

## Historical trends leading to the same-sex marriage law in Argentina<sup>1</sup>

In this paper we will examine the historical trends leading to the LGBT rights revolution in Argentina through a discussion focused on one of the events that constituted its core: the passing of the same-sex marriage law in 2010. We argue that this law resulted from deeply rooted historical trends rather than constituting a sudden turn. Some of these trends leading to same-sex marriage emerged in the last four decades, as in the case of the transition to democracy, the growing acceptance of homosexuality, the decline of religion, and the transformation of heterosexual marriage. Yet, the Eurocentric nature of Argentine national identity and the formation of a secular state have nineteenth-century origins. These trends of varying historical length were a prerequisite for the LGBT rights revolution to emerge, even though they have been ignored by the scholarship in the field. Most of the existing bibliography focuses on the “crafting” of rights, the international influence over Argentina, and the favorable context provided by the *Pink Tide*. While we agree that these factors did in fact play a role, we argue that the conditions necessary for the LGBT rights revolution to happen were rooted in deeper sociocultural change in society at large. Relying on a combination of demographic, historical, and ethnographic analysis, this paper organizes bibliography seemingly unrelated to LGBT issues to reconstruct the history leading to same-sex marriage legislation,

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and to show that such history has contributed to the endurance of the LGBT rights revolution in Argentina despite the recent conservative trend in Latin American politics.

## **Activism, international influence and local historical trends**

Most studies of same-sex marriage in Latin America have emphasized the “crafting” of an LGBT rights campaign [Encarnación, 2016, p. 8; Schulenberg, 2012; Salinas Hernández, 2016; Hiller, 2010]. Several decades of experience in LGBT activism were crucial for the success of the same-sex marriage law in Argentina [Diez, 2016]. A few decades prior to the passing of that law, LGBT activists were already gaining experience through the struggle against police edicts (1980s) [Berkins, 2003], the organization to fight against HIV/AIDS [Bazán, 2004], the inclusion of an article against discrimination in the 1996 City of Buenos Aires Constitution, and the passing of same-sex civil unions in several cities and provinces [Pierceson *et al.*, 2013]. As a result of the experience gained in these struggles, a movement emerged by the early twenty-first century with LGBT activists positioned in key areas of the state and in close contact with a wide network of powerful politicians [Pierceson, 2011; Bimbi, 2010]. United in the *Federación Argentina de Lesbianas, Gays, Bisexuales y Trans* (FALGBT), these activists skillfully convinced the ruling party that passing a same-sex marriage law with broad appeal in public opinion would enhance the popularity of the government [Bimbi, 2010, p. 68-80, 87-186, 326]. With the support of the government and a network of experienced professionals the *Federación* launched an effective judicial and media campaign, presenting Catholic anti-gay statements as obsolete and out of touch.

In addition to stressing how LGBT activism skillfully “crafted” a rights campaign leading to same-sex marriage, previous studies have also emphasized the role of international LGBT politics [Friedman, 2012; Encarnación, 2016, p. 17-47; Diez, 2016; Pierceson 2011; Pierceson *et al.*, 2013], arguing that foreign activism, as well as the Spanish 2005 same-sex marriage law, influenced the LGBT movement in Argentina and other Latin American countries [Friedman, 2012; Bimbi, 2010, p. 23-35, 46-47]. While we agree that international influence and the “crafting” of rights were crucial for the success of the 2010 same-sex marriage law in Argentina, our analysis frames both phenomena under the light of long-term transformations.

Crafting succeeded in Argentina because the country provided an auspicious long-term socio-political context, and international influence thrived because Argentine national identity has represented the country as part of Europe since the nineteenth century. In other words, we claim that the recent influence of foreign LGBT activism in Argentina was only successful because the country



had sought to be influenced by Europe for almost two centuries. Conversely, the scholarship on this issue claims that foreign ideas about LGBT rights succeeded in Argentina during the twenty-first century despite an unfavorable Catholic and conservative local context. The underlying assumption of this scholarship is that a coalition of foreign and national LGBT activists bringing ideas from abroad were the agents that made the same-sex marriage law possible. This assumption ignores the fact that Argentine popular culture was already seeking to be identified as sexually liberated and tolerant of diversity by the 1980s because those were values associated with an imagined Europe that Argentines wanted to emulate [Insausti & Ben, in press]. This tendency to associate Argentina with Europe by claiming that the country exhibits Western sexual customs can be traced back to the nineteenth century.

The so-called 1837 generation, an Argentine intellectual movement that shaped state formation, already promoted policies to attract a large European migration wave so that Argentina could adopt Western cultural and sexual mores. One of the most influential members of this generation, Juan Bautista Alberdi [2017 (1852), p. 91-92], translated by the authors], stated that: “Our Christian religion was brought to America by foreigners. If it were not for Europe, today America would be worshipping the sun, trees, and beasts, burning men in sacrifice, and marriage would be unknown.” The passing in 1887 of a secular marriage law opposed by the Catholic Church also followed the same principle, representing an attempt to emulate the secularism of Europe. As European culture shifted in the twentieth century from promoting traditional marriage to defending sexual diversity, Argentina also changed in the same manner because the new ideas about sexuality were perceived as a sign of progress that the country needed to embrace. As recently as 2021, Alberto Fernández, the center-left president of Argentina, quoted a popular saying in a public speech, stating that “Mexicans came from natives, Brazilians from the rainforest, but we Argentines descended from ships, and those were the ships coming from Europe, and that is how we built our society.”<sup>2</sup> This statement was denounced by progressives as racist, but the idea that European ideals must shape Argentine society continues to be an underlying assumption across the political spectrum. The implication is not just that Argentina should imitate Europe but, instead, that Argentina is European, sometimes more European than Europe. Therefore, as the larger countries in the European Union came to embrace a representation of themselves as LGBT friendly, Argentina sought to follow the same trend.

One of the main reasons why Argentines supported same-sex marriage was that, in their view, the law set the country apart from the rest of the Latin America

2. Translated by the authors, Infobae, June 9, 2021, “Una frase de Alberto Fernández se instaló en los portales de Brasil”.

and made it look European. Legislators congratulated themselves for having a debate on same-sex marriage before it happened in most countries of Western Europe. LGBT activists and supporters of same-sex marriage declared how “proud” they were because Argentina was “the first” country in Latin America to pass the law. Pedro Paradiso Sottile, secretary and spokesman for the *Comunidad Homosexual Argentina* or Argentine Homosexual Community, told the media that “we are proud that Argentina has become the first country in Latin America and the Caribbean to pass the same-sex marriage law.”<sup>3</sup> Journalists from the best-selling newspapers in the country explicitly argued that being “the first” meant that Argentina was *different* from Latin America and more like Europe.<sup>4</sup> Argentine media obsessively listed the positive reaction to the new legislation in the international press. *Clarín*, the Argentine newspaper with the largest readership in the country, provided a long and detailed list of international media with explicit geographical references in brackets to make the point more explicit: “*El País* (Madrid), *Le Monde* (Paris), *The Guardian* (London), *The New York Times*, *O Globo* (Rio de Janeiro), *El Universal* (Caracas), the London *BBC* and *El Mercurio* (Santiago de Chile) are some of the online media accounting for the extensive and passionate debate in the Senate.”<sup>5</sup> The press celebrated and persistently pointed out that European journalists perceived Argentina as an avant-garde civilized nation unlike other countries of Latin America. In the following years the press constantly claimed that some Europeans traveled to Argentina to marry because they could not do so in their countries. One of the articles in *La Nación*, the second best-selling newspaper, added that “they mostly come from Latin American countries, but also from Europe.”<sup>6</sup> Moreover, every time another country passed a same-sex marriage law after 2010, Argentine newspapers stressed that it had happened first in Argentina. When Luxembourg passed the law, for instance, *La Nación* stressed that Argentina had already done so four years ahead of time.<sup>7</sup>

The self-representation of Argentina as European facilitated the “crafting” of LGBT rights pursued by activism. This was certainly not the only or most important factor facilitating the crafting of rights: other historical trends also

3. *La Nación*, July 15, 2017, “A 7 años de la aprobación del matrimonio igualitario, más de 16 mil parejas pasaron por el registro civil”.

4. *Clarín*, July 15, 2010, “Los medios del mundo hablan de una ley histórica para la región. Coinciden en enfatizar que Argentina es el primer país latinoamericano que permite el matrimonio entre parejas del mismo sexo”.

5. *Clarín*, July 16, 2010, “Una ley histórica: la mirada de la prensa internacional: La noticia llegó a los diarios y portales de todo el mundo” [capital letters in the original].

6. *Clarín*, July 22, 2010, *Clarín*, “Sobre todo de países de América Latina, pero también de Europa. Más de 250 parejas extranjeras ya consultaron para casarse acá” [capital letters in the original].

7. *La Nación*, June 19th, 2014. “Luxemburgo aprueba el matrimonio de parejas del mismo sexo y la adopción” En: la Argentina, uno de los países que tomó la posta en el mundo, la ley se aprobó hace casi cuatro años.



contributed to creating an auspicious context for LGBT activism in Argentina by the twenty-first century. Although same-sex marriage itself was a novel demand lacking adequate support by 2009, the overwhelming acceptance of homosexuality in the larger Argentine cities made it possible for LGBT activists to shift public opinion in their favor within a year. Such a feat could not be “crafted” without preexisting wider transformations of sexual culture in Argentina since the 1980s.

## The transformation of mainstream sexuality since the 1980s

While in the 1970s homosexuality was still widely perceived as pathological and alien to mainstream Argentine culture, from the 1980s onwards the boundaries dividing mainstream sexual customs and the homosexual subculture gradually waned, to the extent that by the twenty-first century, integration had rendered the term “subculture” inaccurate [Insausti & Ben, 2017; Meccia, 2008].<sup>8</sup> For gender and sexual diversity to enjoy mainstream acceptance in the twenty-first century however, a demographic and cultural revolution of several decades was necessary. Demographic trends since the 1980s undermined deeply ingrained taboos against divorce and homosexuality, enabling the acceptance of what Giddens [1992] defined as the “pure relationship.” Whereas traditional marriage was based on external cultural pressure compelling heterosexual couples to remain united for life, under the recently emerged “pure relationship” there is no guarantee of continuity, and the gender of the partners is irrelevant. The relationship is “pure” because it is only based on the decisions made by those who are relating to each other and not on external pressure alien to the relationship. In other words, only intimate negotiation between partners counts, which is why by definition the relationship can only endure if they agree to continue together. Moreover, given that the agreement between individuals is the core of the relationship, the gender of the individuals is ultimately a private matter to be decided only by the couple. In short, the recent decades have seen a change in the nature of conjugality according to which the legitimacy of a relationship is solely based on how partners manage to craft converging life paths within an intimate reflexivity that binds them together. It is this transformation that has undermined the traditional family, encouraged heterosexual couples to break up

8. The increasing integration and acceptance of sexual and gender diversity is most easily traceable through the study of male homosexuality, as lesbianism has been less visible throughout time and the recognition of transgendered identities happened more recently and to a lesser extent. Yet, the transformations enabled by the increasing integration of gay men had a positive impact for other identities. For instance, the Argentine Gender Identity law passed in 2012, which granted crucial rights to transgender people, was enabled by the organization previously designed for same-sex marriage even though it also required crafting by transgender activists [Cutuli, 2015; Farji Neer, 2020].

when they fail to sustain a pure relationship, and rendered same-sex couples acceptable.

This waning of traditional family life and the acceptance of same-sex couples has been more pronounced in Buenos Aires and other large cities in Argentina. Other less urbanized areas of the country exhibit countertrends. The focus on Buenos Aires, however, is fundamental when analyzing the reasons why same-sex marriage became possible in Argentina. Less urbanized areas, as is the case in many other countries, tend to be more socially conservative and less accepting of homosexuality. In fact, the same-sex marriage law was often presented by its opponents as legislation imposed by Buenos Aires to unwilling provinces [Bimbi, 2010]. Yet, despite strong opposition based in some of the Northern provinces, the new same-sex marriage legislation was passed. This was the case because Buenos Aires concentrates most of the economic activity and political power in the country. All media venues with national reach have their headquarters in the capital, and public opinion in Buenos Aires looms large over any national legislation debate. In this sense, Argentina is the opposite of countries like the US, where less urbanized states sometimes have disproportionate political power. In Argentina, political power is tilted towards the gay-friendly capital, a factor crucial to understanding why same-sex marriage succeeded. Other Latin-American countries also have powerful capitals and overall, the region is one of the most urbanized in the world. Therefore, the focus on Buenos Aires offers a vantage point not only to understand Argentina, but also to examine the context for LGBT politics in countries like Brazil, Chile, or Uruguay. In all of these countries the pure relationship has gained ground in large urban settings [Aizpurúa *et al.*, 2007; Aguirre, 2004].

The 1980s were a crucial moment for the rise of the pure relationship in the larger cities of Argentina, as is shown by the increase in divorce and the emergence of a culture of cohabitation undermining traditional marriage for life and normalizing birth out of wedlock. Breaking up was already common in the 1960s when separation became legal in Argentina, but re-marrying was not legally permissible and stigmatization of divorce continued in mainstream culture [Htun, 2003; Giordano, Ramacciotti & Valobra, 2015; Cosse, Felitti & Manzano, 2010; Cosse, 2010]. Since early in the 1980s, however, mass commercial music, cinema and TV have normalized what Isabella Cosse labeled as “divorce culture” [Cosse, 2015] while new legislation passed in 1987 made it legal to marry after separation. Except for a brief period in the 1950s, the Catholic church effectively blocked multiple attempts to legalize divorce in Argentina until later in the twentieth century [Giordano & Valobra, 2013]. Lack of legal divorce, however, rendered marriage legislation illegitimate and alien to social customs. Legal marriage lost legitimacy and the marriage rate fell. In Buenos Aires the marriage rate fell from 9 in 1970 to 6 in 1989 and 5,5 in the



year 2000 [Aizpurúa *et al.*, 2007, p. 191], reaching a figure like Spain, where the marriage rate was 5 in 1995 [Aguirre, 2004, p. 229]. Many young couples in the 1980s avoided legal marriage and decided in favor of cohabitation [Torrado, 2003, p. 277]. In fact, “by the time the opportunity to become [legally] divorced was granted, a significant portion of the population had concluded that it was better not to marry” [translation by the authors, Cabela *et al.*, 2005, p. 225]. The increasing rate of birth out of wedlock illustrates how prevalent cohabitation became. Between the 1910s and 1960 the rate of birth out of wedlock fluctuated between 10 and 13%, by 1970 the rate had climbed up to 19%, growing to 21% in 1980, 30% in 1990 [Mazzeo, 1997; Binstock, 2010], and almost 60% by the year 2000 [Binstock, 2010, p. 133], remaining above 50% between 2004 and 2011 [Observatorio de la Deuda Social Argentina, 2014].

In the last decades, traditional heterosexual marriage lost ground as a social institution. Young heterosexual couples have come to expect a sequence of partnerships, each one of which can last a varying number of years. In addition, the fertility rate declined [Cabella *et al.*, 2005], and other indicators rose, such as the number of single-person households, couples without children, single parenthood, “assembled families” where one or both parents have children from a previous union, and other arrangements. Single-person households were 10% in 1980 [Observatorio, 2014, p. 21], they rose to 11% in 1990 and jumped ahead to 14% in 2001 even when a severe economic crisis forced the young to move back to their parents’ homes [Aizpurúa *et al.*, 2007, p. 195]. By 2010 when the same-sex marriage law was passed, the number of single-person households had climbed up to 18%. During the same year, households without children were 15% of the total, those with single parents were 15%, and households with two parents and children were less than half the total at 45% [Observatorio, 2014, p. 21]. Not only were heterosexual couples with children less than half the number of households in 2010, but about half of those couples were either not married or had divorced before forming their current union [Observatorio, 2014, p. 21-22].

The decline of Catholicism was a crucial aspect of the fall of traditional heterosexual marriage. In a survey conducted in Buenos Aires and Montevideo, Rosario Aguirre found that after 1985 half the couples chose cohabitation instead of legal and church weddings [Aguirre, 2004, p. 230]. Church records as gathered by the largest Catholic university in Argentina confirm the trend, showing that between 1990 and 2011 church weddings declined by 61% [Observatorio, 2014]. Two surveys of religious views conducted in 2008 and 2019 show the impact that the decline of Catholicism had on sexual matters. In both of them more than 90% of respondents oppose Catholic teachings on sexual education and contraceptives [Mallimacci *et al.*, 2008, 2019] and 77% believe that premarital sex constitutes a “positive experience” [Mallimacci *et al.*, 2008]. The surveys show that religion has become a private personal matter and respondents believe that it should be kept



out of politics [Corrales & Pecheny, 2010]. Two thirds of the respondents to the 2008 and 2019 surveys claim to either never or rarely go to church [Malimacci *et al.*, 2008]. This waning influence of Catholicism conflicts with the claims of some of the scholarship on same-sex marriage in Latin America. For instance, although Omar Encarnación [2016] observes the decline of Catholicism, he still argues in a book focusing on Argentina that “religion remains an important part of most Latin Americans’ lives” [p. 51], leading to an “inauspicious” climate for gay rights. What religious surveys and the work of the leading sociologists of religion show for Argentina is exactly the opposite [Malimacci, 2015]. The sustained decline of Catholicism throughout the decades led to a climate ripe for the crafting of LGBT rights. For this auspicious context to emerge, not only did Catholicism have to decline but as partnership was secularized the nature of conjugality itself experienced a radical transformation. As Renata Hiller showed, same-sex marriage was enabled by a culture where heterosexual informal unions and divorce had become mainstream [Hiller, 2017].

## **The Thriving and Fall of Homosexual Subculture since the 1980s**

While the mainstream sexual culture was undergoing these transformations, homosexual subculture was also changing in a direction that would eventually converge with the mainstream. Since the 1980s promiscuity was becoming less visible in the male homosexual subculture whereas romantic love was on the rise, a tendency consolidated in the twenty-first century [Marentes, 2020]. As discussed in detail in Santiago Joaquín Insausti’s work, until the 1970s most homosexual encounters had happened in public bathrooms and through street cruising. Promiscuity was rampant in the community, partnerships were uncommon, temporary, and rarely based on love [Ben & Insausti, 2021]. Homosexual men often had one-time sexual encounters in public spaces with other men who were married to women and defined themselves as heterosexual. The formation of gay couples following the romantic love script that has become so common in the twenty-first century was hard to accomplish before the 1980s when casual sex with heterosexual men prevailed [Insausti & Fernandez, 2020]. Moreover, gay men before the 1980s frequently engaged in public displays of effeminacy, often with the explicit aim of provoking scandals [Perlongher, 1984]. The association with effeminacy was such that the distinction between transsexual and homosexual identity as it exists in the twenty-first century was often blurry and confused until the 1970s [Insausti, 2019]. During the 1980s, on the other hand, Argentine homosexual subculture experienced a significant change as activists began to promote respectability, masculine demeanor, and the search for love in a long-term relationship [Insausti & Ben, 2017]. This was not just a rhetorical





change driven by the gay movement: the transformation was deeply rooted in the homosexual subculture and broadcasted on mass media. Gay men were granted access to TV shows, they played central roles in commercial movies [Blázquez, 2017], and they were constantly interviewed by magazines and newspapers. The movement chose to showcase activists with masculine performance, beards, and formal attire to generate a positive presence emphasizing the similarities between homosexual and heterosexual men [Insausti & Ben, 2017].

Technological changes, as well as the transformation of the public sphere, also reshaped homosexual subculture and facilitated the convergence with mainstream heterosexual mores. One example of this is the vanishing of many tea rooms [Ben & Insausti, 2021]. Before the 1990s homosexual encounters in bathrooms known in the male homosexual subculture as “tea rooms” were common in Argentina and other countries [Humphreys, 2005; Rapisardi & Modarelli, 2001]. These bathrooms were located in cafes, bars, restaurants and train stations. Although most of the tea rooms were private bathrooms, any passerby could enter. Gay men took advantage of access to bathrooms, which was a sort of taken-for-granted public good. However, this situation began to change in the 1990s when the “Los Angelization” of Buenos Aires [Sarlo, 1994] led to the massive building of private gated suburbs, chains of movie theaters and shopping malls. In the downtown area most cafes, restaurants and bars were renovated. Under the ideological aegis of neoliberalism, the emphasis on improving quality of service led to better and cleaner bathrooms and to the closing of access for anyone who was not a customer. Consequently, men seeking furtive sexual encounters with other men were driven out of these bathrooms. While this was a major blow to promiscuous gay sex, new opportunities for sexual encounters arose that would render promiscuity invisible.

An emerging new market of telephone hotlines in the early 1990s and internet chat in the second part of the decade enticed gay men to channel their sexual encounters as customers and away from public view [Marentes, 2017; Leal Guerrero, 2011]. In addition to these virtual spaces, gay commercial establishments popped up everywhere in the city. Now gay men could pay to have sex in hotels per hour, dark rooms, saunas, bars, discos, and other businesses, keeping their promiscuity private. Magazines also published classified ads of men seeking partners or encounters with other men. For gay couples, it became increasingly easier to live together just like heterosexual couples. This was the case because most people in urban areas were exposed to diverse cohabitation arrangements, the media portrayed masculine gay men positively, and the transition to democracy fostered a climate of “live and let live” [Insausti & Ben, in press]. While the visibility of furtive promiscuous gay sex fell in the 1990s, gay men out of the closet living together became part of the urban landscape and the homosexual subculture became commercial and massive. Entire “gay

neighborhoods” emerged that offered a wide range of services, ranging from bookstores to salons, social centers, cafes, theaters, etc. The very success of gay neighborhoods in the 1990s, however, eventually led in the twenty-first century to the demise of the homosexual subculture as a segregated space.

The public presence of gay men as customers in a society that valued entrepreneurship turned them into respectable citizens and boosted their image. By the twenty-first century gay men were socially integrated. An increasing number of heterosexual men and women patronized gay establishments while LGBT people began to frequent entertainment establishments where the majority of the customers were heterosexual. Mixed hetero/homo bars and discos, as well as the possibility of virtual encounters, increasingly depleted cruising areas and sex in public bathrooms while facilitating integration into the mainstream [Meccia, 2008]. Today promiscuity continues to play a role among gay men, but exposition to public view is less common. Meanwhile, marriage has lost importance for heterosexual men and women who have also begun to experiment with a variety of new sexual experiences.

### **The effect of historical transformations over twenty-first century politics**

This waning of the homosexual subculture and the integration of gay men as respectable members of the public sphere was crucial for the success of same-sex marriage in 2010. A fundamental aspect of the “crafting” of gay rights was to point out the commonalities between straight and homosexual mores. Such a message, however, would have never been effective if not rooted in a decades-long convergence of hetero and homosexuality. Moreover, when the Catholic church opposed same-sex marriage in 2010, claiming that marriage was a sacred institution between a man and a woman, such a claim had become implausible for public opinion because only a minority of Argentines still celebrated legal and church weddings. A public backlash against the Catholic church favored LGBT activists [Bimbi, 2010 p. 490, 494-495], but it was not merely due to ingenious crafting. The backlash took place because a large number of heterosexual couples felt that Catholic doctrine invalidated their informal unions and their right to lead a life independent from the judgement of priests and bishops [Vaggione & Jones, 2015]. In other words, given the convergence between hetero and homosexuality, conservatives opposing same-sex marriage could only challenge the law through arguments that ended up invalidating the lifestyle of the majority of heterosexual couples. In fact, by the time the same-sex marriage law was passed in 2010, the Catholic church had reached the point of being branded as out of touch with modern life. The main slogan used by LGBT activists promoting same-sex marriage illustrates how the crafting of



rights had been effective in the context of the transformation of heterosexuality and homosexuality since the 1980s. The activists demanded “the same love, the same rights, with the same names”. As it was explained constantly on the media, this meant that heterosexual and homosexual love were not different, which entitled LGBT people to equal treatment under the law and the right to be included under a “marriage” category applied to all unions. It was because the homosexual subculture had vanished, and gays and lesbians had integrated into the mainstream, that it was easy to denounce a segregated institution like civil union for same-sex couples as inadequate, which is exactly what the *Federación* did in order to promote the passing of the new marriage law applying to both heterosexual and homosexual couples.

The changes in mainstream heterosexual culture and male homosexual subculture that enabled the same-sex marriage law in 2010 were also facilitated by the specific form that the transition to democracy took in Argentina [Pecheny & Dehesa, 2010]. The defense of traditional family values had been a fundamental source of legitimacy for the last military dictatorship (1976-1983) [D’Antonio, 2016]. Since the collapse of military rule in 1983 however, any point of view associated with the dictatorship became illegitimate, especially regarding family values. In countries like Brazil or Chile the military negotiated the terms for a transition to democracy, and the legitimacy of the values they had promoted did not collapse overnight. In Argentina, on the other hand, as the country lost the Falklands/Malvinas War in 1982, the military regime collapsed. Civilians reasserted their power early in the 1980s, violations of human rights by the military dominated the headlines [D’Antonio, 2016], and traditional family values were severely undermined. Since the 1980s a flood of highly advertised sentences proved that the military had kidnapped pregnant women, killed them after they gave birth, abducted their babies and given them away for adoption. The rhetoric defending the traditional family became impossible to disassociate from the assassination of mothers and the abduction of babies. As a result, during the 1980s the image of the “family” as dark, oppressive, and even deserving of ridicule, shaped the content of a significant portion of commercial movies, lyrics of famous songs, and the scripts of prime-time TV shows [Ben, 2022]. The increasing acceptance of LGBT people during the 1980s benefited from the critique of the traditional family. Critique of this kind was another thread in the wider cultural decline of Catholicism and traditional mores eroding the legitimacy of the heterosexual marriage and facilitating the emergence of a diversity of cohabitation arrangements. The response to the political crisis of 2001 reinforced this trend [Pecheny & Dehesa, 2010]. During that year Argentina suffered one of the worst economic crises in its history. Successive governments were unable to gain acceptance, as constant demonstrations in the major cities led to the deposing of five presidents in just twelve days. Political stability only returned

when Nestor Kirchner was elected president in 2003. The Kirchners, Nestor first and his wife Cristina Fernández later (2007), turned to the Human Rights movement to rebuild the legitimacy of the state. The repudiation of human rights violations during the 1970s was officially embraced by the Argentine state in the twenty-first century and led to the creation of a network of state institutions. Together with the transformation of the family structure and the decline of religion, this network allowed LGBT activists to occupy important positions within the state. Supported by the state, an alliance between LGBT and Human Rights activism was consolidated during this period, laying the ground for crafting the LGBT rights revolution [Moreno, 2008; Corrales & Pecheny, 2010].

Older historical trends also played a role in facilitating same-sex marriage. Two of these long-term trends are especially noteworthy: the secular nature of marriage and sexual legislation and the political hegemony of urban areas as noted earlier. While in many European countries homosexuality was illegal until late in the twentieth century, and in some US states until 2006, in Argentina and most of Latin America, all consensual relationships between consenting adults were decriminalized in the nineteenth century. The decriminalization of homosexuality was an element in the wider secularization of legislation happening as nation-building consolidated in Argentina in the late nineteenth-century [Ben, 2010]. Marriage legislation was another example of the secularization trend. Although divorce was legalized later in the twentieth century, the Catholic church lost the right to celebrate legal marriages in 1887. Religious weddings were not banned, but they have not had any legal value since this year. When the Catholic church claimed in 2010 that marriage was a sacred union between a man and a woman, more than a century of secular legislation undermined their argument. LGBT activists, journalists, politicians and legislators pointed out that for Argentina legislation marriage was a civil contract between two parties rather than a sacred institution [Bimbi, 2010, p. 261-269]. The long tradition of secular legislation helped to reinforce public opinion on this point, which was in contradiction with the alleged sacred nature of marriage.

## Conclusion

Other factors not discussed in this article played a role in the passing of the Argentine same-sex marriage law in 2010. Our goal was not to present an exhaustive analysis of all factors involved, but instead, to stress the importance of historical trends of varying length not considered by the scholarship on the topic. The LGBT rights revolution of the twenty-first century was based on solid ground rather than being unexpected as many scholars have claimed. Unlike what Omar Encarnación stated, Latin America was not “a region where



the social and political climate for gay rights has historically been among the most inauspicious in the Western world.” [Encarnación, 2016, p. 1]. In fact, the LGBT rights revolution in the region is so deeply rooted that even openly homophobic administrations like that of Brazilian president Jair Bolsonaro have been unable to overturn its gains. While hate crimes against LGBT people have been on the rise in Brazil, the rights achieved in the previous years have remained and there has been no organized attempt to turn back the clock on same-sex marriage. In Argentina, the rights revolution gained even more acceptance as the country turned to the right during the presidency of Mauricio Macri (2015-2019). In 2009, a year before the new marriage legislation was passed, a survey showed that same-sex marriage only had 35% support,<sup>9</sup> and ten years later only 35% believed that marriage is valid only between a man and a woman [Mallimacci *et al.*, 2019]. In fact, in 2019 the Macri administration gave an impulse to a new abortion law expanding the right of cis and transgender women. Although the law failed to get through that year, abortion became legal by 2020 under the government of Alberto Fernández. The consolidation of LGBT rights is such in Argentina that it enjoys the support of all major political parties. There is certainly opposition to women and LGBT rights, but such opposition also exists in all parties and only caters to a minority of the electorate. Long term support for LGBT rights is not only mainstream in Argentina, it enjoys a similar status in many countries with historical trends like those in Argentina. The diversification of family and cohabitation arrangements has a long history in the urban areas in most of Latin America [Avila Martinez *et al.*, 2014]. While the decline of traditional marriage and religion is more pronounced in Argentina than in other countries, the phenomenon is not rare. Instead, it is quite representative of the region. Countries like Brazil and Mexico also have had strong visible homosexual subcultures with gay neighborhoods since the 1980s or even earlier [Lanzagorta, 2018; Green 1999]. A mixed integrated homo/hetero mainstream is also observable in the major cities of Latin America. As in most of the world, opposition to LGBT rights continues to exist in the region. It should be noted, however, that Latin America pioneered LGBT rights when compared to most of the world, and that same-sex marriage legislation in the region was not an accident that could be later overturned, but the result of longer historical trends.

9. “El 60% de los argentinos no está de acuerdo con el matrimonio gay”, *La Nación*, December 30, 2009.

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## ABSTRACT

### HISTORICAL TRENDS LEADING TO THE SAME-SEX MARRIAGE LAW IN ARGENTINA

This article analyzes the social transformations converging in "the revolution of LGBT rights" in Argentina. Unlike other short-term perspectives focusing on the strategies of LGBT organizations and on sudden and recent shifts in politics, our study concentrates on the historical transformations of varying length that established the conditions under which the struggle for



same-sex marriage could succeed. Among other trends, we will analyze the changes in family structure, the relation between same-sex marriage and Argentine national identity at the end of the 19th century, the decline of religion, and the transformation of male homosexual subculture over the four decades prior to 2010 when same sex marriage was passed.

## RESUMEN

### LAS CONDICIONES HISTÓRICAS DEL MATRIMONIO IGUALITARIO EN ARGENTINA

El artículo analiza las transformaciones sociales que convergieron en “la revolución de los derechos LGBT” en Argentina. A diferencia de otras perspectivas cortoplacistas que se enfocan en las estrategias de las organizaciones LGBT y en cambios repentinos y recientes en la política, nuestro estudio se concentra en las transformaciones históricas de mediana y larga duración que establecieron las condiciones bajo las cuales la lucha por el matrimonio entre personas del mismo sexo pudo tener éxito. Entre otras tendencias, analizaremos los cambios en la estructura familiar, la relación entre el matrimonio igualitario y la identidad nacional argentina a fines del siglo XIX, el declive de la religión y la transformación de la subcultura homosexual masculina a lo largo de las cuatro décadas anteriores a la aprobación del matrimonio entre personas del mismo sexo en el año 2010.

## RÉSUMÉ

### LES CONDITIONS HISTORIQUES DU MARIAGE POUR TOUS EN ARGENTINE

L'article analyse les transformations sociales qui ont culminé avec «la révolution des droits LGBT» en Argentine. À la différence d'autres approches de court terme plutôt axées sur les stratégies des organisations LGTB et sur différents moments de la conjoncture politique argentine, notre travail se penchera sur les transformations sociales de moyen terme qui ont engendré les conditions pour que la révolution des droits LGBT puisse aboutir dans le pays. Ainsi, divers aspects seront mis en exergue, tels que les changements dans la structure de la famille, les relations entre le soutien au mariage entre personnes du même sexe et la construction de l'idée de la nation argentine vers la fin du XIX<sup>e</sup> siècle, le déclin de la religion et, enfin, la transformation de la sous-culture homosexuelle masculine qui a lieu depuis les années 1960, aboutissant à l'approbation du mariage pour tous en 2010.

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### KEYWORDS

- Argentine
- sexual and reproductive rights
- same-sex marriage
- sexuality
- gender relations

### PALABRAS CLAVE

- Argentina
- derechos sexuales y reproductivos
- matrimonio igualitario
- sexualidad
- relaciones de género

### MOTS-CLÉS

- Argentine
- droits reproductifs et sexuels
- mariage homosexuel
- sexualité
- relations de genre