

## The Politics of LGBT Rights in Latin America and the Caribbean: Research Agendas

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### Abstract

LGBT rights have expanded unevenly across Latin America and the Caribbean. Recent scholarship has been able to explain some of the reasons for this unevenness. But new and old questions remain unaddressed. This article suggests areas for further research. *Keywords:* LGBT, rights, identity, gender, religion, political parties, courts, same-sex marriage, homophobia, conservatism.

Resumen: Los derechos LGBT en la política de América Latina y el Caribe:  
Agendas para la investigación

Los derechos LGBT han proliferado en América Latina y el Caribe de modo disparado. Varios estudios académicos recientes han logrado explicar las razones de dicho crecimiento disparado. Sin embargo, existen todavía preguntas sin responder al igual que nuevas preguntas por contestar. Este artículo sugiere algunas áreas que ameritan más investigación. *Palabras clave:* LGBT, derechos, identidad, género, religión, partidos políticos, tribunales, matrimonio igualitario, homofobia, conservadurismo

When Mario Pecheny and I published our edited volume *The Politics of Sexuality in Latin America* in 2010, very few political scientists were paying attention to the evolution of LGBT rights in the region. This lack of attention has changed since then, although perhaps not sufficiently. Today, more political scientists are doing research on LGBT rights, and most scholars studying Latin America and the Caribbean recognize that LGBT rights are one of the fundamental human rights issues of our time. And yet, despite the rise in importance of this topic, many questions remain unanswered or even unaddressed. This essay identifies some research gaps.

## Current thinking

We have learned much about the evolution of LGBT rights in the region. First, we are fully aware that there has been remarkable progress as well stagnation on the legal status of LGBT individuals (Corrales, 2015). In some countries (e.g., Argentina, Uruguay, Brazil) and in some cities (e.g., Mexico City, Cancún, Bogotá, Santiago), the legal status of LGBT rights is ahead of some of the most advanced and democratic nations of the world – with same-sex marriage or civil unions, strong anti-discrimination laws, hate-crime laws, and powerful courts and social movements defending LGBT rights. In other countries (mostly in the Caribbean and Central America), the legal status of LGBT rights remains fairly underdeveloped. Sometimes this unevenness is salient even within the same country. Brazil, for instance, provides enormous legal protections to LGBT individuals, but it is also one of the world's murder capitals of LGBT individuals.

In trying to explain this variation in the status of LGBT rights and protections across and within countries, scholars have made important theoretical arguments. First, in line with modernization theory, economic development matters. In vogue in the 1950s, modernization theory posits that economic factors such as rising industrialization, rising incomes, rising urbanization, and rising education would all lead to more tolerance toward political rights and thus greater chances of democratization. Today we find we find that countries, regions, and cities are more likely to display tolerance for LGBT rights if income levels are higher (Corrales, 2015). Likewise, urban dwellers and people with higher levels of education are also more likely to be more tolerant (Lodola & Corral, 2010).

Second, the existence of pro-LGBT movements is crucial but not sufficient to advance gay rights. For pro-LGBT movements to obtain real policy change, they need to: 1) succeed at 'framing' the issue of LGBT rights in a way that resonates with local majoritarian sentiments; 2) establish strong connections with national-level parties; and 3) operate in countries where courts are both assertive and progressive (Díez, 2015; Encarnación, forthcoming; Pierceson, 2013).

Third, religiosity and faith-based groups are strong veto players. The effort to advance LGBT rights produces an epic confrontation between the state and churches. The politics of LGBT rights is not just the civil rights issue of our time, but also probably the state-church issue of our time. Now that the region is experiencing a religious revival of sorts, with many Catholics either becoming fundamentalist Christians or turning toward more conservative wings of Catholicism (e.g., Opus Dei), Latin America is not exactly becoming a more secular place (Latinobarómetro, 2014). This makes advancing LGBT rights difficult. It also means that the most important veto player in the politics of LGBT rights consists of religious actors: clergy and politically organized church-goers. Expanding LGBT rights has thus unleashed open clashes with

faith-based actors, at times generating conflicts not seen in the region since efforts to establish a lay state in the nineteenth and early twentieth century. During the Cold War, some of the issues that provoked conflicts between religious actors and the state (e.g., how to restrain capitalism, how to redistribute wealth) tended to also divide the churches. But on the issue of LGBT rights today, faith-based groups in Latin America and the Caribbean have been for the most part united in their opposition. Alliances have been formed between Evangelicals and Catholics to condemn the expansion of gay rights. This unity means that it is hard to ignore the role of churches. For these reasons, LGBT rights are likely to face serious obstacles in countries where evangelicalism is widespread or expanding and where conservative Catholics have strong ties to political parties.

### **Theoretical exceptions**

It is important to recognize that the three theoretical propositions above come with important exceptions, and these exceptions provide windows for new research. For example, some of the region's most important laggards are fairly rich countries (e.g., Venezuela, Trinidad and Tobago) or fast-growing countries (e.g., Peru). Some countries with a strong history of social movements and leftist ruling parties have moved slowly on the question of LGBT rights (e.g., Chile) or not at all (e.g., Venezuela, Bolivia). Very globalized and transnational Central American and Caribbean nations (e.g., Dominican Republic, Jamaica, Nicaragua) are having a difficult time moving LGBT rights forward, despite the notion that globalization tends to encourage the expansion of such rights (see Ayoub, 2015). Some non-conservative governments decide to take on the church leadership (e.g., Argentina) while others seek to cater to religious preferences (e.g., Nicaragua, Venezuela, Bolivia, Ecuador). These exceptions to trends and theory constitute important puzzles worth exploring.

In addition, scholarship on LGBT rights could benefit from more explicit comparisons with similar human rights movements or struggles within and outside the region. For instance, comparing LGBT movements with women's rights movements in Latin America gives rise to new puzzles. Women groups in Latin America have made huge strides on issues of representation, with the approval of gender quotas, more participation of women in business and the labour force, and more gender equality in education (Baldez, 2014). In contrast, pro-LGBT movements have floundered on the question of representation: there are very few open LGBT folks in cabinets, in Congress, in elected subnational offices, or in party leadership positions. Openly gay business leaders are almost unheard of, and companies actively recruiting under the principle of diversity are also rare. Conversely, in some countries LGBT groups have succeeded in convincing governments and courts to go against Church wishes on a number of policies (e.g., approving gay marriages, civil unions, distribution of condoms), whereas women's movements have not been equally successful in

convincing the same governments and courts to defy the clergy on questions of reproductive rights (see Caivano & Marcus-Delgado, 2012; Htun, 2009). Why has it been easier in some countries to fight the churches on questions of LGBT rights but not on questions of reproductive rights?

Another area of needed research involves the lag between law and tolerance. In the North Atlantic region, LGBT-related laws tended to change following changes in levels of societal tolerance. As the public became more tolerant of LGBT rights, states and courts became more willing to grant LGBT groups rights and protections. In Latin America, almost the reverse has happened: laws have changed prior to significant changes in societal tolerance. More research is needed to understand the consequences of this lag between legal status and societal tolerance. Can legal change expedite attitudinal change or does it instead retard change by giving rise to backlashes?

### **Conservatism**

On the topic of societal backlash, more work is needed on the way conservative groups might be re-strategizing. It could be argued that the LGBT rights revolution since the late 2000s took the region by surprise, with conservative forces getting caught unprepared. Because conservative forces probably did not see it coming, they did not have the opportunity to mount an effective resistance. But in politics, actors learn and recoup, especially political losers. There are signs that conservative groups today have learned new lessons, now emerging more determined and more institutionally equipped to resist deeper changes. Thus, studying the response of conservative groups is vital. One of their tactics is transnational ties with homophobic actors. In the English-speaking Caribbean, conservative actors often form transnational ties with homophobic groups abroad (such as faith-based groups in the United States) to claim, paradoxically, that the 'gay agenda' is a Western imposition. This paradox and its effect, which is also common throughout Christian Africa, are worth deconstructing.

Having said that, it is remarkable that not all conservative groups in the region have proven to be adverse to LGBT rights, just as not all progressive forces have been fully embracing. The Latin American hard left has often dismissed LGBT rights for a number of reasons that are well understood: hard-left movements privilege collective rights over individual rights; they prioritize economic equality over issues of sexual diversity; they are dominated by conservative machos who prioritize values other than fighting heteronormativity (see Schulenberg, 2013). However, the reasons that conservative groups might come around to greater acceptance of homosexuality are less understood. Centre-right parties in Buenos Aires (under Mayor Mauricio Macri), Chile (under President Sebastián Piñera), and Colombia (under President Juan Manuel Santos) have expressed more tolerance toward LGBT demands than other right-wing leaders in the region and even within their countries. Many times this

tolerance is driven by party competition. When centre-right parties wish to defeat large leftist parties and appear as more modernizing, they may opportunistically embrace LGBT issues as a way to steal progressive urban voters from leftist parties (see Corrales, 2015). Investigating further the origins and effects of inter-party competition on the expansion of LGBT rights is a fruitful topic of research.

The politics of winning over conservative forces to the pro-LGBT cause, while fruitful on some fronts, has nonetheless been fraught with complexities and risks worth exploring further. Many conservatives have come to embrace LGBT rights because they see them as natural expressions of conservative goals such as maximizing personal liberties, individualism, protection from state oppression, and even traditional family values (see Vargas Llosa, 2014). But LGBT political struggles and movements do not seek to reify necessarily these conservative goals exclusively. Other non-conservative agendas that are central to pro-LGBT movements (e.g., challenging binary notions of gender; supporting more state-based health policies; defending sexual and reproductive choice; undermining patriarchy, classism, elitism, and racism; resisting market-based commodification) do not sit comfortably with conservatism (see Friedman, 2009; Green, 2013; Parker, 2001).

Thus, LGBT rights groups have entered into a quandary: to become more acceptable across society, LGBT leaders and movements have needed to adopt a more conservative discourse (e.g., LGBT rights serve to stabilize society, expand local markets), but in doing so, they may have incurred opportunity costs and potentially compromised other goals. It is worth exploring those opportunity costs and compromises.

### **Religiosities and transnationalism**

Still under the rubric of the politics of conservatism, more research is also needed on the interaction of youth and religion. We know that tolerance for LGBT rights increases the younger the individual. We also know that Latin America's religious revival, especially among evangelicals, is attracting the young. The question then is which actor will transform the other more: will the faith-oriented tolerant youth help change religious communities into more tolerant communities, or will intolerant religious communities turn faith-oriented young adults into a less tolerant cohort?

Naturally, religiosity (even Christianity) is not homogenous, and there is diversity about the response of religion to LGBT rights. While the trend toward greater conservatism in Latin America and the Caribbean, especially among the clergy and parts of the laity, is hard to dispute, more needs to be studied about the fate of progressive and more tolerant strands of religious groups. In the 1970s, progressive Christian strands (e.g., liberation theology, base communities, feminist theologies) played a large role in Latin American politics. These ideas have not exactly disappeared, and in some circles, continue to inspire

progressive leaders working in areas that are pivotal for LGBT rights (charity work for AIDS patients, missionary and counselling work for sex- and street-workers, tolerance for diversity). Furthermore, non-Christian and syncretic faiths also deserve more attention. In the Spanish-speaking Caribbean, for instance, *santería* tends to be more ambiguous and sometimes more tolerant about sexual and gender diversity. These faiths may help ease barriers to the expansion of LGBT rights. In short, just as we need greater understanding of the history and future prospects of conservative secular groups, we also need better understanding of the history and future prospects of non-conservative religious groups.

Because religion and especially Christianity are quintessential transnational forces, to claim that they deserve more research attention is tantamount to claiming that transnational forces in general deserve more attention. More to the point, the politics of LGBT rights sit at the heart of one of the most important globalization battles of our time. Just as conservative homophobic groups use religious doctrines and organizations as sorts of transnational conveyor belts to spread homophobia beyond borders, pro-LGBT rights are increasingly using international organizations (e.g., the Inter-American Court of Human Rights), cultural productions (e.g., TV shows and films, social media), and host-country foreign policies to pursue pro-LGBT politics across borders as well. Money and ideas travel through these transnational belts, always in the interest of supporting the different sides of these political struggles at the local level. Understanding the clashes among this type of ‘activism beyond borders’ (see Keck and Sikkink, 1998) – and especially its often controversial impact at the local level – is indispensable for understanding the future course of LGBT rights.

### **Post- and pre-legality**

The politics of post-legality, that is, what comes next after legal acceptance of gay rights, raises the question of institutional, not just societal, adaptation. In some countries, laws have changed faster than institutions. For instance, a research team at the University of Buenos Aires has actively looked at education adaptation and found that many universities have not been as pro-actively welcoming of LGBT people and demands (Kornblit, Pecheny, Mendes Diz, 2000). A 2014 report on bullying and sexual diversity in high schools (‘Informe de acoso escolar’) revealed that despite positive legal changes within Argentina, LGBT students continue to experience bullying, discrimination, and violence in schools. The report suggested that teachers and institutions do not have the adequate training and resources to respond to these challenges. Research is needed to identify the conditions under which institutions adapt (or not) to legal changes, when they occur. In addition to educational centres, possible institutions and organizations to study include: public sector ministries, agencies, and enterprises; law enforcement authorities; medical and health-care provid-

ers; political parties, and the private sector as a whole, both as retailers catering to the LGBT market and as employers. Research has shown that when public, non-profit, and private institutions remain non-inclusive and closed to issues of diversity, they create not only angst among staff and users, but also economic costs. Institutional homophobia stifles the creativity of staff, which in turns, hinders labour productivity and economic growth (Badgett et al., 2014).

While the study of post-legality is becoming relevant for an increasing number of countries and cities, it remains mysteriously irrelevant in the English-speaking Caribbean (including Belize and Guyana). In these small countries, LGBT legal rights have hardly advanced. Of the 40 political states in Latin America and the Caribbean, 11 have not legalized (male) same-sex activity as of 2015; all are English-speaking Caribbean countries (only the Bahamas and English-speaking territories still under British rule have legalized same-sex activity). More research is needed on why these relatively wealthy, solidly liberal-democratic states remain so behind in terms of the most basic LGBT rights: decriminalizing homosexual sex. While the English-speaking Caribbean might no longer be considered ‘the most homophobic place on Earth’ (see Padgett, 2006), legally it remains among the most homophobic places among stable, liberal democracies.

Understanding the role that religious groups played in the emancipation, independence, and nation-building processes – and how that role differed from Latin American experiences – might offer some clues about the precarious legal status of LGBT rights in Anglo-Caribbean nations: perhaps this role made religion a stronger veto player in the Caribbean than elsewhere in the Americas. Alternatively (or in addition), it might help to understand the role of race, masculinity, and post-colonialism. Anglo-Caribbean nations carried out their independence struggle more recently, and these struggles entailed unifying the nation along notions of racial, cultural, and political distinctiveness vis-à-vis white England. It could very well be that these notions might now be serving inadvertently to entrench rather than change the status quo with respect to LGBT rights (see Wilets, 2010).

### **Intra-politics**

Finally, further research is needed on the different needs and possible conflicts within the LGBT community itself. While the issue of marriage equality ended up unifying LGBT groups (despite significant disagreements at the early stages of this struggle), for the most part, important issues still divide the LGBT community: 1) how much to cooperate with state officials and ministries; 2) whether to emphasize the importance of socioeconomic rights or other demands such as the rights and protections of homo-parental households; 3) how best to combat discrimination within institutions and within the labour force; 4) appropriate responses to hate crimes; 5) the status of sex work, etc. Furthermore, it is vital to understand the ways in which the concerns and demands of

LBT folks do not get eclipsed by the wishes of gay men, who often tend to dominate within the LGBT community. It is important to study these intra-movement disputes.

The key research question, however, should go beyond simply identifying those internal divides and polemics. We know that internal divides have always existed and will probably continue to exist. The key puzzle is to figure out conditions under which those divisions get addressed or not, and the conditions under which those divisions end up crippling (rather than enhancing) the movements' ability to change the public sphere effectively.

The struggle for LGBT rights is now a permanent and public fixture of politics in Latin America and the Caribbean, both in countries that have made strides as well as in countries that are moving slowly. More research is needed to understand the forces helping to push progress and those standing in the way.

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**Acknowledgements:** I am grateful to two anonymous reviewers for their excellent critiques and suggestions.

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