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Relations, Exchanges, Affects

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Mapping Intimacies

Relations, Exchanges, Affects

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Intimacy in Times of (De)normalisation: Same-Sex Relational Recognition in Portugal

Ana Cristina Santos

Introduction

In 2010 Portugal became the eighth country worldwide to approve same-sex civil marriage. In the last decade, lesbian, gay, bisexual and transgender (LGBT) activism has played a crucial role in influencing and accelerating social, political and legal change, placing this southern European, majority Catholic and post-dictatorship country at the forefront of same-sex recognition in Europe.

Despite being a central demand of activists since 2005, the legal recognition of same-sex marriage did not generate undisputed celebration within the movement. Conversely, the increasing juridification of the movement (more and more invested in legal change as its main target) and the centrality of relational demands have generated processes of estrangement, according to which some relational models have been silenced or rendered unworthy of collective action. In this respect, the approval of same-sex marriage offers the opportunity to discuss issues of agency, citizenship, recognition and normativity, illustrating the complexities of demands around intimate citizenship.

In the theoretical context of debates on normalisation and homonationalism, this chapter takes into account the complexities inherent to relational legal recognition, the implications of diverse collective strategies and the nuances of individuals' intimate biographies. More precisely, this chapter investigates the road to legal recognition of coupled relationships of lesbians and gay men in Portugal, from a *de facto* union law in 2001 to the recognition of same-sex marriage in 2010.

Intimacy in the rearview mirror

The most significant changes in relation to sexual rights, reproduction and intimacy in contemporary Portugal were initiated in the aftermath of the

revolution that established the democratic regime in 1974. The state started to formally invest in family planning after 1976.¹ The first feminist organisations in decades emerged during this period, addressing issues such as free contraception, protection from sexual harassment and the right to abortion (Magalhães, 1998; Tavares, 2010; Roseneil *et al.*, 2011). Pornography and eroticism erupted in a previously silenced society, and sexual and intimate issues were discussed in the media for the first time.² It was also during this time that transgender entertainers gained nation-wide visibility, with clubs hosting shows with Portuguese drag queens and some media coverage of what was referred to as 'the Lisbon transvestites'.³

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 decriminalised 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).

Portugal joined the European Economic Community (EEC) in 1986.⁴ Becoming a member of the EEC/European Union (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, which became increasingly involved in global networks of collective action and funding opportunities, especially in relation to tackling inequality between women and men, and domestic violence.

It was during the 1990s that the LGBT movement made its slow emergence. The organisation of events such as the Pride Party or the Gay and Lesbian Film Festival, as well as the first signs of political acknowledgement of the movement – of which the Lesbian and Gay Community Centre, in a house provided by Lisbon city hall and launched by the Mayor in 1997, is a good example – signal a change in the visibility of LGBT activism. The most important collective event took place in 2000, in Lisbon, where the first LGBT march in Portugal gathered around 500 people. Other cities followed, organising LGBT marches, namely Porto (since 2006) and Coimbra (since 2010). Since its emergence, the LGBT movement has faced many legal, political and cultural obstacles.⁵

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. Legalising abortion on request and recognising 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 longstanding demands. The claims of the movement can be clustered into 'individual claims' and 'relational claims' (Santos, 2013a). While the former focuses on individual rights (such as employment law, protection from violence, and so on), the latter addresses 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 and, more recently, relational claims, with the exception of same-sex parenthood.

The first legal breakthrough after the decriminalisation of homosexuality in 1982 was the parliamentary approval of a law on de facto unions, 6 in 2001, that recognised 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 a precedent for other remarkable legal changes to follow.

Perhaps surprisingly, after enduring the longest dictatorship in western Europe (between 1926 and 1974) Portugal has been at the forefront of radical changes regarding same-sex intimate citizenship. 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 2004.⁷ Other changes involved 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), the equalisation of ages of consent (in 2007) and gender identity provisions (in 2011).

Parallel to these legal changes, there were also significant transformations regarding family structure in Portugal in recent years. For instance, despite the low percentage of childless couples and single-parent families, 8 there was an increase in cohabitation among the younger generations (INE, 2005): whereas in 1991 3.9 per cent of all married people were married without registration,⁹ in 2001 that number increased to 6.9 per cent (Leite, 2003). If we take a closer look at the actual figures involved, there was an increase of 96.1 per cent of cohabiting people between 1991 and 2001, when the law recognising de facto unions passed in Parliament (Leite, 2003).¹⁰ The marriage rate is still falling (it dropped one per cent between 2003 and 2005) and its pattern reveals something about the increasing secularisation of Portuguese society. In fact, despite most marriage celebrations still being Catholic, 11 the number of Catholic celebrations is in decline (it dropped 4.6 per cent between 2003 and 2005), whereas the percentage of civil marriages is increasing (3.7 per cent more in that same period). Both in 1997 and in 2005, the fertility index was 1.4 children per woman (INE, 2005).

All of these changes contributed to a significant shift in the possibilities for same-sex relational recognition under the Portuguese state and culture. For instance, according to 2007 Eurobarometer, 67 per cent of Portuguese respondents held the view that discrimination on the basis of sexual orientation is widespread in their country and 45 per cent believe that current discrimination based on sexual orientation is more widespread than it was five years ago. These figures seem to indicate a general awareness about homophobia, as well as the social desire to tackle discrimination based on sexual orientation in Portugal. Not only did cultural representations change, but also practices and structures have been transformed. This is what the next section explores.

The 'normal' state and its politics of containment

In 2010, Portugal became the eighth country worldwide to approve same-sex civil marriage.¹³ The political and cultural road that led to same-sex relational recognition is worth further examination especially in light of recent debates on normalisation. This section provides a very brief overview of conceptual contributions which are crucial in reading the current situation of Portuguese LGBT politics.

The works of Lisa Duggan (2002) and Jaspir K. Puar (2007) provide a stimulating theoretical toolbox for discussing same-sex relational recognition. Duggan describes what she interprets as the political mainstream portrayed to be 'reasonable, centrist and pragmatic' (2002: 176). This political mainstream is aligned with neoliberalism, that is; 'a way of being reasonable and of promoting universally desirable forms of economic expansion and democratic government globally' (2002: 177). Exploring the author and political commentator 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' (2002: 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 administrated a kind of a political sedative – we get marriage and the military, then we go home and cook dinner, forever.

(2002: 189)

Denouncing the perils of a culture in which 'sexual dissidence is rejected in favour of the naturalised variation of a fixed minority arrayed around a state-endorsed heterosexual primacy and prestige' (2002: 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.

(2002:190)

Puar argues along the same lines as Duggan when she defines what she terms 'homonationalism':

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'.

(2007: 2)

Drawing on Michael Warner's (2000) work, Diane 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: 397). This shift translates itself into a normative focus on the 'desirability and necessity of marital-style sexual coupledom' (2004: 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: 397). These changes contribute to the creation and recognition of the 'normal gay' as someone who 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: 133).

In the Portuguese case, however, until very recently the 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 (Santos, 2013a). Instead, amongst politicians the dominant normativity was coincident with heteronormativity, and normalcy was largely used to sustain a narrow definition of 'the family', rendering most LGBT families 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 couples that decide to be 'as normal as' heterosexual married couples.

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 liberalise abortion?' and 'Are you in favour or against samesex marriage?' - these were two of the most repeated questions posed by journalists to political candidates. Having debated the issue of abortion elsewhere (Santos, 2013b), I now turn to the process that led to the approval of same-sex civil marriage in 2010 as an example of what I call a 'politics of containment'. The politics of containment describes consistent procedures through which controversial issues are negotiated amongst liberal and conservative sectors of society. As part of the 'normal' state apparatus, the main aim of the politics of containment is to achieve a wider consensus through the (temporary or not) suspension of radical strategies or arguments.

Such strategic focus on consensus through containment resembles much theoretical debate around (and queer critique of) processes of normalisation. Arguably, the 'normal' state and its political and legal rewards for heteronormative behaviours, including same-sex relationships, became apparent during the parliamentary debate on same-sex marriage in January 2010. The proposed draft-law was presented by the then Prime Minister Sócrates who defended the law as follows:

Today's debate will certainly make history in the Portuguese Parliament. 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.¹⁴

The call for unity under a shared national mission – characterising '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 recent work on happiness is important in interrogating this 'happiness'. 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.

(2010:96)

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.

(2010: 97-98)

Happiness tends to come with rather straight conditions.

(2010:100)

Former Prime Minister Sócrates proceeded in his defence of same-sex marriage by making use of notions of tradition, honour and nobleness:

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.¹⁵

This speech is remarkable for three major reasons. First, it represents 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 engage the electorate with progressive tools of tolerance, freedom and equality designed to improve the nation under the eyes of its future citizens. The underlying 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 family model which elicits respect and dignity, representing the missing piece in this otherwise pro-gay nation. Thirdly and closely related to the former, Sócrates' speech pushes the audience towards an imagined future, one which is both desirable and inescapable, and always presented through the lens of certain subjects who are capacitated to determine what becomes simultaneously desirable and inescapable. As Yvette Taylor argues, 'only certain subjects can make legitimate claims on the future - as educated, knowing and responsible citizens [...] buffering middle-class children as future citizens' (Taylor, 2012: 65). In the current example, not only is desirable change located within 'the family' conceived of as a stable, formally recognisable institution, but such change – and the future it entails – is endorsed by a legitimate subject, the government.

To reiterate, the political efforts towards same-sex marriage illustrate a strategic shift, whereby intimate citizenship (Plummer, 2003; Roseneil, 2010) 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. Despite their general involvement in campaigns that were in favour of same-sex marriage, the ways in which LGBT organisations differ in their specific commitment to this objective offers a poignant example of the impact of the formal recognition of same-sex marriage in LGBT politics.

Where do we go from here? LGBT activism in the aftermath of relational recognition

The approval of same-sex marriage coincided with a period of sharper divisions between activists who considered marriage as the most significant step in LGBT politics and those who perceived it as compliance with heteronormative normalisation. 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). Such dissent erupted during the preparatory meetings of the organising committee of the 2005 LGBT march, which, it was eventually decided, had as its central motto same-sex marriage. This decision was not consensual and it triggered tension between different participants (Santos, 2013a).

Then, after five years of campaigning for same-sex marriage, the law changed and civil marriage was granted to all citizens regardless of sexual orientation. On the one hand, the approval of the same-sex marriage law evidenced 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 (Almeida, 2009; Santos, 2013a). On the other hand, this demand had always been permeated with disagreement in relation to the degree of importance and prioritisation it should be ascribed in a context in which other demands remained largely unaddressed. Competing claims included same-sex parenthood rights, sex education and transgender rights, as well as a wider struggle against social discrimination (Nogueira and Oliveira, 2010).

Disagreements within LGBT activism in the aftermath of formal recognition of same-sex marriage became visible, for instance, during the LGBT march in Lisbon in 2010. 'Congratulations, congratulations,

congratulations!' - these were the final words of the political statement voiced by the organisation Lesbian, Gay, Bisexual and Transgender Intervention; in Portuguese: Intervenção Lésbica, Gay, Bissexual e Transgénero (ILGA)¹⁷ Portugal's spokesperson, Sara Martinho, during that event. The celebratory tone, linked to the approval of the same-sex marriage law a few weeks earlier, was in sharp contrast to the precautionary alert issued by the organisation Panteras Rosa (Pink Panthers)¹⁸ on the same occasion. In the words of their representative, Sérgio Vitorino:

To get married and to 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. [...] Let's leave the 'small steps' policy to the political parties. Let those who simply wanted to get married and to be integrated go quiet. We all have different ways to search for happiness. We want change. 19

These two contrasting statements illustrate different ways of interpreting same-sex relational recognition. 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:

Homonormativity can be read as a formation complicit with and invited into the biopolitical valorisation of life in its inhabitation and reproduction of heteronormative norms.

(2007: 9)

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.

(2007:29)

A striking example of tension and dissent regarding relational intimate biographies in the Portuguese context was the resistance against polyamory groups being part of the organising 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 considered 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 organising an LGBT march which, one would have thought, would hold the principle of diversity as non-negotiable.

The discussion around the role of polyamory activism within the LGBT movement in 2008 echoes 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: 42). David Bell and Jon 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: 44) and the figure of the gay conservative emerged as 'a closeted, self-hating and anti-militant homosexuality' (2000: 44).

The exclusion of polyamory activists from the organising committee of the 2008 LGBT march offers a clear example of the ways in which normalisation 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 couples who entered this agreement accept (consciously or not) that they are the 'recipient of measures of benevolence' (Puar, 2007: 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 is of invaluable use for this debate:

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?

(2000:59)

But does this really describe the whole picture? The discussion around 'normalcy', normalisation and the politics of containment leads us to the final section of this chapter, aimed at challenging both mainstream and queer readings of normativity.

New normativities in times of de/normalisation?

The issue of same-sex marriage triggered at least two polarised sets of normativities used within the LGBT movement in Portugal. The first one

could be described as homonormativity and it draws on the queer critique of the 'normal gay', as discussed previously in this chapter. Situated at the opposite end of the spectrum is what could be labelled, for the sake of hermeneutics, queer normativity. Queer normativity is far less debated within Portuguese sexual politics and therefore requires further engagement.

Before discussing each one of them in more detail, it seems important to note that the unsaid backdrop of both sets of normativities is indeed heteronormativity, understood as the assumption that heterosexuality is the socially valued sexual orientation.²⁰ Laws, social policy, school manuals, advertising and so on are often structured under that assumption, rendering lesbians, gay men, bisexuals and transgender people virtually non-existent. As Michael Warner has argued, this assumption 'produces a profound and nameless estrangement, a sense of inner secrets and hidden shame' (2000: 8). There are a variety of ways in which people challenge or question heteronormativity, but, just like other deeply entrenched prejudices, no one is utterly sheltered from it. Trained to think according to binaries, the tendency to replicate norms that operate as excluding principles becomes naturalised and comfortable, especially so for those who manage to be included, however precariously, in the mainstream (Butler, 1990; Fuss, 1995; Roseneil, 2002). Such comfort leads to a replication of the norm, in an attempt to secure the boundaries that protect the privileged.

Naturally, heteronormativity is not alone. As signalled earlier on in this section, the debate around same-sex marriage in the Portuguese context prompted other (new?) normativities, equally powerful in their exclusionary repercussions. The notion of homonormativity has been suggested to be linked to a 'rise of a neoliberal politics of normalization' (Richardson, 2005) and to contribute to the creation and recognition of the 'normal gay' (Seidman, 2002). Different from heteronormative assumptions of heterosexuality, homonormativity does not assume people are generally gay or lesbian. As Lauren Berlant and Michael Warner explain 'Because homosexuality can never have the invisible, tacit, society-founding rightness that heterosexuality has, it would not be possible to speak of "homonormativity" in the same sense.' (Berlant and Warner, 1998: 548).

According to much of the vast literature on homonormativity and normalisation, there is an insidious assumption according to which LGBT people should reject every feature of conventional partnering and parenting in order to avoid being read as 'homonormal' or, perhaps even worse, 'normalised' (Lewin, 1996; Warner, 2000; Seidman, 2002; Richardson, 2004, 2005). Signs of this normalisation would include being in a coupled relationship, monogamous, procreative and recognised under the law (that is, in a civil partnership or legally married).²¹

Drawing on what has been said so far, one feels tempted to question the possibilities and constraints of both forms of (hetero and homo) normativity. If the goal is to be able to live our lives as 'full intimate citizens' (Roseneil, 2010: 82), none of these categories, however strikingly

different in its historical background and political purpose and impact, seem to do justice to the complex ways in which real intimate lives happen (Weeks *et al.*, 2001; Davidmann, 2010a, 2010b; Sanger, 2010; Hines and Taylor, 2012). Instead, both categories seem rather prescriptive, lacking the flexibility required to provide relevant and plausible readings of nuanced intimate biographies. The empirical misfit of both conceptual categories – heteronormativity and homonormativity – leads us to the second set of normativities triggered by the discussion around same-sex marriage in Portugal: queer normativity.

People's experiences in relation to their intimate and personal lives are not (necessarily always) based on strict ideological perspectives that artificially create insiders and outsiders (for example, assimilationists versus radicals). The real density of people's 'intimate counter-normativities' (Roseneil, 2009) does not accommodate abstract 'either/or', but rather embraces diversity, rebellion, contradiction and subversion. Arguably, by using a queer reading of normalisation, features such as these – rebellion, contradiction, subversion – can be read into what would otherwise be rapidly dismissed as a normative surrender of the 'normal gay'. In light of such assumptions, one might be tempted to explore whether normalcy can ever be queered and, if so, what is queer about being normal, particularly in a context where being 'normal' – which could, in this context, be equated with being in a monogamous, stable and formally recognised relationship – is perhaps not as valued as being 'extraordinary' (Martin, 1993), that is, resisting such processes of relational normalisation. As Biddy Martin explains,

In some queer work, [...] to be radical is to locate oneself outside or in a transgressive relation to kinship or community because those relationships have already been so thoroughly societalized, normalized, and then internalized as self-control and discipline. Radical anti-normativity throws out a lot of babies with a lot of bathwater [...]. An enormous fear of ordinariness or normalcy results in superficial accounts of the complex imbrication of sexuality with other aspects of social and psychic life, and in far too little attention to the dilemmas of the average people that we also are.

(1993: 69–70)

If we move from theoretical to more empirically based accounts, the arguments in favour of a nuanced understanding of what constitutes normalcy and its related impacts seem to be strengthened. Similar to what Martin had suggested in 1993, the 'dilemmas of the average people that we also are' (1993: 70) constitute a significant parcel of the ways in which lesbian, gay and bisexual people construct their intimate biographies. Ordinariness or normalcy can be cherished, without necessarily leading to an un-queer, a-critical embrace of conventionality. And admittedly, even the

most conventional relational arrangement such as civil marriage or civil partnership can be used in ways that destabilise conventional notions of family, intimacy and sex. Therefore, there is nothing intrinsically queer, or indeed normalised, in specific practices or identities. If so, what determines normalcy and queerness, and to what extent can these two notions coexist?

What determines what gets to be labelled as normalised or queer, good or bad, average or outstanding is a form of prescriptive normativity an allegedly queer normativity - that exists through reinforcing intimate otherness. Intimate otherness is a process of estrangement through which allegedly queer normativity produces its others, thus asserting its own specific standards of what is acceptable or not, regarding intimate and sexual relationships. Hence, married, monogamous, cohabiting and/or reproductive citizens become intimate others, politically separated from whom and what remains queerly 'pure' (or 'truly' queer, to be more precise). In this sense, intimate others consist of a revisited form of sexual strangers, to use Shane Phelan's notion (2001), only one which is constructed from within the queer community rather than externally imposed.

LGBT and queer activists, as situated political actors, are also situated lovers, partners and parents. Therefore, what is at stake is the ability to have personal and intimate relationships, and to remain as queer as ever, regardless of marital status for those who wish to be/become/remain self-identified as queer. Additionally, it is not only the ability to be/become/remain as queer as ever, but also to be recognised as such. This is, after all, what embracing intimate diversity should mean:

the freedom and ability to construct and live selfhood and a wide range of close relationships - sexual/love relationships, friendships, parental and kin relations - safely, securely and according to personal choice, in their dynamic and changing forms, with respect, recognition and support from state and civil society.

(Roseneil, 2010: 82)

Conclusions

After the end of the longest dictatorship in western Europe, in 1974, it took almost another decade until homosexuality stopped being criminalised under Portuguese law (in 1982). In the last decade, LGBT activism has played a crucial role in influencing social, political and legal change in Portugal, including the legal recognition of de facto unions (in 2001), the Constitutional ban of discrimination based on sexual orientation (in 2004), the equalisation of ages of consent (in 2007), protective legislation regarding hate crimes and domestic violence (in 2007), civil marriage (in 2010) and pro-transgender policies (in 2011). However, as explored in this chapter,

the approval of same-sex marriage did not generate undisputed celebratory collective statements. Instead, the process that led to the inclusion of same-sex couples in the marriage act ignited some heated and passionate debates, generating tension amongst activists. This tension draws on the clash between different normativities and how they compete for Portuguese LGBT politics in the aftermath of the law recognising same-sex marriage. In this context, the argument in this chapter was three-pronged.

Firstly, it was suggested that same-sex intimate relationships have only been recognised under the law insofar as they accept being categorised as 'normal', as something that will unite – and not divide – society in accordance with shared traditions of 'tolerance and mutual respect', to use former Prime Minister Sócrates' words. If we consider the relationship between the state and LGBT rights across time, what becomes apparent is the state's enduring loyalty to normativity – hence the suggested notion of 'normal state' – even when such loyalty becomes multilayered including the recognition of the rights of same-sex couples. Such investment in normativity is enacted through what I have called a politics of containment. The politics of containment impacts on the LGBT movement in different ways, leading us to the second argument advanced in the chapter.

The state's investment in new 'respectable' citizens, however apparently radical, destabilises power relations within previously oppressed groups, contributing to further processes of exclusionary othering – what could be read as intimate otherness drawing on new normativities. It was suggested that 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 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 intimate diversity that have inspired LGBT collective action from its outset. Without such a commitment to diversity, rather than to normativities, the LGBT movement risks losing its specificity in the name of a rather compulsory and alienating citizenry.

The third and final argument advanced in the chapter focused on the rich nuances of intimate lives. People do not live according to pre-made theories, nor do they (we) live within linear and tidy sets of choices. As Jack Halberstam reminds us,

We will wander, improvise, fall short, and move in circles. We will lose our way, our cars, our agenda, and possibly our minds, but in losing we will find another way of making meaning in which [...] no one gets left behind.

Dismissing (or leaving behind) couple-like, monogamous and/or reproductive relationships from the sphere of queer activism would be as absurd as excluding polyamorous activists from LGBT coalitions. The processes of otherness and the impacts of symbolic violence enacted by both forms of exclusion are, in many regards, similar. The space and place for inclusion and freedom lies within the multiple textures of our intimate and sexual biographies. 'Intimate counter-normativities' (Roseneil, 2009) are informed by ambivalence. And ambivalence is indeed a crucial legacy of the queer thought that moved away from dyadic binaries and offered a world of exciting possibilities instead. It is not either/or - it is both, and yes, it is complicated, and fascinating, and so much more meaningful.

In this respect, it seems relevant to consider Audre Lorde's short poem entitled 'Who said it was simple'22:

> But I who am bound by my mirror as well as my bed see causes in Colour as well as sex and sit here wondering which me will survive all these liberations

Intimate citizens – lesbians, gay men, trans people, bisexuals, straight-queers and so on - are (often proudly so) contradictory and ambivalent. Rather than neglected, it is time that this ambivalence is regarded as a resource, potentially enabling people to adjust, to learn, to experiment in their quest for a better life, if not a happy one. In the current post-civil marriage age, to grasp and embrace such ambivalence is certainly one of the biggest challenges - and opportunities - that LGBT politics face in current times of (de)normalisation.

Notes

- 1. The fertility index that year was of 2.6 children per woman and abortion was ranked third in causes 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 per cent of married women ranging from 15 to 49 years old were using effective contraceptives.
- 2. 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.
- 3. As reported by the magazine *Opção*, n. 44, February 1977.
- 4. 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 19th President of the Portuguese Republic in January 2006 and re-elected in 2011.
- 5. For a contextual reading of the historical development of the Portuguese LGBT movement see Santos, 2004, 2006, 2013a; Cascais, 2006, Carneiro and Menezes, 2007.
- 6. A legal equivalent to the civil partnerships law in the UK, yet including both same-sex and different-sex partners.
- 7. Other European countries had already outlawed discrimination based on sexual orientation, but not in their most important legal document, that is, the Constitution. The Swedish hate speech provision, for instance, is part of the Swedish Penal Code since 2002.
- 8. Only 1.4 per cent of the 3,145,734 Portuguese families are single-parent units (Pereira, 2000).
- 9. Before the de facto union law was approved in 1999, the census collected information about marriage with registration and marriage without registration. The latter actually consisted of *de facto* union. Both marriage with registration and marriage without registration were gathered under the category of married people.
- 10. According to Census data, in 1991 there were 194,000 people in de facto marriages, whereas in 2001 that number increased to 381,000. This increase mirrored a geographical divide between the Catholic north and the secular south, with Azores and Madeira aligning with the north in terms of their low figures for cohabitation.
- 11. In 2001, 37.5 per cent of all marriages in Portugal were civil marriages (Leite, 2003: 98).
- 12. For a recent study about discrimination based on sexual orientation and gender identity in Portugal, see Nogueira and Oliveira, 2010. For a study about identity, citizenship and participation in the Portuguese lesbian and gay community, see Carneiro and Menezes, 2007; Carneiro, 2009.
- 13. This section draws partially on Santos, 2013b.
- 14. Parliamentary debate, 08/01/2010. Available from http://debates.parlamento.pt/ page.aspx?cid=r3.dar (accessed 12 July 2012).
- 15. Parliamentary debate, 08/01/2010. Available from http://debates.parlamento.pt/ page.aspx?cid=r3.dar (accessed 12 August 2012).
- 16. Contrary to Portuguese law, Spanish Law offers equal rights to heterosexual or lesbian and gay spouses in the field of parenting.
- 17. 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 organised the Annual Lisbon Pride Party since 1997 and has co-organised the LGBT March in Lisbon since 2000. It is reported to be the biggest LGBT organisation in Portugal, with nearly 1,000 members registered (according to information published by the magazine Com' OUT, August 2008).
- 18. Panteras Rosa is an LGBT organisation created in 2004 in Lisbon. It has coorganised 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.
- 19. Available from http://panterasrosa.blogspot.com/2010_06_01_archive.html (date accessed 12 July 2012).

20. A more comprehensive definition of heteronormativity is offered by Berlant and Warner:

By heteronormativity we mean the institutions, structures of understanding, and practical orientations that make heterosexuality seem not only coherent – that is, organised as a sexuality – but also privileged. Its coherence is always provisional, and its privilege can take several (sometimes contradictory) forms: unmarked, as the basic idiom of the personal and social; or marked as a natural state; or projected as an ideal or moral accomplishment. It consists less of norms that could be summarised as a body of doctrine than a sense of rightness produced in contradictory manifestations - often unconscious, immanent to practice or institutions. Contexts that have little visible relation to sex practice, such as life narrative and generational identity, can be heteronormative in this sense, while in other contexts forms of sex between men and women might not be heteronormative. Heteronormativity is thus a concept distinct from heterosexuality. One of the most conspicuous differences is that it has no parallel, unlike heterosexuality, which organises homosexuality as its opposite.

(Berlant and Warner, 1998: 548)

- 21. Gayle Rubin, writing about a sex hierarchy, draws a distinction between good, normal and natural sex, on the one hand, and bad, abnormal and unnatural sex, on the other. While the former is described as heterosexual, married, monogamous, procreative, non-commercial, in pairs, in a relationship, same generational, in private, without pornography, using bodies exclusively and 'vanilla sex', the latter would be characterised by being homosexual, unmarried, promiscuous, nonprocreative, commercial, alone or in groups, casual, cross-generational, in public, using pornography, involving objects and sadomasochism (1998 [1984]: 109).
- 22. Quoted in Plummer (1995: 144).

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