



## Costa Rica

by Manuel Fernandez

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Costa Rica (4.5 million people) has the reputation of being the most democratic and liberal of the Central American countries. Costa Ricans are proud of the uniqueness of their country. It has recently become welcoming to glbtq people and may conceivably legalize same-sex marriage.

### **From Colonialism to the Revolution of 1948**

The region that today is Costa Rica was known as "Government of Cartago" through the Spanish period. It was a poor and peripheral part of the empire and little attention was paid to it. This situation had positive and negative consequences. On the one hand, the region was administratively unattended, but on the other hand it developed traditions of freedom that the rest of Central America did not, if only because the laws were enforced less vigorously.

Through the centuries of Spanish rule (1563-1821), homosexuality was seen as a grave sin and a crime. As in many other countries of Spanish America, this attitude toward homosexuality remained without variation until the second half of the nineteenth century. The wording "nefarious sin" referred to both male and female homosexual relations, but only male cases were "seen" by the state. The most common offenders were friars and priests.

Political independence from Spain was gained in 1821, but laws drawn by the Roman Catholic Church remained in effect until the 1870s. During the presidency of Tomás Guardia (1870-1882), a liberal and anti-ecclesiastical transformation of the state began. As part of this revolution, the criminal code was changed and homosexuality was decriminalized.

Although the law was changed, anti-homosexual attitudes dominated for another century.

### **Since the Revolution of 1948**

In May of 1948, after a two-month period of bloody civil war, the construction of modern Costa Rica began. Priorities of the Revolution were the abolition of the army, the widening and liberalization of bank-credit policies, voting rights for women, and the end of the apartheid policy towards people of African descent. Other than voting rights for women, gender issues were not on the political agenda immediately after the Revolution.

In the 1960s, however, some changes began to appear in the attitudes of Costa Ricans toward sex and sexuality, influenced by the sexual and social revolution that all Western societies experienced in the 1960s.

The publication of an important novel in 1971 by José Ángel Sánchez opened up a dialogue about homosexuality in Costa Rica. *La isla de los hombres solos* (The Isle of Lonely Men) presented homosexuality as an everyday matter in San Lucas penitentiary. After a shocking denial, Costa Ricans began to accept reality and to talk about homosexuality as a fact of life.

The AIDS panic of the early and mid-1980s caught Costa Ricans by surprise, and for a while the pandemic had a negative effect on how society perceived homosexuality, especially gay men. Around 1990, however, the situation began to change. The gay and lesbian community of Costa Rica became the most active in Central America.

There are now two monthly publications, *Gente 10* and *Gayness*. Both magazines are more informative and commercial than theoretical or political.

In general, Costa Rica has become known for its tolerance toward glbtq people, and its friendly, "live-and-let-live" attitude in sexual matters.

Costa Rica has more gay and lesbian bars than any other country in Central America. The capital, San José City, has three large sauna baths for gay men. Because of the bars and baths, it has become a tourist destination for many gay men and lesbians from North America and Europe.

Currently, the Constitutional Court of Costa Rica is considering an appeal to nullify the Civil Code's prohibition of same-sex marriage. According to several surveys, more than one half of the Bar Association membership is in favor of changing the law, but the pressure of conservatives (chiefly the Catholic hierarchy) is high and the court decision is unpredictable.

### **Bibliography**

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### **About the Author**

**Manuel Fernandez**, Guatemalan historian, retired after more than 30 years of university teaching. For many years his research was centered on the social history of eighteenth-century Central America. In the last decade, he has focused on twentieth-century gender issues (especially Hispanic American gay culture). In the United States, he was a visiting professor at Columbia University and at the University of South Carolina.