- Diduck, A., 2003. *Law's families*. London: LexisNexis.

- Duggan, L., 2002. The new homonormativity: the sexual politics of neoliberalism. In: R. Castronovo and D. Nelson, eds. *Materializing democracy: toward a revitalized cultural politics*. Durham: Duke University Press, 175–194.
- Ferreira, J.M., 2001. *Portugal em Transe*. Lisbon: Ed. Estampa.
- Magalhães, M.J., 1998. *Movimento Feminista e Educação – Portugal, Décadas de 70 e 80*. Lisbon: Celta.
- Oliveira, J.M., 2009. *Uma escolha que seja sua: uma abordagem feminista ao debate sobre a interrupção voluntária da gravidez em Portugal*, Unpublished thesis (PhD). Instituto Superior de Ciências do Trabalho e da Empresa, Lisbon.
- Peniche, A., 2007. *Elas somos nós: o direito ao aborto como reivindicação democrática e cidadã*. Porto: Afrontamento.
- Puar, J.K., 2007. *Terrorist assemblages: homonationalism in queer times*. Durham: Duke University Press.
- Richardson, D., 2004. Locating sexualities: from here to normality. *Sexualities*, 7 (4), 391–411.
- Roseneil, S. and Williams, F., 2004. Introduction: new contexts for collective action: the politics of parenting, partnering, and participation. *Social Politics: International Studies in Gender, State and Society*, 11 (2), 147–153.
- Roseneil, S., et al., 2011. Intimate citizenship and gendered well-being: the claims and interventions of women's movements in Europe. In: J-M. Bonvin, M. Renom and A.E. Woodward, eds. *Transforming gendered well-being in Europe: the impact of social movements*. Farnham: Ashgate, 187–205.
- Saalfeld, C., 1993. Lesbian Marriage . . . (K)not. In: A. Stein, ed. *Sisters, sexperts, queers: beyond the lesbian nation*. London: Penguin Books, 187–195.
- Santos, A.C., 2004. Sexual orientation in Portugal: towards emancipation. *South European Society and Politics*, 9 (2), 159–190.
- Santos, A.C., 2005. *A Lei do Desejo. Direitos Humanos e Minorias Sexuais em Portugal*. Porto: Afrontamento.
- Santos, A.C., 2008. Enacting activism. The political, legal and social impacts of LGBT activism in Portugal, Unpublished thesis (PhD). Centre for Interdisciplinary Gender Studies, University of Leeds, UK.
- Santos, A.C., 2012a. *Sexual citizenship and social movements in southern Europe*. Basingstoke: Palgrave-Macmillan.
- Santos, A.C., 2012b. The politics of sexuality in Portugal: confronting tradition, enacting change. *Sexualities: reflections and futures*. Basingstoke: Palgrave-Macmillan, 168–185.
- Santos, B.S., et al., 2010. *Cometi um Crime? Representações sobre (i)legalidade do aborto*. Porto: Afrontamento.
- Seidman, S., 2002. *Beyond the closet: the transformation of gay and lesbian life*. New York: Routledge.
- Sousa Santos, B., Santos, A.C., Duarte, M., Barradas, C. and Alvez, M., 2010. *Cometium Crime? Representações sobre a (I)Legalidade do Aborto*. Porto: Afrontamento.
- Sullivan, A., 1995. *Virtually normal: an argument about homosexuality*. New York: Knopf.
- Sullivan, A., 1997. *Same-sex marriage pro & con: a reader*. New York: Vintage.
- Tavares, M., 2003. *Aborto e Contraceção em Portugal*. Lisbon: Livros Horizonte.
- Tavares, M., 2010. *Feminismos, Percursos e Desafios. Feminismos em Portugal (1947–2007)*. Lisbon: Texto Ed.
- Vilar, D., 1994. Portugal – the country of easy, illegal and unsafe abortion. In: A. Eggert and B. Rolston, eds. *Abortion in the New Europe – a comparative handbook*. Santa Barbara, CA: Greenwood Pub, 215–228.
- Warner, M., 2000. *The trouble with normal. Sex, politics and the ethics of queer life*. Cambridge: Harvard University Press.
- Weeks, J., et al., 2001. *Same sex intimacies*. London: Routledge.
- Whitten, M.J., 2008. Feminism by other means. Reframing the abortion debate in Portugal. University of Massachusetts Amherst, Available from: http://scholarworks.umass.edu/cgi/viewcontent.cgi?article=1001&context=efsp_field_rpts [Accessed 15 December 2008].