

Fighting for love rights: Claims and strategies of the LGBT movement in Spain

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Abstract

In this article we center the attention on LGBT organizations in Spain. We discuss the emergence, evolution and claims of this social movement. The political associations and groups that advocate lesbian, gay and transsexual rights are presented as the voice of sexual communities and peoples. Accordingly, they are treated as a key social and political actor that links the desires and needs of grass-root non heterosexual peoples with the higher spheres of institutions, politics and the law. The article builds on qualitative data on protesting, claims-making and mobilization to account for the transformation of a major section of the Spanish LGBT movement into a defender of human rights and equality. This is presented as the consequence of internal balances of power, and also as a cause of the de-sexualisation of the claims brought before the State by sexual communities in Spain.

Keywords: LGBT rights; Spain; LGBT Movement; Claims-making; sexuality

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Spain is in the vanguard of sexual and gender rights recognition. In 2005, some changes in the Civil Code allowed gay and lesbian couples to marry and full adoption rights were also granted. In 2007, a ground-breaking sexual identity allowed transgender people to change their ID without the intervention of surgery. New reproductive rights have also been approved in the form of new assisted reproduction and abortion laws.

Singling out a unique explanation for this is a difficult task: sexual politics are enshrined in complex social, cultural and political dynamics that draw on the preferences and behaviour of political parties, state authorities, the general public, civil society organizations, economic groups and the media. Firstly, societal values have changed: with affluence Spaniards have not only become richer, but also clearly more open minded when it comes to moral judgments on same sex relationships; particularly strong support is exhibited in relation to lesbian, gay, bisexual and transgender (LGBT henceforth) rights recognition (Calvo, 2005). Some features of the party system have also contributed to the recognition of 'love rights' (Wintemute, 2005), most notably the prioritisation by the Spanish Socialist Workers' Party (PSOE) of civil rights and citizen policies (Calvo, 2010). It is also worth noting that Spanish conservative political parties have never disputed the association between LGBT rights and human rights, a key variable to understand advances in rights recognition world-wide (Kollman, 2007). While the Popular Party (PP) stands against the regulation of same-sex love through legal narratives around marriage, that political party has come to accept, at least for the sake of public discourse, that same-sex couples deserve equal rights than different-sex ones.

And protest by sexual communities? Different theories about the recognition of

LGBT rights in contemporary democracies see the role of campaigning and collective protest under a different light. In bottom-up models (Adam et al, 1999; see also Engel, 2001 or Weeks, 2008), grass-roots activism and campaigning are held as causes of profound social and political change. Conversely, those defending a top-down view (Kollman, 2007; Patternote and Kollman, 2010) are more inclined to see protest and mobilisation as mediating variables between changes at the level of elite behaviour caused by the influence of transnational factors and domestic legal change. In all cases, however, activism on behalf of LGBT rights is treated as a fundamental variable with important explanatory capacities. As for Spain, existing research suggests that social movement protest activities have been a key variable not only in the shaping of same-sex marriage politics, but more generally in the creation of new opportunities for a whole new range of public policies for sexual communities (Trujillo, 2007, 2009; Calvo, 2007, 2010; Monferrer, 2010).

In this paper we center the attention on LGBT organizations in Spain. These associations and groups are presented as the voice of sexual communities and peoples. Accordingly, they should be treated as a key social and political actor that links the desires and needs of grass-root LGBT peoples with the higher spheres of institutions, politics and the law. In meaningful ways the travails of these organizations when addressing the State, other social movements and society at large are indicative of larger dilemmas about we-ness, identity and a sense of purpose in a post-modern, globalised world (Sassen, 2007). LGBT political groups have mobilized people, pushed for introducing the demands in the political agenda, and oriented public debate and decision making on sexual rights issues. In doing so, however, they have also endorsed some public representations of same-sex sexuality, shaping to important extent collective perceptions of the role of sexual communities as citizens. We will discuss

their emergence and evolution. Also, we will also focus on preferences and conflicts around claims-making. Spanish LGBT groups aligned during the 1990s with the international call for the legal recognition of partnership laws: this replaced a long decade of revolutionary politics and ambitious claims that helped classify this mobilization as a revolutionary, anti-capitalist social movement. From 1997 onwards, the largest groups have focused on marriage and adoption.

The article draws on extensive field work carried out by the two authors in various locations within Spain between 2001 and 2005. This has included an exhaustive revision and analysis of the so-called ‘movement literature’. Pamphlets, non-published ideological texts, internal notes and magazines edited and often published by LGBT groups have been filed, coded and studied. Authorship will be collectively attributed to groups, and hence references to internal documentation and periodicals will be included in the references of this paper. Particular attention has been paid to editorials within those magazines, as they usually incorporate a given group’s consensual position on certain issues. Press-releases as published in the mainstream media have also been studied. Some of the arguments presented in this article build on interview-material with key campaigners and movement personalities.

This article also makes extensive use of the written testimonials of activists: as proof of community consolidation, a significant network of (small of course) publishing houses, specialised ‘lesbian and gay’ book-shops and other cultural outfits has grown in Spain over the years. This has allowed key activist to write on their experiences as activists, and also on their views as to how Spanish society is coping with the challenges posed by sexual dissidents. These views will be duly referenced in different sections of the article.

De-sexualising protest?

We pay close attention in this article to claims-making. A focus on claims-making should include not only the actual petition that is formulated, but also the arguments, reasoning, metaphors and discourses that are employed to attribute meaning and consistency to the petition. In other words, activists are meant to bring specific demands forward (*claims*), and also to *frame* these according to themes, references and languages that, firstly, attribute blame for possible injustices and, then, suggest a prognosis for action. It is assumed that those frames will keep a degree of internal logic and consistency with the claims, so that a model emerges that defines the strategies of challenges when attempting outward change. Claims are, thus, performative acts to a great degree. They can be framed strategically according to ideas and immediate and future needs (Bernstein, 1997), and they respond both to rational cost-benefit analysis and to ideological constraints: we see claims-making as situated in this intersection between internal balances of power, changes in the structures of political opportunities structure and, lastly, the cognitive views and ideological preferences of key activists.

Endogenous variables, such as ideology and internal disputes over discourses, strategies, leadership, funds and representation are particularly important in those so-called 'sub-cultural' social movements (Duyvendak, 1995). When activism and protesting are linked to deep identity concerns and lifestyle considerations, decisions over strategy and claim-making are not always conducted according to strictly rational cost-benefits calculations. Nevertheless, there is nothing novel on our part when arguing that social movement organizations are also deeply influenced by their environment. Existing research on LGBT in the United States, for instance, shows that

AIDS crisis, political alignments, institutional structures and judicial politics have shaded and coloured the strategic and operational minds of LGTB campaigners over the last three decades or so (see among many others Bernstein, 1997; Engel, 2001 Rimmerman, 2002; Miceli, 2005).

In this article we show that, in Spain, the institutionalised section of the LGTB movement, which is the larger and more visible one, has steadily embraced modes of claims-making that are becoming increasingly de-sexualised. As internal balances of power between moderate and radical activists shift, the larger and more visible organizations have relinquished narratives, messages and claims that suggest structural differences between sexual communities. The visibility of the community is enhanced, and some aspects of identity politics are overtly pursued. Claims, however, are abandoning sexual themes and references in order to blend concerns about the well-being of sexual communities with broader narratives on human rights, citizenship and even nationhood. This has been already classified (and criticised) as a global trend, the more so international organizations and institutions accept the identification of LGBT rights as human rights (Kollman, 2007). Rights discourses, however, might have limits (Rahman, 2000): by inserting sexual dissidents into larger narratives around citizenship, sexual movements might be missing a unique chance to engage with a transformative dialogue where social categories, ideas about family relations and love could adjust to grass-roots diversity and difference.

Radical sexual protest politics in Spain

It is commonplace assumed that LGBT movements world-wide have pursued, and

achieved, the mainstream (Adam et al, 1999). The Spanish case is no exception to this basic conclusion. What comparative analysis are failing to grasp is that the ‘pendulum swing’ from radicalism to more moderate understandings of activism is powerfully mediated by domestic factors that shape the speed, intensity and consequences of internal ideological conflicts. A historical approach to sexual protest politics in Spain quickly reveals that radical visions of sexual politics have always been popular among grass-root and elite activists. While, in the end, a large section of the Spanish LGBT movement has succumbed to institutionalisation and moderation, radical ideas and forms of action survived longer than in comparable western countries, always representing an active challenge to mainstreaming. In this section we discuss three sources of radical ideas around sexual politics in Spain: namely, (male) gay liberation, feminist lesbianism and, lastly, queer organizations.

The first attempts to mobilise sexual minorities in Spain were framed in the terms of ‘gay’ liberation, as it was understood in North America, Great Britain, and specially France. It is widely recognised a fact that gay and lesbian liberation was essentially a radical, uncompromising ideology that called for belligerent mass mobilisation (Altman, 1993). It comes as no surprise, therefore, that the Spanish liberation movement universally described itself as a revolutionary “force” (Fluvià, 1978).⁽²⁾ Gay or homosexual (both terms were used interchangeably) liberation groups grandly sought to redefine gender relations and the family structure; moreover, they embedded a discourse on sexual politics in larger narratives about class struggle. The Spanish gay liberation movement valued the principles of mass mobilisation, non-hierarchical forms of organisation and direct democracy.

The transition of the dictatorship to democracy, period of social and political euphoria for the possibility of achieving the previously lost rights and liberties, offered

new opportunities for social mobilization; in the case of lesbians, gays and transsexuals this resulted in the creation of ‘homosexual liberation fronts’ in the main cities of the country, including of course Barcelona and Madrid, but also Seville, Valencia and Bilbao (Fluvià, 1978, 2003; Petit, 1996, 2003; Llamas and Vila, 1999). Autonomous groups of lesbians were created within these organizations, sharing with their gay comrades the fight against a series of common and urgent discriminations based on a different sexual option (Trujillo, 2008a). However, lesbians would soon abandon these groups as we discuss later on in this section. The ‘Gay Liberation Front of Catalonia’ (FAGC), set up in 1975, was the most visible and active gay group throughout the transition period, and must be credited for organizing a series of relatively visible protest events, including the yearly 28th June demonstration, since 1977.

The host of political organizations that belonged to the gay ‘liberation’ movement shared a number of characteristics. Firstly, liberationist activists defended a confrontational style of politics, instead of a culture of cooperation with the authorities. This has been abundantly argued by a number of leading activists (Vilà, 2000; Fluvià, 2003; Petit 2003 and 2004; Pineda and Petit, 2008). Secondly, they opposed identity and community politics. Influenced by a Marxist ideology where sexual liberation was defined in terms of class conflict, gay bars and related places of socialisation, recreation and sexual activity were loudly criticised as tolerance ‘traps’, ‘cages’ and ‘ghettos’ designed to deprive homosexuals of a acquiring a political consciousness (Llamas and Vila, 1999: 230-233; Aliaga and Cortes, 2000: 95; see also Petit, 2003: 34-35).

An important turning point for the gay and lesbian movement was the derogation of the ‘Social Menaces Act’ in 1979. As discussed in the introduction to this issue, this piece of legislation had been used by Francoist law-makers and enforcers to criminalize homosexual behavior. Success in this issue had an immediate and positive impact in the

legal situation of LGBT peoples. Lesbians and gay males, however, had different perceptions as to the implications of legalization on their daily lives. As activist Empar Pineda has pointed out, while gays saw it as a political victory that was also going to have a direct impact on their lives in terms of leisure options and socialization patterns, lesbians considered it as the former but not so much the latter. Legalization was another step on the fight against homo and lesbo-phobias, but something that would not make a noticeable difference on their personal – and more invisible- lives the day after (see Trujillo, 2009: 88).

During the 1980s Spanish lesbians and gay males did not cross paths as often as it might be assumed. In spite of the fact that lesbian sections had been created in the gay liberation fronts of Catalonia and Valencia as early as in 1977, lesbians soon felt little rapport with their male colleagues. In a press note issued by the lesbian group of the FAGC at the beginning of 1978, and later reproduced in José Ramón Enríquez's ground-breaking essay-compilation on homosexuality and Spanish society (1978: 181-182), the rupture with their male peers was justified on the grounds that 'lesbian oppression is ultimately grounded on our condition as women'. From the beginning of the 1980s on, the majority of the lesbian activists started to defend that they were 'women before any other thing' (*'mujeres antes que nada'*), and thus, to give priority to their gender identity rather than to the sexual one (Trujillo, 2009: 95-104). Their place was then within the feminist movement and this set an example for lesbian activists in other parts of the country. The decision was accompanied by a commitment to join the women's quest for women's rights, but also by the wish to establish a dialogue about sexuality and lesbianism with their straight political mates. Lesbian activists chiefly sought to transform feminist organizations, so that lesbian- feminist debates and demands could be routinely included as another aspect of women's politics. A minority

of them however, insisted on securing political autonomy to focus on their own issues; this was the case of the *Amazon Network*, led by Gretel Amman. Lesbians succeeded in raising awareness among the larger feminist movement, but the price to pay was certainly high: they postponed the battle for their demands, which, in turn, made the gap between lesbian political organizations and the scene wider (Trujillo, 2009).

Relations between straight and lesbian activists within the feminist movement were not always easy. While straight feminists collaborated with their lesbian peers in political acts and marches, they too often lacked the political courage to confront the idea of ‘all feminist are lesbians’, a derogatory statement used by counter-movements and sectors of the media and society to bring ridicule to the women’s movement. Just as activists did for defending other women by carrying publicly a sign saying ‘I have also done an abortion’ or ‘I am an adulterous too’ (Palau, 1988) they could have done it with the topic of lesbianism: ‘I am lesbian’. Unfortunately, they did not dare.

Showing a remarkable degree of solidarity (unlike those of their male peers at that time), most feminist lesbian groups in Spain joined the so-called ‘Spanish Feminist Organizations Platform’ and mobilized for issues such as divorce, abortion and sexual violence (Pineda, 2008). The first countrywide meeting of lesbians was organized in 1981 (Llamas and Vila, 1999: 217, 221), but a more explicitly lesbian discourse would not see light until the end of the decade: in 1989, signaling a new commitment by Spanish lesbians with their own demands, a so-called ‘Lesbian Platform against Discrimination’ was launched. This Bill included a total of twelve claims, such as the demand of a partnership law, of sexual education or the need of measures related to discriminations at the labour market.

The Spanish (male) gay liberation and the lesbian-feminist movements advocated for radical sexual politics all throughout the 1980s; by the end of that decade, however,

male groups showed clear signs of fatigue. Radicalism was been challenged, and eventually surpassed, by a host of moderate, reformist groups that started to spring up during the second half of the 1980s. As for lesbian-feminists, the more they were prepared to think on (lesbian) sexual terms the more they felt inclined to find new ways of collaboration with a ‘lesbian and gay’ movement. During the 1990s, however, radical ideas were recuperated and adapted by the queer organizations. In spite of perhaps representing only a minority section of a broader movement, queer activism have had a relevant impact as far as discourses, representations and repertoire of actions are concerned (Trujillo, 2008b).

Spanish queer activism was born out of the rage and frustration felt by those who cared about AIDS (and lamented the timid response of health bureaucracies and the general public); similarly important in this process was the search by a new generation of lesbian activists of new spaces of representation outside a male dominated gay *and* lesbian movement or the often unsympathetic Spanish women’s movement. The Madrid-based group ‘Gay Radicals’ (LRG), virtually the first Spanish (male) queer group (it was set up in 1991), sought to display an alternative view to the increasingly resonant principles of pragmatism. In many accounts the LRG was a fascinating creature: organized by a cadre of young intellectuals, provocation and theatrical dramaturgy became its strongest assets. Two years later, in 1993, LSD, the first lesbian queer group was created in Madrid. LSD would stand for ‘Lesbians Without Doubt’ or ‘Lesbians Sweating Desire’ or ‘Lesbians Going out on Sundays’...and many more; playing with their name – the only non altered thing was ‘Lesbian’- was a sort of strategic game to show that sexual identities are something that can be redefined, changeable and negotiable (‘choose and change’). LSD was also the first lesbian organization that defended the idea of ‘difference’: ‘I am queer. I am not straight and I

do not want my relationships to be legitimated by the straight world. I am queer, I am different' (LSD, 1994).

The journey towards moderation

The legalization of homosexual acts caused a wave of demobilization that swept away with most of the (gay male) groups created during the transition towards democracy. While lesbian activists started to organize and gain voice within the feminist organizations, the (male) gay movement was on the brink of extinction (Petit and Pineda, 2008). In spite of the fact that several factors were in different ways conducive to the decay of the mobilization cycle, perhaps sex was the one reason for collective protest to fade away so dramatically. Essentially, 'non-politicized gays' (Duyvendak, 1995) seized the opportunity brought by legal reform to pursue sexual satisfaction in the now rapidly expanding commercial sub-cultures of large cities (Aliaga and Cortés, 2000: 38). As discussed by Guasch in this issue, a process of sub-cultural consolidation was set off at the beginning of the 1980s that provided alternatives of socialization of explicitly recreational and sexual nature, mostly for gay men.

During the second half of the 1980s, a new political generation of activists responded to the challenges of isolation, demobilization and decay. The Barcelona-based 'Gay and Lesbian Platform of Catalonia' (CGL), founded in 1986 out of internal divisions with the FAGC, was the leading reformist organization in Spain well until the second half of the 1990s. It is still active today. The group defined its ultimate purpose as consisting of a sustained effort to 'set pressure on political institutions so that the principle of equality under the law could be fulfilled, as the Constitution provides'

(CGL, 1991). In Madrid the leading reformist group was the 'Gay Group of Madrid' (later the 'gay and lesbian', 'lesbian and gay', and 'lesbian, gay, transsexual and bisexual'; COGAM). COGAM had been born in 1986 and it had initially pursued a liberationist agenda. After a process of heightened internal debate, however, a group of reformist activists took control of the organization in 1990, setting a new course. It soon became the leading gay organization in the country, rapidly increasing its activists' base to reach a top mark in 2000 with a membership of some 500 activists (Herrero Brasas, 2001: 306). The emergence and consolidation of a moderate understanding of activism took place during the late 1980s and the early 1990s, due, among other things, to generational replacement.

Liberationist groups remained critical of gay bars and related commercial outfits. The definition of community practices as representing an oppressing and politically alienating 'ghetto' appears often in the written output of Spanish gay liberation fronts (3). In this view, the commercial subculture was a controlling instrument in the hands of the bourgeoisie designed to oppress the homosexual population. This, of course, had evident practical implications: liberationist groups rejected any involvement in service provision for a 'community' whose very existence they disputed. Moderate organizations, however, left aside the intractable ideological questions and adopted a pragmatic point of view: lesbians and gays were already organising socially into geographically defined spaces in large urban settings, and were showing common needs and problems. Reformist activists, socialized in democracy, exposed to Anglo-Saxon ideas on community politics, and rapidly aware of the consequences of AIDS, vowed for a change in ideas. In the words of activist Jordi Petit, the problem had ceased to be one of liberties, but, instead, one of identity and community (Petit, 2004: 156). This led to unambiguous pragmatic thinking:

‘what we need is to meet the real problems, leave aside the political language of the past and provide services, work on entertaining publications and on AIDS, set pressure on policy makers to see more rights recognized and, foremost of all, we need to connect with the commercial scene (CGL, 1989).’

Building on this thinking, reformist organizations defended a new framework for cooperation with the commercial subculture, which included some joint initiatives with bars and saunas, particularly in the area of AIDS prevention (Guasch, 1991; Villaamil, 2004). Reformist, moderate organizations diversified into cultural and political goals, with all members not necessarily participating in both dimensions: ‘political groups are obliged to move between desires and interests, that is, between identity recreation within the movement and the commercial culture (an “expressive” activity), and the representation of their political interest (an instrumental one)’ (Duyvendak, 1995: 17).

A consequence of this was that reformist organizations claimed representative status: they demanded recognition as the voice of the community before political authorities (Petit, 2003: 19-21). Hence, the logic of action shifted away from society and focused on the State. What Spanish activist soon called a ‘legalist’ strategy (Llamas and Vila, 1999), mirrored the well-known approach of pursuing identity politics through rights-based strategies (Levitsky, 2007). The Barcelona-based CGL rehearsed a new repertoire of actions during the late 1980s. For instance, CGL actively supported the judicial attempts of Juan Reina to seek benefits similar to those of spouses after his male partner had died (Petit, 2004: 112). And the CGL also engaged with electoral politics through the so-called ‘pink vote’ campaigns (Petit, 2003: 113). Pink vote kicked off in 1988 in the occasion of the general elections of 1989: gay and lesbian

groups canvassed the opinions of political parties on a set of political priorities, and after weighting them, recommended the vote for the political party that was most favourable to the movement's agenda. Symbolically, the campaign, which soon gained a nation-wide scope, reached its zenith in 2000, when the national leaders of both the PSOE and IU met with representatives of LGBT groups to discuss electoral manifestos and future policy commitments (Monferrer, 2010: 300). A review of the gay press shows that same sex marriage became a political issue in the pink vote campaign in 1999 (4). Perhaps a good way to grasp the new vitality of the dialogue between the Spanish LGBT movement (or rather, its reformist side) and leftist political parties is the observation of changes in party structures: since 1996 most leftist parties, including the PSOE, have created lesbian, gay and transsexual caucuses with a formal organizational standing.

Intense media-oriented campaigns and unprecedented lobbying efforts were designed to acquaint the political elite with the new discourse. That was a strategy that was replicated in the years that followed, to the extent that numerous references equating success with high media coverage abound in the internal documentation of COGAM. Not surprisingly, Pedro Zerolo, a key personality of COGAM during the 1990s, contends: 'image change and the support of the media are responsible for the booming of the gay movement' (in Aliaga and Cortés, 2000: 202). It might be interesting to note that he has become a leading member of the PSOE's governing body, and also holds office as a member of the local council of Madrid.

Reformist groups, of course, have not abandoned the organization of street-based protest. Virtually the entire range of political groups supported three strictly political demonstrations in Madrid for partnership legislation. The first one took place on November the 25th, 1995; around 2000 people attended (El País, 1995). The dates for

the second and the third demonstrations were February 22nd, 1997 and March, 28th, 1997. The originally called ‘June 28th’ demonstration has turned into larger scale ‘pride’ events: figures of more than 250.000 people were reported in the pride event of 2005 (El País, 2005).

In recent times, and surely motivated by the achievements in the fields of policy making, Spanish LGBT groups are strengthening their profile as community organizations where social interaction outside the institutions of the commercial subculture is possible. Homo, lesbo and transphobias within the educational system, discrimination in employment and health represent the main priorities of these organizations. It is important to stress that moderate LGTB organizations are currently working closely with local and regional bureaucracies. In Madrid, for instance, the Regional Government funds the so-called ‘PAI Program’ (Information point for homosexual and transsexual people of Madrid). Similar initiatives have been launched in Catalonia and the Basque Country.

Claiming for sexual and love rights

Legal scholars present a simple distinction between three types of rights when it comes to LGTB peoples. Following Wintemute (2005), ‘basic rights’ are those that refer to fundamental human rights such as the right not to be killed or imprisoned on grounds of sexual option. ‘Sex rights’ would then be the familiar set of anti-discrimination guarantees and equal treatment protections. Lastly, ‘love rights’ refer loosely to family rights. Comparative analysis suggests that, on most occasions, LGTB rights recognition follow a linear process that begins with basic rights and ends up with love rights. It is

also assumed that lesbian, gay and transsexual movements set the tone of the debate, by introducing new demands as previous petitions are accepted by the State (Adam et al, 1999).

As we pointed out before, claims are performative actions. In most cases they embody how social movement organizations define their relationship with the State and society at large. Because of that, claims are moulded by variables external to activists and campaigners, such as the behaviour of other social and political actors or the sudden irruption of shocks or systemic convulsions. Similarly, claims are also shaped by variables internal to social movements, such as the intellectual maps of campaigners or the availability of resources. What we show in the final section of this article is that the replacement (in terms of control of public representations) of radicalism by more moderate understandings of activism resulted in marked changes in claims-making: as new political generations insufflate new ideas and modes of action among activists, narratives on equality and human rights replace former calls for sexual liberation. Framed in universal terms, the demands of moderate LGBT organizations became resonant and caught the ear of policy makers. At the same, sexuality as a driving force for political change lost weight in political discourses and strategies. Family, 'love' rights have replaced overtly sexual themes in a process that is diminishing the chances of the non radical LGBT to become a provider of alternative definitions of affective relationships and sexual regimes (Pichardo, 2009).

As expected, the first clashes between the State and lesbian and gay groups were for basic rights: the Spanish gay liberation movement campaigned for the legalisation of same sex relations between 1975 and 1978. Democracy facilitated mobilisation, but the need to do away with surviving Francoist legislation precipitated it. Lacking the space here to get into full historical details, it would suffice to say that the dictatorship had

steadily strengthened its grip on homosexual behaviour: ‘while the Francoist regime had paid little attention to homosexuality in the immediate post-Civil War years, from the 1950s on it developed an inexplicable concern with codifying, pathologizing, and containing the activities of homosexuals’ (Pérez-Sánchez, 2007: 25). At the zenith of this process we find the commonly called ‘social dangers’ act of 1970 that *de facto* considered “homosexual acts” to be against the law and constitutive of imprisonment. Neither the set of Amnesty laws passed between 1976 and 1977 nor the legislative changes introduced in preparation for the Constitution of 1978 put an end to the legal persecution against gays and lesbians.

An explicit Parliamentary decision rejecting Francoist anti-gay legislation was thus necessary: between 1976 and 1978, and aiming at such a decision, the Spanish gay liberation movement organized a number of events, and sought the support of a wide range of other social movements, civic associations and revolutionary leftist political parties (Fluviá, 1978; Monferrer, 2003; Arnalte, 2003; Petit and Pineda, 2008). Parliament decriminalised homosexuality in December 1978. Further protest activities were organized to secure the legalisation of gay and lesbian organizations, something that the government (of conservative orientation between 1977 and 1982) was bitterly opposing. A generalised legalisation of these organizations was not set into force until 1983.

Law-enforcers interfered for quite some time with the effective enjoyment of basic rights. For instance, the police harassed gay bars, and molested queers all throughout the 1980s and in several parts of the country. A sadly infamous case involved the detention and torture in 1986 of two women at the Plaza del Sol of Madrid when a law-enforcing agent saw them kissing; they were accused of ‘public scandal’. Lesbian feminist organizations protested on the streets then, in one of the few moments in which

they went public in those difficult years. And the police refused to destroy the files on homosexuals that it had compiled during the dictatorship. In spite of all this, LGBT groups steadily moved to new narratives on 'sex' and 'love' rights, in the hope that they would represent more resonating themes and better mobilising arguments. Note, however, that sexual and love rights discourses should not be automatically depicted as different stages of a united movement's integrated political agenda; instead, these approaches have meaning mostly as the battlehorses of different sections of the movement who simultaneously competed for internal control and external representation. Sex rights, as individually-based with more obvious 'sexual' undertones have been pursued, firstly, by revolutionary organizations and subsequently by queer groups. Love rights, however, have been the political signature of reformist organizations in Spain.

During the 1980s, and in collaboration with lesbian-feminist organizations, the surviving liberationist groups drafted several versions of a so-called 'anti-discrimination' bill. That was an intellectual and strategic process fraught with difficulties: not able to agree on a single mobilising idea, Spanish gay liberationists and lesbian feminists opted for multiple claim-making. In internal document of the FAGC blamed the co-habitation of too many 'families and groups of the left' for the lack of internal coordination, 'in spite of agreements on a general theoretical blueprint' (Berbís and Costa, 1986:8). The Bill was in effect a long list of legal and political claims that ranged from conventional equal treatment provisions in the fields of employment or welfare services, to criminal law provisions in the areas of harassment or hatred crimes. Interestingly, at some point it was even discussed that same-sex marriage could be listed as an item in the anti-discrimination bill (El País, 1988). It is important to underline the fact that the campaign for such an anti-discrimination law reflected a

strong commitment of these groups away from emerging narratives on family rights (Pineda, 2008: 53). The FAGC, for instance, at the very same time that revolutionary organizations were actively giving shape to their anti-discrimination campaign was defending a so-called ‘charter of rights for the free expression of homosexual practice’ (FAGC, 1989). While IU, a former communist party with a left-libertarian political orientation, had been endorsing many of the political claims of gay liberation groups since 1986 (Calvo, 2010), the PSOE remained shielded against the political agenda of the revolutionary wing of the Spanish LGBT movement.

If sex rights were the province of liberationist groups, love rights were soon to become the priority of reformist LGBT associations. Groups such as CGL and COGAM framed a new discourse that revolved around the legal situation of unmarried couples, regardless of their sexual orientation. A new motto was coined that spoke of the ‘right to sexual orientation’. It was used to gather the support of trade unions in 1992, to fight with the government for housing rights for same-sex couples or to substantiate new claims for reform in the areas of criminal law and, of course, partnership rights (El País, 1990). What Spanish reformist organizations demanded during the 1990s was not a partnership law for same-sex couples only. Until 1998, the claim brought forward in the political arena was a law for unmarried couples, ‘regardless of sexual orientation’. The CGL demanded the analogy between lesbian and gay couples and married couples in every aspect of the legal system. At the same time, queer and lesbian feminist groups were - and still are - more interested in other ways of organizing family lives and affections. In the nineties, the partnership law (not to mention marriage) was not, for them, the main issue to mobilise for. But, as queer activist Ricardo Llamas would say, opposition to the issue was not necessarily conducive to negative campaigning against it: ‘We will not fight for that [legal

advances], that was a bit the feeling, but we will not fight against the ones who fight for it, you know?’ (Interview extract, in Trujillo, 2009: 220).

LGBT moderate activists approached a discourse based on the recognition of same-sex partnerships as the optimal solution for a difficult problem: how to engineer access to the political system in a manner that would be satisfactory both externally, i.e., vis-à-vis existing institutional actors, and internally, vis-à-vis the non heterosexual community as a whole. This was possible due to the merits of the topic itself, and also due to the evolution of the structure of political opportunities. Since the late 1980s a string of judicial decisions about the rights of non-married couples had formalised the idea that Spanish civil law was utterly discriminatory against this type of family units. The gay and lesbian movement, thus, was engaging with a problem that was widely acknowledged as being in dire need of solution. Also, the continuous involvement of international institutions, in the form of resolutions and declarations, had provided policy makers with the necessary arsenal to justify policy making in the area of same-sex partnerships (Kollman, 2007).

A national partnership law has never been passed in Spain. Between 1994 and 1996 the PSOE was to blame: in spite of having drafted a partnership bill along the lines suggested by the LGBT movement, the PSOE lacked the political will to engage with a divisive issue in a context when all the odds suggested that public was swinging towards the right (5). Between 1996 and 2004, the opposition of the PP suffocated any chances of such a law being passed at the national level. This, however, should not lead to the conclusion that the topic died off prematurely. Very much to the contrary, all levels of government became actively embroiled in partnership talk. Propelled by the well-known resolution of the European Parliament of 1994 (6), and the wide media coverage that this initiative attracted in Spain, the town hall of Vitoria, in the north of

the country, opened for the public in 1994 the first-ever ‘domestic partnership registry’. It was a symbolic gesture that conferred institutional viability to the very idea of family rights being granted to non-married couples, including those of the same sex. Scores of municipalities and regional governments followed suit between 1994 and 1996, adding to the idea that partnership rights was gaining momentum as a policy item. At the regional level matters gained more substantive definition: targeted by the then very active Barcelona-based groups, the regional government of Catalonia passed in 1998 the first ever regional partnership law (Calvo, 2005). The passing of this regional law was important for a threefold reason: firstly, it was a resonant success directly attributed to the LGBT movement; secondly, it legalised same-sex couples, at least in Catalonia; thirdly, it gave credit to the symbolic association between same-sex partners and loving families. Out of the initiative of IU, the PSOE and some other smaller parties, the topic was debated in Parliament twice between 1996 and 2000; it was again debated in 2001. It is important to highlight that the largest national newspapers explicitly endorsed this claim, by writing dedicated editorials (El País, 1998a; El Mundo, 1996). Such was the perception of a generalised consensus around the merits of the issue that the PP was forced to come up with its own version of a partnership law (which took the form of a cohabitation law). Ultimately, the Government never put this bill to a vote.

The Spanish LGBT movement turned to same-sex marriage after 1998. In that year the ‘pride march’ already included a call for same-sex marriage (and the press reported turn out figures of some 10.000 participants) (El País, 1998b). Gay and lesbian rights organizations focused on raising the profile of the campaign for same-sex marriage, often by staging resonant events involving symbolic marriages at public places. For instance, as early as in 1998 an elected member of the local council of Orense, a small

city in the northeast side of the country, symbolically married two gay men. An explicit alliance with the PSOE was also sought out: in 2001, José Luís Rodríguez Zapatero (appointed as leader of the PSOE in 2000), declared in the first interview of a socialist leader to a gay magazine that his political party wholeheartedly defended the right of gay and lesbian couples to marriage and to adopt children (Revista Zero, 2002). This support was staged twice between 2000 and 2004, as leftist parties introduced Bills in Parliament demanding a change in the civil law regarding marriage. After the electoral victory of the PSOE in 2004, the government quickly introduced a Bill that promoted virtually absolute legal equivalence between same-sex and different-sex marriages. The PP has challenged the law before the Constitutional Tribunal. At the time of writing this piece a decision about this is still pending.

Conclusion

Spain has gone through very important changes in the last decades as far as gender and sexual rights are concerned. As we show in this work, these advances are related to several variables, which include the LGBT movement as a crucial actor. What we argue is that legal change could not have been possible without the political activity carried out during more than four decades by the growing constellation of lesbian, gay and transsexual political organizations (without losing sight of the impact feminist organisations).

Our aim in this piece was to explain why and how the Spanish LGBT movement changed one of the central demands at the end of the nineties: from the partnership law to the same sex marriage one. This cannot be understood without inscribing the larger

part of the movement in its particular journey from radicalism to moderation initiated at the turn of the 1980s, in the very same moment where queer activism was also starting to get into motion in Spain.

In its early encounters with State institutions, Spanish lesbian, gay and transsexual activists learned that either one of two paths was to be taken. Firstly, there is confrontation. The confrontational model approached the State as a whole and refused to acknowledge the role of political parties and state institutions as legitimate trading partners. This emancipation model spins around maximalist, yet hardly feasible claims; it is also inserted in a discourse that pursues radical and rapid forms of social, economic and political transformation. Within this framework, short term policy impacts were not prioritised; instead, the goal was to bring about social change (a cause that is not at odds with reacting to urgent problems by organising street-based mobilisation). At the same time, radical activists could guarantee the inviolability of their basic ideological principles. The second path speaks of cooperation. The cooperative model of claims and frame making orientates specific demands towards specific gatekeepers, implicitly acknowledging both the rules of the game and the role of those keepers as constitute elements in the broader game.

To fight for love rights - the right of lesbian and gay couples to get married-, activists chose cooperating with political institutions. This meant an important change in claims making: desexualising protest. And framing: a discourse based on sameness (and not difference), citizenship and human rights was used to woo politicians, the media and society in general that approving same sex marriage was not only necessary but something that had to do with equality and justice; sexual dissidents could no longer be second class citizens.

Adopting this political strategy was an election made in order to increase the

changes of causing policy impact. Whereas lesbian feminist and queer groups were underlining the heteronormative and patriarchal structure of the marriage institution, and also the danger inherent to narratives about 'normalization' the LGBT moderate groups used a discourse that emphasized sameness and equality; these organizations were also forced to manage the risks of losing its autonomy in their relation with the institutional sphere. This was the price that had to be paid by the major section of the LGBT movement in the battle for finally obtaining same sex love rights.

Notes

(1) Authors are listed in alphabetical order and share responsibility.

(2) This was widely argued in the ideological manifestos of the gay liberation fronts of that time, including the ‘manifest’ (*manifesto*) of the Barcelona-based ‘gay liberation front of Catalonia’ (FAGC, 1977; see also FLHOC, 1978 and 1979).

(3) It is in an article titled ‘the ghetto and its circumstances’ (*el guetto y sus circunstancias*), published in Barcelona in the radical magazine *La Pluma* (#0, of 1978, page 3), where this argument is more clearly presented.

(4) See *Shangay Express*, # 112, 1999, page 5.

(5) This has been acknowledged by senior socialist cabinet members in Alberdi and Mendez (2001) and Almunia (2001).

(6) Resolution of the European Parliament A-0028/94, of February the 8th, 1994, on equal rights for lesbians and gays in the European Community.

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