Queer Politics in Spain: There is Life after Same-Sex Marriage Legislation

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This article analyses the evolution of the gay and lesbian movement in Spain during the past forty years, from the final years of Franco’s dictatorship and the transition to democracy to the achievement of same-sex marriage rights in 2005. The article focuses on the influence of Queer Theory and queer activism in the gay and lesbian movement and, more widely, in the politics of other Spanish social movements. The article analyses the debate between the gay and lesbian movement and queer activists about the implications of focusing on same-sex marriage instead of developing a radical critique of heteronormativity. The author explores the effects that achieving same-sex marriage has had in the dynamics of the LGBT movement. As reclaming the right to marry for gay and lesbian people was the main political objective of the LGBT movement, once the right was achieved it left the movement with a lack of political direction and a need to readdress its priorities. The author argues that the Spanish case is a good example of the limited effectiveness of strategies that focus on the discourse of rights and laws and their inability to stop social and cultural homophobia. She explores the contribution of queer activism in the politics of current Spanish social movements, beyond LGBT activism, especially in the discourse of the new M-15 movement which emerged as a result of the social discontent created by the current international economic crisis and that has inspired the Occupy Movement beyond the Spanish borders.

In 2005 the Spanish Government passed a law that granted same-sex couples the right to marry. It was the end of decades of civil rights struggle for Spanish gay and lesbian people. With the beginning of democracy in 1978, gay and lesbian people who had been living clandestinely began to organise and slowly form an identity-based social movement that reached its pinnacle in the nineties. It was also in the nineties when activists influenced by the discourse of Queer Theory developed in the United Kingdom and the United States entered the movement and began to question the heavily identity based movement and political practice.

In this article, I will analyse the evolution of the gay and lesbian movement in Spain in the past forty years and trace the influence of

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Queer Theory and queer activism in its politics over the past twenty years. I will analyse the effects that the passing of the same-sex marriage law has had in Spain on the gay and lesbian movement. I will show the difficulties that the movement is now facing in keeping up the fight and the pressure on the government and society in order to defend the rights and interests of lesbian, gays and also transsexual and bisexual people. Trans and bisexual people have been included within the movement in the past ten years to conform to what is known as LGBT movement, (Lesbian, Gay, Bisexual and Transsexual).

Finally, I will argue that the Spanish case is a good example of the limited effectiveness of strategies that focus on the discourse of rights and laws and are unable to combat the subtle homophobic discrimination in the day-to-day lives of people, especially those who refuse to comply with hetero or homonormativity.

Spain has had a fractured political past since the beginning of the twentieth century. The country went through a civil war between 1936 and 1939 and the result was the beginning of a fascist dictatorship led by General Francisco Franco. The dictatorship lasted for forty years and it only ended with the death of the dictator in 1975 which allowed the beginning of a political transition towards democracy that ended with the approval of a Constitution that guaranteed equal rights of all Spaniards in 1978. The transition to democracy allowed for the legalisation of political parties and trade unions and it set the ground for a very intense civil participation and the creation of social movements.¹ It is in this context that gay and lesbian people started to fight for their rights.

I. THE BEGINNING OF A GAY AND LESBIAN MOVEMENT IN SPAIN

Social change is linked to the rise and the organisation of a social subject with particular political claims underpinned by a particular discourse. This is the case of the Spanish gay and lesbian subject who, within a space of twenty years, went from living secretly during Franco's fascist dictatorship to forming a strong LGBT movement with the capacity to lobby the government through the FELGT (Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales) – State Federation of Lesbian, Gays, Transsexuals and Bisexuals.²

². This federation was first founded in 1992 under the name of FEGL (State Federation of Gays and Lesbians) by Colectivo Gay de Madrid, Agrupación Gay de Madrid and Comité
In this article, I wish to make a clear distinction between the LGBT movement and queer activism. Although the word queer has often been used as a synonym for gay and lesbian in many scholarly articles, Spanish-speaking countries have bypassed all the negative connotations originally associated with the word queer and use it to denote a particular way of approaching activism. Therefore, I use the concept of queer here just to refer specifically to those activists who are critical of the identity politics of the movement for the equal rights of gay and lesbian people, known as the Gay and Lesbian Movement that has lately included bisexuals and transsexuals.

Queer as a political and analytical concept came into being in the 1990s when Teresa de Lauretis used it in the introduction of the special issue on Queer Theory published in the journal *Differences* in 1991. The publication of this issue coincided with the publication of the book *Inside/Out*, edited by Diana Fuss, with a collection of essays that served as a template for the future of Queer Theory arguments.

Queer activism in Spain has a critical approach to the essentialism of the LGTB movement when focused on the fight for equality and civil rights for gay and lesbian people. The LGTB movement followed an ethnic model of social grouping. Members of the gay and lesbian community identify themselves as an ethnic community and gay culture is treated as a new form of ethnicism. Their sexual identities transcend any other identity categories of the subject such as race, class or nationality. This “shared culture” is based on a common inheritance of oppression that serves to bring those who have suffered from it together.

The antecedents of the LGBT movement started with clandestine gay activism in Spain during the last part of the dictatorship in the late sixties and early seventies. This was in response to a law passed in 1970, the Law on Danger and Social Rehabilitation (Ley de Peligrosidad y Rehabilitación Social). This law stated explicitly that homosexuals (meaning gay men and not lesbians), were a social and moral threat to society just by virtue of being homosexuals and the law was enforced

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rigorously. Gay men caught or even suspected of being gay were either imprisoned or sent to psychiatric hospitals.\textsuperscript{7}

It was then, and partly as a reaction to the approval of this law, that activists Armand de Fluvia, Mill Bellgai and Roger de Gaimon started the first clandestine group MELH, Spanish Movement for Homosexual Liberation (Movimiento Español de Liberación Homosexual) in Spain. This group published the monthly bulletin AGHOIS, the Homosexual Group for Sexual Equality (Agrupación Homosexual para la Igualdad Sexual) that was distributed from France to subscribers mainly in the region of Cataluña. Unfortunately, police persecution eventually ended the group's activities.\textsuperscript{8}

In 1973 members of MELH founded FAGC, the Catalan Front for Gay Liberation (Front d’Alliberament Gai de Catalunya), which was the first gay and lesbian rights group to work openly in Spain. It was a very influential group and its ideology, based on the celebration of gay and lesbian identities and the fight against gay and lesbian discrimination in Spanish society, inspired the future of the Spanish lesbian and gay movement. FAGC is still a very active organisation in Cataluña.

In 1977 EGHAM, the Basque Country Gay and Lesbian Liberation Movement (Euskal Herriko Gay Askapen Mugimendua), was founded in Bilbao. Like its Catalan counterpart, it focused its activity on the fight for rights and recognition rather than providing services to the gay community.

Madrid, the Spanish capital on the other hand, didn't begin the Spanish lesbian and gay movement until the mid-1980s with the creation of COGAM (Colectivo Gay de Madrid), Madrid Gay Group, later called Madrid Gay and Lesbian Group, in 1985.

Prior to COGAM, the Madrid Lesbian Feminist Collective (Colectivo de Feministas Lesbianas de Madrid), began its work in 1981 and it was led by Empar Pineda who, as part of the feminist movement, was the visible face of Spanish lesbians for more than a decade, until the LGBT movement became stronger in the mid-nineties and could provide more lesbian public faces.\textsuperscript{9} The strength and public profile of the LGBT movement also overshadowed the work of feminist lesbian groups

\textsuperscript{7} FERNANDO OLIMENA, El lápiz y la pluma. HOMOSEXUALES EN LA ESPAÑA DE FRANCO (2004).
\textsuperscript{9} See generally Gracia Trujillo Barbadillo, De la clandestinidad a la calle: las primeras organizaciones políticas de lesbianas en el estado español, in Una Discriminación Universal. La Homosexualidad bajo el Franquismo y la Transición, 199-223 (Javier Ugarte Pérez ed., 2008).
that disappeared as such by the end of the nineties. The invisibility of lesbians in the LGBT movement is a long-term issue. The reasons for this invisibility is due to several factors, mainly related to the invisibility of lesbians in society and the fact that women have more difficulties in general to get involved in political activities due to their duties as carers in the family structure.

In 1996, as COGAM abandoned its initial anti-identity and anti-gay community ideology and moved into defending lesbian and gay existence and actively constructing a gay and lesbian community in Madrid, the founders of the group abandoned it and founded Triangle Foundation (Fundación Triangulo) that would work together with COGAM and the rest of gay and lesbian groups in Spain to achieve same-sex marriage rights but never agreed with the essentialist take on gay and lesbian identity. Instead they argued that gay and lesbian people were no different from heterosexuals and therefore shouldn't be part of a differentiated social group.

II. THE BEGINNINGS OF QUEER ACTIVISM

At the beginning of the 1990s, Spanish gay and lesbian activists became familiar with queer theories and political activism being developed in Anglo-Saxon countries. They felt attracted by the queer critique of identity discourses and their tendency to bring into the unifying gay and lesbian labels any non-heteronormative sexual practice and gender identities. A lot of gay and lesbian activists who took up the queer arguments were involved with COGAM and left this organisation to form new groups where they could put queer theory into practice. These two groups were The Gay Radical (La Radical Gai) and LSD Lesbians Without Any Doubt (Lesbianas sin Duda). Although these groups were very active, their discourse didn't resonate within the LGBT movement or within other social movements in Spain until after the approval of same-sex marriages in 2005. It is only in the last seven years that queer activism has gained visibility and influence within the social movements in Spain.

Queer activists reject the category of identity as they understand that it is excluding and it only takes into account one variable of the subject: sexual orientation. They believe that the individual is defined

by different identity components that can intersect or combine with each other. Queer theory understands that opting for one "identity" or another involves silencing or excluding important experiences for the individual. Queer activists propose the interrelation between the categories of race, ethnicity and social class with gender and sexuality and, in doing so, they open the possibility of putting into practice the analysis on subjectivity developed by Michel Foucault whose concepts of "games of truth"¹² is reinterpreted by queer theorists.

Queer theory not only focuses on the socially constructed nature of sexuality and of sexual categories but also in the variety of great and multiple spaces of power that operate within the sexual category, including the normative category of heterosexuality. Therefore, queer theorists like Michael Warner are interested in analysing how "regimes of the normal," work.¹³ Queer analysis looks into the construction of the normal and in doing so it maps deviation. Queer analysis turns into a tool that can help us to re-read personal experiences and cultural prescriptions with a focus on how the normal is constructed and maintained.¹⁴

For queer activists identities are always multiple. Any specific identity construction is arbitrary, unstable and exclusive. Identity construction, therefore, involves silencing or excluding some experiences or ways of living. For example, when highlighting the black, US and middle class lesbian identity of an individual, other differences related to religion, subcultural self-identification, age or education are being silenced. Nevertheless, queer theory has mainly focused on sexuality rather than on other categories. Queer activists try to deconstruct gay and lesbian identity, which they consider monolithic, to demonstrate that these identities are determined by factors such as heterosexuality, race, gender and desire.

Queer theory opens up a space where sexuality becomes the primary way of expressing a fluent desire that has no borders. Queer sexualities don't imply an identity structure but a set of sexual behaviours that are linked to codes of conduct, aesthetics and relationships that are not restrictive but changeable and fluid depending on the individuals involved. Queer theorists believe that sexualities take over fixed identities and free the subject from the chains that tie the individual

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to very structured identity groups, where any deviation from the norm would mean a betrayal of the group.\(^{15}\)

While the movement for gay and lesbian rights focus their work on the achievement of equal rights for gay and lesbian people, queer activists aspire to a sexual revolution that will free both heterosexual and homosexual people. The queer project focuses its fight on the subversion of sexphobic cultures and, in doing so, fights against erotic repression of both homosexuals and heterosexuals. Therefore, queer culture can't be based on the concept of "equality" as this would involve the acceptance of a "normal" sexuality and the identities that might be related to it.\(^{16}\)

Therefore, and in line with queer discourse, the beginning of queer activity in the Spanish context, from an organisational point of view, is marked by fundamental disagreements about the political priorities that the movement should have. A good example of this is the negotiations that took place in 1995 with the Spanish Red Cross over the questionnaire that was given to blood donors. The meetings with the Red Cross were attended by the then main gay and lesbian group in Madrid, COGAM and two queer groups also based in Madrid, Radical Gai and the lesbian group LSD. While COGAM's pragmatic approach was concerned just with the removal of a direct question to potential donors about their homosexuality, the queer groups wanted a radical change of the questionnaire to include precise questions on specific sexual activities that were considered an HIV risk, such the use of infected needles in drug use, or the use of condoms in sexual relations by not only heterosexuals and gay people but also lesbians.

The final objective was not only to separate homosexuality from AIDS, but also to make people aware of the fact that it is not a particular sexuality but sexual practices that are the real risk. This particular action demonstrates the work that queer groups did around AIDS prevention for lesbians, an area that was totally ignored by everybody else, including gay groups as lesbian sexuality was, and still is, at many levels, not considered sexual at all as it doesn't involve penile intercourse. LSD did an important job in making lesbians aware of the risk of certain sexual practices that could involve the contact of bodily fluids through the bloodstream.

LSD came from a feminist left wing political activism linked with the squatter movement and other social causes such as immigrants'\(^{15}\) Lee Edelman, *Queer Theory: Unstating Desire*, 2 GLQ: A JOURNAL OF LESBIAN & GAY STUD. (1995).

and prostitutes' rights. Its scope of action went beyond lesbian rights to focus on the intersections between many axes of oppression that affect women. In the same way as the Radical Gai, LSD was not interested in creating a gay and lesbian community with its own commercial and party ghetto to help them find a niche in mainstream society. On the contrary, they sought to destabilise the very basics of that mainstream society, challenging conceptions around sexuality, desire and gender by promoting sexual ambiguity. They were the first ones in Spain to talk about transgender sexuality at a time when the LGBT movement's concept of drag didn't go beyond the idea of gay men dressing up as women to perform as 'drag queens'.

LSD's choice to practice queer feminism was motivated by their interest in understanding how different kinds of oppressions are linked. "Racism, classism and heterosexism re(produce) themselves by violently imposing in our daily life." Taking this into account, they insisted on the need to avoid identifying a priori a primary form of exclusion:

Even if homophobia is a violent form of oppression in our heterosexist culture and, even more, transphobia, they are adopted and lived subjectively in many different ways depending on the gender, social class, rural or urban condition, in having papers or not, in having a certain level of education or in being more or less vulnerable to racist interpellations.

This transactional analysis of homophobia clashed with the LGBT tendency to create a strong, unified community.

LSD's refusal to rejoice in the newly created gay and lesbian community was even reflected in their choice of geographical space for their meetings and activities in Madrid. While LGBT groups gravitate towards the increasingly popular gay village in Chueca, LSD and Radical Gai chose the multicultural and more alternative area of Lavapies.

Queers were very active during the 1990s but, entering the 2000s, the already small groups, more like activist cells, were dwarfed by the strong LGBT movement which was able to gather a million people in the streets of Madrid during the 2005 Gay Pride celebration. Queer discourse was too abstract to be understood by the majority of gay and lesbian people who were focused by now on the possibilities opened up by the pragmatic claims for marriage rights. Thus, queer activists didn't find an audience even within the more politically aware leaders of the LGBT movement.

18. Id.
III. THE PATH TOWARDS THE ACHIEVEMENT OF SAME-SEX MARRIAGE RIGHTS

From 1996 onwards, some major fundamental changes in the Spanish social and political landscape started which led to the achievement of same-sex marriage rights in 2005. In the 1990s the then conservative Government led by the PP (Partido Popular) President, José María Aznar, tried to obstruct the activity of many progressive groups within different social movements by withdrawing public funding. These measures initially weakened the gay and lesbian movement. The financial situation for the LGBT groups changed when they started to approach gay businesses to seek financial support and in exchange promoted the gay scene. This alliance helped to articulate an open and very public LGBT community, first in Madrid and then in many other Spanish cities. The repertoire of gay business until then was mainly limited to gay saunas, sex shops and a few bars but under the new deal, business rapidly expanded to meet the needs of a growing, self-aware, confident and out-of-the-closet groups of gay and lesbian consumers. Soon gay and lesbian-friendly travel agencies, restaurants, cafes, hotels, bookshops and even fashion shops could be seen around the gay and lesbian villages in Madrid and Barcelona.

These new businesses could now advertise their services in the new and glossy gay media, with two magazines leading the way, Shangay and Zero. Zero in particular became the platform for many famous Spanish politicians and actors to come out of the closet. Also some members of anti-gay organisations, such as the church and the police, chose Zero to announce their once secret sexualities. These actions very quickly improved gay and lesbian visibility in Spanish society since Zero’s reports became news in the mainstream media.¹⁹

The expansion and increase in visibility coincided (or maybe was the result of) a more positive presence of lesbian and gay characters on mainstream Spanish television, which made the Spanish public familiar with the lives of gay and lesbian people and, therefore, increased social tolerance. As two surveys carried out by CIS (Centre for Sociological Research) showed in 2004, 70% of the Spanish population supported legal and social equality for homosexuals and heterosexuals.²⁰

Parallel to these events, during the nineties and especially in the five years before the approval of the same sex marriage law, there was an evolution in the discourse of gay and lesbian organisations. During the nineties, lesbian and gay organisations focused their efforts on trying to achieve individual rights for gay and lesbian couples such as pension or inheritance rights. Adoption was a right that was not even considered by the movement as it was seen as impossible to achieve in the climate of the day. By the year 2000, the arguments started to move from a pragmatic approach to a more conceptual one and focused on the fight for marriage rights which would include the right to adopt and the use of the very term marriage. Heterosexuality was taken as the norm, the cornerstone of civil rights.

This change of political direction within the movement was supported by a move of the European Parliament towards the recognition of gay and lesbian equal rights by passing the Resolution A-0028/94 on February 8, 1994 for gay and lesbian equality in the European Union. This political decision backed gay and lesbian people’s claims in Spain. At the same time, many town halls all over Spain started to open civil partnership registries in recognition of same-sex couples rights.

Ximo Cadiz, a Valencian activist who was involved in the negotiations towards a civil partnership regional law in Valencia believes that the socialist party’s (Partido Socialista Obrero Español - PSOE) lack of interest in passing a civil partnership national law during the early nineties and the stubbornness of the conservative Partido Popular that voted up to 30 times against parliament proposals for a law during its eight years in power, blocked the possibility of a gradualism in the achievements of gay and lesbian rights that might have divided and demobilised part of the LGBT movement once some basic rights were achieved.21

Contrary to this, the brick wall of a government determined to thwart the movement and a parallel social pressure in favour of gay and lesbian rights, based on the internalisation of the public opinion of an argument focused on the rights for equality and dignity of all people, helped the LGBT movement to scale up their claims from just the right to have access to civil partnerships to the demand for full reform of the Civil Code on marriage. The President of the Spanish Lesbian Gay Transsexual and Bisexual Federation (FELGTB) from 2003 to 2007, Beatriz Gimeno, has explained this change in the dialogue as a way to move forward from claiming special rights for a sexual minority to a universalistic

discourse based on the more general principles of modernity, equality and citizenship already acknowledged by the Spanish Constitution:

This discourse was very effective politically speaking, as it allowed us, on the one hand to connect with other groups that were denied the right to marry precisely to block their access to citizenship, such as black people in the US or Jewish people in Europe. It also allowed us to seek protection in all the constitutional texts that have Equality as one of their basic principles and that are the foundation of democratic States. And we started to talk about democratic Dignity, about ourselves as subjects of the same democratic Dignity as the rest of the citizens.22

LGBT organisations capitalised on the increasingly tolerant atmosphere in Spanish society by establishing links with other social organisations, trade unions and political parties both left wing and right wing. Many LGBT activists became members of other organisations and political parties in order to defend their discourse and gain wider support from mainstream sectors of society and the political class. These efforts created the right atmosphere that facilitated acceptance by society for the right-to-marry argument. On the legal level, courts passed judgments that recognised that there was a contradiction between the principle of equality, dignity and protection of a plurality of families and the legislative reality on issues such as adoption, inheritance, health insurance or pensions that failed in the interest of gay and lesbian people. Every judgment was used by LGBT organisations as another element to support their cause and gave them widespread publicity in order to help shift the general public opinion views on the need for a change in law on same-sex marriages.

When the socialist party (PSOE) party came to power in March 2004, President Jose Luis Zapatero promised in his opening speech to give gay and lesbian people the right to get married as part of a very social political agenda. It was a revolutionary move after eight years of conservatism and his speech received widespread social support. He said:

The time has come to end, at once, the unacceptable discrimination that many Spaniards still suffer exclusively because of their sexual preference. I will say it clearly: homosexuals and transsexuals deserve the same public consideration than heterosexuals and they have the right to freely live the life that they have chosen for themselves.23

22. Brassa, supra note 19 at 36.
IV. THE DEBATE BETWEEN THE LGBT MOVEMENT AND QUEER ACTIVISTS ON THE POLITICAL USEFULNESS OF SAME-SEX MARRIAGE

It is now part of the LGBT movement's mythology: the foundational moment when, in June 2005, the Spanish Parliament passed the Same-Sex Marriage Law, which for the first time in Spanish history, gave the same legal rights to same-sex marriages as heterosexual marriages. Spain became, together with Belgium and the Netherlands, the third country in the world to allow full civil rights to gay and lesbian people. For the Spanish public and the rest of the world, this achievement was seen as a joint achievement of the whole LGBT movement, the peak of a two-decade-long fight to become first class citizens, the end of all their claims.

To Spanish queer activists, the outcome was perceived very differently: it meant a surrender to heteronormativity, the end of the fight, but for very different reasons. For queer activists the Same-Sex Marriage Law only meant the assimilation of certain accepted forms of previously non-normative sexualities into the heterosexual norm. As academic Beatriz Suarez puts it:

[T]hose who perform well considered sexual practices are rewarded with respectability, legality, visibility and freedom of expression and action, social and physical mobility, the acknowledgement of their mental health and institutional support. Sexual dissidence is penalised with the presumption of mental illness, the absence of respectability, invisibility, criminality and the loss of institutional support and with economic sanctions.

It was a debate around the issue of what it meant, from an ideological and political point of view, to accept state interference in the private lives of gay and lesbian people. Queer voices totally opposed this route arguing that letting the state into their private lives meant the acceptance of heteronormativity and its institutions of power and control. Queer activists believe that the gay and lesbian movement's strategies have relied on the assumption of conceptual dualisms such as man/woman or homosexual/heterosexual that reinforce the idea of the “other” and it creates binary oppositions that leave the core of the system untouched.

This core is heteronormativity. Heteronormative assumptions organise mainstream knowledge and practices. For instance, many surveys in

24. Law 13/05 that modifies the Civil Code on marriage rights.
25. CON CIENCIA DE UN SINGULAR DESDEO. ESTUDIOS LESBIANOS Y GAYS EN EL ESTADO ESPAÑOL 262 (José Buxan ed., 1997).
social sciences request the marital status and offer the following options: married, divorced, separated, widowed and single. All these categories are offered as the only options for people to organise their social identity which gives marriage an essential status. Heteronormativity, therefore, works as a way of naturalising institutions, practices and relationships within society.26

For queer activists having the right to get married hasn't been considered an achievement but a surrender, the definite signal that the LGBT movement has been swallowed up by the spiral of capitalism and its heterosexual norms. As queer activists see it, being allowed into the heterosexual privilege of marriage is the best way for capitalism to keep social control, appearing to make changes but, in reality, everything stays the same. The heteronormative family is one of the main pillars of capitalism; it is a basic social unit that keeps society in control by, on the one hand, providing individuals with an emotional refuge and, on the other, facilitating a labour division in order to guarantee both production and reproduction. Although from a traditional and conservative perspective, the heterosexual unit of husband and wife (with children if possible) is the ideal, it is always better to create new types of families than to totally lose the concept of family.

From a queer perspective, same-sex marriages reinforce capitalism and the heterosexual norm by assimilating gay and lesbian lives to the rules and regulations of a society that still doesn’t respect alternative forms of sexuality, desire or gender identity. And that includes homosexuality. Thus, same-sex marriages become a tool to normalise deviants by creating couples of good married citizens that obey the law rather than challenge the whole system.

As a defence from the FELGBT, Beatriz Gimeno argues that those who believe that reclaiming the right to marriage is a conservative claim should look at the resistance that real conservatives from the right and the Catholic Church have shown to understand that something very important has been taken from them. She says:

[I]t is evident to anybody, that heterosexuality and its main tool, marriage, have been used by capitalism as ways to legitimise and naturalise the sexual division of labour by establishing it as a “natural” equation between sex and gender and politics of desire. It is true that marriage has historically been the most important heterosexist institution, the ideological tool of heterosexism. Hence, their resistance to let go of

such a privileged tool. Homosexual marriage breaks the paradigm that legitimises heterosexuality and [...] it breaks other paradigms that are still current such as the identification of the man as the active subject and the woman as the passive subject and the object of the sexual relationship. It breaks also with the two gender system and, finally, it makes visible the priority of civil institutions over the religious ones. Homosexual marriage shows that the Church has no say on civil law, that it is the State that decides who can get married and to whom. It is therefore not a conservative fight, but deeply transformative.

Queer voices, though, were hardly just a whisper during the years that led to the passage of the law. Gay and lesbian organisations focused on achieving marriage rights in the understanding that it would bring equality for gay and lesbian people as citizens, without going into a further debate on what this meant for those whose desires didn't fit with normative (hetero or homo) monogamous sexuality.

One of the main characteristics of the LGBT movement in Spain has been its lack of space and interest in intellectual debates such as an in-depth analysis of heteronormativity and its role in oppressing and excluding gay and lesbian sexualities. The Spanish LGBT movement has ignored the possibility of developing a critical approach to heteronormativity and considering the need to change social structure rather than just looking for ways to fit into it.

One could argue that the Spanish gay and lesbian movement has tended to be a very practical movement because it has always been fighting battles and therefore couldn't really focus on big philosophical debates. First, it was the law on Danger and Social Rehabilitation under the fascist dictatorship in the 1970s; then it was the battle against AIDS that engaged activist energies for most of the 1980s and part of the 1990s, and then it was the pressing need to become first class citizens by achieving the same legal rights as heterosexuals, as initially acknowledged in the Spanish Constitution. Little space was left for theoretical debates on whether the movement should be critical of capitalism and heteronormativity considering that LGBT people weren't even part of the system.

The queer debate therefore is seen by the mainstream gay and lesbian community, at best, as a very complicated, highly theoretical and not very pragmatic perspective. At worse, it is considered as a hindrance to the achievement of rights for gay and lesbian people as the queer approach refuses to identify a gay and lesbian subject that should be

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27. Brasas, supra note 19 at 40.
protected and, even more, believes that finding the protection in the legal system is a way of legitimising heteronormativity. Spanish academic Alberto Mira explains that:

[In Spain even gay people believe that it is not necessary (it could even be harmful) to construct an identity based on history or to establish groups with other social discourses. From the start, the gay movement has been centred on the notion that the homosexual question was just a matter of achieving rights. I don’t know if the lack of an intellectual space in the movement has been due to the inability to understand or to a will to exclude, but the truth is that the spaces created by the movement haven’t favoured debate or reflection but action. There is even the belief that intellectual voices could obstruct the process and divide the movement.28]

V. WHAT IS LEFT TO BE DONE AFTER SAME-SEX MARRIAGE: THE FIGHT AGAINST HOMOPHOBIA

When Zapatero’s promises became a reality in June 2005, the LGBT movement achieved something that, as veteran lesbian activist Emper Pineda says, “very few movements have achieved: the 100% fulfilment of their claims.” This might be an overstatement as though the LGBT movement has indeed achieved 100% legal equality social equality is yet to be fulfilled.

Seven years have passed now since the approval of same-sex marriages and the dust has settled. The early euphoria led to a different stage in the LGBT movement. The level of political activity since 2005 has been greatly reduced. The main reason for this is that the LGBT movement was so focused on the legal achievement of same-sex marriage that the fight against other forms of homophobia had been put aside. After a period of frantic activity, the movement has moved into a phase of self-indulgence, there is a feeling that 100% of the movement’s claims have been achieved and many activists who fought for them have reached the end of their activist lives or have moved to the backseat. Younger generations don’t feel marginalised in the same way as the older ones did, unless they suffer from homophobia in school (which is still a deep-seated problem). The movement is, therefore, in a phase of reorganisation of its priorities and is facing a more subtle fight against different kinds of homophobia that are not as obvious as a denial of citizenship rights.

In order to achieve social equality, visibility might be the first requirement to carry on the LGBT fight. Marriage can be a two-sided coin: on the one hand, it makes gay and lesbian people invisible as they fit into heteronormativity and on the other hand, it renders them even more visible because marriage is a very clear definition of the nature of a relationship and there is no space to pretend people are just flatmates.

In any case, the achievement of legal rights doesn't automatically imply the normalisation of the LGBT reality. Homophobia still exists particularly in schools and professional environments. The LGBT movement faces at the moment a similar situation to the feminist movement. Total legal equality was achieved by women but that hasn't eradicated machismo, gender and sexual violence or the discrimination of women especially in the labour market. There is still a need to educate people in equality and diversity not only in schools but also in the working environment. Education at both levels, within the education system, from early years until university, but also education in a more general sense, in relation to norms and social behaviour is necessary.

A recent campaign by a group of LGBT organisations in the Valencian region went to the regional court in order to forbid a popular song titled “Who Doesn't Jump is a Puff,” played by music bands in street festivals. The title of the song reflects a common Spanish language expression that is normally said in mass celebrations such as electoral wins or in street demonstrations. The groups claimed that the repeated use of this expression is a clear sign of homophobia and can hurt some people's feelings.\(^{29}\)

Activist Jordi Petit identifies several areas where the LGBT movement still needs to focus its attention:

More groups will focus on leisure and daily needs, such as sport, because affinity is a need that doesn't exclude social normalisation and visibility. It is necessary to show more specific problems of this social group, such as those related to the elderly, teenagers and criminals that take advantage of some homosexuals who live a double life. When will the police be trained on LGBT issues? In order to make these issues visible more testimonies are needed and, especially, in depth reports, it is not enough now with banner activism, it is necessary to study the problems, to show data and numbers in order to find solutions.\(^{30}\)

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29. The campaign is led by Col·lectiu de Lesbianes, Gais, Transsexuals I Bisexuels de La Safor (La Safor Gay, Lesbians, Transsexuals and Bisexuals Colective), more information about the campaign can be found on the organisation website: CLGS - Col·lectiu de Lesbianes, Gais, Transsexuals I Bisexuels de La Safor, http://www.clgs.es (last visited May 30, 2012).

There is work to be done not only outside the movement but also within the LGBT community. Writer and journalist, Jose Infante, denounces classist, racist and ageist attitudes within the LGBT movement that he believes are due to a lack of awareness about the different levels of marginalisation within the community that has led this collective to lose a sense of self-criticism.

The best way to achieve real equality (it is too optimistic to expect a law to end latent and ancestral homophobia) is that homosexuals themselves give away those discriminations that still exist within their collective: poor gays, rich gays, camp gays and straight-looking gays, young gays and older gays, handsome gays and ugly gays. Unfortunately, tolerance can’t be imposed by law and it is in tolerance that we find real equality.31

Representatives of the LGBT movement also realise that once legal equality has been achieved in Spain, their work is still not finished as discrimination is still a painfully common feature in most parts of the world, lethal even, in some countries where homosexuality is a crime. In a globalised world, LGBT and queer activists in Spain equally feel that they have a responsibility to stop this situation. Therefore, they have established strong links with other LGBT groups particularly in South American countries, thanks to the language affinity, a good example is their work with the Argentinian LGBT Federation for the achievement of civil rights for transsexuals.32 They often cooperate with Amnesty International. The Spanish LGBT Federation has a permanent link to the Spanish website of Amnesty International and supports this organisation in its fight against homophobia in other countries where homosexuality is still a crime.33

Once the LGBT movement achieved legal equality for gay and lesbian people, it turned its attention towards fighting another form of legal discrimination, the one suffered by transsexuals in their process of sex change. Gay and lesbian groups have joined forces with transsexual organisations to support them in their fight towards an integral law to

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protect the civil rights of transsexual people, to have access to a sex
change operation in the public health service, to remove transsexualism
from the World Health Organisation's list of pathologies and to fight
against transphobia in society by promoting the inclusion of information
about transsexualism in the curriculum from early years to university.34

All these lines of work appear on the websites and in the manifestos
of most LGBT groups all over Spain but their activity has been
low-key. It has been more focused on support work and the
organisation of socialisation activities rather than on street demonstrations
and intense political lobbying that characterised the fight for same sex
marriage.

VI. FROM IDENTITY BASED POLITICAL ACTIVISM
TO QUEER ACTIVISM

The dormant state of the LGBT movement contrasts sharply with the
renewed energy of queer groups that have appeared on the Spanish
social activism scene in the past four years. A myriad groups that identify
themselves as queer have emerged all over Spain, not only in the main
cities, Madrid and Barcelona, but even in small towns. As in the case
of LSD and Radical Gai in the nineties, the feminist, anti-globalisation
and squatter movements have been the three spaces where activists
influenced by queer perspectives have chosen to develop their political
activities.

Queer activism was renewed in 2004 by a large number of young
women and transgender35 people in their twenties who, while working
on these movements, felt they needed to incorporate in the different
struggles a critique of heteronormativity and gender in order to
address their standpoint as women and as transfeminists. As the group
Maribolheras Precarias' manifesto states:

We believe that survival is the first revolution. We reclaim difference,
plurality and diversity. We celebrate free will. We are suspicious of the
"equality" that we are offered because it isn't real, as it is confined and
silenced by the limits of an omnipresent heterosexuality. Our activism
is not about sexuality. We come from a queer perspective: we want to

34. Alec Cashdova, La transsexualidad en espera. Motivación para el activismo, in Primera
35. Transgender is an umbrella category that brings together anybody whose gender identity
doesn't coincide with their sex assigned at birth and that goes beyond the social stereotypes
of normative gender roles that society establishes for the gender that was assigned when they
were born.
live in a different way and make it explicit. Fights are multiple and they are all ours. We come from our own creativity and our passions in order to build a better world. We think that the word LGBT is leaving out many sexual dissidents and it is forcing our identities to just be a market niche. We believe in a global antagonism that promotes a multiplicity of irreducible and unruly sexual subjectivities, out of the current binarism, where none is above the other.\textsuperscript{36}

Their membership is small but they are very visible in the social movement scenario and are very well connected with each other through the internet and with a wider group of sympathisers via social networks such as Twitter and, especially, Facebook.\textsuperscript{37}

The main groups are Precarious Dykes (Maribolheras Precárias) based in Galicia; Medeak and Baske Country Gay and Lesbian Liberation Movement (EHGAM); Queer Working Group (Grupo de Trabajo Queer-GTQ) in Madrid; Stonewall Aragón; Travolaka Guerrilla (Guerrilla Travolaka), in Cataluña; Dykes on Bikes (Ciclobollos) and Eskalera Karakola, both based in Madrid. There are many more groups most of whom are feminist groups who practice DIY (Do It Yourself) feminism and feel closer to the transfeminist\textsuperscript{38} discourse.

Although queer groups have names and usually meet on a regular basis, that is as far as the formality goes. They don’t have a formal structure; there is no President or Secretary. The organisation of the groups is horizontal and their membership is very fluid which makes it difficult to know who belongs to the group. Whoever has an idea can take it forward without having to consult with the rest.

Their strength is not so much in the numbers but in their capacity to join other groups, even organised ones, on an ad-hoc basis, to carry out specific projects, activities or demonstrations. Eskalera Karakola’s own words demonstrate this will to work as part of the wider community. Their aims, they say, are the:


\textsuperscript{37} This information has emerged from the author’s own fieldwork.

\textsuperscript{38} Emi Koyama, The Transfeminist Manifesto, in Catching a Wave: Reclaiming Feminism for the Twenty-First Century (Rory Dicker & Alison Pipmeier eds., 2003) (Transfeminism is primarily a movement by and for transwomen who view their liberation to be intrinsically linked to the liberation of all women and beyond. It is also open to other queers, intersex people, trans men, non-trans women, non-trans men, and others who are sympathetic to the needs of trans women and consider their alliance with trans women to be essential for their own liberation. Transfeminism is not about taking over existing feminist institutions. Instead, it extends and advances feminism as a whole throughout won liberation and coalition work with all others.).
[P]romotion of citizenship participation of women through self-organization and by getting involved in different educational, political, social, cultural and artistic activities. We work at the local level within the context of a wider neighbourhood movement but also with women's groups networks and social movements in Madrid, the rest of Spain and abroad.39

All of them are formed by performers and different sort of artists – craftspeople, painters, photographers, designers or sculptors who, as Maribolheras Precárias state in their manifesto, “want to expose in a direct, festive and radical way homophobia, heterosexism and precariousness.”40 Medeak defines itself as a group formed by: “dykes, transsexuals and travesties.”

We want to promote alternative lifestyles and autonomous spaces. We are not a formal collective, nor are we a lobby group in the line of the LGBT Movement, but an artistic and social action group similar to the first ACT UP. We are “political” in so far as we denounce homophobia or heterosexism, precarious economy and the lack of affection [...] in a direct way, but we don’t do “politics” and we don’t access the State networks that manage social and equality “policies”. We don’t want to waste energy on the fatal and grey political agenda of the current gay movement.41

All of these groups have a special interest in the organisation of DragKing workshops and in the production of post-porn practices,42 following the work of international artists such as Del La Grace Volcano,43 Annie Sprinkle44 or Virgine Despentes.45 Post-porn is seen as a tool to explore sexual liberation and to develop a critique of gender construction and, more widely, of heteronormativity itself. As a political tool, queer transfeminist groups are giving priority to train as many activists as possible on the characteristics and possibilities of post-porn practices. A good example of these efforts are the workshops organised

42. Stefan Offermann, Dildos and Cyborgs: Feminist Body-Politics in Porn from the 1970’s to Posthumanism, (37) Gender Forum 3 (2012) (Post-porn discourse is produced by sex-positive feminism and instead of rejecting pornography altogether, chooses to subvert its phallocentric and patriarchal capitalist structures from within. It is a critical and self-reflexive approach to pornographic image-production. Post-porn no longer perceives sexual and gender identities as given and natural but it exhibits, comments on and parodies its reiterated attributions.).
by 'Do Not Walk Over Where I've Just Mopped' (Nomepisesofreghao) with the objective of "learning how to use our bodies and minds as tools for freedom."\footnote{Nomepisesofreghao, available at: http://nomepisesofreghao.blogaliza.org/ (last visited May 30, 2012).}

Queer group tactics of protest are mainly based on using street performances as a way of demonstrating, rather than marching in the streets, which is characteristic of more traditional political activism. An example of this is a recent performance carried out by a small group of lesbian feminists who pretended to be a religious parade. They marched in the streets and sang religious psalms on the way to the Catholic chapel of the Faculty of Politics and Sociology at the Complutense University in Madrid. Once inside, the women read a manifesto in front of the priest and three people who were praying at the time. They then removed their clothes to show their breasts which were covered in slogans that denounced the submissive role that the Catholic Church demands of women. In their manifesto, they stated that the Catholic Church promotes sexist and hetero-patriarchal values. They exposed themselves naked to reclaim their own bodies and sexual identities against a Catholic Church that actively campaigns against lesbian rights, abortion laws and same-sex marriages. The action was carried out by a small number of people – fewer than ten people participated – but the effect was huge after they uploaded the video of their action on their website. They enjoyed enormous public success as well as the support of the academic community in Madrid – who could see the action even if they never participated in it or saw it live. They ignited a debate about the role of the church in Spanish society and, more specifically, the right of the Catholic Church to occupy public spaces such as the University, on the basis that Spain is officially a secular State.\footnote{See Cuatro detencionespor la acción en la capilla de Somosaguas, Nod050, Mar. 19, 2011, available at: http://info.nod050.org/Cuatro-detenciones-por-la-accion.html (last visited May 30, 2012) (for more information about this action).}

This strategy has the advantage of not needing large numbers of people to carry it out. The greatest inconvenience of this form of protest is that its effect on the wider public is limited. Today’s public opinion is still more impressed and influenced by large numbers than by clever demonstrations. On the other hand, they compensate for the lack of power in numbers by gaining a lot of visibility on the internet, where all their actions can be found via YouTube and other social networks. Also, in Spanish current social reality, with marriage rights achieved, LGBTQ groups don't need so much to enter into negotiation processes but to change cultural and social perceptions about homosexuality and
gender identity. It is about changing minds, not laws and that requires education, not negotiation.

The queer approach gives space to the individual by promoting diversity. Following “the personal is political” principle, the main objective of queer politics is focused on sexuality. By bringing this category into the public space, they transform it through performance and art events that give visibility to different types of oppression and non-normative sexualities. In that way, queer groups might be better equipped to do this than other LGBT groups since they focus all their energy in trying to change the social discourse on these issues, rather than offering specific support services to a gay and lesbian community which tends to be the main activity of more mainstream gay and lesbian organisations.

Queer activists are opening new doors in the LGBT movement by offering a discourse of difference that marks, not only the difference between social groups but between individuals who are part of those groups, highlighting multiple identities. 48 This approach also informs their concept of citizenship. Citizenship as an idea that goes beyond the concept of an individual who accepts the laws and needs of the state, who has rights only as far as he/she fulfills his/her duties. Queer theory enriches this concept by claiming the right to be different and claiming the rights for those who have different values, needs and interests, and who often live on the margins of society. This approach also questions the existence of nation-states 49 and their repressive laws. Queer theory claims the rights of individuals to cross borders, not only geographical but those placed by restrictive laws. This point of view resembles queer groups’ actions and manifestos in defence of the freedom of illegal immigrants, transsexuals and intersexual people to enjoy their lives and bodies without the control of the state in its different forms and institutions.

Eskalera Karakola, for example, in one of its manifestos against the violence used by the Spanish government on illegal immigrants and the existence of detention centres for foreigners, has developed a more complex analysis that shifts the focus from the existence of the detention centres and police violence against immigrants to the very meaning of the broader discursive concept of border. Border is a concept that involves anybody placed on the margins of society, immigrants, legal

or illegal, women and LGTBQ people. Thus, their analysis covers the
gap left by the liberal feminist and the LGBT movements in addressing
the discrimination faced by illegal immigrants and, particularly, the
underlying political and cultural discourse that justifies the discrimination
of anybody who doesn’t fulfil the standards of heteronormative and
patriarchal capitalism. 50

This understanding of the citizenship concept has led queer groups to
get involved in the M-15 movement, 51 a grassroots social movement, also
known as the Indignants, that erupted in Spain in the Spring of 2011.
They denounce the greediness of the banks and financial institutions
which they accuse of creating the current global economic crisis and
they also attacked the lack of action of Spanish political institutions to
redress it. The movement is formed by an amalgam of individuals, some
of whom were already members of different groups and organisations
and from all sorts of social movements but many who have not been
previously involved in political activity but reached a point of frustration
with the current social, political and economic situation in the country.
Individuals, most of them young people, who feel that their present and
future are being held hostage by external forces out of the control of the
state and who, therefore, lost their faith in the current democratic system
were part of it.

The movement has its seed in the Democracia Real YA! (Real
Democracy NOW!) initiative, a forum that came together through the
internet social networks in the months previous to the Spanish general
elections of 22 May, 2011. The platform, with no leaders or any formal
structure, organised its events through internet networks that served to
bring together hundreds of citizens who participated in spontaneous
street camps as a way of protest against the corruption of politicians and
to reclaim more participation of citizens in Spanish political decisions.
This initiative was the catalyst of the M-15 Movement. It is a civic
movement as Guillem Martínez 52 puts it “there are no flags, but many

51. The M-15 movement is a citizens’ movement that started off on the 15th May, 2011, with a
series of protests all over Spain to call for a more participative democracy, away from the
PSOE-PP two-party system and the control of banks and financial corporations. The protests
took the form of public space occupations that were turned into spaces for public debate.
Their actions were inspired by the Arab Spring, especially Cairo’s Tahrir Square protests and
were later replicated across 82 countries under the name Occupy Movement. The ones that
are taking place in the United Kingdom and the United States are getting the most global
coverage but in late November 2011, the website “Occupy Together” listed 2,668 Occupy
communities worldwide.
hand-made banners”; “Violence is to earn 600 euros”; “Behind every corrupt politician there are six media commentators”; “Error 404. Democracy not found.”

As defined on the M-15 movement's website:

[I]t is the awakening of citizens, who so far have been asleep while politicians are increasingly more corrupt, the political system limits the participation and representation of citizens and financial and economic powers control politics. Indignation is now socialised and shared and it is, in this way, a state of collective conscience that becomes aware of itself and its possibilities. We are working on the democratisation of the system.53

The movement is apolitical in that it is not affiliated to any trade union, is horizontal and transparent. It is organised through public assemblies that usually take place in public squares or parks and that are open to any individual who wants to participate and is not monopolised by any particular social organization.

This fluid participation fits in well with queer activism as does the squatter philosophy behind the M-15 movement that has already taken over several abandoned buildings in Madrid and Barcelona as a way to protest high housing prices that has meant that the majority of young Spaniards over twenty-five are still living in the family home and hundreds of families who can't afford to pay their mortgages are seeing their houses repossessed by the banks.

Other ways of protesting range from camping in public places to more conventional demonstrations or to street performances full of creativity and irony, such as the protests organised through the social networks that brought hundreds of people to the Madrid underground to protest against the sudden high increase in transport fees. Under the slogan “This high increase of tariffs is a luxury” (“El tarifazo es un lujo”), hundreds of people took the underground trains dressed as if they were in the middle of an upper class party and they literally celebrated a cocktail party in one of the main hallways of the underground network.

There is an affinity between queer activism and the M-15 movement in the nature of their claims. From the 1960s up until the 1990s, the main characteristic of social movements, such as the environmental, the women’s and the LGBT movements, was that their demands were based on non-materialistic values (and this was also the main trend of queer activism during the nineties54). In a step backward, by the beginning of

54. Penelo, supra note 14.
this century, social movements have been forced to focus on material claims, as we can see with the rise of the anti-globalisation movement. The international economic crisis, the rise of unemployment, the precariousness of many jobs, especially jobs done by women, and the vulnerable position of illegal immigrants are now issues being analysed by queer discourse and they are very high on its political agenda.

The social class category is back and high on the civic agenda and queer discourse is contributing to its analysis. Precariousness is especially high on the queer feminists groups’ agenda because poverty more often than not affects women more often than men. We can see this in the street action taken by the transfeminist queer group ‘Don’t Walk Over Where I’ve Just Mopped’ (Nomepisesofreghao), to raise public awareness and to protest against the discrimination that female domestic employees suffer in Spain as they have very few employment rights. In this action, several women dressed as cleaners carrying cleaning equipment, went to a market and cleaned the place while giving out leaflets at the same time informing the general public about the lack of rights of cleaners.55

Queer groups have enriched the M-15 movement protests by raising awareness around the constraints of heteronormativity and the physical and moral violence that many individuals suffer either because of their sexuality, gender or transgender status. An example of this is the participation of prostitute collectives in the M-15 protests supporting general messages while carrying banners that said “Politicians are not our children.” This was in response to a general and very popular slogan shouted at many demonstrations that called individual politicians “son of a whore,” one of the worst insults in Spanish culture. Queer sex workers called attention to the fact that M-15 demonstrators were using heteronormative stereotypes that were offensive to many groups.

VII. Conclusion

The ability of queer activists to embed their actions in other social movements and initiatives that share similar objectives and ideals is creating a space to continue the fight against homophobia that the LGBT movement started forty years ago in Spain. This fight is not over with the legalisation of same-sex marriages as is shown by the current low key work of LGBT organisations on issues such as discrimination within LGBT people on the grounds of age or looks, homophobia in schools and in popular culture or transphobia.

While queer activism found a great deal of resistance within the LGBT movement in the nineties, it has found it a lot easier to collaborate with other social movements, possibly because those activists don't feel directly affected by the queer critique in the same way as lesbian and gay people who took part in the LGBT movement did. Therefore, the presence and participation of queer activists in the camps of the main Spanish cities, contributing to the M-15 movement discourse with their critique of heteronormativity have been more productive. It has given a new insight into the limits of the concept of democracy that enriches the idea of citizenship participation defended by other strands of the M-15 movement. In this way, the queer movement has shown a greater flexibility and capacity of political action in the new scenario of social movements in Spain, a scenario that calls for a democratic renovation that goes far beyond the limits of a particular political or legal structure to permeate the very grounds of society and its citizens as individuals and subjects of social change.