Politically Valid
Legitimizing Sexuality as a Human Rights Issue in Brazil

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Predicated on the equalizing notion of an essential quality inherent to humanity, the concept of universalism posits that individuals are, "entitled to fundamental human rights,"[1] irrespective of their differences. Paradoxically, when articulated in practice, one often speaks of *constructing* human rights issues as though avenues for accessing these principle liberties must be artificially engineered. This semantic disconnect produces numerous theoretical and practical ambiguities that demand clarification: Under what conditions is an awareness of human rights, and, consequently, human rights violations made possible? Are infringements on one's fundamental liberties recognized through a collective epiphany or is this knowledge accessed solely by one's subjective engagement with reality? Furthermore, if we experience rights issues on an individual basis, how can one reconcile this realization with the broader ontological consensus? This problematic is embedded within the concept of legitimization. Legitimization is a temporal phenomenon through which the conditioning quality of context, the means to progress, and the realization of goals are necessarily linked. Validating a claim to abuse doesn't happen instantly, but instead occurs in layers and is dependent on the context and frames with which one employs. Moreover, since human rights abuse is a lived experience, remedying this problem may start from a conceptual point but legitimization must be realized through actual consolidated change. The Brazilian gay rights movement provides a lucid demonstration of this system for accessing human rights.

This paper will argue that the Brazilian non-heteronormative movement has legitimized sexuality as a human rights issue by

first examining the socio-political climate provoking the realization of human rights abuses. Secondly, this essay will evaluate the ways in which various frames employed throughout the movement affected broader recognition and perception of the struggle for sexual equality. Finally, this paper will conclude by analyzing the impacts of queer activism on the notion of 'gay citizenship', as an indicator of legitimacy.

Contextualizing the Issue: Realizing Repression

A fundamental component in evaluating allegations of a human rights abuse is the proper contextualization of the issue. By understanding the relevant historical narratives informing such claims to inequality, one may begin to isolate specific socio-political catalysts provoking significant change. Military rule in Brazil, beginning in the mid 1960's, was characterized by severe civilian repression.[2] Among those targeted by the regime were individuals within the gay community.[3] This section will argue that cruel and methodical national policies, focussed on the Brazilian gay population, provoked a realization of sexuality-based human rights abuses. I will demonstrate this by first examining historical analyses of systematically oppressive governmental practices engineered to atomize the Brazilian populace. Such a tactic necessarily created a dichotomy between citizens and their state. After establishing this premise, I will investigate the ways in which segments of the stratified population were then targeted on the basis of their sexual identifiers. By creating distinctions *between* citizens following their collective depoliticization, this practice consequently raised the political saliency of sexuality in Brazil.

The form and application of a system of governance necessarily conditions both the socio-political climate as well as the conduct of individuals comprising a national population. When the character of this political rule is administered by an authoritarian regime, there exist profound implications for notions

of public identity and civil engagement. Guillermo O'Donnell and Philippe Schmitter note that, in such cases, individuals tend to disassociate from their "public and political identities,"[4] reducing conceptions of citizenship merely to possessing a passport, observing rules, and, "cheering for the country's team."[5] Furthermore, the authors argue, by depoliticizing and atomizing people, imperious governance extinguishes, "self-organized and autonomously defined political spaces,"[6] which consequently regulates the nature of public perceptions and dialogue. Such was the atmosphere in Brazil during its period of authoritarian rule, from 1964 to 1985. Establishing a conceptual dichotomy between itself and its citizenry, the Brazilian government ignored the line between internal and external threats to sovereignty and thus implicated its entire populace as a potential danger.[7] Predicated on an alleged risk to national security, the armed forces during the late 1960's believed that, "a subversive threat from within was as great as, if not greater than, the threat from without."[8] Manifesting this political paranoia into policy, the state attempted to monitor every source of likely dissent through a huge institutional security apparatus.[9] Brazilians, collectively, "fell silent"[10] in response to the panoptic nature of governmental encroachment into their lives. As a result, "serious politics were never discussed,"[11] in the presence of strangers. Encapsulating the trivializing effect authoritarianism has on notions of public and political identity, a Sao Paulo university student during the early 1970's inquired whether it is, "politically valid for us to discuss sexuality, something generally considered secondary given the situation in Brazil?"[12] This comment is suggestive of an idea that sexual identity is somehow absorbed by the greater issue of state repression. Such an attitude toward the right to politically validate aspects of one's identity is evidence of the state's capacity to establish the terms of citizenship.[13] By examining authoritarian practices of the Brazilian government and the resulting internalizations of these depoliticizing initiatives by civilians, this section seeks to demonstrate the atomized premise upon which sexuality became a salient political identity.

Temporarily relieving individuals from the frustrations of politics, an authoritarian society allows citizens to passively, "withdraw into [their] private pursuits."[14] What happens though when the nature of such recreation constitutes a perceived threat to the government in power? During the early stages of authoritarian rule in Brazil, homosexuality was uncritically portrayed as a blend of, "immorality, dishonour, sin, and disease,"[15] and as such, was incompatible with the objectives of the regime. In this way, a gay citizen was simultaneously a depoliticized subject and a politically implicated subversive. Classified as social deviance, gay organizing was subject to state sanctioned disruption and censorship. In one such instance, pamphlets calling for a 'congress of the Union of Brazilian Homosexuals' were discretely distributed within Sao Paolo. This 'subversive' event, discovered by state officials, was met by a squad of police and a host of special investigators and was consequently prohibited from occurring.[16] Contrary to the goals of the regime, these repressive initiatives ultimately yielded the converse of their intended results. In depoliticizing a populace, a government eliminates personal issues around which individuals may coalesce and potentially mobilize. By targeting homosexuality as an unacceptable personal characteristic, the Brazilian state implicitly invested political currency in sexuality as a salient source of identity. Following this period, we see reactionary attempts to understand and articulate a conceptual space for the issue of gay identity. While not overtly political, the creation of the newspaper 'Lamp Post on the Corner', a periodical detailing issues of sexuality, the arts, and machismo, is an affair significant to the gay liberation movement in Brazil.[17] By creating a forum with which to explore issues surrounding queer culture, the publication represented an acknowledgement of sexuality as a novel locus of identity. This provocative retort to systematic governmental repression would not have been possible without the accidental re-politicization of homosexuality by the state. Lucidly describing the socio-political phenomenon of reactionary behaviour, Thomas Skidmore observes that, "censorship excesses inevitably produced their own reaction,"[18] in

the Brazilian context. Through the discriminatory practices of the state, gay Brazilians were implicitly offered an avenue through which to both extract a sense of identity and to organize politically.

Framing the Movement

The fundamental nature of subjective experience necessarily implies an inconsistency of interpretations derived from analogous incidents. Therein lays the essential dilemma disrupting the process of legitimization. By what means can a group of individuals share the knowledge of their experiences so that they may establish a broader consensus on truth? A collectively employed frame is, in part, a, "cognitive entity,"[19] designed to facilitate mutual understanding through strategic posturing and discourse. Through this pedagogical mechanism, experiences are given a universal character in that they are, "transferred, transformed, and given a new meaning,"[20] to formerly oblivious agents. The dynamic nature of the Brazilian gay rights movement is characterized by the numerous frames employed to represent the emancipatory struggle.[21] By implementing different postures and utilising various methods of communication, gay activists conditioned both the perceptions and potential outcomes of their effort. This section will argue that sexuality became recognized criteria under the rubric of human rights abuses due in part to the multitude of conceptual frames applied by the gay liberation movement. I will show this by analysing the language and tactics enlisted in four distinct framing initiatives.

Legalistic Approach

During the period of military rule in Brazil, the discourse on homosexuality was embedded in a language of pathology. Codified as an illness by the Brazilian Medical Association, non-heteronormative lifestyles were conceptualized within an inherently depreciating legal framework.[22] This deplorable context provided an obvious arena through which the sexuality movement

sought justice. Michel Foucault, on the stirrings of gay activism, notes that, **"**homosexuality began to speak on its own behalf, to demand that its legitimacy or 'naturality' be acknowledged, often in the same vocabulary, using the same categories with which it was medically disqualified."[23] It was the petition for and successful removal of homosexuality from the roster of diseases, accepted by the Brazilian medical profession in 1985, which characterizes one of the major achievements of the early sexuality movement.[24] The significance of this accomplishment resonates for two reasons: Firstly, by reconceptualising the 'queer citizen' as a 'healthy citizen', homosexuality became a neutral and thus normalized characteristic within the framework of the health discourse. Normalizing alternative sexualities is one method of collectively validating of the experience of gay life. Secondly, after recognizing that legal precepts partially dictate the way in which people perceive and discuss particular identity groups, the movement's success in manipulating the medical definition of sexuality acted as a floodgate achievement, initiating further critical investigation into other legal attempts at codifying homosexuality.[25]

Collectivist Approach

While sexuality is a central organizing principle within the gay liberation movement, it does not preclude activists from utilizing alternative sources of identity to frame their emancipatory struggle. Reflecting on the divergent approaches available to the queer movement, Chet Meeks observes that activists can either, "react against the sexual regime in a normalizing way that accepts the implicit assumption that sexual identity is a key representative of the self, or they can use sexuality to *produce* new social and sexual relations."[26] The latter method, contrary to the aforementioned technique of operating inside pre-existing conceptual structures, is evident in the framing initiatives of 'We Are', a Brazilian gay liberation organization. In 1979, 'We Are' linked up with the black movement, the women's emancipation

struggle, lesbian organizations, and elderly groups and subsequently distributed leaflets proclaiming a unified struggle, against the regime, as mutually oppressed sectors of society.[27] This collective strategy, while necessarily requiring sexuality as a qualifying characteristic of repression, emphasizes identity through an opposition to governmental authority. In such a way, this conceptual frame reduces potential representations of the self to an oppressor/oppressed dichotomy. By rejecting overt depictions of the liberation movement under terms of sexuality, 'We Are' adopted a more universal framing posture. Removing distinctions between groups within the combined movement ultimately allowed for a pooling of the collective legitimacy of participating organizations. This cooperative strategy, while sacrificing a degree of autonomy within the sexuality struggle, strengthened the validity of the gay movement in Brazil.[28]

Distinction Approach

Among the numerous frames employed throughout the perpetually evolving struggle for sexual equality in Brazil is the strategy of celebrating distinction. Rather than appealing to a common, unifying characteristic among citizens, this method seeks to inject gay culture into the national consciousness by increasing the visibility of alternative sexualities over popular forums. Few arenas offer a higher opportunity for exposure than the political stage. Taking advantage of the guaranteed publicity of the 1982 elections, the Workers party fielded eight queer candidates, one of whom declared he was gay on national television.[29] The consequences of this bold tactic yielded an, "unprecedented national discussion of gay life in the media."[30] The unapologetic proclamation of non-heteronormativity within Brazil is reactionary conduct to the, "dishonour,"[31] that had previously constrained outward expressions of homosexuality during the periods of authoritarian repression. With the 'decompression' of the regime came an opening up of political spaces which ultimately initiated the, "popular upsurge,"[32] in vocal gay activism[33]. A

supplementary example of the gay movement's reclamation of public space is the colourful parades that have become global events within which gay culture is openly celebrated. These gay parades are a more, "eloquent symbol,"[34] of the, "enormous visibility,"[35] the sexuality movement has achieved during the 1990's. Drawing in more than 2 million people, the latest event in Sao Paulo represents the effectiveness of visibly articulating homosexuality as a distinct identity.[36]

Heteronormative Approach

Homosexuality, understood within the Brazilian context, is not a singular concept, but instead consists of a variety of distinct sexual identities ranging from the classic macho 'bofe' to the more effeminate 'bicha'.[37] Furthermore, these particular sexual scripts are not without their own degrees of internal variance. In their educational literature, the gay activist group Nuance utilizes the broader term 'gay' when referring to non-heteronormative sexualities, despite the fact that its individual members, in discussion, feel that specific terms are more appropriate.[38] Remarking on the trend of using the phrase 'gay', one Nuance member observes that, "the people who use gay are those with a heterosexual posture, who use gay to designate someone without offending him."[39] What is the logic for implementing a subtler blanket term, such as gay, while representing the queer movement? Moreover, what information can be derived from the tactic of enlisting a sexual descriptor commonly used by the heterosexual community? Contrary to the strategy of emphasizing difference, this scenario provides a lucid example of an attempt at normalizing alternative sexualities. By framing homosexuality with the exclusive language of the majority, this approach is implicitly directed at the heterosexual population. The watered-down frames employed by Nuance suggest an attempt to defuse the cultural taboo of homosexuality by discussing it in more 'agreeable' terminology. Such tactics are not without risks as Charles Klien worries that, "the domestication of a potentially radical *bicha*

energy... may re-enforce class, gender, and sexual hierarchies."[40]
Despite this concern, Nuance has succeeded in adding its voice to
the dissonance of postures attempting to legitimize non-
heteronormativity in Brazil.

Consolidated Change

Legitimization is a political phenomenon that is realized
through tangible results. The issue of sexuality attained legitimacy
as a human rights issue in Brazil both through the extension of
equalizing legal rights as well as by the implementation of
government health initiatives directed toward issues within the gay
community.[41] This section will demonstrate the legitimacy of
sexuality as a human rights issue by examining state health
policies, novel legal recognition for those with non-
heteronormative sexualities, and the impacts these outcomes have
on the notion of 'gay citizenship'.

The tangential connection between the discussion of AIDS
and issues within the Brazilian gay community became
increasingly salient during the 1980's. While some sexuality
organizations sought to distance themselves from this sensitive
medical topic, it was queer leaders who were among the first to
actively confront the epidemic.[42] As AIDS came to, "strongly
influence 1980's gay activism,"[43] demands for government
assistance became increasingly prevalent. Approached by a vocal
group of gay activists in 1983, the Sao Paulo Health Secretariat
agreed to establish the first government AIDS program in the
Americas.[44] Civil society is attributed to being the driving force
behind making the antiretroviral therapy universally accessible in
Brazil.[45] The extension of this program has profound implications
for the notion of 'gay citizenship'. Firstly, by successfully
lobbying government, sexuality-based organizations had exercised
agency within the political spectrum. These novel health
initiatives validated the effectiveness of gay citizenry at affecting
change within their civic community. Additionally, since

homosexuality was largely portrayed as a form of social deviance, this lifestyle strayed from a liberal conception of the neutral citizen that government used to design its policies around. With the inception of state health initiatives addressing concerns largely articulated within the gay community, the governmental model of the 'normal individual' was forced to incorporate a range of identity-specific issues relevant to minority segments of the population. In this way, gay identity became consolidated in the political consciousness.

The elementary nature of sexuality-based identity involves, in part, an understanding of the self through one's relations with others. A collective assumption that this orientation is of a heterosexual manner necessarily produces systemic inequalities within a political society. Homosexuality was not legally recognized in Brazil as a legitimate form of relations and as such, ensuing obligations and benefits between partners held no lawful authority. Recently, the activist group Nuances successfully filed a lawsuit against the Brazilian Social Welfare Institution to extend the benefits of death pensions and other rights to homosexual couples.[46] This victory, codifying the legitimacy of queer relationships in legal precepts, further challenges the dangerously 'neutral' theoretical formulation of the normal citizen. By forcing the government to recognize alternative sexuality as an issue of divergence within its populace, the gay liberation movement has succeeded in contributing to the legitimacy of non-heteronormativity in Brazil.

Conclusion

Legitimization is a temporal process, creating a linkage between subjective perception and collective action. The gay rights movement in Brazil provides a lucid example of this complex system. Necessarily conditioned by the extreme context of Brazilian authoritarian governance, individuals became aware of sexuality as a salient political identity. In the struggle to

understand and communicate this recognition to the broader population, gay activists developed complimentary and competing methods of perpetuating their emancipatory cause. Through its effort to affect national health policy and civil rights, the queer movement consolidated sexuality as an official form of identity. These achievements shouldn't suggest however, that such an endeavour is regulated by a static endpoint. The struggle for sexual equality is one of perpetuity, forced to evolve and adapt in a constantly changing socio-political milieu. While mindful of the value in analyzing the next step, this author has sought instead to articulate the recognition, development, and consolidation of sexuality as a politically valid identity in Brazil.

Notes

[1] Debra DeLaet, *The Global Struggle For Human Rights- Universal Principles in World Politics,* (Thomas Wadsworth Publishing, 2006), 59.

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[3] Ibid., 43.

[4] Guillermo O'Donnell and Phillipe Schmitter, *Transitions from Authoritarian Rule- Tentative Conclusions About Uncertain Democracies*, (Johns Hopkins UP, 1986), 48.

[5] Ibid., 48.

[6] Ibid., 48.

[7] Thomas Skidmore, *The Politics of Military Rule in Brazil*, (Oxford UP, 1988), 127.

[8] Ibid., 127.

[9] Ibid., 131.

[10] Ibid., 131.

[11] Ibid., 131.

[12] Green, 43.

[13] O'Donnell and Schmitter, 48.

[14] Ibid., 48.

[15] S. Carrara, P. Lacerda and A. Vianna, "Sexual Politics and Sexual Rights in Brazil: An Overview," *Global Public Health* 3, no.2 (2008): 13.

[16] Green, 43.

[17] Ibid., 44.

[18] Skidmore, 134.

[19] Henrik Nordvall, "Making Sense of the Social Forum: On the Local Framing of a Fashionable Symbol," *Journal of Contemporary Ethnography* 38, no.4 (2009): 438.

[20] Ibid., 439.

[21] Charles Klien, "'The Ghetto is Over Darling': Emerging Gay Communities and Gender and Sexual Politics in Contemporary Brazil," *Culture, Health & Sexuality* 1, no.3 (1999): 251.

[22] Carrara, Lacerda and Vianna, 16.

[23] Michel Foucault, *The History of Sexuality, Vol.1*, Translated by Robert Hurley, (Pantheon Books, 1978), 101.

[24] Carrara, Lacerda and Vianna, 16.

[25] Green, 15.

[26] Chet Meeks, "Civil Society and the Sexual Politics of Difference" *Sociological Theory*, 19 no.3 (2001), 328.

[27] Green, 46.

[28] Ibid., 46.

[29] Ibid., 50-51.

[30] Ibid., 50-51.

[31] Carrara, Lacerda and Vianna, 13.

[32] O'Donnell and Schmitter, 54.

[33] Bryan McCann, *The Throes of Democracy, Brazil Since 1989*, (Fernwood Publishing, 2008), 23.

[34] Carrara, Lacerda and Vianna, 14.

[35] Ibid.,14.

[36] Ibid., 14.

[37] Klein, 249.

[38] Ibid., 251.

[39] Ibid., 252.

[40] Ibid., 252.

[41] Richard Parker, "Civil Society, Political Mobilization, and the Impact of HIV Scale-Up on Health Systems in Brazil," *Journal of Acquired Immune Deficiency Syndrome* 52, no.1 (2009): 50.

[42] Peter Aggleton, Regina Barbosa and Richard Parker, *Framing the Sexual Subject: The Politics of Gender Sexuality, and Power*, (University of California Press, 2000), 67.

[43] Aggleton, Barbosa, and Parker, 67.

[44] Parker, 50.

[45] Ibid., 49.

[46] Carrara, Lacerda and Vianna, 15.