Under the rainbow

The Civil union Law and sexual minority activism in Buenos Aires, Argentina

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Abstract

The subject of this thesis is the implementation of the Civil Union Law in Buenos Aires, Argentina. The law was the first one in Latin America to recognize same-sex couples. The law is a result of changing conceptions of homosexuality in Argentina during the last few decades. In this time period Argentina has made the transition from an oppressive dictatorship to democracy. Argentina’s recent history has brought about a public awareness about human rights and the AIDS epidemic generated a public discourse on sexuality and the social conditions of gays and lesbians. The law’s main opponent was the Catholic Church but the institution’s authority has suffered from its complicity in the military regime. Despite the limited scope of the Civil Union Law many gays and lesbians consider it to be an important achievement. The transgendered travestis are a sexual minority which has not benefited from the law to the same extent as gays and lesbians.
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Introduction
On July 18, 2003 Marcelo Suntheim and César Cigliutti appeared before a judge to formalize their relationship. The ceremony took place at the Registro Civil (Civil Registry) in the City of Buenos Aires. On that day Marcelo and César became the first same-sex couple in Latin America to enter a civil union. When the Civil Union Law was implemented gay and lesbian couples in Buenos Aires were able to formalize their relationships and access social and economic benefits from which they had previously been excluded. The law was seen by many as a landmark achievement in the struggle for rights for sexual minorities in Argentina.

When I learned about the law bill that had been passed in Buenos Aires I thought this seemed like a remarkable event. Being gay myself, I was aware of similar laws having been passed in various European countries (including Norway) and the heated “gay marriage” debate in the US. Still, I was somewhat surprised to learn that in Latin America a similar development was taking place and it seemed all the more remarkable that such a law should materialize in a country like Argentina which merely a few decades earlier had experienced a military dictatorship infamous for its violations of human rights. I wondered how this change had come about and what it meant to sexual minorities in Argentina. Doing fieldwork in Buenos Aires would allow me to experience more of a city where I had enjoyed spending an all too short week the previous year. Making the implementation of the Civil Union Law the starting point of my research project would enable me to combine a general interest in Latin America with an interest in cultural constructions of gender and sexuality.

Marriage has traditionally been conceptualized as a privilege of heterosexuality and is still perceived to be so by many. In the current debate on legislation on same-sex relationships the institution of marriage is frequently represented as monolithic and unchanging. However, this institution too has been subject to historical change. According to law professor Yuval Merin the movement for legislation on same-sex couples can be seen as a logical consequence of this historical development; “The same-sex marriage movement that began in the late twentieth century...could thus be viewed as a natural development, as part of the transformation in Western conceptions of love and
marriage-namely, the shift in the concept of marriage from a patriarchal property arrangement for the purpose of procreation, with specific gender roles for each partner, to a relationship based on equality, affection, and the love of two people for each other. (Merin 2002:30)

This transformation in the concept of marriage has been fundamental in shaping the present debate on legal recognition of same-sex relationships and it is a development that can be linked to processes of modernization and urbanization that have been taking place not just in Europe and North America but also in Latin America.

Legislation on same-sex relationships in modern nation states is a recent phenomenon which seems to challenge traditional ways of conceptualizing gender and sexuality and the way these categories are linked to constructions of citizenship. In this regard it is important to acknowledge that all sexualities are to the same extent culturally constructed; “Where sexuality is acknowledged as a significant category for social analysis, it has been primarily in the context of theorizing ‘the sexual other’, defined in relation to a normative heterosexuality” (Richardson 2000: Introduction). However, heterosexuality is itself a cultural construction. In the words of Diane Richardson referring to Judith Butler; “…far from being a natural expression of gender and sexuality, heterosexuality is always in the process of being produced. There is, in other words, no original of which homosexuality is an (inferior) copy. Heterosexuality is itself always in the process of being constructed, according to Butler, through repeated performances that imitate its own idealizations and norms and thereby produce the effect of being natural” (Richardson 2000:25). This production of heterosexuality as an idealized norm has been termed heteronormativity. Heteronormativity can be defined as; “…those structures, institutions, relations and actions that promote and produce heterosexuality as natural, self-evident, desirable, privileged and necessary” (Cameron & Kulick 2003:55).

The concept of “sexual minorities” must be understood against this background. Sexual minorities are ‘the sexual other’ (Richardson) defined in relation to a normative heterosexuality. The antonym to heterosexuality is homosexuality and this homo/hetero binary defines the relationship between a heterosexual ‘majority’ and ‘sexual minorities’. To complicate matters though, the concept of “gender” is also at play in these definitions.
How homosexuality is conceptualized is subject to cultural variation. In Latin America it is possible to identify two widespread but distinct cultural models of homosexuality which may be termed egalitarian and gender based (Murray 1995: Introduction). Because the intention of the Civil Union Law was to provide legal recognition to ‘same-sex couples’ I have used this definition as the criterion for identifying sexual minorities who might benefit from the law. On the basis of the two Latin American models of homosexuality three different cultural categories emerge; ‘gays’ and ‘lesbians’ in connection with the egalitarian model of homosexuality and ‘travestis’ originating within the gender based model of (male) homosexuality. The movement for legal recognition of same-sex couples originated in Europe and North America. A question which arises is what happens when such a law is implemented in a different cultural context such as in Latin America? And in what way might the Civil Union Law reflect cultural understandings of gender and sexuality? In sum, my main concern with this thesis can be expressed in the following two questions: How did the Civil Union Law in Buenos Aires come about? And: What does the law mean to sexual minorities in Argentina; that is to gays, lesbians and travestis?
Chapter 1: The fieldwork

Arriving in the field

I arrived in Buenos Aires on the 15th of January 2005. Buenos Aires is Argentina’s Capital and the Greater Buenos Aires area (Gran Buenos Aires) is home to some 13 million people, about a third of the country’s total population. At this time of year it was summer in Argentina and it was hot and humid. I took in at a bed & Breakfast run by a gay couple about my own age, which I had found through the internet. The guests were mainly tourists from abroad and came from every corner of the world. The owners, Martín and Antonio, advertised in both mainstream and gay media and as a result the guests were also a mixed group. The B & B was situated in one of the central neighborhoods of Buenos Aires and had a nice and relaxed atmosphere. During the first few days I got to know both Martín and Antonio. When I told them that I studied anthropology and was planning to conduct a fieldwork focusing on the Civil Union Law they were very encouraging and suggested people I should see.

I was struck by the relaxed atmosphere at El Gallo Verde and how open Martín and Antonio were about their relationship. Friends and family often came by and everyone seemed to get on very well. From time to time people would come by with flyers and ads for various attractions in the city and the well stocked collection in the reception area included the ‘Gay map of Buenos Aires’ and various ads for gay bars and gay tango lessons.

A few days after I checked into El Gallo Verde I was hit by a car while crossing the street and broke my left leg. As a result I had to postpone my fieldwork until I had recovered from the injury. After I got out of the hospital I stayed for a while at El
Gallo Verde before renting an apartment just a few blocks away. This allowed me to keep in touch with everyone at El Gallo Verde and I spent a great deal of time there. With time I became more adept at moving around and my excursions into different social arenas of the city became more frequent. I went to restaurants, cafés and bars with guests staying at El Gallo Verde. A fellow student from Oslo was conducting fieldwork on gay tango in Buenos Aires. She invited me to spend time with her and the gay tango dancers at the ‘milonga’* I also went to some gay bars which had a quiet atmosphere and were easily accessible for someone walking on crutches. When I wasn’t out or doing rehab I spent time at home reading or watching TV. I had managed to find some books about homosexuality in Argentina and there were also newsstands selling some local gay magazines.

As my social life got slightly livelier I was getting to know more Argentines. One of them was Veronica, a single mother in her late twenties who worked as a computer consultant. She lived with her mother in an apartment in central Buenos Aires. Among her mother’s close friends was a gay couple who had formalized their relationship through the Civil Union Law. Veronica’s mother had attended the ceremony as one of their chosen witnesses (testigos). Veronica asked Mario and Tomás if they would be willing to do an interview, to which they agreed. I also met and talked with Veronica’s mother, Ana María.

One night I went with Veronica to the birthday party of a friend of hers. At the party she introduced me to Alejandro, one of her gay friends. Alejandro was in his late thirties and had travelled a lot in Europe and Asia. I enjoyed talking with him and invited him to come by the apartment and then go out for a beer or two. This we did and soon we developed a close friendship. Alejandro introduced me to his circle of friends, both gay and straight, and to the gay circuits in the city. One of Alejandro’s close friends was Eva, a divorced architect in her fifties with a son and a daughter in their twenties. She often invited us to come by her apartment to share a bottle of wine or go with her to dine out or to a theatre play. Around this time Eva’s mother died and the house she owned in a working class ‘barrio’ to the north of the city was left empty. As Eva had her own apartment in downtown Buenos Aires she suggested
to Alejandro that he and I rent the house for a small sum so as not to leave it
unattended while she decided what to do with it. Alejandro was staying at a friend’s
place at the time. I rented a centrally located apartment but the rent was exorbitant.
We decided to take the offer.

Villa Luro is situated right at the invisible border which separates ‘Capital Federal’
from ‘Provincia de Buenos Aires’. Capital Federal comprises the city centre and has
about 3 million inhabitants. Villa Luro lies just within the boundaries of Capital
Federal where the two sections of Greater Buenos Aires merge into one vast, urban
sprawl. With the local train it took about half an hour to get to the city centre. The
trains were run down and filled to capacity with commuters from the suburbs.

Villa Luro was characterized by blocks of semi-detached houses, some of them with
little gardens in the front, interspersed with low apartment buildings. Jacaranda and
plane trees shaded streets lined with small businesses. There were grocery stores and
vegetable stalls run by Korean and Bolivian immigrants alongside cafés, bakeries and
restaurants. The place had a relatively quiet and appealing atmosphere. There were
no gay venues in the area as these were largely confined to the central parts of the
city. From time to time a few travestis could be seen working the street at night or in
the late afternoon.

At the time Alejandro was looking for a new job and I suggested to him that he
might help me out with my fieldwork. In return I would pay the rent and cover other
expenses. With the rent a fifth of what I had paid for the other apartment I’d be able
to provide for both of us and I would still be better off financially. Alejandro
accepted the offer. He thought it was an interesting project and said he would like to
take part in it.

To me the advantages were several. Even though I spoke Spanish well, I wasn’t
familiar with all the local words and expressions. Neither did I possess the local
knowledge necessary to fully appreciate what was discussed in all contexts. It was
helpful to be able to consult with someone who was familiar with these things. Last
but not least; Alejandro knew his way around a city which to me still seemed like an enormous maze and this greatly facilitated getting around.

The fieldwork

I conducted fieldwork in Buenos Aires between July 2005 and mid January 2006. I contacted various sexual minority organizations and activists. One of these activists was Marcelo Suntheim, the vice president of CHA (Comunidad Homosexual Argentina) who presented me to the organizing committee of ‘la Marcha del Orgullo’ which takes place in Buenos Aires each year in November. ‘La Marcha del Orgullo’ translates roughly as ‘the pride march’ in English. A translation more in line with common usage would be ‘gay pride’ or ‘gay parade’ but in the Argentine context the word ‘orgullo’ (pride) refers to a sexual minority community made up of a number of identities in addition to a gay identity. The organizing committee of ‘la Marcha’ represents the various sexual minority organizations adhering to and participating in the Pride Week (la Semana del Orgullo) which culminates in the Pride March (Marcha del Orgullo) at the end of the week on a Saturday.

When I interviewed Marcelo he told me that the preparations for la Marcha del Orgullo that year had just started and that the committee met once a week to discuss matters pertaining to the event. I thought it seemed like an interesting opportunity to learn more about sexual minority activism in Argentina and asked Marcelo if he thought it would be possible to participate in these meetings as an observer. He replied that the meetings were public and open to everyone and that anyone who wished to contribute to the preparations was welcome. He told me and Alejandro to turn up at the next meeting which was to be next week. This we did. A group of six or seven gay and lesbian activists were present when we arrived. Marcelo presented us to the others and I told them about my project. They then told us that they’d be
happy to have us there and we felt genuinely welcome. We participated at most of the meetings leading up to la Marcha. In the beginning the meetings took place once a week and relatively few activists were present. As la Marcha approached, the meetings were held more frequently and an increasing number of gay, lesbian and travesti activists attended them. At these meetings a number of issues relating to the Pride Week and the Pride March were discussed. I recorded the meetings with the tape recorder I used for interviews.

At about the same time as I started to participate at the meetings in preparation for la Marcha I started to go to a self reflection group for young gay men in another organization. This organization was only vaguely involved with the preparations for la Marcha. The organization had one reflection group for young lesbians and another one for gays and they took place at the same time each Saturday. After the group sessions some members of both groups often decided to go for a drink at a bar or continue the night at a ‘boliche gay’ (gay disco).

The gay reflection group consisted of between 8 and 12 members who participated on a regular basis and a few more who dropped by from time to time. They were ranging in age between 17 and the late twenties. Most of them had a style I would characterize as masculine while a few had adopted a slightly more androgynous style. The group meetings were led by one of two gay men in their twenties who acted as the group coordinators. The coordinator would sometimes choose a specific topic to be discussed at the meeting, at other times the participants would be encouraged to make proposals. Some of the issues that were brought up in the conversations were identity formation, safe sexual conduct, childhood and adolescence, religion, family relations and discrimination. As with the meetings in preparation for la Marcha I asked if I could record the meetings of the reflection group using a tape recorder. Everyone assured me that they would be OK with that.

In addition to participating in the meetings of the organizing committee of la Marcha and the gay reflection group, I also participated at some of the arrangements of the Semana del Orgullo and the gay/lesbian film festival Diversa which took place
around the same time. I also took part in some of the final preparations for the Marcha del Orgullo as well as the march itself.

In the course of the fieldwork I spent time with some of the informants that I came to know more closely during their free time. We went to see a movie or eat together or just hung out somewhere sharing a beer or two. During the fieldwork I went to gay bars and discos to get a more complete picture of the various ways in which gender and sexuality were played out in different settings. A lot of time also went into obtaining the interviews which constituted a substantial part of the data collected.

Access in the field, my own role and ethical considerations

The nature of my research project presented some specific challenges in terms of accessing informants and gathering data. Because it involved sensitive and deeply personal aspects of people’s lives I wanted to approach the subject with caution. Another reason for this was that homosexuality was still a controversial issue in Argentina. Thus it was important that the informants felt that they could trust me and be open with me. Because of these considerations I recruited my informants largely through personal and organizational networks. In this way I was able to make contact with new informants through someone they already knew and trusted.

When it was possible I tried to spend time with the informants and get to know them well before conducting an interview with them. In some cases this was not possible, however. Some informants that I came in contact with through personal networks were asked if they would be willing to be interviewed before we had met. It was thus their understanding that the interview was the purpose of our contact. They probably thought of me primarily as a student doing research. Even if we hadn’t met prior to the interview I felt that these informants were very forthcoming and sincere. I believe this has to do with the personal networks that brought us
together in the first place. Like my other informants, they also knew that I was gay. This may have made them feel that I would be better able to relate to their experiences and that they could be more open with me. I believe this may have been a personal advantage, not just with gay, but also with lesbian and travesti informants. Nonetheless, I think that what mattered the most were the personal relationships that developed during the course of the fieldwork. I believe many of the informants that I came to know well regarded me as a friend and not just a student doing research, just as I came to think of them as friends and not merely informants.

At the same time, in certain contexts, the ever present tape recorder was a constant reminder of my role as a researcher. Some times informants would go; “Oops, I just said that on tape!” or joke about buying the cassettes. When this happened it was always in a joking manner and was followed by much laughter from everyone, especially the person who had made the initial remark. These incidents were sparked by relatively innocent comments which were seen by the informants as not quite in line with perceived standards of ‘good etiquette’ or ‘political correctness’. Still, to me they served to remind me of the trust accorded me and my responsibility to treat the information obtained with discretion.

The number of informants increased with time as I was introduced to more people by those who had already become my informants. Some asked me to interview them at their own initiative. Toward the end of the fieldwork I had more agreements to interviews than I had time to carry them out. Unfortunately this meant that some interviews which I felt would have been valuable could not be done.

As a general rule I have chosen to make my informants anonymous in this thesis whenever possible. The exception to this rule concerns activists who have a high media profile when these appear in certain, public contexts. On the other hand, in addition to changing the names of informants, I have also chosen to change or leave out other clues to their identities at my own discretion.
The interviews

The first interview I conducted was with Marcelo Suntheim at the beginning of my fieldwork. Marcelo and his partner César Cigliutti were the first couple to use the Civil Union Law. They were also the leaders of CHA (Comunidad Homosexual Argentina), the organization that had conceived and lobbied the Civil Union Law. Thus to me it seemed important that I’d get a first hand account of this process by talking to the people involved in it.

The interview took place in their home which also served as the organizations’ headquarters. The interview focused on the Civil Union Law and CHA as an organization. As I prepared the questions for this interview I took care to make sure they would not seem too personal. As it turned out Marcelo appeared to be used to giving interviews and he readily shared his thoughts on the difficulties experienced by gay and lesbian couples in dealing with legal issues and how the Civil Union Law was intended to solve some of those obstacles.

During this interview we never discussed the possibility of making it anonymous and I even felt it would appear inappropriate to suggest it. This example may serve to illustrate a dilemma that I faced from time to time while conducting interviews. A few of the activists I interviewed were highly visible in the media and well known public persons. Their personal experiences frequently formed an integral part of their activism and something they would refer to in our conversations. In my first interview I felt that we were well within the limits of the publicly known. In the subsequent interviews I would start by discussing the issue of anonymity before going ahead with the interview. One informant responded by saying that she didn’t mind if I used her real name ‘because everyone knows who I am’. When interviewing publicly known activists I avoided questions about personal aspects of their lives and left it to them to decide what would be relevant to include. Of the gay, lesbian, bisexual and travesti informants interviewed many were or had been
involved in sexual minority activism while others had little or no experience with this.

I collected 24 interviews during the fieldwork. 11 interviews were with gays or gay couples, 5 with lesbians, 2 with bisexual girls and 5 with travestis. In addition to these I also made an interview with Josefina Fernández, an Argentine anthropologist who had been studying the travesti community in Buenos Aires. Because of a tight time table 4 of the interviews were conducted by Alejandro shortly after I had left Buenos Aires. The informants interviewed by him were all persons we both knew well who had already agreed to be interviewed. Alejandro had also been present at the other interviews and knew the procedure well. The interviews he conducted were based on an interview guide written by me.

The interviews took place in different locations. Some were conducted at our house, others in the homes of informants. Some were conducted in the headquarters of organizations and others took place in cafés or bars. All the interviews were conducted in Spanish. The interviews would best fit the term ‘semi structured’ as I didn’t follow a strict interview guide. I made a preliminary list of questions before each interview based on who the informant was and what topics I wanted the interview to cover. The interviews usually lasted between one and two hours.

I used a tape recorder in all the interviews. I asked the informants if they would mind me using it before starting the interview but no one objected or seemed uncomfortable with it. The recorded interviews were later transcribed by Alejandro.

The informants

My informants belonged to the ‘Comunidad GLTTBI’ (Gay, Lesbian, Transsexual, Travesti, Intersexed Community) in Buenos Aires. This is the term used by sexual
minority activists in Argentina to refer to the community of people identifying themselves as members of a sexual minority. This term covers a range of self-ascribed identities based on gender and sexuality that differ from the heterosexual norm. The majority of my informants identified as gay, lesbian or ‘travesti’. I found these categories to be the most central ones in terms of the number of people identifying with them and their importance as a base for sexual minority activism. Because of this I wanted my research to reflect the experiences of people identifying with all three of these categories. With this in mind I tried to get in contact with people who had some kind of experience with the Civil Union Law. I managed to get in contact with various informants who had experiences related to the Civil Union Law and who agreed to be interviewed. I also made contact with various sexual minority organizations or individual activists and started going to a weekly reflection group for young gay men in one of the organizations. Through an interview with Marcelo Suntheim, one of the architects of the Civil Union Law, I was invited to attend the meetings in preparation for the Buenos Aires Pride Week in November. By taking part in these preparations I got to know a number of gay, lesbian, bisexual and travesti activists. Through personal connections I also came in contact with a group of Peruvian travestis living in Buenos Aires.

My informants ranged in age from the early twenties to the fifties but most were in the range between the mid twenties to the mid thirties. They came from different social backgrounds. Many could be described as belonging to the middle class while others were from the working class. Most but not all my informants were Argentine nationals, of those who weren’t the majority were travestis. The travestis as a group tended to have a rural and or working class background and many travestis living and working in Buenos Aires came from neighboring countries like Peru, Bolivia and Paraguay. The majority of them worked as prostitutes. These characteristics of the travesti community were also reflected among my informants, most of whom were working or had been working in prostitution.

Many of my gay and lesbian informants were born in Buenos Aires (Capital Federal), especially those with a middle class background. Others were from greater
Buenos Aires (Provincia de Buenos Aires) or other provinces. Some of them were students. Others had a full time job either as professionals or as unskilled labour.

All my informants lived on a more or less permanent basis within the greater Buenos Aires area, either in the Capital Federal or ‘la provincia’.

Many of the younger gays and lesbians lived with their families, especially if they were students. Others would share apartments with friends. This was often the case with informants born outside greater Buenos Aires. Some gays and lesbians lived together with their partners in an apartment of their own. These informants were generally not as young and held well paid jobs. Travestis usually shared a living space with other travestis and sometimes their boyfriends. These apartments often served both as a living space and a workplace as the travestis might also receive their clients there. The regular housing market is closed to travestis so they have to make use of their personal networks when looking for a place to stay. The only homes of informants that I visited during the fieldwork were those of travestis and gay and lesbian couples.

The structure of the thesis

The next chapter provides a wider context for understanding the subject of the thesis which has to be seen in relation to specific historical changes that have taken place in Argentina. I focus on the dictatorship and the return to democracy and the role of the Catholic Church in Argentina before and after the restoration of democracy. I also place homosexuality in Argentina in a historical context. Chapter 3 provides an account of how the Civil Union Law was conceived and implemented and the law’s intentions and scope. In chapter 4 I focus on gay and lesbian identity constructions and the social realities of gays and lesbians. Chapter 5 deals with some gay and
lesbian couples experiences with the Civil Union Law. The last chapter deals with the construction of identity, social conditions and activism among travestis.
Chapter 2: Buenos Aires, Argentina and homosexuality

Introduction

This chapter provides a historical context for understanding the current situation in Argentina. The experience of the dictatorship has shaped today’s Argentina in important ways. One effect of this has been the focus on human rights. As the main opponent to the Civil Union Law, it is important to look at the Church’s position in Argentina today in light of its recent history. In this chapter I provide an account of some important aspects of recent Argentine history with a focus on dictatorship and democracy and the Church’s role during the period of military rule. The chapter also provides a historical account of homosexuality in Argentina.

Buenos Aires and Argentina

Buenos Aires is the capital of Argentina and the country’s unrivaled political, economic and cultural centre. Greater Buenos Aires (Gran Buenos Aires) is Latin America’s third largest conurbation (only surpassed by Mexico City and São Paulo) and home to 13 million people, about a third of the country’s total population of 36 million (Lewis 2001). In 1880 Buenos Aires was federalized and the city was divided into two separate political units. The inner parts of the city with its historical centre became a federal district. This part of the city is known as the Capital Federal, the national Capital, and is home to about 3 million people. With the 1994 constitution
the Capital Federal gained autonomy on a par with other provinces as reflected in its new formal name; La Ciudad Autónoma de Buenos Aires (the Autonomous City of Buenos Aires) (ibid.).

The surrounding neighborhoods of the greater Buenos Aires area with roughly 10 million inhabitants are known as la provincia and administratively belong to the Province of Buenos Aires. The Capital of Buenos Aires Province is the city La Plata with half a million inhabitants (ibid.). Within the metropolitan area the two sections merge into one, vast urban sprawl.

Buenos Aires was founded by the Spaniard Pedro de Mendoza in 1536 but the small settlement was abandoned in 1541 because of repeated attacks by the local querandíes (the eastern branch of the tehuelche indians). It was permanently resettled in 1580 (ibid.). Buenos Aires is situated on a low-lying floodplain on the south bank of the River Plate (Río de la Plata) where the river joins the Atlantic Ocean. Buenos Aires became the region’s major port city and the city’s inhabitants still refer to themselves as porteños (from the word Puerto meaning port/harbor).

Argentina declared independence from Spain in 1816 but a violent conflict between centralists (unitarios) and federalists (federales) obstructed national unity until a new constitution was promulgated in 1853. General Roca’s campaign against the tehuelche and mapuche indians in 1879 referred to as la conquista del desierto (the conquest of the desert) was the final blow to Indian resistance that opened up the fertile pampas to agriculture and greatly expanded the national territory. This paved the way for an agricultural export economy that made Argentina one of the 10 richest countries in the world at the beginning of the 20th century (ibid.). The Argentine state promoted immigration and between 1870 and 1924, a total of 3.3 million Europeans established themselves permanently in the country (Archetti 2003:Introducción). In 1914 a third of Argentina’s inhabitants had been born abroad. Italians and Spaniards were the most numerous groups and accounted for 3/4 of the total number of immigrants. Others came from France, Germany and Denmark and there were also a substantial number of Russian Jews (ibid.). This massive immigration significantly changed the composition of the Argentine population which up to that time had
been characterized by a mix of Spanish, indian and African origins. Wars, migration and epidemics had by then reduced the indian segment to 5% of the total population and virtually eliminated the descendants of African slaves (Martínez Sarasola 2005:292-293).

In Buenos Aires many immigrants settled in the neighborhoods by the river such as San Telmo and La Boca. The tango originated in these immigrant communities as did *lunfardo*, a very distinct argot with words from many different languages which has left its imprint on the porteño Spanish of today. The elite had moved away from the river because it was associated with outbreaks of epidemics and their former mansions were subdivided to accommodate a steady flow of less affluent immigrants. Today these historical neighborhoods attract scores of tourists. Downtown Buenos Aires with its parks, tree-lined avenues and elaborate architecture has a distinctly European atmosphere. It is not without reason that Buenos Aires is sometimes referred to as “the Paris of the south”. The city comprises distinctly upper class and working class neighborhoods but towards its periphery poverty becomes ever more present. The outermost parts of the metropolis are characterized by what can best be described as regular shantytowns known as *villas miseria*. These consist of humble brick houses and are to a great extent populated by poor immigrants from the interior and neighboring countries.

Argentina’s wealth gradually withered away and repressive regimes and social unrest characterized much of the 20th century. The most influential politician in Argentina after the Second World War was Juan Domingo Perón who lent his name to the political ideology known as “peronism” (Lewis 2001:94-132). Perón was elected president three times. He and his second wife Eva “Evita” Duarte Perón became immensely popular with the working class and were accordingly unpopular with Buenos Aires’ elite. In 1952 Evita died of cancer at the age of 33 (Ibid). The Peronist Party became increasingly divided into a left and a right wing. When Juan Perón disassociated himself from the left wing in 1973 it went underground and became a guerrilla movement known as the “montoneros”. When Juan Perón died in 1974 his third wife Isabel Martínez de Perón, then vice president, succeeded him as
president. Isabel Perón’s presidency was characterized by increasing political violence, both on behalf of the government itself and by Left wing guerrilla groups and right wing paramilitary forces such as the Triple A (Alianza Anticomunista Argentina). Abductions, armed clashes and political assassinations were common (Romero 2002:212). The political chaos and a suffering economy made Isabel Perón widely unpopular and many felt relief when she was deposed in a nonviolent military coup on March 24, 1976 (Romero 2002:214).

“El Proceso”

On March 24, 1976 a military junta seized power and appointed General Jorge Videla as president. The junta declared a program which they had named “el Proceso Militar de Reorganización Nacional” (the military process of national reorganization). In Argentina el proceso (the process) became a term that denoted the darkest years in the country’s history; the military dictatorship from 1976 to 1983 (Torres 1992:164).

Because of the chaotic situation prior to the coup most people were willing to accept military rule in order to reestablish order and security. However, the goal of the military corporation went far beyond these considerations and consisted in eradicating the very roots of the problems as they saw them. This meant annihilating the social base for subversive ideologies (Romero 2002:215). With this in mind the regime initiated a campaign aimed at eliminating every conceivable opposition.

“Allleging the existence of a power vacuum and the possibility of national disintegration through guerrilla movements and Marxist subversion, the armed forces saw themselves obliged to wage what became known as the “dirty war,” based on a systematic repression that would culminate in the slaughter of any trace
of virtual or potential opponents, all of whom could be classified under the term *subversives* (Torres 1992:164).

Between 1976 and 1978 the regime carried out a true genocide in which an estimated 30,000 people were killed, the majority of them between 15 and 35 years of age (Romero 2002:218). The guerrilla movements were practically eliminated soon after the campaign started but the regime continued on its course targeting political activists, students, intellectuals, union leaders and others who were potential critics; “...the operations sought to eliminate all political activism, including social protest-even a modest demand over school bus fares, as happened on one occasion-any expression of critical thinking, and any possible political outlet for the popular movements that had been evolving since the middle of the previous decade. In that sense, the results were exactly those desired” (Romero 2002:219). The operations were carried out by the three branches of the military corporation (the army, the navy and the air force) together with the police and right wing paramilitary groups, including the Triple A, which had been incorporated into the State apparatus. The operations were planned and supervised at the highest level of the military corporation and were often assisted by high ranking officers. “Orders came down through the chain of command until reaching those entrusted with carrying out the actions, the so-called Task Groups—principally young officers, along with some noncommissioned officers, civilians, and off-duty police—who also had their own organization” (Romero 2002:216). All in all, the actions were systematically carried out by the State (Ibid.).

The victims were abducted from their homes at night or from their workplace, the university and other places in full view during daytime. “Such operations were realized in unmarked but well-recognized cars—the ominous green Ford Falcons were the favorite—a lavish display of men and arms, combining anonymity with ostentation, all of which heightened the desired terrorizing effect” (Romero 2002:217). The victims’ homes were then ransacked and emptied of valuables and the victims were taken to one of the 340 secret detention centers where they were subjected to torture; “The fate of those who were abducted was, first, systematic and prolonged torture. The electric prod and the so-called submarine—a practice in which the tortured individual’s head was submerged under water to the point of unconsciousness—and sexual abuse were the most common forms of
torture” (Romero 2002:217). In addition to these, there were an infinite number of other methods of both physical and psychological torture including mock executions (Ibid.). “In principle, torture served to extract information and reveal the names, places of residence, and planned operations of the guerrilla organizations, but more generally it served to break the resistance of the abducted persons, to annul their defenses, to destroy their dignity and personality” (Ibid.). To keep the existence of the detention centers secret to the general public the victims remained in confinement until they were finally executed and their bodies disposed of in hidden mass graves. Babies born in the centers were immediately taken from their mothers and “adopted” by the families of military personnel (Ibid.). In this way an increasing number of people were taken away and never heard from again. They were referred to as los desaparecidos, the disappeared.

The main purpose of the terror was to discipline the population in its totality. “The state became divided in two. One-half, practicing terrorism and operating clandestinely, unleashed an indiscriminate repression free from any accountability. The other, public and justifying its authority in laws that it had enacted, silenced all other voices” (Romero 2002:219). The impact on society was profound and ‘a culture of fear’ permeated all aspects of daily life (Corradi in Romero 2002:220). Many went into exile abroad while others went into a state of “internal exile” (Romero 2002:220). The most common response, though, seemed to be to deny what was going on;

“The majority of the population, however, justified the little of the repression that simply could not be ignored with the argument that “they must have done something” or took refuge in a deliberate ignorance of what was happening in sight of everyone. What was most notable, however, was an appropriation and internalization of the state’s actions, translated into self-control, self-censorship, and spying on one’s neighbors. Society patrolled itself and became full of informants, and through a collection of practices-from the family to the manner of dressing to its beliefs-revealed just how deeply rooted in it was the authoritarianism that the state discourse legitimated” (Romero 2002:220).

Political parties and political activity were banned and the press was strongly censored but in addition every citizen was expected to comply with a set of norms
and values embedded in the State ideology. This ideology was communicated to the population as Nationalist, Capitalist and Catholic; “The Church initially adopted an obliging attitude to the military government, and the government established a close association with the bishops, awarding them important personal favors… The Church refrained from criticism and justified in a barely disguised manner the eradication of so-called atheist subversion; some clergy even participated directly in its eradication, as the CONADEP subsequently alleged and proved” (Romero 2002:238). The population was expected to adhere to a nationalist ideology in which the Catholic Church was seen as a fundamental societal institution which provided important guidelines on moral issues and proper conduct. There was an idealization of perceived traditional, “Argentine” values and everything “foreign” was regarded with suspicion if not as a direct threat to national values. The State embraced Capitalism and regarded Marxism as one of the greatest threats to the nation. In order to avoid the suspicion of holding subversive attitudes people had to conform to these ideals in all forms of social interaction (Romero 2002, Torres 1992).

In a society that seemed paralyzed by fear and denial “las madres de Plaza de Mayo” (the mothers of May Square) were among the first to openly confront the regime. They were mothers who demanded the return of their abducted sons and daughters. They started congregating at Plaza de Mayo (May Square) in front of the Government Building every Thursday wearing white shawls and carrying photos of their disappeared children. Their humble appearance made them difficult to deal with; “By demanding an explanation from the government, combining the painful personal display with an ethical claim on behalf of principles such as motherhood, they ensured that their motives were not questioned by the military, nor could they be linked to “subversion.” The mothers attacked the very heart of the repression’s patriarchal discourse and began to transform society’s indifference” (Romero 2002:239). The Madres de Plaza de Mayo started to occupy an important role in the resistance to the regime and gathered increasing attention and support from abroad through the international press, foreign governments and human rights organizations (Ibid.).
As time passed and different military leaders succeeded each other as appointed presidents internal differences started to become more apparent within the military corporation. The economy was deteriorating due to bad economic policies and a lack of foreign investments. Meanwhile there was a growing demand for social and political rights and the regime was exposed to increasing criticism at home and abroad (Romero 2002). An attempt by the military in 1982 to conquer the Islas Malvinas (the Falklands) that Argentina had never ceased to claim as part of the national territory, initially evoked badly needed popular enthusiasm (Romero 2002: 243-247). In the face of a humiliating defeat by the British forces that left more than 700 Argentine soldiers dead, the situation turned against the regime and marked the beginning of its downfall (Ibid.).

Several years earlier the military government had started to contemplate a possible exit without having to be confronted with their actions during their years in power. The regime lifted the ban on political parties and declared its intentions of eventually allowing free elections. At the same time the military leaders tried to negotiate conditions on a return to democracy that would ensure them a continued power position and prevent them from ever being brought to trial (Romero 2002:248). These attempts were becoming increasingly difficult in the wake of the Falklands War as the national press and the general public sensed the weakness of the regime and started to confront it;“The leadership of the political parties might have come to an agreement that included drawing a curtain on the past and thereby ensuring a peaceful transition from a military regime to a civilian government. They were prevented from doing so as much by the increasingly intense mobilization of society as by the armed forces’ own weakness, corroded by the growing awareness of their illegitimacy and by their internal conflicts” (Romero 2002:248). Isolated, rejected by former allies and rapidly disintegrating the military corporation was no longer able to hold on to power, nor impose conditions on the transition to democratic rule. In stead the military leaders would be forced to confront a society which was just starting to realize the scope of the atrocities committed during their years in power (Romero 2002:249).
The position of the Catholic Church

From early on in my fieldwork, accounts by my informants indicated that they strongly identified the Catholic Church in Argentina not only with hostile attitudes towards homosexuality but also with the oppression of the dictatorship. Literature to support these accounts proved difficult to obtain but I managed to find a chapter in one book which proved invaluable for making sense of these comments. Much of the following account is thus based on this chapter in Torres’ book on the history of the Catholic Church in Argentina and Latin America.

Roman Catholicism is the largest religion in Argentina. According to the CIA World Factbook 92% of Argentines are nominally Roman Catholic but less than 20% are practicing. Protestants and Jews account for 2% each of the population (www.cia.gov/library). The Catholic Church is a strongly hierarchical organization and its positions on various social issues are decreed by the Vatican. The Catholic Church teaches that marriage is a holy union and a sacrament. It is an institution established by God which is based on the complementarity of the sexes and its main purpose is procreation (www.vatican.va/roman_curia) The Catholic Church is opposed to sex outside of marriage, the use of contraceptives, the right to abortion and divorce and condemns homosexuality as an objective disorder and homosexual acts as a grave sin against chastity (Ibid.) According to Kristiansen this has enabled the Catholic Church to combine the modern idea of homosexuality as a personal condition or disease with the concept of sinful homosexual acts (Kristiansen 1996:24). He refers to Halperin who says that this makes homosexuals;”… both sick and blameworthy in respect of the same defect” (Halperin in Kristiansen 1996:24). According to Kristiansen the Catholic Church’s official view on homosexuality has met with a certain degree of opposition from within the institution by clergy who have taken a more liberal stance (Nungent & Gramick in Kristiansen 1996:24) but in Argentina the Church hierarchy has endorsed the official doctrine. Even so, its’ own clergy has not always managed to live up to these ideals as several “homosexual scandals” revealed in the national press have shown. A case in point during my stay was the (ex) bishop of Santiago del Estero, Juan Carlos Maccarone. A tape which started to circulate showed the bishop having sex with a 23 year old male prostitute and led to his resignation in August 2005 (www.clarin.com). Incidents like this one have possibly reduced the moral authority of the Church in Argentina on the issue of homosexuality among a part of the population.

The Catholic Church in Argentina has always sought to procure the implementation of its teachings in the social politics of the country. In order to achieve this, the
Church has sought to form alliances with the political forces in power. Historically the relationship between the Church and the State has been an ambiguous one, often characterized by conflict or even open hostility as Carlos Alberto Torres shows in his book “The Church, Society and Hegemony” (Torres 1992). One such period was the second presidency of Juan D. Perón. After the promulgation of a divorce law, the legalization of prostitution and the removal of Catholic instruction in the schools by Perón’s government the conflict escalated;

“…toward the middle of 1955 these traces of religious conflict—which we might characterize as an increasing number of skirmishes—had become a war, declared between Church and State on the occasion of the Corpus Christi demonstration. On June 11, 1955—in spite of the government’s attempt to prohibit them—150 000 people, with the participation of political and militant activists of an enormous variety of political parties and currents of opinion, marched in the traditional Corpus Christi procession in what amounted to a political demonstration with religious overtones. The demonstration was suppressed by the police; and by the end of the day, groups of trade unionists and people from the popular classes were setting fire to churches in Buenos Aires” (Beltrán in Torres 1992:149).

Following this incident, Pope Pius XII promulgated a decree excommunicating all government authorities who had “trampled on the rights of the Church” (Mecham in Torres 1992:149). After perón’s second presidency the authoritarian alliance between the Church and the military grew stronger initiating; “…a prolonged period of political instability and illegality that would last until the eighties (Boron in Torres 1992:150). In the late sixties and early seventies a movement within the Catholic Church appeared which was critical of the ties between the Church and authoritarian regimes. This movement became known as “tercermundismo” (thirdworldism) and one of its leaders was the Colombian priest Camilo Torres. The movement proclaimed a theology of liberation and maintained that poverty and repression in Latin America were the results of oppressive political regimes. In contrast to the official view of the Catholic Church, the movement did not see socialism as a threat but as a legitimate alternative to capitalism (Torres 1992:153-163). In Argentina the movement gained terrain among some of the clergy but was met with fury by the Catholic right who
dismissed it as a modernist project contrary to the Church’s interests (Ibid.). The Church in Argentina was polarized into two positions with relation to the social instability and political violence of the times; “…one position sought a solution to the crisis in a military regime tied to the dominant classes, and the other looked for a socialist type of solution, tied to the popular classes. Between these two clearly defined positions was to be found a hesitant majority” (Richard in Torres 1992: 163). The first view was the one that came to dominate the relations between the Church and the State in the years ahead.

When Isabel Perón was forced to step down in a military coup in 1976 many Argentines hoped that this would put an end to social unrest and political violence. The Church was hopeful that military rule would bring the country back on track; “The Church greeted the military movement with its traditional complacency, looking for a strategic re-accommodation in relation to the new events and hoping that the new military government would impose order on the social chaos and would defend their interests. The bishops received the junta with a renewed desire to fraternize with the military corporation” (Torres 1992:164). Torres goes on to say that within a year, the bishops felt it necessary to formulate a letter to the military in which they expressed concerns about disappeared persons whose friends and relatives claimed had been taken away by police or military personnel. In the same letter they went on to say that they appreciated the difficult situation the country was in and that in the face of “the continued threat of subversion” they accepted that the authorities found it necessary to “take extraordinary measures”. This was the only time the ecclesiastical authorities voiced a public concern about the actions of the military forces (Torres 1992:164-165). Individual priests, nuns and bishops who sympathized with the political left disappeared, died in mysterious accidents or simply turned up murdered while the Church as an institution remained silent. Only four out of the eighty cardinals, bishops and archbishops condemned the violations of human rights (Torres 1992:168). “The Argentine hierarchy, both by commission of action and by omission of action, was clearly linked to the military dictatorship. It disregarded the human rights organizations (many of them made up of practicing Catholics, such as the Mothers and Grandmothers of May Square) who systematically appealed to the bishops and were received by some of them on a personal basis, although never officially by the Episcopal Commission”
At a meeting of Latin American bishops in Mexico in 1979 the Argentine bishops refused to meet a delegation from the Mothers of May Square who had travelled there to denounce the situation in Argentina. When Pope John Paul II raised the same concern it was dismissed as “one-sided” by one of the Argentine cardinals (Mignone in Torres 1992:169). Priests and military chaplains operated at secret detention centers and legitimated torture; “…several chaplains, such as the priest Gallardo, maintained that torture was ethically legal if it was done only for a certain period of time…Monsignor Plaza thought that you could torture for 4 hours without committing a sin…Chaplain Gallardo allowed a period of 48 hours” (Dri in Torres 1992:168). After the return to democracy in 1983 the ecclesiastical hierarchy denied any responsibility for the abuses committed during the military regime. As one observer noted; “When the Bishops realized they might be accused of omissions, they brought out a book recounting all the efforts they made. But this book that tried to justify them is nothing but a proof of guilt, for it shows that they knew what was happening” (Mignone in Torres 1992:170) According to Torres there is an important dividing line in the Argentine Catholic Church since the seventies between; “those who remained silent or supported the deadly military project of disciplining the country by a dirty war, from those who—even at risk to their own lives-defended human rights and the legitimacy of political dissent against a despotic regime that subjugated individual rights and imposed an official discourse” (Torres 1992:172). He continues by saying that the Church’s involvement in the Dirty War has been decisive for the way it is viewed by many Argentines today; “The dependence of the Church as a result of its endeavor throughout the course of history to defend and perfect its rights with respect to the State still continues. However, its moral authority, especially in the more politically conscious sectors of the population, has been profoundly eroded by its complicity with the military dictatorship” (Torres 1992:172-173). In the case of gays and lesbians the Churches’ complicity in the dictatorship combined with its views on homosexuality and other social issues resulted in a very negative perception of the Catholic Church in Argentina. Informants expressed the view that the Church’s position and actions were purely political and had little to do with religious faith.
The return to democracy

In 1983 Raúl Alfonsín from the Radical Party was elected president with more than 50% of the votes. Alfonsín promised to restore civil society and eliminate authoritarianism from State institutions (Romero 2002:257). A commission headed by the writer Ernesto Sábato was appointed to investigate human rights abuses during the dictatorship. The Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappeared; CONADEP) published a report that documented the torture and subsequent execution of 9,000 people and estimated that there were perhaps 30,000 similar cases (Romero 2002:261). The report was published and made available to the public as a book titled Nunca Más (never again) which is still distributed in book stores in Argentina.

Alfonsín’s government argued the need for Argentina to undergo a cultural modernization to uproot authoritarian values and replace them with democratic values, consciousness about social and human rights, freedom of expression and popular participation (Romero 2002:257-260). This policy of “cultural revolution” triggered profound changes in Argentine society but was strongly opposed by some of the traditional sectors and institutions, especially the Catholic Church;”The Church’s conflict with the Radical government gradually escalated, and in one particularly intense moment the president responded angrily to the political statements of a bishop who was also a military chaplain. The conservative sectors of the Church, which were gradually beginning to dominate it, assumed the role of social critic with a combative discourse; Democracy, they said, had turned out to be a compendium of all the country's evils-drugs, terrorism, abortion, and pornography” (Romero 2002:259). A project by the government to modernize family relations resulted in its legalizing divorce in 1987 despite intense opposition from the Church which organized a street demonstration against it. On this issue the government could count on massive popular support but the Church was more successful in opposing State control of education at the expense of Catholic education (Romero 2002:258-259). The government’s project to modernize and
democratize society went hand in hand with a desire to normalize the relations with the outside world and improve the image of Argentina abroad (Ibid.).

Towards the end of military rule and after the transition to democracy human rights organizations were gaining increasing public support in their claims for an investigation of the disappearances and prosecution of those responsible. The publication of Nunca Más fueled the public outrage at the human rights abuses of the military government (Lewis 2001:154-159). Alfonsín was against forming a special tribunal to investigate the military and the police and advocated a solution in which the armed forces were to investigate its own members and prosecute those guilty of human rights abuses. The emphasis should be on the leaders and not those who had merely been following orders (Ibid.). Human rights organizations and the general public rejected the idea and the Armed Forces refused to prosecute any of their own members arguing that their actions were justified as part of a Guerra Sucia (dirty war) against subversive forces threatening the State (Ibid.). The government yielded to public demand and allowed civil, as opposed to military, prosecutions. However, society was divided on the issue of the Dirty War and the government did not want to provoke the military corporation and its supporters unnecessary for fear of renewed conflict and possible coups. The result was that a number of limitations were attached to the prosecutions of military and police personnel (Ibid.). The leaders of the junta were convicted to life imprisonment and a number of officers received lesser penalties but the great number of those who had been involved in abductions, torture and murder were never brought to trial (Ibid.).

During their years in power the military government had been approved international loans and Argentina’s foreign debt was rising. Alfonsín’s government did not confront the international creditors on the responsibility of a democratic Argentina for loans granted to a military dictatorship and was unable to pay off the loans (Lewis 2001:152-154). In addition to the rising international debt, the domestic economy was also deteriorating and the financial situation was an important factor in the resignation of Alfonsín’s government in June, 1989 (Ibid.).
The Peronist Party won the elections and Carlos Ménem became president in 1989. Ménem implemented economic reforms that included a cutback on government spending and privatization of State owned businesses and tied the Argentine peso to the American dollar in a one to one exchange rate (Lewis 2001:164-168). Initially the economy seemed to be improving and the exchange rate allowed many Argentines to import luxury goods and travel abroad but at the same time others were hit hard by unemployment and reduced social services (Lewis 2001:171-172). In 1990 Ménem pardoned convicted members of the army, police and guerrilla despite heavy protests by many Argentines (Lewis 2001:180). Lawyers representing the grandmothers of Plaza de Mayo managed to open new cases against the military leaders in 1987, arguing that illegal adoptions of the children of disappeared persons were not covered by the amnesty laws and pardons. The court sentenced the junta leaders to new imprisonment (Ibid.). Hyperinflation and rising unemployment, numerous political scandals, accusations of corruption and outrage about the pardoning of human rights abuses made Ménem increasingly unpopular and he failed to be reelected for a third period in 1999 (Ibid.).

Fernando de la Rúa from the Alliance block succeeded Ménem as president. In 2001, years of bad economic policies resulted in an economic crisis. The government froze bank accounts to stem capital flow from the country. Frustration built up through years made people in Buenos Aires take to the streets to denounce incompetent politicians in what became known as the cazarelazo, banging on pots and pans and shouting “Que se vayan todos!” (They should all go!) Riots resulted in clashes with the police that left several people dead. De la Rúa resigned and in the political chaos that followed various politicians succeeded each other as the appointed president of the country.

In 2003 Nestor Kirchner from the Justicialist Party (formerly the Peronist Party) was elected president. During Kirchner’s presidency the economy improved. Kirchner’s government renegotiated Argentina’s foreign debt and paid off the debt to the IMF (the International Monetary Fund) thus freeing the country’s economic policy from conditions imposed by that organ. Kirchner, who had himself been imprisoned
during the dictatorship, confronted the military corporation and dissolved the amnesty laws protecting officers involved in the “Dirty War” from extradition and prosecution in Argentina (www.britannica.com). This has opened the path for new trials over the human rights abuses during the military regime.

Serious clashes characterized the relationship between Kirchner’s government and the Catholic hierarchy. The government confronted the Church on a number of matters including sexual education in the schools, the right to abortion and the use of contraceptives. The government’s stand on these issues provoked outrage among the Catholic clergy and while I was in Argentina several conflicts made headlines in the press and on national TV. The first clash was sparked when the bishop and military vicar Antonio Baseotto indicated that the health minister Gonzáles García should “be tied to a cement block and thrown at sea”. The statement was caused by the health minister’s support for the use of contraceptives and was seen as a clear allusion to the practice by the armed forces during the Process in which victims were drugged and dropped over the sea from planes. The vice minister of health retorted that the bishop “seemed to keep up his good contacts with the repressors that had sown terror and death in the country in previous decades” (www.pagina12.com.ar). As the dispute continued the government responded by firing Baseotto as the head of military chaplains wiping him off the State’s payroll (although he continued in his position as a bishop). The response made conservative Catholics accuse the government of limiting religious freedom. Another clash ensued when the Episcopal Conference released a document called Una Luz para reconstruir la Nación (a light for reconstructing the nation) in November 2005 in which the bishops called for a reevaluation of the Dirty War, indicating that the official version was one-sided and that it underestimated the acts committed by the guerrilla movements (www.lanacion.com.ar). They also denounced increasing poverty and social inequalities due to unemployment. The president responded that the bishops’ viewpoints did not correspond with reality and that during his presidency employment was increasing and poverty decreasing. He said that the bishops should stop behaving like a political party and focus attention on their own jobs (Ibid.).
In response to the bishops’ allegations about the Dirty War Kirchner retorted that the bishops had not been present when people were taken away and that they had been absolving torturers (Ibid.). He urged them to instead start contributing to ideals of peace, love and social inclusion (Ibid.).

Nestor Kirchner declined to run for a second period, instead backing his wife’s, the senator Cristina Fernández de Kirchner’s candidature. Cristina Fernández de Kirchner won the elections and became Argentina’s first elected female president in 2007 (www.britannica.com).

Homosexuality in Argentina

In his book “Gay New York” George Chauncey asks how a diverse homosexual subculture that flourished in the years before the Second World War could end up virtually effaced from popular memory and almost completely overlooked by historians (Chauncey 1994: Introduction). He identifies three common myths which have characterized the understanding of gay life before the appearance of the gay movement. These are the myths of isolation, invisibility and internalization; “The myth of isolation holds that anti-gay hostility prevented the development of an extensive gay subculture and forced gay men to lead solitary lives… the myth of invisibility holds that, even if a gay world existed, it was kept invisible and thus remained difficult for isolated gay men to find… the myth of internalization holds that gay men uncritically internalized the dominant culture’s view of them as sick, perverted and immoral, and that their self-hatred led them to accept the policing of their lives rather than resist it” (Ibid.). Chauncey challenges these myths by documenting the existence of a diverse and highly visible homosexual subculture in New York which was not subject to massive repression by the authorities or moral panic on behalf of the majority population. Rather it was usually viewed with a certain curiosity and drag queen beauty contests attracted a mixed
public of homosexuals and heterosexuals. Homosexuals and heterosexuals also mixed in the bars and nightclubs, which were not classified into exclusively gay or straight venues (Ibid.) These observations challenge the widespread notion in Western societies that sees homophobia as an inherent, almost instinctive, response by heterosexuals when confronted with homosexuality. According to Chauncey this homosexual world was forced underground because of a hostile cultural reaction which started in the 30s and gradually took on greater proportions in the following decades. The level of censorship and repression since the Second World War has rendered homosexuals as a group historically invisible;”For decades, the general prejudice against gay people deterred research by effectively stigmatizing and trivializing historians of homosexuality as well as homosexuals themselves” (Chauncey 1994: Introduction). Only recently has this changed and resulted in an increasing amount of research on gay and lesbian history (Ibid.). This is also the case with Argentina.

Like New York, late nineteenth and early twentieth century Buenos Aires was also an international port city and a destination for millions of European immigrants. By this time a diverse homosexual subculture had developed in Buenos Aires and had attracted the attention of psychologists and criminologists (Bazán 2004:116-117). The massive immigration was associated with social problems, crime and moral decay by the upper classes. Homosexuality, together with prostitution, was viewed as a part of this decline in public morality (Ibid.). The “Archivos de Psiquiatría, Criminología y Ciencias Afines” (Archives of Psychiatry, Criminology and Related Sciences) written between 1902 and 1910 recorded this flourishing homosexual underworld (Bazán 2004:127-129). These archives describe a complex sexual subculture in which male prostitutes commonly dressed as women and took female names. According to these archives “marriages between homosexuals” were a widespread practice. These investigations focused on the lower classes and the subjects were often recruited to the studies after being detained by the police for “causing public scandal”. There had been no law against homosexuality or homosexual acts (sodomy) in Argentina after the country’s independence but the police edicts authorized the police to act upon conduct that violated public decency such as wearing the garment of the opposite sex (Ibid.). In the scientific discourse of the time homosexuality was often referred to as
“sexual inversion” and the homosexuals were referred to as “invertídos” (sexual
inverts) because homosexuals were seen as inverting the normal gender roles in their
sexual conduct and outward appearance. Thus, male homosexuality was associated
with affeminacy and female homosexuality (less publicly visible) with exaggerated
masculinity (Ibid.). Sexual inversion was seen as congenital (congénito) and a sign of
degeneracy among the immigrants and the poor and as something acquired
(adquirido) when encountered among the elite, usually as a result of bad moral
influence from the lower classes (Sebreli 1997:295-303). Homosexual relationships in
the lower classes were frequently structured on the active/passive model in which a
masculine (presumably active) chongo and an effeminate (supposedly passive) marica
would mirror the complementary gender roles of a heterosexual couple of the time.
In these relationships only the effeminate marica was identified as being
“homosexual” while the masculine partner regarded himself, and was regarded by
others, as “heterosexual”, that is; an hombre (man). The social conditions and moral
codes of the upper classes facilitated and prescribed more discreet, less readily
observable, relationships. Male homosexual relationships among the elite resembled
more the “egalitarian” or “gay” model with relationships characterized by gender
conformity and less symbolic value attached to sexual roles. Women were not
thought to harbor the same sexual appetite as men and as a result lesbian
relationships were rarely acknowledged as sexual relationships at all, provided that a
minimum of discretion was maintained (Ibid.).

Throughout most of the twentieth century homosexuality and homosexuals were
subjected to increasing levels of repression and censorship by the Argentine State
(Bazán 2004:224-226). The Argentine nationalist ideology embraced traditional
Catholic family values and posited homosexuality as a threat to the (heterosexual)
family and by extension-the nation (Ibid.). Public space was effectively reserved for
the expression of heterosexuality but the homosexuals adjusted by developing
methods to avoid public scrutiny. A homosexual subculture continued to exist and
made use of codes and shared information in order to convert public spaces such as
streets, parks and bathrooms into secret meeting places (Bazán 2004:280-282).
The first attempt by homosexuals to organize politically around rights issues occurred in the late 1960s when a group called “Nuestro Mundo” (Our World) was formed by a handful of activists connected to the labor movement. The organization distributed a magazine in which they called attention to the lack of rights for homosexuals but it received little attention and the group was soon dissolved (Bazán 2004:335-339).

In 1971 the organization “Frente de Liberación Homosexual” (Homosexual Liberation Front) was formed by a group of students from the University of Buenos Aires (Bazán 2004:340-345). Many of the members had studied social sciences, psychology and philosophy and this provided a theoretical framework for the organization’s political objectives. The FLH considered that the origins of the repression of homosexuals were to be found within a patriarchal social system based on compulsory heterosexuality, an emphasis on sex as reproduction, male superiority and the inferiority of women and homosexuals (Ibid.). The members of the FLH drew inspiration from the women’s movement and the black movement in the U.S. and from the “Stonewall Rebellion” which had taken place shortly before, in 1969 (Ibid.). The homosexual customers at the bar Stonewall in New York had responded with physical resistance to a police raid and this incident came to symbolize the start of the gay movement in the U.S. and worldwide (Bazán 2004:332-334). To the FLH profound social changes were seen as necessary, not merely to improve the conditions for homosexuals but for all repressed groups (Bazán 2004:342). This made the organization seek alliances with feminist groups and the left-wing peronist movement. The feminists accepted. By the peronists they were met by a cold shoulder and they were barely tolerated at their mass gatherings in the plazas. When the military coup took place in 1976 the FLH was dissolved and the leaders went into exile (Bazán 2004:365-366).

During the military dictatorship homosexuals were targeted as subversives and the persecution intensified. Streets and public spaces were kept under surveillance by police and military personnel who were free to detain and question anyone they felt like. The consequences for failing to provide a satisfactory explanation for one’s
business could be severe but even under these circumstances the “yiro” (cruising) continued;

“When you met someone in the street, after the first few words and having accepted each other, you immediately agreed on a story in case you were stopped by the police. A previous friendship to avoid police harassment and the infamous “second H”; the police edict which refers to “causing a public scandal”

(Juan Carlos, 53, gay)

The “second H” was stamped into the personal documents that everyone had to carry at all times and effectively branded the person who got it as a homosexual. Usually a night spent in prison accompanied the stamp which also created problems in the job market and increased suspicion upon later controls (Bazán 2004:382). The second H predated the dictatorship but took on a new meaning in a society under military rule. Apart from risky encounters in the streets, the only other public places in the Capital where homosexuals could meet were the public bathrooms. The sexual encounters in bathrooms were referred to as “teteras” by the homosexuals (Bazán 2004:280-282). Both on the streets and in the bathrooms homosexuals were targeted by plain clothes police officers who sometimes coerced male prostitutes into acting as bait in order to be able to arrest homosexuals for soliciting sex (Bazán 2004:373-375). The main targets were wealthier men who were able to pay heavy bribes in order for the police to let them go (Ibid.).

Being blackmailed or imprisoned for short periods of time were not the only dangers faced by homosexuals during the dictatorship. A common attitude was that homosexuals were worthless and undesirable and homosexuality a subversive force. This made them a target for death squads like the Comando Cóndor that promised to “finish off the homosexuals” (Bazán 2004:389-390). In 1982 and 1983 a total of 19 men known to be homosexual were found mutilated and stabbed to death in their homes. The Chief of the Federal Police dismissed the murders as the likely outcomes of internal squabbles between homosexuals and no further investigations were conducted (Ibid.).
There was also a substantial number of homosexual men and women among the “disappeared”. To be homosexual, or rumored to be homosexual, was sufficient cause for being labeled as subversive and taken to the secret detention centers by the police or armed forces. Survivors later reported that, like Jews, men and women considered to be homosexual were treated with particular cruelty and subjected to specific forms of torture. All of them had also been raped (Bazán 2004:382-388). In the official report “Nunca Más” published in 1985 no reference was made to homosexuals or the specific treatments they were subjected to. Former members of the commission later admitted that at least 400 of the names listed by the commission (out of a total of 9,000) belonged to men and women known to be homosexual (Ibid.).

Soon after the return to democracy in 1983 gay bars started to appear in Buenos Aires. However, homosexuals continued to be targeted by the police for “immoral behavior” and the bars were subjected to frequent police raids in which the customers were detained and checked for criminal records. After a police raid on the bar Contramano in 1984 those that were present decided to organize themselves politically in order to try and put an end to police harassment. This was when CHA (Comunidad Homosexual Argentina) was formed. CHA was the first sexual minority organization that was formed since the return to democracy, it presented itself as a human rights organization and focused its work on community integration and symbolic and political status (Pecheny in Eckstein & Wickham-Crowley (ed.) 2003: Chapter 11). CHA applied for legal status as a civil organization the same year but the Inspector General of Justice rejected the application in 1989. The reason he gave was that the organization’s objectives were incompatible with “the common good” because homosexuality was a “deviation from normal sexuality” and a condition that “prevented forming a family and thus threatened it” (Ibid: 260-261). CHA appealed and lost. Supported by a number of human rights organizations CHA appealed to the Supreme Court in 1990 but the ruling was upheld and no more appeals were possible. However, on an official visit to the U.S. president Carlos Menem was confronted by gay activists on the issue and publicly declared that CHA would be given legal status. The case was reopened and the court ruled in favor of CHA which was given legal status in 1992 (Ibid.). According to Pecheny this is an example of “the
boomerang pattern” (also known as “framing”) in which the actions or postures of a national government are made known internationally by local NGOs. The government is then forced to consider international reactions to its domestic decisions (Ibid.).

CHA was accompanied by a number of other gay and lesbian organizations. The sexual minority organizations cooperated closely with human rights organizations such as “Madres de Plaza de Mayo” (Mothers of May Square) and others which had been established upon the return to democracy. The demand for investigations of human rights abuses during the dictatorship and justice for the victims were important issues that united the different human rights groups and contributed to an increased consciousness about human rights issues in the country (Ibid.).

In Argentina the return to democracy and the development of a gay/lesbian movement coincided with the AIDS epidemic. The first case in the country was diagnosed in 1982 and in 2001 a total of 20,000 cases had been recorded, placing Argentina as the third hardest hit Latin American country after Brazil and Mexico (Pecheny in Eckstein & Wickham-Crowley (ed.) 2003: Chapter 11). By then intravenous drug use and heterosexual transmission had become the dominant modes of infection but until 1987 sexual transmission between men accounted for 75% of the cases and during the early years of the epidemic AIDS was exclusively associated with homosexuality (Ibid.). The AIDS epidemic generated a public discourse on homosexuality and the situation of homosexual men and women in Argentine society. This discourse broke with the traditional silencing of homosexuality and in important ways changed the status of gays and lesbians in Argentina;

*Because of AIDS, different forms of sexuality were discussed in public, not only in terms of sexual relations, but also in terms of love, public displays of affection, and social and civil rights. In particular, the AIDS epidemic accelerated the debate on the legal status and social protection of unmarried and gay couples*” (Pecheny in Eckstein & Wickham-Crowley (ed.) 2003: Chapter 11: 264).
This development was accompanied by a more positive image of gays and lesbians in the media. In the 90s the stigmatizing and sensationalist coverage was replaced by a treatment of homosexual men and women based on respect and with a focus on discrimination and social rights issues (Pecheny in Eckstein & Wickham-Crowley (ed.) 2003: Chapter 11). In 2001 four of Argentina’s most celebrated male actors and journalists publicly declared their homosexuality on the front page of a popular magazine (Bazán 2004:428).

An annual “Marcha del Orgullo” (pride march) has been organized in Buenos Aires every November since 1991 and has attracted a growing number of participants. In 2005 an estimated 10,000 people participated. In recent years a large number of travestis have joined gays and lesbians in the pride march. The political mobilization among travestis is a distinctly Argentine phenomenon (Pecheny in Eckstein & Wickham-Crowley (ed.) 2003: Chapter 11). Travesti activism is focused on legal identity, police repression and problems connected to the exercise of prostitution by which most travestis earn their income (Ibid.). In 1996 the interdictions that legitimized police repression of gays, lesbians and particularly travestis were removed by the constitutional assembly of Buenos Aires. The same year the assembly approved a new constitution which promoted “the right to be different” and condemned discrimination based on gender and sexuality (Pecheny in Eckstein & Wickham-Crowley (ed.) 2003: Chapter 11).
Chapter 3: The Civil Union Law

Introduction

This chapter provides an account of how the Civil Union Law came about, how it was conceived and ultimately implemented. Included in the chapter are also the contents and the scope of the law and a typology for situating it within a typology of related laws. The implementation of the Civil Union Law took place prior to my fieldwork in Argentina and this account is based on an interview with Marcelo Suntheim, one of the architects of the law, and a chapter on the law in the Argentine journalist Osvaldo Bazán’s book “La Homosexualidad en la Argentina”.

A typology of laws regulating same-sex relationships

According to ILGA Europe (International Lesbian and Gay Association) there are three main forms of legislation on same-sex couples;

Marriage

*Where the rights, responsibilities and legal recognition given to same-sex couples who marry are the same as those for heterosexual couples.*

Registered partnership and registered cohabitation

*Where specific and enumerated rights, responsibilities and legal recognition can be identical to or fairly close to those for married heterosexual couples (allowing for the limited*
competence of state or province in a federal system), or clearly inferior to those for married heterosexual couples. The registration system is often available to unmarried heterosexual couples.

Unregistered cohabitation

Where rights and responsibilities are automatically accrued after a specific period of cohabitation, almost always available to unmarried heterosexual couples. (www.ilga-europe.org/europe/issues/marriage_and_partnership/same_sex_marriage.html)

In line with this typology, the Civil Union Law of Buenos Aires belongs to the second category. The category itself is sometimes referred to as that of civil unions. The Civil Union Law of Buenos Aires is local (municipal) and open to heterosexual couples.

The letter of the law. What does the Civil Union Law say?

The Civil Union Law (Ley de unión civil de la ciudad de Buenos Aires) was presented to the Legislature of the City of Buenos Aires in August 2001 as a private bill by the Comunidad Homosexual Argentina (Homosexual Community of Argentina). The law was drafted by judge Graciela Medina and was based on a similar French law (the PACS). The law was passed in the Legislature of Buenos Aires on December 12, 2002 and made effective on July 18, 2003.

The Civil Union Law was intended to grant the same rights and duties to registered same-sex and opposite sex couples that the City grants to married heterosexual couples.
The letter of the law states that these couples can be constituted by two persons of minimum 21 years of age in a committed relationship independently of their sex and sexuality. The persons can not be related.

The parties must have had a public and stable relationship based on affection that has lasted for a minimum of two years. They must present a minimum of two and a maximum of five witnesses that can attest to the above and that they know of no impediments to the union.

At least one of the parties must be able to present proof of legal residence in the capital for at least two years.

The public ceremony whereby two persons enter a civil union is performed by a judge at the Registro Civil in Uruguay Street in the neighbourhood of Palermo in central Buenos Aires.

The Civil Union Law does not legislate on matters that pertain to national legislation, most notably these issues include adoption and inheritance rights. A civil union is also more easily dissolved than a marriage.

Among the rights granted to couples that have entered a civil union are the right to include the other partner in ones insurance plan and the right to pensions and subsidies otherwise provided to married couples by the City.

If one of the parties of a civil union is hospitalized, his or her partner has the right to be admitted into the intensive care unit and is the person to be consulted on issues of treatment. In the event of the death of one of the parties, the other partner has the right to decide on the funeral arrangements, the right to take leave from work and the right to receive a widower pension if the deceased partner was an employee of the municipality of Buenos Aires. (www.cha.org.ar/html/ucivilbsas/todosobre.htm)
Political strategies

The activists of CHA studied other laws regulating same-sex relationships that had been already been implemented in other countries. They found that some Spanish regions had a considerable degree of freedom to implement laws in which inheritance rights had been granted to the parties of same-sex relationships (This was before Spain as a country implemented a new marriage law that put homosexual couples on a par with heterosexual couples in 2005).

The City of Buenos Aires has a considerable degree of autonomy and the activists decided to look into the possibilities of the city implementing a local law. They perceived this to be a more manageable and realistic project than advocating a national law before the National Congress. They asked some legal experts to try to define the maximum level of freedom that the city had in regulating relationships:

"We asked judge Graciela Medina and other specialists at the University of Buenos Aires and a few weeks later they responded that there was legal precedence in which the City had granted rights to couples, small social benefits, but that together with the city's constitution were sufficient cause to say that the city was in a position to grant rights to couples in general, heterosexual or homosexual”. (Marcelo Suntheim)

With the help of these legal experts, the activists of CHA drafted a private bill that they presented to the Legislature of the City of Buenos Aires and decided to talk to each of its 60 representatives to seek their support. According to Marcelo Suntheim, 6 or 7 representatives declined but they were received by the remaining 52 or 53. At the same time CHA arranged debates about the Civil Union Law at the major universities in Buenos Aires.

The activists also obtained support for the bill by various labour unions and national human rights groups including the Mothers of the Plaza de Mayo who had protested against the abductions and killings of their children by the military during the dictatorship. The bill was also supported by the “Defensoría del Pueblo de la
Ciudad” and the “Secretaría de Derechos Humanos de la Nación”, a municipal and a national agency established to ensure citizens’ rights and human rights.

The tactics of CHA in advocating the Civil Union Law consisted in forming alliances with state and local agencies and NGOs. These alliances were based on a common understanding of differentiated rights for same-sex and opposite sex couples as being a violation of basic human rights. This was also the base for an intensive media campaign by CHA together with other gay and lesbian groups. This campaign was aimed at making gay and lesbian couples “visible” to the general public. According to Marcelo Suntheim, this media campaign was paramount to the implementation of the Civil Union Law; “We say that the law was approved because it was first approved in the media, that is; the people approved it through the media and as a consequence the legislators approved it.” (Marcelo Suntheim) By appearing in the media, he says, the public was able to identify with them as persons. “We would say, for instance, that if something happened to one of us and that person was submitted to intensive care, the other one would not be allowed to enter. We gave very concrete examples and we also appeared as a couple on TV and that allowed people to identify with us in one way or another and to understand that it was unjust that there were no laws in existence that protected us.” (Marcelo Suntheim) The conservative newspaper “La Nación” was opposed to the Civil Union Law being implemented but many others, such as “Página 12” and eventually “Clarín” favoured it. According to Suntheim, during the time the law bill kept being covered in the media it gradually became more accepted by journalists and the public to the point where the anti Civil Union Law line of “la Nación” seemed to be discrepant with the view of the majority of its readers.

The key player opposing the Civil Union Law was the Catholic Church. The Catholic Church is opposed to legislating on same-sex relationships because it considers homosexuality to be a sin. The prospect of legal rights being granted to same-sex couples in Buenos Aires was considered by the Catholic Church to be incompatible with its teachings and a challenge to its authority on social issues. It thus became the most fervent opponent to the implementation of the law.
The way political parties and individual politicians responded to the bill was to a large extent determined by their relation to the Church. The Catholic Church plays an important role in shaping politics in Argentina but its influence is contested. The Civil Union Law was largely supported by the political left and opposed by the conservatives with political ties to the Church.

The Journalist Osvaldo Bazán writes that within the Legislature of Buenos Aires there was a group of politicians known as the “Purple Wing” among their colleagues. He describes this group as being: “…a structure above the political parties themselves, in a connivance with the ecclesiastical hierarchy.” (Bazán 2000, p. 446) He describes how during the sessions on the Civil Union bill in the Legislature, legislators would get calls on their cell phones and leave the session without returning. He says that the activists of CHA later learned that these phone calls came from politicians known to belong to the “Purple Wing”.

Another institution directly linked to the Catholic Church, the “Universidad Católica Argentina” (Argentine Catholic University), also sought to prevent the implementation of the Civil Union Law. The University arranged “workshops” on the Civil Union Law; “…in which sociologists, psychologists and lawyers scoffed the project of CHA, basing themselves, always, on the infallible word of Pope John Paul II, who opposed legislating on something regarded a deviation. The results of these workshops were published in an expensive edition that was given to each legislator involved with the issue.” (Bazán 2000, p. 446) A conference was later arranged by CHA at the University of Buenos Aires. There the activists from CHA referred to other academics that supported the Civil Union and accused the Universidad Católica of propagating religious fundamentalism (Ibid.).

The political influence of the Catholic Church was the main reason why the activists advocating the Civil Union Law insisted on presenting it as a private bill:

“What may be important to note is that this has been unusual in the Western world up to now. That is, the project was presented by an organization from civil society that maintained it as its own project through two years in the Legislature. This means that we did not give the
project away to any political party because we knew that the likely outcome would be that the Vatican Church would start pressuring that party. The political party would trade it off against some sort of benefit from the Church or there would be other arrangements made. This happened to other, smaller laws that we presented and with this experience in mind we did not permit any political party to present the law as their own project.

It’s the same thing we are going to do now with the National Congress. We’re preparing to present a bill on a National Civil Union Law to demand the right to adoption, widower pension and heritance rights for the whole country, for all couples, not just gay couples. It would be an alternative legal figure to matrimony.” (Marcelo Suntheim)

Marcelo expresses mistrust towards party politics. From experience he has learned that if left to the politicians, a project that challenges the views of the Church will be traded off before it can be voted on. He goes on to say that none of the largest political parties committed themselves to supporting the bill on the Civil Union Law, only the smaller ones. If the politicians ended up voting in favour of the bill it would only be because they felt it was supported by the people.

The day of the voting

Two years after it had been drafted, the bill on the Civil Union Law was scheduled to be voted on in the last session of the year in the Legislature of the City of Buenos Aires on Thursday, December 12, 2002.

The Civil Union bill had received a lot of media attention both in Argentina and abroad. The Legislature was filled to capacity with journalists from Argentina as well as from all other parts of the world that had come to cover the first implementation of a law allowing “gay marriage” in a Latin American country. Besides journalists,
there was also a large crowd of local gay and lesbian activists present. They had all come to witness the voting of the Civil Union Law bill. For their part, the politicians seemed to be less eager to bring up the subject.

The hours went by as other issues on the agenda were addressed and thoroughly debated. The activists waited impatiently. Time passed and the Civil Union bill was not addressed.

At eleven o’clock in the evening, the leader of the Partido Justicialista announced that she and the other party members were about to leave. The members of the Radical Party would still be there but the party had not made any explicit promise to vote in favour of the bill. The activists saw that the politicians started to leave and tried to get them to stay by telling them that their bill was about to be voted. The latter politely declined.

At that moment about twenty boys and girls, in their twenties or late teens to judge by their looks, noisily entered the room. They were students from the Universidad Católica Argentina (the Catholic University of Argentina). The students were opposed to the Civil Union Law and they didn’t want the bill to be voted on. If they could prevent the bill from being voted on that last session of the year, they would achieve that it was postponed until the next year. They had been let in by one of the politicians belonging to “the Purple Wing”, Jorge Enríquez, and sat down behind him. When the judge who had helped draft the Civil Union Law, Graciela Medina, was on her way to the toilet, they pushed her and one of them tried to hit her. When she complained to the security officers, they excused their behaviour by saying that they were “young and reckless.” (Bazán 2000, p. 448)

Shortly after, several plain clothes police officers entered the room and started searching it. An anonymous call had been received that warned of a bomb in the Legislature. The police soon found what turned out to be a noise bomb and removed it. It was found among the students from the Catholic University.
The President of the Legislature called an immediate meeting behind closed doors with all the leaders of the political parties present. They all disappeared into an adjacent room. Marcelo Suntheim recalls the situation:

“The President of the Legislature called all the leaders of the different blocks and gathered them in the side room. We know what happened because some of them told us later on. The president said: “They found a bomb, this is a scandal. The international press is here, there are cameras.” We had announced publicly that if the project was not voted on, we would accuse the entire Legislature and we would let ourselves be arrested in front of the international cameras because it would be a shame if the project was not voted…that they vote yes or no, but to not address it would be an act of ignominy. The politicians were aware that something very bad might happen in front of the TV cameras, a kind of scandal in the Legislature for the whole world to watch. So the President of the Legislature said: As we know, there are politicians present here that have committed themselves to vote in favour of this project. Those that have promised CHA their vote will go back and sit down and they will vote in favour, and those that have not will go back and sit down and give quorum or we will face a constitutional crisis.”...Effectively they all went back after the meeting. The Peronist Party, at the time supporting the Church, had been planning to leave in order not to give quorum and thus prevent the project from being addressed. After this meeting they sat down and gave quorum. Those that had promised to vote in favour effectively did so...That night was difficult. There had even been a bomb. A noise bomb, not a real bomb, but it would still have accomplished its mission. If it had gone off, they would have had to evacuate the whole building and the law bill would not have been voted. I think it’s evident that the politicians perceived that there was support for the law among the people because among themselves they were not in agreement and so if they voted yes it was because they could see that the people was favourably disposed towards the Civil Union Law.” (Marcelo Suntheim)

This account of how the Civil Union Law was implemented shows that the Catholic Church was the dominant force opposing the law. Not only gay and lesbian activists perceived this to be the case, as this excerpt from a speech held by a politician that voted in favour of the law illustrates:

”In my conscience I weighed the doctrine of the Church, which is my church and to which I belong…and I know that the Church is explicitly opposed to this project, against my own
faith. I decided to take the risk of following my faith, because I believe that that is a Christian conduct. In the Gospel I see the transcendent Truth and the love of Christ, whilst in the history of my own Church I have seen many times human error. This being the case, out of legal reasoning, out of a progressive conviction and also out of personal faith, my individual vote is affirmative.” (Doctor Alicia Pierini in Bazán 2000, p. 449-450)

The Catholic Church used all its influence to try to prevent the Civil Union Law from being implemented. Yet in the end the Civil Union Law was voted and passed at about half past five in the morning of December 13, 2002 without modifications to the original bill. It was officially promulgated and became effective 30 days later, on January 17, 2003. In accordance with the law, a public register was created for civil unions and the Registro Civil (Public Register), a municipal building in Calle Uruguay in downtown Buenos Aires, was prepared for arranging the ceremonies in which couples entered a civil union.

According to Yuval Merin laws like the Civil Union must be preceded by social change in order to have an effect (Merin 2002). The Civil Union Law was in part a result of “framing” similar to the situation in which CHA obtained judicial status as an organization as described by Pecheny in the previous chapter. At the same time its implementation was also a result of wider social changes taking place both within Argentina and in the wider world.
Chapter 4: Gay and lesbian subjectivities

Introduction

The subject of this chapter is the ways in which self-identified gays and lesbians in Buenos Aires construct their identities and experience their social situation. The Western notion of homosexuality as a sexual orientation has gradually gained more ground in Argentina and has partly replaced the traditional activo/pasivo model for understanding (male) homosexuality. To many homosexual men and women this development has opened up new opportunities for developing a positive self-image and achieving greater social inclusion. In this chapter I will compare these different cultural models for understanding same-sex sexuality and show how gays and lesbians in Argentina relate to them. I will then look at how gays and lesbians experience some central institutions in Argentine society such as the family, the workplace, the media and the church and how they experience living in the city of Buenos Aires. However, I want to start by providing an account of “gay Buenos Aires” - the city’s gay venues and institutions and the cultural production of Buenos Aires as a “gay friendly city”.
"The gay Capital of South America"

In recent years Buenos Aires has frequently been described as “the new gay Capital of South America” replacing Rio de Janeiro as the number one destination for gay and lesbian tourists in South America (pride-travel.com). Better exchange rates in the wake of the economic crisis in 2001 has resulted in a massive increase in tourism and the implementation of the civil union law signaled a welcoming attitude to gay and lesbian travelers in particular. It has been estimated that gay and lesbian travelers may account for 10 to 15 per cent of foreign visitors and the city’s tourist authorities actively promote Buenos Aires as “gay friendly” city (www.lostiemplos.com).

The gay venues in Buenos Aires are all located in the central neighborhoods of the city, within the Capital Federal. The gay commercial establishments include a number of bars and discos (boliches) as well as saunas and “gay friendly” cafés and restaurants. Recently South America’s first “gay” five-star hotel, the Axel in San Telmo, was added to the gay commercial circuit. Most establishments cater to a gay male public whereas there are few lesbian venues. Most bars and discos however, are frequented by a mixed crowd that include both gays and lesbians and to a certain extent also heterosexuals. Some of the venues are popular with travestis while they are frowned upon by the managers in other gay discos. There are no “gay ghettos” in Buenos Aires in the form of residential areas dominated by gays. The idea of “gay neighborhoods” was seen by gays and lesbians as something negative and a form of segregation. Rather than being geographically defined then, Buenos Aires’ “gay and lesbian community” manifests itself through gay and lesbian cultural institutions and the (predominantly male) gay commercial circuit. The cultural institutions include the annual Pride March (Marcha del Orgullo) and since 2004 the Diversa Film Festival. Taken together, these venues and institutions promote and legitimate a “gay” (and lesbian) model of same-sex desire.
Gender based and egalitarian homosexualities

Literature shows that homosexuality in Latin America used to be conceptualized in a way that differs from the predominant model of homosexuality in Europe and North America today (Murray 1995, Parker 1999). Stephen Murray calls this traditional Latin American model a “gender defined homosexuality” and contrasts it with a European and North American “egalitarian” or “gay model” (Murray 1995: Introduction). According to Murray the Latin American model originated in the Mediterranean area and was introduced to Latin America by the Spaniards and Portuguese during colonial times. Because of this it is sometimes also referred to as the “Mediterranean model” (Ibid.). According to George Chauncey this gender defined model of homosexuality was also common in Europe and North America until it became replaced by the gay model (Chauncey 1994: Introduction).

Within the traditional Latin American gender model men are conceptualized as “active” and women as “passive”. In sexual intercourse between a man and a woman the man is seen as the “active penetrator” and the woman as the “passive receiver”. This view structured the way male homosexual relations were understood too. The partner who took the active, penetrating part in anal intercourse maintained his masculine status while the male partner who let himself be penetrated did so at the expense of his status as a “man”. Only the passive male was stigmatized as a “homosexual”. In this way, men who engaged in homosexual relations could be classified into “activos” and “pasivos” where “activos” were expected to display a masculine appearance and conduct and only take the active sexual role while the “pasivos” were expected to take the passive role and exhibit feminine traits. According to this model it was primarily the sexual roles, rather than the sex of the partner (sexual object choice) that determined if someone was classified as a “homosexual” (Murray 1995, Parker 1999). Within this system sexual relations were largely defined by the act of penetration and it was unable to account for female homosexual relations. According to Murray little research has been done on female
homosexuality in Latin America and it seems to be absent from traditional models of sexuality (Murray 1995: Introduction).

In the 19th and early 20th century a new “medical/scientific” discourse on homosexuality was imported to Latin America from Europe and gradually replaced the traditional activo/pasivo model among the urban elite (Parker 1999: 37). This new model focused on sexual object choice and classified people into the newly invented categories of “heterosexuals”, “homosexuals” and “bisexuals”. This had the effect of producing what has become known as the homo/hetero binary. In this model, sexuality; “… is organized along an axis of homosexuality and heterosexuality; a person is either one or the other, or possibly both-but even the third category of “bisexuality” depends for its meaning on its intermediate position on the axis defined by the two poles. The belief that one’s sexuality is centrally defined by one’s homosexuality or heterosexuality is hegemonic in contemporary culture: it is so fundamental to the way people think about the world that it is taken for granted, assumed to be natural and timeless, and needs no defense” (Chauncey 1994: Introduction p. 13). This Western view resulted from a specific concept of sexuality. Foucault observed a discursive shift in eighteenth century Europe from seeing homosexual acts as temporary aberrations to seeing them as constitutive of a singular nature (Foucault in Cameron & Kulick 2003:21). The terms ‘homosexuality’ and ‘heterosexuality’ appeared in 1869. Heterosexuality was classified as a perversion and referred to having sex with someone of the opposite sex for pleasure rather than procreation (Cameron & Kulick 2003:21). By the nineteenth century this was no longer considered a perversion and ‘heterosexuality’ became the antonym to ‘homosexuality’ and referred to sexual attraction to the opposite sex;“With these contrasting terms in place, it became possible to think in the terms we consider natural and obvious today, assuming that every individual has a fundamental ‘sexual orientation’ towards either people of the same sex or else people of the other sex. This assumption, in turn, makes possible the construction and public display of social identities that are based on sexual orientation, such as ‘gay man’ and ‘lesbian’. (Cameron & Kulick 2003:21)

Through Western scientific discourse this classificatory system was introduced to Latin America (Parker 1999:38). The new categories were gradually incorporated into
the languages of the State and into popular discourse. From this resulted a new classification into “a world of normality and a world of abnormality” (Parker 1999:38). Meanwhile the traditional model persisted in rural areas and among the lower, urban classes where it can still be found today (Ibid.).

The term “gay” started to be used in Latin America in the 1970s and 1980s and rapidly became a popular self-assigned label to many homosexual men in urban areas, especially among the middle class (Murray & Arboleda in Murray 1995: Chapter 8). Originally, effeminate homosexuals used the term to refer to themselves in the U.S. but later “gay” came to be used by homosexual men who rejected a feminine style altogether (Chauncey 1994: Introduction). The term has been incorporated into a number of different languages around the world (Murray and Arboleda in Murray 1995: Chapter 8). By appropriating the terms gay and lesbian to refer to themselves homosexual men and women around the world have been able to develop a sense of common identity across national borders and cultural boundaries. These globalized identities have emerged in the context of an increasingly international gay and lesbian movement which originated in Europe and North America in response to specific cultural and historical circumstances; …the ascendancy of ‘gay’ as the primary self-referential term used by men within the gay world represented a subtle shift in the boundaries of the male sexual world. It reflected a reorganization of male sexual categories and the transition from a world divided into “fairies” and “men” on the basis of gender persona to one divided into “homosexuals” and “heterosexuals” on the basis of sexual object-choice” (Chauncey 1994: Introduction p. 22). This transformation also entailed a masculinization of the gay style in the 1940s; “Increasing numbers of conventionally masculine men identified themselves as gay, in part, because doing so no longer seemed to require the renunciation of their masculine identities” (Chauncey 1994: Epilogue p. 358). At the same time increasingly hostile attitudes towards homosexuality resulted in more segregation and fewer bars where heterosexuals and homosexuals mixed but this development was partly also a result of changing self-conceptions among homosexual men. Men who defined themselves as heterosexuals but were willing to engage in homosexual relations, known as “trade”, seized to be potential partners; “As more gay men identified themselves as homosexuals interested in
other men who were homosexuals, bars where they could meet one another became more attractive than bars where they could meet trade. At the same time, the sharpening of the boundaries between the heterosexual and homosexual in working-class culture left fewer men willing to become trade. Both sexual systems continued to coexist, each influencing the terms by which the other was defined. But one was ascendant, and it represented the future” (Chauncey 1994: Epilogue p. 359). This new concept of homosexuality became the basis for the development of a “gay community” marked by a shared identity. This notion of a shared identity together with increased segregation and stigmatization characterized the social and cultural context in which the gay and lesbian movement appeared (Chauncey 1994: Epilogue). When this movement started to challenge anti-homosexual regulations and social attitudes in the U.S. a few decades later these”… seemed to be the residue of an age-old, unchanging social antipathy toward homosexuality. Openly gay meeting places and overt references to homosexuality were so rare as a result of them that it was hard to believe homosexuality had ever been visible in the public sphere” (Chauncey 1994: Epilogue p.355). The way politicized gay and lesbian identities were shaped in response to repression has been important for their appropriation by homosexual men and women in a number of different countries. As self-assigned labels they evoke a tradition of resistance to repression and compulsory heterosexuality even when this may take different forms depending on the social and cultural context, as well as a notion of solidarity across international borders. In Argentina gays and lesbians understand their experiences to be comparable in important ways to the situation of gays and lesbians in North America or Europe, both culturally and socially. Thus to many these labels represent an obvious choice;

“Personally, I define myself as gay because, well, I like men. And it doesn’t carry the negative connotations (carga) as “homosexual” that only talks about sexuality and nothing more. It’s easy to say and it’s enough for people to understand something about you as a person. That’s it really, that’s the purpose it serves. If you’re talking to someone and they ask you about that, it would be difficult if it didn’t exist. You’d have to start explaining that you like having sex with guys. That is, it’s like the quick way (forma resumida) to tell someone about your sexual orientation (orientación sexual) whenever that comes up”. (Javier, 24, gay activist)
Javier defines himself as “gay” based on sexual object choice. He is gay because he likes men. He also uses the term “sexual orientation”. Javier thus expresses an understanding of homosexuality which is consistent with a “Western” or egalitarian model. He also gives a pragmatic reason for labeling himself in this way. It is a quick way to explain his sexuality and he thinks the label “gay” has better connotations than the word “homosexual”. To Javier the term “homosexual” reduces him to his sexuality while the term “gay” incorporates this sexuality while at the same time expressing a positive social value attached to it. Javier’s view was typical of those male informants who adhered to a gender normative, conventionally masculine style and labeled themselves gay. To these informants, sexual roles were not accorded importance and they defined themselves as gay on the basis of sexual object choice. Their potential or actual partners were others that identified as gay. Many of my informants were activists or had experiences with gay and lesbian organizations. These organizations adhered to the view of homosexuality as a sexual orientation and based their activism on this understanding. This was reflected in the accounts of my informants, who expressed the same views. Gay middle-class informants who had no personal experiences with activism also conveyed these views while I have no data on anyone from the working-class who was not on some level associated with activism. While expressing an understanding of sexuality as fundamentally about object choice many gay male informants maintained that sexual roles were still important for conceptualizing male homosexuality in some quarters, especially among the lower classes and in rural areas.

All my gay and lesbian informants conceptualized sexuality as distinct from gender and adhered to normative conventions of masculinity or femininity. They rejected the stereotypes of gay men as effeminate and lesbians as masculine. One informant expressed it this way:

“When I discovered that I was homosexual I got very confused. What I knew was the stereotypical “loca” (a very effeminate homosexual man) that I respect but I myself don’t feel like a woman. Not because I’ve chosen not to, I just simply never have. I respect the travestis, whatever a person feels like is OK. I have had the luck of being a kind of person that is more
accepted by society than the guy who feels like a woman… but back then it was difficult. It was during the dictatorship and I thought I was the only one in the world (feeling like that). There was no information unlike today”. (Camilo, 47, gay)

Camilo realized that he was homosexual when he was twenty years old during the dictatorship. He describes this discovery as confusing because he associated homosexuality with men who felt and acted like women. This view corresponds to the traditional, gender based model of male homosexuality. He identifies himself as “gay” and “man” and contrasts his own sexuality with the sexuality of the travesti who embodies femininity and feels like a woman. Camilo also thinks that being gay is more acceptable to society than the non normative gender identity of the travesti. Gays are homosexual but unlike travestis they adhere to the conventional gender norms and as a result are better integrated in society. The information that Camilo says has become available today is information that confirms his own understanding of homosexuality at the expense of a traditional understanding which he himself rejects.

Female homosexuality seems to be less culturally ambiguous in Argentina than male homosexuality. The traditional activo/pasivo model does not address female homosexuality. The model of sexual orientation is thus the only one available for understanding female homosexuality. Lesbian women are thus understood and understand themselves to be “women who desire other women” just as gays understand themselves to be “men who desire other men”. In fact, many lesbians identified strongly as women which can be seen in this informant’s account of what it was like to be lesbian;

“Lesbians are more invisible than gay men. I don’t know why exactly… perhaps it’s got to do with the desire to marry, to establish a relationship. A man is perhaps more extrovert because men got this thing with sex, not that women don’t, but with women it’s different. Women have another approach to it… All the time I face discrimination as a woman. It’s frustrating (un plomo). Not for being lesbian, but for being a woman. All the time you have to prove that you can do things as well as a man” (Anita, 32, lesbian)
Anita argues that men and women differ in important ways and that these differences to a certain extent crosscut sexualities. She identifies herself both as a “lesbian” and a “woman”.

The tendency to regard the appropriation of “gay” or “lesbian” as self-assigned identity labels by homosexual men and women in non-Western countries as passive importations from the West has rightfully been criticized. Graeme Storer argues against such an understanding in the context of Thailand; “To do so would be to deny local discourses, traditions and institutional contexts. It would also be to deny Thai gay men agency within these cultural and situational resources” (Storer in Jackson & Sullivan ed. 1999:153). A similar argument is made by Richard Parker with reference to Brazil (Parker 1999:46). I believe these observations are equally relevant to Argentina. Parker argues that the gender-based traditional model and the Western model of homosexuality are transformed in the new cultural context of urban Brazil, resulting in new configurations of gender and sexuality; “In short, what seems to have emerged over the course of the last decade in large urban centers such as Rio and São Paulo… is a relatively complex sexual subculture (or set of overlapping and intersecting subcultures) that provides an alternative model for the organization of sexual reality that contrasts sharply with both the more traditional patterns of popular culture as well as with the rationalized sexuality of scientific discourse” (Parker 1999:49). As in Brazilian cities, within the urban sexual world of Buenos Aires two contrasting models for explaining gender and sexuality continue to coexist shaping the way sexual minorities construct and negotiate identities. At the same time the new categories that result from these negotiations are not reducible to either model. As Parker observes;

“Indeed, in Brazil, as in the Anglo-European world, the highly rationalized discourse of ‘homosexualidade’ has at one and the same time become a point of departure for strategies of resistance aimed not only at the stigma and discrimination of the traditional gender system but also at the notions of ‘normalidade’ and ‘anormalidade’ that this new system itself has imposed. From this point of view, assuming the condition of ‘homossexual’ not as a form of deviance but as a part of the natural range of sexual variation, more men and women have begun to challenge the otherwise hegemonic structures not only of gender but also of a scientific, medicalized, and ultimately
oppressive sexuality that has sought to define them as deviants and to subject them to diverse forms of treatment and cure” (Parker 1999:41)

By employing the terms “gay” or “lesbian” to refer to themselves homosexual men and women in Argentina are not passively incorporating a Western terminology at the expense of an “authentic”, local model. Rather, they appropriate these neutral or positive terms to challenge negative stereotypes of homosexual men and women expressed through more pejorative terms. Neither can any of the models be said to be more “authentic” than the other. Argentina, and especially Buenos Aires, has always been closely linked with the outside world. The cultural ties to Europe are particularly strong. Changing perceptions of gender and sexuality in Argentina reflect historical changes that have taken place on both sides of the Atlantic.

While there are a number of terms, many of them derogatory, which can be used to describe homosexual men in Argentina there are few other than “lesbiana” that refer to homosexual women. “Lesbiana” might thus be said to be a more “neutral” term than “gay”. None of these terms, however, are seen by gays and lesbians to be derogatory and they are the terms which they prefer to employ themselves and prefer that others use in referring to them. In this way gays and lesbians actively employ these terms for constructing a more positive image of homosexual men and women.

Both gay and lesbian identities are structured in a similar way insofar as they adhere to the concept of sexual orientation. Both gays and lesbians also reject any necessary connection between sexuality and gender. That is, gays and lesbians maintain that their sexual orientation is irrelevant to their gender identity in that gay men are still “men” and lesbians are still “women”. The way gays and lesbians construct their identities shapes their struggle for social inclusion which is focused on a discourse of “visibility”.

Gay and lesbian visibility

Erving Goffman defines a stigma as something which disqualifies an individual from full social acceptance. He makes a distinction between the stigmatized/dischredted on the one hand and the stigmatizable/discreditable on the other. The stigmatized are persons that carry a stigma which is readily observable while the stigmatizable carry a stigma that is not visually inscribed. One of the differences between the two categories according to Goffman is that for the latter; “...the individual’s intimates can become just the persons from whom he is most concerned with concealing something shameful.” (Goffman 1963:71). He cites ‘the homosexual’ as an example. By employing the tactic called passing a stigmatizable person can avoid his stigma being revealed by avoiding clues or situations that will give him or her away. This however, results in a “double life” for the individual who has to keep different spheres of his/her social life separate (Goffman 1963:97). This is important for understanding the way gays and lesbians construct their identities and how these identities are lived out.

By subscribing to the prevalent gender norms gays and lesbians are not readily identifiable. In many situations this can be an advantage to an individual who wants to avoid having to confront prejudices based on his or her sexuality but it also entails a kind of social invisibility. In a society where heterosexuality is seen as natural and self evident “the homosexual” becomes a stereotyped and invisible ‘other’. The gay and lesbian movement thus considered visibility to be crucial for bringing about a change in the way homosexuality was viewed within society. Historically, homosexuality in Argentina was tolerated only as long as it remained largely invisible and confined to the private sphere (Pecheny in Eckstein & Wickham-Crowley 2003: Chapter 11). After the return to democracy a new generation of homosexual men and women appeared. They identified with the gay and lesbian movement in Europe and North America and endorsed the ideal of public visibility; “I was invited to join a group called “Lesbianas a la vista” (Visible Lesbians). This group proposed a high level of visibility. We would participate in marches with our
own banners which had the word “lesbian” written on them and we wanted to hand out fliers with phone numbers, addresses...everything. We wanted to cooperate with other lesbian organizations and so we went to La Casa de las Lunas (literally: The house of the moons, the headquarters of another lesbian organization) to propose this. The women we talked to said no but they called a meeting to discuss it and after a long discussion they decided against it. Later we realized that they belonged to another generation, most of them were between 40 and 50 years while we were in our twenties. Their experience was different from ours. I was seven years old when democracy began. Those that had lived their youth during the dictatorship had other fears... They never showed their faces in public, nor did they hand out addresses or phone numbers... it was seen as a grave insult to pass on a phone number, the phone numbers of lesbians shouldn’t be circulating, it was too dangerous. We were proposing a level of visibility in a place where, because of their experiences, the women feared that visibility... Our priority was visibility, what mattered to them was to construct a bunker in which they could feel different from how they felt on the outside” (Carmen, 34, lesbian activist)

Carmen’s insistence on the need for public visibility can be seen as an expression of a view that started to take hold among gays and lesbians in Argentina at the time. According to Horacio Federico Sívori the 1990s saw a growing politicization of gay and lesbian identity in Argentina. Social attitudes were changing and gays and lesbians started to see integration on a broader level as a viable alternative to a strict separation of public and private spheres which Sívori attributes to a collective memory of shame and condemnation (Sívori 2004:107). Achieving social inclusion was dependent on a new level of public visibility;”But that kind of integration demands in turn an exercise in visibility; the identity is conditioned on its public declaration” (Sivori 2004:107). In many ways this new identity politics was characterized by the concept of “the closet” and the focus on “coming out” as gay or lesbian. In Argentina these concepts have been adapted from English into Spanish. The term “salir del clóset” literally translates as “to come out of the closet”. The metaphor of the closet is used to conceptualize a state of remaining hidden from the social world, that is; to conceal ones’ “real identity” as a homosexual man or woman. In the same vein the verb
“asumir” literally means “to assume”. The ending –se indicates a reflexive act. It points to “oneself”. In this usage it may be compared to an English phrase like “to assume responsibility”. To “assume oneself” is then, to take on something about oneself, that is; to reveal ones’ homosexuality. Both terms indicate an inner essence being revealed. The terms are used to express the act of publicly assuming ones’ homosexuality which is seen as an essential part of a personal identity, an inner truth not visibly inscribed on the person’s body.

To gain a better understanding of why these concepts are so central to the articulation of gay and lesbian identities it is instructive to look at the way they evolved in their original cultural context. According to George Chauncey “coming out” originally referred to the initiation into the homosexual subculture of New York in the 1920s. In the 1950s it had come to mean someone’s first homosexual experience in the strict sense and from the 1970s it was used for referring to the act of disclosing ones’ homosexuality to family members and straight friends. The concept of “the closet” was not used by gays themselves before the 1960s but following the appearance of the gay and lesbian movement it soon became a popular metaphor for referring to gay life prior to the rise of the gay and lesbian movement. It was then conceptualized as a state of isolation and invisibility thought to be characteristic of the recent past as well as earlier times (Chauncey 1994: Introduction). According to Chauncey the different concepts and their changing meanings reflect historical changes in the way homosexuality was conceptualized and an increasing segregation of the homosexual subculture by mainstream society. The concept of “the closet” and the way “coming out” came to signify revealing ones’ homosexuality to significant others (family, friends or workmates) in the form of a confession came about as a result of the increased stigmatization and invisibility of homosexuality in mainstream society (Chauncey 1994: Epilogue). The term “coming out” in its contemporary usage may give the impression of constituting a single speech act; a person has either “come out” as gay or lesbian or he/she has not. One is either “in the closet” or “out”. In reality “to come out” is a continual process and an ever present possibility. Gays and lesbians face the dilemma of whether “to tell” or not to each time a new social situation arises. “Coming out” is a repeated act that takes
place with different persons each time. Gays and lesbians thus have to decide when to be “out” and when not to.

Gay and lesbian informants in Buenos Aires expressed a desire to be open about their sexuality while acknowledging that this was not always possible. Because of this, the degree to which they were “out” and to whom depended on individual considerations of the possibilities their social surroundings offered.

Social spheres

I didn’t meet any of my informants’ families during fieldwork but from the accounts of informants I got the impression that family mattered a lot to most gays and lesbians I was in contact with.

Gay and lesbian informants described their sexuality as something they were either born with or something that developed in the early stages of their lives. They described discovering their sexuality as a gradual process and that it took time to come to terms with it. Javier provides an example;

I came out to myself first (salí del clóset conmigo), having accepted it, then to some friends and later to my family. Gradually, like that… I always knew since I was very little that I liked men too but there was more repression back then and I tried to convince myself that it would blow over (pasar) or something like that and I tried to be with girls. I even had a girl friend, several actually, but it never lasted long because I really didn’t enjoy it at all. I was 17 when I had my first experience with a boy and I realized that girls weren’t my thing at all” (Javier 24, gay).

Many informants said that they had realized that they were gay or lesbian during adolescence. Due to opposition from the church there is as yet no sexual education in schools and until fairly recently the image of homosexual men and women in the media was characterized by negative stereotypes. Today the picture is different and many “progressive” newspapers like Página 14 project a positive view of gays and lesbians. Many TV series include gay and lesbian characters and there are gay
magazines sold at news stands and gay and lesbian web pages. Gays and lesbians construct their identities based on society’s discourse on homosexuality and by availing themselves of the possibilities this discourse presents. Having assumed a gay or lesbian identity brings about a desire to share this realization with significant others and gain their acceptance for something which they feel to be an important part of who they are.

Most gays and lesbians first confided their sexuality to close friends and/or siblings before bringing it up with their parents. Sometimes siblings would advice against informing the parents, especially if these were older or very religious. In other cases the informants reached that conclusion on their own. To most informants though, coming out to their family seemed important. Family reactions varied greatly. Some informants described them as very positive while others had met with very negative reactions. However, even when the reactions were negative some kind of agreement could be reached that allowed family life to continue more or less as before by closing the subject and refraining from discussing it. This allowed parents to explain the issue away as a “whim” or a “phase” on behalf of their sons or daughters or at least give them more time to come to terms with it. Often acceptance required time. In this way a mutual understanding could develop through time while allowing family ties to remain more or less intact in the meantime. Many gay and lesbian informants maintained close ties with family members and actively participated in family life. Frequently their partners were also integrated into the extended family. Some gays and lesbians were parents. This was more frequently the case with lesbians. Both gay and lesbian informants adhered to an ideal of lasting monogamous relationships. Gay men expressed concerns about the image of homosexual men as “promiscuous”. They rejected this view as a stereotype and attributed it to a level of repression that had made it difficult to form lasting relationships among gay men. The social life of gays and lesbians included “straight” as well as gay and lesbian friends. At birthday parties and other social events there were often heterosexual friends present together with gays and lesbians.
The workplace was an arena less characterized by openness than the private sphere. Gays and lesbians classified companies as either “gay friendly” or “homophobic”. Certain professions, especially within the media and service sectors, were more prone to be classified as “gay friendly” than others. Some gays and lesbians were “out” in their working place but many concealed their sexuality from their colleagues. A gay informant who had moved to Buenos Aires from a small town expressed this in the following way; “I moved to Buenos Aires so that I could be myself but at work it feels as if I never left” (Diego, 25). Another informant referred to his workplace by saying that “in some places it is just not possible to be open”. In these situations gays and lesbians opted for “passing” in order to access and keep a job while avoiding problems.

Gay and lesbian sociability was often centered on the gay commercial venues. These were places where they could meet friends and potential partners. At the same time many informants expressed a dislike for what they called the “frivolousness” of these places. They criticized the commercial aspect and the superficiality of a sociability which revolved around appearances and casual sex. Because of this many gays and lesbians sought to create alternative events and meeting places away from the downtown commercial scene. This was of particular importance to gays and lesbians from the outer lying parts of the city where there were no commercial venues around. Gays and lesbians living in different neighborhoods organized themselves based on the local geography and made use of the internet to establish personal ties and plan local events. In this way the gay and lesbian community of Buenos Aires was expanding while continually evolving in response to forces both internal and external.

Gay and lesbian informants’ accounts of living in Buenos Aires were generally very positive. They described the city as a place where it was possible to live relatively openly as gay or lesbian. The relaxed atmosphere of Buenos Aires was contrasted with the countryside where the people were much more conservative and where the Church maintained a strong position. My informants thought that it was much easier to be openly gay or lesbian in Buenos Aires than in other parts of the country;
“I think that in comparison to other places, here in Buenos Aires it’s really a possibility. There’s a higher level of freedom. At least compared to other places I’ve been in Argentina. Here I’ve seen boys holding hands in the street, not often but it happens. In other cities that would be unthinkable. There the conditions are much more oppressive. People conceal themselves (se oculta) in every way possible. Because the physical and verbal violence is much stronger the concealment (el ocultamiento) has to be that much greater. Buenos Aires being a big city allows you more anonymity and that is an important factor. You don’t have to worry that much about what others might think but as you move away from the city centers things change” (Nahuel, 24, gay).

During my stay Nahuel and some others from the gay youth group went to visit some gay friends from another organization that they had met at a meeting in Buenos Aires. The new acquaintances were from another province. Back in Buenos Aires, Nahuel aired his frustrations with the local nightlife;

“This was in Mendoza. The boliche (disco) was heterosexual. Supposedly it was gay but inside apparently everyone was heterosexual. The music wasn’t the kind that we listen to in a boliche. Here we play electronic music. There they played some kind of rock which generally doesn’t work well with a gay crowd. There was a stag party, for a man and a woman, and the host acted like everyone was heterosexual. My friend told me that many of the guys holding hands with girls were really gay (gays) and that they acted like that in order not to draw attention to themselves. Everyone knows what’s going on yet pretends not to. A lot of hypocrisy! You feel quite uncomfortable because you’re used to going to a gay bar and the place is gay, end of story. Here we went to this supposedly gay bar and inside everybody is in denial. It was weird. (Nahuel, 24 gay)

Nahuel’s experience with gay life in the provinces strengthened his positive perceptions of Buenos Aires. The possibilities that the Capital offered for living out a gay or lesbian identity appeared all the more valuable when compared with the social invisibility of gays and lesbians in smaller cities and towns in the countryside.

Gay and lesbian informants emphasized the differences between the Capital and the rest of the country in their accounts of what it was like to be gay or lesbian in Argentina. In rural areas the stigmatization of homosexuality remains strong. An informant told me of a friend who had moved to Buenos Aires from a remote
province. After having been infected with HIV the friend had come out to his mother as both gay and HIV infected. The mother resolved to tell his father that their son had been infected with HIV but not that he was gay. Instead she told him that he had been infected by a female prostitute. Buenos Aires is seen as a safe haven by members of sexual minorities who arrive in the city to escape the hostile attitudes in their places of origin. The more positive social attitudes in Buenos Aires represent a recent development which can be seen from a lesbian informant’s account of when she came out to her family in the early nineties;

“I told my mother some time later. My mother embraced me and started crying. I started crying too. She told me that she would always love me all the same and that all that mattered was that I would be happy not how I’d be happy. But then she told me that may be it would be best for me to leave and go to live somewhere else. That it would be easier for me in another country, that this society was very conservative, very fascist (facha) and all machismo (machista) and then I was struck by an overwhelming fear. I didn’t want to go and live somewhere else. I wanted to stay with my family and my friends right here in Buenos Aires” (Anita, 32, lesbian).

Her mother’s main concern was society’s homophobia and she found it hard to believe that Lisa would be able to live a happy life in Argentina, even in Buenos Aires. Anita said that things went much better than her mother had feared and that lately it has become much easier to live as gay or lesbian in Buenos Aires;

“To me it seems like things have improved enormously, hugely. There’s much more tolerance now, even respect. One can still question the way gays are portrayed on TV but at least they appear and in ways better than before… There are still the jokes about the “puto” (effeminate homosexual man) and I don’t know if that will ever disappear but the Civil Union Law I think did a lot. One might question the way it is formulated or if the extent of it is sufficient but what I think the law did, beyond allowing two persons to legalize their relationship, is that it legitimates the situation of two people who love each other. It is like telling the next door neighbor that this is an OK thing… Most importantly it educates people. It says that it is OK to be gay or lesbian and that you are entitled to rights” (Anita, 32, lesbian).
Anita observes an increased level of acceptance of gays and lesbians in Buenos Aires. She thinks that the public discourse has changed and that the media play an important part in this development. More than anything else she sees the implementation of the Civil Union Law as a catalyst for social change. This was a predominant view among gays and lesbians in Buenos Aires. The Civil Union Law was frequently cited by gays and lesbians as a landmark achievement. The law was seen both as a result of changing social attitudes and as a catalyst for bringing about social acceptance.
Chapter 5: Gay and lesbian experiences with the Civil Union Law

Introduction

In this chapter I present four gay and lesbian couples’ accounts of their relationships and their experiences with the Civil Union Law. These accounts show that gays and lesbians actively employ the Civil Union Law as a symbolic marker for interpreting their lives and their social relations with significant others. At the same time the law is also employed in negotiations about the legitimacy of same-sex relationships between gay and lesbian couples and majority society.

Marcelo and César

The first couple to enter a civil union in accordance with the new law was that of the president and vice president of CHA; César Cigliutti and Marcelo Suntheim. The ceremony took place in the Registro Civil in Uruguay Street in downtown Buenos Aires on July 18, 2003. This was the day the Civil Union Register was officially opened.

The ceremony was transmitted live by all the national TV channels as well as by many foreign channels. Their families and friends were present at the ceremony and a large crowd of gay and lesbian activists had gathered on the street outside the Registro Civil where they had draped the signpost of the building with a rainbow
flag. When Marcelo and César appeared on the stairs after the ceremony the crowd
greeted them by singing the Spanish version of “I am what I am” (“Soy lo que soy”
by the Argentine artist Sandra Mihanovic) and sprinkled them with confetti. The
couple tossed the “wedding bouquet” and it was caught by the journalist Alejandro
Modarelli, a close friend of César and Marcelo. At the reception after the official
ceremony the couple cut a wedding cake decorated with two male wedding figurines
and rainbow flag ribbons. The rainbow flag is an international gay and lesbian
symbol. Marcelo explains why he felt it was important that he and his partner be the
first couple to enter a civil union:

“So the law had been approved, the register was inaugurated and we were the first couple to get
united because it was necessary to continue this discourse about rights. If we hadn’t been first it
would have been some celebrity from TV in a sort of circus for the media, to be able to sell the movie
rights, etc. So that having struggled so much to get this law, we decided we should be the first to enter
into a civil union in order to be able to continue the discourse on rights on TV. All of this while
thinking that now it would be possible to present a project at a national level since there was already a
great deal of discussion about our rights. We thought that the circumstances were ripe for presenting a
much larger project to the National Congress that would recognize the right to heritance, widower
pension and adoption among other rights pertaining to matrimony.” (Marcelo Suntheim)

Marcelo thinks of the ceremony uniting him and his partner in civil union as marking
a victory in the struggle for equal rights for gay and lesbian couples. He sees this
victory as being only partial, however, leaving out important rights.

In the struggle to claim the same rights for same-sex couples, Marcelo thinks that
visibility is paramount. The ceremony being transmitted live on television allows the
general public to take part in the process and enables people to identify with a gay
couple. This view is shared by María and her partner Claudia who were the first two
women to publicly become united in a civil union.
María and Claudia celebrated their civil union on August 21, 2003. They are both lesbian activists and in their early thirties and late twenties. They met seven years ago through their activism.

I came to know them through the preparation committee for the Marcha del Orgullo (the pride march for sexual minorities) which is arranged every November in Buenos Aires City. Especially María was an active participant in the committee and I came to know her well through my fieldwork. She had strongly felt opinions and voiced them but she also had a good sense of humour and a contagious laughter that cut across eventual disagreements within the group. I did an interview with her at the headquarters of the lesbian organization La Fulana where the committee meetings were also usually held. I started this interview by asking María how she and Claudia had experienced being one of the first women couples to enter into a civil union:

“We were really the first to do it publicly. There had been a few other couples that entered a union before we did, but in a more private way. We were not the first, but in all the media that’s what they said because we wanted to make this a political issue, especially for the lesbian women because the boys from CHA had already entered the union and we wanted to contribute by adding a lesbian presence. So we notified the press. On the day of the ceremony we arrived a bit late. All the journalists were waiting by the door together with our friends, relatives, people from the community and from society at large that had heard about it through the media. They didn’t let anyone inside, the two of us entered the judges’ office because civil unions weren’t done in the wedding room (salón de matrimonio). We had to choose a group of friends to be allowed to enter and the press corps almost breaks the door trying to get inside. So the judge (jueza: female judge) took her desk out in the entrance hall and the ceremony was held there. Still there were people who couldn’t get inside because there wasn’t enough space. There were pros and cons. In contra, and people tell me that has improved, but back then the people at the Registro Civil used great effort to differentiate between the weddings and the civil unions, thus they would not permit those celebrating a civil union to hold the ceremony in the wedding halls, which were nicer. This changed over time as the prejudices of the people working at the Registro Civil weakened and now it is done in the (wedding) halls. But we got a peace judge (jueza de paz) that was very favourably inclined towards the Civil Union of same-sex
couples and through her speech (discurso) she made something regulated as an administrative procedure become a true ceremony. Through their words, the judges can make it better. Up to now, everyone I know of has been content with the results.” (María)

Marías account shows how the first civil unions were symbolically separated from “the civil ceremonies linked to heterosexual marriage by reserving the use of the “salones de matrimonio” for the latter. This practice later disappeared, something she interprets as a weakening of prejudice against same-sex couples by the staff of the Registro Civil as the employees came to meet more gay and lesbian couples in their work and were able to appreciate the shortcomings of the smaller rooms in accommodating the couples’ friends and family.

María also emphasizes the importance of the individual judge in creating what she calls “a true ceremony” out of something that was implemented in an indifferent legal language as an “administrative procedure”. In the following excerpt she elaborates on this symbolic aspect of the civil union for her and her partner when asked what the civil union meant to them:

At the personal level it’s an important symbol of affection, to go before a representative of the State and make a commitment to another person in a family relation. In terms of affection it was an important symbol in our relationship but since both of us are activists it was also a very significant social and political act. If we had been heterosexuals, I don’t know if we would have needed that symbol but being lesbians we wanted not merely to access the legal benefits but equally importantly to support this law that without doubt is an important step forward in the struggle for our rights. But at the same time we also said through the media that we want more than this law, that the law was only a step in the right direction. That there is still a lot that needs to be done. (María)

María is a member of the Labour Party (Partido Obrero) and the year she entered the civil union with Claudia she was the party’s candidate to be the vice president of the City Council. Party members paraded before the Registro Civil when the ceremony was held waving the party flag. As a couple, María and Claudia have a high public
profile. According to María there are very few lesbians that are publicly open in Argentina. She says that especially lesbian women with children are reluctant to be open out of fear that they will face problems with the authorities over custody of the children. María thinks that the chances of that occurring are minimal but that in a given context being a lesbian mother might influence the outcome negatively:

A mother lived in a nice one room apartment with her daughter. They told her that she could not continue to live there because the daughter would be exposed to her mother’s sexual practices. But a heterosexual couple cannot expose their children to their sexual practices either. To a heterosexual couple it would never have happened. In the villas (villas de miseria= the shantytowns on the outskirts of Buenos Aires) they’d have to take away all the children...This woman moved to a two room flat and managed to keep her daughter...This was two or three years ago and now there are verdicts which state that to be a lesbian is no impediment to custody of children but if the judge is very catholic some other pretext might be used even if the issue is not directly addressed. It can happen (María)

María and Claudia plan to have children through artificial insemination in a clinic. The law does not prohibit insemination of lesbian women but they have to pay for it themselves at a private clinic and only the biological mother is considered a parent in legal terms. María says that most doctors don’t have any objections because there are no serious studies that have concluded that gays or lesbians are less fit to be parents than heterosexuals and that the doctors because of their profession are guided by a scientific approach to the issue rather than by religious or political convictions.

María and Claudia want to raise public awareness about insemination rather than using a legal loophole for their own benefit. They talked to various doctors in order to find one that was willing to go public and defend lesbians’ right to adoption. They found one that was positive about it but the director of the clinic had objections. Recently they found another doctor that they think is well informed about the issue and seems to be a good choice. When it comes to their civil union María thinks that peoples’ reactions have been overwhelmingly positive:
From society, the reactions towards us have been very positive. When we went out, we used to meet people that had seen us on TV and approached us to congratulate us and some times they’d give you a hug. Elderly women with their husbands wished us luck and said that they hoped that the issue of adoption would work out. Also at the university, at the kiosks, at the supermarket…That does not mean that discrimination has ceased to exist because it is not the same with two women that you don’t know as with your son or your employee…but to us the reaction was positive. From the gay and lesbian community there’s been much recognition. When I’m having coffee with my mother someone might come over to me, someone from the community, and thank me. When we travel in the interior we observe the cultural difference that exists. When people recognise us here they smile, there they look frightened. In the interior it is still difficult, more complicated. There are provinces that are more complicated than others because society is more conservative. When we went to Mendoza to attend a women’s conference people reacted more aggressively when they recognised us on the street, it wasn’t particularly pleasant. The gays and lesbians that approached us did so with caution because our visibility made them visible too. (María)

María and Claudia’s visibility as a lesbian couple in the media exposes them to sanctions from the general public. When people recognised them, the reactions ranged from being overwhelmingly positive in the Capital to being expressions of anxiety or overt hostility in the provinces of the interior. Their experiences coincide with many other accounts that depict the provinces as being places where being gay or lesbian by necessity entails secrecy and caution. Buenos Aires is regarded as much more tolerant.

I will now look at another gay couple’s experiences when entering a civil union. They are not activists like the two couples hitherto discussed and their story might serve to shed some light on how the Civil Union Law was received by “ordinary” same-sex couples; that is, people from the gay and lesbian communities that do not actively participate in activism.
I met Tomás and Mario through my friend Veronica. They were close friends of Veronica’s mother.

Tomás is 36 years old and comes from a small town in the province of Buenos Aires. He says he discovered that he was homosexual when he was twenty years old. Before that he had only been going out with girls. When he was 18 he moved to the provincial Capital of La Plata where he later met his first male partner. Tomás was living with one of his sisters and his boyfriend lived with his parents. In 1994 they decided to move to the City of Buenos Aires together but after a while Tomás started to feel unsatisfied with the relationship and broke up with his partner. He continued to live in Buenos Aires where he later met Mario.

Mario is 46 years old and like Tomás he comes from a town in the Province. He says he discovered that he was homosexual when he was a teenager during the dictatorship. I asked Mario how his family reacted to his homosexuality:

I told them right away. It was a disaster. They wanted to have me interned and subjected to electrical shock treatment because the psychiatrist told them cases of homosexuality had been cured that way. I was a minor of age and I ran away from home, this was in 1980, and I disappeared for six months. I called home but never told them my whereabouts until I was no longer minor of age. First I went to live with my grandmother and then with a boyfriend...During the dictatorship I had the luck of being in a relationship that lasted 16 years. I’ve always been a “parejero”, some one who likes being in a steady relationship. The first time I went to a (gay) boliche (boliche=bar, disco) was six years ago. Before that I could never get myself to enter one. (Mario)

Mario and Tomás had met five years earlier through a gay chat line. Neither of them expected that a date obtained through that contact method would lead to any serious relationship. Yet after meeting each other for the first time in February they met again the following month. “And after that, we were never apart!” Tomás said.
They started spending more and more time together in Mario’s apartment until Tomás terminated the contract of his own flat and moved in permanently with Mario. The apartment building where they live is situated in a quiet residential area of the city. They share the nicely decorated two bedrooms flat with their Siamese cat Rosa.

Tomás and Mario say that they never wanted children because they don’t think they’d have the patience required. Tomás says that getting to spend time with his nephew covers his needs in that respect. Nonetheless he thinks it is sad that gay couples are not allowed to adopt;

I’m not interested in adopting but every Tuesday we go and see a movie together with a friend and later we drop her off in front of her house before going home. One day we are waiting for the light to turn green near Constitución (a poor neighbourhood in central Buenos Aires). A kid comes over to the car. His height is barely a meter, not enough to get to the windscreen to clean it. He can only get to the mirrors. He’s barefoot, wearing a worn-out T-shirt, undernourished. I look at him and it makes me want to adopt him because that boy needs a warm bed, a hot meal and someone that can give him a hug. Our cat receives more love than that kid. (Tomás)

In Argentina single persons are allowed to adopt and the law is silent on sexual orientation in this context. Same-sex couples are specifically denied rights to adoption. Marcelo Suntheim told me that he knew of many gays and lesbians that had adopted as a lone parent and later raised the children together with a future partner. In these cases the co-parent has no formal rights or duties of parenthood.

One day Mario and Tomás heard that the Civil Union Law was about to become implemented any time soon. They both considered it to be an interesting possibility:

The general comment among our friends was that this wasn’t going to be good for anything. We looked at each other and said: Something is something. Because even if it doesn’t give you pension rights or inheritance, a few things it gives you to hold on to. Let’s wait until things calm down, we said to ourselves; next year we’ll do it. (Tomás)
This statement shows that the expectations to the law among Mario’s and Tomás’ gay friends were not very high. In fact most of their friends were quite unimpressed. Mario and Tomás for their part also considered the Civil Union Law to be insufficient but chose to emphasize its advantages rather than its shortcomings. They saw the Civil Union Law as a small but important victory for gay and lesbian rights and something that deserved their support. Tomás and Mario said that aside from the personal benefits that could be gained by entering a civil union, an important aspect of it was to support the political struggle of gay and lesbian activists. As they themselves were not activists they thought that making use of the law was a way for them to contribute to the political struggle for equal rights. During that same year the death of a gay friend of theirs made them reflect on their own situation as a couple without any legally recognised status. Tomás told me what had happened:

In December a friend of ours died. He had been in a relationship for 34 years. The story was simple. He suffered a heart attack and was taken to the hospital where he died. It was a cardiac arrest and there wasn’t time to do anything. His partner had to call the brother because they wouldn’t let him touch the body. The family made all the funerary arrangements the way they saw fit. The employees at the funeral home consulted with the brother while his partner for 34 years couldn’t do anything but cry. Luckily, they (the deceased and the partner) had resolved all the legal issues, in the event of one of them dying, years ago. But the family reacted with anger even though the two of them had bought the property together, each contributing with half the purchase amount. After that we realised that this could just as easily happen to us at any given time. We asked ourselves if our own families would continue to be as kind as they have been up to now, apart from a few frictions over our sexuality. We decided to speed up the preparations. This was last Christmas and we decided to set the time for March, for the fifth anniversary of our relation. (Tomás)

This story illustrates a recurring situation. The same-sex relationship is tolerated by the relatives of one or both parties while the relationship lasts. When one of them dies, however, the relationship is no longer acknowledged but treated as a whim by the deceased that the relatives have had to put up with while he or she was still alive.
If a legal framework is not in existence that recognises same-sex relationships and thus allows the couple to formalize their situation, this legal void lends legitimacy to the relatives’ renunciation of the relationship. Their disavowal is formally and symbolically repeated and reinforced through a sequence of restrictions employed by public authorities at the time of, or shortly before, the partner’s death.

These restrictions include the partner being denied access to the intensive care unit at the hospital, the partner not being permitted to retrieve the body or to decide on the funerary arrangements. These restrictions have been eliminated through the Civil Union Law.

One last but important restriction that was not resolved through this law is the lack of inheritance rights for the partner in a same-sex relationship. In Argentina inheritance laws are part of the national legal framework and could thus not be addressed by the Civil Union Law which is a municipal law.

The lack of inheritance rights has serious negative implications for the remaining partner of a same-sex relationship. The economic consequences can partly be resolved before the eventual death of one of the parties by writing a will. In the case cited above this assured that the remaining partner could continue to live in the apartment he and his partner had bought together. Even so, this mutual and legally binding agreement by the two parties led to a bitter conflict arising between the remaining partner and the relatives of the deceased. The latter had taken for granted that the economic assets of their relative would be transferred to them upon his death. Mario and Tomás concluded that they had no guarantee that this situation could not arise in their own lives and this made them want to go through with the civil union earlier than first planned.

Mario and Tomás live in an apartment block and their relationship is known to their neighbours. They say that their homosexuality is brought up by individual neighbours if disagreements arise between themselves and others living in the building. As Tomás said; “In the building we’ve had several arguments in which the
first thing they’ll say is ‘damned fag’ (puto de mierda) because they think that will make you lower your head and shut your mouth. And when banal things are discussed, such as the colour of the floor, I have as much a right to have an opinion as anybody else.” (Tomás)

The way Tomás describes these arguments they are trivial disagreements revolving around practical issues. In this sense, they are as likely to ensue between any of the neighbours that happen to disagree on a particular issue. During one such argument, a woman called Tomás a “damn’ fag” (puto de mierda) whereupon he replied “Yes, but happily so (feliz). Take a look at your face, you’re alone and one can tell by looking at it”. In this sequence, moral characteristics are exchanged. Tomás counters his neighbour’s use of homosexuality to assert her moral superiority by suggesting that her heterosexuality has failed to provide her with a man, something he himself has been able to. Referring to the neighbours, Tomás says that answering back dislocates them. Another incident demonstrates the availability of a different strategy to counter similar accusations.

Mario is a member of the board of directors and thus holds an important position in the building. Because of this the couple can demand a certain authority in their dealings with the other occupants.

At a board meeting Mario and a woman voiced different opinions and the woman announced that she was not prepared to accept the opinion of people with ‘a bad moral standing’. Mario asked if she was referring to him being a “puto” (“fag”) and aloud told the secretary to make a note of it in the journal because it could be used to press charges. According to Tomás this was enough to prevent the subject from being brought up again at the board meetings, and he thinks that was because the occupants realised that Mario was “bravo” (fierce) and not a person that they would want to take on.

Mario was able to invoke the law in his dispute with his opponent. Article 11 in the city’s constitution bans discrimination on the cause of sexuality. In the national equivalent of this article, sexuality has not yet been added. It can thus be assumed
that the threat to press charges would carry more weight in the Capital than in other places. The threat may also be more effective because the dispute occurred in a somewhat formal setting and with many witnesses present.

Mario and Tomás seek to establish a power balance in their relationship with the other occupants. On the one hand, they cannot allow their opponents to get the upper hand in the disputes by referring to their homosexuality unpunished. If they had, they would have lost. This requires that they answer back, making use of any punch line available to question the moral integrity of the opponent.

On the other hand they are concerned not to attribute to an escalation of the situation. Tomás said;” I wouldn’t like to experience what happened to a friend. When he entered the garage he found his car written all over. It was two weeks old. It makes you mad but what can you do, if we keep on fighting we’re going to find our door written on, and I don’t feel like going out to scrub it off”(Tomás). Tomás worries that the disputes with some of their neighbours might evolve into something more serious. Something in which their homosexuality becomes what is targeted instead of it merely being tactically deployed in trivial disputes over other issues.

In their workplaces, the situation is different. Mario works as a salesman. Some of his clients have become aware of his homosexuality through others and he has experienced negative reactions because of it. Still he is generally able to avoid situations in which the subject is brought up or to be identified as homosexual. Tomás works in a firm which he describes as “homophobic”. He is not sure if someone at his workplace knows that he is gay but he has never brought it up himself. He thinks that the general attitude towards homosexuality there is negative and he avoids the subject.

“I have to act stupid (hacerme el tonto) and when they make a joke or an allusion I look the other way because if I act offended that would be worse...You get invitations through work in which you are supposed to bring your partner (pareja) and you go alone. Then you stop going because they keep asking; so, what about you? In certain environments you can’t open up and say: I’m different. So you prefer to keep silent and not give them any motive for talking.” (Tomás)
Tomás and Mario are “out of the closet” in the building where they live and “in the closet” where they work. “To leave the closet”, an expression that refers to a person’s act of becoming openly gay or lesbian, is thus not a single decision that results in visibility from then on. It is rather a series of decisions made at different times and in different places that are but parts of an ongoing process.

The preparations and celebration of the civil union

Having decided that their civil union should take place in March, Mario and Tomás started with the preparations.

They looked around to find a place they could hire for the party they planned to have after the official ceremony. This turned out to be a bit difficult as the places they had in mind had already been booked. At other places they were turned down because the owners didn’t want to have anything to do with homosexuals and bluntly gave this as the reason. Mario and Tomás then hired a (female) party coordinator to help them with the planning in order to avoid further disappointments.

In the beginning of March masked men broke into the apartment. Only Mario was at home and he was held hostage while the robbers removed all the valuables including the money and the clothes for the celebration. After the incident Mario suffered a depression but he insisted that they go through with the civil union the way they had planned.

A few months earlier, in January, Tomás had fallen out with some of his brothers and sisters living in the province. The disagreement started when Tomás invited them to the civil union celebration. He didn’t want his parents to know and his siblings had divided opinions on the matter. Some said that they would feel uncomfortable and others gave practical reasons for not being able to go. In the end one of his sisters
invented an excuse to the parents so that she would be able to be there. She would come to the ceremony but not to the party. Tomás says that he didn’t mind that his other brothers and sisters didn’t come because he doesn’t feel very close to them but that he really appreciated his sister coming to the ceremony.

They lobbied so that no one would go, but my sister came to the ceremony, not to the party, but to me it was very emotional. My brother stated that he would feel very uncomfortable and my other sister said that having the kids it would be difficult to make it. Those were pretexts. I didn’t insist. With them I don’t talk about what I experience, I talk about the weather, silly things. When you drop a bomb on them like that, they get…well, this is very new to society. (Tomás)

Tomás explains the reluctant attitude of his family members as a reaction to something new and unfamiliar to them. He thinks that they still need more time to adapt to the new situation. As a new institution, he deduces, the civil union’s acceptance will grow as it becomes more commonplace. The mother of Mario’s nephews also came to the party. Most of the seventy guests were friends of the couple, both heterosexual and homosexual;

“Mario’s grief when he discovered that he was gay was that he wouldn’t get to have a wedding party. To me that wasn’t so important, other things mattered more. He wanted it, so we did it traditionally, with the cake, waltz, suit, everything corresponding to a traditional wedding. I didn’t really care for the waltz, but we did it anyway. Here it’s tradition that the man has to remove the woman’s garter. Those are traditions that we left out. We also entered the room together. The couple on the cake, those are the two figurines, and with the two attesting witnesses. The law requires two to five witnesses. We chose two friends. One was Angelica, Isabel’s mother, and the other was the mother of Mario’s nephews whom he considers a sister”. (Tomás)

The civil union celebration of Tomás and Mario is modelled on a traditional Argentine (heterosexual) wedding. This was a conscious choice that they made because Mario had always wanted one. When he realised that he was homosexual,
Mario thought this would become impossible but with the Civil Union Law his wish may be said to have come true. Obviously there are important differences between a traditional marriage and a civil union celebration. Even so Mario and Tomás were able to appropriate the symbols pertaining to traditional marriage ceremonies and to incorporate them into their own civil union celebration. These specific symbols can then be evoked to symbolically insert the civil union celebration into a pre-existing tradition, that of heterosexual marriage. In Tomás’ account this can be seen in the way different rituals are embraced, modified or discarded according to their adaptability to the new ceremony. Thus the garter removal is discarded because it reinforces the image of a union of a man and a woman, the female cake figurine is replaced by an additional male one and the waltz is kept unchanged.

Mario and Tomás also added elements to the celebration that were not strongly associated with marriage. These included a show by an illusionist and two acts in which they themselves acted and danced. After the initial disappointments, the place that was finally chosen for the party exceeded Mario’s and Tomás’ expectations. They felt that the owners, a married couple, and the staff were very welcoming and affectionate. As they were leaving at seven o’clock in the morning the owner confided to Mario that he was really fed up with marriages but that the night’s party was the most fun party he had attended in a long time.

Finally I wish to briefly consider one last case in which a gay couple did not enter a civil union but where the issue arose in a different context and where the institution of civil union came to serve as a framework in which the legitimacy of same-sex relationships was negotiated.
Federico and Cristian

Federico and Cristian started going steady two and a half years ago. They met through friends. Both of them had an apartment of their own but six months after they met they decided to move together.

Federico is 37 years old and moved from his home province to the Capital 15 years ago. He works in tourism. Cristian is from Buenos Aires. He is 32 years old and works in the media.

Some time after they started living together Federico left his old job and started to work for another company. He found the new job to be less interesting than he had hoped for and he realised that this was not what he wanted to be doing. By now he also had some savings that he and Cristian could fall back on. Together they decided that Federico should leave work to start looking for a new project.

After a while Federico found a project in marketing and sales that he wanted to invest his time in. However, this meant that he would not longer be an employee and have access to a good to a good “obra social” (insurance plan) like the one he had while he was an employee.

A renowned company is expected to provide its employees with a good “obra social”. The “obra social” is provided to the company by an insurance company. The company and the individual employee each contribute with a share of the premium that serves as payment to the insurance company. The “obra social” can then be used to receive privatized health care and other benefits. The obra social can also be extended to include a spouse or partner and other relatives of the employee.

Federico uses the English word “gay friendly” to describe the company that his partner Cristian works for. He says that it has many gay employees and that it has a policy of “openness to the (gay) community”. Cristian looked into the possibilities of including Federico in his own insurance plan. This insurance plan was one that was
generally seen as very advantageous. The plan included a clause that allowed the employee to extend it to his or her spouse or partner without extra costs.

Cristian talked to the person in charge of the obra social of the company and was told that there should be no problem. The human resources branch of the firm then informed the seller from the insurance company about Cristian’s request. Cristian had informed them that his partner was a man and this information was passed on to the insurance company’s representative. This representative told Cristian that this posed no problem but that he and his partner would have to present a certificate of cohabitation (certificado de convivencia). This is a letter that documents that two persons are living together as a couple and it needs to be attested by two witnesses. It is issued throughout the country in the same way. The certificate can be obtained at the “Registro Civil”, the same building where the civil union ceremonies take place. Federico and Cristian went there to get it but the matter was soon to turn slightly more complicated;

“This certificate could be obtained at the Registro Civil in Palermo. Our friends threw confetti at us. It was great fun. With the certificate we went to the human resources department (of Cristian’s company) and from the insurance company they called to inform us that it wasn’t enough with the certificate of cohabitation but that they wanted us to enter the civil union. Cristian asked if it would be sufficient with the certificate of cohabitation for a heterosexual couple to which they responded: Yes. The reason they gave was that it was very easy for a gay couple to lie. We didn’t agree with that attitude, we thought it was discriminatory.” (Federico)

Cristian and Federico decided to get the certificate of cohabitation for practical reasons. Their friends emphasized its symbolic value and that it meant formalizing their relationship and getting a public recognition from the State. This they emphasized by throwing confetti at the couple when they came out of the building with the certificate. This act symbolically links the procedure with both marriage and civil union in which the same ritual is performed. This link is also evoked through the fact that these ceremonies take place in the same building.

After Federico and Cristian return to the office with their newly obtained certificate they receive a phone call from the insurance company. The situation that arises is peculiar. In legal terms there is no difference between Federico and Cristian and a
heterosexual couple. The certificate of cohabitation does not distinguish between same-sex and opposite-sex couples. The certificate of Cristian and Federico is identical to that of any other couple. The Civil Union Law is specifically worded to be applicable to any couple independently of sex and sexuality. There is thus nothing about the two forms of attesting a relationship that sets heterosexual and homosexual couples apart. Yet the representative from the insurance company insists that as a same-sex couple the benefits are only available to them through the civil union which she clearly connotes with homosexuality. She then goes on to argue that the certificate of cohabitation is insufficient proof of their relationship by claiming that it is easier for a gay couple to lie. This can be interpreted in two ways: That homosexuals are innate liars or that two male (heterosexual) friends might invent a homosexual relationship in order to access economic benefits. The first alternative is offensive. The second alternative is absurd. That homosexuals may contract heterosexual marriage to avoid the stigma of homosexuality is a well known phenomenon. Why two heterosexual men should claim to be in a homosexual relation is far less obvious, especially if female friends are available that could serve the same function as far as economic benefits are concerned. Socially, a fake homosexual relation would probably only be a liability. Federico himself, however, has a simple explanation for the whims of the insurance company:

“There was an initial resistance. People don’t really think that gay couples count. Since there are few cases they want to save themselves the expenses of an extra policy-holder that doesn’t have to pay for it…The card they play is that only recently people are starting to become aware of their rights and to exercise them.” (Federico)

Federico thinks saving money is the true motive for the attitudes of the insurance company. He thinks that if gay people start exercising their rights situations like the one he and Cristian experienced can be more easily avoided in the future. After the phone call from the insurance company, Federico and Cristian contacted the lawyers of the “Defensoría del Pueblo”. This municipal institution takes on legal cases on
behalf of the city’s inhabitants. They agreed to take on the case and said that the insurance company had no chance of winning;

“They told us that we could consider the case to be won because there were no legal arguments to oppose it. They said that they were disposed to present us but that if we had a private lawyer the issue would be resolved much faster. That if we could get a lawyer to write them a letter they would respond quickly to avoid that the media got to know. If it became known in the media that they had to grant the rights to a gay couple they would get hundreds of cases. They’ll send you the card right away, they said. A friend that is a lawyer handled the paperwork and as the City of Buenos Aires has the civil union it would be hard for them to refuse. Ten days later my credential card arrived, they registered me without further explanation and the issue was solved.” (Federico)

Federico and Cristian received valuable advice and assistance from the municipal authorities. Federico also mentions the existence of the Civil Union Law in Buenos Aires as a legal framework that sets a standard for the treatment of gays and lesbians also in contexts that are not explicitly addressed by the Civil Union Law itself. Federico regards the Civil Union Law as an important progress but with a hope that it will evolve into something more;

“In sum, the civil union is a step ahead, but still insufficient. It’s enough to look to Spain to note the differences. I admit that in a Latin American context, Buenos Aires is light years ahead…If I had been in El Salvador they’d throw rocks at me in the street, but I prefer to compare with those that are better off. If I had been living in Madrid I could have children. Every culture has its own ways, not everything can be applied everywhere but one should learn from the places that do things well, like Spain…One of the most remarkable things that happened with that of the credential card was that we had so much fun telling people the story until one day someone told us that we were the most formal couple he knew. Then we started to pay attention to peoples’ reactions when we told the story and found that they were quite fascinated with this formality that it entailed. There are signed papers. There’s an institution of the City of Buenos Aires that confirms who you are. I know many friends that are in relationships but no one with such formality, with the law covering us. (Federico)

Federico looks to Spain as an example. Spain had recently approved a new marriage law that included same-sex couples. Spain is also an important cultural reference to Argentines. To Federico, even the act of obtaining a certificate of cohabitation seems to puzzle the minds of the couple’s friends, it entails a way of formalizing same-sex relationships that they are not used to. To others, like Federico and Cristian and the
other couples, it represents a level of recognition from society that they placed a high value on.
Chapter 6: Travesti subjectivities

I -Would you consider using the Civil Union Law?

R –Not at the time because I don’t want to committ myself (atarme) to anyone. I don’t believe much in the civil union though. Everything is subject to change (todo es rotativo). Love is fleeting (pasajero), everything is transitory. All the men who are with us (travestis) will stay as long as we look good, are young and can make a profit. When we are old and spoilt they will continue to live with us only if there is still something they can leech out of us (mientras que puedan desangrarnos y vivirnos). That is the faith of the travesti. Every travesti must accept that reality.

(Monique, 22, travesti)

In this last chapter my focus is on the most marginalized sexual minority in Argentina; the travestis. Travesti subjectivities differ in important ways from gay and lesbian subjectivities. These differences translate into specific aspects of travesti subjectivity such as identity formation, conceptions of the body, social organisation and living conditions. In this chapter I will explore some of these aspects in order to show why travestis experience the Civil Union Law differently than gays and lesbians.
Becoming a travesti

I-When did you notice that you were different from the other boys?

R- Since I was very little (muy chiquita) I always felt very feminine (femenina), I was always effeminate (amanerado). I liked playing with dolls. In school I always liked the boys (hombrecitos-literally “little men”). I was never attracted to a woman. At 13 I was taking hormones (me hormoneaba). When I was 15 I had a boyfriend (noviecito). I dressed like a woman.

I-How did you obtain hormones at age 13?

R-I always admired the travestis and I asked them what they did to become like that. They told me and with my allowance I bought the hormones and started taking them because I always wanted to become a travesti. It was always my dream.

(Excerpt from interview with Carla, 28, travesti)

Carla is a travesti. The term “travesti” comes from the verb “travestir” which means to crossdress in Spanish and Portuguese. Travestis can be found throughout Latin American cities and towns. Travestis are born males but adopt female names and dress and modify their bodies in permanent ways to approximate a female body. In Latin America travestis are associated with prostitution and the overwhelming majority of travestis earn their living from this practice. The travestis are at the same time the most visible and the most marginalized of Latin American sexual minorities. The cultural practice of the travestis as it appears today is a recent phenomenon made possible by new technologies of the body such as surgery but related practices are known to have existed in earlier times. The cultural practice of “travestismo” is thus deeply embedded in traditional Latin American understandings of gender and sexuality and in particular the activo/pasivo model of male homosexuality (Prieur 1998, Kulick 1998, Parker 1999).

Every minute detail in Carla’s physical appearance represents a conscious choice to embody her ideal of feminine beauty. It is a project she decided to undertake at an early age and one that has produced a spectacular result. Everything about Carla recalls a strikingly beautiful and elegant young woman; her facial features, long hair, make-up and elegant dress. She has taken a female name and uses feminine pronouns and adjectives when referring to herself. Carla was born a male but renounced masculinity and became a travesti. Carla’s story is typical of travestis’ accounts (Kulick 1998, Prieur 1998, Fernández 2004). Her attraction to boys was accompanied by an identification with femininity. Typically, Carla doesn’t think of herself as a transsexual in the sense that she feels like “a woman trapped in a man’s body”. She specifically states that she wanted to become a travesti, not a woman. She
identified with travestis she met and these introduced her to the rules of the game. Travestis, unlike gays and lesbians, do not frame their subjectivization as a “coming out” experience, a revelation of an inner essence that needs only be acknowledged to become a reality. Rather, to become a travesti is to embark on a journey which involves a withdrawal from the normative social structures of majority society and the initiation into a community on the margins of society.

Travestis usually start taking female (oestrogene) hormones at an early age and move on to inject silicone to enhance their breasts, buttocks and other body parts in order to approximate a female body. The injections are performed by other travestis in private homes. The procedures are not without risks;

R-When I started injecting hormones at age 13 I experienced a lot of changes with my body. I always had a small body but my skin was smooth and I didn’t have any body hair. I started to develop breasts. I shaped my body and I liked the result. After an excessive use of hormones my liver and kidneys suffered a collapse which resulted in hepatitis. With hormones there are pros and contras. You have to attend a strict diet because it ruins your immunological system.

I-How did you complete your female body?

R-When I was 16 I had the breasts and body almost complete, with silicone. I had a friend who injected me with silicone before I came to Argentina (in Peru). I’ve done the breasts, buttocks and thighs. They can put it where you like, the calves, wrists and so on.

I-Does anyone assess you?

R-There are responsible girls that tell you “this will look good on you” or “don’t put in more” and there are others who are butchers (carniceras). Some inject too much.

I-All of that is done through friends?

R-The person that is going to inject you goes and buys it. You pay and she brings everything, needles etc. Now, there’s medical and industrial silicone. The first one is more transparent, the other one is by the barrel, turbid. I used the most expensive one, the medical silicone which is less damaging, because the industrial silicone decalcifies the bones and damages the tissue. It depends on the individual body how it works. Someone with sensible skin may experience a rejection. My body responded well even if some of it trickled down to my ankle where it became encapsulated. (Carla, 28, travesti)

Hormones and silicone injections are supplemented by surgical procedures of various kinds at clinics and removal of facial and bodily hair. To modify the body is sometimes referred to by the term “cambiarse” (to change or make the change) but the term most often employed by travestis is “producirse” (Literally to produce oneself). If the term “asuirse” (to assume (one’s sexuality)) can be said to characterize gay and lesbian subjectivity the term “producirse” is equally characteristic to the production of travesti subjectivity. The term “producirse” refers
to an ongoing process in which an identity as travesti is accomplished gradually through modifying the body. Melissa, a travesti informant who had started this process relatively late at age 22 the previous year hesitated to call herself a travesti. “I’ve become a travesti quite recently. Well, I’m not actually a travesti yet. Not until I operate my breasts”. Melissa thus sees her planned breast implants as marking the completion of the process which will make her a “proper” travesti.

Despite the travestis’ resourcefulness in achieving a female body there is an important limit to this which is equally defining of travestis;

R-I decided that I wanted to become a travesti because I was very clear on who I was. I can’t say that I’m a woman while having a cock (pito) between my legs. If I didn’t I’d say I am a woman. But I am a travesti. Some people confuse travestis with transsexuals (transexuales). The woman has a vagina, tits, everything but not a travesti. 3 years ago I wanted to have an operation because I wanted a commitment from my boyfriend (quería atar a mi novio). I wanted him to become my husband (marido). It was probably for the best that I didn’t because by now I would have regretted it. To have an operation to hold on to a person is a bad thing because later he might dump you anyway and then what’s the use of such a sacrifice?

I-Is it important for a travesti to be well equipped?

R-There are girls (chicas=travestis) who are well equipped (bien dotadas) and that work (the street) well. Others make more use of their feminine side. It depends on the desire (morbo) of the men. One day they want to be active (activos) and the next day they want to be passive (pasivos). But the travesti is desire walking down the street. They always see you as a sex symbol. But a sex symbol with a cock, if not they would go to regular women.

(Excerpt from interview with Carla, 28, travesti)

Travestis see little reason why they should subject themselves to a sex change operation. If they did they would take on an identity as “transsexual” or “operada” (literally operated). Because travestis don’t think of themselves as “women” they don’t see any need for “correcting” their male genitals which they regard as an important source of pleasure (Kulick 1998).

By the time travestis start subjecting themselves to major bodily modifications they will have left their family home and joined a travesti community. Their violations of gender norms produce serious conflicts, especially with their fathers, with the result that travestis are either evicted from their homes or leave by their own accord at an
early age (Kulick 1998, Fernández 2004). Once on the street they join one of the many communities of travestis earning a living through prostitution in towns and cities across Latin America (Ibid.). Gaining entry into this community may be all but easy as travestis compete on the same market. Kelly now works from a department but she started out on the street in “la zona” (the zone) in the neighborhood of Palermo;

“For a time I worked on the street. The Argentine girls disapprove of us Peruvians, you know and soon after I got there a group of them approached me wanting to kick me out of the “zona”. OK, I told them, I’ll go. As I was turning around to leave they started hitting me. There were many of them and they gave me a real beating while yelling to me that I should leave and never come back. When I met them later though, things worked out well. Now they know me. They know that I’m cool, that I’m not a troublemaker” (Lisa, 24, travesti)

Once young travestis like Lisa are accepted by the travesti community this community becomes an important part of their life. It is by no means an easy life and travestis live partially segregated from majority society.

Gender and sexuality

In contemporary Western culture the view that humanity is divided into two biological sexes based on morphological differences is seen as a universal, rational and scientific truth (Butler 1990). In the social sciences the term “gender” is employed to analytically separate a cultural/social domain from that of biology. Within this framework then a man or a woman can be identified as such on the basis of their biological “sex” but the cultural elaborations on what it means to be a “man” or a “woman” belong to the domain of “gender”. Judith Butler has criticized the validity of analytically separating “sex” and “gender” in this way. She argues that the Western binary model of two sexes is itself a cultural construction and that the term “sex” therefore cannot be separate from the term “gender”. To Butler the problem is that we are not able to think of “gender” independently of “sex”. The binary model of two distinct sexes is reproduced in the domain of “gender”;”These limits are always set within the terms of a hegemonic cultural discourse predicated on binary
structures that appear as the language of universal rationality. Constraint is thus built into what that language constitutes as the imaginable domain of gender” (Butler 1990:12). These Western assumptions make it particularly difficult to make sense of cultural sex/gender models that do not correspond with the Western binary model and categories of people who do not fit neatly within cultural models of “men” and “women”. The travestis make up one such category but there are other such “third gender” or “transgendered” groups in many cultures.

In Asia there are various sex/gender categories which resemble the Latin American travestis in certain aspects; males who adopt feminine names, speech and dress but who identify neither as “men” nor “women” but as a distinct gender. These groups include the ‘hijra’ in India and Pakistan and various transgendered categories in South East Asia such as the Filipino ‘bakla’ and the Thai ‘kathoey’ (Nanda 2000). There are also transgendered individuals in Western societies who identify as “transgendered” or “transsexual” (Ibid.). Many characteristics of the kathoey in Thailand are strikingly similar to those of Latin American travestis. As with travestis, the modern day kathoey subjectivity is made possible by technological advances which have allowed the kathoey to undertake bodily modifications which are basically identical to those practiced by travestis. Some kathoey undergo the sex change operation. (Brummelhuis in Jackson & Sullivan ed. 1999, see also Totman 2003). In the West transgendered practices are frequently understood as (gender based) homosexuality but these practices are rarely understood as such in other cultures, the Travestis constituting an important exception (Nanda 2000). The introduction of Western understandings of gender and sexuality in different parts of the world brings about changes to indigenous sex/gender systems;

“The widespread incorporation of Western ideas means that in most societies today several sex/gender systems-indigenous and foreign-operate simultaneously, with gender variant individuals moving between and among them as they try to construct their lives in meaningful and positive ways” (Nanda 2000:6)

In Thailand the term “kathoey” originally referred to a third sex/gender (phet) alongside masculine men (phu-chai) and feminine women (phu-ying) (Jackson &
Sullivan, in Jackson & Sullivan ed. 4-5). The category included hermaphrodites and men and women who in different ways did not conform to normative gender roles. Today the term is associated with male to female transgendered individuals. Kathoey then are typically perceived as a gender distinct from “men” and “women” (Nanda 2000). Social attitudes towards kathoey are ambiguous but relatively tolerant. Even if quite a few of them work as prostitutes, many kathoey also hold regular jobs. Kathoey are associated with a concept of feminine beauty and kathoey beauty contests are very popular among the general population. Kathoey cabarets or “transvestite shows” are a major tourist attraction. Thai social attitudes towards kathoey usually reflect a fascination, even admiration, of kathoey beauty rather than rejection. Even if some fathers may react violently when their sons start to display feminine attributes, most kathoey seem to be accepted as such by their families (Totman 2003). Kathoey are accommodated within their local communities and in educational institutions and can even access higher education (Nanda 2000, Jackson & Sullivan ed. 1999, Totman 2003). The introduction of a Western model of sexuality and gender has made the Thai sex/gender system more complex. At the same time the traditionally tolerant attitudes towards kathoey in popular Thai culture are challenged by the appropriation of a Western “scientific” discourse among the elite in which both homosexuality and transgenderism tend to be seen as “social problems” (Nanda 2000, Jackson & Sullivan ed. 1999). The introduction of the category “gay” has caused changes to the Thai sex/gender system. Gays and kathoey now construct their identities in opposition to each other;

“In Thai popular culture today, the categories of man (which includes gays and heterosexual men) and kathoey are viewed as polar opposites: each category represents a constellation of sexual norms and gender characteristics regarded as mutually exclusive. A Thai man regards himself as either a man or a kathoey. In the modern Thai sex/gender system the kathoey becomes the negative ‘other’ against which the masculine identities of both gays and men are defined (Jackson 1997a:172). The Thai gay man defines himself as a man and not as a kathoey, rejecting all the kathoey’s feminine attributes except his exclusive homosexual orientation. Together, gays, men, and kathoey form structurally related components of an emerging Thai sex/gender system: each component defines and supports the construction of the other” (Nanda 2000:76).
In Latin America the traditional activo/pasivo model forms a conceptual framework for making sense of travesti subjectivity. The travesti can be seen as an elaboration on the role of the effeminate, passive homosexual within this model (Kulick 1998, Prieur 1998). Don Kulick shows how Brazilian travestis’ self-conceptions are in accordance with this model. In Brazil travestis understood themselves to be homosexuals. They modified their bodies to acquire more feminine features in order to attract “real men”, that is masculine men who identify as heterosexual (Kulick 1998). Gay men in contrast self-identify as masculine and homosexual and seek partners that identify in the same way. These differences correspond to a gender defined model of homosexuality and a gay model respectively. Kulick suggests that the Brazilian sex/gender system differentiates between “men” and “not-men” rather than “men” and “women”. According to Kulick males who became travestis generally had an early sexual debut in which they had always taken the “passive”, receptive role. Kulick sees this act as a decisive moment in which these males symbolically lose their status as “men”. From this moment they are socialized into a feminine role and start to adopt characteristics associated with that role. Travestis then, understand themselves to be “not men” but this does not necessitate identifying as “women”. (Kulick 1998). To Kulick, travesti subjectivity cannot be explained as either about sexuality or about gender; “The answer is surely that it has some element of both; neither one on its own would be enough to understand the travesti’s behavior and her sense of identity. The ‘crossing’ practices that cause us to label travestis ‘transgendered’ are not just about gender, but also and perhaps more importantly about sexuality. It is futile to separate the two, for the identity of the travesti arises from the complex interplay between them” (Cameron & Kulick 2003:6). This complex relationship between gender and sexuality means that there are several ways to approach the question of travesti and other transgendered subjectivities.

The Argentine anthropologist Josefina Fernández whom I interviewed during my stay in Argentina has done fieldwork on travestis in Buenos Aires. I interviewed her after having read her book on that subject. I make use of this interview here rather than the book since the interview gave me the opportunity to ask questions that were
of particular interest to me. Her views on travesti subjectivity are further elaborated in her book which is listed in the literature section;

“What is the link between travestismo and gender? It raises questions about the binary character of gender and of the sexes because it’s about a practice which does not correspond with ‘gender’ in the canonical sense of the term. In the sense that the term originated in a feminist context as an analytical and even political concept. Travestismo is a practice in which a person assumes a feminine gender which does not correspond with the biological sex. The result is a travesti identity which challenges the stability of biological sex and displaces it into the domain of gender in the cultural sense. It also affects the subject of sexuality because the sexuality of the travesti follows from the position one takes. That is, in relation to gender it wouldn’t be difficult to think of travestis as heterosexual but in relation to biological sex travesti sexuality becomes homosexuality” (Josefina Fernández, anthropologist).

These observations further illustrate the ambiguity of travesti identity but they do not contradict the observations made by Kulick the way I see it. However, when it comes to the question of what lies at the core of travesti subjectivity the two are not in agreement;

“I think that the gay identity and the travesti identity are constituted differently from the outset, I don’t think that you start out as gay and then become travesti. They have different origins. The experiences of a gay child (niño gay) are very different from the experiences of a travesti child (niña travesti) and so I don’t believe travestismo is simply a way of dealing with homosexuality among poor families. I have no answer as to why most travestis come from poor families but I’m just not convinced that this is reducible to a matter of homosexuality and class” (Josefina Fernández, anthropologist).

Where Kulick sees (homo) sexuality as conducive to gender behavior in accordance with the activo/pasivo model, Fernández sees gender as the constitutive element of travesti subjectivity. According to Serena Nanda the way transgendered individuals construct their identities depends on individual differences as well as on the public discourses available to them;

“Attitudes toward gender diversity vary within cultures as well as between them. Age, region, social class, educational level, ethnicity, religion, urban or rural residence, exposure to Western cultures, and gender itself are all factors influencing attitudes toward gender diversity…While cultural images of gender diversity influence how individuals see themselves, there are also important individual differences in sex/gender identity (how one experiences oneself as a sexed and gendered person). This individual variation is based on differences in personality, life circumstances, social class, and other
factors and helps explain variation in recruitment to gender variant roles. Individuals vary in how
they play alternatively gendered roles and how they challenge or manipulate cultural norms as they try to adapt to their societies” (Nanda 2000:4-5).

This flexibility of transgendered identities may help to explain differing self-conceptions among travestis. The traditional activo/pasivo model conflated sexuality and gender (Parker 1999). Male homosexuality and effeminacy were seen as two sides of the same coin. This model was thus able to accommodate both the sexuality and gender of the travesti in a culturally intelligible way. The introduction of the gay model changed this. As the gender normative, gay identity is increasingly seen as the socially acceptable way to be homosexual in Argentina, travestis risk further marginalization.

Because travestis are usually perceived of as homosexual prostitutes by the majority population they constitute a problem to gay men. When conceived as homosexuals, travestis reinforce cultural stereotypes of the homosexual male as effeminate and promiscuous. This is precisely the cultural image which gay activism seeks to change.

Hans w. Kristiansen found that gay and lesbian activists in Santiago, Chile in the 1990s actively promoted the image of gay men and lesbians as “regular” men and women. At press conferences and other public events gay activists dressed in suit and tie. They had short hair and some grew a beard. Lesbians were expected to appear feminine. They advocated the view that there was no necessary link between gender and sexuality. Gay activists thought of travestis as homosexual men who had internalized cultural stereotypes about homosexual men as effeminate. They explained travesti subjectivity as a result of oppression and a false consciousness. The travestis adopted a self-image that corresponded to the negative stereotypes of homosexuality in Chilean society because they had been socialized into them. The characteristics that travestis displayed were thus imposed on them by society rather than being authentic expressions of a distinct gender identity. To the gay activists the gay model represented an authentic and “natural” way of being homosexual that would render travesti practices obsolete (Kristiansen 1996:70-75). Views such as these
have been a major obstacle to the incorporation of travestis into the sexual minority
movement in Latin America. The gay model has not displaced transgendered
subjectivities such as the kathoey in Thailand or the travestis in Latin America. Such
a displacement could be expected if sexuality alone accounted for these
transgendered practices. To me this suggests that gender by itself is an important
component of kathoey and travesti subjectivities.

Travestis, like gays and lesbians, make use of available discourses on gender and
sexuality in their self-conceptions. Some travestis’ self-conceptions were in line with
the traditional activo/pasivo model. These travestis sometimes used the term
“marica” (effeminate homosexual) to refer to other travestis in an informal and
joking manner. Melissa, who saw her self to be undergoing a process of becoming a
“real” travesti, said that she hoped her relatives would accept her new identity.
“After all, they accepted me as a feminine gay”, she said. She thus implied that her
becoming a travesti shouldn’t come as a total surprise to them. Melissa’s use of the
term “gay” here doesn’t correspond with the meanings gender normative gay men
attach to it. Melissa uses the term “gay” as synonymous with “homosexual” but
without the claim to masculinity inherent in the term “gay”. Her usage is more in
line with a gender based model of homosexuality. Melissa’s use of the term “gay”
may have to do with her decision to become a travesti when already in her twenties.
Before this, she identified as homosexual and “gay” was an available label with more
positive connotations than other terms.

Travesti activists for their part always emphasize the gender aspect and construct
travesti subjectivity as a gender identity;

“One thing is being gay or lesbian, or being a man or a woman. What we maintain is that travestismo
is an identity of its own. What does this mean? We are the living proof that someone who is born with
certain genitalia may construct themselves in a different way… What is the body of a man? What is
the body of a woman? What attributes need it have? This is something I’ve discussed a lot with the
Europeans (transsexuals) because they got this thing with “we are women”. What does it mean to be a
woman?” (Paula, travesti activist)
Travesti activists construct travesti subjectivity as a distinct gender identity by questioning the validity of binary sexes. In doing so they make use of available literature that challenges that concept. The incorporation of the “intersexed” into the Argentine sexual minority movement provides a possibility for travestis to expound on this argument;

“They (the intersexed) are what we call hermaphrodites, even if that is slightly misleading. No one has testicles, penis and a vagina… This raises a lot of questions regarding gonadal, hormonal, genital and genetic sex. This is subject to variation in each person… A man can’t say “I am 100% man” and a woman cannot say “I’m 100% woman”. It varies. What the sciences have posited as an indisputable fact, that there are “men” and “women”, really isn’t so. The body is born diverse (diverso)” (Tina, travesti activist).

Travesti activists’ constructions of travesti subjectivity as a distinct gender identity have facilitated the inclusion of travestis in sexual minority activism in Argentina. Conceptualizing travesti subjectivity as a separate gender identity allows gay men and travestis to configure their identities as about gender and sexuality respectively. This resolves the dilemma of the travestis projecting an image of homosexuality which is in conflict with the interests of gay men and provides the travestis with their own source of legitimacy.

During a meeting at the Committee for the Pride March (Marcha del Orgullo) news broke that a gay organization was planning to show the Belgian movie “Ma Vie en Rose” (My life in pink) at a seminar on “gay childhood”. The elderly gay activist who led this organization held the view that travestis were homosexuals and this view was strongly opposed by most other sexual minority activists. The movie portrays a boy who likes to put on make up and dress in women’s clothes. His breaches of the gender norms cause conflicts with his parents and the local community. There were no travesti activists present at that particular meeting but the gay and lesbian activists reacted strongly to the juxtaposition of the movie’s content with the subject of a “gay childhood”. “What will the girls (travestis) say when they see this?” one lesbian activist asked, “This is very disrespectful!” The activists expressed that the movie depicted a “travesti childhood” (niñez travesti) and not the childhood of a gay boy. The activists decided to edit a letter of protest arguing that the identity of all the
different groups ought to be respected. The conflation of gender behavior characteristic of travestis’ childhood with homosexuality was seen as an attack on travesti self-conceptions. The incident also shows that sexual minority activists in Argentina think that travesti subjectivity, like gay and lesbian subjectivity, display certain characteristics that crosscut cultural differences. They identified the movie’s protagonist as a “travesti” in the making even when this took place in a different cultural setting.

Gays and travestis in Argentina think of themselves as distinct identities with their own characteristics. This is so even if for some travestismo is associated with homosexuality. The view that seems to be taking hold however, constructs travesti subjectivity as a distinct gender identity. The experiences of gays and travestis are very different and the two groups lead very different lives.

The social world of travestis

“Even if being gay or lesbian can be difficult the situation of the travestis is that much worse. Generally they get evicted from their homes at an early age. Because of this they are unable to continue their education and they end up in the street on their own. They start working as prostitutes and enter a vortex of marginalization which also gets them into trouble with the police, all kinds of things. The violence. The only solidarity is that among travestis themselves but because of their situation these relationships aren’t always the best either” (Javier, 24, gay activist)

The social life of travestis is closely linked to the travesti community. Travestis live and work among other travestis and spend most of their time within this community. About 90 % of the travestis in Buenos Aires work in prostitution and virtually all of them come from the provinces or neighboring countries like Peru, Bolivia and Paraguay (Josefina Fernández, personal communication). Because they have no legal income they are excluded from the regular housing market. Many travestis rent a room in one of the “hoteles”, housing facilities which resemble cheap motels and are
usually run illegally. 30 or 40 travestis may be living in one of these buildings where they are usually the only residents. Some travestis manage to get an apartment of their own together with a few travesti friends and perhaps their boyfriends (novios). For this the travestis depend on knowing someone who is willing to rent the place in their own name. This enables travestis to work out of an apartment rather than on the street. This is facilitated by ads on the internet. Working from an apartment provides extra safety because novios and/or other travesti friends may stay around in case a difficult situation emerges. Prostitution is an important element in travestis’ lives;

“Many think it’s easy but it’s not. You leave to work and you don’t know what kind of people you are going to meet, or what kind of risk. Every day is dangerous. You don’t know if you will return alive. For every day that passes and you are still alive you should thank the Lord. Because a lot of girls are beaten up or raped, many things may happen. It’s not easy. I work in prostitution, I dress as a woman and I confront a society in which there are many homophobes… there are girls who will go for anything. Or the guy has a big erection and they like it so they go with him. They think of it as a game. There are those that have a very professional approach to it while to others it doesn’t matter if they work or not. They’re in it for the fun (la joda). They drink and do drugs a lot, taking each day as it comes” (Carla, 26, travesti).

Carla’s description of travesti prostitution reveals the ambiguous attitudes travestis hold in relation to their livelihood. It is a dangerous profession but also a source of pleasure. This is confirmed by Don Kulick’s observations in relation to Brazilian travestis;

“As important as it is, however, money is not the entire story of why travestis prostitute themselves. Whenever travestis talk with one another about their activities on the street, another dimension, aside from the purely monetary one, frequently gets foregrounded and elaborated: pleasure. Travestis derive pleasure from their work as prostitutes. They enjoy this work. It reinforces their self-esteem, and it provides them with sexual satisfaction” (Kulick 1998:183).
To Kulick this disproves the myth that there can be no dimension of pleasure related to the profession of prostitution (Ibid.). According to Serena Nanda the role of sexual desire has been underestimated in Western accounts of prostitution. She maintains that the exchange of sex for money is subject to cultural interpretations; “Although we can never overlook the association of prostitution with poverty, the exchange of sex for money is culturally variable, and needs also to be viewed as part of a complex system of culturally motivated transactions in which symbolic and emotional exchanges are also relevant” (Nanda 2000, 6). These observations are relevant for understanding homosexual prostitution in Latin America which may take very different forms. In Brazil the feminine image projected by the travesti has as it polar opposite in the image of the hyper-masculine ‘miche’. The travesti is culturally constructed as feminine, homosexual and passive and serving heterosexual clients. Miches are their opposites; heterosexual, active and masculine and serving homosexual clients. In real life, however, the cultural images of masculinity and femininity are constantly reverted and transformed as travestis take the active role and miches the passive one in sexual relations with their clients (Parker 1999:64-77). In Buenos Aires masculine male prostitutes are called “taxi boys”. Their clients are homosexual men. The travestis serve clients who identify as heterosexual. Even so these clients do not limit themselves to the active role;

I-What do clients want?

R-The clients today are very versatile. They look at the travesti as a sex symbol and a girl with a cock.

I-Do they want to be penetrated?

R-The clients these days are very flexible, very liberal (modernos) at least most, may be 80% of them. They can be any age, from 18 to 50. When they are horny and between four walls they give themselves over completely. (Lisa, 23, travesti)

The travesti body enables new sexual constellations and the way travesti informants describe their clients indicates that for many clients this is an important component of their sexual desires. According to Kulick travestis have other expectations when it
comes to their boyfriends. Boyfriends are expected to perform the active role and behave like “real men” in sexual relations (Kulick 1998:106).

Travestis look for boyfriends who conform to a specific image of masculinity and they are selected among a specific set of candidates;

“The males that travestis choose to be their boyfriends are always handsome, muscular, usually tattooed young men between the ages of about sixteen and thirty. They almost never work, and if they do, they virtually invariably seem to work as security guards for buildings or parking lots. Just as invariably, the majority of those who do work stop working soon after they establish a relationship with a travesti. Sometimes they stop at the insistence of the travesti; most often they don’t need to be told, but quit on their own accord. A travesti usually meets such a man because he lives in the same area, because he is the brother or cousin or friend of another travesti’s boyfriend, or, finally, because he is himself already the boyfriend of a travesti. Once a male becomes known as the boyfriend of a travesti, he immediately sparks the interest of the others, who will wonder what he has that his travesti girlfriend wants” (Kulick 1998:104-105).

Brazilian travestis had no expectations that these relationships would last long. They believed that men were destined for women and dismissed the idea of gay marriage by saying that “God made woman for man and man for woman” (Kulick 1998:108). They thought that men actually preferred women to travestis and travestis thus had to employ certain tactics to attract them;

“Because travestis believe that men were not “determined” for them and hence do not become impassioned with them, it is useless for them to try to appeal to a man’s emotions when they are trying to hook him. In other words, a travesti does not assume that a man to whom she is attracted will also become attracted to her if she flirts demurely and tries to ingratiate herself with him. Her assumption is the opposite—that the man she is after will never fall in love with her. So instead of attempting to seduce him through sex appeal, a travesti will travel a much more direct road to her man’s heart (to the extent that he has one, in this understanding of male emotions). That road is one paved with money and material goods. From its inception, any travesti-boyfriend relationship will be characterized by the transfer of money and presents from the travesti to the male” (Kulick 1998:109).

The lives of travestis in Buenos Aires seemed to me to differ little from the lives of Brazilian travestis. It seems reasonable to assume that the relationships of travestis and their boyfriends in Argentina are structured in much the same ways as in Brazil. The anthropologist Josefina Fernández confirms the picture Kulick presents from
Brazil; “I think that the travestis’ capacity for love (el espacio amoroso) is quite limited. Certainly there are no men who establish enduring relationships with travestis. This also has to do with how these relationships are perceived in society” (Excerpt from interview). Josefina Fernández confirms that relationships between travestis and their “novios” (boyfriends) rarely if ever last and that this has to do both with the expectations of travestis and their boyfriends themselves and with the social marginalization of travestis in society. The way I understand her it is the experiences of travestis rather than personal dispositions that limit their conceptions of romantic love.

My own data on the relationships of travestis are very limited. I only talked at some length with one travesti and her boyfriend about this. The relationship of Sandra and her boyfriend Raúl seemed to me to be founded on genuine love and mutual respect. They had been together for six years. Raúl told me that he had always considered himself to be heterosexual and that he had never been with a travesti before he met Sandra at a disco. They lived together in an apartment with two of Sandra’s travesti friends. Sandra had been working in prostitution on and off while they had been together. Sandra told me that Raúl, who had a job of his own, wanted her to give up prostitution permanently. Sandra had considered doing a sex change operation but decided against it. She said that her boyfriend’s family had been very welcoming to her. Her own parents in Peru had died and she was not on good terms with the other family members;

“I bought my family after I came to Argentina. At the time I was making good money. I sent money to my family and they were like butter in my hands. Then I confronted them and told them that I am who I am and that I wanted them to call me Sandra. I told them that if they were OK with that then everything was fine and if they weren’t then I would just conclude that I didn’t have any family and that I live and die alone. If they accept me for who I am they are welcome and if not I can still go on with my life. My family has been very hypocritical to me” (Sandra, 26, travesti).

Sandra tried to reestablish her ties with her family when she started to earn money and was able to contribute to her family’s economy. According to Kulick this was very common among Brazilian travestis but the good relations depended entirely on a steady flow of money;
“It appears that despite their initial rejection, the families (especially the mothers) of most travestis eventually come to accept them, and even welcome them back into their homes when they arrive on short visits. But few travestis delude themselves into thinking that this acceptance is unconditional. Most are aware that their families accept them only as long as they can provide them with financial support. The moment that support stops, the door to the family home is likely to shut tight” (Kulick 1998:181)

Sandra demanded something more; that her family accept her for who she was and call her by the name she identified with. In her case her parents had died and this may help explain why she decided to give the other family members an ultimatum. Kulick compares the flow of money to the family with the flow of money to boyfriends;

“In both cases, material goods are exchanged for affective recognition. What this means is that in order to feel desired by those individuals who mean something to them, travestis need to earn not just enough money to live on themselves, but enough to be able to support others as well. Furthermore, they must do this in a competitive context in which a sibling who gives his or her family more may eclipse or displace the acceptance that a travesti can expect from her family-or in which another travesti who earns more may snatch away a boyfriend from under one’s nose” (Kulick 1998:181).

The relations of travestis with their family and their partners are thus structured in very different ways from those of gays and lesbians. Even if Sandra’s account differs slightly from the picture of Brazilian travestis by Kulick, there are also many similarities. Sandra is very clear on pointing out the difficulties that a travesti faces when it comes to being accepted by the family and in building a long term relationship with a partner.

In Buenos Aires, unlike in many provinces, a travesti does not risk being arrested solely on the grounds of being a travesti. In the Capital the police edictions which authorized the police to react upon anything they deemed to be contrary to “public moral” such as “dressing contrary to one’s sex” or “causing a public scandal” have been removed and discrimination based on gender or sexuality is prohibited. The attitude towards prostitution is more lenient and travesti prostitution is accommodated in specific areas. A travesti activist described Buenos Aires as an
“oasis” compared to other places and generally travestis described Buenos Aires in positive terms.

Even if travestis perceived porteños to be generally friendly and polite travestis nonetheless expose themselves to scorn and ridicule when they appear in public. Although many travestis look a lot like women they can usually be recognized as travestis. Travestis do not have the ability of gays and lesbians for “passing” to avoid unpleasant situations. Many travestis thus choose to limit their public exposure during daytime. Particularly unpleasant to travestis are situations of a bureaucratic and formal order which require the use of their birth names. The State only recognizes them by this name which is found in their legal papers such as the identity card (cédula de identidad). In all their dealings with the State travestis are identified as “men”. For a travesti to sit in a waiting room and hear her male name being called up is a situation which unravels her sense of identity. For this reason they try to avoid such situations at every opportunity. Because they have no legal income they have no medical insurance either. As a result travestis only enter a hospital when they are terminally ill (Fernández, personal communication). The lives of travestis expose them to a wide array of health problems. The work in prostitution exposes them to violence and venereal diseases such as AIDS and their injections of hormones and industrial silicone cause other health problems. The life expectancy of travestis would turn out to be far below that of the majority population (Ibid.).

Even if travestis may face even harsher conditions in other places they also constitute a marginalized community in Buenos Aires. Travestis’ rejection of normative gender roles excludes them from participation in a society which fails to recognize their gender identity. Josefina Fernández thinks that this marginalization produces a kind of symbolic poverty which is very characteristic of the travesti community;

“Apart from the economic poverty, this produces a kind of symbolic poverty (miseria simbolica) which is very strong. Besides, in this society there is no social narrative (relato social) on travestismo which would permit a reflection on the part of the community on itself, this is a process which is only just starting. It is different in the case of gays and lesbians where a social narrative is available. There are books, movies, gay poetry…that is, there’s a social narrative which can be used as references. This
is not the case with the travesti community where the processes of subjectivization are very complex, very difficult not only because of the social conditions but also because of the absence of a narrative. A young travesti who is 15 may share the same cosmology, that is; values, symbols and subjectivity, with a travesti aged 40. There are no processes of differentiation like those that exist in the other communities or among heterosexuals” (Josefina Fernández, anthropologist).

To Josefina Fernández the level of marginalization faced by the travesti community is so great that it seriously inflicts on travestis’ possibilities to develop alternative aspects of their personal identities. The symbolic poverty characteristic of the travesti community is not shared by the gay and lesbian communities in which internal differentiations are much greater. Gay and lesbian identities can be modeled on a wider range of possibilities than the travesti identity which is associated with a very specific and marginal role; that of the transgendered prostitute.

The Civil Union Law and travesti activism

There was no great enthusiasm about the Civil Union Law among travestis. Some travestis had heard about the law and was familiar with its contents while others knew little about it. One travesti, Lisa, said that she came to know about the law through a news broadcast on TV and that she thought it was nice that it had been implemented. When asked if the law was something she would consider making use of herself she replied that to her it wasn’t important to have a piece of paper to attest to a relationship. Among travesti activists the opinions were divided. Some travestis, particularly those who participated in the Committee for the Pride March together with gay and lesbian activists declared themselves in favor of the law. Other travesti activists held the view that the law attested to a level of social inclusion already achieved by gays and lesbians which did not apply to the travesti community;
R-In light of the urgency of other issues and because most of us (travestis) don’t even have a partner we decided that we couldn’t endorse the Civil Union Law as a principal claim. That issue becomes a classist one when there are more urgent matters to attend to.

I-But even if there are more urgent matters, don’t you think the law may benefit you?

R- With regard to the Civil Union, to us it means that we would have to admit to being categorized as men (varones) which is not how we identify ourselves. (Tina, travesti activist).

To Tina the Civil Union Law doesn’t contemplate the travestis because the travesti community has to deal with a higher level of social exclusion. Tina also points out that in a civil union ceremony the travesti’s birth name would have to be used because it is a formal occasion. Because travestis identify with their chosen female names such a ceremony would not mean the same to travestis as to gays and lesbians. To gays and lesbians a civil union ceremony attests to society’s acceptance of their sexuality, to a travesti it would be yet another negation of her gendered identity. Isabel, a lesbian activist explained the negative attitudes of some travesti activists towards the law as resulting from personal disagreements between certain gay and travesti activists;

“In my opinion some travestis express negative attitudes about the Civil Union Law mostly because of personal disagreements with some of the gay activists. Even if the law does not solve all the problems it is still a step in the right direction. Our struggle for rights didn’t come to an end with the implementation of the Civil Union Law in Buenos Aires. But this recognition from the State generates changes in the daily lives of travestis and many travestis recognize this. The law is open to travestis too, there’s the inconvenience with the names but that is a general problem… The law is a step in the right direction for everybody and because of this there are travesti organizations which endorse it, even if it doesn’t solve all their problems” (Isabel, 31, lesbian activist).

Theoretically travestis have the same access to use the Civil Union Law as gays and lesbians. Nonetheless travestis showed little interest in the law. I believe there are several reasons for this. One reason has already been mentioned; the travestis’ practice of taking female names. These names are not recognized by the authorities that consistently apply travestis’ male birth names and classify them as men in all their dealings with them. To travestis a civil union would thus be another occasion where their identity is not acknowledged. But even if this could somehow be
accommodated during such a ceremony there are more fundamental differences between gays and lesbians on the one hand and travestis on the other which help explain their different positions. Gay and lesbian identities are constructed on the basis of sexuality. This sexuality can be employed to create a sense of community and common identity. It can be used as a basis for organizing in order to achieve political rights and it can serve as the basis for a distinctly gay/lesbian sociability such as that found in gay bars. Apart from this, gays and lesbians identify as members of mainstream society. They are part of the larger community. Even if gays and lesbians face discrimination they nonetheless have access to work and education and they have closer ties to their families than travestis do. The way gays and lesbians construct their relationships is a reflection of the ideals of romantic love found in mainstream society and in their daily lives gay and lesbian couples face many of the same challenges that heterosexual couples do. The Civil Union Law was designed to address problems that gay and lesbian couples shared with unmarried heterosexual couples and indeed more heterosexual than gay and lesbian couples have entered a civil union since the law was implemented. Travestis lead lives that are very different from those of most gays and lesbians. Because travestis work in prostitution and have no legal income they are not in a position to make use of the law’s benefits. Travestis also construct their relationships differently from gays and lesbians. These relationships have their own dynamics that do not correspond to those of gay and lesbian couples. Most importantly, travestis have few expectations that their relationships with a boyfriend can be sustained through time as they believe men will eventually marry women. Gay and lesbian couples are not faced with the same dilemma and the notion of a shared sexual identity in these relationships is rather an experience that binds the partners together.

A characteristic of the travesti community in Buenos Aires is its political mobilization which is a recent phenomenon. The first travesti organization, ATA (Asociación de Travestis Argentinas) was established in 1991 and soon split into two different organizations; OTTRA (Organización de Travestis y Transexuales de la República de Argentina) and ALITT (Asociación de Lucha por la Identidad Travesti y Transexual) (Fernández 2004: 116). In 1997 a proposal for a new law that would
substitute the police edictions was being debated in Buenos Aires. To the travestis this was significant because the proposal could mean that the police ediction regarding “dressing in the garments of the opposite sex” might be abolished and because the new law also entailed possible changes concerning the right to exercise prostitution. On some issues the travestis made common cause with gays and lesbians but they also fronted their own demands (Fernández 2004:146-157). For the first time travestis appeared in public with political demands, organizing their own demonstrations and participating in public debates. The travestis also used the opportunity to denounce the violence their community was exposed to, especially travestis that had been murdered. Another issue was legal identity and the recognition of travesti identity in identity documents (Ibid.). These public manifestations of travesti identity received a lot of attention in the media and among the general public. This resulted in a greater awareness about the travesti community from that moment onwards (Ibid.).

In 1996 the travestis participated for the first time in the Pride March (Marcha del Orgullo) in Buenos Aires;

“In 1996 was the fifth year of the Marcha del Orgullo and the first year that the travestis were included. Before that it was a gay and lesbian march. The boys (gays) resisted a bit because of the image which the travestis projected to society, their nudity and air of scandal, and some of the feminists had prejudices too. They say that the travestis are men and not women and that they invade the space of feminism, which is ridiculous. So there was initial resistance from both gays and lesbians but a dialogue was established which worked out quite well. Now the travestis attend women’s gatherings (encuentros de mujeres) as part of the lesbian contingent” (Isabel, lesbian activist).

Despite initial skepticism from both gays and lesbians the travestis have gradually become integrated into sexual minority activism in Buenos Aires. The skepticism centered on the ambiguous identity of the travestis and how this could effect the legitimacy of the established groups. In the end the travestis were accepted as a category of their own with their own characteristics that set them apart from other sexual and gendered identities and they were also given a voice of their own. In 2005 the Marcha del Orgullo was attended by 10 000 participants, the largest number of participants to then. The annual Marcha del orgullo is an important occasion for
gays, lesbians and travestis to make political claims but also to forge bonds of solidarity between sexual minority groups with their own characteristics and needs. To the travestis in particular it is also a rare occasion in which the travesti body, in broad daylight and on the city’s main street, can be displayed publicly and proudly to the admiration of participants and onlookers. It is a manifestation of pride usually reserved for the streets of Palermo at night.
Conclusion

The subject of this thesis has been the implementation of the Civil Union Law in Buenos Aires, Argentina and what this law means to sexual minorities in Argentina. The Civil Union Law offers legal recognition and social benefits to same-sex couples and was the first such law to be implemented in Latin America. The law was modeled on similar laws in Europe and must be understood in the wider context of an international discourse on rights for sexual minorities. Within this discourse gays and lesbians in different countries experience themselves as sharing a common identity that transcends cultural barriers and international borders. Sexuality is seen as an important property of the person that is innate or developed at an early stage in life. The discourse on rights for sexual minorities is framed as a discourse on human rights and the gay/lesbian movement advocates the view that gays and lesbians should be entitled to the same rights as heterosexuals. This view is opposed by the Catholic Church which depicts homosexuality as a moral issue. In Argentina the greatest opponent to the Civil Union Law was the Catholic Church. The opposition from the Catholic Church must be understood in relation to its views on other social issues related to sexuality such as the right to abortion, contraception and divorce. To the Church marriage is a central and sacred institution defined as a union between a man and a woman. The debate on the Civil Union Law reflects different understandings of the nature of marriage or marriage like unions. The Church represents a traditional view of marriage as sacred, heterosexual and about procreation. The position of those advocating the Civil Union Law is that marriage like unions between two people pertain to the domain of the State and is a secular and civic contract between individual citizens. As such the social benefits that accrue from such a contract should be available to every citizen regardless of sexuality. The Catholic Church exerts considerable influence on social politics in Argentina but its
positions are controversial and contested. The Church’s involvement with the military dictatorship has eroded its moral authority among many Argentines.

When the Civil Union Law was passed in the Legislature of Buenos Aires the atmosphere was tense and various attempts were made to prevent the law from being voted. A chaotic situation ensued in which the threat of a political scandal transmitted live by TV cameras finally secured the vote. At the same time the law was also a result of changing social attitudes about homosexuality. The massive human rights abuses during the dictatorship created a greater awareness about human rights issues in Argentina after the return to democracy. A nascent gay and lesbian movement made important alliances with other human rights organizations such as The Mothers of May Square. The AIDS epidemic opened up the subject of sexuality to public debate and the social conditions of gays and lesbians started to receive more attention by the national media. Gay and lesbian organizations focused on the concept of visibility as a strategy to combat social exclusion. The more tolerant social attitudes to homosexuality in the Capital are not matched by the social attitudes prevalent in more conservative, rural provinces where homosexuality still carries a strong social stigma.

In Argentina the gay model of homosexuality is gaining ground at the expense of the traditional gender based or activo/pasivo model. The gay and lesbian movement identifies with a Western model of sexual orientation which has enabled gays and lesbians to assert a more positive identity and mobilize politically. The origins of travesti subjectivity on the other hand can be traced back to the gender based model of male homosexuality. As the gay model gains legitimacy in public discourse travestis have started to define themselves as a gender identity. Buenos Aires is a centre for travesti activism. Travesti activism is focused on legal identity, social conditions and the right to exercise prostitution. Most travestis work in prostitution and have no legal income. They face greater social exclusion than gays and lesbians and live on the margins of society in communities of their own. Travestis showed little interest in the Civil Union Law because they have no access to the social benefits obtained by the law and because of the nature of their relationships with
boyfriends who identify as heterosexuals. Despite their different identities and social conditions travestis, gays and lesbians were generally able to cooperate politically on issues of importance to sexual minorities and all the groups participated in the most important annual sexual minority event; the Marcha del Orgullo.

Gays and lesbians viewed the Civil Union Law as an important achievement in their struggle for social rights. Even though gays and lesbians thought that the scope of the Civil Union Law was limited they appreciated the rights that accrued from it. More importantly though, gays and lesbians felt that with the implementation of the law they were being considered citizens entitled to rights and they thought the law was important in this respect. Because of the Civil Union Law gays and lesbians felt more accepted by society. Legislation on same-sex relationships is a recent but expanding cultural phenomenon. Further research on this subject may provide new insight on the relationship between citizenship and gender and sexuality.
Literature

Archetti, Eduardo: Masulinidades-Fútbol, Tango y Polo en La Argentina, Editorial Antropofagia, Buenos Aires 2003

Bazán, Osvaldo: Historia de la Homosexualidad en la Argentina-de la conquista de América al siglo XXI, Marea Editorial, Buenos Aires 2004

Butler, Judith: Gender Trouble, Routledge, New York 1990

Cameron, Deborah & Kulick, Don: Language and Sexuality, Cambridge University Press, Cambridge 2003


Fernández, Josefina: Cuerpos Desobedientes, Travestismo e identidad de género, Edhasa, Buenos Aires 2004


Kristiansen, Hans W: Mannlig homoseksuell identitet i Chile, hovedfagsoppgace i sosialantropologi, Universitetet i Oslo 1996

Kulick, Don: Travesti-Sex, Gender and Culture among Brazilian Transgendered Prostitutes, University of Chicago Press, Chicago 1998


Martínez Sarasola, Carlos: Nuestros Paisanos los Indios, Emecé, Buenos Aires 2004

Murray, Stephen: Latin American Male Homosexualities, University of New Mexico Press, Albuquerque 1995


Prieur, Annick: Mema’s House, Mexico City-on transvestites, queens, and machos, Chicago University Press, Chicago 1998


Romero, Luís Alberto: A History of Argentina in the Twentieth Century

Sebreli, Juan José: Escritos sobre escritos, ciudades bajo ciudades, editorial Sudamericana, Buenos Aires 1997


Torres, Carlos Alberto: Ch. 9: The Catholic Church in Argentina in


Internet sources

https://www.cia.gov/library/publications/the-world-factbook/geos/ar.html#People


http://www.lostiempos.com/noticias/30-08-07/30_08_07_vyf2.php


(www.ilga-europe.org/europe/issues/marriage_and_partnership/same_sex_marriage.html)
Appendix

Ley de Unión Civil (Law on Civil Union) –No 1004, 2002

Article 1-Civil Union: To the effect of this law, is understood by Civil Union:

a. The union formed freely by two persons independently of their sex or sexual orientation.
b. That they have lived together in a public relation of stable affection for a minimum of two years, with the exception of common descent between the parties.
c. The parties must have legal residence in the Autonomous City of Buenos Aires, dating back at least two years before the application for the registration.
d. Inscribe the union at the Public Register of Civil Unions (Registro Público de Uniones Civiles).

Article 2-Public Register of Civil Unions: The establishing of the Public Register of Civil Unions with the following functions:

a. Inscribe the Civil Union at the request of both parties, with prior verification of the fulfilment of the requirements disposed by this law.
b. Inscribe, in the event of this, the dissolution of the Civil Union.
c. Issue proof of inscription or dissolution at the request of either of the parties of the Civil Union.

Article 3-Proof: The fulfilment of the requirements established in article 1, when proceeding to the inscription of the Civil Union, is proven by a minimum of two (2) witnesses and a maximum of five (5), with the exception of common descent between the parties, legal proof of which will be authenticated.

Article 4 –Rights: To the practice of the rights, duties and benefits that follow from any standard decided by the City, the parties of the Civil Union shall receive the same treatment as that of spouses (cónyuges).
Article 5-Impediments: Civil Union can not be constituted by:

a. Minors of age
b. Relatives by consanguinity in ascending and descending line without limits and siblings and half-siblings.
c. Relatives by full adoption, corresponding to clauses b and e. Relatives by simple adoption, between adopter and adopted, adopter and descendant or spouse of the adopted, adopted and spouse of the adopter, adopted children between themselves and between adopter and adopted children. The impediments derived from simple adoption subsist as long as the simple adoption is not annulled or revoked.
d. Affinal relatives in direct line of all grades.
e. Those united in matrimony while this subsists.
f. Those united in an earlier civil union while this subsists.
g. Those declared incapable (incapaces)

Article 6-Dissolution: The Civil Union is dissolved by:

a. Mutual agreement.
b. Unilateral wish by one of the members of the civil union.
c. Posterior matrimony by one of the members of the civil union.
d. Death of one of the members of the civil union.

In the event of clause b, the dissolution of the civil union comes into effect by the announcement before the Public Register of Civil Unions by either of the parties. In so doing, the announcer must guarantee that he or she has notified the other party of his or her wish to legally dissolve the civil union.

Article 7-The Executive Power will decide the regulatory dispositions for the application of the established in the present law within a term of 120 days from its promulgation.

The above law was passed by the Legislatura de la Ciudad Autónoma de Buenos Aires on December 12, 2002. It was promulgated on January 17, 2003 by decree 63 signed by the Chief of Government of the City of Buenos Aires, Dr. Aníbal Ibarra.
Constitution of the Autonomous City of Buenos Aires, Article 11:

All persons have the same dignity and are equal before the law. The City recognizes and guarantees the right to be different, not allowing discrimination that seeks to segregate for reasons or pretexts of race, ethnicity, gender, sexual orientation, age, religion, ideology, opinion, nationality, physical features, psychological or physiological, social or economic condition or whatever circumstances that implies difference, exclusion, restrictions or derogation. The City promotes the removal of the obstacles of any kind that, limiting equality and liberty, impede the full development of the person and the effective participation in the political, economic and social life of the community.

Article amended to the constitution in 1996.

(Bazán 2000, p. 443 and 454-465. My translations.)