Sexualities

How equal is equality? Discussions about same-sex marriage in Portugal

Ana Maria Simões Azevedo Brandão and Tânia Cristina Machado

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What is This?

How equal is equality? Discussions about same-sex marriage in Portugal

Ana Maria Simões Azevedo Brandão
University of Minho, Portugal

Tânia Cristina Machado
Masters student, University of Porto, Portugal

Abstract

In Portugal, public and political discussions about same-sex marriage have been going on since the 1990s. In 2010, same-sex marriage was legalized under intense dispute since it excludes same-sex couples from adoption and reproductive rights. During parliamentary debates, political parties and civil organizations linked to the Catholic Church resorted to conflicting ideas of 'equality' and 'difference' to advance their claims. In this article, we analyse the contents of petitions, bills and parliamentary proceedings concerning the legal recognition of same-sex unions, highlighting the presence of conflicting notions of equality linked to pervasive beliefs about the inadequacy of homo-erotic desire and practices.

Keywords

Equality, parliamentary debates, Portugal, rights, same-sex marriage

Introduction

Geographic concentration has been vital for the formation of gay and lesbian subcultures and for their political mobilization (Castells, 1998; Chauncey, 1998; D'Emilio, 1983, 1990; Weeks, 1990). The development process of the Portuguese society – namely, a late industrialization, a repressive regime throughout nearly half the 20th century and a culture strongly influenced by Catholicism – hindered the formation of gay and lesbian enclaves and consequently the emergence of a

Corresponding author:
Ana Maria Simões Azevedo Brandão, University of Minho Instituto de Ciências Sociais, Instituto de Ciências Sociais Campus de Gualtar Braga, 4710–057 Portugal.
Email: anabrandao@ics.uminho.pt

common identity (Gameiro, 1998). The first signs of a gay and lesbian subculture emerged during the 1980s, expressing itself, according to Gameiro (1998: 178–179), more through a life-style than in the political attitude of symbolic valorization that is to be found in other countries.

As a result, although the first public incursions of Portuguese gay and lesbian activism appeared soon after the 1974 Revolution, it lacked the support of its constituency at least until the 1990s (Cascais, 2006; Gameiro, 1998). It was only then that the first enduring gay and lesbian organizations emerged, originally based on friendship networks formed within non-governmental organizations linked to Aids (Amaral and Moita, 2004; Cascais, 2006; Gameiro, 1998; Santos, 2005). Particularly since the second half of the 1990s, it is possible to notice the presence of a discourse articulated around the idea of 'sexual citizenship' (Weeks, 1998), including claims such as the right to free choice, to cohabitation rights and, later, to same-sex marriage, as well as to reproductive technologies and to adoption rights, accompanied by litigation in these dominions (Cascais, 2006; Santos, 2005).

In spite of the gay and lesbian activists' attempts to promote social-cultural change through other means,[1] litigation and juridical change have been valued because of their symbolic and legitimating effects (Harding, 2006; Lannutti, 2005; Nicol and Smith, 2008; Schmitt et al., 2007). The ability of legal changes to foster effective social change has been emphasized by authors such as Scheingold (1989) or Weeks (2007). Others, however, have warned against the risks of a 'politics of normalization' that may reinforce the naturalization of the heterosexual family model and lead to new forms of exclusion (Richardson, 2000, 2005; see also Miskolci, 2007; Seidman, 2004; Waites, 2009; Wilson, 2009). According to Rios (2006: 90), this would be particularly obvious in certain forms of juridical recognition of same-sex unions that represent a 'rule of exception' and produce 'a sort of "second class marriage"'.

The recent approval of the same-sex marriage law demonstrates the Portuguese gay and lesbian activists' continued struggling to gain access to certain juridical institutes within a society that continues to show strong opposition to homo-eroticism.[2] In this article, we analyse the contents of parliamentary discussions about same-sex unions, illustrating the persistence of beliefs concerning the inadequacy of homo-erotic desire and practices. These become apparent both in the positions of different political parties and in the official interventions of the Catholic Church, as well as in the attempts of civic organizations clearly inspired in the latter's official doctrine to influence such discussions. In fact, and despite a growing tolerance towards homo-eroticism, in Portugal, as Santos (2006: 171) contends, 'Catholic morality exercises massive influence upon political decisions directly affecting LGBT citizens', as it did 'upon the emergence and consolidation of the LGBT movement'. Although such morality is not the only relevant variable in this discussion, its power becomes especially clear in the ideas of marriage underlying most of the legal bills presented by the political parties and in the cautious positions that they adopted to avoid alienating both their 'natural' and potential electors.[3]

This article is based on the results of a wider research project concerning equality politics in Portugal. Empirical material discussed here is composed of all the bills presented by the Portuguese political parties regarding same-sex unions (comprising cohabitation, common economy and civil marriage regimes), of all the petitions that the civic organizations addressed to the Assembly of the Republic regarding the legalization of same-sex marriage, and of the proceedings of parliamentary debates referring to same-sex marriage. The body of documents was, thus, formed exclusively by documents discussed and voted in parliament and by the parliamentary records of such discussions and ballots. All documents were subject to a thematic content analysis that points to the presence of different concepts of marriage linked to multiple understandings of 'equality', some of which paradoxical. In fact, even when it is invoked as a principle, the notion of equality rarely assumes a complete and unequivocal form. Underlying such principle, we often find persistent ideas about the inadequacy of homo-eroticism, especially when adoption and reproductive rights are included in the debate. The exclusion from the Civil Code of sex difference as a precondition of marriage emerges as paradoxical in face of the preservation of the legal impediment of same-sex couples to adopt or resort to reproductive technologies, which actually structure the institution of marriage. This article aims to contribute to the discussion of the underlying assumptions of formal equality struggles and draws attention to the way the State's legislative action continues to limit access to certain rights based on normative visions of sexuality.

From cohabitation to same-sex marriage

The beginning of the discussion: Cohabitation law

In Portugal, the debate about the legal recognition of same-sex unions goes back to the end of the 1990s. Left-wing parties – namely, the Ecologist Party (PEV), the Socialist Party (PS), the Communist Party (PCP) and the Left Block (BE) – took the initiative to discuss the extant cohabitation law to encompass same-sex unions. This more or less explicit purpose was justified by the will to put an end to persistent forms of 'injustice' and/ or 'discrimination' (BE, 1999; PCP, 1997; PEV, 1997; PS, 1999). To its promoters, the law emerged as a vital factor to correct inequalities and foster social change: a belief also shared by gay and lesbian activists and by at least a part of their constituencies.

In fact, it does not seem to have been the values and the representations of the Portuguese population, in general, to stimulate such change. A research published in 1998 showed that 81.1% of the population considered male same-sex practices to be unacceptable and that 80.2% had the same opinion concerning female ones (Pais, 1998). The International Social Survey Program (ISSP) shows similar values: 73.7% of the Portuguese considered homosexual behaviour to be 'always wrong' and 4.5% thought it 'almost always wrong'; only 14.1% thought that homosexual behaviour was 'never wrong' (Smith, 2011). The ISSP results also

showed that Portugal was the most conservative country in southern Europe regarding this matter: in Italy, 49.8% and 8.7% of the population thought homosexual behaviour was 'always' or 'almost always wrong', respectively; and, for Spain, the values were situated around 30% and 6.3%, respectively (Smith, 2011).

Knowledge of such representations may have been behind the position adopted by the Socialist Party when cohabitation law was discussed. The Socialists proposed the creation of a new juridical institute – the 'common economy' – encompassing a variety of not necessarily conjugal life arrangements. The proposal seems to rest halfway between the protection of a diverse set of new family arrangements and the creation of a regime that could cover up the (sexual, romantic) character of same-sex unions. The bill clearly stated the intent to redirect 'a debate that has been centred on a concept of cohabitation that confines benefits to the public declaration of the constituents' sexual orientation', thus allowing the 'legislator neither to break the privacy of the beneficiaries, nor to compel them to disclose their sexual orientation', despite its explicit intention to surpass 'the problem raised by the discrimination of homosexual couples' (PS, 2000).

The introduction of same-sex unions in the parliamentary agenda no doubt reflects the work of national gay and lesbian organizations, but it has also been strongly assisted by the full-member status of the Portuguese State in international organizations such as the Council of Europe, the Organization for Economic Co-operation and Development (OECD) and especially of the EU. This allowed them to benefit from the outcomes of the struggle of the international gay and lesbian movement next to these (and other) instances (Brandão, 2011; Carneiro and Menezes, 2007; Cascais, 2006; Santos, 2005, 2009).

The debate resulted in the approval of Law no. 7/2001, of 11 May, which regulates cohabitation regardless of the sex of the partners. The law was approved with 131 votes in favour from practically all the left-wing and from 4 Social-Democrat members of parliament, and with 92 votes against from almost all the right-wing and from 3 independent Catholic members of parliament elected by the Socialist Party. Law no. 6/2001, of 11 May, which regulates the 'common economy' regime, was also approved with 131 votes in favour from practically all the left-wing, with the exception of the 3 independent Catholic members of parliament elected by the Socialist Party, who voted against it along with all the right-wing, with a total of 99 votes.

The common economy regime refers to a life arrangement between two or more people (at least one of which must be over 18 years old), who live in a 'communion of table and residence for more than two years and who have set a common living based on shared assistance and resources' (Article 2). Unlike cohabitation, the common economy regime does not grant to the surviving partner(s) access to social security or to a survival pension upon the other partner's death. Inheritance rights, adoption and access to reproductive technologies by same-sex couples were left out of both regimes. In fact, none of the bills mentioned the latter and the only political parties to provide reasons for this were the Left Block and the Ecologist Party. They claimed the climate was unfavourable to such debate.

The Portuguese legislator adopted a cautious position, making legal changes depend on their probability of being approved in parliament and on the absence of tempestuous reactions coming from the civil society. In any case, this avoidance strategy clearly shows that the child is the main focus of anxiety when same-sex unions are discussed (Almeida, 2006: 29).

To many gay and lesbian activists, however, legal recognition of cohabitation rights for same-sex couples was insufficient. In fact, as Roy (2002: 783) remarks, one of the problems with 'partnership regimes' is that they neglect same-sex couples' needs for recognition, offering them a purely instrumental frame that often rests on controversial clauses. This is especially clear in the case of the common economy regime, which does not explicitly acknowledge the affective/ loving dimension of same-sex unions, a fact that was denounced by the Portuguese gay and lesbian activists (Marques et al., 2002; Santos, 2004). Precisely for this reason, since 2005, same-sex marriage became a priority to the latter (Cascais, 2006: 123).

The meanings of marriage: Ideological proximities and distances

Discussions about same-sex marriage caused a more heated debate, a fact that is certainly linked to the ideological significance of marriage in Catholic societies such as the Portuguese. As Yarhouse and Nowacki (2007) notice, to Catholicism, marriage is a sacrament that firms a perpetual union between a man and a woman and one of its main features is procreation. The Catholic Church's opposition to same-sex marriage must be seen within this perspective and contributes to explain not only why right-wing parties, whose constituencies are closer to Catholicism, revealed greater (despite distinct) resistance to its approval, but also the reactions of the most conservative sectors of civil society.

During the electoral campaign prior to the 11th Legislature, the legalization of same-sex marriage became increasingly credible thanks to its inclusion in the programme of the Socialist Party which stood as the probable winner. In face of this, the Portuguese Catholic Church stated its position in a Pastoral Note expressively called 'In favour of true marriage' (Conferência Episcopal Portuguesa, 2009). Two arguments stood out: a vision of homosexuality as being 'sometimes' 'just a transitory stage in the development of the child or adolescent' but whose 'persistence throughout youth and adulthood denotes the existence of personal identity problems' and a call for 'initiatives that steadily help stable families to surpass the economic problems that many endure' (2009). If no political party dared to state the first argument explicitly, the second one and its ideological foundation can be found in the positions of some.

However, times had changed. A national inquiry launched in 2007 confirmed a trend towards a growing acceptance of homo-eroticism: 60% and 54% of the Portuguese male population thought it was completely wrong for two men or two women to have sex, respectively; and 40% of the female population shared the same opinion, whatever the partners' sex was (Ferreira and Cabral, 2010).

ISSP data for 2008 showed that the percentage of the population who thought that homosexual behaviour was 'always' or 'almost always wrong' had decreased 31.4% in one decade and was now around 41.9%, indicating a steady dislocation towards more moderate attitudes (Smith, 2011). Nonetheless, only 28.9% of the Portuguese thought that homosexual behaviour was 'never wrong', contrasting with Spain, where the same position raised to 51.6%, but still ahead of Ireland, situated around 18.5% (Smith, 2011).[4] Portugal continued to be one of the most conservative countries of Southern Europe regarding this matter (see also Gerhards, 2010).

Even so, the general improvement of the Portuguese population's life conditions as well as the notorious expansion of urbanization and education have indisputably contributed both to the Socialists' awareness of a more favourable atmosphere to the legalization of same-sex marriage and to the possibility of capitalizing on it. Immediately after the elections, the prime minister presented the government programme in the Assembly of the Republic, declaring his intention to present a bill to legalize same-sex marriage (Assembleia da República, 2009: 20). The announcement was applauded by the Socialist Party representatives and raised the protests of the right-wing parties, namely the Popular Party (CDS-PP) and the Social-Democrat Party (PSD). The intervention of Filipe Lobo d'Ávila, a member of the Popular Party, set the tone for those who opposed same-sex marriage throughout all the debate: the matter is presented as secondary and as a diversion in the face of the Portuguese's 'real problems' – unemployment, economic crisis, criminality (Assembleia da República, 2009: 60). Similar arguments have been used in other cases (see e.g. Almeida, 2009; Platero, 2007), forgetting, as Weeks (1998: 48–49) has noted, that the State's action in the fields of economy, of social provision and of national identity does not prevent the discussion of matters affecting the citizens' private lives, and therefore their quality of life.

The government bill foresaw the removal from the Civil Code of all expressions or clauses indicating that marriage could only be celebrated by different-sex partners. It was preceded by similar bills presented by the Left Block and by the Ecologist Party. The only left-wing party that did not present a bill was the Communist Party, probably for fear of a negative reaction from its older, more conservative electorate. Among right-wing parties, only the Social-Democrat Party presented a bill proposing the creation of 'registered civil unions'. Registered civil unions were defined as contracts similar 'to the contract of marriage in everything that does not have to be different considering the different reality of both situations' (PSD, 2010). This alternative designation was meant to emphasize that the parliament was addressing 'a new, autonomous reality' (PSD, 2010). However, despite providing marriage-like rights, it can also be seen as an attempt to preserve the statutory difference between heterosexuals and homosexuals, offering the first a positive sense of differentiation through the monopoly of a more socially valued designation (Schmitt et al., 2007).

It is, according to Almeida (2006: 20), a typical position of the 'technically lay liberal conservative sectors', similar to the one adopted by the Popular Party, in Spain, or by the socialist Lionel Jospin, in France, during similar discussions about same-sex unions. It is based on a discourse revolving around

> the specification of marriage as the alliance between a man and a woman; the spectre of the child in need of a father and a mother; an occasional political demise allegedly due to the absence of a strong social demand; and always professing the struggle against homophobia. (Almeida, 2006)

It is regarding this last topic that the Social-Democrat Party can be more clearly distinguished, on one side, from the catholically inspired civic organizations that addressed petitions to the Assembly of the Republic, and on the other side, from the Popular Party who struggled to downplay the discussion and avoided any clear statements regarding substantive matters. In short, the position of the Social-Democrat Party was ambivalent, especially considering its persistent alignment with the Popular Party concerning the priority of the country's economic and financial difficulties over the legalization of same-sex unions (Assembleia da República, 2010: 11). In fact, the Social-Democrat Party seems to have been led to present a bill in order to alienate neither its electorate favourable to the legalization of same-sex unions (including its current leader), nor its more conservative constituency.

The final text of the government's bill, which legalized same-sex marriage was approved on 11 February 2010 with 125 votes in favour from the PS, the PCP and the PEV, and 99 votes against from the PSD, the CDS-PP and 1 Catholic Member of Parliament elected by the PS. The BE abstained from voting because of the perpetuation of the legal clauses that continue to exclude same-sex couples from adoption rights. The fact that there were no additional breaches among the Socialists has certainly not been alien to the imposition of a voting order upon its representatives, as the PSD repeatedly accused them. This position must, meanwhile, be framed in the idea of the Social-Democrats' continuous efforts to pass a referendum on the subject, in an attempt to turn it into a 'matter of consciousness' – a position clearly in line with the public interventions of several Catholic bishops.

Law no. 9/2010, of 31 May, which legalized same-sex marriage, would be finally promulgated by the President of the Republic, although for some time some feared (and others craved for) his veto. Alluding to the 'divisions between the Portuguese' regarding same-sex marriage, the President gave clear indications of his personal position defending that a different legal solution could have been found for 'such a sensitive matter' (Silva, 2010). However, he justified the promulgation with the need not to postpone 'the resolution of the real problems of the Portuguese', namely economic ones (Silva, 2010). Just as in the French and in the Spanish cases (see Almeida, 2009; Platero, 2007), the right wing, followed by the

President of the Republic who comes from the same political family, defended a vision of marriage and of family close to the Catholic one and portrayed same-sex marriage as a socially dividing issue.[5]

Catholic polyphonies

During parliamentary debates, some individual bishops publicly came to justify the Catholic Church's relative silence arguing that the laws of the Republic would not modify the Church's official position and opposing the approval of same-sex marriage. Their words, however, mirrored a certain diversity of positions between those who saw same-sex marriage as 'another symptom of our civilization's decay, not a sign of progress' and those who considered that same-sex unions 'are to be respected, but they should not fall within the meaning of marriage', even though the latter has never been explained.[6]

In fact, the most tempestuous reactions did not come from the Catholic hierarchy, but from three civic organizations clearly informed by the official doctrine of the Church – the association 'Juntos Pela Vida' [Together for Life], the 'Federação Portuguesa pela Vida' [Portuguese Coalition for Life], two pro-life organizations, and the 'Plataforma Cidadania e Casamento' [Citizenship and Marriage Platform], which was specifically formed to fight the legalization of same-sex marriage. These organizations addressed petitions to the Assembly of the Republic asking to be heard in parliament and demanding a referendum. Both requests were rejected but the adjectives the organizations used to classify same-sex unions, the promoters of same-sex marriage and the alleged consequences of the latter highlight their stark opposition to homo-erotic expression in all its forms. According to them, same-sex marriage is 'a clumsy and fraudulent conception of marriage', 'with no projection whatsoever in reproduction, in the construction of the natural family and on the continuation of society', 'harmful to a righteous progress of human society, especially if their actual incidence on the social fabric increases' (Juntos Pela Vida, 2010: 13, 19). Defending that 'marriage is the main nursery of society', and that 'by definition, homosexuality does not contribute to the birth-rate', they claim that 'the legalization of gay marriage entails the heaviest social costs for the next generations' (Plataforma Cidadania e Casamento, 2010: 2–3). The Portuguese State is compared to a 'banana republic' for 'arbitrarily' deciding 'the form and contents of marriage' (Juntos Pela Vida, 2010: 12). The legislator is accused of wanting 'not only to impose the "morals of the Regime"', but also of 'valuing homosexuality until finally imposing the celebration of same-sex marriage' (Federação Portuguesa pela Vida, 2010: 2).

Such words express an unequivocal vision of marriage as intrinsically heterosexual and defined by the possibility of joint procreation. Moreover, (heterosexual) marriage is believed to be in danger of dissolution and in need of protection, a well-known thesis that can also be found in other contexts (see Almeida, 2009; Edwards, 2007; Smith, 2010). Paraphrasing Miskolci (2007: 113), these organizations acted as 'moral entrepreneurs', promoting a 'moral panic' that portrayed the legal

recognition of same-sex unions as a danger to society through its purportedly destructive effects, both symbolic and practical.

Representations of (in)equality: On families, parents and children

The trouble with equality . . .

Notions of 'equality' and 'difference' appear closely linked to the status of homo-eroticism, namely – but not only – to its procreative impossibility, but the ultimate spectre that haunts same-sex marriage is parenthood. During parliamentary debates, the issue surfaces because of the inclusion of an article in the Socialist Party's bill that explicitly prohibits adoption by same-sex couples[7] (CACDLG, 2010). And it is precisely against this backcloth that it is possible to confirm the presence of multiple and conflicting notions of equality. The left wing articulated its discourse around the idea of equality. However, it is possible to identify, namely in the cases of the Socialist and of the Communist Parties, whose votes prevented the elimination of this article, a partial and contradictory vision of equality that brought them close to the right-wing's position. As in the idea of family, the 'right/ left polarization is manifestly not enough to account for the complex construction of ideological positions' (Commaille and Martin, 2001: 7),[8] disclosing a far more complicated picture.

Claiming not to be mandated to include the matter in the political agenda, the Socialist Party defended that adoption was 'a matter totally different from marriage', pertaining not to 'a right of free, adult people', but to the need 'to ensure the children's interest, whom the State must protect'. The Communist Party held a similar position, maintaining that 'what is at stake is not the free exercise of an option resulting from one's sexual orientation, but rather a matter where the central concern is each child's right to a family' (Assembleia da República 2010: 27, 38). Accordingly, same-sex couples seem not to be families and 'the child's interest' – a notoriously ambiguous rationale (see Skivenes, 2010) – can also be injured should that child be raised by them. Exactly what interests would be injured, however, is a matter that has never been spelt out.

Such perspective is equally assumed by right-wing parties such as the Social-Democrat Party. According to the latter, 'the law must not. . . endorse and implement a model that it does not consider to be the best for the children's integral development' (Assembleia da República, 2010: 26). In short, and as the Left Block denounced, such position rests on the assumption that 'homosexual couples are, by their very nature, unable to form a family for a child, and they are unable to do so, because they are homosexual' (2010: 23).

So, even among political parties that defended same-sex marriage we find an implicit vision of the not entire adequacy of homo-eroticism, linked to the protection of a heteronormative family model (Duggan, 2002; Richardson, 2000, 2005; Seidman, 2004). This makes it difficult to perceive, as Richardson (2005: 501)

argues, how can equality be intelligible in the face of dominant constructions of the 'homosexual' as the 'other'? And it is precisely in the context of discourses regarding what Butler (2002: 23) called 'the poor child and the fate of the nation'[9] that the idea of otherness comes forward, disclosing deeply unequal notions of equality.

Homo-eroticism as the real locus of contention

Throughout the debate, parenthood was clearly avoided, but the attempts to evade it did not hamper its persistent resurgence, since marriage is closely linked to parenthood and particularly to a biological model of parenthood that supports normative heterosexuality (see Arán and Corrêa, 2004; Butler, 2002).[10] Adoption, for example, served as a political weapon. It was used both by political parties and by civil organizations to foster their claims. Only two parties opposed the inclusion in the law of the article prohibiting adoption by same-sex couples. Both to the Ecologist Party and to the Left Block, adoption was a way to mark their progressive stand and to differentiate them as such from the rest of the left wing. As for civil organizations, clearly guided by orthodox Catholic morality, adoption was used as a scare story to fight same-sex marriage. The petitions that civic organizations addressed to the Assembly of the Republic are characterized by the recurrence of the subject and extend to reproductive technologies. They rest on the explicit repudiation of homo-eroticism and on the defence of sexual difference as the necessary basis of social order. Their positions articulate, as Miskolci (2007: 118) suggests, a persistent vision of homoeroticism as resting on a deviant, unrestrained and asocial sexuality.

Just as in other countries (see Almeida, 2009; Edwards, 2007; Platero, 2007; Rimmerman and Wilcox, 2007), the debates about same-sex unions have always been implicitly or explicitly linked to parenthood, and particularly to a concern about knowing whether gays and lesbians are suitable parents. However, in Portugal, it was the civil organizations that attempted to clarify the matter by openly arguing that legalizing same-sex marriage would, in time, lead same-sex couples to access 'the adoption of children and artificial reproduction', that same-sex couples do not possess parental abilities and can interfere in 'the normal' development of children, which requires 'father and mother, the feminine and the masculine in a unique affectionate relationship' (Plataforma Cidadania e Casamento, 2010: 2).

In other words, heterosexual couples' parental abilities are taken for granted since it is estimated that 'procreative ability guarantees parental ability' (Arán and Corrêa, 2004: 337). Same-sex couples are not 'true' families and their impossibility to procreate – at least, with one another – places any child they are entrusted with in a kinship vacuum, as they 'cannot educate inter-generationally in order to create solidarity links' (Federação Portuguesa pela Vida, 2010: 2). Repeated allusions to sex difference clearly relocates the discussion within what Arán and Corrêa (2004: 333) call 'the heterosexuality-marriage-parenthood triad' as 'the only possible reference to think culture or society' and everything that

does not fit in it – namely, same-sex unions – is seen as a threat, deleting borders and trespassing across limits.

Resting their arguments on 'natural law', an expression resonating the Catholic Church's official position about homosexuality,[11] these organizations argue that the latter poses a threat not only to children, but to society itself, in this case through a non-reproductive sexuality that would supposedly entail the extinction of the species. Homo-eroticism therefore appears as the real locus of contention. This can clearly be seen in their words. In fact, they did not hesitate to explicitly defend Catholic orthodoxy by declaring that 'homosexual relations are in contrast with the natural moral law', that 'they are intrinsically, i.e., from a moral point of view, disordered' (Juntos Pela Vida, 2010: 15–16), just like their perpetrators.[12]

Concluding remarks

In Portugal, discussions about same-sex unions took place in a social-cultural context characterized by strong opposition to homo-erotic expression, despite the latter's gradual attenuation. Legislative action has been seen, against such a back-cloth, by different political actors (especially, by political parties and by gay and lesbian organizations), as a basic instrument of change, one that may contribute to reinforce the equality principle. This equality, however, emerges, at best, as formal equality and it has not invalidated the continued confirmation of heterosexuality as the 'normal' and desirable model of conduct and of organization of social life.

The influence of Catholicism in the values and representations of the Portuguese has been pointed out as one of the reasons for their antagonism to homo-eroticism. So, if the Portuguese society's modernization and secularization are undeniable facts, they have not eliminated the persistent influence of the Church, particularly visible during discussions concerning same-sex unions. Both its formal pronunciation concerning the subject and the positions and the arguments of right-wing parties or even more clearly of some civic organizations show such inheritance.

At first sight, the discussion about same-sex marriage led to a clear division between left wing and right wing. However, both positions are more complex when we carry out a finer analysis. Same-sex marriage is a matter advanced and defended by the left. Right-wing parties tried to relocate the discussion to economic matters, accusing the promoters of same-sex marriage of trying to divert political agents from economic problems, a position somehow shared by the President of the Republic. Resting their arguments on the idea of 'equality', left-wing parties were favourable to same-sex marriage, whereas right-wing parties advocated the idea of 'difference' to oppose it. Right-wing parties were divided between sheer opposition to any additional legal changes (the Popular Party) and the creation of a new juridical figure – the 'registered civil partnership' – which would allow the preservation of the statutory and symbolic distinction of (heterosexual) marriage (the Social Democrat Party).

It is, therefore, possible to distinguish two notions of marriage in the discourses of political actors: a traditional one, resting on sex difference and at least potential procreation that sustains the classification of same-sex unions as 'different'; another, encompassing one, where these two variables are independent and linked to the idea of 'equality' of both types of union. Some civic organizations' public interventions also rest on the traditional notion of marriage. In this case, however, it is followed by a set of arguments characteristic of moral panics, sometimes explicitly conveying a clear moral disapproval of homo-eroticism and of all those involved in homo-erotic practices – arguments that were never risked by political parties.

However, when the debate is dislocated to parental and reproductive rights, particularly to adoption, different visions of 'equality' emerge. The obvious opposition of all political parties, with the exceptions of the Ecologist Party and the Left Block, to grant adoption rights to same-sex couples brings forth a persistent vision of the latter's inadequacy. The vast majority of political actors assert the defence of the 'child's interest' to refuse adoption rights to same-sex couples. Nonetheless, they never clearly enunciate exactly how the child could be injured in such circumstances.

In short, if it is possible to find clear divergences between left and right regarding same-sex marriage, they fade away when adoption is discussed, even though it is admitted that same-sex couples may accede to a legal institute that holds parenthood as one of its defining traces. The legalization of same-sex marriage therefore translates a trend towards normalization, namely in terms of the conjugal model it stands for (stable, monogamist and resting on cohabitation). Nevertheless, it simultaneously preserves the symbolic centrality of heterosexuality and its link to parenthood – in this case, both biological *and* non-biological. The proclaimed equality seems to be, therefore, only partially equal.

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Notes

1. Namely, by demanding the inclusion of homosexuality in sexual education programmes, by denouncing biased media reports and by developing grassroots work (Brandão, 2011; Cascais, 2006; Santos, 2005, 2006, 2009).
2. The concept of homo-eroticism has been taken from Brooten (1996). It designates the presence of an erotic act, desire or preference between or towards individuals of the same sex, exclusively or not, comprising diverse population categories and contingents and irrespective of the identities claimed by and/or ascribed to specific individuals. Its use, as well as that of its derivatives, intends to underline the conceptual distinction between sexual desires, practices and identities.

3. The authors do not claim that Catholicism is *the* cause of resistance towards homo-eroticism. In fact, as Costa (2008) remarks, religious affiliation does not necessarily imply full conformity to the Church's canons, as it seems to be more adequately defined, in late modernity, as the adoption of a sort of 'individual God' that is neither necessarily, nor completely detached from them. However, the influence of Catholicism can be clearly felt in the discourses of many Portuguese gays and lesbians who claim to be Catholic, though rejecting certain aspects of the Church's official doctrine (see Brandão, 2007, especially pp. 361–365 and 376; Santos and Fontes, 2002), as well as in the social values and representations underlying the discussions about same-sex unions that we analyse here.

4. The ISSP does not provide data for the Italian case in 2008; however, in 1998, the percentage of the Italian population who endorsed this claim was 49.8%, contrasting with 73.7% of the population in Portugal. Greece has not been included in the survey.

5. In fact, a survey published after the approval of the law showed that the Portuguese population was practically divided in two, even though the majority was favourable to the legalization of same-sex marriages: 43.1% of the Portuguese opposed it whereas 52% were in favour (see Eurosondagem, 2010).

6. Words of D António Sousa Braga, Bishop of Angra, and D Manuel Pelino, Bishop of Santarém, respectively, published in the newspaper *Jornal i*, of 28 December 2009.

7. In fact, the same prohibition can also be found in cohabitation law.

8. Including those of individual political actors, since some of them voted, or intended to vote against the official positions of their parties.

9. The sentence refers to discussions about the PACS (civil partnerships) in France, but it fits the Portuguese case as well.

10. Even if in the paradoxical Portuguese case adoption is not forbidden – at least, not formally and legally – to single individuals.

11. For Catholicism, homosexual acts 'are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved' (Holy See, 1993: §2357).

12. For the Catholic Church, homosexuality 'is a more or less strong tendency ordered toward *an intrinsic moral evil*; and thus the inclination itself must be seen as an objective *disorder*' (Congregation for the Doctrine of Faith, 1986: §3, our italics).

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Ana Maria Simões Azevedo Brandão sociologist, is an Adjunct Professor at the Department of Sociology and a fellow researcher at the Social Sciences Research Centre of the University of Minho (Braga, Portugal). Her research interests focus on gender, sexuality, and identities, as well as on social research methodologies. She has recently published the book '*E se tu fosses um rapaz?' Homo-erotismo feminino e construção social da identidade* ('*What if you were a boy?' Female homo-eroticism and the social construction of identity*, Porto, Afrontamento, 2010).

Tânia Cristina Machado is a sociology graduate. She was a junior researcher of the Program Science 2009 of the Portuguese Foundation for Science and Technology at the Social Sciences Research Centre of the University of Minho (Braga, Portugal). She is currently pursuing a master degree in Sociology at the Faculty of Humanities of the University of Porto (Portugal).