



Brazil

by James N. Green

Encyclopedia Copyright © 2015, glbtq, Inc.
Entry Copyright © 2004, glbtq, inc.
Reprinted from <http://www.glbtq.com>

Brazil is the world's fifth largest country, with the fifth largest population (approaching 180 million), and the eighth largest economy. Its racial diversity reflects traces of the land's first indigenous inhabitants, a large Afro-Brazilian population descended from imported slaves, Portuguese colonizers (and later other European immigrants), as well as Japanese and Middle Eastern communities.

Stretching from the vast Amazon River Basin in the north to flat cattle grazing lands in the south, the country's natural riches have produced successive economic exporting cycles of sugar, tobacco, gold, diamonds, cotton, coffee, rubber, and in the late twentieth century, soybeans, oranges, and diverse agricultural products.

In the last fifteen years, the Brazilian glbtq movement has become one of the most dynamic in the world. Activists have formed nearly a hundred political organizations throughout this continent-sized nation.

Pride parades are now held in the capitals of most states. São Paulo boasts more than a million people attending its massive June march down the city's main thoroughfare to a rally near a downtown park.

In many states, lawmakers have approved domestic partner legislation and prohibitions of discrimination based on sexual orientation. The movement is now working to obtain an amendment to the Constitution banning discrimination. The goal of national recognition of same-sex relationships (*parceria civil*) was recently achieved by a landmark ruling by the Supreme Court that same-sex couples were entitled to all the rights and responsibilities enjoyed by married couples. Marriage equality has been achieved in states that comprise almost half of the population.

Colonial Rule

During Portuguese colonial rule (1500 to 1822), the Church condemned same-sex sexuality. The Inquisition defined sodomy as the anal penetration of a man or woman. When two men were involved, the Office of the Holy Inquisition, which was installed in Portugal in 1553, as well as Portuguese legal codes, considered both the penetrator and the receptor to be sodomites. If found guilty of this offense, a person was subject to burning at the stake, and his or her property could be seized.

According Luiz R. B. Mott, Brazil's senior glbtq activist and a professor of anthropology, between 1587 and 1794, the Portuguese Inquisition registered 4,419 denunciations of sodomy. These included both those suspected of having practiced sodomy and those who provided confessions attesting to the fact that they had committed the "abominable and perverted sin."

Of the total number, 394 went to trial. Thirty were eventually burned at the stake, three in the sixteenth



Top: Brazil and neighboring countries in 2004.

Above: The 2004 São Paulo Pride Parade. Photo: Agência Brazil. Photograph of the São Paulo Pride Parade appears under the Creative Commons Attribution ShareAlike License Brazil.

century and twenty-seven in the seventeenth century. Those condemned persons not put to death could be sentenced to hard labor on the King's galley ships or to temporary or perpetual exile in Africa, India, or Brazil.

Nineteenth Century

In 1830, eight years after independence from Portugal, Brazilian Emperor Dom Pedro I signed into law the Imperial Penal Code. Among other provisions, the new law eliminated all references to sodomy. However, article 280 punished public acts of indecency with ten to forty days imprisonment and a fine corresponding to one half of the time served. This provision gave the police the discretion to determine what constituted a public act of indecency. It also gave them the power to arrest people arbitrarily or take bribes from them upon threat of detention.

The 1889 Republican government approved a new penal code in 1890 that maintained the decriminalization of sodomy. Although not explicitly punishing same-sex erotic activities, the new law sought to control such conduct through indirect means and restricted homosexual behavior. Laws against public indecency, cross-dressing, vagrancy, and "libertine" behavior provided the police and the courts ample legal instruments to restrain or repress public manifestations of homosexuality.

Brazilian society and culture afforded women much less access to public spaces until the twentieth century. Those women involved in sexual and romantic relations with other women had to maintain a discreet profile to avoid social ostracism by family and society.

Early Twentieth Century

In the late nineteenth and early twentieth century, men involved in same-sex sexual relations congregated in certain downtown areas of Brazil's largest cities. Parks, train stations, public restrooms, and particular streets became sites where gay men could identify sexual partners, meet friends, and integrate newcomers into social support networks.

Rigid gender roles tended to shape homosexual identities. Many effeminate men sought "real" men as their sexual partners. Similarly, many masculine women chose traditionally feminine companions, at times living as apparently heterosexual couples.

The tradition of cross-dressing during Carnival celebrations offered a unique moment in the year when men and women could freely don clothes of the opposite gender and parade in the streets or participate in Carnival masquerade balls.

Mid-Twentieth Century

In the 1950s and 1960s, these rigid gender roles began to break down, as many men and women assumed sexual identities less predicated on imitating pervasive representations of the masculine and the feminine. At the same time, a rich and complex semi-visible world of gay men and lesbians expanded in Brazil's state capitals, offering multiple social and sexual possibilities.

In 1964, the Brazilian military staged a coup d'état and remained in power for twenty-one years. Particularly harsh repressive measures, including censorship and policing of the streets, occurred between 1969 and 1973, precisely when the international lesbian and gay movement burst out into the political arena in the United States and Europe. The political climate in Brazil at this time discouraged the organization of gay and lesbian groups.

Liberalization and the Fight against AIDS

In the late 1970s, during a slow-motion liberalization and a return to democratic rule, gay and lesbian organizations formed, and a group of intellectuals published *Lampião da Esquina*, the first national monthly targeting a gay and lesbian audience.

Activists from some of the country's first groups played a crucial role in responding to the AIDS epidemic. Working to avoid a homophobic discourse in the war against AIDS, activists developed innovative safe-sex campaigns and convinced the Ministry of Health to embrace aggressive educational campaigns around condom use. Brazil has led the international movement to guarantee that poor and industrializing countries have access to cheap generic drugs to combat the disease.

Resurgence of the GLBTQ Movement

In 1995, Brazilian activists hosted the Seventeenth International Conference of the International Lesbian and Gay Association (ILGA) in Rio de Janeiro. This marked a resurgence of the glbtq movement throughout the country.

Stereotypical images of Brazil as the land of tropical delights obscure the fact that the country has one of the highest murder rates of gay men, transvestites, lesbians, and sex workers in the world, reaching one death every three days in the late 1990s. One of the first national campaigns of the movement was to document and denounce such violence and hate crimes.

Significantly, drag queens and transsexuals, two important components of the glbtq world, have begun to articulate a political role in this resurgence of activism.

In addition to Pride Parades in the nation's major cities, there has been an explosion in gay and lesbian culture and visibility, from film fests to Master's theses on glbtq topics at universities throughout the country. The media now also gives ample positive coverage to glbtq issues.

Whereas during most of the twentieth century, Brazilians could freely express sexual and gender differences only during the four days of Carnival celebrations, today they enjoy much more freedom the year round.

Despite continuing problems of violence and hate crimes, Brazil has entered the new century a much more gay-friendly place than it has been. The recent political successes of the Brazilian glbtq movement, and the increased visibility of glbtq people in all walks of life, have contributed to a new vibrancy and openness in Brazil.

In 2004, Brazil first recognized same-sex "stable unions" as similar to common-law marriages in terms of rights and obligations. This recognition was greatly expanded on May 4, 2011, when Brazil's highest court, on a 10-0 vote, with one abstention, ruled that partners in a "stable" same-sex union had the same legal rights as a heterosexual married couple. "Discrimination generates hatred," wrote Justice Carlos Ayres Britto.

The ruling meant that Brazilian same-sex couples are entitled to retirement, inheritance, and health benefits on the same basis as married couples, as well as other rights, including the right to adopt children. The lawsuit that resulted in the decision was initiated by Rio state Governor Sergio Cabral and supported by President Dilma Rousseff and Attorney General Roberto Gurgel.

In response to the landmark ruling, judges throughout the country began converting civil unions into full-fledged marriages, following an existing procedure for converting common-law marriages into legal marriages.

Thus, throughout Brazil, same-sex couples may petition a court to recognize their "stable unions" as

marriages.

However, only in ten states so far, including Alagoas, Bahia, Brazilian Federal District, Piauí, São Paulo, Ceará, Mato Grosso do Sul, and Paraná, may same-sex couples marry in registry offices without requiring judicial intervention.

Ironically, the state of Rio, from which the landmark judicial ruling of 2011 originated, is not yet one of the states where same-sex couples may marry in the same way opposite-sex couples marry.

Still, Brazil is far ahead of the United States in terms of recognizing the rights and obligations of same-sex couples.]

Bibliography

Green, James N. *Beyond Carnival: Male Homosexuality in Twentieth-Century Brazil*. Chicago: University of Chicago Press, 1999.

Kulick, Don. *Travesti: Sex, Gender, and Culture among Brazilian Transgendered Prostitutes*. Chicago: University of Chicago Press, 1998.

Mott, Luiz R. B. *Epidemic of Hate: Violations of the Human Rights of Gay Men, Lesbians and Transvestites in Brazil*. San Francisco: Grupo Gay da Bahia/International Gay and Lesbian Human Rights Commission, 1996.

Parker, Richard. *Beneath the Equator: Cultures of Desire, Male Homosexuality, and Emerging Gay Communities in Brazil*. New York: Routledge, 1999.

About the Author

James N. Green is Associate Professor of Latin American History at California State University, Long Beach and president of the Brazilian Studies Association. In 1978, he was co-founder of *Somos*, Brazil's first gay and lesbian rights organization. He is the author of a prize-winning social history of same-sex desire in Rio de Janeiro and Sao Paulo, *Beyond Carnival: Male Homosexuality in Twentieth-Century Brazil*. He is currently working on a second volume, *"More Love and More Desire": A History of the Brazilian Lesbian, Gay, and Transgendered Movement*.