Early Mobilization: The Long Road to Gay Marriage

Introduction

Variance in policy trajectories and outcomes in the expansion of gay and lesbian rights across the three cases analyzed in this book is largely explained by the type of mobilization that has taken place in each country. A central claim of this book is that policy change has occurred in those cases in which gay activism has shown higher levels of organizational strength, pursued more effective political strategies, and woven stronger networks with state and nonstate actors in the pursuit of policy reform. The characteristics of activism in Argentina, Mexico, and Chile have been largely shaped by early challenges to the heteronormative order waged by gays and lesbians. An appreciation of early struggles is therefore necessary to understand contemporary gay activism in the three countries and the struggles around the pursuit of gay marriage.

In this chapter, I sketch the emergence and early evolution of gay and lesbian liberation movements in Argentina, Mexico, and Chile. This exercise sets the stage for the analyses of policy reform in gay marriage presented in subsequent chapters. In the two countries in which gay marriage has been enacted, Argentina and Mexico, gays and lesbian have a much longer history of mobilization, which has allowed them to build coalitions over time and to begin a policy reform trajectory much earlier than in Chile. In both countries mobilization can be traced back to the late 1960s and early 1970s when gays and lesbians began to organize, mobilize, and challenge heteronormative social views on sexuality. In both cases the movements suffered a weakening after a first burst of mobilization: in Argentina as a result of the repression carried out by the 1976–82
military dictatorship and in Mexico because of internal divisions and the effects of the economic crisis. However, democratization provided propitious conditions for gays and lesbians to engage in collective action to demand the halt of state repression and to start framing their demands as part of democratization processes. By the mid-1990s, both movements possessed an important degree of organizational strength and had placed their demands on national agendas. Chile’s experience has been markedly different. While gays and lesbians also began to organize in the early 1970s, the establishment of a military dictatorship by Augusto Pinochet in 1973 eliminated any possibility for collective action, thwarting the emergence of a gay and lesbian movement. Chile’s democratic transition witnessed some gay and lesbian mobilization, but largely due to internal divisions, it proved short lived. In stark contrast with Argentina and Mexico, Chile’s gay and lesbian movement remained weak until the early 2000s.

Argentina: The Precursor in Gay Mobilization

*The Emergence of Latin America’s First Gay and Lesbian Movement*

As we saw in Chapter 2, by the mid-1970s, Argentina’s long tradition of political instability reached a new level as its politics descended into significant turmoil. It is against this backdrop of chronic political instability and mass mobilization in the country that Latin America’s first gay liberation movement emerged, a movement to be the first to challenge the region’s heteronormative order.

The formation of Latin American states during the nineteenth and early twentieth centuries saw the consolidation of heteronormativity as the primary mechanism of sexual regulation despite the influence of Liberalism. Argentina fit the general regional mold. Influenced by the French civil code, sodomy was decriminalized with the drafting of the country’s first penal code at the beginning of the nineteenth century and has never since been considered a criminal activity. Moreover, Liberal elites enacted a Liberal constitution in 1853 that limited the ability of the state to intrude into people’s private spheres, including sexual relations. Reforms to the penal code in 1888 eliminated completely the legal punishment of all forms of consensual sexual activity between adults, and the latter part of the nineteenth century was characterized by a general relaxation of legal persecution of homosexuals (Ben 2010). However, legal changes did not change social attitudes toward homosexuality and, as part of the medicalization of sexuality that occurred toward the end of
the nineteenth century (Chapter 1), homosexuals were seen as abnormal. Such attitudes hardened in the 1930s within a context of growing nationalism in Argentina, and the systematic harassment of homosexuals began with the introduction of legal regulations by several police forces known as “police edicts” (*edictos policiales*), which were aimed at controlling urban unrest.¹ These legal regulations introduced penalties for same-sex sexual relations and for actions that would offend proper public behavior and good morality. In Buenos Aires, police edicts were introduced in 1932 and remained in place until the mid-1990s. These legal provisions were systematically used by the police to repress, and to extort money from, homosexuals.² Social intolerance of homosexuality was thus supported by a legal framework that allowed for the repression of nonnormative sexual behavior, a framework that was upheld by various political regimes until the late 1960s.³

Social intolerance and police repression motivated Argentine homosexuals to organize and mobilize in the late 1960s.⁴ Within the broader general context of political instability and mass mobilization, in October 1967, predating the 1969 Stonewall riots in New York, a group of homosexuals, led by Héctor Anabitarte, founded the first gay group in Latin America: *Nuesto Mundo* (Our World). Having as guiding objective to “work against heterosexist repression,” these individuals came together to stop continuous police detentions. At the time police frequently arrested homosexuals and sent them to a secluded building of Villa Devoto prison

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¹ As explained in Chapter 1, the regulation of sexuality was an integral part of nation building in Latin America and nationalism was associated with notions of virility, masculinity, and heterosexuality. In Argentina, with the strengthening of nationalism in the 1940s, homosexuals were increasingly considered unpatriotic and, as a threat to national security, consequently repressed. The electoral law of 1943 banned homosexuals from voting or running for office or holding public-sector jobs, and a reform to the military code of 1951 banned the enlisting of homosexuals in the armed forces.

² While police edicts were introduced in Buenos Aires in 1880, they did not include references to sexual activities between men. The wording of these regulations changed during the sixty-six years they were in force, but even when same-sex relations were not specifically mentioned, police regularly detained homosexuals based on references to the interdiction to wear clothes of the opposite sex as they violated public order and good morality.

³ The repression of homosexuals after the 1930s was not limited to these legal regulations. In 1946, the electoral code of Buenos Aires Province specifically prohibited homosexuals from voting and in 1951 the new military code was introduced (referred to in the preceding note). Moreover, throughout the country, provinces and local governments began introducing *códigos de faltas* (offence codes), intended to regulate “proper morality” and “public decency.” In many of these codes, the prohibition of cross-dressing in public was introduced and these stipulations were readily used by police to detain homosexuals.

⁴ This section draws from correspondence with Héctor Anabitarte in January 2012.
for three to four weeks. As was the case with gay and lesbian mobilization in Latin America, the Argentine movement emerged from within a mobilized revolutionary Left that sought to bring about substantial political change. As such, Our World was mostly formed by left-leaning individuals. Anabitarte had in fact belonged to the youth wing of the banned Communist Party (Partido Comunista), from which he was expelled for his “condition.” Our World’s activities at the time consisted primarily in printing and distributing flyers in which they denounced the detention of homosexuals.

In August 1971, members of the group joined forces with social-science students and faculty from Buenos Aires University and intellectuals to form the network Frente de Liberación Homosexual (Homosexual Liberation Front, FLH). Similar to liberationist groups that emerged at the time in Europe and North America, the group began to articulate a discourse based on the need to liberate homosexuals from police repression but also social stigmatization. However, because of the political situation in Argentina, the discourse was framed around the need to liberate homosexuals from repressive structures that included the authoritarian regime as well as imperialism (Díez 2011a). The FLH thus called for an end to the current “exclusive and compulsive heterosexual” means of sexual oppression and for an alliance with the “national and social liberation movements” to make visible and natural homosexuality (Perlongher 1985, 273). Influenced by theorists such as Michel Foucault, and engaging larger Marxist debates led by authors such as Gilles Deleuze, Félix Guattari, Herbet Marcusse, and Charles Reich, they argued for the need to challenge the “family ideology” that sustained the state. The articulation of their liberationist discourse was the product of the influence intellectuals had on the formation of FLH. While Our World was an organization made up of working-class individuals, the FLH’s foundation saw the inclusion of intellectuals and academics that shaped the group’s discussions based on theoretical debates that challenged social assumptions regarding sexuality and politics. This marked the beginning of an enduring relationship between the Argentine gay and lesbian movement and intellectuals. It also saw the start of a close relationship with feminists. Influenced by second-wave feminism, they forged a close

5 Some of these individuals included intellectuals and writers who subsequently gained important social recognition in Argentina and Latin America, such as Pepe Bianco, Néstor Perlongher, Blas Matamoros, Juan José Sebreli, Manuel Puig, and Juan José Hernández, some of whom belonged to the literary group Sur.
relationship with women’s organizations, such as the Argentine Feminist Union, the Women’s Liberation Movement, and the Union of Socialist Women, that would strengthen over time and prove critical in the formation of coalitions in subsequent years. In effect, while leftist parties and organizations refused to join their cause, feminist groups lent them support and, indeed, two heterosexual women belonged to FLH.⁶

By 1973, activists had begun to attract some public attention to their plight to end police repression through the publication of a newspaper, Homosexuales, distributed in some newsstands of Buenos Aires, in which they called attention to their cause, and the appearance of articles in prominent publications, such as the magazine Así. They had also been able to gain some public presence through their participation in some social protests carrying banners calling for homosexual liberation, not a small feat given that the oppression of homosexuals continued to suffer even after the election of the Peronists in 1973.⁷

The movement’s early activity reduced significantly when state repression hardened under Isabel Perón’s government as she began to rely on paramilitary groups to suppress social unrest. It was forced to go underground in 1975 and its activities came to an abrupt end with her overthrow in 1976 by the armed forces.⁸ Her inability to contain mass mobilization and solve the political crisis resulted in the establishment of the dictatorship that began the so-called process of national reorganization. The military regime unleashed an unprecedented wave of repression that prohibited all forms of collective action as it set out to “cleanse” society through the elimination of “subversive” left-wing opposition. State terror became state policy as the military sought to annihilate any form of dissent. A fierce oppression campaign was launched in

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⁶ These relationships were fortified through discussions held by feminists and gay activists through the group Sexual Politics Group (Grupo Política Sexual), which had as an objective the articulation of arguments in favor of sexual liberation. Women and gay members of this group participated in some marches in favor of reproductive rights in 1974 (Bellucci 2010, 112-13).

⁷ Given that Peronism, as a political movement, agglutinated multiple forces with varied ideological perspectives, sectors within it were as repressive of homosexuality as authoritarian regimes prior to 1973. Indeed, Jorge Osinde, leader of the right-wing faction within Peronism, initiated a campaign in which he associated the Montonero movement with homosexuality.

⁸ On February 12, 1975, in a weekly publication supported by the founder of the paramilitary group Argentine Anti-Communist Alliance (Alianza Anticomunista Argentina, AAA), and chief advisor to President Isabel Perón, Carlos López Rega, published an article calling for the lynching of homosexuals and specifically mentioned FLH (Green 1994, 9).
March 1978, as part of the preparatory “cleansing” for the soccer World Cup, carried out by the “moral brigade.” The harassment, imprisonment, torture, and murder of “subversives,” some of whom were homosexual, intensified during this darkest period of Argentine history. The movement completely disappeared. It became simply impossible for homosexuals, most of whom belonged to leftist organizations, to socialize, let alone organize, and the priority became mere survival. Activists could not organize for fear of losing their lives and several chose to exile themselves internationally.

The repression perpetrated by the military dictatorship left an important imprint on Argentina’s gay and lesbian movement. While the state did not have a specific policy that targeted homosexuals, leaders later claimed that four hundred homosexuals had disappeared, and would use such alleged targeted repression to build a discourse around human rights, as we will see next.9

Democratic Transition and the Resurgence of Gay and Lesbian Mobilization

The advent of democratic politics in 1983 appeared to have opened a new era for gays and lesbians in Argentina. As part of the social effusiveness that democratic liberalization provoked among the population at large, known by Argentines as the “democratic spring,” gays and lesbians began to socialize publicly and several bars and clubs opened in Buenos Aires and Rosario in the months following the October 1983 elections.10

9 Carlos Jáñugeri was the first to come up with the four-hundred figure in a book published several years after the return to democracy (1987, 171). There are no hard data on “disappeared” homosexuals and academics have only recently begun to explore this particular aspect of Argentine history (Insauti 2014). Jáñugeri appears to have arrived at that number through informal conversations he is believed to have held with one of the authors of the famous Nunca Más (Never Again) report (which was tasked with documenting the disappeared during the dictatorship). That the regime’s moralizing campaign targeted homosexuals is highly debated among Argentine activists and academics. On the one hand, it is likely that homosexuals died at the hands of the regime, but many of them belonged to identified “subversive” organizations and political parties. On the other hand, some of the pioneer activists, such as Anabitarte and Perlongher, were never arrested even though the Buenos Aires police found FLH literature in their apartments. Systematic repression is suggested by work published years later (see, e.g., Rapisardi and Modarelli 2001), but the issue appears to have ignited some retrospection in recent years among activists and academics (Insauti 2014).

10 Following the fiasco of the Falklands conflict, by the end of 1982 it was apparent that the military dictatorship was not going to last and several groups emerged, creating the Gay Coordinating Committee (Coordinadora de Grupos Gay). However, repression
However, the return to civilian rule did not bring about palpable change in social attitudes toward homosexuality nor did it mean an end to state repression. Sarcely four months after Raúl Alfonsín (1983–9) was sworn in as the newly elected president, on March 22, 1984, members of the Police Morality Division detained approximately fifty activists in the gay club Balvanera in Buenos Aires, invoking the decades-old police edicts that were not reformed during the democratic transition (Díez 2011a). Democratization may have restored social and political freedoms, but a legal pillar of the sustenance of heteronormativity in Argentina, the police edicts, remained in place. Their use to repress homosexuals represented a continuation of intolerance toward nonnormative sexual behavior, which was fully supported by the state. Between December 20, 1983 and March 1984, 343 individuals were detained by police (Jáuregui 1987, 187). Indeed, the official position of the new democratic government on homosexuality was that it was abnormal. The Interior Minister during the first four years after the return to democracy, Antonio Tróccoli, declared, when asked about constant police raids against gays and lesbians: “Homosexuality is a disease and we plan to deal with it as such. If police have acted it is because there were exhibitions or actions that compromise what can be called the rules of the game of a society that wants to be spared that type of behavior. There is no persecution; on the contrary, I think that it has to be dealt with as a disease” (Bazán 2010, 395–6).

For Argentine homosexuals, then, it soon became evident that electoral politics did not equate sexual justice and that, along with other sectors of society, there was a need to mobilize and demand the end of state repression. As a result, a month after the Balvanera raid, a group of approximately one hundred gays and lesbians decided to hold a meeting and establish what would become the most visible gay organization in contemporary Argentina: the Homosexual Community (Comunidad Homosexual Argentina, CHA). Energized by mass mobilization within the larger context of democratization and the national importance human rights had acquired, these individuals sought to create public awareness of their continued repression. Soon after the formation of the CHA, two prominent members of the organization agreed to be photographed, embracing, on the cover of a national magazine, Siete Días, for an article titled “The Risks of Being a Homosexual in Argentina.” The article galvanized gays and lesbians, many of whom decided to express publicly, continued and, according to Stephen Brown, between January 1982 and November 1983, a former member of FLH and at least seventeen other gay men were killed (2002, 121).
through a series of interviews with national media, cases of abuse. The publicity gained through these public interviews further encouraged other Argentine homosexuals to join the movement, which grew steadily in size during the 1980s.

The generation of publicity was part of a larger objective to induce change in social perceptions of homosexuality by forcing a public debate on the ethics of sexuality through increased visibility. The elaboration of this strategy was partly due to the influence larger theoretical debates around sexuality were having on gay activism at the time. Of particular relevance was the work of French philosopher Michel Foucault, who, in his *The History of Sexuality* published in the late 1970s, argued that homosexuality is a relatively recent invention, distinct from earlier forms of same-sex relationships, which was largely brought about by its medicalization in the latter part of the nineteenth century. According to Foucault’s reading of the historical regulation of homosexuality, the emergence of European scientific knowledge turned a physiological sexual practice into a psychological category, one that is socially constructed and that was made a pathology (1978). These arguments influenced a generation of Argentine gay activists, among whom was Carlos Jáuregui, one of the movement’s most important public figures in the 1980s. In one of the first nonliterary academic works on homosexuality in Latin America, Jáuregui, a history professor trained in France, relied on Foucault to argue that views on homosexuality are culturally dependent, and for the need to accept homosexuality as a legitimate form of sexual expression and as a variant of human sexuality (1987).

Jáuregui and other activists, rejecting the movement’s previous revolutionary approach to social change, and adopting a “reformist” approach based on human rights and civil liberties, thought that social visibility was an important tool to bring about change to social perceptions on sexuality by questioning heteronormativity publicly (Belucci 2010, 51–3; Rapisardi and Modarelli 2001, 207–8). Academic arguments and ideas influenced the elaboration of gay activism in Argentina in the 1980s, continuing its relationship with academia that had started in the 1970s.

The concept of heteronormativity was not coined by sociologists until the early 1990s. However, without explicitly using the term, Jáuregui refers to “reproductive heterosexuality.” In his book, he writes: “there exists, then, an official sexuality, one which, as we have said, attempts to colonize every sexual minority. This is none other than heterosexuality. But it is not every heterosexuality, it is that which is devoted to reproduction and that, moreover, has to be civilly and/or religiously legalized” (1987, 24–5).
and that has become an important feature of the gay and lesbian movement in the country.\footnote{12}

In addition to challenging social perceptions of homosexuality through the attraction of public attention, activists decided to frame their public demands to end repression within larger national debates on democracy and human rights. For them, an effective way to change social perceptions and gain sympathy was through the establishment of a clear link between human rights and the consolidation of democracy. They thus adopted the motto “Freedom to express one’s sexuality is a human right” with the intention of inserting their demands within a popular national discourse of the time. The pursuit of this strategy early on is well illustrated by the decision of CHA members to run advertisements in the daily Clarín (the most widely read daily in the country), in May 1984 and April 1985 that read: “with discrimination and repression there is no democracy” (Jáuregui 1987, 225–7). By appealing to a common cause, they attempted to gain the support of people who would back their struggle for a democracy without repression. To accomplish this, activists adopted, from the very beginning, a strategy to collaborate with other social movements on a variety of issues, such as human rights and violence: groups and people that had also been repressed by the dictatorship (Brown 2002, 124–5). As a result, gays and lesbians began to cooperate with numerous organizations and activists in several campaigns, and to forge important alliances with activists belonging to other social movements.\footnote{13} Of particular importance were women’s groups: close, personal relationships were formed among gay, lesbian, and women activists during this time. Perhaps the most visible was the one with Laura Bonaparte, a prominent figure of the organization Mothers of the Plaza de Mayo, the most iconic human rights group in Argentina, who publicly supported CHA’s activities.

\footnote{12} The influence of intellectuals on the movement’s activities was not limited to Jáuregui: academics Perlongher, Sebreli, and Atílio Borón, and writer Alejandro Modarelli would also have an important theoretical influence on the movement in the 1980s and early 1990s.

\footnote{13} E.g., gay activists collaborated in marches and other activities organized by human rights organizations, such as the Jewish Movement for Human Rights (Movimiento Judío por los Derechos Humanos), headed by the renowned journalist Herman Schiller, who publicly supported gay rights; the Permanent Assembly for Human Rights (Asamblea Permanente de Derechos Humanos); the Centre for Social and Legal Studies (Centro de Estudios Legales y Culturales), headed by Emilio Mignone; and unions, through the umbrella organization Human Rights Union Committee (Comisiones Sindicales de Derechos Humanos) (Bellucci 2010, 55–6, 62).
The reformist approach adopted by gays and activists in posttransition Argentina meant that they sought collaboration with state actors and political parties. Their previous negative experience with the Peronists forced activists to interact with other parties, and the movement began to work closely with smaller, progressive political parties, such as the Workers Party (Partido Obrero), the Humanist Party (Partido Humanista), and the Movement for Socialism (Movimiento al Socialismo, MAS). While open to dialogue, MAS was the only party that included in its platform a reference to the human rights of sexual minorities (Bellucci 2010, 48). An important tactic used by activists to force a public debate, and which would be systematically used in subsequent struggles, was the solicitation of positions on homosexuality from candidates across political parties during elections. In effect, one of the very first activities militants undertook during the transition to democracy was the administration of questionnaires to several candidates for the 1983 elections, a practice that has continued to this day. They also approached state actors in the Deputy-Ministry for Human Rights and Members of Congress advancing their demands and, importantly, establishing relationships that subsequently allowed for coalition building in subsequent struggles. This was facilitated by the fact that many newly elected politicians had been activists in human rights organizations with which gays and lesbians had collaborated.  

The movement’s framing of its struggles around the need to deepen democracy through the respect and expansion of human rights shaped the articulation of its demands, strategies, and activities during the latter part of the 1980s and early 1990s as it grew in strength and visibility. Their intention to gain attention proved successful and their demands were placed on the public agenda. Starting with the advertisements in Clarín, activists engaged in highly publicized events that attracted significant social attention.  

Undoubtedly one of the most visible ones was their public struggle to gain legal recognition for CHA in the early 1990s.

14 Such as Augusto Conte, Néstor Vicente, Alfredo Bravo, Graciela Fernández Mejide, and Simón Lázara.

15 Because reliance on mass media was part of their strategy to gain publicity, gay and lesbian activists systematically appeared on television shows and did radio interviews. The best example is the appearance of writer and lesbian activist Ilse Fuskova in the most watched show in 1991 (Almorzando con Mirtha Legrand), in which she openly discusses her homosexuality. The public reaction was such that the show was rerun several times (Bellucci 2010, 150). That homosexuality had been placed in national debates was well demonstrated by the upsurge in films and soap operas that had gay and lesbian characters (see Bazán 2010, 425–32).
Having been denied the issuance of a permit to register the organization as a legal entity by the government in 1990 on the grounds that it was “a deviation from normal sexual instinct,” its members appealed the decision to the National Appellate Court. That Court subsequently upheld the decision and the case moved up to the Supreme Court, which ultimately also upheld it on the grounds that the family had to be protected. While their demand was turned down, the case attracted considerable attention. In a highly publicized event, then-president Carlos Menem (1989–99) was confronted by a student after a speech he delivered at Columbia University, in New York. The student challenged his country’s record on human rights and made specific reference to the inability of gays and lesbians to register a nongovernmental organization (NGO). Pressure resulting from the publicity was such that the president authorized the organization’s legal registration a few months later. Securing legal recognition for one of its organizations was the first concrete policy achievement of Argentina’s gay and lesbian movement. Importantly, the policy triumph amounted to an explicit validation by the state of the link that exists between human rights and the right to express a nonnormative sexuality, the movement’s objective. Indeed, according to some observers (Sempol 2013), the Argentine gay movement was the first to advance their demands through an explicit link among sexuality, human rights, and democracy.

By the early 1990s, then, Argentina’s gay and lesbian movement had grown in strength and visibility. Hundreds of activists had joined several organizations. While divisions existed, in 1992 they joined forces to organize the first gay pride parade in Buenos Aires, which represented an important achievement for it meant the gaining of public space without state repression. They had managed to gain important visibility and to place their demands in national debates. Their actions had not resulted in the derogation of the police edicts, and police harassment would continue, although with significantly less intensity, but their objective to associate human rights with the right to express one’s sexuality freely began to prove successful, as demonstrated by Menem’s decision to grant the CHA the right to register as a legal entity. Moreover, it also meant the establishment of important professional and personal relationships with activists

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16 In addition to the CHA, these organizations included Gay for Civil Rights (Gays por los Derechos Civiles), Society for Gay-Lesbian Integration of Argentina (Sociedad de Integración Gay-Lésbica Argentina), Research Group on Sexuality and Social Integration (Grupo de Investigación en Sexualidad e Interacción Social), The Ones and the Others (Las Unas y las Otras), and Eros, among others.
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and prominent political actors that, as we shall see in Chapter 4, would be crucial in the weaving of networks needed to pursue policy change. The growth in strength and visibility of the gay and lesbian movement in Argentina was, by the early 1990s, clearly shaped by a process of democratic transition that saw the placement of human rights atop the agenda, a process characterized by a “new politics of accountability” in a country with a long history of intense social mobilization.

Mexico: Uneven Gay Mobilization

The Rise of Mexico’s Gay and Lesbian Movement
Like Argentina, the emergence of Mexico’s gay movement took place within a context of social mobilization in the late 1960s and early 1970s. Higher levels of urbanization and literacy, brought about by the post-war Mexican Miracle, produced important changes in social attitudes toward established norms. Some groups, led primarily by university students, began to challenge conceptions of morality, question ideas, such as the patriarchal family, and demand access to contraceptives. Encouraged by the social mobilization that took place during this time in the United States and Europe, and gaining consciousness of the limited social and political freedom that existed in the country, heightened by the Tlatelolco Massacre, numerous countercultural and antiestablishment groups emerged demanding sociopolitical change. Such an environment motivated Mexican homosexuals to organize. Inspired by the New York Stonewall Riots of 1969, and encouraged by a highly visible case in 1971 in which an employee at Sears Roebuck was fired for exhibiting “homosexual demeanour,” a handful of homosexuals, led by Nancy Cárdenas and Luis González de Alba, decided to get together to analyze the oppression and the stigmatization of homosexuality in the country. In 1971, they thus formed Mexico’s first homosexual group: the Homosexual Liberation Movement (Movimiento de Liberación Homosexual). They held meetings in which they shared experiences of discrimination and analyzed what they meant in terms of broader social debates about sexuality (Díez 2011b).

The group was forced to operate underground given the political repression of the time. As a response to increased mobilization, and the radicalization of some groups in southern Mexico, Luis Echeverría (1970–6) implemented a policy of repression toward social dissidence that came to be known as a “dirty war.” Best illustrated by a second student massacre in June 1971, the regime sought to contain social
mobilization and began to target and “eliminate” activists belonging to various social groups, most notably students and independent union leaders. Similar to the Argentine case, state repression was justified on the grounds that mobilization represented a threat to national security and it was framed as a conflict against terrorism. For homosexuals, the risks to mobilize were high as several of them belonged to student groups and unions, and homosexuality was seen as a form of subversion. The regime’s position on homosexuals at the time was captured by a declaration Echeverría made during his fourth State of the Union address, when he stated: “among other things that characterized the background of the terrorists operating in Mexico was a high incidence of masculine and feminine homosexuality” (Lumsden 1991, 55).

Echeverría’s declaration was unprecedented given that in Mexico homosexuality was not criminalized and was generally tolerated by the state. Similar to Argentina, Mexico’s founding constitution of 1857 limited the state’s ability to intrude into people’s private lives and did not criminalize homosexuality. The country’s first penal code, enacted in 1871, made no reference at all to same-sex relations, but it introduced the vague notion of “attacks against morality and good customs.” The clause would be interpreted openly by police to harass and detain homosexuals. Moreover, despite the generally liberal legal framework, the social stigmatization of homosexuality was strong. The medicalization of sexual regulation took place in Mexico at the turn of the century and homosexuality was socially maligned given that it was constructed as a deviance (Lizárraga 2003).

Public intolerance toward homosexuality by the turn of the twentieth century in Mexico is well depicted by the legendary raid of 1901: “the dance of the forty-one” (el baile de los cuarenta y uno). In November of that year, Mexico City police raided a private ball in which nineteen out of forty-one men present were found cross-dressed. Police arrested all nineteen of them declaring that the party was an attack on good morals. The event attracted a great deal of attention given that some of the revellers belonged to the political and economic élite, and, according to some accounts, the nephew of the country’s president was present (Mosiváis 2001). Newspapers covered the episode extensively. The established daily El Universal, for example, declared in a front-page editorial that the shameless ball amounted

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17 The 1857 constitution replaced Mexico’s first constitution of 1824 and has served as the basis for Mexico’s contemporary political life. The 1917 constitution, valid until this day, was modeled after the 1857 one.
to an affront to “public decency and public morals.” The dance of the forty-one became part of Mexico’s popular consciousness and formed the basis for numerous cultural portrayals of homosexuality during the first half of the twentieth century. To this day, the number forty-one is still used as innuendo to suggest that someone is homosexual.

In a way, the raid became a harbinger of how social attitudes on homosexuality would develop in twentieth-century Mexico and of its regulation by the state. While publicly decried, and often ridiculed, homosexuality was generally accepted among certain sectors of society, such as intellectuals and sectors of the working class, so long as it did not become publicly acknowledged. Homosexuals were thus able to find spaces for recreation in the main cities, and, a vibrant, though underground, culture developed from 1920 onward (Monsiváis 2001). This is partly the result of the fluidity that exists in Mexico regarding the formation of identities based on sexual practices. Indeed, contrary to what became common elsewhere, in Mexico dichotomized gay versus straight cultures did not develop (Gallegos Montes 2007; González Pérez 2001; Laguarda 2009; Núñez Noriega 2000, 2007), and it is estimated that approximately 30 percent of Mexican males between the ages of fifteen and twenty-five engage in same-sex sexual activities (Carrier 1995). The result of the historical legacies of relatively fluid understandings of sexual relations that survived colonization, views on sexuality are captured by the well-known adage obedezco pero no cumplo (I obey but I do not comply with). Frequently used to refer to attitudes toward the law, it more generally refers to individuals’ propensity to acquiesce publicly to social norms while rejecting them in private. In Mexico this applies to attitudes to morality issues, including homosexuality: there may have been public disapproval of homosexuality, but some fluidity existed in the private sphere.

Yet, the centrality of family in Mexico has upheld heteronormativity as the organizing principle of the social order and, despite a certain degree of tolerance toward homosexuality in the private sphere, it has not meant public acceptance. Similar to Argentina, masculinity has been intrinsic to nation building in Mexico and homosexuality has often been depicted as a betrayal of the nation. The story of Manuel Palafox illustrates this well. In 1918, Palafox, secretary general to revolutionary Emiliano Zapata, was

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18 Among the most popular was a novel by Eduardo A. Castrejón and a well-known depiction of the event illustrated by the famous political cartoonist José Guadalupe Posada.
accused of having divulged secrets through his homosexual encounters to political enemies. He was publicly humiliated and forced to leave the revolutionary cause. In this case, masculinity represented loyalty and his supposed rejection of it was thought to be politically seditious and a threat to social stability (Kaplan 2006, 264). In the decades following the consolidation of the Revolutionary Institutional Party’s (Partido Revolucionario Institucional, PRI) rule, the harassment and detention of homosexuals was common practice through the invocation of provisions of the criminal code on morality and good customs (de la Dehesa 2010, 31–2). The PRI may not have had an explicit policy of repression of homosexuals, but constant police harassment and abuse were common.

Such harassment, which hardened during the early repressive years of Echeverría’s administration, motivated Mexican homosexuals to pursue collective action beyond the private sphere and begin to seek public attention to their cause. In 1975, González de Alba and intellectual Carlos Monsiváis drafted and distributed the first gay manifesto in Mexico, titled “Against the Use of the Citizen as Police Booty.” In it, they denounced constant police persecution and called for its halt (Díez 2011b). Like the Argentine experience in the early 1970s, the discussions these early activists held were influenced by developments outside Latin America. In the Mexican case, activists were directly inspired by the liberationist discourse that their U.S. counterparts adopted and framed their demands around the need to liberate themselves from social stigma and oppression.  

Like their Argentine counterparts, writers and intellectuals played an important role in the development of the liberationist discourse. Individuals such as Monsiváis, José Joaquín Blanco, and González de Alba were well versed in broader theoretical debates on sexuality and began to argue for the acceptance of homosexuality as a diverse and legitimate form of sexual expression. These discussions incentivized gays and lesbians to organize and, by 1978, three main gay groups had been formed: the Revolutionary Homosexual Front (Frente Homosexual de Acción Revolucionaria, FHAR), Lambda (Grupo Lambda de Liberación Homosexual), and Okiabeth.

19 Crucial to this was the influence activists such as Juan Jacobo Hernández had. Hernández lived in New York City during the Stonewall riots and was personally influenced by them. Hernández, as well as Monsiváis, obtained literature produced by U.S. gay groups and were key in the adoption of liberationist arguments. Interview, Juan Jacobo Hernández, Mexico City, August 2, 2007.

20 E.g., Blanco relied on the work about sexuality by the German sexologist Magnus Hirshfeld in early discussions (Blanco 1979).

21 Okiabeth derives from the Mayan phrase Iling Iskan Katuntat Bebeth Thot, which in Spanish means: “warrior women that make way spreading flowers.”
The relaxation of political repression by the regime in the latter part of the 1970s, which was accompanied by moderate political reforms, allowed activists to take to the streets to advance their demands and claim public space. On July 26, 1978, members of FHAR participated in a march commemorating the Cuban revolution, and on October 2, 1978, members of the other two groups joined another demonstration to commemorate the tenth anniversary of the Tlatelolco Massacre. These were the first in a series of actions that would allow the movement to attain important visibility in subsequent years. Armed with slogans such as “there is no political freedom without sexual freedom” and “the personal is political,” and taking advantage of the political opening of the time, gay activists were successful relatively quickly in achieving the right of assembly as they convinced the Mexico City government to allow them to hold a gay pride parade in 1979, the first in Latin America. During the same time, they held protests in front of the office of Mexico City’s Chief of Police, Arturo Durazo, demanding a halt to police raids that were systematically carried out in gay bars in the city (Lumsden 1991). The movement gained further visibility with the publication of several novels with a gay theme, the opening of acclaimed gay plays, and the establishment of Gay Cultural Week, a week of cultural events that has been held yearly ever since.

Nevertheless, the decision of activists to pursue elected office in 1982 was undoubtedly the most influential in gaining national attention. As a result of the 1977 reforms introduced by Echeverría, as a means to allow for the expression of social discontent through elections, small parties were given the opportunity to run for seats in an enlarged Congress. A newly created committee representing gays and lesbians was established by several activists who decided to support the presidential candidacy of Rosario Ibarra for the 1982 general elections, and two openly gay individuals ran for seats in the lower house. Their candidacies were ultimately unsuccessful, but the unprecedented decision of a political party to field openly gay candidates for a general election forced a national debate on homosexuality given the extensive attention it attracted. In a country where homosexuality was generally not discussed in the public sphere, national coverage in radio and television contributed to the placement of homosexuality, and of the movement’s demands, on the national

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22 She ran for the Revolutionary Workers Party (Partido Revolucionario de los Trabajadores). The other leftist political party that presented a presidential candidate in these elections was the United Socialist Party of Mexico (Partido Socialista Unificado de México).
agenda (Díez 2011b). Importantly, the pursuit of elected office would become a preferred medium to advance demands of some gay activists in Mexico in the mid-1990s, as we shall later see.

During its emergent years, a period to which some activists refer as the “golden years,” Mexico’s gay movement shared important characteristics with its Argentine counterpart. In Mexico, the development of the movement’s discourse and strategies was influenced by theoretical debates on sexuality in sociology and philosophy as it was in Argentina. For Mexican activists at the time, the main strategy was the attainment of visibility to demand basic negative liberties, such as the right of assembly without repression, to force broader debates on sexuality. Key to this process was the influence intellectuals and writers had on the movement since the very beginning and that would become an enduring characteristic. In addition to well-known intellectuals such as Monsiváis, activists Xavier Lizárraga and Claudia Hinojosa were central in the development of a discourse that questioned established norms of sexual behavior. For both of these activists, the writings of philosophers such as Foucault were fundamental in their understandings of sexuality and the elaboration of discourse that challenged the prevailing ethics of sexuality. According to Lizárraga, the replacement of the term *homosexual* with the postliberationist term *gay*, for example, was influenced by his reading of Foucault’s deconstruction of contemporary ideas of sexuality and was seen as an attempt to demonstrate that same-sex relations were natural forms of sexual expression and natural bases upon which to build legitimate identities.

Also like Argentina, some Mexican activists embraced struggles against patriarchy as a central component of their militancy and women played a central role in activism. Groups such as Lambda were made up of both gays and lesbians and adopted women’s rights as part of its policy objectives. However, in the Mexican case, there was a much wider range of perspectives among gay activists on the role feminism should play. While members of Lambda fully embraced a feminist discourse, the more radical FHAR rejected it completely: it was in effect made up of only men. However, for members of the lesbian group Okiabeth, influenced by radical lesbian writers such as Monique Wittig, feminism took precedence over gay liberation. Nevertheless, moderate members of Mexico’s gay movement, the so-called reformists, adopted women’s rights as part

23 Interview, Xavier Lizárraga, Mexico City, July 3, 2008, and Claudia Hinojosa, Mexico City, June 25, 2008.
24 Interview, Lizárraga, Mexico City, July 3, 2008.
25 Interview, Yan María Castro, Okiabeth founding member, Mexico City, August 2, 2007.
of their struggle and developed important relationships with women’s
groups, relationships that would strengthen over time and became critical
in the building of coalitions in future years.

The Effects of the HIV/AIDS Epidemic
By the early 1980s, Mexico’s gay movement had been successful in
achieving its main objectives: national visibility and public space. Even
though police raids on gay restaurants and bars continued, the move-
ment had forced a national debate on homosexuality. However, unlike
the Argentine gay movement, which saw a steady strengthening during
the 1980s within the general context of democratization, Mexico’s
movement experienced a certain loss of visibility in the mid-1980s (de
la Dehesa 2010, 18–19; Díez 2011b, 699–703; 2013; Salinas Henríandez
2010, 83–5). Once the movement had attained its main objectives, visibil-
ity and some public space, deep disagreements emerged within the lead-
ership. While the more radical groups, such as FHAR, advocated social
revolutionary change, others, such as Lambda, endorsed gradual social
change through political institutions. Divergent opinions over whether
to support political parties were central to these divisions. Activists
were therefore unable to agree on the next course of action.26 The eco-
nomic crises of the 1980s also had an effect. Financial difficulties meant
a reduction in resources available to continue mobilization. In practical
terms, it meant that many activists were forced to move back to their par-
ents’ homes where they were unable to express their sexualities freely.27
Activists failed to frame their demands in a way that resonated with the
deep economic crisis that affected large sectors of the population. As the
pioneer activist Claudia Hinojosa stated:

We were unable to deploy a language to engage the horrible crisis. We did not see
the relationship between our cause and broader changes. We should have hooked
our demands on economic realities, but we could not. The liberationist language
was not enough. Here we are, liberated, and then?28

Another, and certainly the most important, reason was the effects the onset
of the HIV/AIDS had on Mexican activism. The appearance of the disease
cost the lives of many activists, devastating the movement’s leadership. It
also reoriented efforts among gay men to provide community services to

26 Interview, Hernández, Mexico City, August 2, 2007.
27 Interview, Lizárraga, Lambda founding member, Mexico City, July 3, 2008.
28 Interview, Mexico City, June 25, 2008.
victims. Several organizations, such as Colectivo Sol and Cálamo, were established to generate funds to provide information sessions and social services. While in previous years the objective was to gain visibility, from 1985 onward it became mere survival. Gay activism took an inward turn and abandoned the pursuit of public debates on homosexuality. Activists were also forced to abandon public debates largely because of the fierce reaction to the virus unleashed by conservative forces in the country. For example, the Apostolic Nunciature to Mexico declared: “AIDS is the punishment that God sends to those who ignore his laws . . . homosexuality is one of the worst vices condemned by the Church” (*Excélsior*, August 31, 1985). Such accusatory language was not limited to the Catholic Church. In the same year, the head of the Gastroenterology Department of Mexico’s National University (*Universidad Nacional Autónoma de México*, UNAM) in Mexico City stated: “92% of sufferers from this disease are promiscuous homosexuals and drug addicts . . . homosexuality and drug addiction are interrelated. . . . Why does that disease only affect homosexuals? It could be the result of divine punishment” (*El Sol de México*, August 24, 1985). The victims thus became culpable for the disease, which was called the “gay plague” or “pink cancer.” The persecutory discourse destabilized activists given the paucity of knowledge about the disease. They were consequently forced to focus efforts on self-help activities (Galván Díaz 1988).

However, while activism lost some visibility during this time, it also underwent important changes: the onset of the AIDS crisis forced activists to establish links with a variety of other organizations, including feminists, and to begin collaborating with the state. Following several regional meetings of women’s groups held during the early 1980s, at which the topic of lesbianism was discussed extensively, several lesbians established important personal relationships and subsequently founded in 1987 the National Coordinating Group of Lesbian Women (*Coordinadora Nacional de Mujeres Lesbianas*). Made up of eleven organizations from several regions of the country, the group devoted itself to activities ranging from general consciousness-raising activities to the inclusion of discussions of sexuality in labor unions (Mogrovejo 1999). Gays and lesbians continued to work on certain issues with feminist groups building coalitions to press for change. Discussions on sexuality and gender earlier in the decade had brought together a variety of activists from leftist movements that saw the development of important relationships. These relationships proved fundamental in the first policy triumphs the movement achieved. For example, after a series of
massive police raids in the early 1990s in Mexico City, the chairwoman of Mexico City’s Public Safety Commission, Amalia García, pushed for reforms in 1992 to replace the Police and Good Governance bylaws, which were used to justify raids, and to create a city-level Human Rights Commission. The bylaws were changed in 1993 and included, for the first time in Mexico’s history, a stipulation stating that no one could be persecuted on the basis of sexual orientation (de la Dehesa 2010, 152). This was the first provision covering sexual minorities introduced in Latin America. García was a member of the Campaign for Women’s Access to Justice (referred to in the preceding text). Collaboration with feminists and other groups that had started earlier continued and strengthened even during a period of low visibility for the gay movement. In effect, in 1996, collaboration among these various groups resulted in the formation of a cross-sectoral network, the Democracy and Sexuality Network (Red de Democracia y Sexualidad, DEMYSEX) which brought together some 250 groups dedicated to sexual and reproductive rights as well as human rights more generally (de la Dehesa 2010, 155). The network’s objective was to pool resources and to press for policy change across a variety of areas in sexuality and women’s rights, ranging from abortion to sexual education.  

This network deepened the relationships among activists working on sexual and reproductive rights. Importantly, they managed to establish working relationships with state actors across several ministries, including education and health. While gay and lesbian mobilization in Mexico lost some visibility in the early 1990s, activists began to develop networks around sexual and reproductive rights and to deepen relationships with women’s groups in the shadow of the hegemonic PRI (de le Dehesa 2010).

As the AIDS crisis deepened some activists began to advance their demands for social and medical services to government agencies and to establish important relationships with state actors. Indeed, gay men organized themselves into numerous organizations and began to hold national meetings to gather and share information in the mid-1980s. In 1987, a Guadalajara-based gay NGO, Homosexual Pride Liberation Group (Grupo Orgullo Homosexual de Liberación, GOHL) organized a conference to discuss the pandemic, and, for the first time, officials from the state of Jalisco participated in the discussions. Later in the year, the PRI organized a panel discussion to which activists were invited. At the federal level, activists in Mexico City were invited to consultations to

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29 Interview, José Ángel Aguilar Gil, National Coordinator Mexico City, July 21, 2008.
reform the Health Law, which established the National AIDS Council (Consejo Nacional para Prevención y Control del SIDA, CONASIDA) (de la Dehesa 2010, 154). By 1989, some activists, led by prominent activist Arturo Díaz, formed the NGO Ave de México and established a nationwide umbrella organization, Mexicans against AIDS, to lobby government agencies to provide medical assistance to patients, support the provision of free testing and promote HIV education programs (Torres-Ruiz 2011, 41).

These activities were mostly supported by financing provided by international institutions. At first, the relationship activists had with state institutions was one of confrontation, consisting mainly of denunciations of government inaction. It was also marred by internal conflicts among groups for international funding and disagreement over priorities. However, over time, confrontation led to collaboration and, by the mid-1990s, effective working relations were established. Activists were invited to participate in the formulation of HIV-prevention programs and were very influential in shaping the state’s response to the crisis (Salinas Hernández 2010, 85). Close collaboration between state and nonstate actors resulted in the enactment of an Executive Directive (Norma Oficial) by President Ernesto Zedillo (1994–2000) on January 17, 1995, which tasked government institutions to confront the pandemic in a concerted manner (Magis 2000). Research on the making of the adoption of this policy shows that gay activists played a definitive role in shaping it (Torres-Ruiz 2011, 43). Importantly, this type of interaction with government officials, medical experts, and international agencies would allow members of Mexico’s gay movement to develop close relationships with a variety of individuals that would later be very important in the formation of coalitions and networks, as we shall see in Chapter 5.

These efforts were made by framing the issue of access to health as one of human rights: like their Argentine counterparts did years earlier, activists began to articulate a discourse that connected sexuality with human rights. For some activists, access to health care could only be brought about through legislative change and the most powerful way to achieve it was by articulating their demands through a human rights discourse, which had become part of national discussions on democratization. According to Díaz, struggles for sexual justice had to be carried out “through [changes to] the law.”

30 Interview, Mexico City, June 25, 2008.
Close collaboration with government in the elaboration of health policy and increased financing from abroad resulted in the professionalization and institutionalization of the movement by the mid-1990s. In 1995, Letter S: HIV/AIDS, Sexuality and Health (Letra S: VIH/SIDA, Sexualidad y Salud, Letra S), was established, an organization in charge of coordinating and implementing HIV prevention programs. Mexico’s gay activism coalesced around this NGO as it attracted significant funds for HIV-prevention campaigns and began to recruit professional staff. Letra S’s director, Alejandro Brito, became one of the most prominent gay activists in Mexico and continued the movement’s tradition of having close relations with intellectuals and feminists. While HIV prevention was the central focus of the NGO’s work at its foundation, over the next several years it began expanding its agenda to include other issues, such as collecting data on hate crimes based on homophobia and the expansion of civil rights. The organization gained a great deal of visibility as it developed a monthly supplement devoted to sexuality issues in the Mexican daily La Jornada, one of the most widely distributed newspapers in the country. Similar to what occurred during the decade with other social movements in Mexico, such as the environmental one (Díez 2006), activism underwent a process of “NGOization” as gays and lesbians joined NGOs to advance a variety of policy objectives (Díez 2011b; Torres-Ruiz 2011). The movement’s adoption of a collaborative approach with the state, as it professionalized, occurred at a time when Mexico’s democratization accelerated, presaging its reawakening.

Democratization and Resurgence

Mexico’s democratization process accelerated in the latter part of the 1990s. The implementation of political reforms fueled the country’s protracted transition to democracy as the regime lost its majority in the lower house of Congress for the first time and the mayoralty of Mexico City in 1997. Those elections changed state-society relations in important ways. The left-leaning Party of Democratic Revolution (Partido de la Revolución Democrática, PRD), which had strong connections with grassroots movements, won the mayoralty of Mexico City, the majority of the seats of its first-elected assembly, and 25 percent of the seats in the divided lower house of Congress. Smaller, socially progressive candidates were also successful in gaining seats. For many social movements, the

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31 The term NGOization was coined by Sonia Álvarez (1999) to refer to the proliferation of feminist NGOs in Latin America during the 1990s.
arrival of Mexico’s main leftist party to the Mexico City government and its increased presence in Congress represented a significant opening of opportunities to push for policy reform.

For the gay and lesbian movement, these political developments marked a definitive turning point. Not only did they help revive the movement by giving it a visibility it had not enjoyed since the early 1980s, but they opened the door to press for policy change. At the federal level, Patria Jiménez, a lesbian feminist, became the first openly lesbian Member of Congress in Latin America, after having formed an electoral alliance between her own party and the PRD. As the first lesbian elected to national office, her campaign and inauguration attracted a great deal of attention in national media. At the local level, Mexico City’s new council held a Legislative Forum on Sexual Diversity and Human Rights in 1998 organized by newly elected PRD councilor David Sánchez with the objective of discussing the movement’s demands and priorities. The forum brought together more than seventy organizations that included gay and lesbian groups, feminists, human rights organizations, and AIDS NGOs.

The event was significant on many fronts. After Jiménez’s election to Congress, the forum gave the movement additional visibility as it was the first time a state institution had organized an event specifically attending to sexual-diversity issues. As such, it essentially meant the placement of the movement’s demands on the legislative agenda and it amounted to a structuring of relations between the state and the movement. For the first time, discussions between state and nonstate actors on issues relating to sexual diversity were carried out in an institutionalized way. Moreover, by inviting numerous organizations, the forum brought together the main activists in Mexico, many of whom had not come in contact since the movement had weakened in the 1980s. While there was no agreement on several issues among activists, they came together for the first time in more than a decade and some among them began to set policy objectives. For many activists, the forum represented a new beginning in the movement’s evolution and in relations with state institutions. As Díaz, a key figure in the organization of the event, put it: “the forum was a long-overdue family reunification that forced us to decide what the next steps of our struggle were . . . it opened a new phase of our history, giving us hope.”

As the movement became professionalized and gained visibility, activists began to articulate a discourse to press for demands framed around the concept of “sexual diversity” in an attempt to connect it strategically

32 Interview, Mexico City, July 24, 2007.
Early Mobilization: The Long Road to Gay Marriage

with larger national debates regarding human rights and democratization. The adoption of the notion of sexual diversity was to a great extent influenced by theoretical debates about sexuality, particularly a body of literature known as Queer Theory, as well as the increasing importance of cultural diversity at the international level (which translated into a push for the adoption of policies intended to protect cultural, indigenous, and ethnic minorities in numerous countries around the world).\textsuperscript{33} Like Argentina, intellectuals and academics played an important role in the development of the new discourse.\textsuperscript{34} For activists, framing their demands around “rights to sexual diversity” was seen as an opportunity to appeal for support given the salience debates surrounding social diversity had acquired in Mexico’s process of democratization. In what Deborah Yashar has called the “post-liberal challenge” (2005), the Zapatista rebellion of 1994 had a significant effect on national discussions about democracy and human rights as it challenged the country’s national narrative of a \textit{mestizo} nation. Zapatista demands called for greater respect for human rights and democracy and included a recognition of the country’s cultural, linguistic, and social diversity (Monsiváis 2004; Stavenhagen 2002; Yashar 2005). The strategy to build a discourse that would resonate with larger sociopolitical debates was well summarized by Antonio Medina, Director of Communications at \textit{Letra S}: 

The idea was to insert into the social consciousness the idea that it was about rights, to pair the concepts (\textit{crear un binomio de los conceptos}) of human rights and sexual diversity. At the time, you could not talk about democracy without talking about human rights . . . and the notion of sexual diversity was being used by movements in the United States, in Canada. For us, it was a strategic decision to start calling for the rights of sexual minorities.\textsuperscript{35}

As Mexico’s democratization gained speed, its gay movement assumed renewed visibility and strength and began to articulate a discourse in a manner in which activists thought would resonate with larger debates. Given the specific characteristics of Mexico’s protracted process of democratization, it would take Mexican activists longer to achieve the level of strength and visibility that their Argentine counterparts had by the early 1990s. Nevertheless, once the struggle against the HIV/AIDS pandemic eased as antiretroviral drugs and medical treatment became

\textsuperscript{33} For a detailed account, see Diez 2011b, 704–8.

\textsuperscript{34} Individuals such as Gloria Careaga, Ana Amuchástegui, Marta Lamas, Hinojosa, Xavier Lizárraga, and Norma Mogrovejo played important roles.

\textsuperscript{35} Interview, Mexico City, June 18, 2008.
Setting the Stage

available, Mexico’s gay movement emerged from its period of relative obscurity with new discursive tools and a set of demands to begin a new phase in its fight for the expansion of rights.

Chile: Weak Mobilization

A History of Repressive Sexual Regulation

In Chile, gays and lesbians have confronted a historically more repressive regulation of homosexuality than in Argentina or Mexico. Unlike most of the region, Chile did not undergo a clear break from its colonial past in the criminalization of homosexuality. In 1823 it declared valid the Spanish body of laws, Las Siete Partidas, and established a series of special committees in charge of determining the constitution of criminal offences in court. Carrying on the Natural Law tradition, homosexuality continued thus to be regarded as a “heinous crime.” While not systematically applied, there are documented cases of judges calling for burning homosexuals at the stake during the subsequent decades and, up until 1873, records show that homosexuals were either sent to prison or received corporal punishment (Contrado 2011, 105–6). After several failed attempts, in 1874 Chile enacted its first penal code. The influence of the French civil code in the region notwithstanding, Chile’s first penal code established sodomy as a crime, making it one of the few exceptions in Latin America.

Alongside a variety of other sexual crimes, such as adultery and incest, its Article 365 made same-sex relations punishable by up to three years in prison (Rodríguez Collao 2004, 17–19). Similar to Argentina and Mexico, Chile’s first penal code also included offences against immoral public behavior: along the other sexual crimes, Article 36

The decision of Chilean élites to continue penalizing sodomy in the civil code seems to be related to the continued influence of Conservative forces. Unlike other countries in the region, Chile modeled its code after Belgium’s 1867 code, and not the Napoleonic Code. The Belgian code did not contain antisodomy provisions, but it was more conservative than the Napoleonic Code as it contained the idea of collective crimes derived from individual action, which included sexual crimes (Rodríguez Collao 2004). The retention of sodomy as a crime in the code was therefore in keeping with a more restrictive approach to individual freedom. It was also enacted during Chile’s Liberal-Conservative Alliance (Fusión Liberal-Conservadora) that ruled from 1858 until 1873. Unlike other Latin American countries, which were undergoing a strong anticlerical wave at the time as Liberal forces governed (Mallimaci 2000), religious Conservatives in Chile were still in power. As such, the first serious attempt at reducing the influence of the Catholic Church in politics did not occur until reforms were undertaken in 1883 (leyes de reformas teológicas) and Catholicism continued to be the state religion until a new constitution was enacted in 1925 (Schwaller 2011, 184–5, 200–1).
enacted the criminal offence against “public morality and good customs.” The penal code hardened the persecution of homosexuals: from 1875 until 1900, thirty-three court cases involving the heinous crime are recorded in official documents (Contardo 2011, 111).

As in Argentina and Mexico, in nineteenth-century Chile social attitudes toward homosexuality were intertwined with processes of state formation that were associated with ideas of gender and masculinity. Within a general context of enhanced nationalism following the War of the Pacific (1879–83) against Peru and Bolivia, after which Chile annexed the provinces of Tacna and Arica, a new discourse on Chilean national identity emerged, an identity centered on an idealized strong and masculine warrior. Representative of the Chilean race, a decidedly working-class (roto) masculine mestizo soldier was depicted by the new national narrative as the only one able to repel the enemy, often portrayed as effeminate men (maricuelas). Some of these ideas would prove enduring and the depiction of political enemies as weak with references to homosexuality have been used as recently as the early 1970s. As occurred elsewhere in the Americas and Western Europe, the public discourse on homosexuality was influenced by the medicalization of sexuality that took place around the turn of the century. As Óscar Contardo details, from the 1890s onward, the medical community in Chile began to portray homosexuality as a deviant form of behavior that had to be diagnosed and controlled as it was considered, along with other diseases, a threat to public health (2011, 147–98).

The criminalization and medicalization of homosexuality in Chile during the nineteenth century contributed to strong social intolerance that lasted well into the late twentieth century. While a gay subculture developed in the cities of Santiago and Valparaiso in the first half of the twentieth century, tolerance of homosexuality by the state was minimal and harassment and persecution strong. Attitudes toward homosexuals in Chile hardened with the enactment of a security law in 1954 during the administration of Carlos Ibáñez (1952–8) who, as we saw in Chapter 2, instituted repressive measures to suppress social mobilization. The law (Ley de Estados Anti-Sociales) introduced the concept of “dangerous state,” which allowed security forces to detain individuals suspected of becoming a threat to national security. Under its legal provisions, a collection of suspect individuals, including beggars, drunks, and

This is well captured by the writings of Juan Rafael Allende, founder of the Democratic Party (Partido Demócrata) in 1887.
drug addicts could be detained. Homosexuals were, of course, included. The law went so far as to stipulate the establishment of agricultural farms in which all these dangerous beings would be held. The law was not implemented given that its regulation (reglamento) was never enacted and homosexuals were therefore not sent to these farms. However, the existence of all these various legal provisions contributed to the public portrayal of homosexuals as delinquents and fostered a police culture that resulted in the systematic detention of homosexuals up until the early 1970s (Contrado 2011, 186–98).38

As we have seen, Chile, like Argentina and Mexico, experienced intense social mobilization by the late 1960s, a process that reached a new pitch with the election of Salvador Allende in 1970. However, while in Argentina and Mexico gays and lesbians began to organize and mobilize to challenge heteronormativity during this time of social upheaval, in Chile they did not. In a well-documented case, a group of approximately twenty-five working-class gay men held a brief demonstration in Santiago’s main square (plaza de armas) on April 22, 1973 demanding a halt to police repression. These individuals cited systematic harassment and repression by police who regularly invoked offences against public morality and good customs when detained (Robles 2008, 11–18). The protest dispersed quickly, however, and while it attracted some media attention, its coverage was invariably highly derogatory. Other than this incident, Chilean gays and lesbians did not join forces to advance political demands. In Argentina and Mexico homosexuals began to organize to engage larger debates on the politics of sexuality and to articulate a liberationist discourse. This did not happen in Chile. Paradoxically, at a time when the country was undergoing unprecedented mass mobilization, no gay organization formed and a homosexual liberationist movement did not emerge.

That paradox is partly explained by historical legacies of stern sexual repression. As Contrado argues, the historic repression of homosexuality in Chile contributed to the emergence of a highly discriminatory political discourse against homosexuals among the political class, which included the Left (2011, 253–304). In effect, the 1970s elections were characterized by a campaign in which parties on the Left, including Allende’s Popular Unity, questioned the integrity of the candidate on the
Right, Jorge Alessandri, given his nonconformity to heteronorms: they suggested that Alessandri was unfit for office because, given that he was not married, he had to be homosexual (Contrado 2011, 267–74). In such context, the possibility that Chilean homosexuals could find allies within parties of the Left was essentially nonexistent. This was specially the case with the Communist Party, which had close ties with the Cuban regime, a regime that, at the time, placed homosexuals in concentration camps.

But that paradox is undoubtedly also explained by the failure of homosexuals in Chile to reach across social divides and coalesce around the pursuit of political goals. The failure of intellectuals and academics to get engaged to raise consciousness and articulate demands appears to be of particular importance. In both Argentina and Mexico intellectuals came together in the early 1970s with homosexuals and feminists from various backgrounds, such as the labor movement, to discuss the politics of sexuality, gender, and feminism. Through their discussions they engaged larger debates around homosexuality that were being held at the time across the Americas and Western Europe. In Chile this did not occur. A good illustration is the evident disconnect that existed between the demands advanced by the individuals who held the protest in the plaza de armas and the liberationist discourse advanced by gay activists in the Americas at the time: while in the United States the American Psychiatric Association declassified homosexuality as a mental disorder in 1973 largely as a result of mobilization by the gay liberationist movement, the Chilean protesters called for the stop of police repression arguing that homosexuality was a disease and not a crime.

**Arresting Development: Gay (Im)Mobilization under Pinochet**

If any opportunity existed for gays and lesbians to mobilize within a context of mass social upheaval in the early 1970s in Chile, it disappeared considerably after the seizure of power by Augusto Pinochet in 1973. During the dictatorship’s most generalized phase of repression (1974–7), gays and lesbians, especially the poor and those belonging to the working classes, were systematically detained by the police forces as the regime launched its terror campaign (Robles 1998). However, Chile’s military regime did not have an explicit policy regarding homosexuality, and, once repression became more targeted in 1977, some gay organization did occur. In 1977, a group of approximately fourteen gay men at the Catholic University formed a discussion group, first called Betanía and subsequently referred to as the Integration Movement (Movimiento de Integración), which was led by a progressive priest influenced by Liberation Theology. Ostensibly
inspired by the U.S. group Gay Power, group members discussed the personal implications of being homosexual. The group was formed for mostly therapeutic and not political reasons and dissolved in the mid-1980s. In 1979 another group, Movement for the Liberation of the Third Sex (Movimiento para la liberación del tercer sexo), made a public appearance through the publication of an open letter in the daily “Últimas Noticias” on October 13 in which they called for an end to discrimination and the repeal of Article 365 of the penal code. While they appear to have had concrete political objectives, their actions were limited to the publication of that one letter. Except for these limited activities, gays and lesbians did not mobilize to advance political demands given the stifling environment of generalized repression. From 1980 onward, the regime allowed gays and lesbians to socialize in commercial establishments. As Pinochet’s neoliberal economic model took hold, several gay bars and clubs were allowed to open in Santiago and Valparaiso. The liberalization of market forces included thus the satisfaction of the demand for recreational spaces by gays and lesbians. But tolerance was limited to social interaction in commercial establishments and constant police harassment did not abate. While an open policy of repression toward homosexuals may not have existed, repression was exercised in an indirect manner as it discouraged any type of dissenting form of political organization.

Such generalized repression during the Pinochet years prevented the public emergence of a gay and lesbian movement even when political conditions changed in the mid-1980s. Social mobilization resumed as a result of the economic crises that rocked the country in the early 1980s, but gays and lesbians did not take to the street and organization continued to occur in the private sphere. In 1984, as a reaction to the murder of a lesbian, Mónica Briones, in what appeared to be a crime committed because of her sexual orientation, a group of lesbians, led by Cecilia Riquelme, Susana Piñera, and Carmen Ulloa, formed the first overtly political lesbian organization in Chile: Ayuquelén. Motivated by the interaction Riquelme had with other lesbians in a regional forum held in 1983, Ayuquelén was founded to challenge the social order through a questioning of heteronorms, calling it “compulsory heterosexuality” – likely borrowing from Adrienne Rich’s early work in which she coined the term (1980) – and to integrate feminist ideas into debates on sexuality (Robles 2008, 21). Over the following several years the group grew in

39 This refers to the Second Latin American Caribbean Feminist Conference held in Lima, Peru. According to Riquelme, the meeting was key in encouraging her to form the group (de la Dehesa 2010, 18).
size and reached a membership of thirty lesbians. But the group remained confined to the private sphere. In 1987, as the advent of democratization became palpable, group members decided to go public through an interview they gave to a magazine that opposed the military regime, APSI, but they did so under condition that their names not be published and that there not be any photographs.

The AIDS epidemic had some effect on gay mobilization during Chile’s military dictatorship. The first case of infection was reported in May 1984 and the first death in August of the same year. Media coverage of these cases was generally negative and alarmist, referring to it as the “pink plague” and a “gay cancer” (Contrado 2011). Such coverage contributed to the setting in of panic among the general population, similar to what happened in Mexico. Pinochet’s regime reacted by treating it as a problem that affected a limited number of people and by attempting to contain it through the surveillance and control of gay men: raids on gay bars and clubs intensified with the apparent intention of stopping the spread of the disease through the identification and isolation of carriers of the virus. The regime did not formulate a health policy intended to provide services to the affected population. In the face of government inaction, affected gay men were forced to organize and, in 1987, they formed an organization, Corporation for AIDS Prevention (Corporación de Prevención de SIDA), to carry out prevention campaigns and to provide basic services to infected individuals. The Corporation became one of the main gay organizations in Chile in the years following the transition to democracy. However, up until 1990, it focused on grassroots work and kept a low profile without attaining much public visibility. By 1988, when Pinochet held the plebiscite, a gay and lesbian movement had therefore failed to emerge in Chile.

**Democratization and Weak Mobilization**

Chile’s transition to democracy provided opportunities for gay mobilization. On June 28, 1991, a year after the inauguration of Patricio Aylwin (1991–4) as the newly democratic president, the Corporation for AIDS Prevention held a meeting to discuss a possible workshop on civil rights. The meeting was attended by a variety of individuals, most of whom belonged to the Communist Party or trade unions and who had been actively involved in the struggles against the Pinochet dictatorship (Robles 1998). Foreshadowing the evolution of Chile’s gay movement during the 1990s, and beyond, congress participants could not agree on much and a number of them were expelled from the Corporation. A few
days later, on July 1, seven of these expelled individuals formed a new organization: the Movement for Homosexual Liberation (Movimiento de Liberación Homosexual, MOVILH). Over the next several months, members held discussions on the various objectives the nascent movement should pursue in the new democratic context, and they agreed to work toward increased visibility and to fight discrimination based on sexual orientation. However, the legacies of their isolation during the long military dictatorship soon became obvious as they lacked the theoretical and discursive tools to advance their demands. For example, Rolando Jiménez, cofounder of the movement and one of the most visible activists in the country, was tasked during these early meetings with the organization of the first pride parade. Despite the fact that pride parades in the early 1990s were fairly common in several cities in the Americas, he had no knowledge of what these were. As he declared: “we had to start from scratch” (empezar de cero).

In terms of discrimination, a member of the organization who was then a law student, Juan Cabrera, was in turn tasked to review any discriminatory provisions in Chilean legislation. Cabrera appears to have “stumbled upon” Article 365 of the Penal Code as he did not know it existed (Contardo 2011, 380). In effect, MOVILH’s founding members had only a vague idea of the existence and implications of the antisodomy provision of the code, highlighting the lack of contact they had with gay men during the dictatorship. Neither had they had contact with lesbian activists, academics, or intellectuals and, as result, contrary to what had occurred in Argentina and Mexico a decade earlier, the new activists were not immersed in broader theoretical debates on sexuality and gender. While lesbian feminists had engaged these debates in the 1980s, gay activists had not had contact with them during the Pinochet years and would not be able to cooperate jointly to advance their demands for years to come. The dictatorship not only stalled the emergence of the movement, but it had also prevented the establishment of relationships with individuals from other sectors of society, relationships that, as we have seen, were essential to the articulation of demands in Argentina and Mexico.

Despite these limitations, activists began to fight for public space and to advance a series of demands over the next several years. Having obtained

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40 Interview, Santiago, October 8, 2009.
some international funding,\footnote{42} in early 1992 they joined a march to commemorate the first anniversary of the Rettig Report’s release (Chapter 2) holding a banner that read: “For our fallen brothers. Movement for Homosexual Liberation.” While an important event given that this was the movement’s first public appearance, activists marched covering their faces and did not disclose their names, underscoring the fear they still held in becoming public. However, for the second anniversary of the report’s release, and encouraged by the political environment, they joined the march without covering their faces with the slogan “For the right to be different.” They also held a press conference on the same day at which they denounced discrimination based on sexual orientation. This event, as well as the first gay prides that activists held for the first time during this time, even while sparsely attended, generated some publicity in the media.\footnote{43} Some media coverage referred to the emergence of the movement as a sign of the country’s new democratic opening (\textit{La Tercera}, June 11, 1993).

As activists conquered these public spaces, an important accomplishment given that sodomy was still a criminal activity, they attempted to decide on the main goals to pursue. Strong divisions, however, prevented agreement and the incipient movement soon fractured. Because the return to democratic rule had not marked a change in public policy to deal with the HIV/AIDS epidemic, several activists believed that the priority should be placed on prevention campaigns, providing support for infected individuals and demanding the adoption of a health policy that directly dealt with the disease. Other activists believed that it was a mistake to place the fight against HIV/AIDS as the movement’s main objective given that, among other things, it would give the movement a negative public image and prevent it from pursuing other goals.\footnote{44} These differences appear to have been irreconcilable. Some activists were consequently expelled from MOVILH and new organizations emerged, such as Lambda (which would concentrate efforts on HIV prevention activities) and the Center for the Study of Sexuality (\textit{Centro de Estudios de la Sexualidad}). The movement generally divided into two main groups based on the goals they decided to pursue: those who worked on HIV prevention and those who advocated themselves to civil rights.

\footnote{42} MOVILH was able to obtain funding from the Dutch congregation of nuns \textit{Zusters van Liefde}.

\footnote{43} The press conference was covered by the daily \textit{La Época} the day after (March 4, 1993).

\footnote{44} Interviews, Leonardo Fernández (cofounder of MOVILH), Santiago, November 20, 2009, and Rolando Jiménez, Santiago, October, 9, 2009.
Early discussions held by activists that belonged to the second group revolved around the need to frame their demands as an issue of human rights, an idea partly influenced by the Argentine experience. However, for these activists, it soon became clear that this would not be possible in transitional Chile. Because Chile’s dictatorship did not have a clear position on homosexuality, it made it difficult to articulate a discourse demanding the expansion of new rights in reference to atrocities perpetrated against them during the Pinochet years, contrary to what their Argentine counterparts had done in the 1980s. As an activist put it, “we did not have a martyr shot by the dictatorship”45 around whom to mobilize. Moreover, while the release of the Rettig Report had been an important event, public debate on human rights in Chile did not reach the same level of intensity as it had in Argentina a decade earlier (Chapter 2). Chile’s transition to democracy forced those who had opposed the military dictatorship to temper their discourse for fear of a democratic reversal. The Concertación administrations during the 1990s thus made conscientious efforts to limit divisive political debates and to demobilize civil society. Within this context, placing sexual rights in the national debates, through their connection with human rights, proved extremely difficult.

As a result, and unlike their Argentine and Mexican counterparts, Chilean activists did not attain the public visibility required to force a social discussion on homosexuality until the early 2000s. Despite having obtained some media attention in the years following the transition, the loss of strength, mainly through a significant reduction in the number of activists as they abandoned the cause,46 meant that such attention proved ephemeral. During the early 1990s activists held marches, provided several interviews to media outlets, and held weekly shows on national radio, but these activities were not sustained. Indeed, after a march held in 1992, they did not hold the first Gay Pride parade until 1999. In a rather short period of time gay activism in Chile lost public visibility. According to one activist: “by 1997 the movement reached a profound crisis . . . we lost all the media attention we had obtained earlier . . . it was as if we had gone back into the closet.”47 Chile’s situation contrasts significantly

46 According to calculations by Carlos Sánchez (one of the pioneering activists), by 1997 there remained only ten activists out of the five hundred that were affiliated with MOVILH in 1993. Interview, Santiago, November 23, 2009.
with Argentina’s and Mexico’s where activists managed to attract, and sustain, national attention to their struggle and, by the late 1990s, public debates on homosexuality had been placed on the agenda. In Chile, by contrast, homosexuality did not make it to national debates and activists failed to begin challenging social attitudes and heteronorms. Discussions of sexual rights had to be therefore limited to the decriminalization of same-sex relations as it was the only area in which activists sensed change would be possible given that Chile stood out within a regional context on this front. As Marco Ruiz Delgado, one of the main activists of the time, said: “The repeal of 365 became our main fight (caballo de batalla). It was our struggle’s banner. We knew that there was no space for other struggles. It was all closed.” These realities forced activists to limit their demands for civil rights to the repeal of Article 365 of the Penal Code. Over the next several years activists in Chile mounted a campaign to repeal that provision of the code, as we shall see in Chapter 6.

Gay activists in Chile were unable to build coalitions with other groups and movements, forge relationships with state and nonstate actors, and establish networks. According to a key activist of the time, activists did not build a movement based on broad-based alliances (movimiento de alianzas). Leonardo Fernández, a pioneering activist, asserted: “While we were ideologically prepared to collaborate with other groups given our leftist origins and the common fight we had waged against the dictatorship, we had to overcome the distrust that existed vis-à-vis our population.” Relationships with other actors were for the most part limited to the arts community (Sutherland 2001). Some activists believe that this development stemmed partly from the legal status of homosexuality in Chile: until same-sex behavior was decriminalized in 1999, it was difficult to cooperate with other groups because gays were de jure criminals. While this appears to be a factor, it certainly is true that activists’ failure to establish relationships with other actors was to a large extent due to internal movement dynamics and the rather exclusionary approach some of its members adopted, which were at the core of its divisions. Jiménez adopted a masculinist position in the definition of the movement’s identity. Such a position contributed to the movement’s exclusion of transgendered people.

48 Interview, Santiago, November 27, 2009.
49 As part of posttransitional discussions, the Aylwin administration repealed the 1954 security law, referred to in the preceding text, which was never implemented.
50 Interview, Carlos Sánchez, Santiago, November 23, 2009.
51 Interview, Santiago, July 24, 2012.
52 Ibid.
lesbians, and effeminate men. But it also prevented the establishment of relationships with women’s groups. Jiménez rejected – and, indeed, continues to do so\(^53\) – the embrace of feminism in his approach to the challenge of heteronorms. According to Jiménez, women’s issues and priorities differ from those of gay men and the movement’s energy had therefore to be directed to the issues that specifically afflicted gay men. In the early 1990s it meant concentrating efforts on the derogation of clauses in the criminal code that prohibited same-sex behavior. This approach contrasts, rather sharply, with the Argentine and Mexican experiences that were characterized by the formation of networks around the advocacy of sexual and reproductive rights that emerged through the close collaboration between gay and women’s activists.

The early weakening of the gay movement in Chile, a movement that emerged relatively late when compared to the Argentine and Mexican cases, meant that, by the late 1990s, it had not attained national visibility. Unlike their Mexican and Argentine counterparts, Chilean activists were unable to force a national debate on homosexuality. Because Chile’s transition to democracy severely constrained national discussions as posttransitional *Concertación* governments suppressed debates in their pursuit of social consensus, the discussion of divisive issues was discouraged.

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\(^{53}\) As articulated as recently as 2012. Interview, Santiago, July 19, 2012.