

Post-marriage LGTB politics in Spain

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Beware of articles that lament the decline of marriage rates: marriage is big in Spain. Getting married (and if possible with a vicar at the ceremony) is a much desirable goal across virtually all social groups. According to the 2011 census, between 80% and 90% of long-term different-sex couples are married in Spain. Alternative family arrangements have also gained momentum in recent years, including unmarried cohabitation or single parenthood. Social views on the family have changed too. In the end, however, Spanish society remains quite loyal to the founding organizational principles as regards family formation and family life, seeing marriage as the best option. Perhaps Spaniards are currently cultivating a new kind of marriage; but it is marriage nonetheless.

Do LGBT people share this craving for institutionalized family arrangements? According again to the 2011 census, around 120,000 people stated that they were part of a same-sex couple (of course this might be but a small fraction of the assumed total LGBT population in the country). Around 45,000 of them (more or less 40%) could be married now; both the examination of same-sex marriages celebrated since 2005 (around 23,000) and some calculations based on the census back that conclusion. Marriage propensity among LGBT peoples, therefore, does not *seem* to be as robust as in the case of the heterosexual population. However, a broader perspective could lead to a different conclusion: same-sex marriage is a very recent phenomenon that demands a solid stock of cultural and social capital of couples. It would be wiser perhaps to compare marriage rates within alike couples (same-sex, different-sex) in terms of age, status and location. There is some indication that this approach is conducive to a marriage propensity rate of same-sex and different-sex couples that is more similar. Note, lastly, that a recent paper on Canada estimated the rate of same-sex marriages at a comparatively lower rate of 32 % in that country.¹

The strength of marriage as a social ritual among LGBT people might be unclear but there is little doubt about its strength as a political idea. Marriage has been very important for Spanish LGBT campaigners. In spite of what most individual lesbians, gays, bisexuals, or transgender people in Spain might think, marriage, or at least the idea of it, has also been very important for their present and future lives. Marriage talk has anchored the concerns of LGBT people within mainstream media agendas; it has also made the wider public much more sympathetic to the practical needs of LGBT people, as well as to their day to day life experiences. Same-sex marriage has been legal in Spain since June 2005. The Act that

¹ <http://www.iussp.org/en/event/17/programme/paper/1914>. I thank Amparo González and Clara Cortina for their help with census data.

modified civil law so that same-sex couples could get married (and jointly adopt children) was the culmination of an intense political battle by LGBT groups to see, as they put it, that 'their fundamental human rights were guaranteed.' This is an example of law reform with major implications, not only for the targeted constituency, but also for the underpinning values and principles of democratic life. But what now? After nearly a decade, we have to discuss the legalization of same-sex marriage from a more critical perspective. Loud promises of full citizenship, political and social inclusion and empowerment accompanied the same-sex marriage campaign. Marriage talk was commonly presented as the gateway to a truly sexual citizenship. Was there any truth in all this? In other words, has access to marriage been the harbinger of a broader process of social, legal and political change against discrimination, oppression and suffering for LGBT people?

Answering these questions are central to our immediate research agenda. This, however, is a challenging task, as researching the common lives of LGBT people is often fraught with difficulties. A more immediate goal however, and something that can happen right now is to begin a discussion about the role of rights activism in contemporary Spain. What are the consequences of having succeeded in promoting family rights for LGBT rights groups? How does this social movement see its role now in terms of cultural, social and political change? And does it have any sort of influence in the policy process in contemporary Spain?

Building sexual citizenship

The Spanish LGBT rights movement is struggling after the legalization of same-sex - marriage precisely because much was sacrificed to help make marriage possible in the first place. Let me provide some background. The early 1990s were interesting and encouraging times for campaigners in Madrid, Barcelona or Bilbao. A plethora of isolated legal changes, in the fields of housing, family or criminal law, together with inspiring legal and political developments in neighboring countries as well as in international organizations gave momentum to 'gay' politics. The LGBT movement forged alliances with the big political parties of the left. Family rights entered the scene.

Law makers at all levels of government devoted considerable time between 1994 and 1997 to talking about registered partnerships and homophobia. There was in fact a point, around 1995, where the odds for nationwide legislation on this topic looked pretty good. But the conservative victory in the 1996 general election changed this: the newly elected Popular Party (PP; currently back in power since 2011) was not inclined to make sexual minorities full citizens. Campaigners were thus forced to steer a new course. As some observers at the time expected, they could have noted PP's hostility and focus instead on more accessible goals (an anti-discrimination law, for instance). Following a different strategy, they could have tried to bargain with conservative politicians, to work for a weaker version of registered partnership, with no adoption rights and very limited symbolic impact. Many

advised them to do so. Campaigners, however, accepted none of this; perhaps surprisingly, they went for a third, and much bolder strategy. They pressed for marriage.

I have often written about that decision as key to understanding same-sex marriages in Spain.² As usual in questions that engage with minority rights recognition and protest politics, the legalization of same-sex marriage deserves a carefully built theory that draws on both the ‘demand’ side (protesters) and the ‘supply’ side (power holders) . Of course it was relevant for policy reform that there was a change of Government in 2004, with a new Prime Minister (José Luís Rodríguez Zapatero) that guided his Socialists’ Workers Party (PSOE) towards a new discourse on citizenship and democratic governance. As a matter of fact, I would argue that same-sex marriage would not had been enacted if the strategic needs of the new PSOE had been different at that time. Zapatero’s PSOE needed not only to be perceived as different from the right-wing PP, but also different from the PSOE of the 1990s: citizenship, equality and human rights were thus conveniently activated as elements of their new politics.

Still, the LGBT movement created key opportunities for policy reform. To woo big national leftist political parties into a durable alliance, this social movement deployed a fourfold strategy: firstly, it focused on universal, globalizing themes; secondly, it framed marriage (‘as it already existed’) as a human right, without a comprehensive attempt to rethink family institutions and practices; thirdly, it found new connections with LGBT entrepreneurs in an attempt to gain wider visibility; and, fourthly, it eliminated internal dissent so that the movement could be heard as a single voice. In re-defining itself as the representative of a large community with a single political voice (that of a national platform with the acronym FELGT) and with acceptable and very respectable claims (human rights protection for a ‘new’ type of families), the Spanish LGBT movement did a lot to present LGBT rights as a new, defining theme for a new brand of leftist, progressive politics. More than that, it created the opportunity for politicians hungry to new themes and arguments to engage with sexual rights and build a new ideological platform around themes generally perceived as being ‘modern’ and forward-looking.

Post-marriage life

On occasion, activists feel uneasy with the way scholars depict their experience. Too critical an approach to same-sex marriage politics in Spain would surely provoke this reaction. In particular, many would resent a theory that connects marriage with political moderation; that is a concept with a very bad reputation. And yet it was the political

² See, for instance: Kerman Calvo. (2011) “Spain: Building reciprocal relations between lesbian and gay organizations and the State” in *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship*. Manon Tremblay, David Paternotte and Carol Johnson, eds. Farnham: Ashgate, (pp. 167-181).

moderation of the Spanish LGBT rights movement that made same-sex marriage possible. In saying this I do not defend a hostile view against moderation or the political institutionalization of protest. Rather to the contrary: political moderation, as well as key law reform, brought obvious positive consequences for this social movement in terms of community building, organizational consolidation and, service provision. LGBT organizations in big cities have managed to find public funding for new service schemes that cater to new community needs, such as health services, legal aid or emotional support. Last but not least, the Spanish LGBT movement of the late 1990s and the 2000s offered new spaces for socialization that haven proven very successful and can offer support to those who are coming out, particularly adolescent lesbian and gays, transgender people or lesbians and gays with religious orientations..

However, the spell cast by the themes and organizational strategies of the marriage campaign (visibility, identity politics, unity, human rights) is too strong. Three difficulties associated with political strategizing during the marriage campaign should be outlined, for they are hampering the definition of new modes of protesting and making claims on behalf of LGBT people in Spain now.

1. Partnership with LGBT business entrepreneurs. Since the 1990s LGBT political groups have worked to relocate activism within a broader community, with an identity-based perspective. In this Spain aligned with what was becoming the dominant mode of claims-making in Western countries with regard to how lesbian and gay rights were defined at that moment: visibility was paramount. In order to achieve that, new ways to reach to the majority of the (hardly political) LGBT population had to be worked out: collective action had to be a lot of fun. Gay pride events (later pride 'weeks') have thus dramatically evolved into large festive, recreational and commercial events that are increasingly managed by a new cadre of LGBT entrepreneurs. It has to be noted that pride events in Spain have not completely lost their original political dimension: LGBT groups still influence the yearly pride banner (for marriage, for equality, and so on) and have a say in organizational matters. But the tide is undoubtedly turning towards a larger influence by owners of LGBT businesses. Problems with pride celebrations in Madrid in 2012 and 2013 confirm this: it is becoming apparent that new spaces of dialogue have been organized by entrepreneurs and local politicians. Against the approach favored by activists --, street-based celebrating, free access to events and a combination of cultural, recreational and political activities -- entrepreneurs and local conservative politicians are pushing for a private, business-like approach where recreational activities are located in spaces where access is controlled, by a (fat) fee. A new balance of power between LGBT entrepreneurs and LGBT rights groups is particularly worrisome both for the later, and also for the LGTB population: entrepreneurs have different motivations and are not necessarily

interested in politics. LGBT groups will be in a much weaker position to deal with policies, while new problems could remain undetected or suffer from poor public representation.

2. Dislodging claims-making from 'real' community needs. Spanish LGBT rights groups thought strategically when pressing for marriage. Little or none attention was paid, however, to the actual inclination of lesbians and gays towards marriage. For understandable reasons, campaigners did not test whether or not lesbians and gays really wanted to get married. It was a principled fight. We saw earlier that, at least for now, same-sex marriage is not highly popular among lesbians and gays. A malicious observer could conclude, then, that campaigners were not actually 'representing' the real needs of LGBT peoples; perhaps they were representing their own. I am of course not judging strategic decisions from a normative standpoint. However, it is not unreasonable to foresee a heightened reluctance by apolitical LGBT peoples in attending calls of organizations that, at least from the point of view of some, could appear to be unresponsive and capricious when picking up fights. Talk in this direction is easily detected in web forums and social media networks.
3. One-issue politics. It is unfair to disregard the 'other' things that the LGBT movement did while working on same-sex marriage. For instance, the generation of activists that worked for family rights was also determined to improve the rights and social conditions of transgender people in Spain. Groups in Madrid and Barcelona did indeed focus on sex education and homophobia. Thanks to the Madrid-based COGAM we have access to hard data on homophobic assaults, but also on visibility and sexual representations in schools.³ Lesbian visibility has also become part of the agenda thanks to awareness activities and the heightened presence of lesbians in organizational life. Little of this, however, is actually known by most politicians, the media or the general public. The problem comes from the fact that much organizational and functional diversity was sacrificed in the pursuit of marriage. Institutionalized modes of protesting became mandatory, together with the generalized use of legal, rights-based argumentation. Radical expression of sexual diversity or further intersectional questions were perceived as less urgent, while the movement pushed for a centralized mode of decision-making. This soon led to tensions between groups in Barcelona and those in Madrid, and also between varied types of organizations. These latent reservoirs of internal discontent are likely to spring up now, hampering the chances that a new consensus might be built around new problems.

³ http://www.eldiario.es/agendapublica/impacto_social/Homofobia-aulas_0_240076155.html

All of this could explain why the Spanish LGBT movement struggles to organize further protests after having succeeded to make same-sex marriage legal. These difficulties, however, are significantly enhanced by the particular dynamics of contemporary Spanish politics. In the first place, the long and grievous financial crisis has dramatically affected societal views on 'relevant' issues. The focus is, again, back on old material issues. With very high rates of unemployment, a new consciousness about corruption, and the grip of austerity measures, the social appetite for public thinking on diversity, equality, and minority protection has clearly waned. That the current conservative government is clearly keen on dismantling most of the progressive policies of the preceding years is not helping either. LGBT campaigners thus face a society seriously worried about unemployment, corruption and the lower quality of public services, but, understandably, not quite ready to see the legal and political status of minorities as a serious concern.

Moreover, contentious politics is clearly entering a new phase worldwide, defined by 'indignation', or more generally by the consolidation of 'alternative' social movements. The so-called 15M/'*indignados*' social movement has been at the forefront of this. Accepting the need for further research, there is some indication that the 'new' social movements of the 1970s could be struggling to cope with the ideas, repertoires and strategies of alternative social movements. The Spanish '*indignados*' movement in particular has promoted forms of protest where particular identities (green, gay, peace, women) are integrated into a broader argumentative against corruption, bad politics and lack of democracy. They deploy attractive modes of protest together with frames of mobilization that 'sound' very well. One wonders about the capacity of LGBT groups to connect with new generations of activists that increasingly expect to be invited to participate in truly horizontal forms of action, where having one's voice heard is as important as succeeding in institutional negotiations.

All this is relevant because there is much left to be done. There is general agreement that LGBT peoples are now entitled to a very high level of legal protection in Spain. The joint application of civil law (that allows same-sex marriage and adoption), criminal law (that punishes hatred crimes and undue discrimination), the Constitution (which introduces general anti-discrimination protection), together with more recent legislation on transgendered identities, leaves little room for overt and direct discrimination in most walks of life. There are, however, some cracks in the legal armory, some of which are likely to widen as austerity weakens social and welfare policies. And stigma and prejudice are still strong among some social groups. Finer legislation and further social education are still required in some specific areas, such as emigration, health or community care. There are pressing issues to be addressed in the fields of social attitudes, stigma, life conditions or acceptance of HIV-related issues. And last but not least, legal recognition of foreign adoptions or surrogate parenthoods is facing much opposition, while the current

conservative government is restricting access of lesbian mothers to free assistive reproduction.

Current policies on the fields of family and reproductive rights in Spain are clearly announcing a conservative backlash: abortion rights, for instance, are about to be severely curtailed. We need to see the legalization of same-sex marriage, therefore, as only but one step of a much broader (and fragile) process. Spanish LGBT activists and people need to build on legal success not only to consolidate their new legal status, but also to engage with more subtle questions of societal inclusion, real enjoyment of citizenship rights and dominant views on sexuality and the family that are paramount for a satisfying definition of sexual citizenship. The challenge, in short, is to consolidate a discourse of full citizenship and family diversity at times of economic and cultural uncertainty, when minorities are started to be presented in Europe, once again, as disruptive elements to the social fabric.