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SAME-SEX MARRIAGE ON THE IBERIAN PENINSULA: THE CHURCH AND FRANCO'S COMPETING LEGACIES

Noah Jennings

In recent years, the legal recognition of marriage between same-sex partners has turned into a hot-button political topic the world over. From California and Mexico City to South Africa and Argentina, same-sex marriage¹ has been the subject of contention in courts, legislatures, and referendums. The political and social debates surrounding these unions date as far back to the 1980s, when Denmark became the first country in the world to legalize a form of registered partnerships for same-sex couples. In the subsequent decades, other jurisdictions, primarily in Europe and North America, followed suit and legalized similar partnerships that gave LGBT² couples rights and responsibilities similar to marriage.

It wasn't until 2001, when the Netherlands became the first country in the world to adopt gender-neutral marriage that marriage became a legal possibility for LGBT couples. The Dutch government's decision generated little controversy in that nation's socially liberal society, but soon spurred discussion and movements for gender-neutral marriage in other countries. Now that same-sex marriage was actually happening, progressives and LGBT rights organizations began advocating for gender-neutral marriage the world over. Two years later, neighboring Belgium followed suit by legalizing same-sex marriage. Within several more years and through a combination of legislation and judicial decisions, Massachusetts, Canada, Spain, and South Africa would all open up marriage to same-sex couples, suggesting that the LGBT rights campaign for relationship recognition had turned into a global movement. Today, same-sex marriages are performed nationwide in ten countries and four continents. Europe is likely the most LGBT-friendly region; seven of the ten countries that perform same-sex marriage are located there. Furthermore, a majority of member-states in the European Union recognize or allow at least some form of same-sex union, ranging from

1 Same-sex marriage and gender-neutral marriage are terms that will be used synonymously when referring to a legal marriage between two persons of the same sex, colloquially known as gay marriage. Same-sex union is a broader term for legal statuses between two persons of the same sex including marriage, domestic partnerships, and civil unions.

2 When referring to the lesbian, gay, bisexual, transgender, and queer community, I will be using the term LGBT.

full marriage rights in Sweden (including a church wedding) to registered partnerships in Austria and Germany. A Eurobarometer poll released by the European Commission in 2006 shows substantial support for same-sex marriage in major countries like the United Kingdom, France, and Germany.

POPULAR SUPPORT FOR SAME-SEX MARRIAGE

However, European attitudes regarding same-sex marriage and other partnerships are hardly universal. While the same Eurobarometer poll indicates public support for same-sex marriage is at 82 and 71 percent in the Netherlands and Sweden respectively, support is much lower at only 15 percent in Greece and Bulgaria. Looking at the report, we can make some general observations and assumptions based on their findings. Support for same-sex marriage is much higher amongst countries in Western Europe, while support is almost universally low in the Eastern European countries that comprised the Soviet Bloc, with a notable exception of the Czech Republic, which actually has majority support. Majority support can also be found in Germany, Belgium, Sweden, the Netherlands, Luxembourg, Denmark, and Spain; four of these countries currently have gender-neutral marriage³.

Stances on same-sex marriage are equally varied among political parties, ranging from near universal support to total condemnation. In some areas of Europe, particularly in Scandinavia and the Low Countries, same-sex marriage is widely supported across the political spectrum. In Sweden for instance, only one minor political party in the parliament adopted a position against the center-right government's legislation to allow same-sex marriage. Similarly, in Iceland no single member of the parliament voted against that country's measure to legalize gender-neutral marriage. In these countries, LGBT rights are considered under human rights, a key value of many modern liberal democracies. In contrast, governments in Poland, Slovakia, and many other Eastern European countries remain vocally homophobic; opposing not only same-sex unions but also actively discriminating against and demonizing their country's LGBT minorities. While advocates see gender-neutral marriage to be the next step in the continuing human rights movement, opponents see it as an erosion of religious and traditional values.

RELIGION AND SAME-SEX MARRIAGE

Some of the most prominent and oft cited opponents of same-sex marriage and LGBT rights have been religious organizations. This is certainly descriptive of the dynamic in the United States, where campaigns against same-sex marriage—most notably in California's battle over Proposition 8—were heavily supported by Catholic, Mormon, and Evangelical churches. Religious opposition to same-sex marriage in Europe is also well documented. In a strongly Catholic country like Italy, where the Catholic Church defines the debate on LGBT rights, support for same-sex marriage was polled at only 31 percent. In addition to the Eurobarometer poll on same-sex marriage, I studied a Eurobarometer poll on religious attitudes. In order to investigate religiosity's relationship with support for same-sex marriage, I plotted the results of the Eurobarometer polls on same-sex marriage and religiosity⁴. In many cases, such as in Malta and Poland, low support for same-sex marriage corresponds with higher levels of religiosity, while in Sweden and Denmark, high support for same-sex

3 A chart from the Eurobarometer report detailing the above information is included in the appendices.

4 Both the Eurobarometer poll on religious beliefs and my own analysis of the two polls are included in the appendices.

marriage comes with lower religiosity.

However, the Eurobarometer polls give us counter examples of religious countries with strong support for same-sex marriage. Spain and Portugal are both clear contradictions to the conventional notion that religion is the sole cause of opposition to same-sex marriage. According to the Eurobarometer polls, Spain has majorities that both accept same-sex marriage and believe in god, meaning that Spain is above the EU average in both support for LGBT rights and religiosity. Portugal is also of note in this case because although a low level of support for same-sex marriage corresponds to the country's higher religiosity, Portugal is one of the few European countries to have actually taken the step to legalize same-sex marriage. So, despite being overwhelmingly Catholic and having lukewarm popular support for LGBT rights, Portugal's government is at the world's forefront in relationship recognition laws for same-sex couples.

ANALYSIS OF EUROBAROMETER POLLS ON RELIGIOSITY AND SUPPORT FOR SAME-SEX MARRIAGE, FIRST THROUGHOUT EUROPE AND THEN EXCLUSIVELY IN COUNTRIES WITH SAME-SEX MARRIAGE LAWS

While the conventional wisdom would suggest that a highly religious country would be opposed to same-sex unions, as is the case in Italy, I was curious as to why Catholic countries such as Spain and Portugal would go against Vatican doctrine and embrace same-sex marriage. Despite being overwhelmingly Catholic, the Spanish government legalized gender-neutral marriage in 2005 and polls consistently show majority support for same-sex marriage. Because Catholicism is so prevalent in the country, and homosexuality is considered at odds with official Church doctrine, there must be some other factors that influenced Spain in this decision that cannot be simply defined in terms of religion. Consequently, my research consisted of a historical analysis of Spain's circumstances surrounding same-sex marriage, considering the country's recent history and experiences transitioning from fascism to a liberal democracy. I found there were several factors other than religion stemming from Spain's experience under Francisco Franco's forty-year reign as dictator that help to explain why the Spanish people were so receptive to the new understanding of LGBT rights as a human rights issue. I continued my analysis in neighboring Portugal, a country with a similar experience as Spain where the same factors also help to explain that country's dramatic transformation concerning LGBT rights. Together, these two countries serve as examples demonstrating how a prolonged history of right-wing oppression followed by sudden democratization can result in Catholic societies that respect an LGBT inclusive definition of human rights.

Having identified these common factors, perhaps we can recognize some wider implications about how framing LGBT rights from a "Spanish" perspective could change the debate here in the United States. It helps us better to define the LGBT rights movement not as a struggle against organized religion as it is so often framed, but instead a movement for equality and human rights. In order to accept LGBT people, their rights, and same-sex marriage, it was not necessary for Spaniards to reject their religious beliefs and values. The

Catholic Church is still an integral part of the culture, spirituality, and daily lives of many Spaniards. Despite Church teaching that condemns “homosexual lifestyles” and same-sex relationships, the Spanish society was able to cast off these oppressive notions and open the door for an accurate understanding of LGBT rights as an extension of human rights. I will argue that this newfound perspective for millions of Spanish women and men occurred because of their own marginalization and oppression endured under the fascist experience.

Furthermore, LGBT rights activists could use this experience as an example. Advocates should not position themselves as the antithesis to religiosity. While religious organizations like the Catholic Church are rightfully criticized for their drastic activism against LGBT rights and same-sex unions, LGBT rights activists should take note of Spain and see that religion, even Catholicism, and support for same-sex marriage are not mutually exclusive. In this question, an individual’s ability to relate to the experiences of the marginalized and oppressed is more important than espousing or denying the religious dogma. By looking at the examples of Spain and Portugal, where LGBT rights were successfully reframed as a human rights issue instead of a matter of morality or religion, US LGBT rights organizations could learn valuable lessons about how to continue the struggle for same-sex marriage in the United States. Following ballot defeats in California and Maine, where groups like the National Organization for Marriage successfully framed the campaign in a moral and religious context, advocates for LGBT rights need to look upon the successes in Spain and Portugal and work to reframe the argument over same-sex marriage as part of the struggle for civil rights. Based on these observations, working to establish the discourse over same-sex marriage as a human rights issue is the best hope LGBT rights advocates have to achieve gender-neutral marriage in the United States.

CATHOLIC CHURCH’S STANCE ON SAME-SEX MARRIAGE

As was the case with Proposition 8, the Catholic Church has been unwaveringly opposed to any government’s attempt to recognize same-sex relationships under the law. The Church outlines and reasons its opposition to same-sex unions in a document released by the Vatican in 2003 by then Cardinal Joseph Ratzinger and current Pope Benedict XVI. Because homosexual relationships are against the natural moral law, Ratzinger wrote that, “Legal recognition of homosexual unions or placing them on the same level as marriage would mean not only the approval of deviant behaviour, with the consequence of making it a model in present-day society, but would also obscure basic values which belong to the common inheritance of humanity” (Ratzinger, 2003). The Catholic Church argues that endorsing same-sex unions would tarnish institutions like the family and jeopardize the stability of our society. This rigid stance puts even the policies of domestic partnerships and civil unions, which are nearly universally adopted in Western European countries, in contradiction with the official Church teaching on homosexual relationships and same-sex unions.

Ratzinger also has a message on morality directed to those in public office facing votes regarding same-sex unions, providing specific guidelines for Catholic politicians considering such legislation. Ratzinger states that, “When legislation in favour of the recognition of homosexual unions is proposed for the first time in a legislative assembly, the Catholic lawmaker has a moral duty to express his opposition clearly and publicly and to vote against it” (Ratzinger, 2003). It would seem that Catholic politicians in Ireland, France, and Germany are already in discord with the Church for allowing same-sex unions other than full-fledged marriage. Still, the Vatican was successful in killing support for legislation to allow same-sex

civil unions in Italy. While domestic partnerships and other same-sex unions separate from marriage are still considered unacceptable, the Vatican particularly objects to same-sex marriage because of marriage's importance as a sacrament within the Church. As a result, the most high profile campaigns waged by the Catholic Church against same-sex unions have been against laws that provided gender-neutral marriage.

CATHOLIC CHURCH'S REACTIONS TO SAME-SEX UNIONS IN ITALY

There is perhaps no better country in which to examine the Church's influence over whether or not to adopt same-sex unions than Italy. The country's historical, cultural, and geographical proximity to the Vatican mean that the Catholic Church is an integral part of Italian daily life. We can begin by examining some of the political factors that have influenced the Italian government's standoffish approach to same-sex unions. One important characteristic would be the centralized nature of the national government. In policies relating to 'family matters,' only the national parliament has the authority to make legislation (Moscati, 2010). Local jurisdictions and municipalities lack any real power to enact same-sex marriage or significant domestic partnerships in their respective regions. While some Italian localities, such as Pisa and Bologna, have passed measures to provide for same-sex partnerships, the reality is that they are almost entirely symbolic and afford few civil rights to same-sex couples. Same-sex partnerships formed in these cities receive no recognition in neighboring parts of the country (Merin, 2002). Because of the highly centralized Italian state, sub-national legislation on same-sex partnerships has next to no effect on the national political discourse. In fact, even the very limited actions taken by local authorities to create some sort of legal framework for same-sex couples have come under fire in the Italian courts as an overreach past the federalist limitations (Moscati, 2010). The centralized Italian system means that any meaningful discourse on same-sex unions must come from the national government.

We can also look at the LGBT rights policies of Italy's main political parties to explain the country's failure to enact legislation on same-sex unions. In Italy and throughout Western Europe, most political opposition to LGBT rights comes from the right-wing and conservative parties. The current administration of Silvio Berlusconi, three time prime minister and leader of center-right politics in Italy, is completely opposed to same-sex unions. However, a brief window of opportunity opened for LGBT activists in Italy when the center-left coalition led by Romano Prodi won elections and formed a government in 2006 (Moscati, 2010). In anticipation, many assumed that as a center-left party, the Prodi administration would advance legislation furthering same-sex unions. Accordingly, Prodi's government announced that it would begin the dialogue and introduce legislation providing for a form of domestic partnership. However, unlike in many European countries, support for LGBT rights was not universal amongst the left-wing members of the governing coalition (Fabrizio, 2007). Even radically left-wing organizations such as the Italian Communist Party found themselves in opposition to the expansion of LGBT rights. Instead of reaching a consensus on this issue, the left-wing members of the coalition government fragmented, and the chance to enact legislation on same-sex unions ended when the Prodi parliament fell from power in 2008. The return of a right-wing government again under the leadership of Berlusconi meant that a bill on same-sex partnerships in Italy would not be a possibility in the foreseeable future (Moscati, 2010).

One could argue that perhaps the most obvious factor influencing Italy's rejection of same-sex unions is the role of the Catholic Church. Not only is Italy a predominately

Catholic country, but it is also a society where the church exudes significant authority over politics (Fabrizio, 2007). One very simple reason that the Catholic Church is so dominant here is the geographical proximity; the Vatican is only a short few miles away from the national government's parliament in Rome. The Pope's historical and permanent presence in the Italian capital makes him into a political institution in his own right. After all, the Catholic Church has been headquartered in Rome centuries longer than there has been an Italian nation-state. As such, there is perhaps nowhere in the world where the church's influence and judgments are more powerful. It is also worth noting that the power of the Vatican over Italian politics is not rooted in only one party or one side of the political spectrum. Instead, Catholicism is of incredible importance to right-wing and left-wing political parties across the board. The Vatican's fierce condemnation of homosexuality and the so-called "erosion" of traditional family values strongly resonated with representatives from every political party in parliament (Moscati, 2010). This is likely the most important thing to consider in the Italian political system when debating why the left-wing government under Prodi failed to unite behind legislation on same-sex union. The Catholic Church successfully defined the political debate from its standpoint of moral condemnation. As an influential moral and political authority, the Vatican asserted itself over the proposals of the left-wing government and ultimately won the debate.

Italy must also cope with the codified interference of the Catholic Church in the state's affairs. While the Vatican may be a country independent of Italy, the opposite is not quite true. In fact, the Vatican still enjoys certain rights to intervene in Italian politics that were adopted in the Lateran Treaties, dating back to 1929 (Fabrizio, 2007). Signed by the Catholic Church and the fascist government of Benito Mussolini, the Lateran Treaties guaranteed the Vatican political independence in exchange for the stability and control provided by a unifying state religion. So, as long as the Vatican worked to maintain the status quo of dictatorship in Italy, the Church would have the exclusive rights over the people's religion. While the government of Italy has since changed to a democracy, its relationship with the Vatican remains much the same.⁵ Despite repealing fragments of the Lateran Treaties in the 1980s, many portions of the treaty still stand (Moscati, 2010). This right to freely involve itself in Italian politics came to be used when the Prodi government was debating same-sex civil unions. On June 26, 2006, the Pontifical Council released a document strongly condemning any legislation contrary to the "traditional family" and in favor of same-sex couples. The Vatican asserted that efforts to redefine this age old tradition with a radical new phenomenon of homosexuality would be a direct attack at the very foundations of society, similar to Ratzinger's 2003 statements on homosexual relationships. (Fabrizio, 2007). With this powerful deviation into Italian politics, legislation on same-sex unions stood little chance of moving through Parliament.

Another facet of Italian history that is relevant in this debate is that the country lacked any LGBT movements until very recently. While LGBT rights organizations formed in many of the world's other western democracies in the 1970s and 1980s, sparking social and political discourse on the controversial issues of homosexuality and same-sex unions, the issue remained out of the Italian public sphere until much later. Indeed, it seemed that LGBT Italians had little to fight for. Homosexuality had been decriminalized in Italy since the brief adoption of the Napoleonic Code by the 19th century, meaning that a campaign for decrim-

5 For instance, the Catholic Church lobbied strongly against the liberalization of divorce, stopping legislation to reform divorce laws until 1974.

inalization was unnecessary (Moscati, 2010). With the Catholic Church firmly entrenched against any form of same-sex union that would “jeopardize the sanctity of marriage,” efforts towards relationship recognition was simply too far out of reach. Lacking the prior establishment of LGBT rights organizations, the battle for same-sex unions was never mainstreamed, leaving the heterosexist societal norms unchallenged and the general populace unexposed. Modern day Italian LGBT rights activists lack the groundwork laid in other countries with longer records of LGBT activism and more expansive rights for same-sex couples. Instead, Italian society seems to ignore the whole issue of homosexuality, shoving it “out of sight, out of mind” instead of conducting a public discourse on the topic.

These implications are only now beginning to change with a more vocal LGBT rights organizations and a more prominent LGBT community. Despite this recent activism, it is important to realize that the current inequities in relationship recognition stem from the historical silence of the Italian LGBT community in politics (Moscati, 2010). Italy is an example of a country where the only discernable voice in the same-sex union debate was the Catholic Church. While a successful LGBT rights movement would have sought to define same-sex unions as a human rights issue, the Catholic Church’s overwhelming dominance over the Italians’ political and social lives meant the Vatican could successfully frame the discourse in its own terms as a religious and moral issue, giving the Church undeniable authority. With almost no LGBT rights organizations or strong advocates to oppose them in making the human rights argument, the Catholic Church’s strong messages condemning the proposed legislation were heard loud and clear by Italy’s Catholic politicians, dooming same-sex unions in that country.

THE SPANISH CASE STUDY

Events leading to same-sex marriage in Spain

In Spain, the political factors that affected the country’s legalization of same-sex marriage were much more complex to be defined simply by the country’s Catholic beliefs, ultimately contributing to a more conducive environment for LGBT rights organizations to succeed in defining the debate as a human rights issue and in achieving gender-neutral marriage. Spain is composed of many jurisdictions that enjoy significant political autonomy from the central Spanish government. The right to self-governance in regions such as Catalonia and Andalusia is a strong component of the country’s federalist system. Prior to Spain’s nationwide adoption of same-sex marriage, same-sex unions were already present in many of the local communities (Moscati, 2010). In fact, the earliest same-sex partnership law was enacted in Catalonia in 1998. Another region, Aragon, authorized a virtually identical partnership law the very next year. By the time same-sex marriage was legalized throughout Spain in 2005, 12 out of the 17 regions had registries recognizing some sort of same-sex union. In addition to these regions, a multitude of smaller localities and cities instituted their own forms of same-sex unions (Méndez, 2007). In retrospect, these early partnership laws in the sub-national Spanish communities blazed the trail for countrywide recognition. Without the sovereignty specifically vested in the Spanish federalist system, same-sex marriage would have faced more difficulties gaining support at a national level (Moscati, 2010).

The political persuasions of the main Spanish political parties offer more details as to why the country chose to legalize same-sex marriage. Hostility towards LGBT rights and same-sex partnerships is firmly cemented in Spain’s right-wing political parties. However, the left-wing Spanish politicians are staunch supporters of same-sex unions and even

gender-neutral marriage (Moscatti, 2010). In fact, same-sex marriage became a possibility in Spain after the 2004 elections that swept the Spanish Socialist Party into power. Socialist leader Jose Luis Rodriguez Zapatero, who would become prime minister after his victory in the polls, pledged to legalize same-sex marriage as one of his party's platforms. Zapatero would make good on that promise less than a year later when the Socialist dominated parliament passed a bill allowing for gender-neutral marriage throughout Spain (Petrrou, 2006). Same-sex unions in Spain had very strong support from the left-wing political parties and their elected representatives. Lawmakers on the left considered extending marriage to same-sex couples to be necessary in order to guarantee equal access to basic human rights. The moral authority of the Catholic Church and their official teachings on homosexuality took a back seat to concerns about equality.

Even though Spain is historically and demographically an overwhelmingly Catholic country when considering the percentage of people who identify as Catholic, religious involvement is an important characteristic to consider. When we actually look at those who are actively practicing, the rate plummets to a mere 20 percent (Petrrou, 2006). Therefore, the Catholic Church is not necessarily the most important influence in the daily lives of most Spanish Catholics, as it may have been in the past. In politics, the Catholic Church plays a very important role in the right-wing political parties that stand for the "traditional family," social conservatism, and more religious involvement in everyday life. On the other side of the political spectrum, the Catholic Church finds wavering support on the left-wing of Spanish politics (Moscatti, 2010). Perhaps the most poignant example of the left's dismissal of the church can be seen in the relations between the two states' leaders. When Pope Benedict XVI traveled to Valencia in 2006 to attend a conference on the family, millions of Spaniards flocked to the city for the chance to see him criticize secularization and the abandonment of traditional values. Not among the crowds was Socialist Prime Minister Zapatero who, having defied Papal authority the year before by advocating for the Spanish same-sex marriage law, chose not to attend the Pope's mass, causing somewhat of a public scandal in both Spain and Italy (Petrrou, 2006). This chilly reception serves as a vivid illustration of demarcation between the Catholic Church and the secular left-wing political parties of Spain.

Reasons behind Spain's acceptance of same-sex marriage

The next part of my research seeks to examine popular Spanish support for same-sex marriage by reviewing various sources on Spain's past to see what could be the motives for such liberal laws regarding LGBT rights, in spite of the country's Catholic roots. One possible cause for the drastic differences could be found in the historical analysis of Spain's history stemming back to the oppressive 20th century dictatorship of Francisco Franco. Looking at Spain's experiences with changing personal freedoms, gender roles, and Europeanization, we might be able to see a different picture of this issue dominated less by religion and more by the country's individual understanding of authoritarianism and reform. Instead of a nation dominated by Catholic doctrine, we would see that the cultural and political acceptance of LGBT people, rights, and same-sex unions is much more complex and dependent on experiences specific to Spain and the oppression under the fascist dictatorship.

Reactions to the concept of personal freedom are important to consider, as the right to same-sex marriage is most accurately framed as a discussion of this issue. Spain has had a very different experience than many other European countries during the latter half of the 20th century concerning civil rights and liberties. Instead of a democratically elected government,

as was the case in almost all Western European nations, Spain endured the fascist regime of Francisco Franco. After 1939, when homosexuality was criminalized under Franco's rule, the regime actively persecuted LGBT Spaniards. Homosexuality seemed to run contrary to the traditional gender norms assumed in a fascist society. Men were to be dominant and full of machismo, while women were expected to be submissive instruments of domesticity. Public schools in Spain were segregated according to sex, with girls and boys receiving separate curriculums. While males were given a traditional comprehensive education, females were only instructed in domestic duties such as sewing and other non-academic subjects. The institution of these "natural" gender roles in Spain found homosexuality as a challenge to these enforced stereotypes, making same-sex relationships an unstable and potentially destructive element of society (Martinez & Dodge, 2010).

As a parallel, Franco installed Catholicism as the primary source of moral authority in his state. As the official state religion, the Church was awarded a tax-free status and was the recipient of government subsidies. The Catholic Church was forcefully incorporated into the daily lives of all Spanish citizens. Under Franco marriages were only valid if properly conducted through the Catholic Church, a far cry from the gender-neutral marriages in modern Spain. The fascist government sometimes went so far as to require couples married before the dictatorship to remarry in the Church, so as to guarantee that they had a Catholic wedding. As the official state religious doctrine, the Catholic Church had a monopoly on matters of morality. As such, homosexuality was universally framed by both the Church and the fascist government as unnatural, immoral, and incompatible with their ideal societies in which men were superior, masculine, and very Catholic (Martinez & Dodge, 2010).

In Franco's authoritarian Spain, homophobia was institutionalized along with sexism and Catholicism, meaning LGBT people were to be exiled to the extreme margins of society. Franco's administration even set up a special system of punishment to deal with the "criminal" LGBT population. Men found guilty of homosexual acts were sent to prisons specifically organized to house LGBT people. Known as *gallerias de invertidos*, or "deviant galleries," these prisons sought to both punish and correct homosexual behavior amongst the incarcerated. Once imprisoned, LGBT captives were subject to hard labor, beatings, torture, and psychological "treatments," including electroshock therapy. Over the course of Franco's rule, over 5,000 men were sent to such deviant galleries, while countless others faced widespread persecution outside the walls of the prisons (Martinez & Dodge, 2010). Of course, oppression in Franco's Spain was not limited to LGBT people. Spaniards of all sexual orientations had their freedoms violated and life under the dictatorship was difficult for many.

The fascist nature of the Franco dictatorship bred discontent out of oppression, sparking a multitude of counter movements in favor of greater civil liberties. Eventually, Franco's death in 1975 would lead to a popular transition from authoritarianism and conservatism to democratization and liberalism. One of the groups that grew extensively during this democratic transformation in Spain was the LGBT rights movement. However, one could argue that the LGBT groups gained widespread momentum in the transitional decades between Franco and democracy because of the evolving perceptions of gender roles. While fascist Spain had confined women to the homes and marginalized them in public life, the new Spanish society sought to incorporate women equally into all aspects of society. Gender roles were to be redefined, which opened space for other groups marginalized by sexism, misogyny, and machismo (Platero, 2007). Therefore, Spaniards who had previously viewed homosexuality in a traditional, negative light, as illuminated by the Catholic Church and fas-

cism were willing to look on LGBT people with openness. With a newfound emphasis on equality, LGBT rights groups were in the perfect environment to flourish.

At the same time, assumptions regarding the Catholic Church as the ultimate authority were being challenged, especially on matters concerning human rights. While the Catholic Church had benefitted enormously in Spain under Franco's rule, the Church had done little to stand against the systemic oppression endured by millions of Spanish citizens. The Spanish people remembered the Church's implicit endorsement of fascism and Catholicism became associated with the historical tyranny experienced under Franco. From this experience, the Church's authority on morality would no longer be allowed to subvert the values of equality and human rights. This new perspective framed the discussion of LGBT rights in an entirely new way. Instead of a battle over morality in a predominately Catholic society (a battle the Church would almost invariably win), the debate was about human rights. In the eyes, of Spaniards, the Catholic Church had little authority to speak in regards to human rights after supporting a totalitarian dictatorship for nearly half a century.

Even with the country's newfound freedom, change did not occur overnight. One of the first issues that Spanish LGBT rights groups addressed was the criminal status of homosexuality. After forty years of state persecution, laws criminalizing homosexuality in Spain were finally repealed in 1979. Bolstered by the success of this campaign, LGBT rights organizations went on to achieve anti-discrimination legislation in employment, government, and housing. By the 1990s, the battle had shifted to working towards relationship recognition in the autonomous communities. Many observers saw the realization of gender-neutral marriage in 2005 as the final step in the march towards equal rights for LGBT people (Méndez, 2007). However, without this long history and progression of goals, the national campaign to legalization same-sex marriage would have had no support to base itself on. In a way, the LGBT community can owe their present day successes and victories in relationship recognition to counter-reactions against the tyranny of Franco's regime.

In addition to being a reactionary step against fascism and outdated gender roles, Spain's adoption of same-sex marriage could be viewed in the context of Europeanization and modernization of the country. Unlike many of its Western European companions, Spain was not a founding member of the European Coal and Steel Community (the precursor organization to the EU) or even NATO. Membership was not achieved in either organization until 1986 and 1982 respectively. When Spain did join the European Community, it was regarded with some skepticism and disdain because of its recent authoritarian government and lower economic standards of living. Along with Portugal, Greece, and Ireland, Spain was disparagingly labeled among the "Poor Four" members of the EU. Many considered Spanish membership in the EC to be disadvantageous to the developed nations of Europe, as some thought that the relatively underdeveloped and fragile Spain would jeopardize economic stability. In a sense, Spain had a lot to prove to the other countries of Western Europe in order to gain respect, prestige, and equal footing in Europe. Spain sought this transformation into a new and modern country not only through economic means, but also social and human rights reforms. While Spain under Franco had been among the most oppressed societies in Western Europe, Spanish politicians wanted reform in order to give the country a better reputation.

Steps towards liberalizing LGBT rights can be seen in a similar light. A new, open, and democratic Spain needed to redefine itself as a nation at the forefront of modernity and liberalism, as is expected amongst Western countries. Adopting same-sex marriage was a

good chance to make Spain stand out as only the third country in the world to open up the possibility of gender-neutral marriage, making it look especially modern in comparison to its Western European neighbors. A parallel example is occurring in Eastern Europe, where former communist countries are vying for the benefits of membership in the EU. Despite widespread public hostility towards LGBT people, countries including Serbia, Poland, and Romania all have laws protecting LGBT people from discrimination in the workplace, housing, and other areas. In practice, these laws are often abused and unenforced, but in principle they are required as human rights standards before the EU will even consider admitting a new nation into their modern and democratic society. While in Spain EU membership was not a concern at the exact time when politicians were debating the country's gender-neutral marriage laws, the idea and policy is still comparable (Merin, 2002).

Poland as an authoritarian counterexample

When looking at these three characteristics of Spain and using them to explain why same-sex marriage was so accepted by modern Spanish society, I must be the first to admit that there are some quite obvious examples of European countries that suffered through the second half of the 20th century under authoritarian regimes and that have emerged as homophobic and very much against LGBT rights and same-sex unions. Poland, for instance, was liberated after World War II only to be subjected to a communist puppet government under Moscow's hegemonic rule over the whole of the Warsaw Pact. Why did not Poland, which also happens to be a heavily Catholic country, experience a remarkable shift in understanding as soon as the Iron Curtain fell and Eastern Europe began democratizing? Quite frankly, it is difficult to say why attitudes in Eastern Europe regarding sexuality and LGBT rights are so different than in Western Europe. However, I can make several observations and distinctions on how the experiences I described in Spain relate to Poland and help us better understand why that country remains so hostile to LGBT rights, despite having experienced an oppressive and totalitarian regime.

First of all, I think there is an important distinction in the idealism of the authoritarian regimes that ruled Poland and Spain. While Poland was certainly not a democratic state, it was socialist and not fascist. The socialist states of Eastern Europe were by no means without sexism, but they were not as virulently sexist as the machismo idealism of fascism. While Franco's government sought to silence and contain women in the home to be domestic and maternal slaves, the socialist regimes in Poland, Czechoslovakia, and East Germany put women to work, provided universal childcare, and involved them in the Communist Party's politics. So, when democratization did happen in Poland, their society did not see such a radical redefinition and rebellion against the oppressive gender roles as was witnessed in Spain because Polish women were not being subjugated to those narrow gender roles in the first place. Gender roles in Poland were left unchallenged, leaving LGBT people with no opportunity to capitalize on this new favorable movement for equality.

Poland is also very different than Spain when we consider the role of religion and how it influenced the debate over LGBT rights. Even though both countries are strongly historically Catholic, an important distinction can be made in how their respective government's viewed the Church. As discussed, the role of the Catholic Church in Spain was institutionalized along with the state's fascist doctrines. The socialist regimes in Poland on the other hand were not Catholic in nature, and often found themselves at odds with the Vatican, especially during the papacy of Pope John Paul II, who happened to hail from Po-

land. In this country, the Catholic Church escaped association with the oppressive regimes and since the Church was not part of the establishment, the democratization of the country in the 1990s did not challenge the Church's past stances, as was the case in Spain. Quite the opposite, one could characterize heightened religiosity as a rebellion or counter reaction to the collapse of Eastern Europe's socialist governments. Therefore, post-communist Poland maintained the Church's doctrine condemning homosexuality, and continued to hold on to their anti-LGBT attitudes.

Similarly, one could argue that Europeanization has had little effect on Poland in motivating its politicians to adopt same-sex marriage or any other kind of same-sex union. Poland, like many of its Eastern European neighbors, does not have any kind of domestic partnership or civil union and actually defines marriage as between a mixed sex couple in the national constitution. It would seem that joining the EU has done little to help same-sex marriage in Poland; in fact, some Polish leaders criticized the proposed European Constitution on the grounds that it could force same-sex marriage upon them. However, we should also remember that as a member of the EU, Poland was required to ban discrimination against LGBT people in the workplace, housing, and government. More recently, the European Court of Human Rights ruled that LGBT people have the right to inherit from their partners. While in reality few of these protections are honored, it is still clear that the necessity to become a part of Europe has forced Poland to make some concessions to LGBT rights.

I would also argue that it is too soon to judge Poland and its stance on LGBT rights. Spaniards had to wait almost 30 years between Franco's death and the country's adoption of same-sex marriage. If we put Poland on a similar timeframe, we shouldn't expect the same amount of progress on this issue, as they have experienced only 20 years of democratization. Of course Poland is not the only example of a strongly religious country that remains strongly anti-gay despite years of oppression under an authoritarian system. However, by the same token Spain is not the only Catholic country in Europe to have embraced same-sex marriage following a fascist dictatorship.

Portugal's acceptance of same-sex marriage

Portugal, like Spain, experienced an authoritarian post-World War II dictatorship during the period of the *Estado Novo*, or "New State," founded by António de Oliveira Salazar in the 1930s. While the fascist Francisco Franco held power in Spain for almost four whole decades, Salazar and his successor presided over their authoritarian regime in Portugal for nearly 50 years, winning the claim to the longest European dictatorship of the 20th century (Andresen, 2007). Salazar began his political career as the finance minister in Portuguese government of the 1920s. He used his power to become de facto prime minister in 1932, at the same time maintaining his past position over finances. Throughout his forty year reign over Portugal, Salazar held several other offices and ran the country as a dictator. While Portugal was technically governed by a constitution, championed by Salazar himself in the 1930s, the document's regulations were routinely ignored. For example, elections in Portugal were never free and often fraudulent; ballot rigging began even in the 1933 plebiscite to adopt the constitution. Opposing political leaders were jailed, tortured, and sometimes killed, enforcing the uncontested rule of Salazar's National Union party (Andresen, 2007).

While Salazar was not technically a fascist like Franco, his political philosophies and practices were very similar to his period's counterparts in Spain, Germany, and Italy. The government was undemocratic and Salazar's idealism was strongly right-wing, authoritarian,

traditional, and conservative. Free speech, government criticism, and democratic movements were suppressed, often through the use of the state's secret police. Additionally, Catholicism was a strong force in the society of the *Estado Novo*. The Roman Catholic Church was the state religion of Portugal and Church teachings governed the religious and moral lives of Portuguese citizens, just as in Spain (Andresen, 2007). With moral authority relying on the conservative teachings of the Catholic Church, homosexuality was also repressed under Salazar's reign. Similarly to Spain, homosexuality was a crime punishable as "vagrancy" under the right-wing period of control. LGBT people were forced to hide their identities from the public because of their illegal statuses. Combined with Salazar's constant oppression of political and social dissidents, there was no chance for an LGBT rights organization to form before the end of the *Estado Novo*. In fact, the LGBT rights movement in Portugal did not begin to appear until the 1990s, much later than in Spain (Carneiro & Menezes, 2007).

Unlike in Spain, Salazar's death did not immediately bring reform to the political system. Even though he was followed by another dictator, Portugal would begin democratizing during the Carnation Revolution in 1974, six years after Salazar's death (Carneiro & Menezes, 2007). Out of this history, a newfound environment for political freedom and expression emerged and Portugal saw a great transformation from a right-wing, authoritarian dictatorship, to a liberal democracy. However, LGBT rights organizations were slower to form in this environment than in neighboring Spain. Perhaps there was not as great of a backlash against the oppressiveness of Salazar's regime because it had not been blatantly fascist. Maybe the Portuguese would have been quicker to confront their legacy of oppression had they felt the need to compensate for a fascist past, as was the case in Spain. In any case, LGBT organizations did not begin to form and gain prominence in Portugal until the mid-1990s, a time when Spanish LGBT rights organizations were already scoring numerous victories by securing same-sex unions at the sub national level (Carneiro & Menezes, 2007).

As was the case in Spain, Portuguese politicians were driven to expand LGBT rights because of the EU's progressively broader standards regarding human and family rights. Europeanization would drive Portugal to implement increasingly tolerant measures to protect its LGBT population from discrimination and provide them with rights in same-sex unions. Striving to meet international human rights standards was likely a goal when the law criminalizing homosexual acts was repealed in 1982, several years before any LGBT rights organizations in Portugal had formed. Even without an internal movement, there was still pressure on Portugal to modernize to European standards when it came to the criminalization of homosexuality.

Furthermore, the European standards were likely motivators encouraging Portuguese politicians to adopt even greater protections for their LGBT citizens. While employment, housing, and other discrimination protections were the norm in the late 1990s EU, international standards encourage Portuguese lawmakers to tackle the issue of same-sex unions. In 2001, Portuguese LGBT rights advocates won a victory in securing a domestic partnership status for same-sex couples. Nine years later, the struggle would go a step further with the legalization of gender-neutral marriage, making Portugal one of the most progressive countries in the world concerning LGBT rights. Portugal is groundbreaking in the realm of LGBT rights for more reasons than just having legalized same-sex marriage. In 2004, Portugal's Parliament adopted an amendment to the country's constitution defining "sexual orientation" as a class protected from discrimination. While numerous countries in Europe and some in other regions have legal protections for LGBT, very few have gone so far as to ad-

vance constitutional amendments enshrining those protections (Carneiro & Menezes, 2007).

Today's Portugal is one of the most outspoken countries in favor of LGBT rights, a far cry from the blatantly homophobic *Estado Novo*. At the same time, Portugal remains a very deeply religious society, with 81 percent of the population demonstrating a belief in god and the vast majority of members belonging to the socially conservative Catholic Church. While the Vatican is certainly opposed to the progress made by Portugal towards gender-neutral marriage and recognizing LGBT people as a protected class of citizens, the country's politicians have found compelling evidence from other sources negating Church teaching and advancing the cause for same-sex unions. This acts as evidence that support for both religion and LGBT rights are not mutually exclusive. Even in cultures that are strongly religious and Catholic, support for LGBT rights is possible when the discussion is framed as a human rights issue.

Even though Spain and Portugal are very similar cases, sharing common themes regarding historical oppression and current LGBT acceptance, there are also some important differences between the two countries' experiences that are relevant to this topic. I would argue that the more severe governing of Spain led to a stronger counter reaction in favor of LGBT rights in that country. While both Spain and Portugal were governed by oppressive, authoritarian dictatorships, the system under Franco was by most accounts much more extreme and oppressive. Again, this could also explain why support for same-sex marriage is 27 percent higher among Spaniards than it is among Portuguese. The severity of Franco's dictatorship also likely contributed to the population's loss of respect for the Catholic Church as an authority for human rights, morality, and religion in general. Religiosity is 22 percent higher in Portugal than it is in Spain; perhaps more Spaniards became disillusioned with the Church after witnessing it uphold and benefit from the oppressiveness of the fascist dictatorship. Portuguese, having endured a less rigid experience, could be more optimistic with the Church and more likely to look to Catholicism as a moral authority.

CONCLUSIONS

Despite their differences, the commonalities between Spain and Portugal, when examining both their past history and current LGBT rights standards, are overwhelmingly strong. Ultimately, the two similar experiences contributed to those countries' understanding of LGBT rights as a human rights issue. This framing has met overwhelming success in both nations, superseding the moral arguments of the Church, even though Catholicism remains relatively popular in the lives of Spanish and Portuguese citizens. The reasons Spain and Portugal have same-sex marriage today are not because the population is against religion or openly defiant of the Catholic Church, but because LGBT rights organizations were able to effectively frame their causes from a human rights perspective. Following the collapse of the authoritarian dictatorships in the 1970s, democratization ushered in a new era of reform that sparked LGBT rights movements in Spain and eventually Portugal. Meanwhile, gender roles were challenged and ultimately redefined, leading the way for greater acceptance of sexual minorities. Spaniards and Portuguese, remembering the rampant human rights abuses committed under their Franco and Salazar, could empathize with the marginalized LGBT populations and recognized the universal sanctity of human rights. Encouraged by the standards of the European community, Spain and Portugal continued to compensate for their undemocratic pasts by striving to enforce the newly prized value of equality for all citizens.

Possible examples outside Europe

In some cases, like Portugal and Spain, examining the historical experiences of an individual country can give us a very good sense of why that society would support same-sex unions and LGBT rights. Of course, there are other countries that have not been mentioned where this analysis could be just as applicable. Another recent example could be in Argentina, the latest country in the world to adopt gender-neutral marriage. Argentina is actually a similar example to Spain and Portugal in that all three are Catholic countries, have Latin cultures, and endured right-wing dictatorships during the 20th Century. Argentina suffered extensively under a military dictatorship in the 1970s and 1980s, when thousands of Argentines were tortured, killed, and their bodies disappeared in what became known as the Dirty War. LGBT rights organizations that were present before the coup were disbanded by the military dictatorship as part of the regimes efforts to censor the public. Having had an oppressive regime that scarred Argentina's identity, protections for LGBT people and the adoption of same-sex unions could be a logical response to the past atrocities. However, same-sex marriage is a very recent development in Argentina and the motivations behind the government's adoption of this policy has not been sufficiently researched.

Another case could be made for South Africa, a country with a very long, infamous, and extreme history of brutal oppression in the form of apartheid. For most of the 20th Century, South Africa was dominated by a white minority who ruled over the black majority with a system of racial segregation known as apartheid. Whites were overwhelmingly favored in the system, while non-whites suffered enormous economic disparities and political oppression. The apartheid system finally fell in 1994 due to a combination of international pressure and internal activism, giving way to popular elections and enfranchisement of the impoverished and subjugated black majority. Today, black South Africans still suffer from the legacy of apartheid, but the political system has made progress towards equality in that blacks are no longer excluded from the political process. South Africa is very different than Spain, Portugal, and Argentina in its culture, geographical location, and demographics, but yet the four countries do share a history of oppressive regimes.

Moreover, South Africa's relation with LGBT rights is a direct reaction to its past history of oppression, authoritarianism, and inequality experienced under apartheid. In the post-apartheid constitution adopted in 1996, discrimination based on sexual orientation was explicitly banned, making South Africa the first country in the world to do so. Inequality under the law would not be tolerated in this new society that had suffered so long from an unfair and discriminatory system. Nine years later, the highest court in South Africa would rule that the legislature had to allow same-sex couples to form legal unions with the same rights and responsibilities opposite-sex couples enjoyed in marriage. In response, the South African government legalized gender-neutral marriage, becoming the first country in the developing world to allow same-sex marriage. Without South Africa's very specific and harsh experience with discrimination, inequality, and oppression during the apartheid regime, it is unlikely that the country would have been motivated to go so far in protecting the rights of LGBT people. While these observations are interesting, especially in light of the authoritarian experiences in Spain and Portugal, more research is needed before we can make any definitive conclusions.

Repercussions for other LGBT rights movements

These observations also have widespread implications for LGBT rights groups around

the world, even in countries without discrimination protections or relationship recognition. Perhaps they should look to success stories for guidance and strategies. LGBT rights and same-sex union advocates in countries like Spain and Portugal have had the most success when they position their causes as extensions of human rights and equality. This argument can be especially potent in a country like Spain, where human rights were trampled upon for the greater part of the 20th century under the rule of the fascist and authoritarian dictator Francisco Franco. The EU requires discrimination protections for LGBT people and other minority groups because of the historical oppression of these groups and the disaster of World War II and the Holocaust, which was caused largely by the erosion and ignorance of basic human rights. Discussions about human and LGBT rights are often framed in a nation's own perspective based on its historical experiences.

Indeed, in the United States the recent wave of the LGBT rights movement is often termed as an extension of the Civil Rights Movement begun by Martin Luther King Jr. and others like him in the 1960s, just as LGBT rights in Spain are viewed as a reaction against the oppressiveness of Franco. This is an interesting comparison considering that African Americans, the group that most obviously benefitted from the Civil Rights Movement and the accompanying legislation, are one of the most hostile demographics to LGBT rights causes, including same-sex marriage, in the United States. Indeed, some commentators on Proposition 8 in California unfairly blamed the measure's passage on African American voters, who supported the initiative overwhelmingly according to exit polls. Much of this hostility is also attributed to religion, as African Americans are often polled to be more religious than other demographics. However, if we are to learn anything from the very religious, yet LGBT-friendly societies in Spain and Portugal, it is that religiosity and support for LGBT rights are not necessarily mutually exclusive. In addition, one of the great failures of the LGBT rights movement in the United States has been its exclusion of ethnic and racial minorities. This is sadly ironic, because of all the groups that should empathize together and be champions of each other's rights, it should be those that have been and continue to be the most thoroughly oppressed by the political system. Indeed, civil rights groups such as the National Association for the Advancement of Colored People have come out in favor of gay rights, straining some of these stereotypes. I would argue that there is very real potential for the African American community to reverse its stereotypical stance on LGBT rights issues, but only if LGBT rights organizations will knock down their own racist barriers and relate their causes on a level that speaks to a universal understanding of human dignity. Of course, this tactic is not only relevant to reaching oppressed ethnic and racial minorities in the United States, but also wider populations of religious people.

Although these observations of racism are by no means novel or unique in today's debate, criticisms of LGBT rights groups for being anti-religious seem much less common. Following the passage of California's Proposition 8 in 2008, there was a spate of vandalisms against Catholic, Evangelical, and Mormon churches and temples as a reaction against those religions' monetary and explicit support of the initiative. While none of these activities were condoned by prominent LGBT rights organizations like the Human Rights Campaign or the Gay & Lesbian Alliance Against Defamation (many were actually condemned), the mere occurrence of these incidents hurt the LGBT rights cause because it alienated religious people. In societies where religion has a very strong presence, including Spain, Portugal, and the United States, LGBT rights organizations cannot be dismissive of religion or position themselves as being antithetical to bodies like the Catholic Church. Instead, religious de-

nominations and people must be approached and convinced of the merits behind the LGBT rights cause. In fact, recent polls suggest that overwhelming majorities of American Catholics are in favor of specific LGBT rights including relationship recognition, directly contradicting the Vatican's official stance on the issues (Jones & Cox, 2011). Perhaps this is evidence that an inclusive stance towards religion has tremendous potential for success, allowing same-sex unions to be advanced as an extension of equality, basic human rights, and civil rights. The struggle facing LGBT activists in the United States is to successfully change the terms of the discussion from a debate over morality to one that mirrors Spain and Portugal: a matter of equality.

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