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Thesis Prospectus RD

Introduction

A wave of unparalleled development of LGBT rights has extended across the globe since the second half of the 20th century, but nowhere has this wave been so dramatic and progressive as Latin America. While this transition has been unprecedented, a stark parallel exists in the passing of pro-LGBT legislature between the region's individual states. Nevertheless, several countries in Latin America, primarily Argentina and Uruguay, have become progressive leaders for LGBT rights. The political, economic, and social shifts prior to the turn of the 21st century allowed for the development of the "pink tide". This phrase refers to the democratic election of left-leaning governments, and the subsequent trends towards the left for the remaining right-leaning governments across nearly all of Latin America. These leftist governments and their constituents have been responsible for the continued development of LGBT rights. On the other end of the spectrum exist divergent states, such as the Dominican Republic and Paraguay, who did not experience the pink tide, nor any substantial expansion of pro-LGBT policy. I want to develop upon Jordan Strickler's investigation into the divergent nature of Latin American LGBT rights to then be able to perform a comparative case study on Argentina, Mexico, and the Dominican Republic and their performances on the indicators investigated by Strickler, and then determine the relationship—if any—between each nation's colonial history and the development of LGBT rights.

Background

The history of LGBT rights in Latin American is non-linear, full of strife and persecution, and is contrasted by a recent series of progressive legislation implementation. Argentina has positioned itself as one of the foremost progressive leaders for LGBT rights in its recent history. By the end of Argentina's Dirty War in 1983, social limitations on sexual expression began to lift while ideas of gender and sexual identity simultaneously began to expand. By 1992, less than 10 years after Argentina's return to democracy, the nation's first pride parade was held in Buenos Aires. Since then, Argentina has become a beacon for LGTB progressivism: ruling the prohibition of gay marriage unconstitutional in 2009, legalizing gay marriage in 2010, and implementing one of the most progressive gender identity laws in 2012.

Mexico's legacy of pro-LGBT policy began in 2003 when the congress passed a law that federally expanded the existing discrimination and hate crime protections to homosexuals. Prior to 2003, Mexico had a small series of pro-LGBT groups and held its first national pride parade in Mexico City 1979. Similar to the United States of America, Mexico utilizes a non-centralized federal system—meaning that the Mexican Supreme Court's rulings are valid in each state, but that they do not have to follow the ruling set by the court. Since the expansion of discrimination and hate crime protections, Mexico's pro-LGBT policy has continued to develop: the supreme court ruled same-sex marriage constitutional in 2010, and then in 2014 the court repealed restrictions that limited citizens from legally changing their name and gender.

On the other end of the spectrum from Argentina is the Dominican Republic, a state that has historically denied access to equality for LGBT citizens. Despite the decriminalization of homosexuality in the early 19th century, the country has maintained that the institution of

marriage is for a man and a woman and denied discrimination and hate crime protections based on gender and sexual identity. This rejection of equal rights continued in 2010 when the Dominican Republic rewrote its constitution and upheld its ban of same-sex marriage.

Theoretical Framework

Legality: The avenue which call for the advancement of LGBT policy travel through is primarily legal in structure, whether through a constitutional congress, senate, or executive order. To explain this pathing I will first use a legal framework. By focusing on the structures that have allowed for the development of LGBT rights in Latin America, I will demonstrate the institutional expansion of these rights. Omar Encarnación analyzes the function of political regime (i.e. left-ness or right-ness) in Latin American democracies and the effects of international and domestic activism on the expansion of LGBT rights.¹ He then further develops these analyses, tying in the role of policy diffusion across the Global South and the effects of local organizations on policy.² Using the works from Encarnación, I will focus on how policies have developed in Argentina, Mexico, and the Dominican Republic, focusing on how each state institutionally developed and implemented these policies.

Foundations of Variation: Using Jordan Strickler's foundation of variation of LGBT rights across Latin America as a theoretical framework, I will further my understanding of the development of these rights within the specific contexts of Argentina, Mexico, and the Dominican Republic. Strickler's thesis investigates the variant nature of Latin America's

¹ Encarnación, Omar G. "Gay Rights: Why Democracy Matters." *Journal of Democracy*, vol. 25, no. 3, 2014, pp. 90–104. DOI.org (Crossref), doi:10.1353/jod.2014.0044; Encarnación, Omar G. "International Influence, Domestic Activism, and Gay Rights in Argentina: GAY RIGHTS IN ARGENTINA." *Political Science Quarterly*, vol. 128, no. 4, Dec. 2013, pp. 687–716. DOI.org (Crossref), doi:10.1002/polq.12138

² Encarnación, Omar G. *Out in the Periphery: Latin America's Gay Rights Revolution*. New York: Oxford University Press, 2016

development of LGBT rights by analyzing a wide variety of independent variables—specifically, economic development, educational level, public opinion, religiosity, democratic quality, and historical left-ness.³ I will further develop his *Latin American LGBT Rights Index* to contemporize the quantitative representation of the region’s rights variation. His data and analysis, while comprehensive and detailed, should be updated to more accurately represent the current landscape, and to determine if the variation he describes has continued since the original publication of his thesis.

Case Selection and Methods

First, I will update Strickler’s work he published in 2017. Not only will this allow for a more accurate and contemporary analysis, but it will prove to be useful for future research. Then, I will be performing a comparative case study of Argentina, Mexico, and the Dominican Republic to determine their contemporary performances on the indicators originally investigated by Strickler, and then determine the relationship—if any—between Spanish colonial history and the development of LGBT rights. I hypothesize that the trends which Strickler concluded upon will not have changed much, if at all. Second, I hypothesize that colonial history has a strong effect on public opinion of homosexuality and the constitutional status of LGBT issues.

³ Strickler, Jordan. *Variation in Latin American LGBT Rights*. University of Miami, 11 Aug. 2017, https://scholarlyrepository.miami.edu/cgi/viewcontent.cgi?article=1706&context=oa_theses.

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